

TRACY CITY COUNCIL

REGULAR MEETING AGENDA

Tuesday, July 18, 2017, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

Web Site: www.ci.tracy.ca.us

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 (209/831-6000) 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. Each citizen will be allowed a maximum of five minutes for input or testimony. At the Mayor'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 Council direction. A motion and roll call vote may enact the entire Consent Calendar. No separate discussion of Consent Calendar items will occur unless members of the City Council, City staff or the public request discussion on a specific item at the beginning of the meeting.

Addressing the Council on Items not on the Agenda - The Brown Act prohibits discussion or action on items not on the posted agenda. Members of the public addressing the Council should state their names and addresses for the record, and for contact information. The City Council's Procedures for the Conduct of Public Meetings provide that "Items from the Audience" following the Consent Calendar will be limited to 15 minutes. "Items from the Audience" listed near the end of the agenda will not have a maximum time limit. Each member of the public will be allowed a maximum of five minutes for public input or testimony. However, a maximum time limit of less than five minutes for public input or testimony may be set for "Items from the Audience" depending upon the number of members of the public wishing to provide public input or testimony. The five minute maximum time limit for each member of the public applies to all "Items from the Audience." Any item not on the agenda, brought up by a member of the public shall automatically be referred to staff. In accordance with Council policy, if staff is not able to resolve the matter satisfactorily, the member of the public may request a Council Member to sponsor the item for discussion at a future meeting. 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.

Presentations to Council - Persons who wish to make presentations which may exceed the time limits are encouraged to submit comments in writing at the earliest possible time to ensure distribution to Council and other interested parties. Requests for letters to be read into the record will be granted only upon approval of the majority of the Council. Power Point (or similar) presentations need to be provided to the City Clerk's office at least 24 hours prior to the meeting. All presentations must comply with the applicable time limits. Prior to the presentation, a hard copy of the Power Point (or similar) presentation will be provided to the City Clerk's office for inclusion in the record of the meeting and copies shall be provided to the Council. Failure to comply will result in the presentation being rejected. Any materials distributed, including those distributed within 72 hours of a regular City Council meeting, to a majority of the Council regarding an item on the agenda shall be made available for public inspection at the City Clerk's office (address above) during regular business hours.

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 at City Hall, 333 Civic Center Plaza, and the Tracy Public Library, 20 East Eaton Avenue, and on the City's website: www.ci.tracy.ca.us

CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION
ROLL CALL
PRESENTATIONS

1. Certificates of Recognition – Euro Basketball Cup Gold Medalists and United World Games U16 Basketball Gold Medalist

1. CONSENT CALENDAR

- A. Approval of April 4, 2017 Regular Meeting Minutes and July 5, 2017, Closed Session Minutes
- B. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Ellis Phase 1B, Tract 3872, Authorize the Mayor to Execute the Subdivision Improvement Agreement, and Authorize the City Clerk to File the Agreement with the Office of the San Joaquin County Recorder
- C. Approve a Memorandum of Understanding With the Defense Logistics Agency Distribution San Joaquin, a Part of the U.S. Government, for the Installation of a Traffic Signal and Associated Improvements at the Intersection of Chrisman Road and Valpico Road
- D. Authorize the Appointment of Five Youth Commissioners to the Youth Advisory Commission
- E. Grant a Permit to Skyrise, Inc., for Commercial Use at the Tracy Municipal Airport
- F. Waive Second Reading and Adopt Ordinance 1235, an Ordinance of the City of Tracy Amending the I-205 Corridor Specific Plan Land Use Designation (Figure 3.1a) from Freeway Commercial to General Commercial for an Approximately 1.46-Acre Site Located South of Naglee Road, West of the Intersection With Pavilion Parkway and the I-205 On-ramp, Assessor's Parcel Number 212-290-51 Application Number SPA17-0003
- G. Waive Second Reading and Adopt Ordinance 1236, an Ordinance of the City of Tracy Amending Articles 13 (Planned Unit Development Zone – PUD) and 30 (Development Review) of Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code
- H. Adopt a Resolution Amending the City of Tracy Master Employee Pay Schedule to Confirm the Pay Rates/Ranges for all City of Tracy Established Positions
- I. Approve Offsite Improvement Agreement for the Zone 3 Water Main Improvements from Western Boundary of the John Jones Water Treatment Plant to Corral Hollow Road, on Corral Hollow Road Up to Middlefield Drive, and from Corral Hollow Road to and Within the Ellis Phase 1B, Tract 3872, and Authorize the Allocation of \$852,000 From Fund 365 And \$461,000 from Fund 358 to CIP 74118 to Reimburse Subdivider \$1,313,000 for Completing the Improvements

