



## TRACY CITY COUNCIL

### REGULAR MEETING AGENDA

**Tuesday, February 4, 2025, 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).**

**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 2556 138 9348** 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 25561389348#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:*
    - 1) *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.*
    - 2) *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
  - *Comments for the "Consent Calendar" "Items from the Agenda/Public Comment" or "Regular Agenda" portions of the agenda will be accepted until the public comment for that item is closed.*
  - *Comments received on Webex outside of the comment periods outlined above will not be included in the record.*

Date Posted: January 30, 2025

**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)

Date Posted: January 30, 2025

## CALL TO ORDER

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

ROLL CALL AND DECLARATION OF CONFLICTS

PLEDGE OF ALLEGIANCE

INVOCATION

## PRESENTATIONS

1. Employee of the Month – January
2. Employee of the Month - February
3. Certificate of Appointment - Transportation Advisory Commission
4. Proclamation – Black History Month
5. Proclamation - Random Acts of Kindness Day

## ORDER OF BUSINESS

## 1. CONSENT CALENDAR

- 1.A. Adoption of January 21, 2025 Closed Session and Regular Meeting Minutes.
- 1.B. Staff recommends that the City Council adopt a Resolution approving a General Services Agreement with Cornerstone Environmental Contractors, Inc., for on-call irrigation booster pump troubleshooting, repair, and replacement services for a not-to-exceed amount of \$400,000 per fiscal year and authorizing the City Manager to grant up to four, one-year extensions.
- 1.C. Staff recommends that the City Council adopt a resolution (1) Approving the City's Annual Military Equipment Report (2) Adopting findings required under Government Code Section 7071(e)(2) for each item of military equipment identified in such report; and (3) Approving the renewal of City Ordinance 1327 authorizing the continued use of specified military equipment as required by Government Code Section 7071(e)(2).
- 1.D. Staff recommends that the City Council adopt a resolution approving Amendment No. 1 to the Professional Services Agreement with Willdan Engineering for Interim City Engineer and support services increasing compensation to a not-to-exceed amount of \$450,000, expiring on December 31, 2025.
- 1.E. Staff recommends that the City Council adopt a Resolution: 1) amending the City's Operating and Capital Budget for the Fiscal Year (FY) ending June 30, 2025 to reflect actual expenses and revenues and requested augmentations to fund various departmental needs; 2) authorizing the Budget Officer to amend the City's position control roster for FY2024-25.
- 1.F. Staff recommends that the City Council accept an informational report on Credit Card Convenience Fees and affirm that the City will not charge Credit Card Convenience Fees on utility payments.

- 1.G. Staff recommends that the City Council adopt a resolution approving Amendment No. 2 to the Professional Services Agreement with Michael Baker International for the Housing Element Update.
- 1.H. Staff recommends that the City Council adopt a resolution (1) accepting offsite improvements for Tracy Lakes Offsite Recycled Water Line Public Improvements, ENG23-0002, as complete and assuming all future operations and maintenance, (2) authorizing the City Engineer to release improvement security in accordance with the Offsite Improvement Agreement, and (3) authorizing the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office.

2. ITEMS FROM THE AUDIENCE

3. REGULAR AGENDA

- 3.A. Staff Recommends that the City Council 1) adopt a Resolution amending the Tracy Finance Committee Bylaws to combine the Finance Committee with the Investment Review Committee and 2) rescinding Tracy City Resolution No. 95-087.
- 3.B. Staff recommends that the City Council receive an informational report regarding the City of Tracy Police Department's Annual Report for 2024.

4. ITEMS FROM THE AUDIENCE

5. STAFF ITEMS

6. COUNCIL ITEMS

7. ADJOURNMENT



TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

**January 21, 2025, 5:00 p.m.**

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

1. Mayor Pro Tem Abercrombie called the meeting to order at 5:03 p.m.
2. There were no actions taken pursuant to AB 2449.
3. Roll Call and Declaration of Conflicts – Council Members Evans, Nygard, and Mayor Pro Tem Abercrombie present. Council Member Evans announced he would recuse himself from Item 1.B and Mayor Pro Tem Abercrombie announced he would recuse himself from Item 3.A both on the regular meeting agenda.
4. ITEMS FROM THE AUDIENCE – None.
5. Request to Conduct Closed Session:

5.A Personnel Matter (Gov. Code § 54957)

Position Title: City Attorney  
Public Employee Appointment and Employment

There was no public comment on item 5.A.

**ACTION:** Motion was made by Council Member Evans and seconded by Council Member Nygard to recess to closed session. Time: 5:05 p.m. Roll call found Council Members Evans, Nygard, Mayor Pro Tem Abercrombie in favor; passed and so ordered. Council Member Bedolla and Mayor Arriola absent.

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

Mayor Arriola arrived at closed session meeting, time unknown.

6. Reconvene to Open Session – Time: 6:56 p.m.
7. Report of Final Action – No report of final action.
8. Council Items and Comments – None.
9. Adjournment: Time: 6:56 p.m.

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

The above agenda was posted at the Tracy City Hall on January 16, 2025. The above are action minutes. A recording is available at the office of the City Clerk.

ATTEST:

\_\_\_\_\_  
Mayor

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

**January 21, 2025, 7:00 p.m.**

City Hall, 333 Civic Center Plaza, Tracy

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Mayor Arriola called the meeting to order at 7:02 p.m.

There were no actions taken pursuant to AB 2449.

Roll Call and Declaration of Conflicts – Council Members Bedolla, Evans, Nygard, Mayor Pro Tem Abercrombie and Mayor Arriola present. Council Member Evans announced he would be recusing himself from Item 1.B due to a conflict of interest, and Mayor Pro Tem Abercrombie announced he would be recusing himself from Item 3.A due to conflict of interest, and Mayor Arriola announced he would be recusing himself from Item 1.K due to a conflict of interest.

Mayor Arriola led the Pledge of Allegiance.

Pastor Doug Diestler, Tracy Mission City Church offered the invocation.

Midori Lichtwardt, City Manager presented Employee of the Year 2024 Award to Wayne Bogart, Public Works Department.

Mayor Arriola presented Certificates of Appointment to Environmental Sustainability Commissioner: Leah Shoaito.

Mayor Arriola announced Certificate of Appointment to Transportation Advisory Commissioner: Ari Sarmento, who was unable to attend.

Chief Sekou Millington performed a promotional swearing in for Wesley Bancroft who promoted to Sergeant and Alex Contreras who promoted to Corporal.

Mayor Arriola presented a proclamation for National Human Trafficking Prevention Month 2025 to Laura Rouzer-Eash representing the San Joaquin County Family Justice Center and Sgt. Nathaniel Chunn representing the San Joaquin County Anti-Sex and Labor Trafficking Task Force.

1. CONSENT CALENDAR – Following the removal of consent items 1.G and 1.I by Council Member Evans and 1.K by Mayor Arriola, motion was made by Mayor Pro Tem Abercrombie and seconded by Council Member Nygard to adopt the Consent Calendar. Council Member Evans recused himself from Item 1.I and Mayor Arriola recused himself from Item 1.K.
  - 1.A. 1.A. Adoption of December 17, 2024 Regular Meeting Minutes, December 20, 2024, Closed Session and Special Meeting Minutes, and January 7, 2025, Closed Session and Special Meeting Minutes. – Minutes were adopted.
  - 1.B. Staff recommends that City Council adopt a Resolution approving the execution of a General Services Agreement with Petroleum Solids Control, Inc., a California Corporation, for repairs and transport services for certain equipment for the City

of Tracy Wastewater Treatment Plant for a total not-to-exceed amount of \$100,372 and for a one (1) year term. – Resolution 2025-001

- 1.C. Staff recommends that the City Council adopt resolutions: 1) approving an On-Call Professional Services List, for Various Water-Related Reports, for a term of five years, and 2) authorizing: A) the execution of a Master Professional Services Agreement with Black Water Consulting Engineers to provide report writing consulting for an initial term of two years and a not-to-exceed amount of \$200,000 per fiscal year; and B) the execution of a Master Professional Services Agreement with Cavanaugh and Associates, P.A. dba Cavanaugh Engineering to provide report writing consulting for an initial term of two years and a not-to-exceed amount of \$200,000 per fiscal year, and C) the City Manager to administratively extend the length for up to three additional years upon satisfactory performance. –

**Resolution 2025-002 (On-Call Professional Services List for various Water related reports)**

**Resolution 2025-003 (Blackwater Consulting Engineers)**

**Resolution 2025-004 (Cavanaugh and Associates, P.A. dba Cavanaugh Engineering).**

- 1.D. Staff recommends that the City Council adopt a resolution accepting the City of Tracy's Annual Comprehensive Financial Report (ACFR) for the fiscal year ending June 30, 2024. – Resolution 2025-005
- 1.E. Staff recommends that the City Council adopt a resolution approving an amended Master Service Agreement with Flock Group, Inc. for the purchase, installation, operation, and maintenance of new and existing equipment and technology for a five-year term and for a total not-to-exceed amount of \$2,101,800. – Resolution 2025-006
- 1.F. Staff recommends that the City Council adopt the following, each by separate resolution: (A) approving (1) the execution of a Master Professional Services Agreement for storm drainage engineering services with West Yost & Associates, Inc. for an initial term of three years, effective as of January 1, 2025, for a total not-to-exceed amount of \$300,000 per fiscal year, and (2) authorizing two administrative options to extend for a one-year term each; and (B) approving (1) the execution of a Master Professional Services Agreement for water pressure and capacity analysis and engineering assistance services with West Yost & Associates, Inc. for an initial term of three years, effective as of January 1, 2025, and for a total not-to-exceed amount of \$300,000 per fiscal year, and (2) authorizing two administrative options to extend for a one-year term each. –  
**Resolution 2025-007 (West Yost & Associates for storm drainage engineering services)**  
**Resolution 2025-008 (West Yost & Associates for water pressure and capacity analysis)**
- 1.H. Staff recommends that the City Council adopt a resolution approving the City's Development Impact Fee Annual Report for Fiscal Year 2023-2024 on Development Impact Fee revenues and expenditures, in accordance with the Mitigation Fee Act. – Resolution 2025-009

- 1.J. Staff recommends that City Council adopt a resolution (1) accepting the public improvements for the NEI Pescadero Basin and Pump Station, constructed by Prologis, L.P., a Delaware Limited Partnership, as complete and assuming all future operations and maintenance, (2) authorizing the City Engineer to release bonds in accordance with the Tracy Municipal Code section 12.36.080, (3) authorizing the City Clerk to file a Notice of Completion with the San Joaquin County Recorder's Office, and (4) Authorize an annual appropriation from the General Fund of approximately \$80,000 for the purposes of Operations and Maintenance costs associated with the NEI Basin and Pump Station. –  
**Resolution 2025-010**
- 1.L. Staff recommends that the City Council adopt a resolution (1) accepting offsite improvements for LIT Industrial Limited Partnership as complete and assuming all future operations and maintenance, (2) authorizing the City Engineer to release improvement security in accordance with the Offsite Improvement Agreement, (3) authorizing the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office, and (4) rescinding Tracy City Council Resolution No. 2021-057. –  
**Resolution 2025-011**
- 1.M. Staff recommends that the City Council adopt a resolution approving an Offsite Improvement Agreement between the City and Prologis, L.P. for offsite improvements to Hopkins Road, as a portion of the frontage obligation for IPC Building 20. –  
**Resolution 2025-012**
- 1.N. Staff recommends that the City Council adopt a resolution (1) accepting offsite improvements for 7-Eleven Store #41531 as complete and assuming all future operations and maintenance, (2) authorizing the City Engineer to release improvement security in accordance with the Offsite Improvement Agreement, (3) authorizing the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office, and (4) authorizing the City Clerk to accept a public utility easement along North Tracy Boulevard and West Clover Road and file with the San Joaquin County Recorder's Office. –  
**Resolution 2025-013**
- 1.O. Staff recommends that the City Council adopt a resolution (1) accepting offsite improvements for Edgewood Commercial Center as complete and assuming all future maintenance and operations, (2) authorizing the City Engineer to release improvement security in accordance with the Offsite Improvement Agreement, (3) authorizing the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office, and (4) authorizing the City Clerk to accept a public utility easement along South Corral Hollow Road and file with the San Joaquin County Recorder's Office. –  
**Resolution 2025-014**
- 1.P. Staff recommends that the City Council adopt a resolution (1) accepting the construction improvements for City Hall Memorial Flag Poles Project, Capital Improvement Project 78192, (2) authorizing the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office, (3) authorizing the City Engineer to release the improvement security and retention payment in accordance with the Project contract and Tracy Municipal Code Section 12.36.080, and (4) authorizing the Finance Department to close the Project–  
**Resolution 2025-015**
- 1.G. Staff recommends that the City Council adopt a resolution reinstating the Professional Services Agreement with De Novo Planning Group to perform transit-oriented development planning services, extending the term of the

Agreement and revising the scope of work to be consistent with the revised approach approved by the City Council, which includes the Downtown Vision Plan, preparation of Downtown Design Guidelines, and amendments to the Central Business District Zone.

Forrest Ebbs, Director of Community & Economic Development provided the staff report.

Council Member Evans pulled the item to clarify that the City is not spending any funds on a downtown TOD.

Alice English shared historical information regarding the TOD and shared the community voted against the TOD and shared that Valley Link and that the TOD was never a requirement for Tracy and urged staff and Council that the TOD be stricken from the item.

Mayor Arriola confirmed with staff the item is for the Downtown Vision Plan.

**ACTION:** Motion was made by Council Member Evans and seconded by Council Member Bedolla adopting **Resolution 2025-016** reinstating the Professional Services Agreement with DeNovo Planning Group to perform Transit-Oriented Development Planning Services, extending the term of the agreement and revising the Scope Of Work to be consistent with the revised approach approved by the City Council, which includes the Downtown Vision Plan, preparation of Downtown Design Guidelines, and amendments to the Central Business District Zone. Roll call found Council Members Bedolla, Evans, Nygard, Mayor Pro Tem Abercrombie and Mayor Arriola in favor; passed and so ordered.

- 1.1. Staff recommends that the City Council adopt a resolution 1) accepting public improvements for Tract 3804 Larkspur Estates Unit 4 as complete, and assume responsibility for future maintenance and repairs, 2) authorizing the City Engineer to release the Subdivider furnished bonds in accordance with the Subdivision Improvement Agreement, 3) authorizing the City Clerk to file a Notice of Completion with the San Joaquin County Recorder's Office and 4) authorizing an update to storm development impact fee credits from \$592,002.80 to \$675,453.06.

Council Member Evans pulled the item to recuse himself from participating in discussion of the item and left the dais.

There was no public comment.

There were no comments from City Council.

**ACTION:** Motion was made by Mayor Pro Tem Abercrombie and seconded by Council Member Bedolla adopting **Resolution 2025-017** accepting public improvements for Tract 3804 Larkspur Estates Unit 4 as complete, and assume responsibility for future maintenance and repairs, 2) authorizing the City Engineer to release the subdivider furnished bonds in accordance with the Subdivision Improvement Agreement, 3) authorizing the City Clerk to file a Notice of Completion with the San Joaquin County Recorder's Office and 4) authorizing an update to storm development impact fee credits from \$592,002.80 to \$675,453.06. Roll call found Council Members Bedolla, Nygard, Mayor Pro Tem Abercrombie and

Mayor Arriola in favor; passed and so ordered. Council Member Evans recused himself from this item.

Council Member Evans returned to the dais.

- 1.K. Staff recommends that the City Council fill one vacancy from the eligibility list that was established on December 3, 2024, and appoint Raj Dhillon to the City of Tracy Transportation Advisory Commission.

Mayor Arriola pulled the item to recuse himself from participating in discussion of the item due to the Levine Act and left the dais.

Mayor Pro Tem Abercrombie continued with the item.

There was no public comment.

There were no comments from Council.

**ACTION:** Motion was made by Council Member Evans and seconded by Council Member Nygard to appoint Raj Dhillon to the City of Tracy Transportation Advisory Commission. Roll call found Council Members Bedolla, Evans, Nygard, and Mayor Pro Tem Abercrombie in favor; passed and so ordered. Mayor Arriola recused himself from this item.

Mayor Arriola returned to the dais.

2. ITEMS FROM THE AUDIENCE – Angela Adams, carpenter and advocate for carpenters expressed concerns regarding health care, local hiring and apprenticeship opportunities and that these items are crucial for the future of the industry, shared statistical information regarding labor force and the use of social assistance programs and requested that policies be passed that require contractors to provide healthcare and apprenticeship programs.

Robert Tanner expressed concerns regarding fireworks and asked that the City eliminate fireworks with the exception for the City sponsored one, or double the fines, and or investigate into the confiscation of property. Also requested that Council reverse and reduce the raises that the previous Council approved and stated that Council Member Bedolla should move over closer to the rest of Council to show unity.

Christina Darling shared statistics regarding the dog population in the City and shared concerns regarding the amount of the dog population and the limited space at the animal shelter and the need to deem animals dangerous if the need arises and have more staff and space at the shelter.

Pat Howell requested that the City review the City's current disaster plan in light of the fires in the L.A. area and would like to see a community taskforce that looks at evacuation routes, communication systems and sustainability to help the community prepare for potential disasters.

Tracy Hills resident expressed concerns regarding the PG&E high voltage power lines installation and the proximity to their homes, shared that there was no communication to the residents and as a master plan community the power lines should be underground and that this may increase the potential of fires and health issues.



Kelly Moran shared that there were loose dogs running around and that they are the same dogs that have been caught by animal services multiple times and have killed multiple cats, expressed frustration that the dogs are continually caught by Animal Services and the dogs are returned to the owner without consequence.

Council Member Evans responded.

Brittany Pasquale, Animal Services Supervisor also provided information regarding the animal shelter.

Jay Callen, Tracy High student shared that he is the new event organizer for Tracy Celebrates Children which is a citywide day of play for the children of Tracy, where local businesses open their doors and provide free activities for children to participate in. The event will be held on March 10, 2025, the community and Council are invited, this event will be honoring Sandra Cantu.

Tracy Hills resident shared concerns regarding recent fires and asked what precautions the City is taking to prevent potential future fire threats and asked if it was in the best interest of human health to have the above ground high voltage lines and how are these poles being put in the emergency access road and requested that Tracy Hills have multiple exit routes and effective preventative measures and that the City stop the installation of the high voltage lines and investigate as to who approved the installation.

Rosario echoed the concerns of the previous speaker and shared that the proximity of the lines causes health concerns and suggested that PG&E place these lines underground and asked if the survey from the aquatic center was being sent to the community by the City.

Sandy Taylor shared her experience of bullying by a group of individuals that included a Planning Commissioner, shared that everyone should be treated with respect and that Commissioners have the responsibility to conduct themselves at a higher standard and requested that the Code of Conduct be followed by all Commissioners and Council.

Tracy Hills resident expressed concerns over the high voltage lines going up on the utility poles and expressed fear of the potential consequences to health.

Alice English expressed concerns regarding Tracy Hills and the lack of access roads and requested that Council work with developer on adding a fire station on Valpico. At the present time there is not enough coverage and response times need to improve and urged Council to not wait until something bad happens.

Tracy Hills resident shared that the above ground poles that are carrying the high voltage lines are a fire hazard being built on the emergency access road, there are no evacuation routes west of Lammers Rd. Lines should be underground and requested that the City require PG&E to pause work on the line being built and engineers reassess and that Tracy residents be provided more transparency from the City regarding PG&E projects so that these projects can be discussed as a community.

Multiple Tracy Hills residents expressed fear and concerns regarding the high voltage powerlines and power pole installation, they requested that the City urge PG&E to pause the project so that the option to move the power lines underground can be explored and asked Council to take more precautions for potential fires, prioritize

resident safety, and shared the difficulties in acquiring and keeping homeowners insurance.

Fire Chief Randall Bradley replied to comments and questions.

### 3. REGULAR AGENDA

3.A Staff recommends the City Council review the top three (3) names recommended by the Parks and Community Services Commission and select two (2) for the naming of the Tracy Hills Phase 2 Neighborhood Parks 1 and 4.

Justin Geibig, Recreation Services Supervisor, provided the staff report.

Council comments and questions followed.

Navi Kahlon, Julia Ulrich and Noah Watkins expressed support for the park to be named after Mr. Steve Abercrombie.

Kaylin A. Dell'Aringa, the daughter of Mr. Daniel Schack expressed her support for one of the parks to be named after her father.

Wes Huffman expressed support for a park to be named after Mr. Daniel Schack.

Paul Ritter expressed support for a park to be named after Mr. Daniel Schack.

Robert Tanner expressed support for park 1 to be named after Daniel Schack, park 4 to be named after Sam Matthews, and shared that Steve Abercrombie deserves a park after he is done with his political career.

Alice English echoed the comments from Mr. Tanner and expressed support for the parks to be named after Mr. Daniel Schack and Mr. Sam Matthews.

Caleb Cosme expressed support for the park to be named after Mr. Steve Abercrombie.

Council questions and comments followed.

**ACTION:** Motion was made by Council Member Bedolla and seconded by Council Member Evans to adopt **Resolution 2025-018** recommending Daniel Ray Schack for Tracy Hills Phase 2 Neighborhood Parks 1 and Sam Matthews for Tracy Hills Phase 2 Neighborhood Parks 4. Roll call found Council Members Bedolla, Evans, Nygard, and Mayor Arriola in favor; passed and so ordered. Mayor Pro Tem Abercrombie recused himself from this item.

3.B. Staff recommends that City Council receive an informational update on a potential ordinance affecting mobile food vendors and provide direction to staff.

Forrest Ebbs, Director of Community and Economic Development, provided the staff report.

Council questions followed.

Robert Tanner stated that some restaurants are closed on Sundays and Mondays, and shared that some establishments only offer snack foods rather than a hot meal, also supports the extended hours option and requested that Council expand the policy so that there can be more diversity when it comes to food options.

Gabriella Rodriguez Machuca expressed frustration that she was not aware that this item would come before Council, how long this process has taken, and the difficulties food truck vendors face to acquire permits.

Council questions and comments continued.

Council shared their input regarding time limits per day at a single location, vendors being permitted in commercial and office zones, in addition to industrial ones, vendors being permitted within the Central Business District Zone, potential pilot program and impacts on existing restaurants.

4. ITEMS FROM THE AUDIENCE – Robert Tanner stated that the prior mayor allowed for one person to speak on behalf of a group since there were so many speakers earlier all sharing the same concerns.

Mayor Arriola replied to Mr. Tanner's concerns.

Community Member stated that there were some drug raids and that the police threw their used gloves on the street and was told that Public Works would clean them up, requested that the Police Department be held accountable, and clarified that the Tracy Press was incorrect in the amount of unhoused community members that died in the shelter, it was 50 and not the 20 that were reported.

Community Member shared concerns about food trucks parked near schools, asked how Council would address that.

Marcus Medina expressed support for the food trucks to be downtown and suggested that Tracy residents get priority for the food truck permitting process and limit the amount of permits.

5. STAFF ITEMS – Midori Lichtwardt, City Manager shared that there is an official City survey regarding the aquatic center, and it can also be found on <https://cityoftracyaquaticcenter.com/> that is available now through February 16, 2025. There will be a pop-up at the Tracy Farmer's market on January 25, 2025 and there will also be a community workshop on February 6, 2025 that will take place at 7:00 p.m. in Council Chambers and urged the community to participate and provide feedback so that staff can bring back designs for Council review within the next few months.

In the next two weeks, staff will provide Council an update regarding the Corral Hollow Sewer Capacity Project Upgrade, the next closure will be between Corral Hollow and the Schulte Intersection, please prepare for delays.

Reminder that leaf pick-up ends on January 31, 2025, and urged residents to not accumulate leaves in the gutter and please move a little bit away for easier pick-up.

Community Development Block Grant Investment Partnership applications are now being accepted through January 31, 2025, the applications can be access by visiting <https://www.thinkinsidethetriangle.com/>.

City Business License renewals are due January 31, 2025.

6. COUNCIL ITEMS – Council Member Evans shared community concerns regarding stray cats and dogs, has seen an increase all through the City, and shared that short term progress until the future shelter expansion project and shelter is impacted. Complimented residents that are working with the stray animals, but Council needs to help as well and would like to look at options that neighboring cities are utilizing and urged pet owners to make sure that they take control of their pets and requested an update from staff.

Arturo Sanchez, Assistant City Manager shared that the Shelter Manager estimated a timeline of six-weeks for the plan and asked that interim solution options will take time, and additional funding needs to be found and that in about six to eight weeks a report can be produced that outlines what phase 2 would look like to expand the shelter. It would include a rough analysis of what the dollar figures could be and some interim proposed solutions that can be implemented but shared that those solutions would require funds to be budgeted.

Council Member Bedolla supported Council Member Evan's request.

Mayor Arriola recognized the cities in the Los Angeles County area and thanked the 17 Tracy Firefighters that went to support those affected communities, declared January 20<sup>th</sup> as Martin Luther King Jr. Day in the City of Tracy and received a call from Congressman Josh Harder saying that the City had won \$41 million for Corral Hollow Road repairs as one of Senator Alex Padilla's designations and thanked Congressman Harder, Senator Padilla, and staff for all the hard work. Mayor Arriola also shared he attended the U.S. Mayors Conference and is looking forward to debriefing staff.

ADJOURNMENT – Time: 10:20 p.m.

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

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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 approving a General Services Agreement with Cornerstone Environmental Contractors, Inc., for on-call irrigation booster pump troubleshooting, repair, and replacement services for a not-to-exceed amount of \$400,000 per fiscal year and authorizing the City Manager to grant up to four, one-year extensions.**

EXECUTIVE SUMMARY

This item is to consider authorizing a General Services Agreement (February 5, 2025 – June 30, 2026) with Cornerstone Environmental Contractors, Inc. (Contractor) for on-call irrigation booster pump troubleshooting, repair, and replacement services. Booster pumps are an important piece of infrastructure for maintaining the health, aesthetics, and sustainability of parks and landscaped areas. These areas rely on consistent irrigation watering to ensure trees, turf, shrubs, and groundcover thrive.

The proposed General Services Agreement is not-to-exceed the amount of \$400,000 per fiscal year and authorizes the City Manager to grant up to four, one-year extensions with the recommendation from the Director of Parks, Recreation and Community Services.

BACKGROUND AND LEGISLATIVE HISTORY

The Parks, Recreation and Community Services Department (Department) is responsible for the maintenance of approximately 85 parks, an abundance of public right-of-way landscaping (streetscapes), and open space areas. Currently, the Department has over 50 booster pumps which require routine maintenance, technical repairs and/or have reached their useful life and need to be replaced.

Pursuant to the Tracy Municipal Code, Article 4, Section 2.20.180, staff issued a Notice Inviting Bids (Notice) on November 21, 2024, for on-call irrigation booster pump troubleshooting, repair, and replacement services. The Notice was posted on the City's website and three (3) responses were received by the established deadline of December 19, 2024.

Staff conducted a comprehensive review of the submittals from Cornerstone Environmental Contractors, Inc., Howk Systems, Inc., and V-Power Equipment, Inc. to ensure compliance with the Notice. Howk Systems, Inc. and V-Power Equipment, Inc. did not provide a comprehensive response and omitted information requested and outlined in the Notice.

ANALYSIS

As the City continues to grow and manage existing and new landscaping, the need for efficient and effective irrigation systems becomes more critical for the overall health of all landscaped areas. The typical useful life of a booster pump is approximately 15 years. The Department has many booster pumps that are over 20 years old and will need to be replaced in the near future. Booster pumps play a vital role in sustaining the greenery and overall appearance of public

parks, streetscapes, and open space, particularly during periods of dry weather and/or high demand for water.

Irrigation booster pumps, and the maintenance thereof, are an essential investment for landscaped areas which rely on efficient and consistent irrigation to survive and thrive. By increasing water pressure, optimizing water distribution, and ensuring irrigation system longevity, booster pumps contribute to both the aesthetic and functional quality of green spaces. Additionally, they support sustainability goals by improving water use efficiency, ultimately benefiting both the environment and quality of life for the community.

Additionally, the maintenance of irrigation booster pumps requires specialized knowledge and/or contracted services to support the variety of technologies and complexities of pressure and flow as demanded by the irrigation design to optimize efficiency and operation of the City's irrigation systems. Having an on-call agreement in place for these services will allow on demand expertise to troubleshoot, repair and replace this critical piece of infrastructure throughout the City.

The recommended agreement is for a not-to-exceed amount of \$400,000 per fiscal year. In addition, the agreement authorizes the City Manager to grant up to four, one-year extensions, with a recommendation from the Director of Parks, Recreation and Community Services.

#### FISCAL IMPACT

There is no additional fiscal impact as the Parks Maintenance Division operating budgets have accounted for this on-going program expense in their respective budgets, Fund 101, 107, 271, 272, and 273.

#### COORDINATION

This report was prepared by the Parks, Recreation and Community Services Department in coordination with the Finance Department.

#### CEQA DETERMINATION

This item is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.; "CEQA Guidelines") in that it is not a "project" for purposes of CEQA (as defined by CEQA Guidelines §15378). Specifically, this item proposes an organizational or administrative activity that will not result in a direct or indirect physical change in the environment (CEQA Guidelines §15378(b)(5)). Further, even if this item was deemed a "project," and therefore subject to CEQA, the item would be exempt as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines §15061(b)(3)).

#### STRATEGIC PLAN

This agenda item is consistent with the City Council's adopted Public Safety and Quality of Life strategies.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a Resolution approving a General Services Agreement with Cornerstone Environmental Contractors, Inc., for on-call irrigation booster pump troubleshooting, repair, and replacement services for a not-to-exceed amount of \$400,000 per fiscal year and authorizing the City Manager to grant up to four, one-year extensions.

Prepared by: Nilo Velazquez, Management Analyst II  
Todd Rocha, Operations Superintendent

Reviewed by: Richard Joaquin, Assistant Director of Parks, Recreation, and Community Services  
Brian MacDonald, Director of Parks, Recreation, and Community Services  
Sara Castro, Director of Finance  
Andrew Shen, Interim City Attorney  
Arturo Sanchez, Assistant City Manager

Approved by: Midori Lichtwardt, City Manager

Attachments:

Attachment A: General Services Agreement – Cornerstone Environmental Contractors, Inc.



## CITY OF TRACY GENERAL SERVICES AGREEMENT

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

### Recitals

**A.** City desires to retain Contractor to provide on-call irrigation booster pump troubleshooting, repair, and replacement services; and

**B.** Pursuant to Tracy Municipal Code 2.20.180, on November 21, 2024, the City issued a Notice Inviting Bids (Notice) for on-call irrigation booster pump troubleshooting, repair, and replacement services (Project). On December 17, 2024, Contractor submitted its proposal for the Project to the City. City has determined that Contractor possesses the skills, experience and certification required to provide the services.

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

**D.** This Agreement is being executed pursuant to Resolution No. 2025-\_\_\_\_ approved by Tracy City Council on February 4, 2025.

### 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: Ron Harvey. Contractor shall not replace its Authorized Representative, nor shall Contractor replace any of the personnel listed in Exhibit “A,” nor shall Contractor use or replace any subcontractors or subconsultants, without City’s prior written consent. A failure to obtain the City’s prior written consent for any change or replacement in personnel or subcontractor may result in the termination of this Agreement.

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

**2.1 Term.** The term of this Agreement shall begin immediately following the execution of this agreement and end on June 30, 2026, unless terminated in accordance with Section 6. **OPTION TO EXTEND:** This Agreement may be extended for an additional four one-year extensions by the City Manager following a written determination that Contractor has satisfactorily met all the requirements of this Agreement.

**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 \$400,000 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. Contractor’s billing rates under this agreement may be annually increased in January of each year by the lessor of 3% of 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.

**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:

City of Tracy  
Attn: Parks, Recreation & Community Services  
333 Civic Center Plaza  
Tracy, CA 95376

To Contractor:

Cornerstone Environmental Contractors, Inc.  
Attn: Eric James  
PO Box 5127  
Concord, CA 94524

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, A Municipal Corporation**

\_\_\_\_\_  
By: Dan Arriola  
Title: Mayor  
Date: \_\_\_\_\_


Attest:

\_\_\_\_\_  
Adrianne Richardson, City Clerk

Approved as to form:

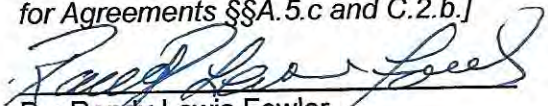
\_\_\_\_\_  
Andrew Shen, Interim City Attorney

**Cornerstone Environmental Contractors, Inc.,  
a CA Stock Corporation**

  
By: Randy Lewis Fowler  
Title: Chief Executive Office  
Date: 1/6/25

Federal Employer Tax ID No. 77-0423032

*[Note: Depending on type of entity, more than one signature may be required. See Instructions for Agreements §§A.5.c and C.2.b.]*

  
By: Randy Lewis Fowler  
Title: Chief Financial Officer  
Date: 1/6/25

Exhibits:

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



## EXHIBIT A - Scope of Work

### **Point of Contacts**

Ron Harvey, Project Manager  
(209) 345-8359  
[rharvey@cornerstoneenv.com](mailto:rharvey@cornerstoneenv.com)

Eric James, Management Contact  
(925) 299-9225  
[ericjames@cornerstoneenv.com](mailto:ericjames@cornerstoneenv.com)

### **Scope of Work / Timeline**

Project shall include all labor, equipment, and materials necessary to troubleshoot, diagnose, repair, and/or replace irrigation booster pumps and related appurtenances including, but not limited to motors, volutes, valves, sensors, manifolds, variable frequency drives (VFDs), electrical components and wiring, circuit breakers, kill switches, capacitors, mechanical seals, cabinets, flow meters, master valves, relays, etc. Contractor shall protect adjacent landscaping, paving, amenities, and leave the project site clean and free of debris. Should damage occur, Contractor will be responsible for the damaged items.

The type of service per booster pump will vary and the City will issue a request for service to the Contractor, which shall be responded to within 48-hours and an on-site diagnosis shall be performed within 72-hours. Upon arrival to the site, Contractor shall troubleshoot and diagnose malfunction(s) of irrigation booster pump as designated by the City. Contractor shall provide a detailed list of problems found, recommended repairs, and a quote of the cost for the repair(s) or replacement. In the event the booster pump is recommended to be replaced, the Contractor shall quote a new self-enclosed pumping system, including a marine-grade aluminum enclosure and base, built by one pump manufacture to ensure all designed components work together. Should the City wish to proceed with the recommended repairs, a notice to proceed will be issued to the Contractor and Contractor shall submit a schedule, acceptable to the City, of when the service will be completed. Prior to acceptance, all work will be inspected by City staff to inspect and confirm proper operation.

## EXHIBIT B - Compensation

Contractor's billing rates under this agreement may be annually increased in January of each year by the lessor of 3% of the annual increase in the Cost-of-Living Index – All Items – for the Sacramento Metropolitan Region.

The following rates are applicable through December 30, 2025.

Classification	Straight Time	Overtime	Double Time
Senior Pump Technician	\$140.00 per hr	\$210.00 per hr	\$280.00 per hr
Apprentice Pump Technician	\$115.00 per hr	\$172.50 per hr	\$230.00 per hr
Certified Electrician	\$140.00 per hr	\$210.00 per hr	\$280.00 per hr
Apprentice Electrician	\$115.00 per hr	\$172.50 per hr	\$230.00 per hr

- a. Straight time is any consecutive 8-hour period between 6 a.m. and 5 p.m., Monday through Friday, excluding holidays.
- b. Overtime is after 8-hours up to 12-hours.
- c. Double time is Sundays and all government recognized holidays.
- d. After normal hours and weekend call outs are overtime for the first 4-hours and double time for anytime thereafter.
- e. Any portion of an hour is counted as a full hour for billing purposes.
- f. Travel time is included as labor and is portal to portal from Ceres, CA.
- g. Mileage is charged at \$.095 per mile portal to portal from Ceres, CA. for small service van/pickup and \$1.35 per mile for service truck/crane.
- h. Any materials provided by Cornerstone Environmental Contractors, Inc. are charged at cost, plus 20%.
- i. Minimum service charge is 4-hours labor.
- j. Hourly charges based on Prevailing Wage Rates.
- k. Hourly rates are applicable for all work, i.e. troubleshooting, repair, installation.
- l. 5% fuel surcharge is applicable on all invoices based on fuel rates as of December 2024.

APPROVED AS TO FORM AND LEGALITY

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

**TRACY CITY COUNCIL**

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

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**APPROVING AN AGREEMENT WITH CORNERSTONE ENVIRONMENTAL CONTRACTORS, INC. FOR ON-CALL IRRIGATION BOOSTER PUMP TROUBLESHOOTING, REPAIR, AND REPLACEMENT SERVICES, WITH A NOT-TO-EXCEED AMOUNT OF \$400,000 PER FISCAL YEAR AND AUTHORIZING THE CITY MANAGER TO GRANT UP TO FOUR, ONE-YEAR EXTENSIONS**

**WHEREAS**, The Parks, Recreation and Community Services Department (Department) is responsible for the maintenance of approximately 85 parks, an abundance of public right-of-way landscaping (streetscapes), and open spaces areas. Currently, the Department has over 50 booster pumps in these areas which require routine maintenance, technical repairs and/or have reached their useful life and need to be replaced; and

**WHEREAS**, Pursuant to the Tracy Municipal Code, Article 4, Section 2.20.180, staff issued a Notice Inviting Bids (Notice) on November 21, 2024, for on-call irrigation booster pump troubleshooting, repair, and replacement services (Services) and the Notice was posted on the City's website and three (3) responses were received by the established deadline of December 19, 2024; and

**WHEREAS**, Staff conducted a comprehensive review of the submittals and found that the Cornerstone Environmental Contractors, Inc. (Contractor) was the only submittal that complied with all the specifications outlined in the Notice; and

**WHEREAS**, The typical useful life of a booster pump is approximately 15 years, and the Department has many booster pumps that are over 20 years old and will need to be repaired and/or replaced in the near future; and

**WHEREAS**, The funding for the Services of the Agreement is from the Parks Maintenance Division operating budgets; and

**WHEREAS**, The City seeks to enter into the Agreement with Contractor.

**NOW, THEREFORE**, be it resolved as follows:

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

**RESOLVED:** That the City Council hereby approves the Agreement with Contractor for the Services for a not-to-exceed amount of \$400,000 per fiscal year and authorizes the City Manager to grant up to four, one-year extensions consistent with the terms of the Agreement if Contractor satisfactorily meets its obligations under the Agreement, and be it,

**FURTHER RESOLVED:** After review and approval by the City Attorney's Office, the City authorizes the execution of the Agreement and authorizes any and all actions that may be necessary or advisable to effectuate the purposes of this Resolution.

\* \* \* \* \*

The foregoing Resolution 2025 \_\_\_\_\_ was adopted by the Tracy City Council on February 4, 2025, by the following vote:

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

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DAN ARRIOLA  
Mayor of the City of Tracy, California

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

Agenda Item 1.C

RECOMMENDATION

**Staff recommends that the City Council adopt a resolution (1) Approving the City's Annual Military Equipment Report (2) Adopting findings required under Government Code Section 7071(e)(2) for each item of military equipment identified in such report; and (3) Approving the renewal of City Ordinance 1327 authorizing the continued use of specified military equipment as required by Government Code Section 7071(e)(2).**

EXECUTIVE SUMMARY

This agenda item requests renewal of the previously adopted Ordinance 1327 for the continued use of the military equipment specified in Tracy Police Department Policy 708 – Military Equipment attached hereto as Attachment C. To renew this Ordinance and continue using the military equipment, Government Code Section 7072 requires the City Council to review Ordinance 1327 annually, based on an annual report from Tracy Police Department, and adopt the following specific findings provided in Government Code Section 7071(d)(1):

- (A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- (B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- (D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

This Staff Report and its attachments incorporated herewith provide the six (6) items of content required by Government Code Section 7072(a). Staff recommends City Council make the findings set forth above based on this report.

BACKGROUND AND LEGISLATIVE HISTORY

On September 30, 2021, Governor Gavin Newsom signed into law California Assembly Bill 481 (AB 481), regarding the use of military equipment by law enforcement agencies. California Government Code sections 7070 through 7075 codified AB 481, required all law enforcement agencies to adopt an ordinance approving a military equipment use policy that governed the purchase, acquisition, and use of the military equipment specified within the law. AB 481 also allowed law enforcement agencies to continue using previously purchased and acquired military equipment if the governing body (City Council) adopted an ordinance approving the continued use no later than May 1, 2022. Last year, the Tracy Police Department complied with these new requirements and Ordinance 1327 was introduced at a regular meeting of the Tracy City Council on April 5, 2022, and adopted on April 19, 2022.

In addition to the above, AB 481 requires the Tracy Police Department to submit an annual report to the City Council to obtain continued approval of the military equipment policy by City Council vote.

Annual renewal (by adoption) of the previously adopted City Ordinance 1327 is authorized by Government Code Section 36934 and Government Code Section 7071(e)(1). Ordinance 1327 was originally introduced at a regular meeting of the Tracy City Council on April 5, 2022. Staff is recommending re-adoption of City Ordinance 1327 attached hereto as Attachment B. The attached City Ordinance 1327 is in substantially the same form as originally adopted, except for clerical modifications to the title and dates of renewal, as authorized by Government Code Section 36934.

## ANALYSIS

### Annual Military Equipment Report

Government Code Section 7072, subsection (a), requires the following information be reported annually to City Council:

- 1. A summary of how the military equipment was used and the purpose of its use:**  
The Tracy Police Department created its Military Equipment Policy to specify how each piece of equipment is to be used and for what purpose. The policy attached hereto covers the approved uses and all uses for the reporting period.
- 2. A summary of complaints or concerns received concerning the military equipment:**  
There have been no complaints regarding the equipment.
- 3. The results of any internal audits, any information about violations of the military equipment use policy, and any action taken in response:**  
All equipment is accounted for and there were no known policy violations regarding the equipment's use.
- 4. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report:**  
Refer to Attachment C attached hereto, the Tracy Military Equipment Policy, section 708.4 – Military Equipment Inventory, subsections 1 through 9. The Council-approved policy contains all the above information.  
  
All ongoing costs are from funds already approved as part of the general fund appropriations by City Council for the Tracy Police Department annually.
- 5. The quantity possessed of each type of military equipment:**  
Refer to Attachment C attached hereto, the Tracy Military Equipment Policy, section 708.4 – Military Equipment Inventory, subsections 1 through 9. The Council-approved policy contains all the above information.
- 6. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment:**  
Some of the specified equipment is used on an ongoing basis for training and real-world

events to maintain supply levels throughout the year. This includes ammunition, less lethal munitions, distraction devices, and Chemical Agents / Smoke Canisters. The Tracy Police Department will be making these purchases with existing funds throughout the year in alignment with approved amounts.