2. ITEMS FROM THE AUDIENCE

3. PUBLIC HEARING TO DECLARE THE EXISTENCE OF WEEDS, RUBBISH, REFUSE AND FLAMMABLE MATERIAL ON EACH OF THE PARCELS LISTED IN EXHIBIT "A" TO THIS AGENDA ITEM A NUISANCE; CONSIDER OBJECTIONS TO ABATEMENT OF SAID NUISANCES, AND ADOPT A RESOLUTION AUTHORIZING FIRE DEPARTMENT STAFF TO ORDER CONTRACTOR TO ABATE SAID NUISANCES
4. INTRODUCE AND WAIVE THE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 5.24 (WASTE DISPOSAL) OF THE TRACY MUNICIPAL CODE IN ACCORDANCE WITH FEDERAL AND STATE WASTEWATER REGULATIONS
5. DISCUSS PROPOSED CITY COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SAN JOAQUIN REGIONAL RAIL COMMISSION'S ACEFORWARD PLAN
6. DISCUSS AND REVIEW PROPOSED AMENDMENTS TO THE TRACY MUNICIPAL CODE REGARDING THE USE OF TEMPORARY STORAGE STRUCTURES (PERSONAL ON DEMAND STORAGE UNITS – PODS), AND CARGO/SHIPPING CONTAINERS WITHIN THE CITY OF TRACY AND PROVIDE DIRECTION TO STAFF
7. INTRODUCE AND WAIVE THE FIRST READING OF AN ORDINANCE ADDING A NEW SECTION 10.08.3225 AND AMENDING SECTION 10.08.3530 OF THE TRACY MUNICIPAL CODE RELATING TO RESTRICTIONS ON FRONT YARD PAVING AND PROHIBITING PARKING ON ANY UNPAVED SURFACE – CITY INITIATED – APPLICATION NUMBER ZA17-0005
8. DISCUSS AND REVIEW IMPROVEMENT ALTERNATIVES CONCERNING UNCONTROLLED PEDESTRIAN CROSSWALKS IN THE CITY INCLUDING A POSSIBLE ANNUAL PEDESTRIAN SAFETY IMPROVEMENT PROGRAM FOR UNCONTROLLED PEDESTRIAN CROSSWALKS AND PROVIDE DIRECTION TO STAFF
9. DISCUSS AND PROVIDE DIRECTION REGARDING STAFF'S REVISED PRELIMINARY DESIGN CONCEPT FOR IMPROVEMENTS TO THE 11TH STREET CORRIDOR FROM LAMMERS ROAD TO CORRAL HOLLOW ROAD
10. ITEMS FROM THE AUDIENCE
11. STAFF ITEMS
12. COUNCIL ITEMS
13. ADJOURNMENT

April 4, 2017, 7:00 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

Web Site: www.ci.tracy.ca.us

Mayor Rickman called the City Council meeting to order at 7:08 p.m. and led the Pledge of Allegiance.

Invocation was led by Pastor Scott McFarland, Journey Christian Church.

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

Troy Brown, City Manager presented the April 2017 Employee of the Month award to Binh Nguyen from the Development Services Department.

Mayor Rickman presented Mike Sandhu with a proclamation for the Sikh Community's Celebration of Vaisakhi.

Mayor Rickman presented Certificate of Appointment to Tracy Arts Commissioner Dave Tillman.

Mayor Rickman presented the Sexual Assault Awareness Month Proclamation to Ana Blanco, Sexual Assault Specialist, Women's Center –Youth & Family Services.

1. CONSENT CALENDAR

ACTION Motion was made by Council Member Ransom, and seconded by Mayor Pro Tem Vargas to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered. Motion carried 5-0

- A. Adoption of Special Council Meeting Minutes of March 21, 2017 were approved.
- B. Approve Amendment No. 2 to Master Professional Service Agreement with West Yost & Associates, Inc., and Authorize the Mayor to Sign the Amendment and Authorize the Development Services Director to Execute Task Orders Under the Amendment – Resolution 2017-062 approved Amendment No. 2 to a Master Professional Service Agreement with West Yost & Associates.
- C. Adopt a Resolution Amending the Transportation Advisory Commission Bylaws to Change the Make-Up of the Commission from Nine to Seven Members and Adding the Requirement to Report to the City Council Annually – Resolution 2017-063 amended the Transportation Advisory Commission Bylaws.
- D. Amend the City's Position Control Roster to Include Six (6) New Positions in the Firefighter Classification – Resolution 2017-064 amended the City's position control roster.

- E. Approve Task Order No. 2 to the Master Professional Services Agreement with Goodwin Consulting Group, Inc. for Special Tax Consulting and Administration Services for Infrastructure and Services Community Facilities Districts – Resolution 2017-065 approved Task Order No. 2 to a Master Professional Services Agreement with Goodwin Consulting Group, Inc.
 - F. Approve Task Order No. 3 to the Master Professional Services Agreement with Goodwin Consulting Group, Inc. for Special Tax Consulting and Administration Services for Infrastructure and Services Community Facilities Districts – Resolution 2017-066 approved Task Order No. 3 to a Master Professional Services Agreement with Goodwin Consulting Group.
 - G. Accept Annual Report of the Measure E Resident's Oversight Committee – Report accepted.
 - H. Waive Second Reading and Adopt Ordinance 1232, an Ordinance of the City of Tracy Amending the I-205 Corridor Specific Plan Land Use Designation (Figure 3.1a) from Service Commercial to General Commercial for Approximately Three-Acre Site Located at 3140 W. Grant Line Road (Assessor's Parcel Number 238-600-07). Application Number SPA16-0007 – Ordinance 1232 was adopted.
 - I. Approve Amendment No. 1 to Professional Services Agreement (PSA) with West Yost and Associates (WY-U1) for Design of City's Zone 3 Pump Station to Serve the Ellis Project and Other Developments and Authorize the Mayor to Execute the Amendment – Resolution 2017-067 approved Amendment No. 1 to a Professional Services Agreement with West Yost and Associates.
2. ITEMS FROM THE AUDIENCE – Alice English recalled that it's been a year since a resident of Tracy died as a result of an EMS that dispatched AMR ambulance and did not dispatch Tracy Fire Department which was only a few minutes away. Ms. English said that it was time to update the San Joaquin County Policy 3202, to give the Tracy Fire Department the authority to respond to all EMS calls. Ms. English said that since the tragedy a year ago, there have been two other major incidents and the Tracy Fire Department was not dispatched. There is no reason that any resident should suffer or lose a life due to the EMS policy. Ms. English said that the City has tried to work with the EMS agency and County to update and change the policy and that it was time for the Board of Supervisors to listen to the constituents and provide support. There is no County in the State of California that does this. The EMS agency and their current policy have no regard for the residents of Tracy or Mountain House. Ms. English stated that it is the resident's quality of life at stake and who pay their local taxes and expect EMS to provide service at a level they deserve. Ms. English said that it was time for Tracy Fire to be dispatched to the 911 calls, and for the County Supervisors to stand up and support them, seconds count during an emergency. Ms. English informed the Council that there will be emails and letters and petitions sent to the County Supervisors

Marco Yoloa stated that there is an ordinance which states there is a time frame for when garbage receptacles are to be placed out before garbage pick-up and to be put away within 24 hours after pick-up. It also includes keeping receptacles within the property line. Mr. Yoloa expressed concern when the neighbor encroaches across the property line and leaves their garbage receptacles out for more than four days after the pickup and he has to see them out of his window.

Robert Tanner commented that the Taps on 10th event was enjoyable and a success and encouraged others who may not have attended to attend another great event coming up soon which is the Wine Stroll. Mr. Tanner was grateful that the electronic signs were corrected as they were incorrect earlier in the morning.