The approved policy, in section 704.4.1, allows for the maintenance of supply levels and to increase the number of specified equipment previously approved by City Council should the Chief of Police deem it necessary. An example of this would be if there were to be additional sworn peace officer's positions approved, there would be a need to purchase additional rifles training ammunition, etc. The approved policy authorized the Chief of Police to purchase this type of equipment at his discretion without additional approval required under AB 481.

**Findings Required to Renew City Ordinance 1327 authorizing the continued use of the military equipment specified in Tracy Police Department Policy 708 – Military Equipment.**

Pursuant to Government Code Section 7071(e)(2), based on the foregoing report, staff recommends City Council make each of the following findings:

- (A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- (B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- (D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

**FISCAL IMPACT**

There is no additional fiscal impact for this item. All funding is approved as part of the annual budget appropriation for the Tracy Police Department by City Council.

**PUBLIC OUTREACH/INTEREST**

Within 30 days of the acceptance of this report, the Tracy Police Department publish their Annual Military Equipment Report on their website and it will be linked with contacts to the Professional Standards and Training Unit for any questions on the report.

**CEQA DETERMINATION**

This action item is exempt review under the California Environmental Quality Act (CEQA) because it is not a "project" for purposes of CEQA (as defined by CEQA Guidelines §15378). Specifically, this item proposes an organizational or administrative activity that will not result in a direct or indirect physical change in the environment (CEQA Guidelines §§15378(b)(5)).

**COORDINATION**

None.



### FOLLOW-UP

The informational report is required annually for continued authorization to use the specified equipment and will be posted on the Tracy Police Department's website.

### STRATEGIC PLAN

This item relates to the City Council's Public Safety Strategic Priority Goal 1 – Partner with and engage the community to address public safety concerns by helping increase communication with residents regarding crime information and prevention.

### ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution (1) Approving the City's Annual Military Equipment Report; (2) Adopting findings required under Government Code Section 7071(e)(2) for each item of military equipment identified in such report; and (3) Approving the renewal of City Ordinance 1327 authorizing the continued use of specified military equipment as required by Government Code Section 7071(e)(2).

Prepared by: Craig Kootstra, Police Lieutenant

Reviewed by: Sekou Millington, Chief of Police  
Sara Castro, Director of Finance  
Karin Schnaider, Assistant City Manager  
Matthew Summers, Interim Assistant City Attorney

Approved by: Midori Lichtwardt, City Manager

### Attachments:

Attachment A: AB 481 Annual Memorandum

Attachment B: Ordinance 1327 – Adopting a Military Equipment Use Policy  
Pursuant to California Assembly Bill 481

Attachment C: Tracy Police Department Lexipol Policy 708 – Military Equipment

**TRACY POLICE DEPARTMENT****MEMORANDUM**

**Date:** January 21, 2025  
**To:** Sekou Millington, Chief of Police  
**From:** Craig Kootstra, Lieutenant Professional Standards & Training  
**Re:** AB481 Entries for 2024

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From January 1, 2024 – December 31, 2024, the Tracy Police Department logged 261 AB481 entries into our PlanIt database. Below is breakdown of how many times each AB 481 listed equipment had been deployed in 2024:

Bearcat:	13
Drone:	123
40mm:	13
Less Lethal Shotgun:	35
Command Post:	6
Flashbang:	9
Shotgun Breach:	8
Patrol Rifle/AR15:	34
SWAT Van:	9
SWAT Robot:	1
SWAT Sniper Rifle:	5
Chemical Agents:	5

Respectfully,

*Craig Kootstra*

Craig Kootstra  
Lieutenant, Professional Standards & Training

**SERVICE ♦ INTEGRITY ♦ EXCELLENCE**

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ORDINANCE 1327

AN ORDINANCE OF THE CITY OF TRACY ADOPTING A MILITARY EQUIPMENT USE  
POLICY PURSUANT TO CALIFORNIA ASSEMBLY BILL 481

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law California Assembly Bill 481 (AB 481), regarding the use of military equipment by law enforcement agencies, and

WHEREAS, AB 481, codified by California Government Code section 7070 through 7075, requires that all law enforcement agencies obtain approval from the applicable governing body, by ordinance, adopting a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment, and

WHEREAS, Government Code section 7070 defines the term “military equipment”, and

WHEREAS, the proposed military equipment policy is found within the Tracy Police Department Military Equipment Use Policy (Lexipol Policy #708), and

WHEREAS, AB 481 requires that the law enforcement agency make the military equipment use policy available on the law enforcement agency’s website at least 30 days prior to the public hearing relating to the adoption of the military use equipment policy, and

WHEREAS, the Tracy Police Department Military Equipment Use Policy was published on the Tracy Police Department’s internet website on March 4, 2022, at least 30 days before the public hearing, and

WHEREAS, the Tracy Police Department Military Equipment Use Policy meets the requirements of Government Code section 7070, subdivision (d).

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

SECTION 1: The City Council hereby determines the following:

- A. The military equipment identified in the Tracy Police Department’s Military Equipment Use Policy (Lexipol Policy #708) is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety;
- B. Tracy Police Department’s Military Equipment Use Policy (Lexipol Policy #708) will safeguard the public’s welfare, safety, civil rights, and civil liberties;
- C. Prior military equipment use complied with the military equipment use policy that was in effect at the time; and
- D. Tracy Police Department’s Military Equipment Use Policy (Lexipol Policy #708) is hereby approved and adopted.

SECTION 2: If any provision or the application of this Ordinance is for any reason held to be unconstitutional, invalid, or otherwise unenforceable, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each subsection or provision of this Ordinance irrespective

of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

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

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

\* \* \* \* \*

The foregoing Ordinance 1327 was introduced at a regular meeting of the Tracy City Council on the 5th day of April, 2022, and finally adopted on the 19th day of April, 2022, by the following vote:

AYES: COUNCIL MEMBERS: ARRIOLA, BEDOLLA, DAVIS, VARGAS, YOUNG

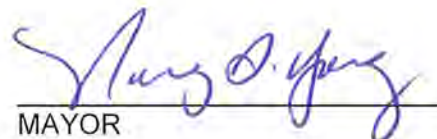
NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

ATTEST:

  
CITY CLERK

  
MAYOR

# Military Equipment

## 708.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

### 708.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Governing body** – The elected or appointed body that oversees the Department.

**Military equipment** – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

# Tracy Police Department

Tracy PD Policy Manual

## *Military Equipment*

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### **708.2 POLICY**

It is the policy of the Tracy Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

### **708.3 MILITARY EQUIPMENT COORDINATOR**

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The Professional Standards and Training Lieutenant is designated as the coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Tracy Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  - 1. Publicizing the details of the meeting.
  - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

### **708.4 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list of qualifying equipment for the Department:

1. Mobile Incident Command Post (CP): A vehicle used as a mobile office that provides shelter, access to Department computer systems, and restrooms.

- (a) Description, quantity, capabilities, and purchase cost: LDV USA (Custom Build) vehicle, cost: \$ 369,045.00 using a grant from the Office of Homeland Security in 2006, quantity: (1). The CP can be utilized for operations involving the Crisis Response Unit (CRU), critical incident management, preplanned large events, searching for missing persons, natural disasters, and community events.
- (b) Purpose: Used during specific circumstances such as a critical incident, large events, natural disasters, or community events.

# Tracy Police Department

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- (c) Authorized Use: Only staff trained in the deployment and operations consistent with policy, law, and training are authorized to operate the CP. Staff must also obtain a Class B drivers' license from the California Department of Motor Vehicles (DMV). The CP is authorized for use during but not limited to critical incidents, emergencies, community events, and natural disasters.
- (d) Lifespan: 20 years on chassis and vehicle structure. IT systems currently outdated.
- (e) Fiscal Impact: Annual maintenance cost is approximately \$4,000.
- (f) Training: The driver/operator shall receive training in the safe handling of the vehicle and obtain and maintain a class B license from the California DMV.
- (g) Legal and Procedural Rules: It is the policy of this Department to use the CP for official law enforcement purposes in compliance with California state law and the policies of the Tracy Police Department.

2. Armored Vehicle: Commercially produced wheeled vehicle armored vehicle utilized for law enforcement purposes.

- (a) Description, quantity, capabilities, and purchase cost: LENCO BEARCAT is an armored rescue vehicle that seats 10-12 personnel with open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor, quantity: 1, cost: \$281,000; \$181,000 from general fund and \$100,000 from COPS grant in 2012.
- (b) Purpose: Used in response to critical incidents to enhance officer and community safety. In addition, allows for scene containment, stabilization to assist in resolving incidents and as a rescue vehicle to evacuate officers and community members from potential harm.
- (c) Authorized Use: The use of armored vehicles shall only be authorized by a sworn supervisor, watch commander, or incident / tactical commander. Armored vehicles shall be used by only officers trained in its deployment and in a manner consistent with training and Department policy.
- (d) Lifespan: 25 years.
- (e) Fiscal Impact: Annual maintenance cost is approximately \$3,500.
- (f) Training: All drivers must be attend a department orientation training. No special license is required by California DMV.
- (g) Legal and Procedural Rules: It is the policy of this Department to utilize armored vehicles only for legitimate law enforcement purposes and in a manner consistent with State and Federal law.

3. Transport Vehicle: Commercially produced wheeled van utilized for law enforcement purposes.

- (a) Description, quantity, capabilities, and purchase cost: 2017 LDV Freightliner transport vehicle, quantity: 1, used to transport personnel and equipment to active scenes where the Crisis Response Unit is deployed and often deployed along with the LENCO



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BEARCAT' cost: \$206,000 (\$140,000 from State COPS Grant / \$66,000 from Asset Forfeiture) in 2016.

- (b) Purpose: Used in response to critical incident to transport personnel and equipment to critical incidents to enhance officer and community safety; often deployed with the Lenco Bearcat.
- (c) Authorized supervisor, watch commander, or incident / tactical commander. Armored vehicles shall be used by only officers trained in its deployment and in a manner consistent with training and Department policy.
- (d) Lifespan: 25 years.
- (e) Fiscal Impact: Annual maintenance cost is \$3,500.00.
- (f) Training: All drivers must attend a department orientation training. No special license is required; a license is required by California DMV.
- (g) Legal and Procedural Rules: It is the policy of this Department to utilize the vehicle only for legitimate law enforcement purposes and in a manner consistent with State and Federal law.

4. Unmanned Aerial System (UAS): An unmanned aircraft and associated equipment necessary to control it remotely.

- (a) Description, quantity, capabilities, and purchase cost:
  - 1. DJI Mavic 2 Enterprise Advanced 909 grams, quantity 7; M2EA thermal camera, M2EA Visual Camera, spotlight, strobe with a flight time of approx. 28 minutes. Cost: \$6,240 / each.
  - 2. DJI Mini 2 249 grams, quantity: 4, 1/2" CMOS Visual Camera 12mp 4k video with a flight time of approx. 30 minutes. Cost: \$599 / each.
  - 3. DJI Mavic Air 570 grams, quantity: 2; 1/2" CMOS visual camera 48mp 4k video with a flight time of approx. 34 minutes. Cost: \$988 / each.
  - 4. Brinc Lemur 2.4 lbs, quantity: 1, 1080P HD Camera with IR sensitivity, spotlight, window breach attachment, and cellular two-way communications with a flight time of approx. 31 minutes. Cost: \$ 8,999 / each,
- (b) Purpose: To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:
  - 1. major collision investigations.
  - 2. search for missing persons.
  - 3. natural disaster management.
  - 4. crime scene photography.
  - 5. SWAT, tactical or other public safety and life preservation missions.
  - 6. In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.



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- (c) Authorized Use: Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.
- (d) Lifespan: 5 - 10 years.
- (e) Fiscal Impact: Annual maintenance and battery replacement expected to be \$4,000 - \$6,000.
- (f) Training: All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend ongoing department training.
- (g) Legal and Procedural Rules: Use is established under Tracy Police Department policy 610, FAA Regulation 14 CFR Part 107, It is the policy of the Tracy Police Department to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

5. Robots: A remotely controlled unmanned machine that operates on the ground which is utilized to enhance the safety of the community and officers.

- (a) Description, quantity, capabilities, and purchase cost: AVATAR Tactical Robot; quantity 1; enhances the compatibilities of the Crisis Response Unit by allowing to quickly and safely inspect dangerous situations without sending personnel. AVATAR has live feed video and audio with the capability to record; cost: \$ 15,132.
- (b) Purpose: Used remotely to gain visual and audio access to clear areas in high risk situations.
- (c) Authorized Use: Used by trained members of the Crisis Response Unit.
- (d) Lifespan: 8 - 10 years.
- (e) Fiscal Impact: Annual maintenance cost of between \$500.
- (f) Training: Training conducted internally by the Crisis Response Unit.
- (g) Legal and Procedural Rules: It is the policy of the Tracy Police Department to utilize the robot for official law enforcement purposes and in a manner that reflect the privacy of the community pursuant to Federal and State law.

6. Less Lethal Shotguns / Breaching Shotguns / 40MM Launchers and Munitions: These systems deploy less-lethal impact projectiles and breaching rounds.

- (a) Description, quantity, capabilities, and purchase cost:
  - 1. Shotguns and 40MM Launchers:
    - (a) Less-Lethal Remington 870 Shotgun: quantity 23; The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon; system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of De-escalation; cost \$425/each.
    - (b) Breaching Remington 870 Shotgun: quantity 2; This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy

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deadbolts, locks, and hinges. The stand-off device that is attached to the end of the barrel allows for positive placement of the shotgun into the correct position and vents gases to prevent overpressure. cost \$425/each.

- (c) 40MM Defense Technology Launcher (single shot); quantity 7; The 40MM Single Launcher is a single shot launcher. It will fire standard 40mm less-lethal ammunition up to 4..8 inches in length. It will launch a 40MM less lethal round up to 131 feet; cost: \$1000/each.
- (d) 40MM Defense Technology Multi-Launcher; quantity 2; The 40MM Tactical 4-Shot Launcher is low-profile and lightweight, providing multi-shot capability in an easy to carry launcher; cost \$2,000 / each.

#### 2. Munitions:

- (a) CTS 12-Gauge Super-Sock beanbag round, cost: \$5, quantity: 2000. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS Super-Sock rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target
  - (b) Royal Arms TESAR #1 orange cap 275 grain copper frangible breaching round; fired from a dedicated breaching shotgun and is used to destroy deadbolts, locks, and hinges; quantity 150; cost: \$125 per box of 25 rounds.
  - (c) Royal Arms TESAR #2 black cap 425 grain copper frangible breaching round; fired from a dedicated breaching shotgun and is used to destroy deadbolts, locks, and hinges; quantity 150; cost: \$125 per box of 25 rounds.
  - (d) Royal Arms TESAR #4 yellow cap 750 grain copper frangible breaching round; fired from a dedicated breaching shotgun and is used to destroy deadbolts, locks, and hinges; quantity 100; cost: \$125 per box of 25 rounds.
  - (e) CTS 4557 40MM sponge round, fired from 40MM launcher, quantity 150; the 4557 sponge round is a smokeless, spin stabilized round, 4" long intended to deliver a less-lethal blunt trauma effect; cost \$20/per round.
- (b) Purpose: To increase opportunities to utilize de-escalation and in an effort to reduce lethal force within law enforcement. To be used in efforts to resolve dynamic incidents where deadly force is not authorized or otherwise undesirable.
  - (c) Authorized Use: Situations for use of the less lethal weapon systems may include, but are not limited to:
    - 1. Self-destructive, dangerous and/or combative individuals.
    - 2. Riot/crowd control and civil unrest incidents.

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3. Circumstances where a tactical advantage can be obtained.
  4. Potentially vicious animals.
  5. Training exercises or approved demonstrations
- (d) Lifespan: 25 + years for launchers and shotguns. 5 years for munitions.
- (e) Fiscal Impact: Annual maintenance of approx. \$25-\$50 per shotgun and 40MM Launcher. munitions replenished as necessary based on usage and lifespan.
- (f) Training: Requires a 4 hours less lethal course by a certified instructor. The 4 hours course is required to be completed annually to maintain certification; the course is reviewed and updated annually to ensure compliance with current law and procedures.
- (g) Legal and Procedural Rules: Use of less-lethal shotguns and 40MM launchers is established under policy sections 300 - Use of Force and 303 - Control Devices and Techniques. It is the policy of the Tracy Police Department to utilize less-lethal equipment only for official law enforcement purposes and consistent with State and Federal law regarding use of force.
7. Distraction Devices: A device used to distract potentially dangerous persons.
- (a) Description, quantity, capabilities, and purchase cost:
1. Combined Tactical Systems, 7290-9 Flash-Bang, cost: \$52, quantity: 50. A non-bursting, non-fragmenting multi-bang device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.
  2. Combined Tactical Systems, 7290M Mini Flash-Bang, cost: \$55, quantity: 75. The 7290M Flash-Bang exhibits all the same attributes of its larger counterpart but in a smaller and lighter package. Weighing in at 15 ounces the new 7290M is approximately 30% lighter than the 7290 but still has the same 175db output of the 7290 and produces 6-8 million candelas of light.
- (b) Purpose: A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations. To produce atmospheric overpressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.
- (c) Authorized Use: Diversionary Devices shall only be used:
1. By officers who have been trained in their proper use.
  2. In hostage and barricaded subject situations.
  3. In high risk warrant (search/arrest) services where there may be extreme hazards to officers.
  4. During other high-risk situations where their use would enhance officer safety.
  5. During training exercises.
- (d) Lifespan: 5 years from date of shipment.

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- (e) Fiscal Impact: No annual maintenance. Cost is associated with replacement after use.
- (f) Training: Prior to use, officers must attend diversionary device training that is conducted by certified instructors.
- (g) Legal and Procedural Rules: Use is established under Crisis Response Unit Operational Manual. It is the policy of the Tracy Police Department to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

8. Rifles: Firearms which are shoulder fired having long spiraled rifling within the barrel intended to improve the accuracy of the rifle.

- (a) Description, quantity, capabilities, and purchase cost:

- 1. AR-15/M-4 Platform:

- (a) Colt; AR-15 standard rifle with 16" barrel, quantity 84; standard issue rifle which fires a .223 caliber cartridge providing more powerful round than a stand issue handgun with greater accuracy; cost: \$1,100/each.
- (b) Sionics; AR-15 custom rifle with 11.5" barrel; quantity 11; standard issue rifle which fires a .223 caliber cartridge providing more powerful round than a stand issue handgun with greater accuracy. It is a short-barreled rifle which allows a a trained officer better control inside of structures; cost \$1,100/each.
- (c) Sons of Liberty; M4-89 custom rifle with 11.5" barrel; quantity 24; standard issue rifle which fires a .223 caliber cartridge providing more powerful round than a stand issue handgun with greater accuracy; cost \$1,350/each.

- 2. Precision Rifles:

- (a) Accuracy International AT .308 caliber bolt action rifle; quantity 4; rifle chambered in .308 caliber. The rifle is primarily used in over watch in critical incidents and other high-risk tactical situations such as hostage rescue and search warrant service, Cost \$4,000 / each.
- (b) Rock River Arms LAR-8 .308 caliber semi-automatic rifle; quantity 2; rifle chambered in .308 caliber. The rifle is primarily used in over watch in critical incidents and other high-risk tactical situations such as hostage rescue and search warrant service, Cost \$2,000 / each.

- 3. Ammunition:

- (a) Speer Gold Dot .223 caliber 62 grain rifle round, quantity 125 cases (500 rounds per case); cost: \$285 per case.
- (b) Hornaday A-Max .308 caliber 168 grain rifle round, quantity 5 cases (500 rounds per case); cost: \$400 per case.
- (c) Hornaday Bonded .308 caliber 165 grain rifles round, quantity 5 cases (500 rounds per case); cost: \$400 per case.

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- (b) Purpose: To be used as precision weapons to address a threat with more precision and/or at greater distances than a handgun.
  - (c) Authorized Use: Only members who have attended a POST certified course are authorized to use a rifle. Tracy Police Department provides this training to all sworn peace officers.
  - (d) Lifespan: 15 years.
  - (e) Fiscal Impact: annual maintenance of approx. \$50-100 per rifle.
  - (f) Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.
  - (g) Legal and Procedural Rules: Use of rifles is established under policy sections 300 - Use of Force, 306 - Firearms, and 419 - Patrol Rifles. It is the policy of the Tracy Police Department to utilize rifles only for official law enforcement purposes and consistent with State and Federal law regarding use of force.
9. Chemical Agent and Smoke Canisters: Canister which contain chemical agents that are released when deployed.

- (a) Description, quantity, capabilities, and purchase cost:
  - 1. Remington 870 shotgun dedicated to launch CS; quantity 2; specialized Remington 870 shotgun with th dedicated launching cup for the purpose of launching CS cannisters; cost: \$425/each. A 1210,12 gauge launching cartridge is used to deploy the CS cannisters. The launching cartridge is designed to propel the CS cannister further than could be thrown by hand.
  - 2. CTS 5230B - CS Baffled canister grenade, pyro, low flame potential; quantity 100; The 5230B pyrotechnic grenade is designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire; cost: \$37/each.
  - 3. Defense Technology Spede-Heat Continuous Discharge Grenade, CS; quantity 50; The Spede-Heat CS Grenade is a high-volume continuous burn device. It expels its payload in approx. 30 - 4- seconds. The payload is discharged through four gas ports on the top of the canister, three on the side, and one on the bottom. The canister holds approx. 81.2 grams of CS; cost \$25/each.
  - 4. Defense Technology Flameless TRI-CHAMBER CS Grenade, #1032; quantity 50; The design of the Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately.70 oz. of agent during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to

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minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure; cost \$25/each.

5. Defense Technology Ferret 40MM Liquid Barricade Penetrator Round, CS; quantity 100; The Ferret 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects; cost: \$23/each.
  6. Defense Technology OC Aerosol Grenade 1.3% Fogger, 6oz; quantity 25; The 6 oz. OC Aerosol Grenade will deliver its payload of 1.3% MC% OC in 20-25 seconds. This is an atomized mist which enhances the pungent 1.3% OC formulation. Ideal for area denial areas like attics, garages, etc. This device has minimum clean up. The canister may also be hand held to direct the spray pattern. This product is designed to provide room clearing ability with minimum clean up requirements; cost: \$ 17/each.
  7. Defense Technology Maximum HC Smoke Military-Style Canister; quantity 25; The Military-Style Maximum Smoke Grenade comes from the Defense Technology® #3 smoke grenade. It is a slow burning, high volume, continuous discharge grenade designed for outdoor use in crowd management situations. Emits grey-white smoke only for approximately 1.5 to 2 minutes; cost: \$30/each.
  8. Defense Technology CS HAN-BALL Grenade; quantity 50; The Han-Ball™ CS Grenade is an outdoor use grenade expelling its payload in approximately 15-20 seconds. The rubber ball round has an overall size of 4.8 in. tall, including the fuze head, and 3.1 in. diameter. This launchable grenade holds approximately 1.6 oz. of active agent which is expelled through three ports around the equator of the ball. Due to the intense heat generated by this grenade, it should not be used inside a building or near flammable material; cost: \$45/each.
  9. Golden Eagle Fogger Series 4 CS/OC Fogger; quantity 1; dispenses CS or OC efficiently in riotous situations. Utilizes Pepper Fog CS irritant and Pepper Fog OC; quantity 4 quarts each; cost \$60 per quart.
- (b) Purpose: To safely resolve critical situations high risk operations. These are necessary because there are no reasonable alternatives that can achieve the same objective of officer and civilian safety and will safeguard the public's welfare.
- (c) Authorized Use: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:



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1. Self-destructive, dangerous and/or combative individuals.
  2. Riot/crowd control and civil unrest incidents.
  3. Circumstances where a tactical advantage can be obtained.
  4. Potentially vicious animals.
  5. Training exercises or approved demonstrations.
- (d) Lifespan: 25 + years for breaching shotguns and 5 years for other materials.
- (e) Fiscal Impact: Annual maintenance and replacement is approx. \$2,500.
- (f) Training: All staff utilizing the equipment must be training by a POST certified chemical agent instructor.
- (g) Legal and Procedural Rules: The use of items is established by Department policy and the Crisis Response Unit Operational Manual. Tracy Police Department to utilize rifles only for official law enforcement purposes and consistent with State and Federal law regarding use of force.

#### 708.4.1 MAINTENANCE OF SUPPLY LEVELS

The Department, by authorization of the Chief of Police is authorized to purchase equipment and associated and munitions approved by Council pursuant to this policy as long as it does not go beyond the scope of capabilities currently approved. The Department is authorized to maintain adequate levels of approved munitions, replace defective equipment, and increase quantities of approved equipment as needed to meet operational and safety needs of the Department and community. All purchases shall follow pre-established purchasing guidelines of the City of Tracy.

Purchase of equipment does not have to be the exact make and model listed however, they shall not exceed to capabilities and intended use as described and approved within this policy.

#### Example(s)

1. An increase in allocated positions by City Council may make necessary the purchase of additional equipment and munitions for both operational and training needs.
2. A manufacturer may stop making a specific model of a product, or that item may become difficult to obtain due to supply chain issues and it may become necessary to locate and purchase a similar product to maintain operation capabilities.
3. An approved military equipment program, may need to expand for operational needs (ex: increase the number of UAS in deployment, or purchase of additional less lethal shotguns).

It is the stated purpose of this policy section not exceed the scope of City Council approval and any increases in quantity shall be reported to City Council as part of the annual report for Military Equipment.

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### **708.4.2 MILITARY EQUIPMENT USE REPORTING REQUIREMENTS**

All military equipment and munitions approved for use by this policy, when deployed in the field shall be documented and reported in PlanIt by the supervisor by the end of their assigned shift using the form titled "AB 481". The patrol Watch Commander shall conduct a weekly audit ensure the deployment data is being properly reported.

The Crisis Response Unit shall document the military equipment deployment as part of their after action report and the Team Leader, or designee shall enter the information into PlanIt using the form titled "AB 481". The Tactical Commander shall conduct a quarterly audit to the date is being properly reported.

As part of the annual reporting requirement, the Professional Standards and Training Division shall complete a report to be submitted to City Council in a regular meeting.

As it relates to this policy, the term deployed means to have been utilized in response to a real world incident whether or not the equipment was used (i.e. kinetic energy round fired from platform).

### **708.5 APPROVAL**

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

### **708.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment used by any member of this Department shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are



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providing mutual aid to this Department, or otherwise engaged in law enforcement operations in this jurisdiction, shall comply with their respective military equipment use policies.

#### **708.7 ANNUAL REPORT**

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

#### **708.8 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Any member of the public can register a question or concern regarding military equipment by contacting the Professional Standards and Training Division by email at [PROFESSIONALSTANDARDS@TRACYPD.COM](mailto:PROFESSIONALSTANDARDS@TRACYPD.COM) or by telephone at (209) 831-6559.

**TRACY CITY COUNCIL**  
**RESOLUTION NO. \_\_\_\_\_**

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**(1) APPROVING THE ANNUAL MILITARY EQUIPMENT REPORT AND FINDING THAT EACH TYPE OF MILITARY EQUIPMENT IDENTIFIED IN THE ANNUAL REPORT COMPLIES WITH THE STANDARDS SET FORTH IN GOVERNMENT CODE SECTION 7071(D); AND (2) RENEWING, PURSUANT TO GOVERNMENT CODE SECTION 7071(E), ORDINANCE 1327 AUTHORIZING THE CONTINUED USE OF THE MILITARY EQUIPMENT SPECIFIED IN TRACY POLICE DEPARTMENT POLICY 708 – MILITARY EQUIPMENT.**

**WHEREAS**, on September 30, 2021, Governor Gavin Newsom signed into law California Assembly Bill 481 (AB 481), regarding the use and annual reporting requirements of military equipment by law enforcement agencies; and

**WHEREAS**, California Government Code Sections 7070 through 7075 codified AB 481, which required that the governing bodies for all law enforcement agencies adopt an ordinance approving a military equipment use policy that governed the funding, acquisition, or use of military equipment, and also allowed law enforcement agencies to continue using already purchased and acquired military equipment if the governing body adopted an ordinance approving the continued use no later than May 1, 2022; and

**WHEREAS**, on April 5, 2022, the Tracy Police Department complied with AB 481 and introduced Ordinance 1327, which was adopted on April 19, 2022, and approved Tracy Police Department's Military Equipment Use Policy (Lexipol Policy #708); and

**WHEREAS**, Government Code Section 7072 requires a law enforcement agency to submit to the governing body an annual military equipment report for each type of military equipment previously approved by the government body within one year of approval; and

**WHEREAS**, Government Code Section 7071, subsection (e)(2), states that the governing body shall determine, based on the annual equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards of approval set forth in Section 7071, subsection (d); and

**WHEREAS**, Government Code Section 7071, subsection (e)(1), requires the governing body to review any ordinance it has adopted for the funding, acquisition, or use of military equipment annually, and vote whether to renew the ordinance at a regular meeting; and

**WHEREAS**, the Tracy Police Department prepared and the City Council received the annual report required by Government Code Section 7071, and the items of military equipment are identified in Exhibit 2 hereto; and

**NOW THEREFORE**, be it

**RESOLVED**: That the City Council hereby approves the Tracy Police Department's annual military equipment report pursuant to Government Code Section 7072, and finds that pursuant to Government Code Section 7071, subsection (e)(2), each type of military equipment identified in the report has complied with the standards of approval set forth in Government Code Section 7071, subsection (d); and be it further

**RESOLVED**: That pursuant to Government Code Section 7071(e)(2), and based on the annual report and Exhibit 1 hereto, the City Council hereby makes each of the following findings for each item of military equipment, that:

- (A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;
- (B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties;
- (C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and
- (D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance; and be it further

**RESOLVED**: That the City Council renews and re-adopts Ordinance 1327 pursuant to Government Code Section 7071, subsection (e)(1), and authorizes the continued use of the military equipment specified in Tracy Police Department's Military Equipment Use Policy (Lexipol Policy #708).

\* \* \* \* \*

The foregoing Resolution 2025- \_\_\_\_\_ was adopted by the Tracy City Council on February 4, 2025, by the following vote:

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

\_\_\_\_\_  
DAN ARRIOLA  
Mayor of the City of Tracy, California

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

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

#### EXHIBITS

- 1) Ordinance 1327, which was adopted on April 19, 2022
- 2) Approved Tracy Police Department's Military Equipment Use Policy (Lexipol Policy #708)

ORDINANCE 1327

AN ORDINANCE OF THE CITY OF TRACY ADOPTING A MILITARY EQUIPMENT USE  
POLICY PURSUANT TO CALIFORNIA ASSEMBLY BILL 481

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law California Assembly Bill 481 (AB 481), regarding the use of military equipment by law enforcement agencies, and

WHEREAS, AB 481, codified by California Government Code section 7070 through 7075, requires that all law enforcement agencies obtain approval from the applicable governing body, by ordinance, adopting a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment, and

WHEREAS, Government Code section 7070 defines the term “military equipment”, and

WHEREAS, the proposed military equipment policy is found within the Tracy Police Department Military Equipment Use Policy (Lexipol Policy #708), and

WHEREAS, AB 481 requires that the law enforcement agency make the military equipment use policy available on the law enforcement agency’s website at least 30 days prior to the public hearing relating to the adoption of the military use equipment policy, and

WHEREAS, the Tracy Police Department Military Equipment Use Policy was published on the Tracy Police Department’s internet website on March 4, 2022, at least 30 days before the public hearing, and

WHEREAS, the Tracy Police Department Military Equipment Use Policy meets the requirements of Government Code section 7070, subdivision (d).

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

SECTION 1: The City Council hereby determines the following:

- A. The military equipment identified in the Tracy Police Department’s Military Equipment Use Policy (Lexipol Policy #708) is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety;
- B. Tracy Police Department’s Military Equipment Use Policy (Lexipol Policy #708) will safeguard the public’s welfare, safety, civil rights, and civil liberties;
- C. Prior military equipment use complied with the military equipment use policy that was in effect at the time; and
- D. Tracy Police Department’s Military Equipment Use Policy (Lexipol Policy #708) is hereby approved and adopted.

SECTION 2: If any provision or the application of this Ordinance is for any reason held to be unconstitutional, invalid, or otherwise unenforceable, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each subsection or provision of this Ordinance irrespective

of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

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

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

\* \* \* \* \*

The foregoing Ordinance 1327 was introduced at a regular meeting of the Tracy City Council on the 5th day of April, 2022, and finally adopted on the 19th day of April, 2022, by the following vote:

AYES: COUNCIL MEMBERS: ARRIOLA, BEDOLLA, DAVIS, VARGAS, YOUNG

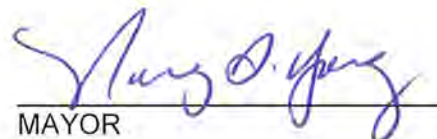
NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

ATTEST:

  
CITY CLERK

  
MAYOR

# Military Equipment

## 708.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

### 708.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Governing body** – The elected or appointed body that oversees the Department.

**Military equipment** – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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### **708.2 POLICY**

It is the policy of the Tracy Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

### **708.3 MILITARY EQUIPMENT COORDINATOR**

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The Professional Standards and Training Lieutenant is designated as the coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Tracy Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  - 1. Publicizing the details of the meeting.
  - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

### **708.4 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list of qualifying equipment for the Department:

1. Mobile Incident Command Post (CP): A vehicle used as a mobile office that provides shelter, access to Department computer systems, and restrooms.

- (a) Description, quantity, capabilities, and purchase cost: LDV USA (Custom Build) vehicle, cost: \$ 369,045.00 using a grant from the Office of Homeland Security in 2006, quantity: (1). The CP can be utilized for operations involving the Crisis Response Unit (CRU), critical incident management, preplanned large events, searching for missing persons, natural disasters, and community events.
- (b) Purpose: Used during specific circumstances such as a critical incident, large events, natural disasters, or community events.



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- (c) Authorized Use: Only staff trained in the deployment and operations consistent with policy, law, and training are authorized to operate the CP. Staff must also obtain a Class B drivers' license from the California Department of Motor Vehicles (DMV). The CP is authorized for use during but not limited to critical incidents, emergencies, community events, and natural disasters.
- (d) Lifespan: 20 years on chassis and vehicle structure. IT systems currently outdated.
- (e) Fiscal Impact: Annual maintenance cost is approximately \$4,000.
- (f) Training: The driver/operator shall receive training in the safe handling of the vehicle and obtain and maintain a class B license from the California DMV.
- (g) Legal and Procedural Rules: It is the policy of this Department to use the CP for official law enforcement purposes in compliance with California state law and the policies of the Tracy Police Department.

2. Armored Vehicle: Commercially produced wheeled vehicle armored vehicle utilized for law enforcement purposes.

- (a) Description, quantity, capabilities, and purchase cost: Lenco Bearcat is an armored rescue vehicle that seats 10-12 personnel with open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor, quantity: 1, cost: \$281,000; \$181,000 from general fund and \$100,000 from COPS grant in 2012.
- (b) Purpose: Used in response to critical incidents to enhance officer and community safety. In addition, allows for scene containment, stabilization to assist in resolving incidents and as a rescue vehicle to evacuate officers and community members from potential harm.
- (c) Authorized Use: The use of armored vehicles shall only be authorized by a sworn supervisor, watch commander, or incident / tactical commander. Armored vehicles shall be used by only officers trained in its deployment and in a manner consistent with training and Department policy.
- (d) Lifespan: 25 years.
- (e) Fiscal Impact: Annual maintenance cost is approximately \$3,500.
- (f) Training: All drivers must be attend a department orientation training. No special license is required by California DMV.
- (g) Legal and Procedural Rules: It is the policy of this Department to utilize armored vehicles only for legitimate law enforcement purposes and in a manner consistent with State and Federal law.

3. Transport Vehicle: Commercially produced wheeled van utilized for law enforcement purposes.

- (a) Description, quantity, capabilities, and purchase cost: 2017 LDV Freightliner transport vehicle, quantity: 1, used to transport personnel and equipment to active scenes where the Crisis Response Unit is deployed and often deployed along with the Lenco

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BEARCAT' cost: \$206,000 (\$140,000 from State COPS Grant / \$66,000 from Asset Forfeiture) in 2016.

- (b) Purpose: Used in response to critical incident to transport personnel and equipment to critical incidents to enhance officer and community safety; often deployed with the Lenco Bearcat.
- (c) Authorized Use: The use of the transport vehicle shall only be authorized by a sworn supervisor, watch commander, or incident / tactical commander. Armored vehicles shall be used by only officers trained in its deployment and in a manner consistent with training and Department policy.
- (d) Lifespan: 25 years.
- (e) Fiscal Impact: Annual maintenance cost is \$3,500.00.
- (f) Training: All drivers must attend a department orientation training. No special license is required by California DMV.
- (g) Legal and Procedural Rules: It is the policy of this Department to utilize the vehicle only for legitimate law enforcement purposes and in a manner consistent with State and Federal law.

4. Unmanned Aerial System (UAS): An unmanned aircraft and associated equipment necessary to control it remotely.

- (a) Description, quantity, capabilities, and purchase cost:
  - 1. DJI Mavic 2 Enterprise Advanced 909 grams, quantity 7; M2EA thermal camera, M2EA Visual Camera, spotlight, strobe with a flight time of approx. 28 minutes. Cost: \$6,240 / each.
  - 2. DJI Mini 2 249 grams, quantity: 4, 1/2" CMOS Visual Camera 12mp 4k video with a flight time of approx. 30 minutes. Cost: \$599 / each.
  - 3. DJI Mavic Air 570 grams, quantity: 2; 1/2" CMOS visual camera 48mp 4k video with a flight time of approx. 34 minutes. Cost: \$988 / each.
  - 4. Brinc Lemur 2.4 lbs, quantity: 1, 1080P HD Camera with IR sensitivity, spotlight, window breach attachment, and cellular two-way communications with a flight time of approx. 31 minutes. Cost: \$ 8,999 / each,
- (b) Purpose: To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:
  - 1. major collision investigations.
  - 2. search for missing persons.
  - 3. natural disaster management.
  - 4. crime scene photography.
  - 5. SWAT, tactical or other public safety and life preservation missions.
  - 6. In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.

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- (c) Authorized Use: Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.
- (d) Lifespan: 5 - 10 years.
- (e) Fiscal Impact: Annual maintenance and battery replacement expected to be \$4,000 - \$6,000.
- (f) Training: All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend ongoing department training.
- (g) Legal and Procedural Rules: Use is established under Tracy Police Department policy 610, FAA Regulation 14 CFR Part 107, It is the policy of the Tracy Police Department to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

5. Robots: A remotely controlled unmanned machine that operates on the ground which is utilized to enhance the safety of the community and officers.

- (a) Description, quantity, capabilities, and purchase cost: AVATAR Tactical Robot; quantity 1; enhances the compatibilities of the Crisis Response Unit by allowing to quickly and safely inspect dangerous situations without sending personnel. AVATAR has live feed video and audio with the capability to record; cost: \$ 15,132.
- (b) Purpose: Used remotely to gain visual and audio access to clear areas in high risk situations.
- (c) Authorized Use: Used by trained members of the Crisis Response Unit.
- (d) Lifespan: 8 - 10 years.
- (e) Fiscal Impact: Annual maintenance cost of between \$500.
- (f) Training: Training conducted internally by the Crisis Response Unit.
- (g) Legal and Procedural Rules: It is the policy of the Tracy Police Department to utilize the robot for official law enforcement purposes and in a manner that reflect the privacy of the community pursuant to Federal and State law.

6. Less Lethal Shotguns / Breaching Shotguns / 40MM Launchers and Munitions: These systems deploy less-lethal impact projectiles and breaching rounds.

- (a) Description, quantity, capabilities, and purchase cost:
  - 1. Shotguns and 40MM Launchers:
    - (a) Less-Lethal Remington 870 Shotgun: quantity 23; The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon; system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of De-escalation; cost \$425/each.
    - (b) Breaching Remington 870 Shotgun: quantity 2; This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy

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deadbolts, locks, and hinges. The stand-off device that is attached to the end of the barrel allows for positive placement of the shotgun into the correct position and vents gases to prevent overpressure. cost \$425/each.

- (c) 40MM Defense Technology Launcher (single shot); quantity 7; The 40MM Single Launcher is a single shot launcher. It will fire standard 40mm less-lethal ammunition up to 4..8 inches in length. It will launch a 40MM less lethal round up to 131 feet; cost: \$1000/each.
- (d) 40MM Defense Technology Multi-Launcher; quantity 2; The 40MM Tactical 4-Shot Launcher is low-profile and lightweight, providing multi-shot capability in an easy to carry launcher; cost \$2,000 / each.

#### 2. Munitions:

- (a) CTS 12-Gauge Super-Sock beanbag round, cost: \$5, quantity: 2000. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS Super-Sock rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target
  - (b) Royal Arms TESAR #1 orange cap 275 grain copper frangible breaching round; fired from a dedicated breaching shotgun and is used to destroy deadbolts, locks, and hinges; quantity 150; cost: \$125 per box of 25 rounds.
  - (c) Royal Arms TESAR #2 black cap 425 grain copper frangible breaching round; fired from a dedicated breaching shotgun and is used to destroy deadbolts, locks, and hinges; quantity 150; cost: \$125 per box of 25 rounds.
  - (d) Royal Arms TESAR #4 yellow cap 750 grain copper frangible breaching round; fired from a dedicated breaching shotgun and is used to destroy deadbolts, locks, and hinges; quantity 100; cost: \$125 per box of 25 rounds.
  - (e) CTS 4557 40MM sponge round, fired from 40MM launcher, quantity 150; the 4557 sponge round is a smokeless, spin stabilized round, 4" long intended to deliver a less-lethal blunt trauma effect; cost \$20/per round.
- (b) Purpose: To increase opportunities to utilize de-escalation and in an effort to reduce lethal force within law enforcement. To be used in efforts to resolve dynamic incidents where deadly force is not authorized or otherwise undesirable.
  - (c) Authorized Use: Situations for use of the less lethal weapon systems may include, but are not limited to:
    - 1. Self-destructive, dangerous and/or combative individuals.
    - 2. Riot/crowd control and civil unrest incidents.

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3. Circumstances where a tactical advantage can be obtained.
  4. Potentially vicious animals.
  5. Training exercises or approved demonstrations
- (d) Lifespan: 25 + years for launchers and shotguns. 5 years for munitions.
- (e) Fiscal Impact: Annual maintenance of approx. \$25-\$50 per shotgun and 40MM Launcher. munitions replenished as necessary based on usage and lifespan.
- (f) Training: Requires a 4 hours less lethal course by a certified instructor. The 4 hours course is required to be completed annually to maintain certification; the course is reviewed and updated annually to ensure compliance with current law and procedures.
- (g) Legal and Procedural Rules: Use of less-lethal shotguns and 40MM launchers is established under policy sections 300 - Use of Force and 303 - Control Devices and Techniques. It is the policy of the Tracy Police Department to utilize less-lethal equipment only for official law enforcement purposes and consistent with State and Federal law regarding use of force.
7. Distraction Devices: A device used to distract potentially dangerous persons.
- (a) Description, quantity, capabilities, and purchase cost:
1. Combined Tactical Systems, 7290-9 Flash-Bang, cost: \$52, quantity: 50. A non-bursting, non-fragmenting multi-bang device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.
  2. Combined Tactical Systems, 7290M Mini Flash-Bang, cost: \$55, quantity: 75. The 7290M Flash-Bang exhibits all the same attributes of its larger counterpart but in a smaller and lighter package. Weighing in at 15 ounces the new 7290M is approximately 30% lighter than the 7290 but still has the same 175db output of the 7290 and produces 6-8 million candelas of light.
- (b) Purpose: A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations. To produce atmospheric overpressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.
- (c) Authorized Use: Diversionary Devices shall only be used:
1. By officers who have been trained in their proper use.
  2. In hostage and barricaded subject situations.
  3. In high risk warrant (search/arrest) services where there may be extreme hazards to officers.
  4. During other high-risk situations where their use would enhance officer safety.
  5. During training exercises.
- (d) Lifespan: 5 years from date of shipment.

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- (e) Fiscal Impact: No annual maintenance. Cost is associated with replacement after use.
- (f) Training: Prior to use, officers must attend diversionary device training that is conducted by certified instructors.
- (g) Legal and Procedural Rules: Use is established under Crisis Response Unit Operational Manual. It is the policy of the Tracy Police Department to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

8. Rifles: Firearms which are shoulder fired having long spiraled rifling within the barrel intended to improve the accuracy of the rifle.

- (a) Description, quantity, capabilities, and purchase cost:

- 1. AR-15/M-4 Platform:

- (a) Colt; AR-15 standard rifle with 16" barrel, quantity 84; standard issue rifle which fires a .223 caliber cartridge providing more powerful round than a stand issue handgun with greater accuracy; cost: \$1,100/each.
- (b) Sionics; AR-15 custom rifle with 11.5" barrel; quantity 11; standard issue rifle which fires a .223 caliber cartridge providing more powerful round than a stand issue handgun with greater accuracy. It is a short-barreled rifle which allows a a trained officer better control inside of structures; cost \$1,100/each.
- (c) Sons of Liberty; M4-89 custom rifle with 11.5" barrel; quantity 24; standard issue rifle which fires a .223 caliber cartridge providing more powerful round than a stand issue handgun with greater accuracy; cost \$1,350/each.

- 2. Precision Rifles:

- (a) Accuracy International AT .308 caliber bolt action rifle; quantity 4; rifle chambered in .308 caliber. The rifle is primarily used in over watch in critical incidents and other high-risk tactical situations such as hostage rescue and search warrant service, Cost \$4,000 / each.
- (b) Rock River Arms LAR-8 .308 caliber semi-automatic rifle; quantity 2; rifle chambered in .308 caliber. The rifle is primarily used in over watch in critical incidents and other high-risk tactical situations such as hostage rescue and search warrant service, Cost \$2,000 / each.

- 3. Ammunition:

- (a) Speer Gold Dot .223 caliber 62 grain rifle round, quantity 125 cases (500 rounds per case); cost: \$285 per case.
- (b) Hornaday A-Max .308 caliber 168 grain rifle round, quantity 5 cases (500 rounds per case); cost: \$400 per case.
- (c) Hornaday Bonded .308 caliber 165 grain rifles round, quantity 5 cases (500 rounds per case); cost: \$400 per case.



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- (b) Purpose: To be used as precision weapons to address a threat with more precision and/or at greater distances than a handgun.
  - (c) Authorized Use: Only members who have attended a POST certified course are authorized to use a rifle. Tracy Police Department provides this training to all sworn peace officers.
  - (d) Lifespan: 15 years.
  - (e) Fiscal Impact: annual maintenance of approx. \$50-100 per rifle.
  - (f) Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.
  - (g) Legal and Procedural Rules: Use of rifles is established under policy sections 300 - Use of Force, 306 - Firearms, and 419 - Patrol Rifles. It is the policy of the Tracy Police Department to utilize rifles only for official law enforcement purposes and consistent with State and Federal law regarding use of force.
9. Chemical Agent and Smoke Canisters: Canister which contain chemical agents that are released when deployed.
- (a) Description, quantity, capabilities, and purchase cost:
    - 1. Remington 870 shotgun dedicated to launch CS; quantity 2; specialized Remington 870 shotgun with th dedicated launching cup for the purpose of launching CS cannisters; cost: \$425/each. A 1210,12 gauge launching cartridge is used to deploy the CS cannisters. The launching cartridge is designed to propel the CS cannister further than could be thrown by hand.
    - 2. CTS 5230B - CS Baffled canister grenade, pyro, low flame potential; quantity 100; The 5230B pyrotechnic grenade is designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire; cost: \$37/each.
    - 3. Defense Technology Spede-Heat Continuous Discharge Grenade, CS; quantity 50; The Spede-Heat CS Grenade is a high-volume continuous burn device. It expels its payload in approx. 30 - 4- seconds. The payload is discharged through four gas ports on the top of the canister, three on the side, and one on the bottom. The canister holds approx. 81.2 grams of CS; cost \$25/each.
    - 4. Defense Technology Flameless TRI-CHAMBER CS Grenade, #1032; quantity 50; The design of the Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately.70 oz. of agent during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to

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minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure; cost \$25/each.

5. Defense Technology Ferret 40MM Liquid Barricade Penetrator Round, CS; quantity 100; The Ferret 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects; cost: \$23/each.
  6. Defense Technology OC Aerosol Grenade 1.3% Fogger, 6oz; quantity 25; The 6 oz. OC Aerosol Grenade will deliver its payload of 1.3% MC% OC in 20-25 seconds. This is an atomized mist which enhances the pungent 1.3% OC formulation. Ideal for area denial areas like attics, garages, etc. This device has minimum clean up. The canister may also be hand held to direct the spray pattern. This product is designed to provide room clearing ability with minimum clean up requirements; cost: \$ 17/each.
  7. Defense Technology Maximum HC Smoke Military-Style Canister; quantity 25; The Military-Style Maximum Smoke Grenade comes from the Defense Technology® #3 smoke grenade. It is a slow burning, high volume, continuous discharge grenade designed for outdoor use in crowd management situations. Emits grey-white smoke only for approximately 1.5 to 2 minutes; cost: \$30/each.
  8. Defense Technology CS HAN-BALL Grenade; quantity 50; The Han-Ball™ CS Grenade is an outdoor use grenade expelling its payload in approximately 15-20 seconds. The rubber ball round has an overall size of 4.8 in. tall, including the fuze head, and 3.1 in. diameter. This launchable grenade holds approximately 1.6 oz. of active agent which is expelled through three ports around the equator of the ball. Due to the intense heat generated by this grenade, it should not be used inside a building or near flammable material; cost: \$45/each.
  9. Golden Eagle Fogger Series 4 CS/OC Fogger; quantity 1; dispenses CS or OC efficiently in riotous situations. Utilizes Pepper Fog CS irritant and Pepper Fog OC; quantity 4 quarts each; cost \$60 per quart.
- (b) Purpose: To safely resolve critical situations high risk operations. These are necessary because there are no reasonable alternatives that can achieve the same objective of officer and civilian safety and will safeguard the public's welfare.
- (c) Authorized Use: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:



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1. Self-destructive, dangerous and/or combative individuals.
  2. Riot/crowd control and civil unrest incidents.
  3. Circumstances where a tactical advantage can be obtained.
  4. Potentially vicious animals.
  5. Training exercises or approved demonstrations.
- (d) Lifespan: 25 + years for breaching shotguns and 5 years for other materials.
- (e) Fiscal Impact: Annual maintenance and replacement is approx. \$2,500.
- (f) Training: All staff utilizing the equipment must be training by a POST certified chemical agent instructor.
- (g) Legal and Procedural Rules: The use of items is established by Department policy and the Crisis Response Unit Operational Manual. Tracy Police Department to utilize rifles only for official law enforcement purposes and consistent with State and Federal law regarding use of force.

#### 708.4.1 MAINTENANCE OF SUPPLY LEVELS

The Department, by authorization of the Chief of Police is authorized to purchase equipment and associated and munitions approved by Council pursuant to this policy as long as it does not go beyond the scope of capabilities currently approved. The Department is authorized to maintain adequate levels of approved munitions, replace defective equipment, and increase quantities of approved equipment as needed to meet operational and safety needs of the Department and community. All purchases shall follow pre-established purchasing guidelines of the City of Tracy.

Purchase of equipment does not have to be the exact make and model listed however, they shall not exceed to capabilities and intended use as described and approved within this policy.

#### Example(s)

1. An increase in allocated positions by City Council may make necessary the purchase of additional equipment and munitions for both operational and training needs.
2. A manufacturer may stop making a specific model of a product, or that item may become difficult to obtain due to supply chain issues and it may become necessary to locate and purchase a similar product to maintain operation capabilities.
3. An approved military equipment program, may need to expand for operational needs (ex: increase the number of UAS in deployment, or purchase of additional less lethal shotguns).

It is the stated purpose of this policy section not exceed the scope of City Council approval and any increases in quantity shall be reported to City Council as part of the annual report for Military Equipment.

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### **708.4.2 MILITARY EQUIPMENT USE REPORTING REQUIREMENTS**

All military equipment and munitions approved for use by this policy, when deployed in the field shall be documented and reported in PlanIt by the supervisor by the end of their assigned shift using the form titled "AB 481". The patrol Watch Commander shall conduct a weekly audit ensure the deployment data is being properly reported.

The Crisis Response Unit shall document the military equipment deployment as part of their after action report and the Team Leader, or designee shall enter the information into PlanIt using the form titled "AB 481". The Tactical Commander shall conduct a quarterly audit to the date is being properly reported.

As part of the annual reporting requirement, the Professional Standards and Training Division shall complete a report to be submitted to City Council in a regular meeting.

As it relates to this policy, the term deployed means to have been utilized in response to a real world incident whether or not the equipment was used (i.e. kinetic energy round fired from platform).

### **708.5 APPROVAL**

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

### **708.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment used by any member of this Department shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are

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providing mutual aid to this Department, or otherwise engaged in law enforcement operations in this jurisdiction, shall comply with their respective military equipment use policies.

#### **708.7 ANNUAL REPORT**

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

#### **708.8 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Any member of the public can register a question or concern regarding military equipment by contacting the Professional Standards and Training Division by email at [PROFESSIONALSTANDARDS@TRACYPD.COM](mailto:PROFESSIONALSTANDARDS@TRACYPD.COM) or by telephone at (209) 831-6559.

Agenda Item 1.D

RECOMMENDATION

**Staff recommends that the City Council adopt a resolution approving Amendment No. 1 to the Professional Services Agreement with Willdan Engineering for Interim City Engineer and support services increasing compensation to a not-to-exceed amount of \$450,000, expiring on December 31, 2025.**

EXECUTIVE SUMMARY

The proposed amendment will extend the Professional Services Agreements (PSA) with Willdan Engineering (Consultant) to provide Interim City Engineer and support services while the City recruits for a permanent City Engineer. The amended contract is revised to a not-to-exceed amount of \$450,000, expiring on December 31, 2025.

BACKGROUND AND LEGISLATIVE HISTORY

Pursuant to Tracy Municipal Code Section 2.20.140 (b)(3), the City Manager determined that a formal request for proposals for these services was not in the best interest of the City. The City has determined that Consultant possesses the skills, experience and certification required to provide the services. After negotiations between the City and Consultant, the Parties reached an agreement.

The Engineering Division has experienced an increase in turn-over that included the City Engineer. Due to the recent departure of the City Engineer, the City entered into an immediate contract to fill the role of Interim City Engineer on December 19, 2024. This Agreement was executed pursuant to Tracy Municipal Code Section 2.20.090 for a not-to-exceed amount of \$50,000 by the City Manager.

ANALYSIS

Given the recent challenges of recruitment of qualified engineers and imperative need for a City Engineer to keep projects moving forward, staff recommends that a contract with a maximum term of one-year with the Consultant, expiring on December 31, 2025. Staff anticipates it will fill the position before the expiration of the contract. The contract also includes support services that will assist the Interim City Engineer in project management. The contract is amended to a not-to-exceed amount of \$450,000.

FISCAL IMPACT

The cost of the work performed by consultant will be captured through salary savings resulting from the City Engineer vacancy and the existing contract services budget.

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

That the City Council adopt a resolution approving Amendment No. 1 to the Professional Services Agreement with Willdan Engineering for Interim City Engineer and support services increasing compensation to a not-to-exceed amount of \$450,000, expiring on December 31, 2025.

Prepared by: Mariann Stolte, Executive Assistant

Reviewed by: Karin Schnaider, Assistant City Manager  
Sara Castro, Finance Director  
Andrew Shen, Interim City Attorney

Approved by: Midori Lichtwardt, City Manager

ATTACHMENTS

Attachment A – Final Amendment No. 1 with Willdan Engineering  
Attachment B – PSA Willdan Engineering Consultant

**Amendment No. 1  
To Professional Services Agreement**

This Amendment No. 1 (**Amendment**) to the Professional Services Agreement entered between the City of Tracy, a municipal corporation (**City**), and Willdan Engineering, a California corporation (**Consultant**) dated December 19, 2024 (**Agreement**) is entered into as of the date of last signature below. City and Consultant are referred to individually as "**Party**" and collectively as "**Parties**."

**Recitals**

- A. The Agreement was executed pursuant to Tracy Municipal Code Section 2.20.090.
- B. The Agreement had an initial term of one year (s) with a not to exceed annual budget of \$50,000.
- C. The term of the original Agreement expires on December 31, 2025.

**Now therefore, in consideration of the mutual covenants herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to amend the Agreement as follows:**

- 1. **Option to Increase the Compensation and Not to Exceed Amount.** Pursuant to Section 3 of the Agreement, the City hereby increases the Compensation by \$400,000 and, accordingly, Section 3.1 of the Agreement is hereby modified to reflect that the Not to Exceed Amount increases to \$450,000.
- 2. **Effect.** The Parties hereto ratify the Agreement and, except as expressly modified by this Amendment, all provisions of the Agreement will remain unchanged and in full force and effect.
- 3. **Entire Agreement.** This Amendment represents the entire agreement and understanding of the Parties and shall supersede any prior agreement—written or oral—between the Parties. This Amendment will not be valid and enforceable until executed by all of the Parties hereto. This Amendment may not be modified or altered except through a subsequent writing signed by both Parties.
- 4. **Severability.** If any term of this Amendment is held invalid by a court of competent jurisdiction, this Amendment shall be construed as not containing that term, and the remainder of this Amendment shall remain in effect.
- 5. **Signatures.** The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity, and authority to enter and to execute this Amendment. This Amendment shall inure to the benefit of and be binding upon the parties and their respective successors and assigns. This Amendment may be executed in one or more counterparts. All counterparts so executed shall constitute one contract, binding on all Parties, even though all Parties are not signatory to the same counterpart.

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

City of Tracy – Amendment No.\_ to Agreement with [Consultant]

City of Tracy

By: \_\_\_\_\_  
Midori Lichtwardt

Title: City Manager

Date: \_\_\_\_\_


Attest:

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


Approved as to form:

\_\_\_\_\_  
Andrew Shen, Interim City Attorney

**Willdan Engineering**

DocuSigned by:  
  
\_\_\_\_\_  
A6A1BAC252C2432  
By: Vanessa Munoz  
Title: President  
Date: 1/21/2025 | 3:18 PM PST

Federal Tax Employer ID No. 95-2295858

Signed by:  
  
\_\_\_\_\_  
1728C5031085408...  
By: Kate Nguyen  
Title: Corporate Executive Secretary  
Date: 1/21/2025 | 3:36 PM PST

**Attachment B**

**CITY OF TRACY  
PROFESSIONAL SERVICES AGREEMENT WITH  
WILLDAN ENGINEERING**

This Professional Services Agreement (**Agreement**) is entered into between the City of Tracy, a municipal corporation (**City**), and Willdan Engineering, a California corporation (**Consultant**). City and Consultant are referred to individually as "Party" and collectively as "Parties."

**Recitals**

- A.** City desires to retain the professional services of Consultant to provide Engineering services while the City recruits for City Engineer, as further described herein and in Exhibit A.
- B.** Pursuant to Tracy Municipal Code Section 2.20.140 (b)(3), the City Manager determined that a formal request for proposals for these services is not in the best interest of the City because of the immediate necessity of these services. The City has determined that Consultant possesses the skills, experience and certification required to provide the services.
- C.** After negotiations between the City and Consultant, the Parties have reached an agreement for Consultant's professional services as set forth in this Agreement.
- D.** This Agreement was approved pursuant to Tracy Municipal Code Section 2.20.090.

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

**1. Scope of Work.** Consultant shall perform the Services, which includes the services described in Exhibit "A" attached hereto and incorporated herein by this reference. The services shall be performed by, or under the direct supervision of, Consultant's Authorized Representative: Jonathan Mitchell. Consultant shall not replace its Authorized Representative, nor shall Consultant replace any of the personnel listed in Exhibit "A," nor shall Consultant use or replace any subcontractor or subconsultant, without City's prior written consent. A failure to obtain the City's prior written consent for any change or replacement in personnel or subcontractor/subconsultant may result in the termination of this Agreement.

**2. Time of Performance.** Time is of the essence in the performance of the Services under this Agreement and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. 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 (10) days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. City may grant or deny such requests at its sole and absolute discretion.

**2.1 Term.** The term of this Agreement shall begin on the date the agreement is fully executed and end on December 31, 2025, unless terminated in accordance with Section 6. This Agreement shall not be extended except pursuant to a writing signed by both Parties.



**3. Compensation.** City shall pay Consultant a fixed fee, as set forth in Exhibit "B," attached hereto and incorporated herein by this reference, for services performed under this Agreement.

**3.1 Not to Exceed Amount.** Consultant's total compensation under this Agreement shall not exceed \$50,000. Consultant's compensation 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. Notwithstanding the foregoing, the payment of any funds under this Agreement shall be subject to the City of Tracy appropriation of funds for the Services. This Agreement shall terminate in the event that such funds are not appropriated. Unless specifically stated otherwise or agreed to in writing, the fees proposed by Consultant, as set forth in Exhibit B hereto, shall remain unchanged for the entire term of this Agreement and any extensions of this Agreement. It is understood and agreed that Consultant may not receive compensation up to the "not-to-exceed" amount (or any other amount), and Consultant's total compensation under this Agreement will depend on the scope of the Services requested and approved by the City.

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

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

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

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

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

**3.5 Books and Accounts.** Consultant agrees to maintain books, accounts, payroll records and other information relating to the performance of Consultant's obligations under the Agreement, which shall adequately and correctly reflect the expenses incurred by the Consultant in the performance of Consultant's work under the Agreement. Such books and records shall be open to inspection and audit by the City during regular business hours for three years after expiration or termination of this Agreement.

**4. Indemnification.** Consultant shall, to the fullest extent permitted by law, indemnify, defend (with independent counsel approved by the City), and hold harmless the City from and against, and reimburse the City for, any and all liabilities, obligations, losses, damages, injunctions, suits, actions, fines, penalties, claims, demands, administrative and judicial proceedings and order, judgments, remedial action requirements, costs and expenses of every kind or nature, and all costs and expenses incurred in connection therewith, including, without limitation, reasonable attorneys' fees and court costs ("**Claims**") arising directly or indirectly from or out of (including any and all related costs and expenses), relating or pertaining to or resulting from, in whole or in part, this Agreement; any act, omission, or event relating in any way to Consultant's obligations under this Agreement; and/or

Consultant's breach of this Agreement, except to the extent such Claim is caused solely by the active negligence or willful misconduct of the City.

In this Section 4, "City" means the City, its officials, officers, agents, employees and volunteers; "Consultant" means the Consultant, its employees, agents and subcontractors.

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

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

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

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

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

**5.1 Commercial General Liability** (with coverage at least as broad as ISO form CG 00 01 01 96) "per occurrence" coverage shall be maintained in an amount not less than \$4,000,000 general aggregate and \$2,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

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

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

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

**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 in its sole and absolute discretion by giving ten (10) days' written notice to Consultant. Within five (5) days of such a termination, Consultant shall give the City all original documents relating to the Services in Consultant's possession or control, including, without limitation, preliminary drafts and supporting documents, and any other documents prepared by Consultant pursuant to this Agreement. The City shall pay Consultant for all services satisfactorily performed in accordance with this Agreement, up to the date the termination notice is given.

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

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

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

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

**7.4** The mediation process shall provide for the selection within fifteen (15) days by both Parties of a disinterested mediator with at least ten (10) years' experience in the field of law subject to the dispute to serve as the mediator, shall be commenced within thirty (30) days of selection of a mediator, and shall be concluded within fifteen (15) days from the commencement of the mediation.

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

**7.6** The dispute resolution process is a material condition to this Agreement and must be exhausted prior to either Party initiating legal action. If, for any dispute or claim to which this Section applies, any Party commences an action without first attempting to resolve the matter through the process set forth in this Section, or refuses to comply with this Section after a request has been made, then that Party shall not be entitled to recover attorney fees, even if they would otherwise be available to that party in any such action. This dispute resolution process is not intended to nor shall be construed to change the time periods for filing a claim or action specified by Government Code §§ 900 *et seq.*

**8. Ownership of Work.** All original documents prepared by Consultant for this Agreement, whether complete or in progress, are the property of the City, and shall be given to the City at the

completion of Consultant's services, 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. Consultant shall be solely responsible for, and shall save the City harmless from, all matters relating to the payment of Consultant's employees, agents, subcontractors and subconsultants, including compliance with social security requirements, federal and State income tax withholding and all other regulations governing employer-employee relations.

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

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

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

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

To City:

City of Tracy  
Karin Schnaider  
Assistant City Manager  
333 Civic Center Plaza  
Tracy, CA 95376

To Consultant:

Willdan Engineering  
Jonathan R. Mitchell, P.E.  
Director  
2240 Douglas Blvd. Suite 270  
Roseville, CA 95661

With a copy to:  
City Attorney

333 Civic Center Plaza  
Tracy, CA 95376

**13. Miscellaneous.**

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

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

**13.3 Waivers.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement. No waiver shall be effective unless it is in writing and signed by the waiving party.

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

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

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

**13.6.1 Prevailing Wage Laws.** Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates; employment of apprentices (§ 1777.5), certified payroll records (§1776), hours of labor (§1813 and §1815), debarment of contractors and subcontractors (§1777.1) and the performance of other requirements on "public works" and "maintenance" projects. If the services being performed under this Agreement are part of a "public works" or "maintenance" project, as defined in the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. These prevailing rates are on file with the City and are available online at <http://www.dir.ca.gov/DLSR>. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents, harmless from any and all claims, costs, penalties, or interests arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

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

**13.7 Business Entity Status.** Consultant is responsible for filing all required documents and/or forms with the California Secretary of State and meeting all requirements of the Franchise Tax Board, to the extent such requirements apply to Consultant. By entering into this Agreement, Consultant represents that it is authorized to do business in California, in good standing with the Secretary of State, and in good standing with all agencies having jurisdiction over Consultant (including any licensing agencies). If Consultant is a suspended entity at the time, it enters this Agreement, City may take steps to have this Agreement declared voidable.

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

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

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

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

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

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

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

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

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

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

City of Tracy

DocuSigned by:  
*Midori Lichtwardt*  
By: Midori Lichtwardt  
Title: City Manager  
Date: 12/19/2024 | 5:52 PM PST

Attest:  
DocuSigned by:  
*Adrianne Richardson*  
Adrianne Richardson, City Clerk

Approved as to form:

DocuSigned by:  
*Bijal Patel*  
Bijal M. Patel, City Attorney

Willdan Engineering

DocuSigned by:  
*Vanessa Munoz*  
By: Vanessa Munoz  
Title: President  
Date: 12/18/2024 | 5:47 PM PST

Federal Employer Tax ID No.  
952295858

Signed by:  
*Kate Nguyen*  
By: Kate Nguyen  
Title: Corporate Executive Secretary  
Date: 12/18/2024 | 5:48 PM PST

Exhibits:

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

## EXHIBIT A – Scope of Work

**Scope of Services – City of Tracy City Engineer and Engineering Support and Technical Services**

Willdan is very familiar with municipal engineering services typically required in providing city engineer, and associated municipal technical and engineering responsibilities, including traffic engineer, land development reviews, and capital improvement project services to cities across California. The following presents the proposed scope of Services typically required in the City Engineer and associated municipal support role but is not necessarily limited to the services that Willdan will provide.

**A. City Engineer**

Willdan will provide Jonathan Mitchell, PE, to serve as the City's designated "City Engineer," who will collaborate with the following City staff to coordinate and develop engineering scope and project delivery tasks. The following City staff have the authority to authorize engineering tasks to be performed under the direction of the City Engineer: Midori Lichtwardt, City Manager; Karin Schnaider, Assistant City Manager; Arturo Sanchez, Assistant City Manager; Forrest Ebbs, Community and Economic Development Director; Gordon Mackay, Director of Public Works..

Willdan will provide Heba El-Guindy, TE, P.Eng. as the Supervising Engineer reporting to the City Engineer, and also performing day to day engineering and engineering leadership functions under the oversight of the City Engineer. Heba El-Guindy will be a full-time engineering team member for the City and available for regular on-site hours to support on-site management and oversight for engineering program and project delivery needs. It is understood that the Department of Economic and Community Development (CED) is on-site at City Hall from Tuesday through Thursday. As reasonable, based on management of workflow and efficient production, the Supervising Engineer will work to achieve sufficient on-site overlap for effective coordination with the CED Department. For tasks that Ms. El-Guindy is not designated to perform, the City Engineer will be available off-site for electronic or telephone communication with City staff, public officials, community leaders, developers, contractors, utilities, public agencies, and the general public. The City Engineer will also perform on-site duties from time to time, as required, this may be approximately 5hrs per week for the sealing of approved engineering submittals and required management and coordination. The onsite time for the City Engineer will be refined based on actual experience with the volume of submittals requiring approval and required timeframe. Reasonable effort will be made to balance the cost of on-site vs. shipping costs as volume dictates, in context of other on-site coordination or management requirements. The City Engineer and on-site designee, Supervising Engineer Heba El-Guindy tasks may include, but not be limited to, the following:

1. Review and approve, signing as the City Engineer all final plans and specifications for CIP and land development construction projects, subdivision maps, and other engineering submittals requiring the approval of the City Engineer.
2. Attend public meetings, including City Council, Planning Commission, and Traffic and Safety Commission meetings; and staff-level meetings with City staff, public officials, community leaders, developers, contractors, utilities, public agencies, and the general public.
3. Prepare, recommend, and administer long- and short-range programs consistent with the economic capabilities of the City. This includes the preparation of any and all documentation related to the City's annual Capital Improvement Program (CIP) project budgets.
4. Identify current and future CIP projects, recommend those future CIP projects to the Director of Public Works/Facilities for inclusion in the upcoming fiscal year's CIP project budget, and



document budget, scope, schedule, status, organizational responsibility (including other Professional Engineering Firms) and funding sources for CIP projects.

5. Conduct bi-weekly CIP Update meetings, tracking all CIP projects, including task and deliverable status, funding/budget status. Based on these meetings, coordination will occur directly with the Director of Public Works, the Director of Community and Economic Development, and the City Manager's Office.
6. Coordinate all aspects needed to deliver the City's CIP projects, including managing design consultants, consultant project managers, and consultant construction managers.
7. Review and comment on private development projects, including private development construction plans, infrastructure and utility plans, site plans, or subdivision maps for compliance with City-adopted design standards, subdivision standards, including review of the following:
  - a. Map Plans: Review tentative maps, final maps, easement deeds and lot line adjustments, and comply with the Conditions of Approval as set by City staff, City commissions, and the City Council. Consultant shall check and review map boundaries, metes and bounds, and field check final documentation prior to bond exoneration.
  - b. Hydrology and Hydraulics Plans: Review hydrology and hydraulic studies in compliance with applicable drainage design standards, Hydrology Manuals, Local Drainage Manuals, and utilize appropriate Hydrology and Hydraulics software programs.
  - c. Street Improvement Plans: Review street, drainage, and traffic control plans in compliance with the following: City standards, Standard Plans and Specifications for Public Works Construction (Greenbook), MUTCD, Caltrans Highway Design Manual, Caltrans Traffic Manual, Caltrans Standard Plans and Specifications, Hydrology Manuals, Local Drainage Manuals, the Americans with Disabilities Act, and California Title 24 requirements.
  - d. Structural Improvement Plans and calculations.
8. Provide general engineering consultation in connection with problems such as traffic congestion, need for traffic calming, parking issues, street signs programs, water services, etc.
9. Recommend policies, regulations and/or ordinances pertaining to engineering matters.
10. Provide technical advice for the City's personnel assigned in coordination with Public Works for maintenance activities.
11. Advise the City regarding engineering, construction financing, and grant funding opportunities available from other governmental agencies and, when so directed, prepare and initiate applications for such funding opportunities.
12. Make recommendations pertaining to land development project control.
13. Establish working relationships and coordination with all other public agencies and private utilities involving engineering matters affecting the City.
14. Conduct field investigations of various engineering issues.
15. Assist the City with the processing of required federal, state and regional permits.
16. Assist the City with processing grant applications and administration of awarded grants.

17. Perform miscellaneous engineering tasks, feasibility studies, investigations, and other duties as directed by the City.
18. Establish working relationships with adjacent agencies, utilities, federal, state and regional agencies, and special districts.

## **B. As-Needed Traffic Engineer**

Willdan will provide as-needed Traffic Engineering services. Traffic engineering services may include, but not be limited to, the following:

1. Advise and assist the City's departments, commissions, committees, and the City Council on various traffic-related issues and provide interface with regional and State transportation agencies.
2. Assess the potential traffic impact of proposed development/redevelopment projects.
3. When requested by the City, prepare engineering reports to the Traffic and Safety Commission in response to requests for traffic control device installations and modifications, including, but not limited to, stop signs, crosswalks, traffic channelization, speed humps/bumps, parking restrictions, and speed zones; disabled parking requests; permit parking district requests; and any other traffic-related matters within the purview of the applicable traffic and safety commission.
4. Prepare grant applications for funding from federal, state, and regional/local agencies for traffic safety studies and improvements.
5. Identify, review, and develop recommendations for corrective measures at locations experiencing accident rates higher than normally anticipated.
6. Provide technical advice to the City's staff in connection with the maintenance and operation of the City's traffic signal facilities.
7. Conduct or review traffic engineering, traffic analysis, speed analysis, and transportation planning studies or project-specific traffic-related issues.
8. Provide comprehensive analysis of existing and projected traffic conditions.
9. Provide electronic traffic control device studies and design including, but not limited to, signs, signals, pavement markings, pedestrian flashers, and rectangular rapid flashing beacons.
10. Perform pedestrian studies, including those to provide safe routes to school.
11. Review subdivision or new development projects involving traffic impact analyses.
12. Monitor compliance with traffic standards including, but not limited to, the CA Manual on Uniform Traffic Control Devices (CA MUTCD).
13. Perform miscellaneous traffic engineering services.

## **C. Permit Management and Inspection**

As required, Willdan will provide Permit Inspecting services based on development and capital project delivery needs or as requested in support of Public Works or Development Services projects encompassing water, sewer, storm drains, pipelines, curb and gutter, sidewalks, asphalt concrete placement, street rehabilitation, construction and street restoration and the review of conformance to approved development and capital improvement plans and City standards. The Inspector's tasks may include, but not be limited to, the following:

1. Receive, review, and process permit applications; assess permit fees; and issue permits to applicants.

2. Handle permit and other engineering-related matters and inquiries, including responding to inquiries from permittees or potential permit applicants.
3. Provide construction inspection/observation of permit work within the public right-of-way, including issuing correction notices, if necessary, and closing out final permits.
4. Provide inspection reports based on completed field review.
5. Issue stop-work notices for unpermitted work.
6. Maintain a log of permits, showing the permit status.
7. Verify permittees are complying with minimum construction BMPs to prevent construction debris from entering the storm drain system.

## **D. As-Needed Water Engineer**

Willdan will provide water engineering services for program management in the fields of water resources, wastewater planning and design, CIP project design and construction, and stormwater management. The water engineer's tasks may include, but not be limited to, the following:

1. Attend meetings regarding the City's Water System.
2. Review water policy issues for the City.
3. Assess the potential impact of proposed development and/or redevelopment projects on the City's Water System.
4. Prepare water studies, water master plans, water conservation plans, or other similar water-related plans.
5. Provide technical advice to City staff regarding the maintenance and operation of the City's water system.
6. Review potential regulations impacting the City's Water System.
7. Provide technical memorandums on recommended water treatment systems, including treatment for PFAS, metals, and other compounds or pollutants of concern affecting water quality.

## **E. As-Needed Development Engineer**

Willdan will provide as-needed development engineering services including complete land development review from project inception and planning through City approval and permitting while coordinating with the Community Development Department/Planning Division. Willdan's Development Engineer tasks may include, but not be limited to, the following:

1. Attend public meetings, including meetings of the City Council and Planning Commission and meetings with City staff, public officials, community leaders, developers, contractors, and the general public.
2. Review and comment on planning programs and land development projects.
3. Provide general engineering consultation in connection with the business of the Community Development Department/Planning Division.
4. Review tentative and final tract and parcel maps, site plans, and other submittals for developments and make recommendations as to engineering matters until final action is taken by the City.
5. Review, check, and approve land divisions.
6. Check all improvement plans prepared by private developers for facilities under the jurisdiction of the City.

7. While Willdan's land development engineer does not typically establish performance and labor and material bond amounts or posting of such securities for land development projects, Willdan staff will assist as required.
8. Provide field inspection during construction of such improvements by private developers and, at the proper time, recommend notices of completion, development of punch lists, and acceptance of work.
9. Provide such necessary and related functions as are normal practice of the City in the City engineering review of private developments.

## **F. As-Needed Engineering/CIP Project Design, Project Management & Administration, Funding Management, Construction Management, Construction Inspection, and Labor Compliance Services**

Willdan will provide as-needed CIP project design, project management & administration, funding management, construction management and inspection, and labor compliance services through qualified individuals at the request of the City. All of Willdan's design and construction management/inspection staff satisfy requirement in providing design and construction engineering services to municipalities in California and have performed these services for California municipalities within the past twelve (12) months. Willdan's team includes professional engineers registered in the State of California who are qualified to stamp plans, specifications, engineering reports and/or studies. Willdan's tasks may include, but not be limited to, the following:

### **1. CIP Project Design Services**

#### **a) General Design Services**

1. Prepare preliminary and final design for CIP projects, including plans, specifications, design calculations, analysis and project design schedules as required by the conditions on the respective project.
2. Prepare plans and specifications in accordance with a format appropriate for the respective project, including City standard plans and specifications, "Greenbook" Standard Specifications for Public Works Construction and Standard Plans for Public Works Construction, Caltrans standards, or Construction Specifications Institute (CSI) standards.
3. Conduct all field, topographic, and control surveys; prepare (or cause to be prepared) all geotechnical studies and reports; obtain title reports for adjacent properties as required; and include survey by a licensed surveyor of all property lines and easements for anticipated right-of-way and easement acquisitions. All topographic survey, property lines, and easements shall be mapped and accurately provided in AutoCAD format for use during design.
4. Provide 30% conceptual plans, as well as 60%, 90%, and 100% plans, specifications, and estimate (PS&E) submittal packages for City review.
5. Prepare project cost estimates and perform field reviews as needed and perform peer review services for general compliance.
6. Prepare utility coordination letters and coordinate with all utilities to obtain existing utility record plans, as-builts, schematics, etc. The existing utility information shall be shown on the final design plans.
7. Prepare feasibility studies as needed.

8. Prepare final bid documents incorporating all comments from previous reviews. Final plans shall be plotted electronically to PDF in full size, and shall be signed by the engineer in responsible charge licensed in the State of California.
9. Attend pre-bid meetings to address any questions about the project.
10. Assist in the preparation of any necessary addenda that may be required.
11. Review and respond to contractors' Requests for Information, as well as review and approve submittals.
12. Attend pre-construction meetings.
13. Review, prepare and approve shop drawings.
14. Coordinate with pertinent regulatory agencies, stakeholders, material and equipment suppliers and assist the City with obtaining approvals and permits as may be required from applicable agencies, jurisdictions and utility providers, including County, Water District, Transportation Authority/Commissions, Caltrans, or other federal, state, regional, and local agencies.

**b) Land Surveying**

1. Provide field and office land surveying services for the construction of municipal improvements including facilities, streets, traffic signals, walls, bridges, trails, storm drains, channels, and utilities. All work is to be performed under the direct supervision and charge of a registered land surveyor in the State of California.
2. Land surveying services may include the following:
  - a. Monument perpetuation in compliance with California Business and Professions Code, Section 8771
  - b. Geographical Positioning Systems (GPS)
  - c. Topographical and preliminary design surveys
  - d. Aerial Photography
  - e. Construction survey staking and earthwork
  - f. "As built" surveys/plans of completed improvements
  - g. Title and records research for right-of-way engineering, property acquisitions, dedications, vacations, and boundary surveys
  - h. Preparation of legal descriptions for easements, dedications, and leases
  - i. Preparation of survey records, corner records, parcel maps, tract maps, and lot line adjustments

**c) Environmental Compliance and Permitting**

1. Determine all environmental documentation and permits needed to deliver the respective project. Based on the assessment, Willdan will prepare environmental review documentation and related materials for processing by the City; and obtain all necessary permits required by federal, state, and local agencies to ensure the project is cleared for construction.
2. Prepare, or cause to be prepared, appropriate California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) documentation and any associated technical studies. The documentation may include, but not be limited to, the following:
  - a) CEQA Notice of Exemption/NEPA PES (Caltrans), Part 58 Forms (HUD) for Categorical Exclusions

- b) CEQA Initial Study/NEPA Environmental Assessment
  - c) CEQA Negative Declaration/NEPA Finding of No Significant Effect (FONSI)
  - d) CEQA Mitigated Negative Declaration
  - e) CEQA Environmental Impact Report (EIR)/NEPA Environmental Impact Statement (EIS)
  - f) Technical Studies (e.g., Cultural, Biological Assessments, Air Quality, VMT)
  - g) Regulatory agency permitting
- 3. Prepare a schedule of permits with the required timelines to ensure each permit is obtained prior to the start of construction.
- 4. Prepare all environmental documents in preliminary and final draft stages for City review and incorporate any comments made during the preliminary document review. Upload required documents to the California CEQAnet database and file notices with the County Clerk-Recorder.
- 5. Coordinate and manage the environmental document approval process, including all public review and hearings that may be required.
- d) Geotechnical Engineering and Materials Testing**
  - 1. Provide, or cause to be completed, Geotechnical Engineering and Materials Testing Services, including the following:
    - a) Laboratory testing
    - b) Materials sampling and field testing
    - c) Drilling/subsurface exploration; pavement coring
    - d) Geophysical Investigation
    - e) Pavement rehabilitation evaluation/recommendation; identify pavement dig-out areas for pavement resurfacing projects.
    - f) Geological/Geotechnical Engineering
    - g) Source Inspection Quality Management Plan (SIQMP) Reports
    - h) Materials/Foundation/Geotechnical Design Reports
    - i) Soils Reports
    - j) Specialty Testing
- e) Landscape Architectural Services**
  - 1. Willdan will provide Landscape Architect Services for City parks, trails, street medians and parking lots, including dog parks and other approved park projects. Services to be provided include the following:
    - a) Landscape architecture preparation of plans, specifications, estimates, and scheduling.
    - b) Complete data collection including, but not limited to, file review, General Plan review, scoping meetings, boundary and topographic surveying, research of existing utility locations, and engineering studies.
    - c) Coordinate with City staff and consultants for CIP projects and other City projects.

- d) Provide conceptual design and alternative development plans and schematic plans including 3D modeling and videos of the project, as needed.
- e) Conduct informational workshops, status meetings, and presentations to City officials, as needed.
- f) Provide information regarding any additional services that may benefit the City.
- g) Other related services as requested/directed by the City.

## **2. Project Management & Administration**

### **a) Willdan will perform the following tasks:**

- 1. Assist City staff in scoping, developing, and scheduling capital projects.
- 2. Prepare RFQs and RFPs, as necessary.
- 3. Assist City staff with coordination with other City departments, agencies, utilities, and community as required; monitoring budget and schedule; community outreach as required; and serving as the City's owner representative in all aspects of the project process, as directed by the City.

## **3. Funding Management**

- a)** Willdan will manage the local, state, or federal funding and reporting to the respective funding agencies including Caltrans, FHWA, FTA, HUD, State Parks, etc.

## **4. Construction Management and Inspection Services**

- a)** Willdan will provide professional engineers/construction managers with required experience in administering CIP projects. Willdan staff is well versed in all aspects of construction administration, including project scheduling, project controls, project management, partnering, and claims resolution, in order to ensure project completion is on time and within the established budget of the respective project. Projects in the City vary in size, magnitude, and scope, including street improvements, civil infrastructure, facility improvements, park improvements, storm drain, pipeline or utility improvements, and traffic signal improvements. Willdan will provide experienced personnel, equipment, and facilities to perform the following tasks:

- a. Provide and maintain contract administration and full-time project inspection for the duration of each respective project.
- b. Coordinate meetings with City representatives, contractors, and other agencies related to the project, including scheduling and chairing pre-construction meetings and progress meetings; providing assistance in responding to all questions in a timely manner and preparing meeting minutes.
- c. Establish coordination and communication procedures among project participants.
- d. Provide videotape and photographic documentation of the project site prior to and during construction.
- e. Assist the City's representatives in conducting and coordinating field meetings with contractors and act as the City's liaison for coordination and communication with other agencies, engineers, and architects as needed.
- f. Coordinate with design engineers and project managers on design issues encountered during construction.