Dave Anderson thanked the DC visitors for looking out for the airports best interest and taking time to work on issues. Mr. Anderson recalled asking staff to look at swimming pool safety regulations and how to fix those. Mr. Anderson stated that 23 times a year a child under five drowns in the State of California in a swimming pool.

Mercedes Gouveia commended the Mayor and Council Members for recognizing the Sikh Community. Mrs. Gouveia shared her personal experience she has had with the Sikh Community.

3. DISCUSS AND PROVIDE DIRECTION REGARDING POTENTIAL AMENDMENTS TO THE TRACY MUNICIPAL CODE RELATED TO OFF-STREET RESIDENTIAL PARKING REGULATIONS

Ana Contreras, Code Enforcement Manager presented the staff report.

Scott Claar, Senior Planner elaborated on the proposed language for the potential amendments to the Tracy Municipal Code.

Cecile Passion expressed concern and confusion about what is currently stated in the City of Tracy Municipal Code under Title 10 related to off street parking and required yard areas. Ms. Passion stated that if her concerns are not abated, she will protest by not paying mello roos for the upcoming fiscal year as there was an assessment of zero property value when in prior years her property value was over half a million dollars.

City Council comments and questions followed.

Bill Johnson addressed the issue with parking behind a side gate in the side yards which is not on the garage side. When the plans for the subdivision were approved by the City of Tracy, these plans were approved with a 4ft side set back on one side of the house and 10ft side set back on the other side, which means approximately 50% of the existing homes in Tracy have a 10ft set back on the non-garage side of the house. For the last 45 years it has been the accepted standard by the City that the property owner could go over the curb to access the 10ft set back area on the non-garage side of the house. Mr. Johnson was concerned that the City wants to retroactively deny 50% of the homeowners the same right to utilize their property as their neighbor because their 10ft set back is on the opposite side of the garage drive way and does not connect to the public right of way drive way approach. Mr. Johnson asked if this ordinance is adopted will the City provide a drive way approach for those homeowners with side access to the non-garage side of the house. Mr. Johnson urged the Council to take all of these concerns and questions into consideration when drafting the final new parking ordinance, because as the proposed ordinance stands the City is rescinding the rights of property owners and overstepping their jurisdiction and micro managing where the residents of Tracy park.

Robert Tanner asked when this would become retroactive or in other words penalizing homeowners that have properties that are already that way. Mr. Tanner gave the example of his home which he purchased 26 years ago which a portion of the driveway was extended. Mr. Tanner expressed concern learning that a homeowner can't park their car on the driveway if they can't park it in the garage and asked where are they supposed to park. Mr. Tanner strongly urged the Council not to opt to enforce no parking in driveways.

Dave Anderson talked about the long drawn out process Livermore undertook to adopt their parking ordinance. There were angry residents when the ordinance was adopted who had to move their RV's that they had parked on their side yards for which they paid taxes on and had to store it somewhere else and pay additional money. The issue that started this was the complaints regarding parking vehicles in their front yards. There are places in town if somebody wants to live in a sterile environment like Hidden Lakes that CC and R's specifically control. It's problematic to try to go back 150 years when Tracy became a City and change the regulations. Mr. Anderson stated that he does not think that Tracy wants to have the same battle that Livermore had to implement parking restrictions.

Jack Heinemann expressed that she was a former Livermore resident who now has the privilege to be a part of the Tracy community. Ms. Heinemann expressed why she chose to live in Tracy, because of the life style it provides when buying property. Many Tracy homes and property have side yard access and backyards that allow living the lifestyle they want. There are instances where the safety element needs to be considered, like vehicles parking on lawns, but restricting heavily on parking boats and RV's on one's property is going to be detrimental to Tracy. Most move here because it provides a lifestyle for active outdoorsmen with nearby access to the delta.

Adam Phillips agreed with Ms. Heinemann's comments. Mr. Phillips said that he moved here in 2008 and specifically bought his house because it had a side yard access and gate and he parks his travel trailer there. Mr. Philips expressed concern with the talk about going back in time and having to move trailers out and absorb cost for storage. He does not want to lose what he bought and bid for and works hard for. Mr. Phillips said that there are HOA's in other neighborhoods which provide regulations and he chose not to buy there. Mr. Phillips urged the Council to take into consideration everyone's ideas and what they all have worked hard for.