- g. Coordinate and facilitate coordination with utility companies and the contractor.
- h. Provide public outreach services as required.
- i. Review the project contract documents and perform a constructability review.
- j. Review the contractor's submittals in accordance with the requirements of the project specifications and the City's requirements prior to final approval.
- k. Review and respond to all project Requests for Information (RFIs) in a timely manner.
- l. Review and facilitate submittals and shop drawings.
- m. Establish and implement procedures for processing and expediting RFIs/Requests for Clarification (RFCs), approval of shop drawing submittals, approval of material and equipment sample submittals, approval of contract schedule adjustments, negotiate and recommend for approval of change orders, substitutions and review and recommend for approval of payment requests; and provide document management including maintain logs for RFIs/RFCs, change orders, submittals, Requests for Quotations, Correction Notices, Stop Work Notices, and other related construction documents.
- n. Log compliance with environmental documentation and stormwater compliance, including the proper implementation of construction stormwater best management practices (BMPs).
- o. Review, negotiate, process, and monitor contract change orders with the City's approval.
- p. Review extra work invoices and time and material tickets.
- q. Provide construction inspection and quality control services, including assisting with the scheduling of any applicable specialty inspections that may be required for a project, such as concrete work, electrical/telemetry, structural, and equipment testing; and ensure specialty inspectors have all necessary certifications.
- r. Monitor the contractor's compliance with all applicable permitting requirements, agency requirements, local regulations, and utility requirements.
- s. Verify that the contractor used proper materials and equipment and that all street and facility construction, street restoration, and site improvements are properly completed in accordance with the plans and specifications.
- t. Verify the protection of existing survey monuments and their restoration, including informing the contractor of these requirements at the pre-construction meeting.
- u. Monitor the contractor's implementation of minimum construction BMPs or BMPs prescribed by the construction SWPPP for sites covered by the State General Construction Activity Stormwater Permit.
- v. Provide construction material testing, geotechnical testing, and compaction testing.
- w. Review material testing for compliance with the contract documents.
- x. Monitor the contractor's safety program and performance as required for compliance with Cal/OSHA; and identify and issue notices to the contractor for any safety concerns or violations.



- y. Participate and assist in conducting final inspection, testing, and release of facilities.
- z. Review and approve record drawings at project completion.
- aa. Assist in the preparation of pay estimates in accordance with the inspection daily report.
- bb. Assist in the preparation of contractor's monthly pay estimates.
- cc. Report all unresolved issues and potential claims to the City's representative in writing; evaluate all contractor claims and coordinate the resolution of conflicts in the plans and/or specifications, contractor-suggested design changes, and design changes necessitated by unforeseen field conditions.
- dd. Review the contractor's CPM schedule and monitor updates.
- ee. Provide status updates and comprehensive reports with construction updates as required, consisting of the project progress, any compliance issues, and most recent logs for submittals, change orders, RFIs, materials testing, project photos, and any other pertinent information concerning the status of the project.
- ff. Prepare the preliminary and final project punch list and verify the completion of punch list items by the contractor for final acceptance by the City.
- gg. Monitor the maintenance of the project record drawings during construction and the final preparation of "as-built" drawings after project completion.
- hh. Assist in project closeout; prepare all documentation needed for project closeout, including assembling all warranties, guarantees, and operation and maintenance manuals.
- ii. Submit a final construction management report summarizing the project history, including major problems, claims and recommendations, and actions taken for corrective action.
- jj. For most typical CIP projects, full-time inspection will be 8 hours per day and construction management will be 4 hours per day for the duration of the project, subject to modification based on the actual project scope and needs.

## 5. Labor Compliance

- a) Willdan will coordinate with the City's Labor Compliance Consultant for the necessary labor compliance monitoring for each respective CIP project. If the City's Labor Compliance Consultant cannot provide the necessary labor compliance services, then Willdan will provide these services. These services shall include, but not be limited to, the following:
  - a. Provide labor compliance services for construction project activities with reporting as required by federal, state, or county regulations as needed.
  - b. Review certified payroll and conduct on-site interviews as required.
  - c. Prepare final reporting documents in a format in accordance with granting agency requirements.
  - d. Assist the City in preparing for any project audits.
  - e. Attend audits in support of staff and ensure that the proper documents are available.

## Federally Funded Project Caveat

It is our understanding that the City intends to construct multiple transportation projects that are state and federally funded. In addition to the services described above, these projects may require additional or specific services as described below in compliance with the Caltrans Local Assistance Procedure Manual (LAPM). Willdan will perform site investigations, cost estimating, planning, land surveying, preliminary engineering, civil engineering design, construction support and other services as deemed necessary by the City, for which Willdan is qualified, related to federal and state-funded projects, and charge these services in accordance with the categories above. Willdan may provide services to the City including, but not limited to, the following:

- **Project Management** – Willdan will provide project management activities throughout the life of the contract and the scope of activities includes, but is not limited to, coordinating and scheduling meetings, managing the project schedule, preparing and distributing minutes, field reviews, tracking action items for the City and Willdan's subcontractors, and preparing submissions for the City to submit to Caltrans Local Assistance.
- **Preliminary Engineering Studies** – Develop general project locations and design concepts and related activities needed to establish the parameters for the final design, such as Geometrics, Hydraulics, Geotechnical, Bridge, Landscape Architecture, Traffic Operations, Electrical, ITS Elements, etc.
- **Surveys and Mapping** – Willdan will be responsible for data collection, mapping and surveying necessary for preliminary engineering, design, cost estimates, right-of-way impacts, and the level of environmental clearance. The scope of comprehensive base mapping and surveying includes Control Surveys, Aerial Photogrammetry, Design Level Topographic Surveys, Right-of-Way mapping and property boundary mapping required for property acquisitions, and a Record of Survey.
- **Environmental Studies and Documentation** – Complete the environmental review; including preparation of Caltrans Preliminary Environmental Study and all other technical studies and documents required to comply with CEQA and NEPA and to obtain environmental clearance from Caltrans.
- **Utility Coordination** – Submit improvement plans to utility companies in accordance with their requirements. Coordinate utility relocations, including relocation of the utility poles, as needed. Prepare documentation required to obtain utility clearance from Caltrans.
- **Right-of-Way Phase & Determination** – Willdan will prepare the Request for Authorization to advance a project to the Right-of-Way Phase using procedures outlined in the Caltrans Local Assistance Procedures Manual. When authorized, Willdan will review right-of-way records and establish additional right-of-way along the entire alignment, if necessary. Willdan will prepare all documents required to obtain right-of-way clearance from Caltrans. Willdan will also support City staff in negotiations with property owners for property acquisition and in coordinating improvements affecting improvements on private property and necessitating Temporary Construction Easements.
- **Design** – Design the improvements and prepare the plans, specifications, and estimates in accordance with Caltrans Standards and AASHTO Geometric Design guidelines to achieve project objectives. Willdan will examine and present project alternatives, as necessary, which complete project goals within the construction budget. PS&E shall be submitted to the City at 30%, 60%, 90%, and final contract documents.
- **Construction Phase Authorization** – Willdan will prepare the Request for Authorization to advance the project to Construction using procedures outlined in the Caltrans Local Assistance Procedures Manual.

- **Bid Process** – Provide an electronic copy of the final approved plans and specifications, a mylar copy of the final approved plans, and a hard copy of the final approved specifications. The electronic copy of the plans shall be provided as both AutoCAD files and PDF files, and the electronic copy of the specifications shall be provided in both Microsoft Word format and PDF format. Willdan will make copies of contract documents and will distribute them to plan rooms and contractors. Willdan will respond to questions that arise during the bid phase and prepare addendums that will be distributed by the City, as necessary.
- **Construction Support** – Willdan will provide support during construction to the City. This shall include, but not be limited to, review of submittals and shop drawings, responding to Requests for Information, modifications to the design in response to changed conditions encountered during construction, and assistance in the review and analysis of proposed Change Order proposals. Attendance at weekly progress meetings may be required.
- **Grant Administration** – Willdan will prepare Requests for Authorization (RFA) to Caltrans Local Assistance for the various phases of work including, but not limited to, the following: 1) Preliminary Engineering (PE) & DBE Goal Setting; 2) Right of Way (R/W); 3) Utility Relocation (RW/UTIL); and 4) Construction (CON).

Willdan will prepare the Award Package and Final Report of Expenditures to Caltrans and assist the City in the preparation of federal and state invoices and requests for reimbursement. These services shall be in accordance with Caltrans Standards, FHWA Standards, and the City's Standards.

## G. As-Needed Other/Additional Engineering Services

It is our understanding that the City may require other/additional engineering and administrative services. Willdan will provide as-needed other/additional engineering services through qualified individuals at the request of the City. Willdan will provide, but not limited to, the following tasks:

1. Project administration, grant administration, and contract administration for projects or programs not related to Category F (Public Works/CIP Projects).
2. Miscellaneous engineering, technical and field review services as needs arise.
3. Provide all engineering and technical support services as requested by the City, required to perform all municipal engineering functions relevant or required for the operations, planning, development, and project delivery for the City of Tracy, the City Public, development community as well as associated commissions, utility providers, community groups and federal, state and local organizations and agencies. This may include water and wastewater engineering, sewer planning and capacity studies, treatment plant and associated collection and distribution design and operational engineering tasks.
4. Financial services associated with engineering nexus studies and the completion of required engineering nexus studies, including development engineering fee items, rate studies and associated road and infrastructure mitigation fee programs. Financial studies and reports, planning or development of funding, phasing or financing options for the delivery of City infrastructure improvements and CIP projects.
5. Engineering support associated with all elements of City facility and infrastructure development, including parks and rec., creek and drainage, operation and engineering associated with City operated public facility and infrastructure.
6. Engineering and field support associated with creeks, channels, and water distribution and collection, including maintenance coordination and capital project development, design and administration.

7. Sub-consultants may be required and contracted on behalf of specific municipal tasks as requested by the City. Subconsultant tasks may include biological or environmental services including specific technical studies, as well as geotechnical and utility investigation services or other specialized services that are municipal engineering in nature.
8. Completion of all plan and map checking services associated with new development activities
9. Performance of any Building and Safety or Building Official responsibilities on behalf of the City, including building plan review, building inspection services, fire safety, associated building and safety technical and engineering review services.
10. Completion of municipal Planning services associated with engineering project development or City development projects
11. Municipal energy services including energy project services City representative for the performance of design-build energy efficiency projects, including city facilities and building evaluations and energy efficiency improvement projects, HVAC and building controls, solar and fleet electrification planning and design, utility grid, storage and energy management planning and delivery services. Willdan to provide services and recommendations for utility incentives and rebates, energy analysis, design, construction management, system optimization and inspection services.

## H. NPDES Stormwater Compliance Consultant Services

Willdan has extensive experience with the various stormwater requirements contained in the Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit, and State General Construction and General Industrial Activity Permits (CGP and IGP) issued by the Regional Water Quality Control Board (RWQCB) and the State Water Resources Control Board (SWRCB), respectively. Willdan will provide the City with NPDES Stormwater Compliance Consultant Services. Willdan's tasks will include, but not be limited to the following:

### 1. Stormwater Management Program Minimum Control Measures Compliance

Willdan will ensure compliance with the requirements for Progressive Enforcement and Interagency Coordination, Public Information and Participation Program, Industrial/Commercial Facilities Program, Planning and Land Development Program, Construction Program, Public Agency Activities Program, Illicit Discharge Detection and Elimination Program contained in the most recent MS4 NPDES Permit. These tasks will include the following:

#### a. Industrial/Commercial Facilities Program

##### **Track Critical Industrial/Commercial Sources**

- Review City databases to update the inventory of industrial/commercial facilities subject to a stormwater inspection
- Track facilities (industrial and commercial sources) using a GIS-based inventory using an electronic database
- Track inspection reports and enforcement actions with an electronic database

##### **Educate Industrial/Commercial Sources**

- Notify facility operators of applicable Best Management Practice (BMP) requirements
- Develop and implement a Business Assistance Program
- Develop educational materials to be distributed to facilities

### **Inspect Critical Industrial/Commercial Sources**

- Inspect State NPDES Permitted industrial facilities for proper BMP implementation
- Inspect commercial/light industrial facilities for proper BMP implementation
- Inspect eating establishments and nurseries for proper BMP implementation
- Verify the implementation of the Commercial and Industrial Source Control BMPs identified on Table 6 of the MS4 NPDES Permit

### **Monitor Compliance (Implement Progressive Enforcement)**

- Follow-up at non-compliant facilities within 4 weeks
- Prepare formal violation notices following City's municipal code
- Manage program and implement quality assurance/quality control (QA/QC) procedures
- Train City staff

Willdan will monitor and notify the City when the required Industrial/Commercial Facilities Control Program inspections will need to be conducted to remain in compliance with the MS4 NPDES Permit. Willdan will perform the industrial/commercial facility stormwater inspections with the following minimum program elements: (1) tracking, (2) education, (3) inspection, and (4) ensuring compliance with the municipal ordinance at industrial and commercial facilities that are critical sources of pollutants in stormwater.

Willdan's industrial/commercial facility stormwater inspections will include the following components:

1. Information Gathering. Willdan will gather the following information during the inspection of each industrial or commercial facility to assist the City in updating its watershed-based inventory as required by the RWQCB:
  - a. Name of facility;
  - b. Name of owner/operator and contact information;
  - c. Address of facility (physical and mailing);
  - d. The latitude/longitude coordinates;
  - e. Standard Industrial Classification (SIC) code;
  - f. North American Industry Classification System (NAICS) code (optional);
  - g. A narrative description of the activities performed and/or principal products produced;
  - h. Status of exposure of materials to storm water;
  - i. Name of receiving water;
  - j. Identification of facilities that have active coverage under the General NPDES Permit for the Discharge of Storm Water Associated with Industrial Activities (Industrial General Permit) or other individual or general NPDES permits. For facilities with active coverage under the Industrial General Permit, the type of coverage (i.e., Notice of Intent or No Exposure Certification) and the Waste Discharge Identification (WDID) number shall be included;
  - k. Identification of facilities that have filed a Notice of Non-Applicability (NONA) or any applicable waiver or pertaining to stormwater discharges;
  - l. Date and description of outreach; and Date(s) of inspection(s).

2. **Inspections.** Willdan will list the number of industrial/commercial facilities subject to a stormwater inspection based on the City's most recent business license inventory or other readily available database of industrial/commercial facilities subject to a stormwater inspection, including restaurants, auto repair/services facilities, retail gas stations, and industrial facilities. Willdan will ensure industrial/commercial facility stormwater inspections are conducted by qualified and certified stormwater inspectors as required by the MS4 NPDES Permit. Willdan will update the inventory of critical sources at least once every two years on behalf of the City. The update shall be accomplished through the collection of new information obtained through field activities or through other readily available inter- and intra-agency informational databases (e.g., business licenses, pretreatment permits, sanitary sewer connection permits, and similar information).
3. **Education.** Willdan will notify the owner/operator of each of its inventoried commercial and industrial sites of the BMP requirements applicable to the site/source. Willdan's inspector will provide the owner with the required BMP information on a City-approved handout. More specifically, Willdan's inspector will distribute stormwater pollution prevention educational materials to operators of auto facilities, restaurants, industrial facilities, and mobile businesses. This will also meet the requirement of the City to implement a Business Assistance Program to provide technical information to businesses to facilitate their efforts to reduce the discharge of pollutants in stormwater.
4. **Schedule.** Willdan will provide a schedule for the completion of the required industrial/commercial facility stormwater inspections, including any required reinspection due to violations. Willdan will provide the City with inspection records and provide the information to the City in an electronic database. For facilities with violations, a reinspection will be completed within 4 weeks of the initial inspection. A notice of compliance/violation will be forwarded to the owner within one week of the inspection, notifying them of the violation and informing them of the reinspection.
5. **Scope of Industrial/Commercial Facilities Stormwater Inspections**

**Commercial Facilities:** Willdan will inspect commercial facilities subject to a stormwater inspection every two years. Willdan will inspect these facilities to confirm that stormwater and non-stormwater BMPs are being effectively implemented in compliance with municipal ordinances. At each facility, inspectors shall verify that the operator is implementing effective source control BMPs for the pollutants generated by the commercial activity. Likewise, for those BMPs that are not adequately protective of water quality, Willdan, as authorized by the City, may require a commercial facility to install additional site-specific controls. Each inspection shall be documented by an inspection report that includes a summary of the inspection, conclusion, and photos.

**Industrial Facilities:** Willdan will inspect industrial facilities subject to a stormwater inspection every two years for facilities that have exposure to stormwater and every five years for facilities that do not have exposure to stormwater. Willdan will inspect these facilities to confirm that:

- The facility is either enrolled in the Industrial General Permit (i.e., has an active WDID number).
- A Storm Water Pollution Prevention Plan (SWPPP) is developed and available at the facility.
- BMPs are being effectively implemented at the facility for all pollutants of concern.

Willdan will document each inspection with an inspection report that includes a summary of the inspection, conclusion, and photos. Willdan will also inform the RWQCB within 2 weeks after conducting the inspections, of any industrial facilities subject to coverage that do not have evidence of coverage through a current WDID number or a No Exposure Certification.

## **b. Planning and Land Development Program**

Willdan will perform the following:

### **Program Implementation**

- Verify the City has prepared and adopted a Low Impact Development (LID) ordinance
- Review or ensure LID plans are reviewed
- Prepare Post-construction BMP Maintenance Agreements/Covenants and ensure they are executed by the project developer/property owner and recorded by County Registrar-Recorder, if applicable
- Track projects and BMPs in an electronic database
- Track all inspection reports and enforcement actions
- Conduct BMP verification inspections
- Notify existing sites of maintenance requirements associated with RWQCB conformance and BMPs
- Conduct BMP maintenance inspections
- Conduct follow-up activities at non-compliant projects
- Manage Program, Implement QA/QC Procedures
- Train City staff as requested

## **c. Development Construction Program**

Willdan will perform the following:

- For sites less than one acre: review erosion control plans and track, inspect, and conduct follow-up site visits
- Inventory construction sites (>1 acre)
- Update the inventory of construction sites >1 acre monthly
- Track site inventory, inspections, and enforcement actions using an electronic database
- Review and approve Construction SWPPPs prior to the City's issuance of land disturbance permits
- Inspect >1 acre construction sites monthly for proper BMP implementation
- Monitor compliance (implement progressive enforcement)
- Follow-up at non-compliant facilities within 4 weeks
- Prepare formal violation notices following City's municipal code
- Train City staff
- Train plan reviewers and permitting staff in BMP standards and SWPPP requirements
- Train construction site inspection staff in BMP standards and SWPPP requirements
- Manage Program, Implement QA/QC Procedures

Willdan will coordinate the annual mandatory training sessions with pertinent City staff. Training topics will include the key components of the QSP and QSD Programs. Willdan will update and revise training documentation as necessary and will make the materials available for distribution to pertinent City staff. Turn-around time for SWPPP review will be two weeks. Inspections at State-permitted construction sites will be conducted once per month. Inspections at sites disturbing less than one acre but with enhanced control measures that exceed the minimum requirements will also be inspected once per month. Enforcement actions, when necessary, will be issued within one week. Follow-ups will be conducted within the timeframe provided in the enforcement action.

**d. Public Agency Activities Program**

Willdan will perform the following:

- Public Construction Activities (addressed by Development Construction Program)
- Inventory Public Facilities for 24 categories of public facilities, including pollutant sources
- Inventory Existing Development Retrofit Opportunities
- Identify and rank candidate retrofit areas using watershed model/screening tools
- Public Agency Facility and Activity Management
- Develop language to require contractors to implement BMPs
- Landscape, Park and Recreational Facilities Management
- Develop Integrated Pest Management Policy
- Storm Drain Operation and Maintenance
- Prioritize catch basins
- Assist with the installation of trash capture devices in high-priority areas
- Municipal Employee and contractor Training
- Train staff in targeted positions of requirements of the Public Agency Activities Program
- Manage Program, Implement QA/QC Procedures

**e. Illicit Discharge Detection and Elimination Program**

Willdan will perform the following:

- Monitor illicit discharges are investigated and eliminated
- Develop written procedures for illicit discharge investigation and elimination
- Investigate illicit discharge complaints and prepare investigation reports
- Conduct follow-up investigation to verify the elimination of detected illicit discharges
- Public reporting of non-stormwater discharges and spills
- Develop written procedures for tracking complaints
- Document complaints and investigations
- Develop Spill Response Plan
- Provide illicit connection and illicit discharge education and training
- Train City staff on illicit discharge identification, elimination, clean-up, reporting, and documentation
- Manage Program, Implement QA/QC Procedures

**f. Public Information and Participation Program**

Willdan will perform the following:

- Public Participation: Participate in a City event to promote public involvement in pollution prevention (as needed)
- Develop Residential Outreach Program
- Prepare an article for City media outlet
- Develop educational materials to address vehicle, house, yard, animal, and construction wastes
- Distribute materials at points of purchase (auto parts, home improvement, pet/feed stores, etc.)
- Verify the City's Public Works environmental/stormwater webpage contains required educational items
- Verify educational materials are provided to school children (if not addressed by L.A. County program)
- Manage Program, Implement QA/QC



## **g. Watershed Management/TMDL Programs**

Willdan will perform the following:

- Provide as-needed assistance with program development for any applicable Total Maximum Daily Loads (TMDLs) including, but not limited to, Bacteria, Metals, and Trash TMDLs:
- Watershed Control Measures: Provide as-needed assistance with implementation efforts, such as:
  - Public LID retrofit projects and green streets projects
  - Nonstructural and institutional watershed control measures
  - Non-stormwater discharge source identification
  - Trash Amendments compliance
- Monitor compliance with monitoring efforts undertaken by LARUR2-WMG WMP watershed consultants
- Adaptive Management: Provide as-needed assistance with program developments
- Representation: Provided as-needed City representation at any stormwater- related meetings as requested by the City

## **h. Monitoring and Reporting Program**

Willdan will perform the following:

- Reporting: Prepare the MS4 NPDES Annual Report, including MS4-related Reporting
- Reporting: Prepare the Semi-Annual MS4 NPDES Report, including MS4-related Reporting
- Monitor compliance with monitoring efforts undertaken by watershed consultants; if not provided then Willdan will coordinate any necessary monitoring
- Preparation of the Annual Report will include a first draft for review by the City one month prior to the annual submittal deadline, and a final draft for final review prior to the annual submittal deadline.

## **2. General Stormwater Compliance Consultant Assistance**

Willdan will perform the following:

- Represent City at relevant NPDES-related or Measure W-related meetings and update City staff
- Provide program updates to City staff and elected officials
- Provide assistance with the MS4 Permit renewal process, representing City interests in negotiations and communications with the RWCB, or U.S. EPA
- Provide assistance with other stormwater-related tasks as requested by the City
- Assist City staff with overall program management for MS4 NPDES Permit compliance (including preparation of documents for reports to the County and RWQCB)
- Provide an inventory of City facilities that are a potential source of stormwater pollution
- Provide an inventory of existing development to identify potential locations with retrofitting opportunities
- Develop BMPs for mitigation of stormwater pollution at City facilities
- Evaluate the City's landscape management program to ensure protocols are in place to properly manage the application and storage of pesticides and fertilizers to prevent stormwater pollution
- Assist City staff with public education/outreach activities, as requested by the City
- For development projects, ensure the City is issuing technical approval of SWPPPs and LID/SUSMP Plans
- Inspect construction sites to ensure the correct installation and operation of BMPs
- Post construction, conduct annual maintenance inspections to ensure correct operation of BMPs and LID Plans

## EXHIBIT B – Compensation

### Cost and Pricing

#### 1. Supervising Engineer, Full Time, 40hrs/week:

Heba El-Guindy, Supervising Engineer: Rate of \$198/Hr.; Rate includes milage and hotel for Heba El-Guindy with the following exceptions: Milage included is for committed on-site time at City Hall not exceeding three days per week, mileage required for the performance of inspection or field review responsibilities, which is in addition to milage to arrive at City Hall is billed separately based on cost incurred or IRS standard rate. Hotel stays are not provided for regular on-site hours of 8am to 5pm but are included for occasional late-night City Council Meetings or public outreach meetings, not exceeding one hotel stay every two weeks. On-Site and Remote schedule, not exceeding three days per week on-site, shall be coordinated with the City Engineer and City Staff.

#### 2. City Engineer:

Jonathan Mitchell, PE, City Engineer, is billed at the Director of Engineering rate on the attached rate sheet. City Engineer services may be required on-site for regular plan signing and oversight or engineering management, coordination and project delivery responsibilities which require on-site coordination. Generally it is anticipated that the City Engineer will perform responsibilities remotely as is reasonable for the performance of this Scope of Services.

#### 3. Engineering and professional services staff associated with the delivery of the Scope of Services:

Professional engineering staff, project managers, field, plan review staff and all other staff supporting the City of Tracy in performance of the Scope of Services shall be billed based on the attached rate sheet.

#### 4. As-Needed Capital Improvement Program Projects, Administration, Programs, Special Studies:

Design services may be negotiated as a percentage of construction cost or lump-sum task under the agreement, or time and material, based on the project need and agreement with Willdan and City staff, as documented and approved by electronic communication through City staff authorized to approve engineering tasks. Authorized staff is identified in the Scope of Services, Section A. As appropriate, Task Orders with more detailed scope, schedule and fee shall be used for review and approval of specific task or project items.

Construction Management may be negotiated as a percentage of construction cost or lump-sum task under the agreement, or time and material based on project need and agreement with Willdan and City staff. as documented and approved by electronic communication through City staff authorized to approve engineering tasks. Authorized staff is identified in the Scope of Services, Section A. As appropriate, Task Orders with more detailed scope, schedule and fee shall be used for review and approval of specific task or project items.

#### 5. Development Review:

Development review services may be negotiated as a percent of development fee, or combination of percent of fee with time and material for required work exceeding development review fees, or time and

material based on the complexity of the project and agreement with Willdan and City Staff. Based on the size and complexity of the development review project, Task Orders with more details for scope and fee may be used for review and approval of specific in agreement with Willdan staff and City staff authorized to direct work under this Scope of Services, listed in Section A.

6. General Fee Item:

The cost of shipping maps and plans for signature or wet seal will be invoiced to the City. Willdan will make efforts to minimize this cost by completing plan and map signing during time planned to be on-site to the extent reasonable

Labor compliance services will be at the hourly rate per the attached Schedule of Hourly Rates or a lump-sum task-based.

Travel cost for requested field work, or project meetings or other requested services, such as map signing or on-site meetings which is not completed by the Supervising Engineer, shall be billed based actual fuel and hotel, and travel cost as approved by City Staff in advance of the task.

Other direct costs for the performance of this scope of services, such as those incurred for public outreach meetings, wall boards, plan publishing or printing, or technical items in support of the Scope of Services, such as survey or mapping items, web-based development, shall be first approved by City staff in advance of the expense.

7. As-Needed Other Engineering Services or professional Support Services:

Services will be at the hourly rate per the attached Schedule of Hourly Rates or a lump-sum task-based, or as agreed through a Task Order.

8. NPDES Stormwater Compliance Consultant Services

Services will be at the hourly rate per the attached Schedule of Hourly Rates.

9. Sub-Consultants which may be required are subject to prior approval by City, sub-consultant markup applies according to the attached rate sheet.



WILLDAN ENGINEERING

## Schedule of Hourly Rates

Effective July 1, 2024 to June 30, 2025

DESIGN ENGINEERING		BUILDING AND SAFETY		CONSTRUCTION MANAGEMENT	
Technical Aide I	\$81	Assistant Code Enforcement Officer	\$106	Labor Compliance Specialist	\$146
Technical Aide II	\$103	Code Enforcement Officer	\$121	Labor Compliance Manager	\$183
Technical Aide III	\$120	Senior Code Enforcement Officer	\$143	Utility Coordinator	\$167
CAD Operator I	\$128	Supervisor Code Enforcement	\$173	Office Engineer I	\$147
CAD Operator II	\$146	Fire Plans Examiner	\$173	Office Engineer II	\$160
CAD Operator III	\$165	Senior Fire Plans Examiner	\$189	Assistant Construction Manager	\$167
GIS Analyst I	\$168	Fire Inspector	\$159	Construction Manager	\$185
GIS Analyst II	\$184	Senior Fire Inspector	\$173	Senior Construction Manager	\$201
GIS Analyst III	\$191	Fire Marshal	\$204	Resident Engineer I	\$208
Environmental Analyst I	\$144	Plans Examiner Aide	\$114	Resident Engineer II	\$216
Environmental Analyst II	\$161	Plans Examiner	\$173	Project Manager IV	\$234
Environmental Analyst III	\$171	Senior Plans Examiner	\$189	Deputy Director	\$243
Environmental Specialist	\$185	Assistant Construction Permit Specialist	\$121	Director	\$249
Designer I	\$173	Construction Permit Specialist	\$128	INSPECTION SERVICES	
Designer II	\$179	Senior Construction Permit Specialist	\$150	Public Works Observer **	\$131
Senior Designer I	\$188	Supervising Construction Permit Specialist	\$159	Public Works Observer ***	\$159
Senior Designer II	\$197	Assistant Building Inspector	\$143	Senior Public Works Observer**	\$143
Design Manager	\$196	Building Inspector	\$159	Senior Public Works Observer ***	\$159
Senior Design Manager	\$206	Senior Building Inspector	\$173	MAPPING AND EXPERT SERVICES	
Project Manager I	\$186	Supervising Building Inspector	\$189	Survey Analyst I	\$147
Project Manager II	\$207	Inspector of Record	\$202	Survey Analyst II	\$169
Project Manager III	\$217	Deputy Building Official	\$206	Senior Survey Analyst	\$187
Project Manager IV	\$234	Building Official	\$210	Supervisor - Survey & Mapping	\$203
Principal Project Manager	\$238	Plan Check Engineer	\$205	Principal Project Manager	\$238
Program Manager I	\$197	Supervising Plan Check Engineer	\$215	LANDSCAPE ARCHITECTURE	
Program Manager II	\$209	Principal Project Manager	\$238	Assistant Landscape Architect	\$153
Program Manager III	\$228	Deputy Director	\$243	Associate Landscape Architect	\$176
Assistant Engineer I	\$141	Director	\$249	Senior Landscape Architect	\$193
Assistant Engineer II	\$157	PLANNING		Principal Landscape Architect	\$204
Assistant Engineer III	\$166	CDBG Technician	\$86	Principal Project Manager	\$238
Assistant Engineer IV	\$175	CDBG Specialists	\$103	ADMINISTRATIVE	
Associate Engineer I	\$184	CDBG Analyst	\$122	Administrative Assistant I	\$99
Associate Engineer II	\$192	CDBG Coordinator	\$152	Administrative Assistant II	\$120
Associate Engineer III	\$196	CDBG Manager	\$183	Administrative Assistant III	\$140
Senior Engineer I	\$199	Housing Program Coordinator	\$151	Project Accountant I	\$112
Senior Engineer II	\$204	Planning Technician	\$130	Project Accountant II	\$132
Senior Engineer III	\$207	Assistant Planner	\$162	Project Controller I	\$140
Senior Engineer IV	\$211	Associate Planner	\$176	Project Controller II	\$156
Supervising Engineer	\$219	Senior Planner	\$200		
Traffic Engineer I	\$219	Principal Planner	\$208		
Traffic Engineer II	\$234	Planning Manager	\$221		
City Engineer I	\$234	Deputy Director	\$243		
City Engineer II	\$238	Director	\$249		
Deputy Director	\$243				
Director	\$249				
Principal Engineer	\$270				

\*\* For Non-Prevailing Wage Project \*\*\* For Prevailing Wage Project

Mileage/Field Vehicle usage will be charged at the rate in accordance with the current FTR mileage reimbursement rate, subject to negotiation.

Additional billing classifications may be added to the above listing during the year as new positions are created. Consultation in connection with litigation and court appearances will be quoted separately. The above schedule is for straight time. Overtime will be charged at 1.5 times, and Sundays and holidays, 2.0 times the standard rates. Blueprinting, reproduction, messenger services, and printing will be invoiced at cost plus fifteen percent (15%). A sub consultant management fee of fifteen percent (15%) will be added to the direct cost of all sub consultant services to provide for the cost of administration, consultation, and coordination. Valid July 1, 2024 thru June 30, 2025, thereafter, the rates may be raised once per year to the value between the 12-month % change of the Consumer Price Index for the Los Angeles/Orange County/Sacramento/San Francisco/San Jose area and five percent. For prevailing wage classifications, the increase will be per the prevailing wage increase set by the California Department of Industrial Relations.

Rev (B.01) 2024/V02

APPROVED AS TO FORM AND LEGALITY

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

**TRACY CITY COUNCIL**

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

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**APPROVING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENGINEERING FOR INTERIM CITY ENGINEER AND SUPPORT SERVICES INCREASING COMPENSATION TO A NOT-TO-EXCEED AMOUNT OF \$450,000, EXPIRING ON DECEMBER 31, 2025.**

**WHEREAS**, the City and Willdan Engineering entered into a Professional Services Agreement (PSA) on December 19, 2024, pursuant to Tracy Municipal Code Section 2.20.090; and

**WHEREAS**, the agreement had an initial term of one year with a not-to-exceed budget of \$50,000; and

**WHEREAS**, Consultant has satisfactorily met all of terms of the PSA; and

**WHEREAS**, the Engineering Division has experienced an increase in turn-over that included the City Engineer; and

**WHEREAS**, while the City recruits for a new City Engineer, there are certain roles that can be maintained by utilizing a Consultant who specializes in these services; and

**WHEREAS**, Staff requests an increase in compensation with a not-to-exceed amount of \$450,000 in order to continue the necessary services; and now, therefore, be it

**RESOLVED:** That the City Council of the City of Tracy hereby adopts a resolution approving Amendment No. 1 to the Professional Services Agreement with Willdan Engineering for Interim City Engineer and support services to increase compensation to a not-to-exceed amount of \$450,000, expiring on December 31, 2025.

\* \* \* \* \*

Resolution 2025-  
Page 2

The foregoing Resolution 2025-\_\_\_\_\_ was adopted by the Tracy City Council on the 4th day of February 2025 by the following vote:

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

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DAN ARRIOLA  
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 the City Council adopt a Resolution:**

**1) amending the City's Operating and Capital Budget for the Fiscal Year (FY) ending June 30, 2025 to reflect actual expenses and revenues and requested augmentations to fund various departmental needs;**

**2) authorizing the Budget Officer to amend the City's position control roster for FY2024-25.**

EXECUTIVE SUMMARY

On June 25, 2024, Council adopted the Fiscal Year (FY) 2024-25 Operating and Capital Budget. This report provides an update of the City's current financial performance, for Second Quarter (Q2), through December 31, 2024. This financial summary identifies Q2 General Fund revenue and expenditure actuals and encumbrances, and minor amendments to the FY 2024-25 budget.

BACKGROUND

Quarterly, staff prepares a report to the City Council on the year-to-date revenues and expenditures as compared to the amended budget. This report provides an update and summary of the City's current financial performance, for FY 2024-25 Second Quarter (Q2) through December 31, 2024, and requests that Council amend revenue and expenditures for the FY 2024-25 budget.

ANALYSIS

As of December 31, 2024, the General Fund expenditures are approximately 40% of the approved operating budget. General Fund revenues collected in Q2 (as of December 31, 2024), reflect approximately 41% 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.

The chart below reviews year-to-date revenues and expenditures as compared to the amended budget as of December 31, 2024 (Second Quarter-Q2). For comparison, FY 2023-24 Q2 actuals are also provided.

**FY 2024-25 General Fund Budget to Actuals**

<b><u>REVENUES</u></b>	<b><u>FY 23/24</u></b>	<b><u>FY 24/25</u></b>	<b><u>FY 24/25</u></b>	<b><u>FY 24/25</u></b>	<b><u>% of</u></b>
(in thousands)	<b><u>Actual Q2</u></b>	<b><u>Adopted</u></b>	<b><u>Actual Q2</u></b>	<b><u>Amended</u></b>	<b><u>Budget</u></b>
Property Tax (1)	\$ 11,450	\$ 34,104	\$ 10,524	\$ 34,604	30%
Sales Tax (2)	23,467	66,172	26,426	80,672	33%
Sales Tax Measure V	4,052	12,026	3,916	12,026	33%
Other Taxes	8,745	2,500	2,633	6,207	42%
Other Revenues	9,892	23,407	16,633	25,966	64%
<b>Total Revenues</b>	<b>\$ 57,606</b>	<b>\$ 138,209</b>	<b>\$ 60,132</b>	<b>\$ 159,475</b>	<b>38%</b>
<b><u>EXPENDITURES</u></b>					
(in thousands)					
Personnel	\$ 26,725	\$ 61,538	\$ 31,338	\$ 61,886	51%
Contracted Services	9,676	32,224	10,852	34,097	32%
Supplies & Equipment	1,202	3,489	1,029	3,798	27%
Indirect Costs	-	-	-	-	0%
Utilities	1,315	2,269	1,468	2,302	64%
Internal Service Charges	6,423	14,917	7,207	14,869	48%
Other Payments	353	690	243	690	35%
Capital	818	-	200	513	39%
Net Transfers In/(Out)	3,320	22,436	4,351	23,285	19%
<b>Total Expenditures</b>	<b>\$ 49,832</b>	<b>\$ 137,563</b>	<b>\$ 56,688</b>	<b>\$ 141,440</b>	<b>40%</b>

(1) Property Tax – Property Tax revenues are estimated to increase by \$500,000 over the adopted budget. The original estimate was based off data provided through the City’s consultants, subsequently, there was an adjustment by the County to the valuations that were used for the calculation after the budget had been adopted.

(2) Sales Tax - As of mid-year, sales tax revenues have trended higher than the estimates included in the original budget adopted at the beginning of the fiscal year. With four months of revenue data now available, it is projected that the City will realize an additional \$14.5 million (m) in sales tax revenue over the course of the fiscal year. For the sixth consecutive quarter, the business industry group surged, gaining 19.1%. The City’s share of the countywide use tax pool improved 5% with the increase in quarterly sales tax receipts. The most recent City of Tracy Sales Tax Update provided by HDL has been included as Attachment B.

**Other Taxes**

The Other Taxes revenue category includes Cannabis, Business License and Transient Occupancy Taxes (TOT). The chart below reviews year-to-date revenues as compared to the amended budget as of December 31, 2024 (Second Quarter-Q2). For comparison, FY 2023-24 Q2 actuals are also provided.

<b><u>REVENUES</u></b>	<b><u>FY 23/24</u></b>	<b><u>FY 24/25</u></b>	<b><u>FY 24/25</u></b>	<b><u>FY 24/25</u></b>	<b><u>% of</u></b>
(in thousands)	<b><u>Actual Q2</u></b>	<b><u>Adopted</u></b>	<b><u>Actual Q2</u></b>	<b><u>Amended</u></b>	<b><u>Budget</u></b>
Business License Tax (1)	\$ 8,137	\$ -	\$ 1,649	\$ 3,070	54%
Cannabis Tax (2)	98	500	459	1,137	40%
Transient Lodging Tax	510	2,000	525	2,000	26%
	<b>\$ 8,745</b>	<b>\$ 2,500</b>	<b>\$ 2,633</b>	<b>\$ 6,207</b>	<b>42%</b>



- (1) Business License Tax - At the time of budget adoption business license tax discussions were still occurring with City Council. In July 2024, the Tracy City Council enacted a temporary moratorium on Business Tax payments as part of an ongoing review of the City's tax structure following the passage of Measure B. After careful evaluation, the City Council adopted a revised rate structure that lowers the tax rates for most businesses in Tracy. The new structure estimates that there will be \$3.07m in revenues generated.
- (2) Cannabis Tax - Cannabis Tax revenues had been originally projected to be \$500,000 for the year. With more businesses opening, there was an uncertainty if revenues would increase or be proportioned across each business. As the City has received five (5) months of revenues at mid-year, the City is on track to exceed the original revenues budgeted by \$637,000.

### Other Revenues

The Other Revenues category includes:

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

The chart below reviews year-to-date revenues as compared to the amended budget as of December 31, 2024 (Second Quarter-Q2). For comparison, FY 2023-24 Q2 actuals are also provided.

<b><u>REVENUES</u></b>	<b><u>FY 23/24</u></b>	<b><u>FY 24/25</u></b>	<b><u>FY 24/25</u></b>	<b><u>FY 24/25</u></b>	<b><u>% of</u></b>
(in thousands)	<b><u>Actual Q2</u></b>	<b><u>Adopted</u></b>	<b><u>Actual Q2</u></b>	<b><u>Amended</u></b>	<b><u>Budget</u></b>
Charges for Services	\$ 2,702	\$ 13,882	\$ 6,715	\$ 13,882	48%
Contributions	133	75	224	75	299%
Fines and Forfeitures	83	170	83	170	49%
Licenses and Permits	1,540	4,704	1,555	4,704	33%
Other Revenues	527	295	109	295	37%
Revenues From Other Agencies	1,540	2,280	996	2,839	35%
Use of Money (1)	3,367	2,000	6,951	4,000	174%
	<b>\$ 9,892</b>	<b>\$ 23,406</b>	<b>\$ 16,633</b>	<b>\$ 25,965</b>	<b>64%</b>

- (1) Use of Money – As the City has increased investments and a favorable market, interest earnings have been increasing. As of mid-year, the City has already received \$2m and is on track to receive an additional \$2m. (The actuals at Q2 are not reflective of the revenues that will remain with general fund, as there are pending allocations to other funds).

The following table summarizes the \$7.7m in revenue adjustments that Staff recommends as part of the Q2 budget update:

<u>Revenue</u>	<u>FY 24/25 Adopted Budget</u>	<u>Revenue Adjustment</u>	<u>FY24/25 Amended</u>
Property Tax	18,962,560	500,000	19,462,560
Sales Tax	66,171,789	14,500,000	80,671,789
Business License Tax	-	3,069,969	3,069,969
Cannabis Tax	500,000	637,000	1,137,000
Interest Earnings	2,000,000	2,000,000	4,000,000
<b>Totals</b>	<b>87,634,349</b>	<b>20,706,969</b>	<b>108,341,318</b>

### **FY 2024-25 Enterprise Fund Budget to Actuals**

The following tables provide a mid-year look at the Water, Wastewater and Storm Drain Enterprise Operating Fund Budgets.

<u>Water Enterprise Operating Fund</u>					
<u>REVENUES</u>	<u>FY 23/24</u>	<u>FY 24/25</u>	<u>FY 24/25</u>	<u>FY 24/25</u>	<u>% of</u>
(in thousands)	<u>Actual Q2</u>	<u>Adopted</u>	<u>Actual Q2</u>	<u>Amended</u>	<u>Budget</u>
Charges for Services	\$ 10,987	\$ 22,694	\$ 12,081	\$ 21,734	56%
Other Revenues	603	150	795	450	177%
<b>Total Revenues</b>	<b>\$ 11,590</b>	<b>\$ 22,844</b>	<b>\$ 12,876</b>	<b>\$ 22,184</b>	<b>58%</b>
<u>EXPENSES</u>					
Personnel	2,393	6,951	2,980	6,951	43%
Contracted Services	2,828	8,857	2,378	8,724	27%
Supplies & Equipment	897	3,040	706	3,031	23%
Internal Service Charges	646	1,633	805	1,702	47%
Indirect Costs	587	1,480	740	1,480	50%
Utilities	1,066	1,978	1,455	1,982	73%
Capital	-	60	190	315	60%
Debt	629	1,258	629	1,258	50%
Other Payments	775	1,593	800	1,598	50%
<b>Total Expenses</b>	<b>\$ 9,821</b>	<b>\$ 26,850</b>	<b>\$ 10,683</b>	<b>\$ 27,041</b>	<b>40%</b>

**Wastewater Enterprise Operating Fund**

<b><u>REVENUES</u></b> (in thousands)	<b><u>FY 23/24</u></b> <b><u>Actual Q2</u></b>	<b><u>FY 24/25</u></b> <b><u>Adopted</u></b>	<b><u>FY 24/25</u></b> <b><u>Actual Q2</u></b>	<b><u>FY 24/25</u></b> <b><u>Amended</u></b>	<b><u>% of</u></b> <b><u>Budget</u></b>
Charges for Services	\$ 8,945	\$ 22,380	\$ 11,924	\$ 22,380	53%
Other Revenues	1,085	826	660	826	80%
<b>Total Revenues</b>	<b>\$ 10,030</b>	<b>\$ 23,206</b>	<b>\$ 12,584</b>	<b>\$ 23,206</b>	<b>54%</b>
<b><u>EXPENSES</u></b>					
Personnel	\$ 2,762	\$ 7,202	\$ 3,226	\$ 7,202	45%
Contracted Services	709	2,958	900	3,045	30%
Supplies & Equipment	1,217	3,689	1,022	3,880	26%
Internal Service Charges	506	796	421	949	44%
Indirect Costs	468	1,048	524	1,048	50%
Utilities	940	3,043	1,238	3,045	41%
Capital	-	1,131	32	1,237	3%
Other Payments	2,167	3,285	692	3,285	21%
<b>Total Expenses</b>	<b>\$ 8,769</b>	<b>\$ 23,152</b>	<b>\$ 8,055</b>	<b>\$ 23,691</b>	<b>34%</b>

**Storm Drain Enterprise Operating Fund**

<b><u>REVENUES</u></b> (in thousands)	<b><u>FY 23/24</u></b> <b><u>Actual Q2</u></b>	<b><u>FY 24/25</u></b> <b><u>Adopted</u></b>	<b><u>FY 24/25</u></b> <b><u>Actual Q2</u></b>	<b><u>FY 24/25</u></b> <b><u>Amended</u></b>	<b><u>% of</u></b> <b><u>Budget</u></b>
Charges for Services	\$ 353	\$ 840	\$ 391	\$ 840	47%
Other Revenues	24	14	17	14	121%
<b>Total Revenues</b>	<b>\$ 377</b>	<b>\$ 854</b>	<b>\$ 408</b>	<b>\$ 854</b>	<b>48%</b>
<b><u>EXPENSES</u></b>					
Personnel	\$ 78	\$ 279	\$ 138	\$ 279	49%
Contracted Services	66	198	58	206	28%
Supplies & Equipment	1	21	-	21	0%
Internal Service Charges	23	34	17	35	49%
Indirect Costs	15	31	16	31	52%
Utilities	14	39	10	39	26%
Other Payments	13	-	11	-	0%
<b>Total Expenses</b>	<b>\$ 210</b>	<b>\$ 602</b>	<b>\$ 250</b>	<b>\$ 611</b>	<b>41%</b>

## FY 2024-25 Second Quarter (Q2) Operating Budget Augmentations

The following table is a summary of all recommended Q2 budget augmentations for FY 2024-25. They are listed by department, with General fund and Non-General fund totals separated, and categorized as one time or on-going expenses. A detailed list has been provided as Attachment (A) to the staff report.

Department	Description	General Fund	Other Fund	On Going	One Time
Human Resources	Contract Services	95,000			95,000
IT	Contract Services	322,000	138,000		460,000
Parks, Recreation & Community Services	Personnel (Part-Time & Overtime Hours, Supplies)	35,000	31,000		66,000
Police	(1) Personnel, Capital	1,118,800	683,890	1,020,300	782,390
<b>Total:</b>		<b>1,570,800</b>	<b>852,890</b>	<b>1,020,300</b>	<b>1,403,390</b>

### Department Augmentations

- Human Resources
  - The Human Resources Department is requesting a one-time increase to contract services for special recruitments to assist with key leadership vacancies.

Division	Description	Funding Source	On Going	One Time
Special Recruitments	Contract Services	General Fund		95,000
<b>Total:</b>			<b>-</b>	<b>95,000</b>

- Innovation & Technology Department
  - Innovation & Technology is requesting a one-time increase to purchase hardware & software to upgrade the City's Firewalls. This is essential for safeguarding the City's internal network against external threats. Multiple local government entities suffered cyber intrusions, resulting in significant financial losses. With this purchase, the software would cover a five-year term. Going forward the funding for future replacement will be built into the Innovation & Technology's Internal Service Charges for replacements.

Division	Description	Funding Source	On Going	One Time
IT	Contract Services	General Fund		322,000
IT	Contract Services	Building Fees		17,000
IT	Contract Services	Planning Fees		11,000
IT	Contract Services	Engineering Fees		28,000
IT	Contract Services	Water Operating		33,000
IT	Contract Services	Wastewater Operating		35,000
IT	Contract Services	Solid Waste		12,000
IT	Contract Services	Storm Drain		2,000
<b>Total:</b>			<b>-</b>	<b>460,000</b>

- Parks Recreation & Community Services
  - The Community Events division is requesting a one-time increase for overtime hours and supplies to install safety bollards for downtown events. The number of events downtown have grown over the years resulting in increased community participation. Due to recent events, staff is recommending heightened security precautions for downtown events to ensure staff, participant, and vendor safety. The installation can be handled in house with the use of the Public Works Department staff.
  - The Parks Maintenance division is requesting a one-time increase for part-time hours to meet the growing demand for park maintenance for LMD.

Division	Description	Funding Source	On Going	One Time
Community Events	Personnel (Overtime Hours) & Supplies	General Fund		35,000
Parks Maintenance	Personnel (Part-Time Hours)	Landscape Maintenance District (LMD)		31,000
<b>Total:</b>			<b>-</b>	<b>66,000</b>

- Police Department
  - The Police Department had requested to add (1) Deputy Police Chief for the FY2024-25 proposed budget. The position had been deferred as reductions were made towards increasing General Fund services as outlined in the Fiscal Sustainability Strategies. The Department has re-evaluated their needs and has now requested to add (1) Police Captain to oversee the patrol division This Division has grown exponentially in the last several years and requires oversight of programs and services including the

Traffic Unit, Familiar Faces Homeless Outreach, Code Enforcement, School Resource Officers, Neighborhood Preservation, DARE, Crime Prevention, Volunteers in Police Service, Police Activities League, and the Mobile Evaluation Team. The request for augmentation covers four (4) months, which is sufficient funding for the remainder of this fiscal year.

- The Patrol division is requesting on-going increases to contract services for their Axon - BWC & Tasers Maintenance & Flock Maintenance agreements. Axon is a current contract being used by the division; this expense was previously paid from the City's equipment replacement fund. This was not included with the Department's internal service charges for equipment replacement as they manage the contract and equipment within their own Department. The Flock agreement has increased with expanded coverage and requires additional funding for the division.
- The Communications division is requesting on-going increases to contract services for their Mark 43 agreement. This is a current contract that supports the Tracy PD's computer aided dispatch and records management system. This expense was previously paid from the City's equipment replacement fund. This was not included with the Department's internal service charges for equipment replacement as they manage the contract and equipment within their own Department.
- The Patrol division is requesting one-time increases to purchase:
  - One (1) vehicle to support the Familiar Faces Program.
  - Peregrine software, which is an advanced data integration and aggregation tool specifically designed to support law enforcement agencies in analytical operations.
  - MDC (mobile digital computed) and Toughbook replacements as they have reached their end of life and require upgrades that the current MDC's do not support.

Division	Description	Funding Source	On Going	One Time
Patrol	(1) Police Captain	General Fund	136,600	
Patrol	(1) Vehicle - Captain	General Fund	6,500	98,500
Patrol	Contract Services	General Fund	630,700	
Communications	Contract Services	General Fund	253,000	
Patrol	(1) Vehicle – Familiar Faces	Opioid Funds		91,500
Patrol	Contract Services	Opioid Funds		276,000
Patrol	Operational Supplies	SLESF (Supplemental Law Enforcement Services Fund)		316,390

<b>Total:</b>	<b>1,026,800</b>	<b>782,390</b>
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**Non-Budgetary-Personnel Amendments:**

Staff is making the following recommendations to amend FY2024-25 Position Control Roster, which are the approved positions that are included in the adopted operating budget; however, the requests do not require a budget augmentation:

- (1) Financial Analyst I/II – The Finance Department is requesting to delete (1) Vacant Accounting Technician and re-allocate funding to add (1) Financial Analyst I/II to provide additional support to operations in the Budget division. This item does not require a budget augmentation.
- (1) Management Analyst I/II – The Parks & Community Services Department is requesting to delete (1) Vacant Landscape Architect position and re-allocate funding to add (1) Management Analyst I/II to provide additional support in Parks to assist with managing contracts and projects. This item does not require a budget augmentation.
- (1) Communications Coordinator – The City Manager’s Office is requesting to add (1) Communications Coordinator to further support the communications team. This will significantly enhance the level of service by improving efficiency, consistency and engagement across all communication channels. This item does not require a budget augmentation as it will be absorbed in their current operating budget.

**FY 2024-25 First Quarter (Q2) Capital Improvement Project (CIP) Augmentations**

Staff is making the following recommendation to increase the budget and appropriate additional funds for the following CIPs to complete the projects:

<b>CIP Augmentations</b>		
<b>CIP</b>	<b>Budget</b>	<b>Fund</b>
71112 - Temporary Homeless Emergency Facility (THEF)	1,145,600	317 - Redevelopment

The remaining redevelopment funds are eligible towards the CIP 71112 THEF due to its location.

**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, 2024 (Second Quarter Q2). Staff is recommending amendments to the City Operating and Capital Budget for FY 2024-25. The FY 2024-25 proposed budget appropriations of \$1.57m General Fund and \$853k from other funds for expenditures, and proposed revenue increases totaling \$7.7m in appropriations for the General Fund.

**SUMMARY OF NEW BUDGET AUGMENTATIONS**  
**FOR (Q2) FY 2024-25**

General Fund Revenue	Revenue (increase) Adjustment
Property Tax	500,000
Sales Tax	14,500,000
Business License Tax	3,069,969
Cannabis Tax	637,000
Interest Earnings	2,000,000
<hr/>	
Total	20,706,969

Department	Description	General Fund	Other Fund	On Going	One Time
Human Resources	Contract Services	95,000			95,000
IT	Contract Services	322,000	138,000		460,000
Parks, Recreation & Community Services	Personnel (Part- Time & Overtime Hours, Supplies)	35,000	31,000		66,000
Police	(1) Personnel, Capital	1,118,800	683,890	1,020,300	782,390
<hr/>					
<b>Total:</b>		<b>1,570,800</b>	<b>852,890</b>	<b>1,020,300</b>	<b>1,403,390</b>

CIP Augmentations		
CIP	Budget	Fund
71112 - Temporary Homeless Emergency Facility (THEF)	1,145,600	317 - Redevelopment

**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 CITY COUNCIL

Staff recommends that the City Council 1) adopt a resolution amending the City's Operating and Capital Budget for the Fiscal Year (FY) ending June 30, 2025 to reflect actual expenses and revenues and requested augmentations to fund various departmental needs, 2) authorize the Budget Officer to amend the City's position control roster for FY 2024-25.

Prepared by: Felicia Galindo, Budget Officer

Reviewed by: Sara Castro, Director of Finance  
Matthew Summers, Interim Assistant City  
Attorney Karin Schnaider, Assistant City Manager

Approved By: Midori Lichtwardt, City Manager

Attachments:

Attachment A: FY2024-25 Quarter 2 Budget  
Augmentations Attachment B: City of Tracy Sales Tax  
Update 3Q 2024

Funding Request							
Department	Augmentation Title	Type	Fund	Total Cost	On-Going	One Time	FY26 Impacts
Human Resources	Special Recruitments	Contract Services	General Fund	95,000	-	95,000	-
Innovation & Technology	Firewalls - Cybersecurity (5 Year)	Contract Services	General Fund	322,000	-	322,000	77,000
Innovation & Technology	Firewalls - Cybersecurity (5 Year)	Contract Services	Enterprise Funds	138,000	-	138,000	23,000
Parks Recreation & Community Svcs	Safety Bollards for Downtown Events	Supplies	General Fund	35,000	-	35,000	-
Parks Recreation & Community Svcs	Part-Time Hours	Personnel	LMD	206,195	-	31,000	-
Parks Recreation & Community Svcs	Increased Funding for CIP 71112	Capital	Redevelopment	1,145,600		1,145,600	-
Parks Recreation & Community Svcs	CIP 71112 - THEF	Capital	Redevelopment		-	1,145,600	-
Police	(1) Police Captain	Personnel	General Fund	409,786	136,600	-	409,786
Police	(1) Police Captain - Vehicle	Capital		105,000	6,500	98,500	
Police	Axon - BWC & Tasers Maintenance	Contract Services	General Fund	500,700	500,700		500,700
Police	Mark 43 - Maintenance	Contract Services	General Fund	253,000	253,000		253,000
Police	Flock Maintenance	Contract Services	General Fund	415,000	130,000		340,000
Police	MDC & Toughbook Replacements	Supplies	SLESF (Supplemental Law Enforcement Services Fund)	316,390		316,390	-
Police	Peregrine	Contract Services	Opiod Settlement Funds	276,000		276,000	-
Police	Familiar Faces Van	Capital	Opiod Settlement Funds	91,500		91,500	-

# CITY OF TRACY

## SALES TAX UPDATE

### 3Q 2024 (JULY - SEPTEMBER)



#### TRACY

TOTAL: \$ 22,095,718

11.5%  
3Q2024



1.2%  
COUNTY



-2.3%  
STATE



*\*Allocation aberrations have been adjusted to reflect sales activity*

#### SALES TAX BY MAJOR BUSINESS GROUP



#### Measure V

TOTAL: \$2,964,276



-4.7%



#### CITY OF TRACY HIGHLIGHTS

Tracy's gross receipts from July – September 2024 were 8.9% above the third sales period in 2023. However, after adjusting for reporting modifications such as audit adjustments and delayed payments, actual sales were up 11.5%. Quarterly results varied among the tax groups.

For the sixth consecutive quarter, the business industry group surged, gaining 19.1%. The City's share of the countywide use tax pool improved 5% with the increase in quarterly sales tax receipts.

Casual and quick service dining led growth in the restaurant-hotels group; and grocery store purchases (along with a new business in town boosted) the food-

drugs returns.

Conversely, new car sales slumped, resulting in a 14.8% drop in autos-transportation. The price of crude oil fell during the period and directly affected fuel-service station receipts – with revenues sliding 6.3%.

With a different tax base, voter-approved Measure V posted lower returns, with the largest declines in building-construction (skewed down by high allocations a year ago) and fuel-service stations.

Net of adjustments, taxable sales for all of San Joaquin County grew 1.2% over the comparable time period; the San Joaquin Valley was down 2.9%.



#### TOP 25 PRODUCERS

Amazon Fulfillment Center

Amazon MFA

Arco AM PM

Bunzl Distribution  
Chevron

Costco

Crate & Barrel

Fisher Scientific

Home Depot

Independent Electric Supply

Irby Utilities

McLane Foodservice

Medline Industries

Nixon Egli Equipment

Platinum Hyundai

Safeway Fuel

Target

Tracy Chevrolet

Tracy Chrysler Dodge  
Jeep Ram

Tracy Ford

Tracy Honda

Tracy Toyota

Tracy Volkswagen

Veritiv Corporation

Walmart Supercenter



## STATEWIDE RESULTS

California's local one cent sales and use tax receipts during the months of July through September were 2.3% lower than the same quarter one year ago after adjusting for accounting anomalies. The calendar year third quarter traditionally is noted for pleasant weather and statewide tourism; however, taxes fell when compared to a year ago. As such, it also means a weak start of the 2024-25 fiscal year for many California agencies.

Once again, autos-transportation receipts took a hit and declined 4.8%. This period marks the seventh consecutive quarter of downturn for the sector. While used autos returns and leasing activity have improved, revenues from new car sales struggled due to sustained high interest rates, tightened credit standards, and increased cost of auto insurance. As such, inventories for many dealers remain elevated, applying downward pressure on prices and growth into 2025.

The summer season is usually an advantageous time for home repairs and construction work, however, this industry is also struggling with high consumer interest rates and limited access to equity for homeowners. New projects remain sidelined as developers await more favorable investment conditions.

Brick-and-mortar general consumer retailers pulled back 3.8% - worsened by lower gas prices. Consumers appear more interested in lower priced/discounted items vs higher priced/luxury goods, forcing merchants to again consider inventory needs. Additionally, competition from online merchants is as fierce as ever, as shoppers look for greater value. With holiday shopping around the corner, local store expectations remain soft.

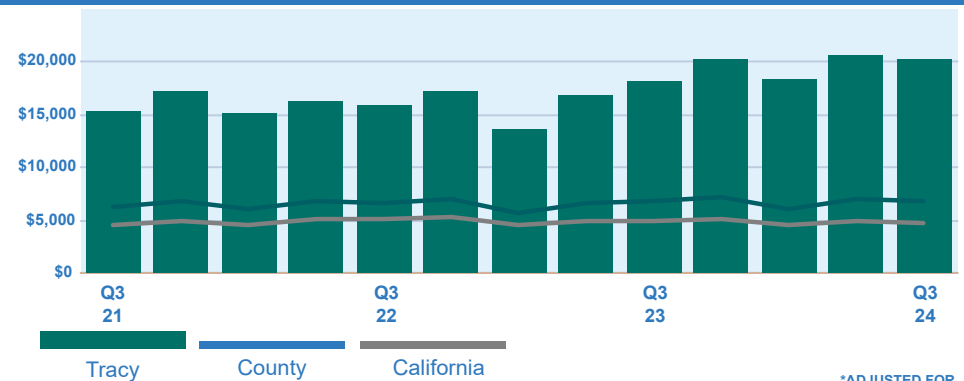
Fuel generating taxpayers had a rough quarter; a combination of consumption declines and falling fuel prices thrust comparisons down by 13%. Further contraction of national drug store locations coupled with the steady fall from cannabis merchants dating back to 2021, caused a decrease of 2.8% in the food-drugs category. Expect similar percentage declines for the upcoming end of 2024 quarter.

Although statewide tourism appears to have improved over 2023, revenue from restaurants experienced only a modest gain of 0.7%, which included a dramatic drop from fine dining establishments – consistent with spending trends in other sectors. State

mandated minimum wage requirements remained a challenge, with higher menu prices reducing patron visits.

These sluggish results solidify 2024 as a down year. Recent reductions to the Fed Funds Rate aren't considered to help until later in 2025. Agencies should expect fiscal year 2024-25 sales taxes to stay flat or decline slightly as sluggish economic conditions leave consumers cautious in their spending patterns, especially for big ticket items and discretionary products.

### SALES PER CAPITA\*



### TOP NON-CONFIDENTIAL BUSINESS TYPES

Tracy Business Type	Q3 '24*	Change	County Change	HdL State Change
Medical/Biotech	3,151.3	2.6% ↑	2.1% ↑	-2.2% ↓
New Motor Vehicle Dealers	687.8	-22.7% ↓	-11.7% ↓	-8.0% ↓
Service Stations	571.6	-6.0% ↓	-10.9% ↓	-12.8% ↓
Casual Dining	274.2	6.0% ↑	3.5% ↑	1.1% ↑
Quick-Service Restaurants	233.1	2.1% ↑	3.4% ↑	1.0% ↑
Food Service Equip./Supplies	168.2	5.6% ↑	5.6% ↑	-3.3% ↓
Grocery Stores	122.7	5.1% ↑	-3.0% ↓	1.3% ↑
Light Industrial/Printers	117.6	92.7% ↑	3.3% ↑	-0.5% ↓
Contractors	117.5	-13.2% ↓	-8.6% ↓	-1.9% ↓
Plumbing/Electrical Supplies	98.4	-55.6% ↓	-1.7% ↓	-3.2% ↓

\*Allocation aberrations have been adjusted to reflect sales activity

\*In thousands of dollars

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
City ATTORNEY'S OFFICE

**TRACY CITY COUNCIL**

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

- 
- 1) AMENDING THE CITY'S OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR (FY) ENDING JUNE 30, 2025 TO REFLECT ACTUAL EXPENSES AND REVENUES AND REQUESTED AUGMENTATIONS TO FUND VARIOUS DEPARTMENTAL NEEDS, 2) AUTHORIZING THE BUDGET OFFICER TO AMEND THE CITY'S POSITION CONTROL ROSTER FOR FY 2024-25.**

**WHEREAS**, the City Council, on June 25, 2024, adopted the Fiscal Year (FY) 2024-25 Operating and Capital Budget (FY 2024-25 Budget) for the City of Tracy (City); and

**WHEREAS**, based upon a review of revenues and expenditures for the second quarter of the fiscal year, staff has prepared and proposed additional amendments to the FY 2024-25 Budget, which are reflected in the Amended FY 2024-25 Budget (Exhibit 1); and

**WHEREAS**, the Human Resources Department will be getting one-time funding to increase contract services to assist with special recruitments; and

**WHEREAS**, the Innovation & Technology Department will be getting one-time funding for hardware and software to upgrade the City's firewalls; and

**WHEREAS**, the Parks, Recreation & Community Services Parks Maintenance Division will be getting a one-time funding for personnel and supplies for additional part time hours and the placement of bollards for special downtown events; and

**WHEREAS**, the Police Department will be getting one-time funding for contract services, operational supplies and capital to purchase software, replacement computers, and two (2) vehicles and increases for contract services for their Axon, Flock and Mark 43 agreements; and

**WHEREAS**, the Budget Officer will be adding one (1) Police Captain to the Police Department's position control roster; and

**WHEREAS**, the Budget Officer will be deleting one (1) Accounting Technician and adding one (1) Financial Analyst I/II to the Finance Department position control roster; and

**WHEREAS**, the Budget Officer will be deleting one (1) Landscape Architect and adding one (1) Management Analyst I/II to the Parks, Recreations & Community Services Department position control roster; 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 2024-25 as evidenced by the FY2024-25 Revised General Fund Budget reflected in Exhibit 1 and including the above requested augmentations, and be it;

**FURTHER RESOLVED:** That the City Council of the City of Tracy authorizes the Budget Officer to amend the City's position control roster for Fiscal Year 2024-25, and be it;

\* \* \* \* \*

The foregoing Resolution 2025-\_\_\_\_ was adopted by the Tracy City Council on February 4, 2025, by the following vote:

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

---

DAN ARRIOLA  
Mayor of the City of Tracy, California

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

Attachment: Exhibit 1

<b><u>REVENUES</u></b>	<b><u>FY 23/24</u></b>	<b><u>FY 24/25</u></b>	<b><u>FY 24/25</u></b>	<b><u>FY 24/25</u></b>
(in thousands)	<b><u>Actual Q2</u></b>	<b><u>Adopted</u></b>	<b><u>Actual Q2</u></b>	<b><u>Amended</u></b>
Property Tax	\$ 11,450	\$ 34,104	\$ 10,524	\$ 34,604
Sales Tax	23,467	66,172	26,426	80,672
Sales Tax Measure V	4,052	12,026	3,916	12,026
Other Taxes	8,745	2,500	2,633	6,207
Other Revenues	9,892	23,407	16,633	25,966
<b>Total Revenues</b>	<b>\$ 57,606</b>	<b>\$ 138,209</b>	<b>\$ 60,132</b>	<b>\$ 159,475</b>
<b><u>EXPENDITURES</u></b>				
(in thousands)				
Personnel	\$ 26,725	\$ 61,538	\$ 31,338	\$ 61,886
Contracted Services	9,676	32,224	10,852	34,097
Supplies & Equipment	1,202	3,489	1,029	3,798
Indirect Costs	-	-	-	-
Utilities	1,315	2,269	1,468	2,302
Internal Service Charges	6,423	14,917	7,207	14,869
Other Payments	353	690	243	690
Capital	818	-	200	513
Net Transfers In/(Out)	3,320	22,436	4,351	23,285
<b>Total Expenditures</b>	<b>\$ 49,832</b>	<b>\$ 137,563</b>	<b>\$ 56,688</b>	<b>\$ 141,440</b>

<b>General Fund Revenue</b>	<b>Revenue (increase) Adjustment</b>
Property Tax	500,000
Sales Tax	14,500,000
Business License Tax	3,069,969
Cannabis Tax	637,000
Interest Earnings	2,000,000
<b>Total</b>	<b>20,706,969</b>

Department	Description	General Fund	Other Fund	On Going	One Time
Human Resources	Contract Services	95,000			95,000
IT	Contract Services	322,000	138,000		460,000
Parks, Recreation & Community Services	Personnel (Part-Time & Overtime Hours, Supplies)	35,000	31,000		66,000
Police	(1) Personnel, Capital	1,118,800	683,890	1,020,300	782,390
<b>Total:</b>		<b>1,570,800</b>	<b>852,890</b>	<b>1,020,300</b>	<b>1,403,390</b>

CIP Augmentations		
CIP	Budget	Fund
71112 - Temporary Homeless Emergency Facility (THEF)	1,145,600	317 - Redevelopment



Agenda Item 1.F

RECOMMENDATION

**Staff recommends that the City Council accept an informational report on Credit Card Convenience Fees and affirm that the City will not charge Credit Card Convenience Fees on utility payments.**

EXECUTIVE SUMMARY

The City is in the process of implementing a new, more user friendly, web payment portal for Citizens and Businesses to make payments to the City, replacing the City's existing Citizen Self-Service website (CSS). The City accepts credit cards as a form of payment for most City services. The majority of these payments are made via the internet using CSS. The credit card companies charge vendors (the City) a fee to process these charges. The City currently absorbs the credit card costs for most services; costing an estimated \$490,000 annually. As part of this implementation, the City will begin charging a convenience fee on payments for certain services, excluding utilities. The updated payment portal will allow the City to pass-through a 2.95% convenience fee for non-utility transactions, saving the City approximately \$220,000 annually. A survey of surrounding communities shows that almost all municipalities charge a convenience fee of approximately 3% for card and mobile wallet payments. Customers will have the option to pay by eCheck or in cash to avoid this fee. It is estimated that the City will save at least \$220,000 in the general fund annually. Staff recommends the City Council affirm that the City will charge credit card convenience fees for non-utility payments but continue to not charge credit card convenience fees for utility payments.

BACKGROUND AND LEGISLATIVE HISTORY

The City of Tracy processes approximately 11,500 credit card transactions valued at \$3M on a monthly basis totaling over \$36 million annually. Of these transactions, 59% are made via the web and another 35% are made with the Interactive Voice Response (IVR) phone system.

Only 5% of card transactions are made in-person, and this number continues to drop. Only 1% of transactions are recurring auto payments. Card transactions make up approximately 35% of all payments to the City. The City has seen an increase in credit card transactions since the Covid pandemic began. This also relates to an increase in online payments and a large decrease in in-person payments.

The Finance Department began implementing a new online payment experience in December 2024, which is expected to go live in April 2025. This new portal will drastically enhance the customer payment experience and make it much easier for customers to pay for services provided by the City. While this portal covers the majority of services provided by the City, certain services, such as recreation, provide a different online payment experience. Over the past decade, service providers have recognized the profit and benefit of online payments and there has been a strong trend towards convenience fees passed along to customers. In many cases, including several systems used by the City, the vendor provides the software to the City for free while collecting the customer paid convenience fee.

California Government Code section 6159(h)(1) allows the Council to “impose a fee for the use of a credit or debit card or electronic funds transfer, not to exceed the costs incurred by the agency or agent in providing for payment with a credit or debit or electronic transfer funds transfer. The City Council approved the imposition of these fees through the adoption of the Master Fee Schedule in March 2023. Finance will not be charging a fee for ACH transactions.

### ANALYSIS

Staff performed an analysis of the fees paid to credit card providers in 2023 as part of the RFP for a new payment portal provider.

Service Type	Count	Max Amt	Average Amt	Total Volume	Total Fees
Misc A/R	1,936	\$ 8,806	\$ 267	\$ 234,637	\$ 4,243
Planning/Permits	4,816	499,923	3,560	8,331,699	215,570
Utilities	111,337	121,688	210	22,699,945	270,703
<b>Grand Total</b>	<b>118,089</b>	<b>\$ 630,417</b>	<b>\$ 4,037</b>	<b>\$ 31,266,281</b>	<b>\$ 490,516</b>

Currently, the City absorbs 100% of the credit card processing costs for most payments. This results in an annual cost of approximately \$490,000. Of this amount, \$270,000 is a result of utility payments, \$216,000 is from planning, building and permitting and \$4,000 from miscellaneous payments.

In addition, staff surveyed surrounding communities and found that almost all charge a convenience fee on non-utility card payments and half continue to absorb utility card payment fees.

Jurisdiction	Convenience Fee	Rate	Applies to Utilities
Brentwood	Yes	2.99%	No
Contra Costa County	Yes	Varies	N/A
Fremont	Yes	2%	N/A
Livermore	Yes	3.00%	Yes
Lodi	Yes	Varies	\$3.25/pymt
Manteca	No	N/A	No
Modesto	Yes	2.40%	No
Pleasanton	Yes	2.50%	Yes
San Joaquin County	Yes	2.29%	N/A

### Non-Utility Payments

Non-utility payments are comprised mostly of payments for commercial services of planning and permitting, including building permits and developer impact fees. These amounted to over \$8 million in 2022 and incurred over \$215,000 in cards fees absorbed by the City. The single largest card transaction was \$499,923 resulting in a \$16,237 fee. There is currently no dollar limit on card transactions. The average planning/permitting transaction costs the City over \$115.

Prior to 2020, there was a \$5,000 limit for card transactions and most builders and developers paid by check. When Covid-19 hit and City Hall shut-down, the transaction limit was removed so builders and developers could pay for permits and impact fees without coming into City Hall. When City Hall reopened, the limit was never reinstated.

With the adoption of card surcharges, customers paying online will still have a no-cost option by paying via eCheck (ACH). As non-utility payments are mostly business payments, these customers generally have access to checking accounts and can pay by eCheck should they wish to avoid the pass-through credit card fee.

The remaining non-utility customers are related to miscellaneous accounts receivable (including Cannabis), Police Department and Animal Services customers. These customers generated fees of over \$4,000 which are a direct general fund expense. Like other non-utility customers, they have access to eCheck as well as card payments.

### Utility Customers

The major card networks provide a highly discounted rate to utilities when the utility absorbs the credit card transaction cost. This highly discounted rate is a flat fee as opposed to a percent of the transaction. Including vendor fees, this is currently \$1.70 per utility transaction. However, if the utility doesn't absorb the cost, then no discount applies. Based on an average \$220 utility bill, if the City absorbs the fee, it costs \$1.70 but if it passes the fee to the customer, then the customer would pay \$6.49, an increase of \$4.79 per utility bill pocketed by the credit card companies.

Staff recommends the City continue to absorb the fees for utility accounts. This is based on a number of factors discussed below.

Approximately 1/3 of all utility customers currently pay by card. This is expected to increase with the introduction of the new web portal as additional payment options, including when mobile wallet payments are introduced. The City is encouraging the use of online and recurring payments. This both lowers the amount of staff time necessary to process payments and also lowers the delinquency rate as citizens have more payment options. Charging a convenience fee could discourage card payments, increase in-person/cash payments and increase delinquent accounts.

Additionally, as the City's customer base ages, fewer and fewer customers have checking accounts or write checks. From Millennials thru Gen Z'ers, customers are turning to mobile wallet payments (e.g. Venmo, Apple Pay, etc). This becomes an equity issue as offering free eChecks is less and less an option for this group.

Moreover, the California Water Association supports absorbing credit card fees for utility customers.

*"Paying recurring bills online with a credit or debit card has become much more popular with customers in recent years," said CWA Executive Director Jack Hawks. "It's not fair to penalize them by adding a \$2 to \$3 charge per transaction when the costs of other forms of payment, such as writing a check or paying in person, are spread across the entire customer base and recovered through rates."*

Finally, the City has 603 Active Payment Arrangements. These are delinquent customers who have made installment arrangements to get current on their account. The new online portal has a feature that will allow for the staff to set up recurring fixed payments on the customers behalf. Customers on a payment arrangement are already faced with the possibility of being disconnected for not having their bill current. Adding additional charges will add further complications to these customers being able to get current on their utility bill.

### FISCAL IMPACT

Staff estimates a General Fund savings of approximately \$220,000 annually by no longer absorbing non-utility credit card transaction costs.

### PUBLIC OUTREACH

The Finance Department is working with the Public Information Officer, a professional marketing firm and Channel 26 to deliver a comprehensive outreach plan to City customers explaining the changes. Phase I of this plan is complete, and Phase II is underway.

Customer engagement will continue through:

- Flyers
- Utility bill inserts
- Social media
- Tracy Press
- City website
- Finance phone system
- Channel 26

### STRATEGIC PLAN

This agenda item supports the City's Governance Strategic Priorities, with Goal #2: Ensure Short and Long-term Fiscal Health.

### ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council accept this informational report on Credit Card Convenience Fees and affirm that the City will not charge Credit Card Convenience Fees on utility payments.

Prepared by: Robert Harmon, Accounting Manager

Reviewed by: Sara Castro, Finance Director  
Karin Schnaider, Assistant City Manager  
Andrew Shen, Interim City Attorney

Approved by: Midori Lichtwardt, City Manager

Agenda Item 1.G

RECOMMENDATION

**Staff recommends that the City Council adopt a resolution approving Amendment No. 2 to the Professional Services Agreement with Michael Baker International for the Housing Element Update.**

EXECUTIVE SUMMARY

State law requires an update of the City's Housing Element. City staff recommends that the City Council approve an amendment to the agreement with Michael Baker, International to work with the City to prepare the 2023 – 2031 Housing Element Update. The amendment is needed because of comments from the California Department of Housing and Community Development in regard to the City of Tracy housing opportunity sites. Additional work was required for revisions to the maps, zoning strategy, inventory list and descriptions for the housing element opportunity sites in order to satisfy the housing obligations required by the State.

DISCUSSION

In accordance with Government Code Section 65588, the City of Tracy's General Plan Housing Element needs to be updated for the 2023 – 2031 timeframe. This periodic update is required every eight years and is called the 6<sup>th</sup> cycle housing element update.

On December 14, 2021, the City published a Request for Proposals for the Housing Element update in order to retain a qualified consultant to prepare the update and guide the City through the State Department of Housing and Community Development (HCD) review process.

The proposal submitted by Veronica Tam and Associates, Inc. (VTA) best demonstrated the competence and professional qualifications necessary for the preparation of the Housing Element update. On June 7, 2022, the City Council approved a Professional Services Agreement (PSA) with Veronica Tam and Associates (VTA) for the Housing Update Project pursuant to Resolution No. 2022-066. Michael Baker International (MBI) is a sub-consultant to VTA to provide housing element technical analysis and CEQA clearance. VTA is an effective, highly regarded consulting firm focusing on housing planning and community development.

ANALYSIS

The original scope of work for MBI was in a supportive role regarding the identification of housing sites to satisfy the Regional Housing Needs Assessment (RHNA) for very low, low and moderately priced housing. The company was also the lead on preparing the Affirmatively Furthering Fair Housing chapter and demographic information in the housing element.

As the effort to prepare the Housing Element developed, MBI started to play a larger role and an individual contract with that firm was executed. The original contract was for

\$24,600. A first amendment was executed on July 24, 2024 for an additional \$5,120. Staff is requesting this second amendment for an additional \$31,431, which exceeds the amount the City Manager can approve. The City Council is being requested to approve this contract modification.

MBI provided extra work due to preparation of many revisions of the RHNA sites inventory and rezoning strategy beyond the contracted scope of work and similarly required replacement of housing element sites and corresponding revisions and updates throughout the document. The extra revisions resulted in rework and revisions to the maps, zoning strategy, inventory list and descriptions, additional analysis and substantiation for the Sites Inventory and Resources chapter.

The changes to the Sites Inventory and Resources chapter required associated revisions to the Affirmatively Furthering Fair Housing (AFFH) chapter narrative, analysis, maps, tables and charts that are based on the sites inventory. These revisions occurred several times after the sites inventory had been settled and used to prepare the Administrative Draft Sites Inventory & Resources chapter. The more significant extra efforts and deliverables resulted from City requests and direction from the State Department of Housing and Community Development. Every time changes were made to site selections or housing numbers counts, all the tables and background demographics would have to be updated.

The amount of work completed has required the contract with MBI to go from being approved at the City Manager level to needing approval by the City Council. This work has been completed and has been invaluable to our efforts to complete the housing element update.

### STRATEGIC PLAN

While required by State law, this Housing Element update also relates to the City's Quality of Life Strategy, Goal Number 4: Increase local affordable housing supply.

### FISCAL IMPACT

The City of Tracy has been awarded State SB 2 (Senate Bill 2), LEAP (Local Early Action Planning), and REAP (Regional Early Action Planning) grant funds totaling \$797,075. The grants are available for planning projects related to supporting housing development. The funds have been budgeted for the City's update of the General Plan Housing Element. Sufficient revenue is available through these grants to pay the estimated consultant costs. City staff time and costs for this project are included in the Community and Economic Development Department budget.

### ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution approving Amendment No. 2 to the Professional Services Agreement with Michael Baker International to complete the Housing Element Update project.

Prepared By: Craig Hoffman, Senior Planner

Reviewed by: Scott Claar, Planning Manager  
Forrest Ebbs, Director of Community and Economic Development  
Sara Castro, Director of Finance  
Karin Schnaider, Assistant City Manager  
Matthew Summers, Interim Assistant City Attorney

Approved by: Midori Lichtwardt, City Manager

ATTACHMENTS

Attachment A – Proposed Amendment No. 2 to Professional Services Agreement with Michael Baker International

**CITY OF TRACY**  
**AMENDMENT NO. 2**  
**PROFESSIONAL SERVICES AGREEMENT WITH**  
Michael Baker International – Housing Element Update Public Outreach

This Amendment No. 2 to the Professional Services Agreement (**Agreement**) is made effective February 4, 2024 (“Effective Date”) is entered into between the City of Tracy, a municipal corporation (**City**), and Michael Baker International (MBI), a Pennsylvania corporation (**Consultant**). City and Consultant are referred to individually as “Party” and collectively as “Parties.”

**Recitals**

- A. On June 7, 2022, the City Council approved a Professional Services Agreement (PSA) with Veronica Tam and Associates (VTA) for the Housing Update Project pursuant to Resolution No. 2022-066; and
- B. The City hired Consultant to provide additional public outreach to generate community input, supplementing the public outreach of the PSA approved with VTA; and
- C. The City and consultant entered into an agreement in May 2023, and
- D. The scope of work was for costs not to exceed \$24,600.00, and
- E. The scope of work was for outreach services was increased by \$5,120.00 by Amendment No. 1 dated July 24, 2024 because of additional outreach and site selection and additional site review directed by City staff, and
- F. The Parties seek to amend the Agreement as set forth in this Amendment, and
- G. The additional work effort justification and work cost is attached, and
- H. State grant funds previously awarded to the City (SB 2, LEAP, and REAP grants) will fund the cost of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

**1. Terms of Amendment.**

**Section 3.1** shall be amended to increase the compensation from \$29,720.00 to \$61,151.00 (an additional \$31,431.00).

**2. Incorporation by Reference.** This Amendment incorporates by reference all terms set forth in the Agreement, unless specifically modified by this Amendment. All capitalized terms used herein and not defined herein shall have the meanings set forth in the Agreement.

**3. Effect of Amendment.** This Amendment represents the complete and entire agreement and understanding between the parties and supersedes any prior agreement and understanding (written or oral) concerning the subject matter contained herein. Except as expressly modified



by this Amendment, all provisions of the Agreement will remain unchanged and in full force and effect. The parties hereto acknowledge and agree that the recitals set forth are true and correct, and are incorporated into this Amendment. This Amendment will not be binding until fully executed by the parties.

**4. Signatures.** This Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one instrument. The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Amendment. This Amendment shall inure to the benefit of and be binding upon the parties and their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the Effective Date.

City of Tracy

**Consultant**

Michael Baker International, a Pennsylvania corporation



By: \_\_\_\_\_

Title: Midori Lichtwardt  
City Manager

Date: \_\_\_\_\_

Attest:

By: \_\_\_\_\_  
By: Tim Thiele, PE

Title: Vice President, Office Executive

Date: 11/27/2024

Federal Employer Tax ID No. 25-1228638

By: \_\_\_\_\_

Adrianne Richardson, City Clerk

Approved as to form.

By: \_\_\_\_\_

Andrew Shen, Interim City Attorney

APPROVED AS TO FORM AND LEGALITY

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

**TRACY CITY COUNCIL**

**RESOLUTION 2025-\_\_\_\_\_**

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**APPROVING AMENDMENT No. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL FOR THE HOUSING ELEMENT UPDATE PROJECT.**

**WHEREAS**, in accordance with California Government Code Section 65588, the General Plan Housing Element shall be periodically reviewed and revised for the 2023 – 2031 timeframe; and

**WHEREAS**, on December 14, 2021, the Development Services Department published a Request for Proposals for the Housing Element Update project; and

**WHEREAS**, the proposal submitted by Veronica Tam & Associates, Inc. (VTA) best meets the City's needs by demonstrating the competence and professional qualifications necessary for the satisfactory performance of the Housing Element Update project; and

**WHEREAS**, Michael Baker International (MBI) is a sub-consultant to VTA to provide housing element technical analysis and CEQA clearance; and

**WHEREAS**, the original scope of work for MBI was in a supportive role in regard to the identification of housing sites to satisfy the Regional Housing Needs Assessment (RHNA) for very low, low and moderately priced housing; and

**WHEREAS**, MBI provided extra work due to preparation of many revisions of the RHNA sites inventory and rezoning strategy beyond the contracted scope of work and similarly required replacement of housing element sites and corresponding revisions and updates throughout the document; and

**WHEREAS**, the amount of work completed, has required the contract with MBI to go from being approved at the City Manager level to needing approval by the City Council. This work has been completed and has been invaluable to our efforts to complete the housing element update; and

**WHEREAS**, these consultant costs will be paid by funds from State grants recently awarded to the City: SB 2, Local Early Action Planning, and Regional Early Action Planning grants; and now, therefore, be it

**RESOLVED:** That the Tracy City Council of the City of Tracy hereby approves the Amendment No. 2 to the Professional Services Agreement with Michael Baker International for the Housing Element Update project as indicated in Exhibit 1.