Trina Anderson acknowledged the well-articulated comments on this subject. Ms. Anderson expressed that people pay taxes for their properties and in doing so does that mean that they will receive a tax refund when they can't park or do certain things on their properties that they pay taxes on every single year. Ms. Anderson added that there have been a lot of people within the last few years because of the drought that have landscaped with rocks and paved their yards; is the City going to say that they can't do that because there has to be a green yard.

Monique Willner agreed with all the comments she heard on this subject. Ms. Willner asked if anyone had done any research to see how many people in Tracy have a trailer, motorhome or a boat on the side of their house. Ms. Willner said she just found out about this ordinance and like everyone else paid a high premium for her home because of the large driveway. Ms. Willner concluded her comments by saying that Tracy does not have enough storage space to store everyone's trailers and boats.

Roger Birdsall referenced addressing the Council on this same topic 30 years ago and nothing has changed since. Mr. Birdsall said that when people buy these types of toys, part of the expense is storing the toy. There are motorhomes that are three and four feet from the sidewalk parked on lawns in town, if it doesn't fit in the garage, it probably does not belong there. Mr. Birdsall said that something that needs to be taken into consideration is when showing perspective business people Tracy as they drive up and down the streets they see boats in the front yard, motorhomes, cars in the side yard or cars parked in the back yard for those with a two story home that see that out there window, that is not quality of life.

Denise Vincent stated that she is one of those people who do not have a two car garage. If she did not have the side access they would be in the storage yard, the last time that she had her RV in a storage it was vandalized heavily. Ms. Vincent said that is one expense that no one is talking about; storage yards are not secure so why pay that extra money when taxes are being paid on homes that can store these things.

Steve Ire said he has lived in Tracy for 17 years and recently paid off his house. The main choice for that property was the side access 18ft wide entrance, 32ft wide back yard area and about 45ft deep which does not include the backyard itself. Mr. Ire expressed that it was his dream to have a shop back there when he retired and needs the access from the street to get back there.

Becky Howard agreed with most of the people who spoke about paying taxes. Ms. Howard expressed that she has an extended drive way and has lived in that home for 35 years and Council does not have the right to dictate where the homeowners can park their trailers and boats on their drive ways or extended driveways. She added that she had their trailer in a storage lot and it got vandalized.

Bernice Reynoso stated that she bought her property because it had an extended driveway because she was planning to buy a trailer. Ms. Reynoso said that she has multiple neighbors with extended driveways. Ms. Reynoso stated that PG&E is aware that they store the trailer on the side and they came out to her property and made accommodations for her extended driveway so that there were no issues.

City Council discussion ensued.

Following Council discussion and deliberation, staff was directed to (1) Strengthen existing Tracy Municipal Code Section 10.08.3530 to state that it shall be unlawful to park on any unpaved surface and (2) bring forth a draft ordinance for review and consideration by Planning Commission and City Council that would propose new regulations that would restrict the amount of paving in the front yard (Note: staff needs to show images of what the regulations would mean for example properties). Staff was also asked to explore the potential for a safety setback that would address scenarios where the parking of large vehicles (i.e. RVs) block the neighbor's visibility when backing out of their driveway. Additionally, staff was asked to provide information on potential environmental concerns for parking vehicles on paved strips (under the tires only), which could allow oil or other fluid leaks to enter the ground.

Mayor Rickman called a recess at 9:17 p.m.

Mayor Rickman reconvened the meeting at 9:28 p.m.

4. ACCEPT REPORT ON POTENTIAL BROADBAND SERVICES THROUGHOUT THE CITY AND PROVIDE DIRECTION TO STAFF

Kul Sharma, Utilities Director presented the staff report.

City Council questions followed.

Angela Hiyama, Director of Government Affairs at Comcast, welcomed a discussion on what a public/private partnership with the City could look like and stated that this is the conversation being had with many throughout Northern California and elsewhere throughout the country. Comcast is identifying industrial parks or business corridors where broadband infrastructure is lacking and finding strategies to help provide that service. Comcast has historically been a residential cable and broadband provider and within the last ten year has developed a Comcast business team and within the last three years developed a market development team who focuses exclusively on these types of opportunities in various municipalities and communities. Ms. Hiyama shared a recent success story that Comcast had with the new Amazon Distribution Center and stated that they had a great working relationship with the City throughout the process.