\* \* \* \* \*

The foregoing Resolution 2025-\_\_\_\_\_ was adopted by the Tracy City Council on the 4<sup>th</sup> day of February 2025, by the following vote:

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

\_\_\_\_\_  
DAN ARRIOLA  
Mayor of the City of Tracy, California

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

Exhibit 1: Proposed Amendment No. 2 to Professional Services  
Agreement with Michael Baker International

**CITY OF TRACY  
AMENDMENT NO. 2  
PROFESSIONAL SERVICES AGREEMENT WITH  
Michael Baker International – Housing Element Update Public Outreach**

This Amendment No. 2 to the Professional Services Agreement (**Agreement**) is made effective February 4, 2024 (“Effective Date”) is entered into between the City of Tracy, a municipal corporation (**City**), and Michael Baker International (MBI), a Pennsylvania corporation (**Consultant**). City and Consultant are referred to individually as “Party” and collectively as “Parties.”

**Recitals**

- A. On June 7, 2022, the City Council approved a Professional Services Agreement (PSA) with Veronica Tam and Associates (VTA) for the Housing Update Project pursuant to Resolution No. 2022-066; and
- B. The City hired Consultant to provide additional public outreach to generate community input, supplementing the public outreach of the PSA approved with VTA; and
- C. The City and consultant entered into an agreement in May 2023, and
- D. The scope of work was for costs not to exceed \$24,600.00, and
- E. The scope of work was for outreach services was increased by \$5,120.00 by Amendment No. 1 dated July 24, 2024 because of additional outreach and site selection and additional site review directed by City staff, and
- F. The Parties seek to amend the Agreement as set forth in this Amendment, and
- G. The additional work effort justification and work cost is attached, and
- H. State grant funds previously awarded to the City (SB 2, LEAP, and REAP grants) will fund the cost of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

**1. Terms of Amendment.**

**Section 3.1** shall be amended to increase the compensation from \$29,720.00 to \$61,151.00 (an additional \$31,431.00).

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**3. Effect of Amendment.** This Amendment represents the complete and entire agreement and understanding between the parties and supersedes any prior agreement and understanding (written or oral) concerning the subject matter contained herein. Except as expressly modified

by this Amendment, all provisions of the Agreement will remain unchanged and in full force and effect. The parties hereto acknowledge and agree that the recitals set forth are true and correct, and are incorporated into this Amendment. This Amendment will not be binding until fully executed by the parties.

**4. Signatures.** This Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one instrument. The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Amendment. This Amendment shall inure to the benefit of and be binding upon the parties and their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the Effective Date.

City of Tracy

**Consultant**

Michael Baker International, a Pennsylvania corporation



By: \_\_\_\_\_

Title: Midori Lichtwardt  
City Manager

Date: \_\_\_\_\_

Attest:

By: \_\_\_\_\_

By: Tim Thiele, PE  
Title: Vice President, Office Executive  
Date: 11/27/2024

Federal Employer Tax ID No. 25-1228638

By: \_\_\_\_\_

Adrianne Richardson, City Clerk

Approved as to form.

By: \_\_\_\_\_

Andrew Shen, Interim City Attorney

Agenda Item 1.H

RECOMMENDATION

**Staff recommends that the City Council adopt a resolution (1) accepting offsite improvements for Tracy Lakes Offsite Recycled Water Line Public Improvements, ENG23-0002, as complete and assuming all future operations and maintenance, (2) authorizing the City Engineer to release improvement security in accordance with the Offsite Improvement Agreement, and (3) authorizing the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office.**

EXECUTIVE SUMMARY

This agenda item seeks approval of a resolution by the City Council accepting offsite improvements for Tracy Lakes Offsite Recycled Water Line constructed by Toll West, Inc, a Delaware Corporation (Developer), as complete and the City to assume all future operations and maintenance. This also seeks authorization for the City Engineer to release improvement security in accordance with the Offsite Improvement Agreement (OIA) and allow the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office.

BACKGROUND AND LEGISLATIVE HISTORY

Developer has completed construction of public recycled water main on Valpico Road from Lammers Road to Corral Hollow Road in accordance with the OIA, project plans and specifications, and Conditions of Approval for the Tracy Lakes (formerly, referred to as "Tracy Village") development (Project), and has requested City acceptance of improvements.

On May 15, 2018, by Resolution 2018-087, City Council approved a Vesting Tentative Subdivision Map, TSM17-0003, adopted a statement of overriding considerations and mitigation monitoring program, and certified the Environmental Impact Report (EIR) for the Project. Conditions of Approval for the Vesting Tentative Subdivision Map included a requirement to construct a new recycled water main from Tracy Village, westerly along Valpico Road to Lammers Road and then northerly from Lammers Road to Schulte Road.

On September 7, 2021, by Resolution 2021-125, City Council approved a Deferred Improvement Agreement for certain public improvements, including construction of recycled water main from Tracy Village to the intersection of Lammers Road and Schulte Road.

On February 20, 2024, by Resolution 2024-022, City Council terminated the above-mentioned Deferred Improvement Agreement and approved an OIA for construction of a recycled water main in Valpico Road. The construction includes approximately 6759 linear feet of 30-inch diameter ductile iron pipe and appurtenances extending from the future point of connection at the intersection of Lammers Road to the westerly right-of-way line of Corral Hollow Road.

The recycled water main from Tracy Village to the easterly right-of-way of Corral Hollow Road was constructed by Developer under the OIA for Valpico Road Improvement Plans Tracy Village - Tract 3917, approved by City Manager on October 27, 2021, pursuant to Emergency Ordinance 1273.

### ANALYSIS

The OIA required the Developer to perform the scope of work defined in the following plan set: "Offsite Recycled Waterline Improvement Plans" consisting of 10 sheets, prepared by CBG Civil Engineers, Surveyors and Planners of San Ramon/Sacramento, California, (Work). Developer has completed all the Work required to be done in accordance with the OIA and has requested acceptance of the public improvements. The City Engineer has inspected the completed Work and confirmed that the improvements conform to the OIA and City plans and specifications.

Bonds were provided by the Developer as required by the OIA in the amounts as follows:

<b>Bond Type</b>	<b>Amount</b>
Faithful Performance	\$ 3,995,000
Labor and Material	\$ 3,995,000
Warranty	\$ 399,500

Faithful Performance Bonds may be released upon acceptance of improvements by the City Council. Labor and Material Bonds may be released six months after recordation of Notice of Completion as statute of limitations period expires in accordance with Tracy Municipal Code and Civil Code §9356. The Warranty Bond will be retained by the City's Engineering Division and shall be released one year after City Council acceptance of improvements and any warranty work is completed.

All of the Work was installed within existing City and County right-of-way. No additional land dedications were necessary.

### FISCAL IMPACT

All improvements were completed by the Developer in accordance with the OIA and there was no fiscal impact to the City for the construction cost. The Engineer's Preliminary Estimate for Bonding Purposes prepared by CBG Engineers, Surveyors, and Planners dated May 16, 2023, included the portion of recycled water main to be installed within the Corral Hollow Road right-of-way under CIP 73144. Consequently, the actual length of recycled water main installed under this OIA is adjusted from 6,964 linear feet to 6,759 linear feet.

The adjusted estimated cost of the public improvements is as follows:

Recycled Water: \$3,915,203

The funding of ongoing maintenance of the newly installed recycled water infrastructure will come from the Public Works Operations and Utilities Budget.

### PUBLIC OUTREACH / INTEREST

Not applicable.

### COORDINATION

Project construction activities were coordinated with the City of Tracy Public Works Department.

### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DETERMINATION

Prior to commencement of construction, an analysis of the project showed that there would be no significant on-site or off-site impacts as a result of this particular project which were not already discussed in the Final Revised Environmental Impact Report (EIR) certified by City Council on May 15, 2018, for the Tracy Village Specific Plan, (SCH#2016112016). No new evidence of potentially significant effects were identified as a result of this project. Therefore, no further environmental review was necessary.

### STRATEGIC PLAN

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

### ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council, by resolution (1) accept offsite improvements for Tracy Lakes Offsite Recycled Water Line Public Improvements, ENG23-0002, as complete and assuming all future operations and maintenance, (2) authorize the City Engineer to release improvement security in accordance with the Offsite Improvement Agreement, and (3) authorize the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office.

Prepared by: Miguel Hernandez, Construction Project Manager

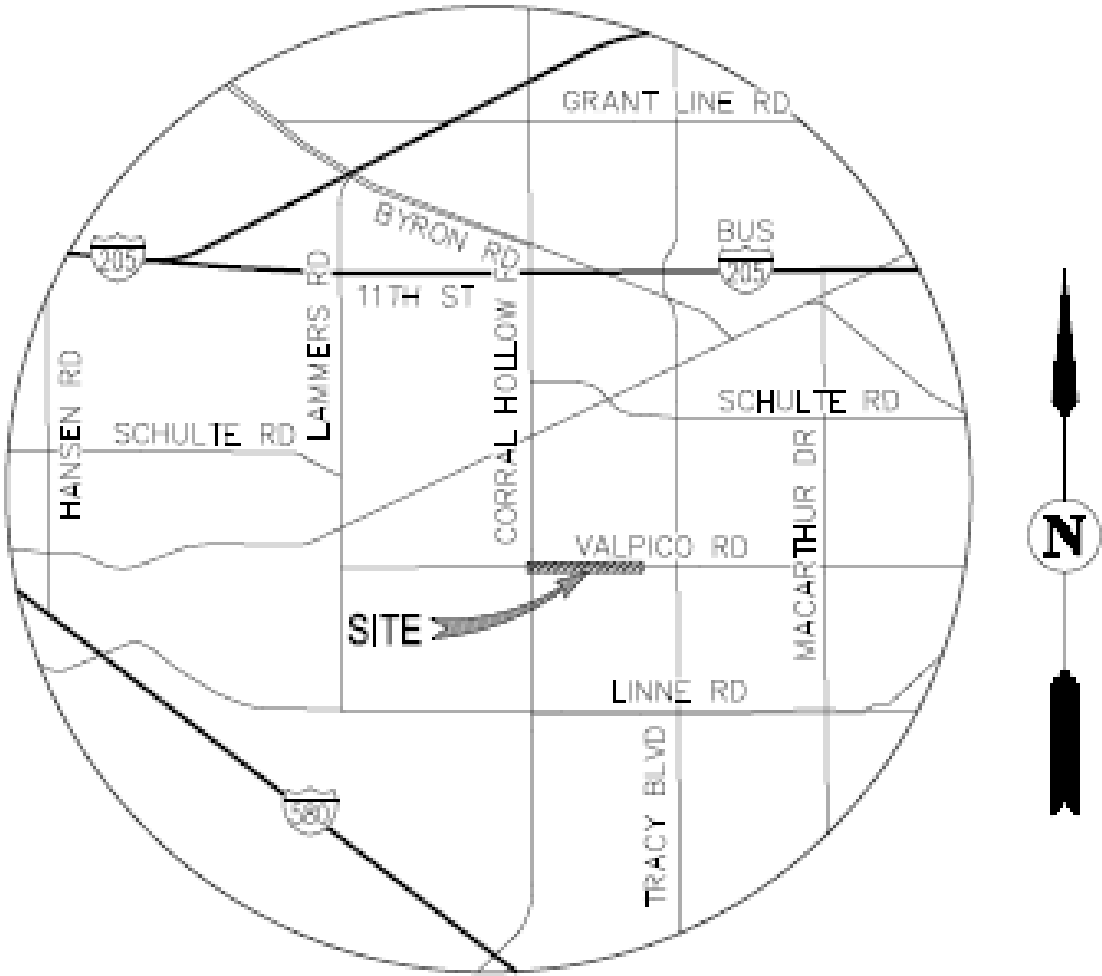
Reviewed by: Sara Castro, Finance Director  
Matthew Summers, Interim Assistant City Attorney  
Karin Schnaider, Assistant City Manager

Approved by: Midori Lichtwardt, City Manager

### ATTACHMENTS:

Attachment A – Vicinity Map





Attachment “A” Vicinity Map

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

**TRACY CITY COUNCIL**

**RESOLUTION 2025-\_\_\_\_\_**

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**(1) ACCEPTING OFFSITE IMPROVEMENTS FOR TRACY LAKES OFFSITE RECYCLED WATER LINE PUBLIC IMPROVEMENTS, ENG23-0002, AS COMPLETE AND ASSUMING ALL FUTURE OPERATIONS AND MAINTENANCE, (2) AUTHORIZING THE CITY ENGINEER TO RELEASE IMPROVEMENT SECURITY IN ACCORDANCE WITH THE OFFSITE IMPROVEMENT AGREEMENT, AND (3) AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION WITH THE SAN JOAQUIN COUNTY RECORDER'S OFFICE.**

**WHEREAS**, on May 15, 2018, by Resolution 2018-087 City Council approved a Vesting Tentative Subdivision Map, TSM17-0003, adopted a statement of overriding considerations and mitigation monitoring program, and certified the Environmental Impact Report (EIR) for Tracy Village; and

**WHEREAS**, approval of the Vesting Tentative Map was subject to Conditions of Approval including a requirement to construct a new recycled water main from Tracy Village, westerly along Valpico Road to Lammers Road and then northerly from Lammers Road to Schulte Road; and

**WHEREAS**, on February 20, 2024, by Resolution 2024-022, City Council approved an Offsite Improvement Agreement (OIA) for construction of 6759 linear feet of recycled water main in Valpico Road, from a future connection point at the westerly right-of-way of Corral Hollow Road to a future connection point at Lammers Road; and

**WHEREAS**, Developer has completed all the work required to be done in accordance with the OIA and has requested acceptance of the public improvements and the City Engineer has inspected the completed improvements and confirmed that they conform to the OIA and City plans and specifications; and

**WHEREAS**, Developer furnished Faithful Performance, Labor and Materials, and Warranty Bonds assuring completion of the Work; and

**WHEREAS**, Faithful Performance Bonds may be released upon acceptance of improvements by the City Council; and

**WHEREAS**, Labor and Material Bonds may be released six months after recordation of the Notice of Completion as the statute of limitations period expires in accordance with Civil Code §9356 and Tracy Municipal Code; and

**WHEREAS**, Warranty Bonds may be released one year after City Council acceptance of improvements and any warranty work is completed; and

**WHEREAS**, the estimated cost of the improvements are as follows:

Recycled Water:        \$3,915,203 and;

**WHEREAS**, the acceptance and operation of these offsite improvements is consistent with the Final Revised Environmental Impact Report for the Tracy Village Specific Plan, (SCH#2016112016) and no further review under the California Environmental Quality Act (CEQA) is necessary; now, therefore, be it

**RESOLVED:** That the City Council of the City of Tracy hereby accepts the offsite improvements for Tracy Lakes Offsite Recycled Water Line Public Improvements, ENG23-0002, as complete and assuming all future operations and maintenance; and be it

**FURTHER RESOLVED:** That the City Engineer may release the improvement security in accordance with the Offsite Improvement Agreement and applicable law; and be it

**FURTHER RESOLVED:** That City Council authorizes the City Clerk to file the Notice of Completion with the San Joaquin County Recorder's Office for the offsite improvements for Tracy Lakes Offsite Recycled Water Line Public Improvements, ENG23-0002.

\* \* \* \* \*

The foregoing Resolution 2025-\_\_\_\_\_ was adopted by the Tracy City Council on the 4<sup>th</sup> day of February 2025 by the following vote:

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

\_\_\_\_\_  
DAN ARRIOLA  
Mayor of the City of Tracy, California

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

February 4, 2025

Agenda Item 3.A.

RECOMMENDATION

**Staff Recommends that the City Council 1) adopt a Resolution amending the Tracy Finance Committee Bylaws to combine the Finance Committee with the Investment Review Committee and 2) rescinding Tracy City Resolution No. 95-087.**

EXECUTIVE SUMMARY

Staff recommends City Council amend the Tracy Finance Committee Bylaws to combine the Finance Committee with the Investment Review Committee, changing the regular meeting date to quarterly, on the second Monday of the first month of each quarter, and granting authority to staff to allow time sensitive items to go directly to City Council for action, in order to improve efficiencies, and rescinding Tracy City Resolution No. 95-087, which established the Investment Review Committee.

BACKGROUND AND LEGISLATIVE HISTORY

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

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

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

On May 16, 2023, the City Council adopted the Committee Bylaws (Resolution 2023-085) and on February 6, 2024 the bylaws were amended (Resolution 2024-014) to modify the meeting date and remove the requirement that grant acceptances must be approved by the committee prior to City Council action.

On January 7, 2025, the City Council discussed 2025 appointments to City Council Committees and decided to combine the Investment Review Committee and the Finance Committee. The City Council also decided to have the combined Committee meet quarterly on the second Monday of the first month of each quarter. The presently adopted Bylaws of the Finance Committee state that the Committee meets monthly, on the fourth Tuesday of the month at 7:00 p.m.

The presently adopted Bylaws authorize the Committee to aid the City Council in fulfilling its fiduciary responsibilities to oversee the financial activities and financial condition of the City. To expedite treatment of such items and to improve efficiencies, staff recommends that the City Council authorize the City Manager to determine if an item normally falling

within the purview of the Finance Committee shall be heard directly by City Council if such item is of a time sensitive nature.

### ANALYSIS

Staff has reviewed the City Council appointments and City public meeting schedules and is recommending that the Committee Bylaws be amended to meet quarterly on the second Monday of the first month of each quarter at 5:00 p.m.

The Investment Review Committee was established on April 4, 1995 by Tracy City Resolution No. 95-087. To facilitate combination of the Investment Review Committee with the Finance Committee, the bylaws shall also be amended to include in its scope, quarterly review of the City's investment portfolio and annual review of the City's investment policy and Resolution No. 95-087 must be rescinded.

### FISCAL IMPACT

There is no fiscal impact associated with this action.

### STRATEGIC PLAN

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

### ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends that the City Council 1) adopt a Resolution amending the Tracy Finance Committee Bylaws to combine the Finance Committee with the Investment Review Committee and 2) rescinding Tracy City Resolution No. 95-087.

Submitted by: Sara Castro, Director of Finance  
Reviewed by: Karin Schnaider, Assistant City Manager  
Andrew Shen, Interim City Attorney

Approved by: Midori Lichtwardt, City Manager

### ATTACHMENTS

- A. Redline Finance Committee Bylaws
- B. Clean Finance Committee Bylaws
- C. Investment Review Committee Resolution 95-087

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

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

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

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

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

**WHEREAS**, on January 7, 2025, the City Council authorized combining the Investment Review Committee with the Finance Committee; and

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

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

**A. PURPOSE**

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

- 4.1.3. Long-term planning, including but not limited to
  - 4.1.3.1. City revenues and expenses, including related fee and tax studies
  - 4.1.3.2. Deferred maintenance and capital planning
  - 4.1.3.3. Long-term liabilities, debt, and other finance planning
- 4.1.4. Quarterly review of the City's investment portfolio
- 4.1.5. Annual review of the City's investment policy
- 5. The Committee will not have jurisdiction to discuss any budget approaches that would require good faith bargaining with labor groups.
- 6. Application, appropriations, or acceptance of grants are not required to have Finance Committee approval.

**B. Action by Subject Matter Committees -**

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

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

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

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

C. ROLE AND RESPONSIBILITIES

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

D. MEMBERSHIP GUIDELINES

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

E. QUORUM

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

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



F. OFFICERS

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

G. DUTIES OF THE COMMITTEE

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

H. MEETINGS

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

Council meeting procedures and the Brown Act.

6. All meetings shall be conducted in accordance with the current City Council meeting procedures.

I. FUNDING

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

J. ADMINISTRATIVE PROCEDURES AND POLICIES

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

K. STAFF LIAISON

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

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

L. ADOPTION

This document, as adopted by City Council, on February 7, 2023, by Resolution 2023-027, amended by City Council on February 6, 2024, and amended February 4, 2025 and shall serve as the Bylaws for the Finance Committee.

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

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

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

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

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

**WHEREAS**, on January 7, 2025, the City Council authorized combining the Investment Review Committee with the Finance Committee; and

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

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

**A. PURPOSE**

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

- 4.1.3. Long-term planning, including but not limited to
  - 4.1.3.1. City revenues and expenses, including related fee and tax studies
  - 4.1.3.2. Deferred maintenance and capital planning
  - 4.1.3.3. Long-term liabilities, debt, and other finance planning
- 4.1.4. Quarterly review of the City's investment portfolio
- 4.1.5. Annual review of the City's investment policy
- 5. The Committee will not have jurisdiction to discuss any budget approaches that would require good faith bargaining with labor groups.
- 6. Application, appropriations, or acceptance of grants are not required to have Finance Committee approval.

**B. Action by Subject Matter Committees -**

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

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

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

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

C. ROLE AND RESPONSIBILITIES

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

D. MEMBERSHIP GUIDELINES

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

E. QUORUM

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

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

F. OFFICERS

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

G. DUTIES OF THE COMMITTEE

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

H. MEETINGS

1. Regular meetings of the Finance Committee shall be held quarterly on the 2<sup>nd</sup> Monday of the first month of each quarter and shall begin at 5:00 p.m.
2. If the scheduled date of a regular meeting conflicts with a holiday period, staff shall reschedule that meeting to be conducted within that month.
3. Any regular meeting may be adjourned, or any item on the agenda continued to the next or any subsequent regular meeting of the Finance Committee, by a majority of the quorum. If a meeting is adjourned or an item is continued to a special meeting to be held on a date other than a regular meeting date, the time, place, and date of such special meeting shall be specified in the motion for adjournment or continuance.
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The Finance Committee shall have a staff liaison designated by the relevant City Department. The staff liaison shall:

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2. Sign all meetings minutes and resolutions upon approval.
3. Prepare and distribute agendas and agenda packets.

L. ADOPTION

This document, as adopted by City Council, on February 7, 2023, by Resolution 2023-027, amended by City Council on February 6, 2024, and February 4, 2025 shall serve as the Bylaws for the Finance Committee.

RESOLUTION NO. 95-087

## ESTABLISHING A CITY INVESTMENT REVIEW COMMITTEE

WHEREAS, It is important to provide a communication process between the City Council and the Treasurer regarding the City's investment portfolio, and

WHEREAS, The establishment of a City Investment Review Committee is recommended, and

WHEREAS, The Committee will meet on a monthly basis to review the City Treasurer's report and schedule of investments;

NOW, THEREFORE, BE IT RESOLVED That the City Council of the City of Tracy does hereby establish an Investment Review Committee membership comprised of the following:

2 City Council Members  
City Treasurer  
City Manager or Assistant City Manager  
Finance Manager

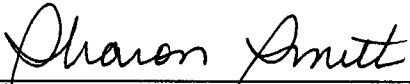
\* \* \* \* \*

The foregoing Resolution No. 95-087 was passed and adopted by the City Council of the City of Tracy on the 4th day of April, 1995, by the following vote:

AYES:	COUNCIL MEMBERS:	IVES, MATTHEWS, SERPA, STROUP, BILBREY
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE

  
\_\_\_\_\_  
Mayor of the City of Tracy

ATTEST:

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



APPROVED AS TO FORM AND LEGALITY

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

**TRACY CITY COUNCIL**

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

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**ADOPT A RESOLUTION AMENDING THE TRACY FINANCE COMMITTEE BYLAWS**

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

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

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

**WHEREAS**, The Committee bylaws were amended on February 6, 2024 to amend the meeting dates grant application and acceptance; and

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

**WHEREAS**, The Committee Bylaws state the committee regularly meets on the fourth Tuesday of the month at 7:00 P.M.; and

**WHEREAS**, On January 7, 2025, the City Council combined the Investment Review Committee and the Finance Committee, to now meet quarterly; and

**WHEREAS**, Resolution No. 95-087 approved the establishment of the Investment Review Committee; and

**WHEREAS**, The City desires to amend Section A (4.1.4, 4.1.5, & 6) of the Committee bylaws which defines the purpose of the committee to include quarterly review of the City's investment portfolio and annual review of the City's investment policy as follows, (deletions indicated by strikethrough, additions indicated by double-underline):

**PURPOSE**

1. The purpose of the Committee is to provide policy guidance as it relates to the development of a multi-year fiscal sustainability plan to address the City's fiscal health and long-term planning and to review the City's investment portfolio and policy.
2. The Finance Committee shall have initial jurisdiction over any item assigned to it by the City Council as well as any items being advanced by the City Manager that implement or relate to the overall jurisdictional purpose of the Committee.

3. Approaches may include, but are not limited to, budget strategies and fiscal policies, related revenue enhancement, cost containment, and use of other revenue sources such as Measure V and/or General Fund Reserves, keeping in mind planned recreational amenities.
4. The Committee will aid the City Council in fulfilling its fiduciary responsibilities to oversee the financial activities and financial condition of the City of Tracy and its jurisdiction may include the review, discussion, and input on the following areas:
  - 4.1.1. Annual audits and compliance reporting
  - 4.1.2. Annual and quarterly budget updates, augmentations, and forecast
  - 4.1.3. Long-term planning, including but not limited to
    - 4.1.3.1. City revenues and expenses, including related fee and tax studies
    - 4.1.3.2. Deferred maintenance and capital planning
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  - 4.1.4. Quarterly review of the City's investment portfolio
  - 4.1.5. Annual review of the City's investment policy
5. The Committee will not have jurisdiction to discuss any budget approaches that would require good faith bargaining with labor groups.
6. Application, appropriations, or acceptance of grants are not required to have Finance Committee approval."

and,

**WHEREAS,** The City desires to amend Section H (1 & 4) of the Committee Bylaws to move the committee regular meeting date from every fourth Tuesday, to quarterly on the second Monday of the first month of each quarter at 5:00 p.m. and authorize the City Manager to determine time sensitive items will be directly discussed by the City Council as follows (deletions indicated by ~~strike through~~, additions indicated by double-underline:

A. MEETINGS

1. Regular meetings of the Finance Committee shall be held quarterly on the 2nd ~~4th~~ Monday ~~Tuesday~~ of the first month of each quarter and shall begin at 5:00 p.m. ~~7:00p.m.~~
2. If the scheduled date of a regular meeting conflicts with a holiday period, staff shall reschedule that meeting to be conducted within that month.
3. Any regular meeting may be adjourned, or any item on the agenda continued to the next or any subsequent regular meeting of the Finance Committee, by a majority of the quorum. If a meeting is adjourned or an item is continued to a special meeting to be held on a date other than a regular meeting date, the time, place, and date of such special meeting shall be specified in the motion for adjournment or continuance.

4. In the event of a time sensitive item, the City Manager is authorized to determine the item will be directly discussed by the City Council.
5. All meetings are subject to the Brown Act as set forth in Government Code Sections 54950 and following. Accordingly, all meetings shall be noticed and agendas for all meetings shall be prepared and distributed in accordance with the current City Council meeting procedures and the Brown Act.
6. All meetings shall be conducted in accordance with the current City Council meeting procedures.

and,

**NOW, THEREFORE, be it resolved as follows:**

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

**RESOLVED:** That The City Council amends the Tracy Finance Committee Bylaws set forth in Exhibit 1 as the Bylaws of the Tracy Finance Committee; and be it further

**RESOLVED:** That the City Council rescinds Resolution No. 95-087; and be it further

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

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

**RESOLVED:** That the actions contained herein do not constitute a "project" under the California Environmental Quality Act, per CEQA Guidelines Section 15378(b)(5) as the management of the Finance Committee is an administrative action that will not result in any changes in the physical environment.

\* \* \* \* \*

The foregoing Resolution 2025-\_\_\_\_\_ was adopted by the Tracy City Council on February 4, 2025 by the following vote:

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

---

DAN ARRIOLA  
Mayor of the City of Tracy, California

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

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

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

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

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

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

**WHEREAS**, on January 7, 2025, the City Council authorized combining the Investment Review Committee with the Finance Committee; and

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

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

**A. PURPOSE**

1. The purpose of the Committee is to provide policy guidance as it relates to the development of a multi-year fiscal sustainability plan to address the City's fiscal health and long-term planning and to review the City's investment portfolio and policy.
2. The Finance Committee shall have initial jurisdiction over any item assigned to it by the City Council as well as any items being advanced by the City Manager that implement or relate to the overall jurisdictional purpose of the Committee.
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- 5. The Committee will not have jurisdiction to discuss any budget approaches that would require good faith bargaining with labor groups.
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**B. Action by Subject Matter Committees -**

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

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  - 2.2. Due to lack of a quorum, or
  - 2.3. the Committee was not able to approve any recommended action
- 3. Propose by a consensus vote of those present one or more alternative recommendation(s) be forwarded to the full City Council for consideration and final action. The Committee may request additional information to be presented for consideration when the full Council hears the item.
- 4. Reject by a consensus vote, jurisdiction over the action item and refer the action item back to the City Council with a recommendation for reassignment to another appropriate subject-matter committee.

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

C. ROLE AND RESPONSIBILITIES

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

D. MEMBERSHIP GUIDELINES

1. **Membership.** The Finance Committee shall consist of two (2) City Councilmembers.
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F. OFFICERS

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2. The Chairperson shall:
  - 2.1. Preside at all regular and special meetings.
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1. Review, discuss, and provide direction to facilitate in the preparing and presenting of accurate, timely, and meaningful financial statements to the Council from City staff
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4. Review and update from time to time, as necessary the financial policies
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H. MEETINGS

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L. ADOPTION

This document, as adopted by City Council, on February 7, 2023, by Resolution 2023-027, amended by City Council on February 6, 2024, and February 4, 2025 shall serve as the Bylaws for the Finance Committee.



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 2024.**

EXECUTIVE SUMMARY

The Tracy Police Department has prepared the City of Tracy Police Department's 2024 Annual Report. The report provides the residents of Tracy with a statistical review of the Department's performance, efforts, and accomplishments.

BACKGROUND AND LEGISLATIVE HISTORY

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.

ANALYSIS

The 2024 Tracy Police Department Annual Report presents statistical data and highlights significant achievements and initiatives undertaken over the past year. This report aims to inform the public about crime trends, department operations, and key community engagement efforts. While statistics offer valuable insight into public safety, they do not fully capture the comprehensive efforts of departmental personnel in fostering a safe and engaged community.

In 2024, the Department responded to 69,897 calls for service, including 33,126 emergency 911 calls, demonstrating a continued commitment to rapid, efficient public safety response. A significant reduction in homicide cases was achieved, with homicides dropping from 8 in 2023 to 3 in 2024, reflecting the Department's focus on proactive enforcement and community-based policing strategies.

The Department's Traffic Safety Unit played a pivotal role in enhancing roadway safety, expanding its coverage to seven days a week and focusing on collision prevention through education and enforcement. In a major step forward, red-light camera photo enforcement was approved in 2024, with Verra Mobility selected as the vendor. The Traffic Safety Unit is working closely with the City's Engineering Division to develop and implement this program at high-risk intersections.

Advancements in technology and data-driven policing continued to improve operations. The Real-Time Information Center (RTIC) is nearing full operational status, enhancing situational awareness and supporting proactive law enforcement efforts. Innovations such as the OnScene app for real-time officer tracking and the NextGen 911 system for enhanced dispatch call processing have improved both response times and officer safety.

In the realm of community engagement, the Department strengthened its outreach through initiatives like the Familiar Faces Homeless Outreach Team and proactive neighborhood engagement led by School Resource Officers (SROs) and Neighborhood Resource Officers (NROs). Access to the AERIES student information system enhanced partnerships with local schools, enabling timely interventions and fostering safer learning environments.

Mental health remained a priority, with the Mobile Evaluation Team (MET) partnering with mental health professionals to address crises with specialized care, emphasizing treatment and support.

The Department's commitment to professionalism and preparedness was reinforced by transitioning to Taser 10 devices and preparing to deploy updated patrol rifles. Investments in specialized training, equipment, and innovative tools reflect the Department's dedication to maintaining public trust and continuously improving public safety.

Key accomplishments in 2024 reflect a balanced approach to enforcement, prevention, and collaboration. As the Department looks forward, it remains committed to transparency, adaptability, and the steadfast pursuit of a safe and thriving Tracy community.

#### 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.

#### ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council receive an informational report regarding the City of Tracy Police Department's Annual Report for 2024.

Prepared by: Kaylin Heefner, Police Community Relations Coordinator

Reviewed by: Sekou Millington, Chief of Police  
Sara Castro, Director of Finance  
Karin Schnaider, Assistant City Manager  
Andrew Shen, Interim City Attorney

Approved by: Midori Lichtwardt, City Manager

#### Attachments:

Attachment A: City of Tracy Police Department's Annual Report for 2024  
Attachment B: PowerPoint Presentation



# TRACY POLICE DEPARTMENT ANNUAL REPORT

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# MESSAGE FROM THE CHIEF



Dear Tracy Community,

As we step into 2024, I am honored to share with you the progress and endeavors of the Tracy Police Department over the past year. This annual report serves as a reflection of our commitment to safety, innovation, and community partnership, as well as a transparent account of our challenges and achievements.

Our dedication to public safety and community well-being remains steadfast. The officers and staff of the Tracy Police Department have worked tirelessly to uphold the highest standards of law enforcement, embracing change and innovation to better serve you.

In 2024, community engagement continues to be a cornerstone of our efforts. Through neighborhood watch programs, outreach events, and collaborative initiatives, we strive to strengthen the bond between our department and the diverse, vibrant community we are privileged to serve. Your involvement and

feedback guide us in tailoring our services to meet the unique needs of Tracy. Transparency and open communication remain at the forefront, with enhanced online resources and ongoing transparency on social media ensuring you stay informed and connected.

This year, we are building on our technological advancements to enhance our capabilities. The integration of drones has provided us with invaluable tools for rapid assessments, search and rescue missions, and situational awareness. The Real-Time Information Center (RTIC) and the red light photo enforcement camera projects are currently underway and will be implemented in the coming months. These initiatives underscore our commitment to improving public safety and traffic management in Tracy.

Compassionate responses to crises are also a key focus. Our Mobile Evaluation Team, developed in collaboration with mental health professionals, continues to provide specialized support to individuals in need. Additionally, the expansion of our Traffic Safety Unit to provide seven-day-a-week coverage reflects our dedication to reducing traffic-related incidents and promoting safe roadways for all.

While we celebrate these accomplishments, we acknowledge the challenges that come with progress. The evolving demands of modern law enforcement require adaptability, and we remain committed to equipping our officers with the training and resources needed to meet these challenges with professionalism and sensitivity.

As we move forward, your feedback remains essential. Together, we can address concerns, foster trust, and shape the future of policing in Tracy. Our collective efforts will ensure that we continue to grow as a safe, inclusive, and thriving community.

In closing, I extend my heartfelt gratitude to the Tracy community for your unwavering support. The successes of the past year are a testament to what we can achieve together. The Tracy Police Department is proud to serve you, and we look forward to the opportunities and challenges ahead in 2025.

Sincerely,

*Sekou Millington*

SEKOU MILLINGTON

Chief of police



# TRACY POLICE MISSION & VALUES

## MISSION STATEMENT

The Tracy Police Department aims to keep Tracy a safe place in which to live, work, and invest.



## VALUES

The Tracy Police Department works to preserve the safety and high quality of life in Tracy through value-based policing.

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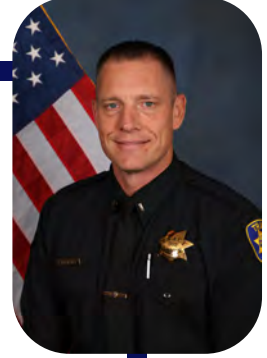
# TRACY POLICE EXECUTIVE STAFF



Sekou Millington  
**CHIEF OF POLICE**



Mike Richards  
Sergeant  
**OFFICE OF THE CHIEF**



Craig Kootstra  
Lieutenant  
**PROFESSIONAL STANDARDS  
& TRAINING DIVISION**



Beth Lyons-McCarthy  
Manager  
**BUREAU OF  
SUPPORT SERVICES**

- Fiscal Management
- Animal Services
- Communications
- Records



Octavio Lopez  
Captain  
**BUREAU OF  
FIELD OPERATIONS**

- Patrol Division
- Special Enforcement Team
- Community Services Division
- SWAT
- Traffic Safety Unit
- Drone Cadre



Luis Mejia  
Captain  
**BUREAU OF  
INVESTIGATIONS**

- General Investigations
- Special Investigations
- Hi-Tech Crimes
- Crime Scene Unit





# HONORABLE CITY COUNCIL & CITY MANAGER



**MAYOR PRO TEM**  
Ellassia Davis



**MAYOR**  
Nancy Young



**COUNCIL MEMBER**  
Dan Arriola



**COUNCIL MEMBER**  
Mateo Bedolla



**CITY MANAGER**  
Midori Lichtwardt



**COUNCIL MEMBER**  
Dan Evans

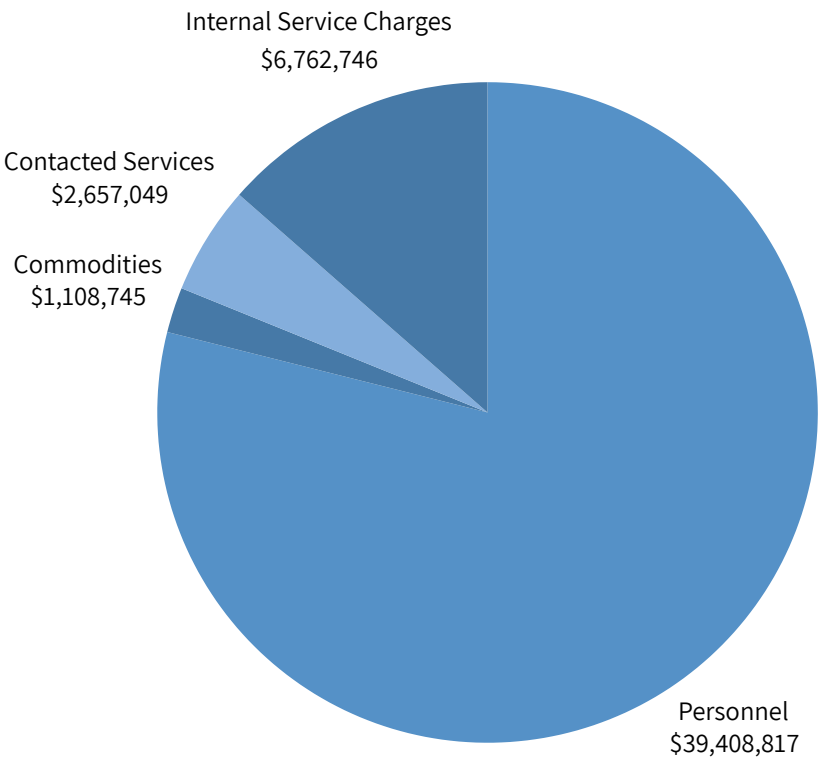




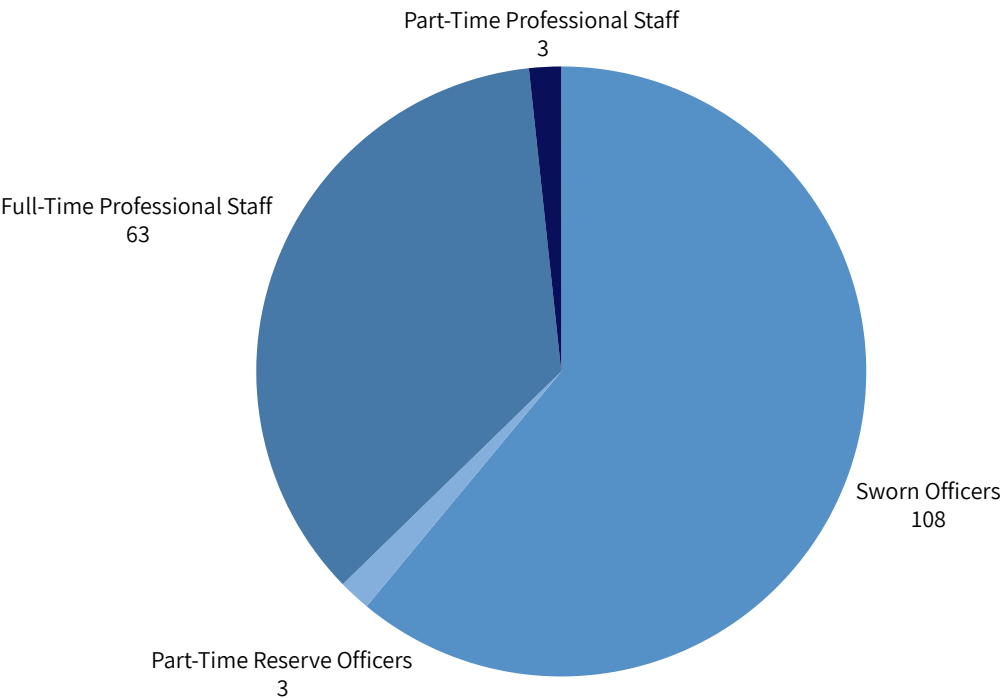
# DEPARTMENT PERSONNEL & BUDGET

The Tracy Police Department budget (\$49,937,357) was allocated to 108 full-time sworn officers, 63 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

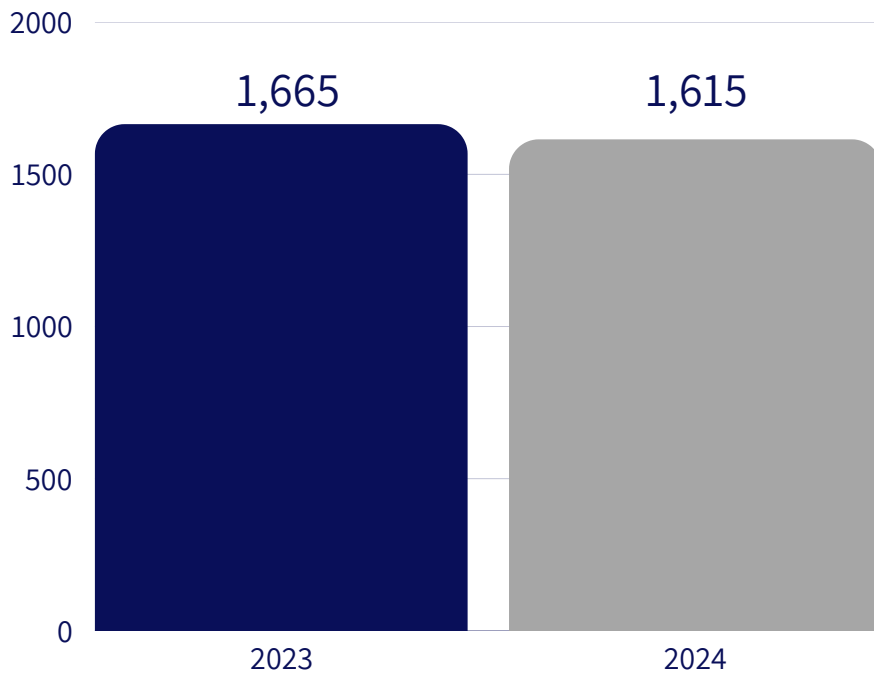


# NATIONAL INCIDENT-BASED REPORTING SYSTEM

The Tracy Police Department regularly shares its monthly crime data with the Federal Bureau of Investigations (FBI) using the National Incident-Based Reporting System (NIBRS). They categorize crimes into two main groups:

**Violent Crimes:** These are the most serious offenses, including homicide, sexual assault, robbery, and aggravated assault.