Dave Anderson expressed concern that there was not enough information to make a decision and it is not clear what path is intended to go down. Mr. Anderson said that it is important to make sure that in the industrial area the City provides access to the broadband internet for those we want to attract here. But for broadband business for personal network that is not where the City wants to go. Mr. Anderson asked what kind of support and services it takes to fund this. Tracy can't get street lights fixed if they go out on a Friday until Monday so how would the City transition to some complex infrastructure. Mr. Anderson said there are professional businesses that do this Comcast, AT&T, it's a difficult complex problem let them deal with it.

Trina Anderson asked who would be providing Wi-Fi to the busses and is the plan to spend this kind of money based on the half cent tax that will begin soon. Ms. Anderson agreed with providing the conduit for an incentive for businesses.

George Riddle shared his experience working with Sun Micro Systems for many years, and said it should be left to the experts and recommends the City partner with Comcast.

Council discussion ensued

Following Council discussion and deliberation it was agreed that staff pursue option four and explore working with partners to install underground conduits for future Fiber Optic and return to Council at a later date with details of a hybrid model and study.

5. ITEMS FROM THE AUDIENCE – Michael Maciel stated that he looks forward to the Council's report from their activities and accomplishments in Washington D.C.

Dave Anderson, President of the Tracy Airport Association reported that they have been dealing with an ongoing issue with the Automated Weather Observation System at the airport; the Transportation Commission and staff have been working on getting that fixed for that last two years. Currently the airport has an AWOS III system, which includes three

things a pilot needs when you arrive: altitude, what the winds are, cloud coverage and height. Mr. Anderson stated that staff is researching an opportunity to buy an AWOS II which does not provide cloud coverage and that this is critical for Tracy when the Central valley is fogged in, pilots need to get that information to make a decision to land when they can't make it to Stockton, Modesto, Byron and Lodi.

Trina Anderson read into the record information from the FAA. Ms. Anderson explained what an AWOS II system has compared to what the AWOS III system provides which is what the City of Tracy's Airport has had for 85 years. Ms. Anderson stated that in her opinion it is a safety issue for clouds and ceiling to determine what pilots are flying into or out of coming from different areas.

George Riddle reported that the Transportation Commission members have been told that the City will be replacing the current system with an AWOS II system. Mr. Riddle stated that they would prefer to replace the current system with the same AWOS III type; the difference is a one-time cost of \$20,000. Considering the new sales tax and the City has asked how the public wants to spend the money, \$20,000 doesn't seem like a lot to ask for. Mr. Riddle added that the FAA picks up 90% of the cost.

John Errington expressed concern with semi-trucks parking along Holly. Mr. Errington would like Council or Code Enforcement to look into updating the law to make that area a no parking zone for semi-trucks because they park overnight and leave the trucks for two to four days at a time. This is creating a delay in response time for public safety as it makes it hard to go around them. Mayor Rickman requested that staff update Council on this matter.

Alice English continued her comments related to the EMS issues. Ms. English reported that on Sunday, April 2nd a mother was driving her child who suffered a severe seizure, an ambulance was dispatched coming from Stockton, there was no local ambulance in Tracy, it took them over 20 minutes. Again the Tracy Fire Department was not dispatched. It is unknown if there were any repercussions to this child. Ms. English stated that an email blast will go out to the residents of Tracy and Mountain House. Mountain House is also having similar issues; they have a Fire Department and Fire engine but no paramedics. A petition will go out addressed to the County Supervisors of San Joaquin, and in part it states that it is a life and death situation, the fact that the current EMS dispatch is handled at the sole discretion of the EMS AMR dispatch while the City of Tracy and Mountain House residents suffer long wait times. We want the Tracy Fire Department to respond to all EMS calls with their trained paramedics; it is time for the Board of Supervisors to take action. If nothing is resolved, a petition will be brought forward to the City Council.