**Property Crimes:** This category involves crimes related to property, such as burglary, larceny, auto theft, and arson.

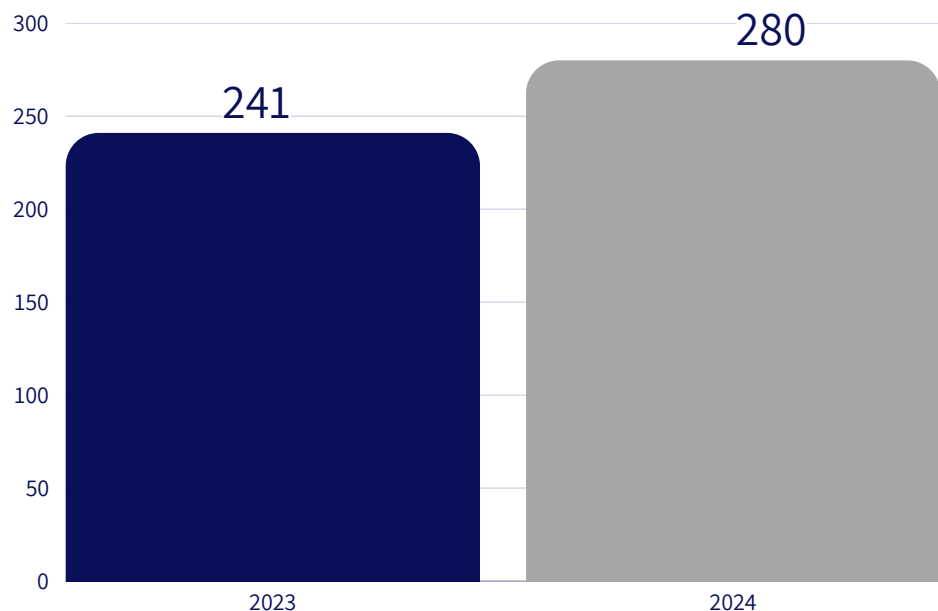


## PROPERTY CRIMES

BURGLARY, LARCENY, AUTO THEFT, AND ARSON.

## VIOLENT CRIMES

HOMICIDE, SEXUAL ASSAULT, ROBBERY AND AGGRAVATED ASSAULT.



# OFFICE OF THE CHIEF OF POLICE



**Mike Richards**  
Chief of Staff

**We are not a team because we work together. We are a team because we trust, respect, and care for each other.**

-Vala Afshar

The Chief of Police's Office is overseen by the Chief of Staff and staffed by the Executive Assistant, a Police Support Services Technician, a Police Community Relations Coordinator, and the Department's Wellness Dog.

In 2024, the Office of the Chief focused on enhancing communication and modernizing operations. Significant strides were made in expanding the Department's presence on social media platforms and strengthening relationships with local and regional media outlets to foster transparency and community engagement.

The implementation of digital business cards introduced a streamlined way for staff to connect with community members and professional partners. Advancements in technology also included updates to the Emergency Operations Center (EOC), improving its capabilities for crisis response and coordination.

The Department's Wellness Dog, Hope, continued to play a vital role in outreach efforts by making visits to local schools and community events. Hope has brought smiles to everyone's day, fostering positive connections between the Department and the community.

Additionally, the Office conducted a comprehensive study of radio call signs, seeking to enhance clarity and efficiency in communications.



# PROFESSIONAL STANDARDS & TRAINING



**Craig Kootstra**  
Lieutenant

The Professional Standards & Training Division of the Tracy Police Department, led by a lieutenant and sergeant, ensures the department maintains high professional standards. This Division is responsible for developing policies, overseeing training programs, and conducting administrative investigations, while also managing audits and coordinating external inspections from agencies like POST and the California Department of Corrections and Rehabilitation.

The Division oversees various essential training programs, including Field Training, firearms, defensive tactics, de-escalation, and professional development, while ensuring compliance with POST and legislative mandates. It is also managing improvements to the Tracy PD Firing Range, with completion expected by Winter 2025.

In the first half of 2024, the Division transitioned to the Taser 10, reviewed internal affairs investigations, and improved inventory management. It is also preparing to implement the Permittium CCW Tracking Software for concealed carry weapon applications.

Looking ahead, the Division plans to expand its Range and Tactical Cadres, deploy new patrol rifles, and refine the Field Training Officer program to ensure new recruits are well-prepared for independent service. These efforts will continue to uphold the department's high standards of professionalism and service to the community.

**Ethics is knowing the difference between what you have a right to do and what is right to do.**

-Potter Stewart



# Personnel Investigations

**Total: 9**

Personnel investigations are conducted by the Professional Standards & 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.

Category	Exonerated	Not Sustained	Sustained	Unfounded	Admin. Closure	Pending	Total
Administrative Complaints	0	0	3	0	0	1	4
Citizen Complaints	0	0	1	4	0	0	5

## Use of Force

**Total: 16**

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 each one is reviewed by the Chief of Police.

Suspect Characteristics		Reason for Contact		Race/Ethnicity	
Suspect Age	Incidents	Reason	Incidents	Race/Ethnicity	Incidents
0-20	2	Calls for Service	12	African American	3
21-30	1	Self-Initiated Activity	4	Hispanic	9
31-40	8			White	3
41+	5			Other	1

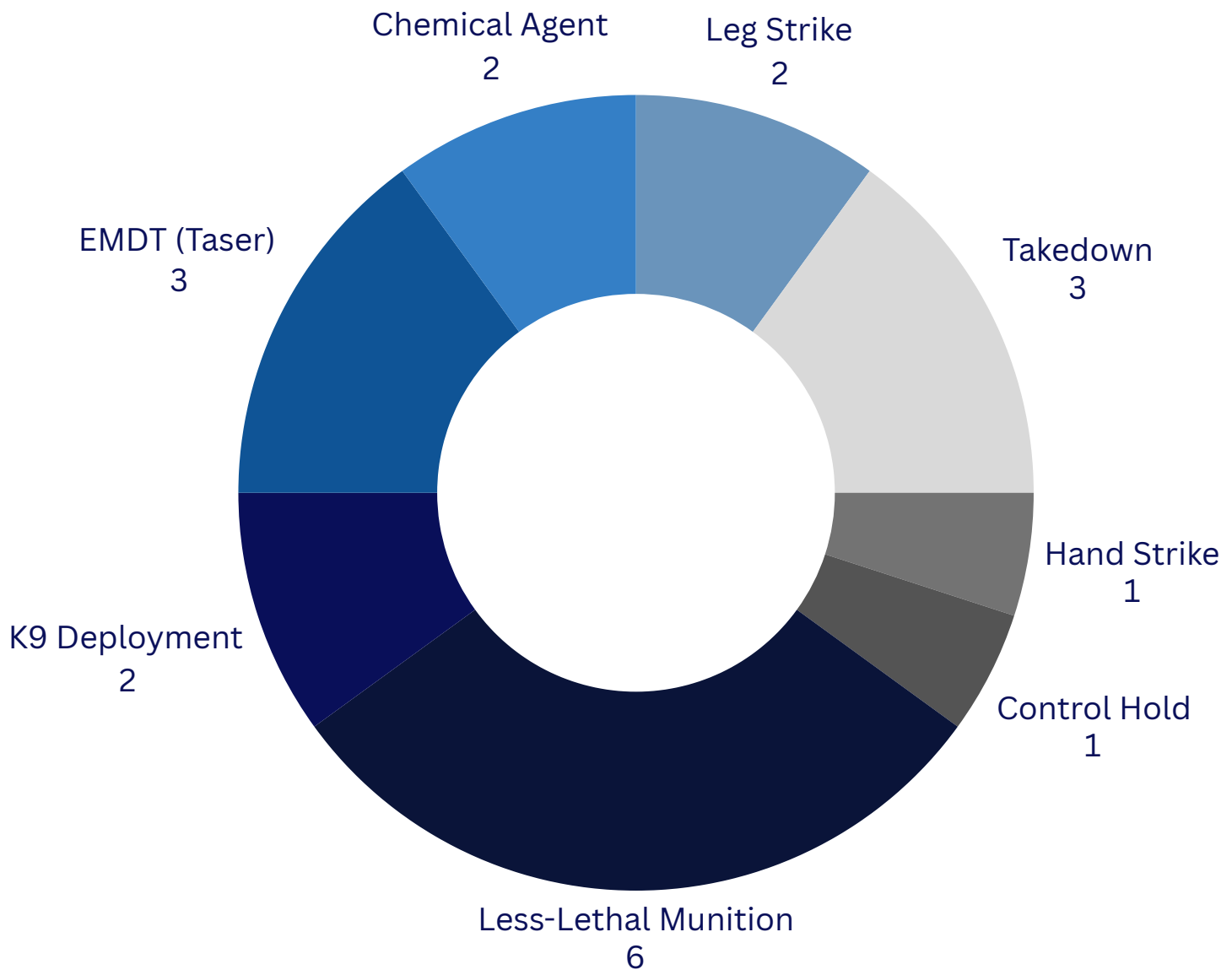


# Types of Force Used

Total uses of force: 16

Total applications of force: 20

Force was used 16 times by Tracy Police in 2024 to arrest or detain subject(s). In some incidents of force, more than one force option was applied to gain compliance.



# BUREAU OF FIELD OPERATIONS



**Octavio Lopez**  
Captain

**The ability of the police to perform their duties is dependent upon public approval of police existence, actions, behavior, and the ability of the police to secure and maintain public respect.**

-Sir Robert Peel

The Bureau of Field Operations (BFO) is the Tracy Police Department's primary connection to the community, providing 24/7 frontline law enforcement. Led by a captain and a team of lieutenants and sergeants, BFO oversees specialized units focused on traffic safety, gang activity, narcotics, and quality-of-life issues. Key units include the Special Enforcement Team (SET), Traffic Safety Unit, Community Service Division, and Code Enforcement.

Uniformed patrol officers form BFO's backbone, responding to a wide range of service calls with the support of technologies like Automatic License Plate Readers (ALPR) and Unmanned Aircraft Systems (UAS). The Community Services Division, with School Resource Officers, Neighborhood Resource Officers, and Community Service Officers, emphasizes public safety, mental health response, and community engagement, freeing patrol officers to focus on urgent calls.

In 2024, BFO expanded its impact with new personnel, technology upgrades, and proactive enforcement. From SET's major narcotics seizures and K-9 Unit successes to advancements in drone operations and strengthened community partnerships, BFO remains committed to innovation, professionalism, and public trust.





# Patrol Operations



## CALLS FOR SERVICE RESPONSE TIMES

<b>PRIORITY 1</b>	5:26
<b>PRIORITY 2</b>	5:50
<b>PRIORITY 3</b>	5:57

Patrol Operations serves as the essential foundation of the Tracy Police Department, delivering continuous and comprehensive law enforcement services tailored to the needs of the community. As the first line of defense against crime and emergencies, patrol officers play a crucial role in maintaining public safety. They are tasked with responding to both emergency situations—such as accidents, assaults, and other urgent matters—and non-emergency calls, which range from noise complaints to requests for assistance with minor incidents.

To effectively cover the vast array of neighborhoods within Tracy, patrol officers engage in regular patrols, utilizing marked police vehicles, bicycles, and foot patrols to navigate various areas and maintain a strong visual presence. This visibility is not only tactical; it serves as a deterrent to potential criminal activity, as the presence of law enforcement fosters a sense of security among citizens.

The responsibilities of patrol officers extend beyond mere response; they actively investigate crimes that occur within their beat. This includes gathering evidence, interviewing witnesses, and working to compile reports that may lead to apprehending suspects. In addition, officers conduct traffic stops to address California Vehicle Code violations and educate drivers on safe driving practices, contributing to overall road safety.

To enhance their operational effectiveness, patrol officers utilize advanced technology and data-driven strategies. Tools such as drones are employed for aerial surveillance during events or crime scenes, while automated license plate readers assist in identifying vehicles linked to criminal activity. These technologies not only improve the efficiency of investigations but also enhance overall crime prevention efforts.

Community engagement remains a cornerstone of patrol operations. Officers are active participants in local events and outreach programs, working to establish a positive presence in the community. Initiatives like "Coffee with a Cop" and "National Night Out" serve as platforms for casual interaction between officers and residents. These events are designed to break down barriers and build stronger relationships, allowing citizens to engage with law enforcement in a relaxed setting.

Through their unwavering commitment to visibility, proactive service, and the overall well-being of residents, the Patrol Division exemplifies the department's mission to protect and serve. By emphasizing collaborative policing and community relationships, Patrol remains the backbone of the Tracy Police Department, ensuring that every call for help and every concern raised by the community is addressed with professionalism, empathy, and care.





# Special Enforcement Team



The Special Enforcement Team (SET) is a highly specialized unit within the Tracy Police Department dedicated to proactive law enforcement strategies aimed at combating organized crime, gang activity, and narcotics trafficking. Comprised of trained and experienced officers, SET operates with a level of precision that involves the meticulous use of surveillance techniques, undercover operations, and comprehensive intelligence gathering.

SET's work goes beyond traditional enforcement measures. The Team collaborates extensively with other units within the Tracy Police Department, such as the General Investigations Unit and the Special Investigations Unit. This collaboration allows for the pooling of resources and insights, thereby supporting intricate investigations related to serious crimes, including homicides, robberies, and other violent offenses. SET's adaptability to evolving crime trends enables them to effectively tackle emerging threats and hotspots that arise throughout the city of Tracy.

In its efforts to address organized crime and drug issues on a broader scale, SET maintains strong partnerships with various external agencies. These include federal law enforcement entities such as the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA), as well as regional law enforcement agencies and local task forces. Such collaborations facilitate cross-jurisdictional operations, allowing SET to engage in coordinated efforts to dismantle extensive criminal networks that may extend beyond local boundaries.

The officers within SET attend trainings designed to equip them with advanced skills in tactical operations, crisis management, and specialized investigative techniques. This training ensures they are prepared to handle high-pressure, high-stakes assignments, which often require a quick and effective response. Beyond their investigative duties, SET serves as a critical resource for both the community and other units, responding to high-priority incidents, conducting targeted enforcement actions in response to local crime problems, and attending community events.

SET's presence has proven to be instrumental in creating a safer environment for the residents of Tracy. By actively working to reduce the prevalence of violent crime and drug-related activity, the team plays a vital role in promoting public safety. Their proactive approach includes various community outreach initiatives. These initiatives are designed to educate residents on recognizing suspicious activities and encourage them to report any criminal behavior to the authorities. In addition, the team partners with local schools to address youth engagement in gangs and drugs, offering educational programs that inform students and parents about the risks and long-term consequences associated with these issues.

The Team's commitment to innovation and collaboration underscores its relentless pursuit of justice and public safety. SET's efforts have led to significant seizures of illegal narcotics, firearms, and other contraband, making a noticeable impact on crime rates and the overall safety of Tracy's neighborhoods. Their unwavering dedication to protecting the Tracy community ensures that residents can feel confident in the Police Department's capacity to respond effectively to both immediate emergencies and long-term public safety challenges. Through these combined efforts, the Special Enforcement Team remains a crucial element in Tracy's strategy for sustained safety and security.



# Community Service Officers



Community Service Officers (CSOs) are essential members of the Tracy Police Department, serving as a vital link between law enforcement and the community. These non-sworn personnel take on a diverse array of non-emergency responsibilities that significantly enhance the Department's operational effectiveness. Their duties range from responding to minor traffic collisions—where they assess the situation, document details, and assist with the exchange insurance information—to handling property crimes, where they meticulously gather evidence and write incident reports. By managing these responsibilities, CSOs allow sworn officers to concentrate on emergency calls and high-priority cases, which boosts the Department's overall responsiveness and efficiency.

In addition to their investigative roles, CSOs play a crucial part in traffic management during special events, road closures, and emergencies. They are trained to coordinate the flow of both vehicles and pedestrians, implementing safety measures that prevent accidents and ensure a secure environment for all. Their presence at community events also enhances public safety awareness, as they engage with attendees to promote safe practices and encourage community cooperation.

CSOs are often the first point of contact for residents addressing non-emergency issues. Whether it's assisting someone who has lost property, reporting abandoned vehicles, or stolen property, their accessibility and willingness to help foster a sense of trust and reliability within the community. By providing guidance and support in these situations, CSOs help residents feel connected to the Police Department, breaking down barriers that can sometimes exist between law enforcement and the public.

Moreover, CSOs assist in ensuring that Department records are meticulously maintained and accurate. They play a key role in entering data into systems that support the Department's decision-making processes, facilitating a data-driven approach to public safety. Their attention to detail is critical in ensuring that all reports are complete and reliable, contributing to the Department's larger goals of transparency and accountability.

Beyond these operational and administrative tasks, CSOs engage actively with the community. They participate in educational workshops, neighborhood meetings, and public outreach initiatives that aim to inform and empower residents about various safety issues and community programs. This proactive engagement not only enhances community relationships but also helps to build a network of support that contributes positively to public safety efforts.

Through their thorough and professional handling of diverse responsibilities, CSOs embody the Tracy Police Department's commitment to a collaborative approach to public safety. Their multifaceted roles are fundamental to the overarching mission of serving and protecting the community, ensuring that the Department remains accessible, efficient, and responsive to the needs of all residents. Through their dedication, Community Service Officers facilitate stronger community ties, making them invaluable assets to the Tracy Police Department.





# Community Services Division



The Tracy Police Department's Community Services Division is dedicated to enhancing the overall quality of life for Tracy residents by actively addressing a wide range of community challenges. Central to the Division's efforts is the Community Oriented Policing and Problem Solving (COPPS) philosophy, which emphasizes collaboration between law enforcement and the community to identify, address, and solve problems. This approach fosters an environment of trust, cooperation, and shared responsibility, ultimately contributing to the well-being and safety of all community members.

The Community Services Division plays a key role in organizing and executing the Police Department's community outreach initiatives. Beyond simply enforcing laws, this Division works to resolve quality-of-life concerns that impact the daily lives of residents. By forging strong partnerships with organizations such as the Tracy Unified School District, faith-based groups, and a variety of local service providers, the Division ensures a holistic approach to community engagement and problem-solving.

Through these collaborative efforts, the Division not only strives to reduce crime and enhance public safety but also works to build a stronger, more connected, and vibrant community. By addressing the diverse needs of residents and fostering cooperation between local institutions, the Community Services Division is committed to creating a safer, more inclusive Tracy for everyone.

The units assigned to the Community Service Division are:

- Traffic Safety Unit
- Neighborhood Resource Officer
- Familiar Faces Homeless Outreach Team
- School Resource Officer
- Crime Prevention Specialist
- Code Enforcement
- D.A.R.E.
- Volunteers in Police Service
- Police Activities League
- Mobile Evaluation Team



# Traffic Safety Unit



The Traffic Safety Unit (TSU) of the Tracy Police Department is a specialized team committed to improving roadway safety through proactive enforcement, education, and strategic collaboration. Operating with a sergeant, a corporal, and a team of four traffic officers, the TSU is trained to investigate complex traffic collisions and implement targeted enforcement efforts. This Unit prioritizes reducing traffic-related incidents and fatalities by addressing high-risk behaviors such as speeding, distracted driving, and impaired driving. Equipped with advanced tools and technology, the TSU performs various operations to enhance safety at intersections and along busy roadways. The pending Red Light Photo Enforcement system exemplifies the Unit's commitment to utilizing innovative solutions to increase compliance with traffic signals and prevent accidents. Additionally, the team regularly partners with state and local agencies to conduct collaborative enforcement events, including the San Joaquin County Saturation Traffic Enforcement Program (S.T.E.P.), commercial vehicle enforcement operations, and pedestrian safety initiatives.

Public education remains a cornerstone of TSU's mission, with officers engaging in outreach campaigns to raise awareness about traffic laws and safe driving practices. Educational events at schools and public forums help instill responsible driving habits in young drivers and remind experienced drivers of the importance of vigilance on the road. The TSU also provides recommendations to city planners regarding road design improvements that can mitigate hazards. The officers' expertise in collision analysis aids in reconstructing complex accident scenes, providing critical insights for determining fault and preventing future incidents.

One of the key initiatives of the TSU involves working with the Office of Traffic Safety (OTS) to secure grants that fund specialized enforcement operations targeting impaired driving, seatbelt compliance, and distracted driving. These efforts are complemented by high-visibility enforcement campaigns during peak travel seasons and holiday periods when traffic volumes and risks are heightened. The unit's officers undergo continuous professional development to stay up-to-date with emerging technologies and best practices in traffic safety. By integrating enforcement, education, engineering, and public engagement, the Traffic Safety Unit plays a pivotal role in shaping a safer driving environment for Tracy's residents and visitors.

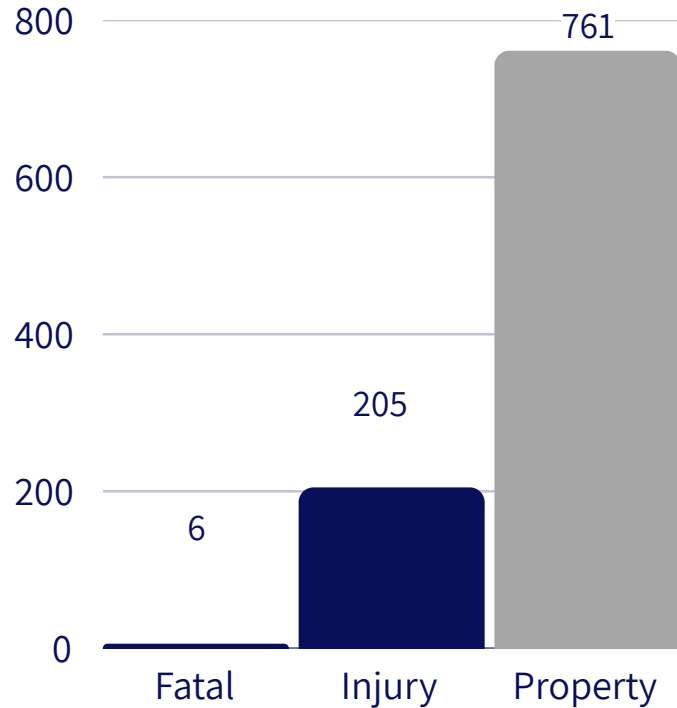




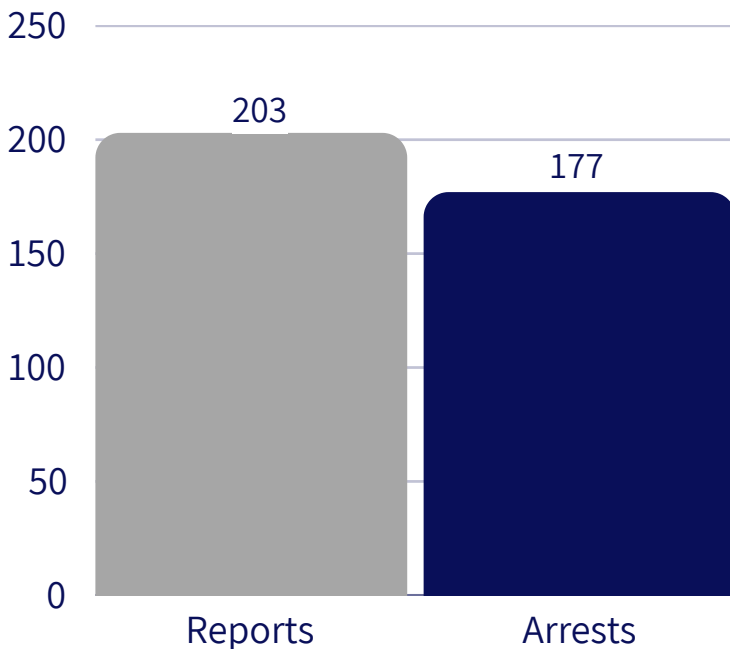
# Traffic Safety Unit Data



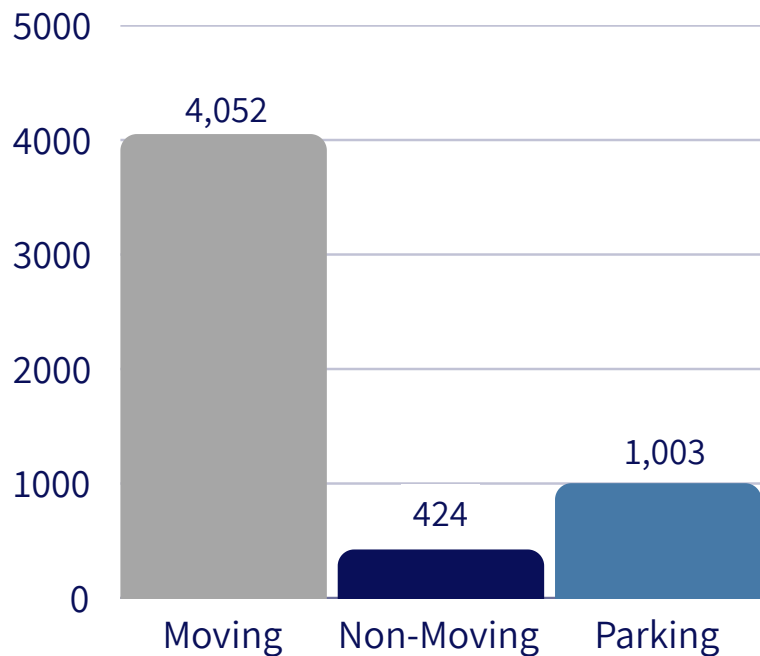
## TOTAL COLLISIONS IN THE CITY OF TRACY



## TOTAL DUI INVESTIGATIONS IN THE CITY OF TRACY



## TOTAL CITATIONS ISSUED IN THE CITY OF TRACY



# Neighborhood Resource Officers



Neighborhood Resource Officers (NROs) are integral to the Tracy Police Department's community policing model, focusing on fostering positive relationships with residents and addressing quality-of-life concerns. Acting as liaisons between the Police Department and the community, NROs proactively tackle neighborhood issues, including homelessness and recurring disturbances. In collaboration with the Familiar Faces program, NROs conduct regular outreach efforts to monitor and respond to homeless encampments on public and private properties. Their work includes identifying individuals in need of services, coordinating with partner organizations, and facilitating access to resources such as housing, healthcare, and substance abuse treatment.

NROs also collaborate with Caltrans, Union Pacific Railroad, and other stakeholders to address environmental and safety concerns, ensuring that areas affected by homeless activity are cleaned and secured. Beyond enforcement, these officers engage in educational outreach to promote crime prevention and neighborhood solidarity. Their involvement in community events, neighborhood meetings, and school presentations helps build trust and foster open lines of communication with residents. By blending enforcement with empathy, Neighborhood Resource Officers exemplify the principles of community-oriented policing, striving to enhance safety, trust, and quality of life for all Tracy residents.

Through personalized outreach and tailored solutions, NROs address unique challenges that vary from neighborhood to neighborhood. Their work in mediating disputes between residents, supporting victims of crime, and participating in community clean-up days helps foster a sense of shared responsibility and collective action. These officers also play a critical role in identifying emerging crime trends and collaborating with specialized units to implement strategic responses. By maintaining a visible and accessible presence in the community, NROs enhance the public's confidence in local law enforcement while creating a collaborative environment where safety and well-being are prioritized.





# Mobile Evaluation Team



The Mobile Evaluation Team (MET) represents an innovative partnership between law enforcement and mental health services, designed to provide compassionate, on-the-ground support for individuals experiencing mental health crises. This team pairs a Neighborhood Resource Officer with mental health clinicians from San Joaquin County Behavioral Health Services (BHS), creating a multidisciplinary approach to crisis intervention. MET responds to calls involving individuals in mental distress, conducting evaluations, de-escalating potentially volatile situations, and connecting individuals with appropriate treatment and resources. Recently, state mandates have expanded BHS's mobile crisis response capabilities, prompting collaboration with Tracy PD to develop a Memorandum of Understanding that enhances service delivery while addressing officer and public safety concerns.

MET's unique deployment model allows for immediate mental health interventions, reducing the likelihood of incarceration or hospitalization for individuals in crisis. The team also provides post-crisis follow-up, ensuring that individuals receive continuous care and support, fostering long-term stability, and reducing repeat incidents. By emphasizing care over confinement, the Mobile Evaluation Team advances public safety, promotes mental wellness, and strengthens community trust. This compassionate, data-informed approach ensures that vulnerable populations receive the specialized support they need, contributing to a healthier, safer Tracy.

Additionally, MET participates in ongoing training to stay updated on the latest techniques in crisis negotiation and de-escalation. This focus on continuous improvement allows the team to adapt to evolving challenges in the mental health landscape. Community outreach and education are also key components of MET's mission, helping to reduce the stigma associated with mental illness and encouraging individuals and families to seek help. The collaboration between mental health professionals and law enforcement serves as a model for integrated public safety solutions, highlighting the critical importance of interdisciplinary partnerships in building resilient communities.



# Familiar Faces



The Familiar Faces Homeless Outreach Team continues to play a critical role in executing the City of Tracy's Homeless Strategic Plan. As the initial point of contact for individuals experiencing or at risk of homelessness, the Familiar Faces team excels in assessing needs, providing follow-up assistance, and fostering trust with unsheltered individuals.

The Familiar Faces team continues to offer various services, including transportation to medical appointments, mobile showers, the Social Security Office, DMV, and food benefit appointments. This hands-on support has been instrumental in building relationships and nurturing trust within the community.

The Salvation Army, which operates the city's homeless shelter, has recognized the impact of Familiar Faces and now consults the team to assist and advise unsheltered individuals at risk of being exited from the shelter. In January 2024, a new grant of \$336,350 was awarded to expand the Familiar Faces program. This funding will support the hiring of an Administrative Assistant to provide operational support and a third Outreach Coordinator to extend service coverage to weekends. Additionally, a second vehicle—a four-door Ford F-150 truck—has been procured, increasing the team's mobility and operational capacity.

Familiar Faces remains dedicated to addressing homelessness in Tracy by connecting individuals with critical resources, including mental health services, substance use disorder treatment, motivational interviewing, trauma-informed care, and harm reduction strategies. Collaborating with community, county, and state partners, the Familiar Faces Homeless Outreach team facilitates transportation for reunification, urgent care, shelter, and housing options, including the City's Temporary Housing Shelter.

The Familiar Faces team continues to demonstrate its value as an indispensable component of the city's efforts to combat homelessness, providing hope and tangible support to those in need.





# School Resource Officers



The Tracy Police Department continues its partnership with the Tracy Unified School District (TUSD) to maintain a safe and secure learning environment for students and staff. Three full-time, sworn School Resource Officers (SROs) remain assigned to Tracy High, West High, and Kimball High while also serving the elementary and middle school campuses across the district.

In 2024, TUSD enhanced the collaboration by granting officers in the Community Services Division access to AERIES, the district's student information system. This access enables officers to serve as liaison officers during missing persons cases, major incidents, or investigations involving students, ensuring a more streamlined response to critical situations.

Additionally, a designated computer with access to TUSD's surveillance system has been installed in the Community Services Division Sergeant's office. This resource is used to assist critical incidents or major investigations on school campuses. For transparency, all requests for surveillance footage require prior approval from Sergeant Garcia or an SRO. A case number, reason for the request, and the specific area searched must be logged in a control record to maintain accountability.

The SRO program continues to strengthen its role as a vital bridge between TUSD and law enforcement, proactively addressing safety concerns and fostering a secure environment for education.



# Code Enforcement



The Code Enforcement Unit of the Tracy Police Department is dedicated to preserving the City's quality of life through the proactive enforcement of local, state, and federal regulations. This multidisciplinary team, consisting of a Community Preservation Manager, a Code Case Analyst, Code Enforcement Officers, an Administrative Assistant, and part-time Parking Enforcement Officers, addresses a wide range of issues related to health, safety, and property maintenance. Key responsibilities include enforcing the City of Tracy municipal code, building codes, and vehicle abatement regulations to prevent blight and hazardous conditions. Code Enforcement works closely with property owners, businesses, and community members to promote voluntary compliance through education and outreach.

Code Enforcement Officers regularly address homelessness-related challenges by mitigating nuisances on vacant properties, drainage basins, parks, and other affected areas, coordinating with partner agencies to ensure thorough cleanup and long-term remediation. The Unit also plays a pivotal role in abating problem properties linked to substandard living conditions, often resulting in revitalized neighborhoods. Code Enforcement's efforts extend to inspections of new commercial ventures, such as cannabis retail establishments, to ensure compliance with City ordinances. Participation in community clean-up events, collaboration with public health initiatives, and engagement with local schools for awareness programs are integral parts of their mission. By balancing regulatory action with community engagement, the Code Enforcement Unit fosters safe, vibrant neighborhoods and supports Tracy's growth and prosperity. Their comprehensive approach to enforcement not only maintains aesthetic and structural integrity but also enhances the overall health and safety of Tracy's residents.

The proactive identification of emerging code violations, coupled with community education on preventative measures, helps reduce repeat offenses and encourages sustainable property maintenance. Code Enforcement also collaborates with city planners to provide input on zoning and land use policies, ensuring that regulatory frameworks evolve in line with community needs. Their work in managing illegal signage and unpermitted construction contributes to a well-ordered urban environment that reflects the community's standards and aspirations. Through responsive action and strategic partnerships, the Unit supports a vision of Tracy as a clean, safe, and thriving city where residents take pride in their surroundings.





# Crime Prevention Specialist



The Crime Prevention Specialist at the Tracy Police Department plays a pivotal role in reducing crime through education, community engagement, and proactive safety initiatives. This specialist develops and implements programs that empower residents and businesses to protect themselves from criminal activity. Utilizing strategies such as Crime Prevention Through Environmental Design (CPTED), the Crime Prevention Specialist conducts site assessments to recommend security enhancements for homes, businesses, and public spaces. Coordinating events like National Night Out, Coffee with a Cop, and the Community Academy, this role enhances the department's visibility and fosters positive police-community relationships.

The specialist also manages the Neighborhood Watch program, acting as a liaison for block captains and organizing crime prevention meetings. Additionally, the Crime Prevention Specialist oversees the Volunteers in Police Service (VIPS) program, ensuring that volunteers are effectively integrated into public safety efforts. This role involves frequent collaboration with schools to teach students about personal safety, online security, and anti-bullying strategies. By promoting a culture of shared responsibility and vigilance, this role enhances community resilience and supports the Tracy Police Department's mission of proactive crime reduction. Through outreach, education, and partnership, the Crime Prevention Specialist strengthens the community's ability to deter crime and enhance public safety.

By continually assessing emerging crime trends and adapting programs to meet evolving needs, the Crime Prevention Specialist remains a cornerstone of the department's preventive strategy. Additionally, collaboration with local businesses and community organizations expands the reach of prevention initiatives, creating a networked approach to community safety. Through dedication, creativity, and strategic engagement, the Crime Prevention Specialist helps foster a city where proactive measures, rather than reactive responses, define public safety outcomes.



# Volunteers in Police Services



The Volunteers in Police Service (VIPS) program is a cornerstone of community engagement within the Tracy Police Department, harnessing the talents and dedication of civilian volunteers to increase public safety efforts. VIPS volunteers contribute to a range of activities, providing administrative support, assisting with traffic control, and participating in community outreach. They play a key role in popular programs like Shop with a Cop, Vacation House Checks, and Tony's Letters to Santa, enriching the Department's relationship with residents through goodwill and service. VIPS also assist with emergency callouts, fleet management, and parking enforcement, demonstrating their versatility and commitment.

By volunteering their time, VIPS members enhance Department efficiency, allowing sworn officers to focus on core law enforcement duties. Their efforts strengthen trust between the police and the community, embodying the principles of partnership and civic responsibility. VIPS participate in public safety fairs, neighborhood events, and youth engagement activities, broadening their impact on the community. Through their selfless service, VIPS make Tracy a safer, more connected city, proving that effective public safety is a shared endeavor. The Tracy Police Department's VIPS program exemplifies the power of collaboration and the impact of volunteerism on community well-being. The ongoing recruitment and training of volunteers ensure that this invaluable program continues to grow and adapt to the evolving needs of the Tracy community.

Training programs designed for VIPS equip volunteers with skills in observation, communication, and emergency preparedness, enhancing their effectiveness in supporting public safety missions. By engaging a diverse group of volunteers, the program reflects the city's commitment to inclusivity and citizen-driven solutions. The dedication of VIPS members inspires broader community participation, demonstrating that a collective approach to safety and security benefits everyone.





# BUREAU OF INVESTIGATIONS



**Luis Mejia**  
Captain

**The single biggest way to impact an organization is to focus on leadership development. There is almost no limit to the potential of an organization that recruits good people, raises them up as leaders and continually develops them.**

-John Maxwell

The Bureau of Investigations (BOI) in Tracy is led by a Police Captain and a Police Lieutenant who oversee a range of specialized units addressing community safety and investigative needs. These include the General Investigations Unit (GIU), Special Investigations Unit (SIU), Crime Scene & Property Unit, Hi-Tech Investigations, Evidence and Property, and the department's Crime Analyst.

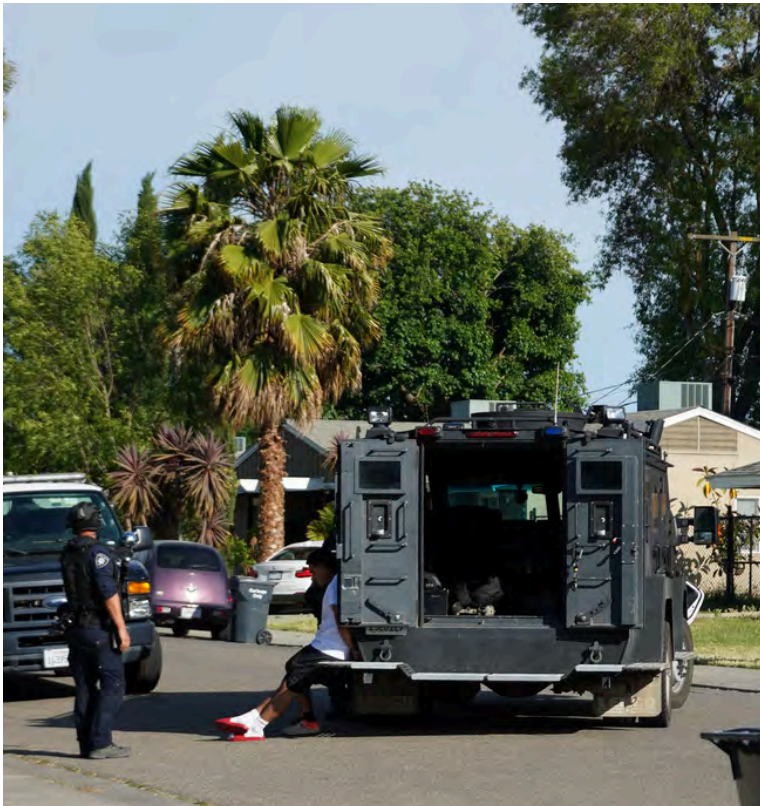
BOI reinforced its commitment to community-oriented policing and collaboration with partners such as the San Joaquin County District Attorney's Office, while also attending meetings with local businesses to discuss the importance of security cameras.

A major initiative was the launch of the Real-Time Information Center (RTIC), a technological hub designed to enhance crime prevention and response. The center is anticipated to be fully operational in early 2025, positioning the department for real-time data integration and strategic intelligence capabilities.

As BOI continues investing in technology and professional development, the completion of the RTIC in 2025 will further empower officers with cutting-edge tools, reinforcing the department's mission to protect and serve Tracy's community with integrity, innovation, and dedication.



# General Investigations Unit



The General Investigations Unit (GIU) of the Tracy Police Department is tasked with investigating a wide array of serious crimes, including homicides, sexual assaults, robberies, and other felony offenses. The Unit is composed of highly trained detectives who bring their expertise to every case, employing a variety of investigative techniques to ensure justice is served. These techniques include gathering and analyzing physical evidence, conducting interviews and interrogations, executing search warrants, and collaborating with other local, state, and federal law enforcement agencies.

GIU's mission extends beyond simply solving cases; the Unit is committed to providing closure to victims and their families while ensuring the perpetrators of crimes are held accountable. The detectives maintain a meticulous approach to their work, as evidenced in their recent handling of a homicide case on Sugar Road. Through a combination of video surveillance analysis, multiple search warrants, witness statements, and fingerprint analysis, detectives identified and apprehended a suspect, who is now awaiting trial. This case highlights the Unit's dedication to thorough investigative processes and teamwork.

Detectives in the GIU also work proactively to prevent crime by identifying trends and patterns within the community. They regularly present findings to community groups and advisory boards to raise awareness and foster partnerships with residents. Additionally, they participate in ongoing training to stay ahead of emerging criminal tactics and technological advancements in law enforcement.

The General Investigations Unit is a cornerstone of the Tracy Police Department, ensuring that justice is pursued with service, integrity, and excellence. Their work reflects the department's commitment to the safety and well-being of the Tracy community.





# Special Investigations Unit



The Special Investigations Unit (SIU) is a specialized division within the Tracy Police Department that focuses on tackling complex and organized criminal activities. These include narcotics trafficking, human trafficking, gang-related crimes, and other high-profile offenses. SIU detectives employ advanced investigative methods such as undercover operations, surveillance, and intelligence gathering to dismantle criminal enterprises and disrupt illegal activities in the community.

A primary focus of SIU is combating the devastating impact of narcotics, particularly fentanyl, on the community. In a landmark case earlier this year, SIU detectives identified and arrested a suspect linked to a fentanyl overdose death. This case marked the first fentanyl-related overdose death prosecution in San Joaquin County, highlighting the Unit's effectiveness in addressing the opioid crisis. Additionally, the team has successfully conducted multiple narcotics sales investigations, resulting in the recovery of firearms, significant quantities of drugs, and substantial cash proceeds from illegal operations.

SIU's efforts extend beyond enforcement. The unit actively works to educate the community about the dangers of drugs and human trafficking. Detectives provide presentations at schools, community events, and police academies, emphasizing prevention and awareness. The Unit's collaboration with federal agencies and regional task forces further enhances its ability to address cross-jurisdictional crimes effectively.

In addition to their investigative work, SIU detectives perform vital forensic analyses, such as test-firing seized firearms to link them to crimes locally and in other jurisdictions. Their work has directly contributed to solving cases and prosecuting offenders.

The Special Investigations Unit exemplifies the Tracy Police Department's commitment to eradicating organized crime and creating a safer environment for all residents. Their proactive and persistent efforts ensure that even the most complex criminal networks are brought to justice.



# CSI & Property Unit



The Crime Scene & Property Unit is a vital component of the Tracy Police Department, providing specialized services that support the investigative process. This unit is responsible for responding to crime scenes and critical incidents to collect, document, and preserve evidence crucial to solving cases and securing convictions.

The Unit's Crime Scene Technicians are skilled in a variety of forensic methods, including photography, videography, 3D scene scanning, and evidence collection. They meticulously document crime scenes to create a comprehensive record that investigators can use to reconstruct events. The technicians also retrieve and analyze video surveillance footage, ensuring no detail is overlooked. Their attention to detail and adherence to strict protocols guarantee the integrity of the evidence chain, which is critical for successful prosecution.

One of the unit's recent advancements includes the certification of the Senior Property Technician in National Integrated Ballistic Information Network (NIBIN) uploads. This capability allows the Department to analyze ballistic evidence and receive timely matches, streamlining the investigative process. For instance, the first NIBIN submission resulted in a critical lead on a homicide case, underscoring the importance of this new capability.

Beyond evidence collection, the CSI & Property Unit manages the department's property and evidence inventory. This involves maintaining a secure and organized repository for items collected during investigations, ensuring they are readily accessible for court proceedings or further analysis. The Unit also plays a key role in fulfilling public records requests related to criminal cases.

The Crime Scene & Property Unit provides essential support to the Tracy Police Department's mission of delivering justice. Through their expertise and dedication, they ensure that every piece of evidence is properly handled and every crime scene is thoroughly processed, contributing to the department's overall success in maintaining public safety.





# BUREAU OF SUPPORT SERVICES



**Beth Lyons-McCarthy**  
Support Operations Manager

**Alone we can do little;  
together we can do so  
much.**

-Helen Keller

The Bureau of Support Services (BSS) is a crucial element of the Tracy Police Department, composed of four specialized units that ensure the efficient functioning of essential services, including the Animal Services Unit, Communications Unit, Fiscal Management, and the Police Records Unit. These units provide vital support to officers, professional staff, and the public, helping the Department effectively meet the diverse needs of the Tracy community.

BSS is dedicated to improving the department's resources and operational efficiency. Through strategic financial planning, the bureau plays a central role in managing the department's budget, securing grants to fund vital projects, and implementing programs that support organizational growth.

Looking forward, BSS is focused on several key initiatives aimed at enhancing the department's capabilities. These include advancing communication interoperability to improve coordination across agencies, expanding animal services outreach to address community needs, and refining records management systems for greater efficiency and accuracy. Through these ongoing projects and a commitment to innovation, BSS remains dedicated to continuously strengthening the Tracy Police Department and serving the community to the highest standard.



# Animal Services Unit



## Dogs

**183** Adoptions  
**8** Euthanasia  
**13** Rescue/Transfer  
**109** Returned to Owner

## Cats

**242** Adoptions  
**80** Euthanasia  
**29** Rescue/Transfer  
**8** Returned to Owner  
**277** Shelter Neuter Return  
 Cat Alterations



The Animal Services Unit of the Tracy Police Department plays a critical role in safeguarding both animals and the public. The Unit is committed to promoting responsible pet ownership, educating the community about animal welfare, and ensuring the humane treatment of all animals within the city. Operating out of the Tracy Animal Shelter, the Unit provides a safe haven for lost, abandoned, or stray animals, where they are cared for until reunited with their owners or adopted into loving homes.

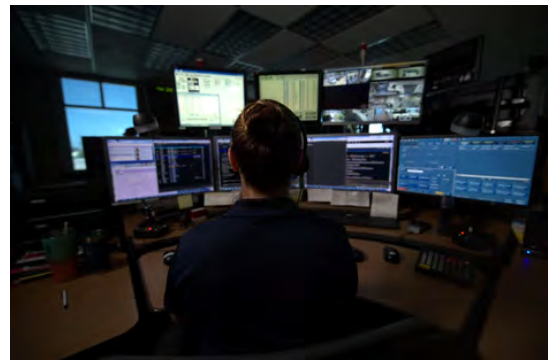
A key focus of Animal Services is community outreach, which includes hosting adoption events, facilitating low-cost spay and neuter programs, and providing resources for pet owners. Regular meetings and partnerships with local nonprofit animal rescue groups further demonstrate their dedication to addressing community concerns about stray animals and promoting animal welfare initiatives. Recognized for their efforts, the Animal Services Unit has received accolades such as recognition from the Best Friends Animal Society as a No-Kill shelter, reflecting their success in maintaining high adoption and low euthanasia rates.

The Animal Services Unit also enforces municipal codes related to animal control, addressing issues such as animal bites, nuisance calls, and aggressive animals. Officers respond to calls involving injured or deceased animals, ensuring that all cases are handled with compassion and professionalism. The Unit's commitment extends to assisting unsheltered pet owners by offering vaccines, minor wound treatments, and other essential care for their animals.

Future goals include enhancing accessibility to their services by taking adoption events into underserved areas of the City and implementing technology such as Web-Chameleon for mobile licensing and payments. Through these efforts, the Animal Services Unit continues to foster a safe, compassionate, and well-informed community.



# Communications Unit



The Communications Unit is the vital link between the public and emergency services within the Tracy Police Department. This team of skilled Public Safety Dispatchers operates the City of Tracy's Communications Center, handling both emergency and non-emergency calls with professionalism and urgency. Dispatchers are trained to provide immediate support to callers, including life-saving pre-arrival instructions during medical or crisis situations, ensuring help is dispatched quickly and effectively.

They also utilize advanced technology to enhance efficiency, such as the recently implemented OnScene app, which provides real-time GPS tracking of officers, aiding in safety and response coordination.

The Unit has embraced innovation, participating in statewide initiatives such as the transition to the NextGen 911 system. This upgrade will improve call-routing capabilities, making emergency responses faster and more accurate. Projects such as implementing new call processing equipment and preparing for interoperability with other communication systems demonstrate the Unit's forward-thinking approach to public safety.

Quality assurance is a top priority, with rigorous monitoring of call-answer times and dispatcher performance. The Unit continuously evaluates and upgrades its protocols, ensuring the highest standards of service. Moving forward, the Communications Unit aims to enhance its technology further, including radio upgrades and new systems that provide officers with vital information in real-time.

The Communications Unit's dedication to efficiency, accuracy, and compassion plays a crucial role in maintaining public safety and fostering trust within the Tracy community.

## 2024 TOTAL CALLS TO DISPATCH



125,235

## 2024 CALLS FOR SERVICE



69,897

## 9-1-1 CALLS

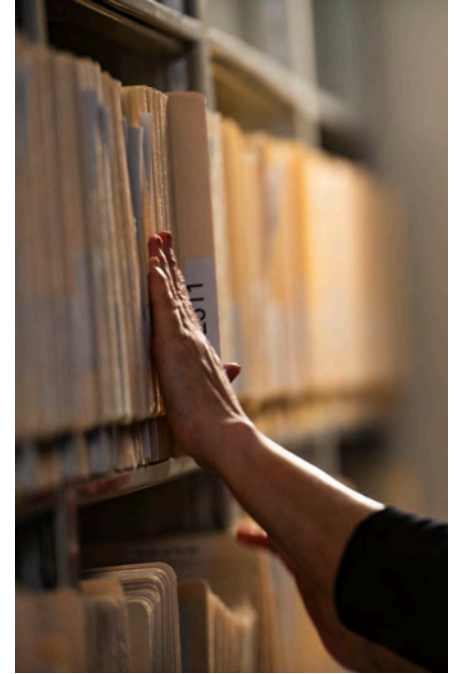


33,126





# Records Unit



The Records Unit is the backbone of the Tracy Police Department's data management and record-keeping operations. Responsible for the accurate and timely processing of all Department records, this Unit handles everything from criminal reports to citations, warrants, and public records requests. Its meticulous work ensures compliance with local, state, and federal regulations while maintaining the integrity of sensitive information.

Key responsibilities include managing the entry of data into law enforcement databases, processing reports, and supporting officers by providing essential documentation for ongoing investigations. Recent advancements have included completing an interface between Mark43 and Crossroads systems and streamlining the management of traffic collisions and citations.

In addition to supporting law enforcement, the Records Unit serves as a point of contact for the public, handling records requests and providing information to residents in a timely and professional manner. The Unit's dedication to transparency and accuracy strengthens community trust and fosters a collaborative relationship with Tracy's residents.

Ongoing projects include a citywide update to the Master Retention Schedule and further training for staff on using advanced data systems. The Unit is also working to minimize reporting errors and improve efficiency in processing reports, ensuring that the department's records remain an invaluable resource for law enforcement and community engagement.

As a critical component of the Tracy Police Department, the Records Unit ensures that every piece of information is handled with precision, contributing to the overall success of the Department and the safety of the community.







Drone Cadre



Honor Guard



Reserve Program



Motor Cadre



Field Training



Range Cadre



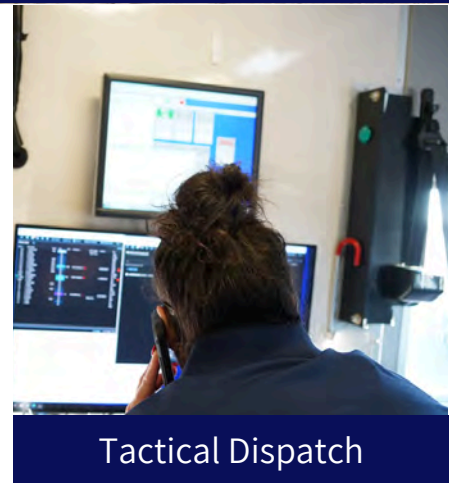
Crisis Negotiations



PAL Program



Bicycle Patrol



Tactical Dispatch







Special Weapons and Tactics



Canine Unit



Recruitment



Tactical Medics



Media Team



D.A.R.E



Defensive Tactics



Police Explorers



Peer Support



Police Chaplaincy





# PROMOTIONS



Brett Hicks  
Police Lieutenant



Jose Silva  
Police Lieutenant



Richard Graham  
Police Lieutenant



Erik Speaks  
Police Sergeant



Josh Pettitt  
Police Sergeant



Kenneth Steele  
Police Sergeant



Jake Pineo  
Police Sergeant



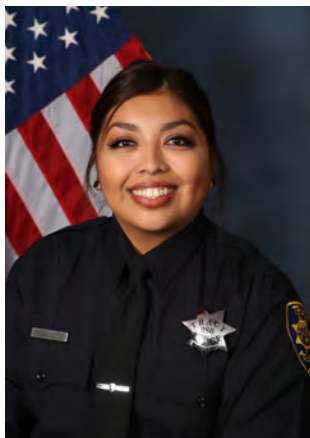
Marcio Reis  
Police Corporal



Antonio D'Onofrio  
Police Corporal



Derek Perry  
Police Corporal



Lissette Ortiz  
Police Corporal



Jose Calvache  
Police Corporal



Bonnie Crawford  
Animal Services Officer



# NEW HIRES



Shelby Cardoza  
Public Safety Dispatcher I



Christian Silva  
Community Service Officer



Emmanuel Flores  
Police Officer



Jared Gulley  
Police Officer



Omar Mendoza  
Police Officer



Ismael Moreno  
Police Officer



Jessica Codde  
Police Officer



Joann Ronngren  
Administrative Assistant



Taylor Thomsen  
Animal Services Kennel Aide



Jordan Grimes  
Police Officer Trainee



Jaquelynn Chavez  
Police Officer Trainee



Gabriel Sanchez  
Police Officer Trainee



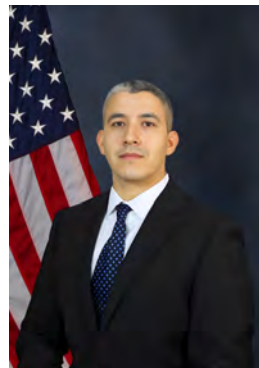
Gabriel Ramirez  
Police Officer Trainee



Gabriel Ruiz  
Police Officer Trainee



Omar Borjon  
Police Officer Trainee



Silvino DaSilva  
Police Officer Trainee



Billieann Stimiska  
Public Safety Dispatcher



Ryan Henry  
Animal Services Kennel Aide



Gloria Zepeda  
Administrative Assistant



Ahnjolique Haskins  
Homeless Outreach Coordinator





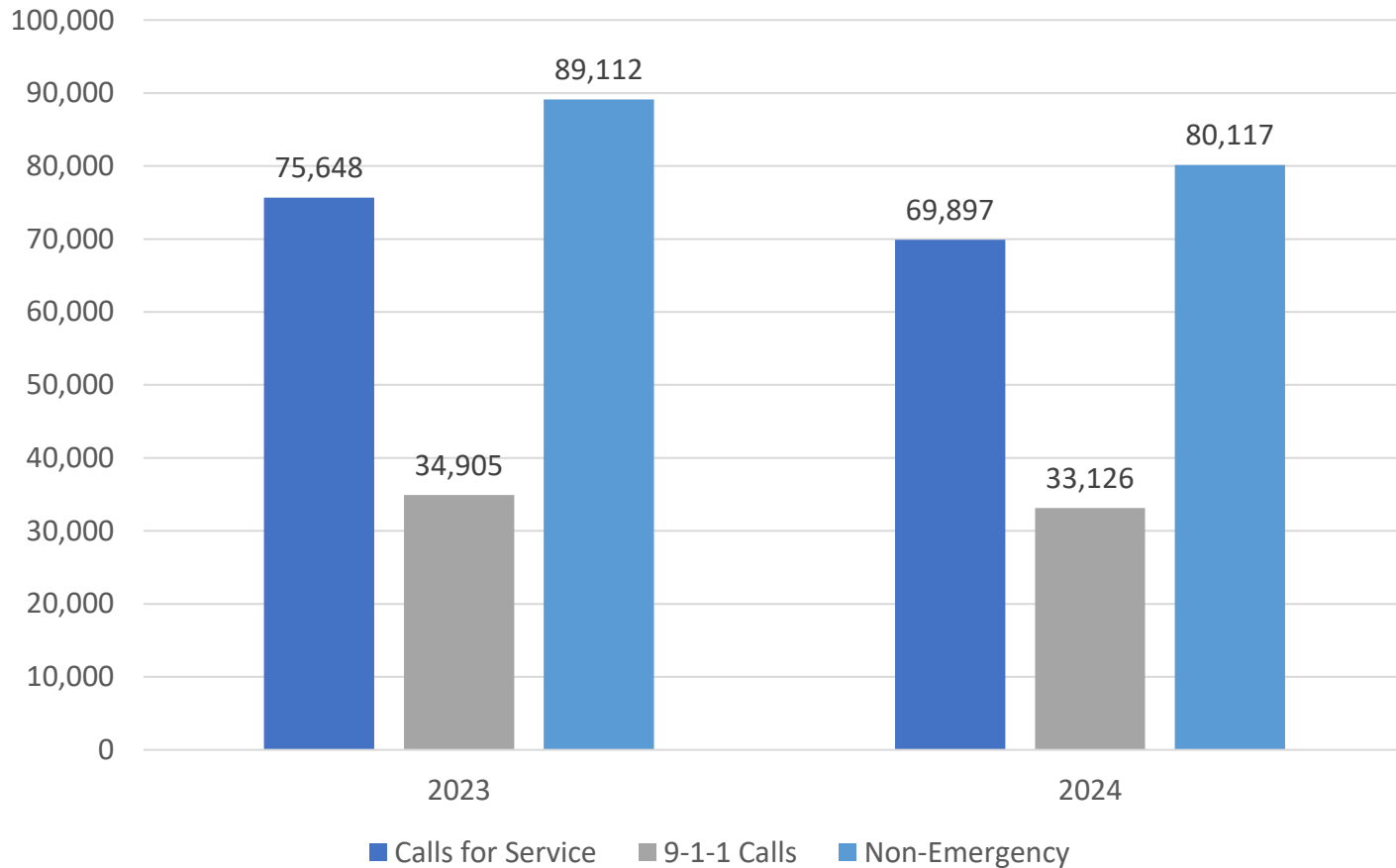


# Tracy Police Department 2024 Annual Review

Service | Integrity | Excellence



# 2024 CALLS FOR SERVICE



*As a note, all calls do not automatically generate a Call for Service, the total of 9-1-1 calls and non-emergency calls will not equal the Calls for Service.*

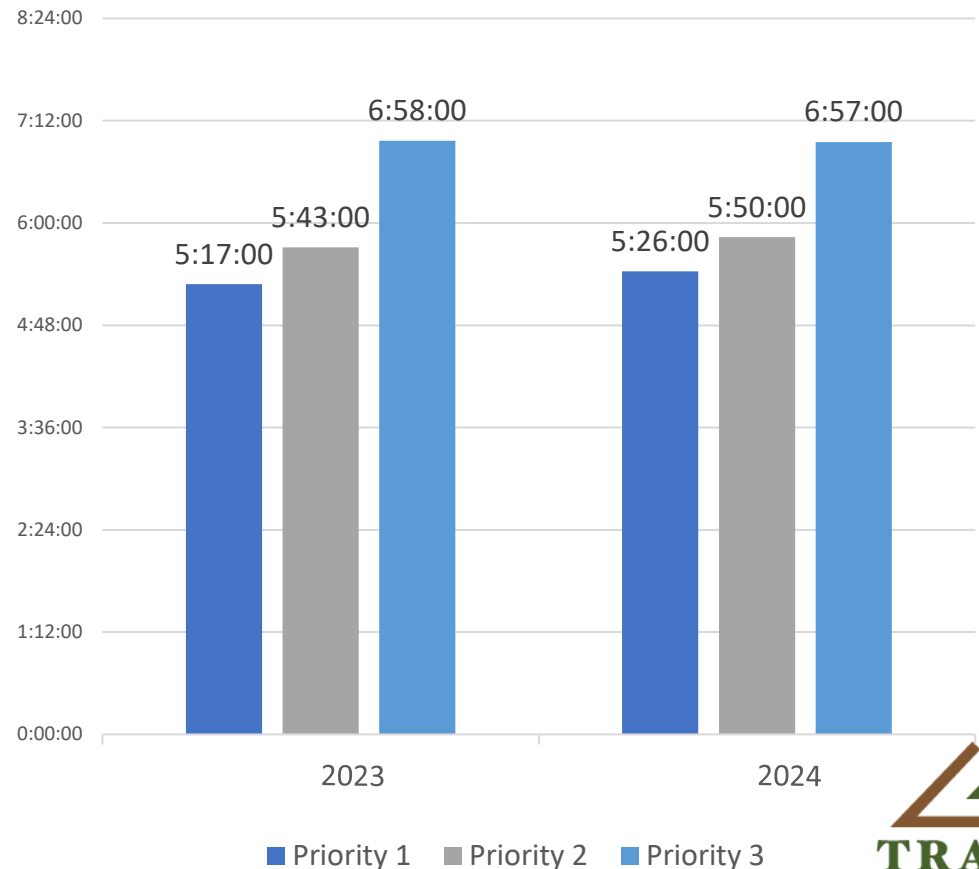


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# 2024 RESPONSE TIMES

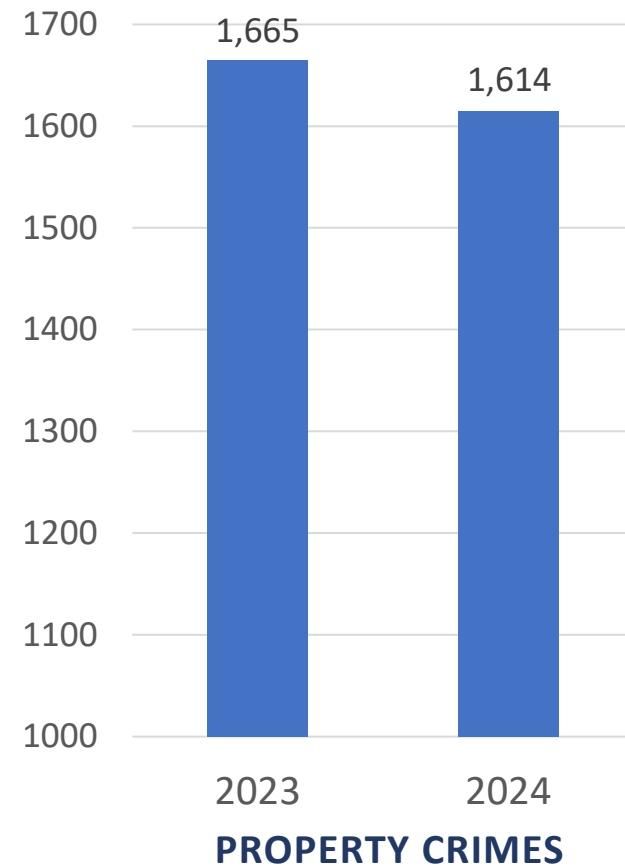
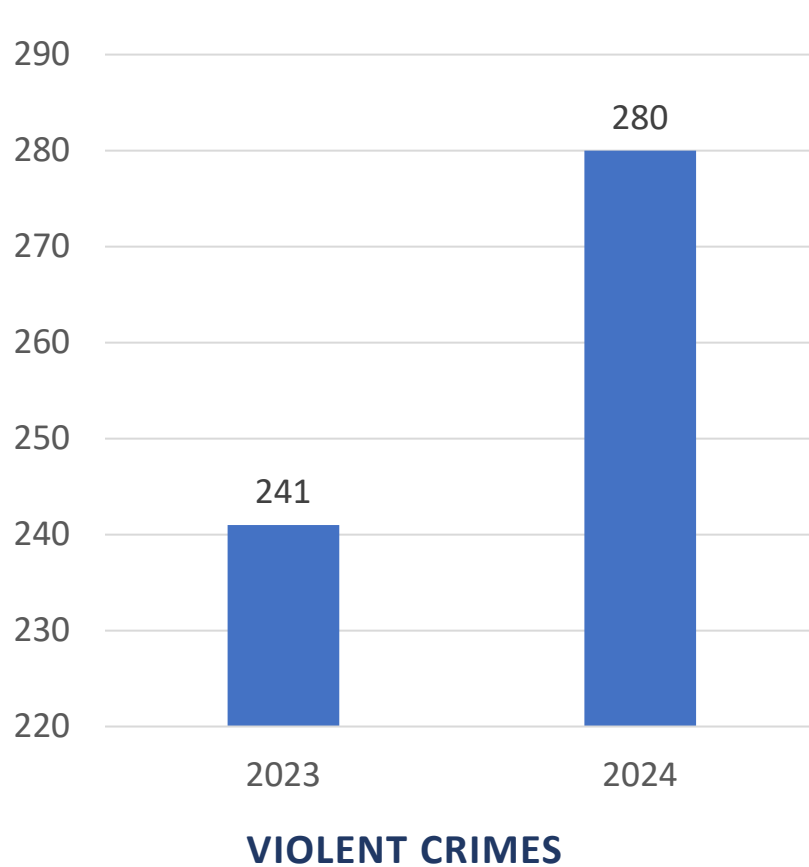
In an effort to reduce the use of force and community concerns, officers use the *P.A.T.R.O.L.* response to calls.

- 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.



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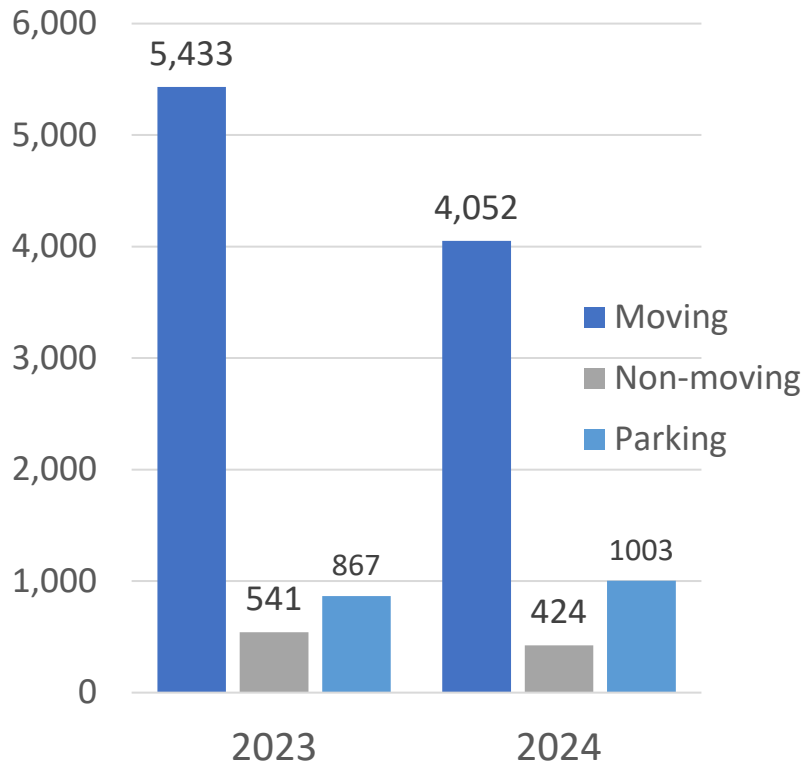
# PROPERTY AND VIOLENT CRIMES



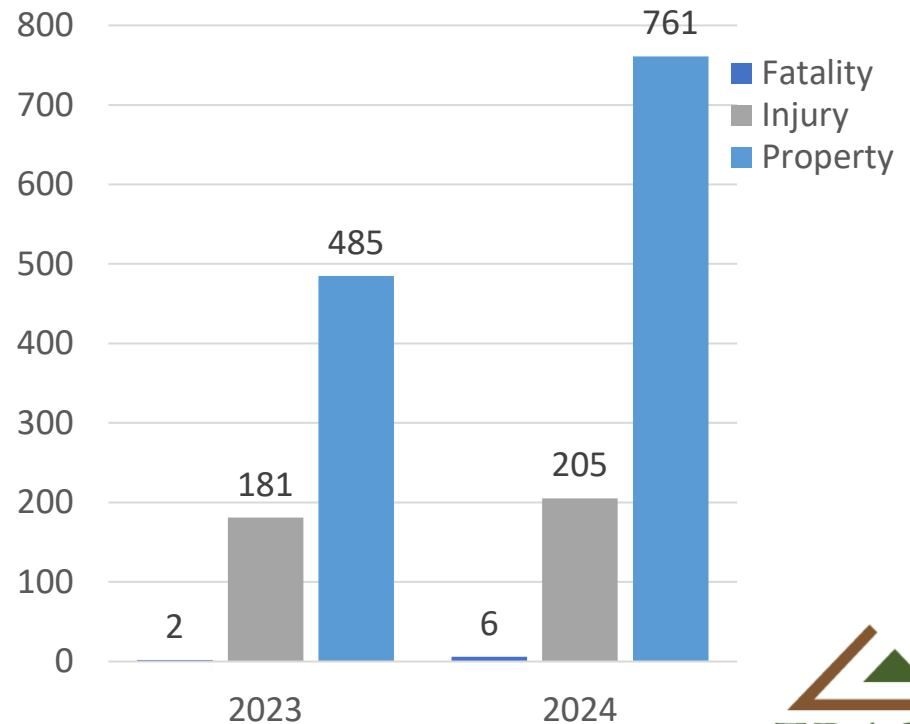
Tracy Police Department reports its monthly crime statistics to the Federal Bureau of Investigations (FBI) through the [National Incident-Based Reporting System \(NIBRS\)](#).

# CITATIONS & COLLISIONS

**Total Citations = 5,479**

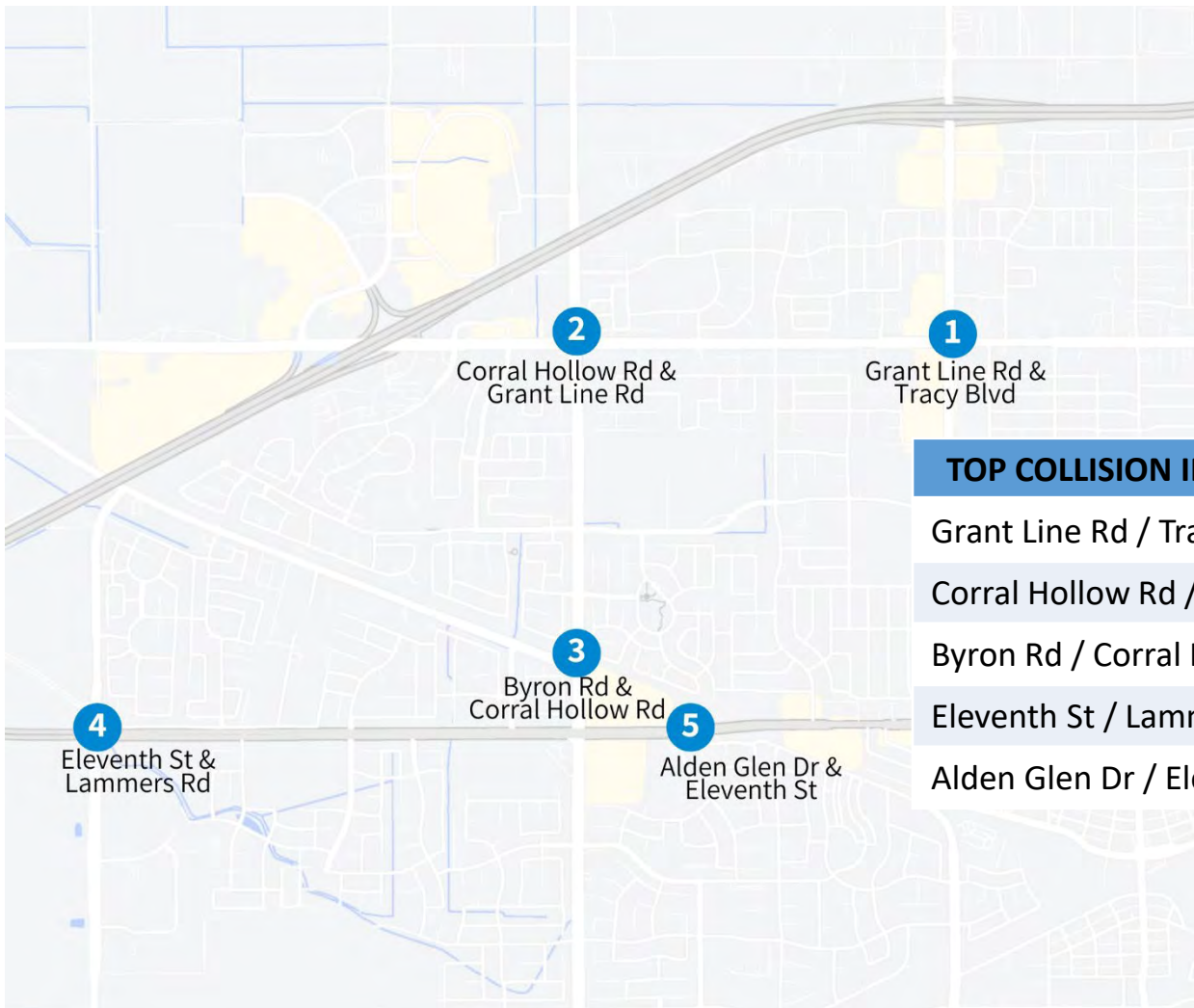


**Total Collisions = 972**



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# TOP 5 COLLISION LOCATIONS

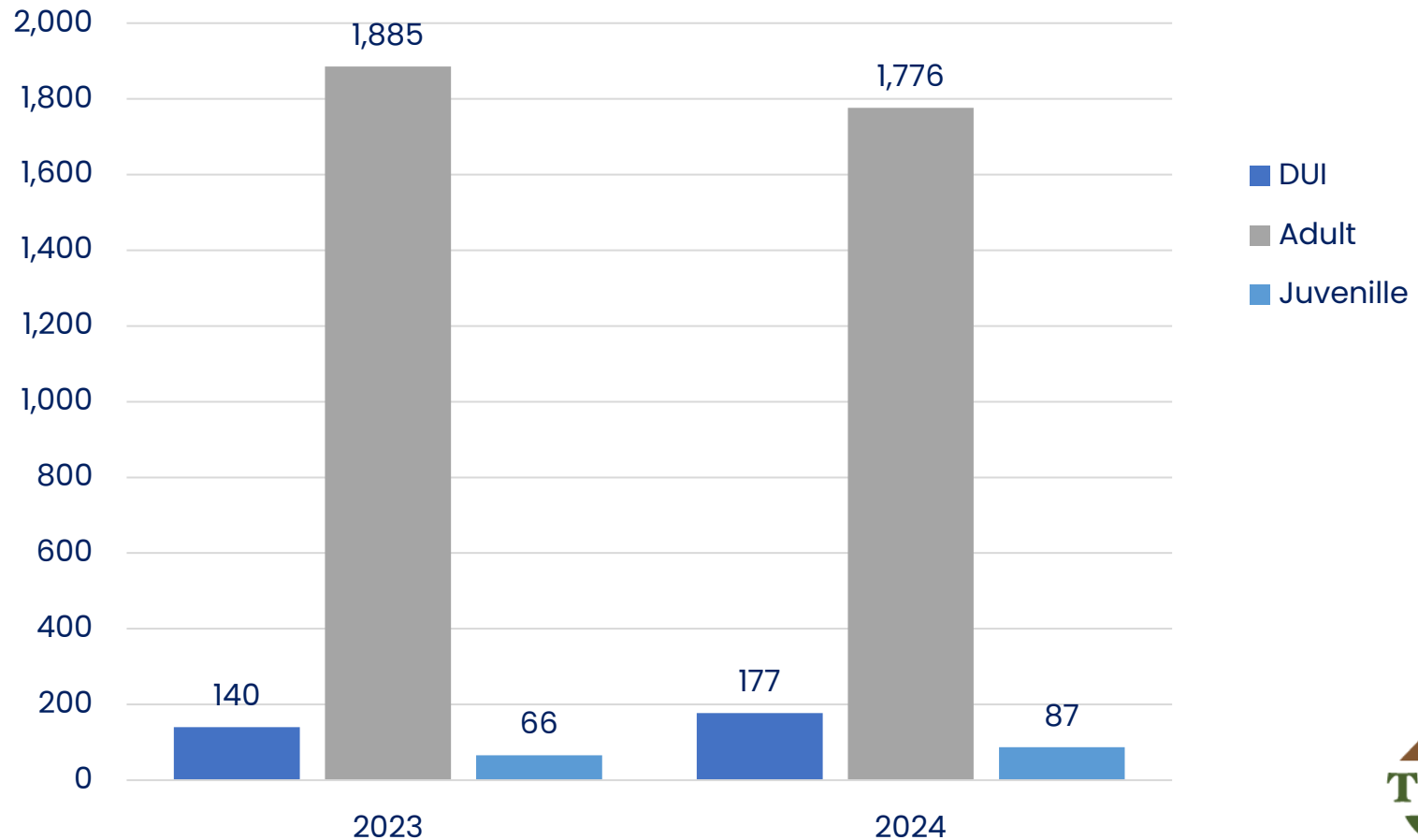


TOP COLLISION INTERSECTIONS	2024 TOTALS
Grant Line Rd / Tracy Blvd	5
Corral Hollow Rd / Grant Line Rd	4
Byron Rd / Corral Hollow Rd	3
Eleventh St / Lammers Rd	3
Alden Glen Dr / Eleventh St	2



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# 2024 ARRESTS





# PERSONNEL INVESTIGATIONS

## Professional Standards & Training Division

### PERSONNEL INVESTIGATIONS

Category	Exonerated	Not Sustained	Sustained	Unfounded	Admin. Closure	Pending	Total
Administrative Complaints	0	0	3	0	0	1	4
Citizen Complaints	0	0	1	4	0	0	5

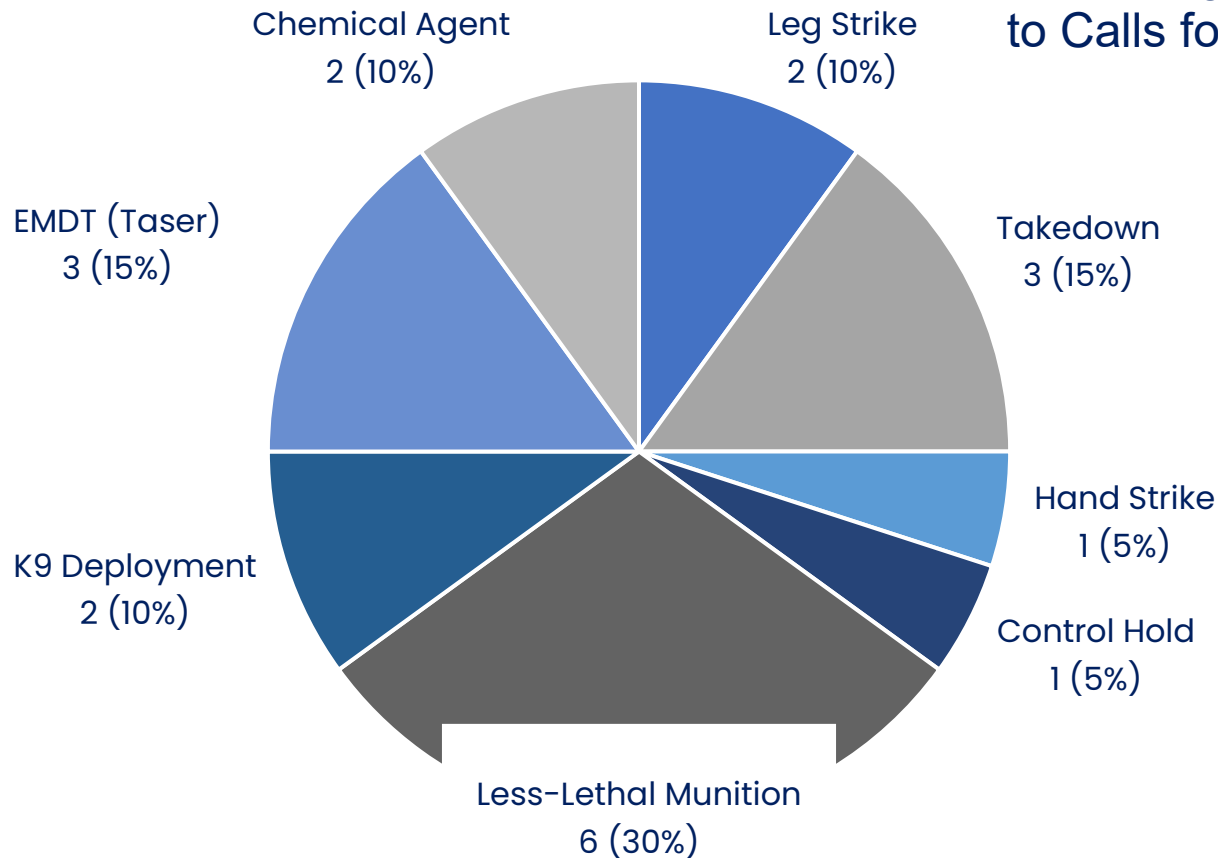
- Total Personnel Investigations: 9
- Percentage of complaints to Calls for Service: 0.01%



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# TYPES OF FORCE USED

- Total uses of force: 16
- Total applications of force: 20
- Percentage of Uses of Force to Calls for Service: 0.02%



# 2024 TPD ACCOMPLISHMENTS

## BUREAU OF FIELD OPERATIONS

- **Traffic Safety Unit Expanded to Seven-Day Coverage** – Enhanced ability to reduce collisions and promote road safety by addressing violations like speeding, impaired driving, and distracted driving.
- **Proactive Collision Prevention and Education Initiatives** – The Traffic Safety Unit introduced the pending Red Light Photo Enforcement system to improve signal compliance and reduce intersection crashes.
- **Strengthened Crisis Intervention with the Mobile Evaluation Team (MET)** – Partnered with mental health professionals from San Joaquin County Behavioral Health to train Neighborhood Resource Officers on de-escalating mental health crises, holding joint trainings and meetings.
- **Enhanced Homeless Outreach with the Familiar Faces Team** – The Familiar Faces Homeless Outreach Team continued to engage in proactive efforts to ensure local parks remained accessible to the community by conducting regular outreach and preventing encampments from being set up. In 2024, the team completed 1,357 services, which included outreach, case management, referrals, transportation, and assistance with obtaining basic needs.
- Officers and Staff hosted or attended over 150 community engagement events



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# 2024 TPD ACCOMPLISHMENTS

## BUREAU OF INVESTIGATIONS

- **Real-Time Information Center (RTIC) Development** – Laid groundwork for a cutting-edge intelligence hub, expected to be fully operational in 2025, integrating real-time data for proactive policing.
- **Fentanyl Prosecution** – Special Investigations Unit (SIU) secured the first fentanyl overdose death prosecution in San Joaquin County, highlighting proactive responses to the opioid crisis.
- **NIBIN Technology Integration** – Enabled advanced ballistic analysis; the first submission provided a lead in a homicide case, demonstrating enhanced forensic capabilities.
- **Victim-Witness Advocate Collaboration with the San Joaquin County District Attorney's Office** – Building on a partnership that began in 2023, the Victim-Witness Advocate continued to spend one day a week at the Bureau of Investigations Annex, meeting with victims of crimes in Tracy to remain accessible and serve as a vital resource to the community.



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# 2024 TPD ACCOMPLISHMENTS

## PROFESSIONAL STANDARDS & TRAINING DIVISION

- **TPD Range Upgrades** – Improved facilities for advanced firearms training, with completion anticipated in the coming months.
- Handled 4 internal administrative investigations

## BUREAU OF SUPPORT SERVICES

- **Handled 125,235 Dispatch Calls with 33,126 Emergency 911 Calls** – Ensured rapid response with trained Public Safety Dispatchers using updated call processing technology.
- **NextGen 911 Implementation** – Enhanced emergency call routing accuracy, improving response times and efficiency.
- **Animal Services Unit Maintained No-Kill Shelter Status** – Facilitated 425 animal adoptions, 277 cat spay/neuter operations, and achieved high return-to-owner rates, reducing euthanasia.