6. STAFF ITEM – There were no items to be heard.

7. COUNCIL ITEMS

A. CONSIDERATION OF A COUNCIL POLICY REGARDING RECUSALS AND LIMITED OR NO PARTICIPATION ON CERTAIN MATTERS IN WHICH A CITY COUNCILMEMBER'S IMMEDIATE FAMILY MEMBER MAY BE AFFECTED BY THE DECISION

Stephanie Garrabrant-Sierra, Assistant City Manager presented the staff report.

City Council questions followed.

Robert Tanner stated that MOU's are not just for the employees of Tracy but they are also for a lot of nonprofits. If a Council Member is part of an organization asking for an MOU from the City that member should recuse themselves from discussion and vote. Mr. Tanner referenced the LMD's that get voted on, previous Council Members and current Members recuse themselves if the vote is going to affect the area in which they reside.

Michael Maciel referenced the tenure of the last Council during contract negotiations, talking about labor MOU's contract negotiations. Mr. Maciel mentioned that it is a current practice that if a Council Member represents or has a relative who represents a nonprofit or a Council Member is part of an LMD they recuse themselves. Mr. Maciel stated that when he was on the Council and there was an item related to CDBG funding he would recuse himself because his wife sat on the Board of Directors of the Tracy Interfaith Ministries. Mr. Maciel said that this was not the issue and should not get things mixed up. The issue being addressed has to do with during the last contract negotiations Mayor Rickman and Mayor Pro Tem Vargas both had relatives that were part of bargaining units that were in the process of renegotiating an MOU. Mr. Maciel expressed concern with public statements that were made from the dais related to the negotiations. What the Council is doing by considering this item is a positive step in the right direction to ensure public confidence in the Council. Mr. Maciel concluded his comments by stating that this is not a legal conflict but a moral and ethical perspective.

Alice English asked if the recusal would also include non-profits in addition to MOU bargaining units.

Trina Anderson stated if this is not what Council asked for originally then have staff come back with what was originally requested.

Council discussion ensued.

ACTION Motion was made by Mayor Pro Tem Vargas, and seconded by Council Member Dement to not adopt a Policy related to recusals. Roll call vote found Council Member Dement, Mayor Pro Tem Vargas and Mayor Rickman; Council Members Ransom and Young were opposed; passed and so ordered.

Mayor Pro Tem Vargas reported that she and Council Member Dement were paired up and reported on the various Economic Development discussions they participated in on the lobbyist trip in Washington D.C.

Council Member Dement reported on the FAA discussions that she and Mayor Pro Tem Vargas participated in during their trip in Washington, D.C.

Council Member Ransom reported that she and Council Member Young were paired up and reported on the FEMA discussions that they had on their lobbyist trip in Washington D.C. Council Member Ransom inquired about when the Council would return with the items that were not considered at the Council retreat. Council Member Ransom announced the upcoming Donut Dash event sponsored by PAL on May 6th and the

upcoming PTSA meeting at Kimball on April 10, 2017 at 6:30 p.m.

Council Member Young echoed Council Member Ransom's comments related to the lobbyist trip in Washington D.C. and acknowledged Assistant City Manager Stephanie Garrabrant-Sierra and Development Services Director Andrew Malik and the City's Lobbyist Pat Jordan for their hard work and effort. Council Member Young requested if at all possible to bring back the code of conduct sooner rather than later. Council Member Young briefly reported attending a League of Cities meeting following the Washington trip. Council Member Young wished everyone a Happy Easter.

Mayor Rickman reported attending the Law Enforcement Dinner and acknowledged the recipients who were awarded that evening by the VFW. Mayor Rickman acknowledged that the Taps on 10th event was a success. Mayor Rickman reported attending the exhibition soccer match between the Notre Dame Women's soccer team and West Coast Soccer Club and mentioned that Notre Dame is considering having a lacrosse exhibition.

8. ADJOURNMENT – Time 11:24 p.m.

ACTION Motion was made by Council Member Ransom, and seconded by Mayor Pro Tem Vargas to adjourn the meeting. Roll call vote found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on March 30, 2017. The above are action minutes. A recording is available at the Office of the City Clerk.

Mayor

ATTEST:

City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

July 5, 2017, 6:00 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Rickman called the meeting to order at 6:00 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Ransom, Young, Mayor Pro Tem Vargas and Mayor Rickman present. Council Member Ransom arrived at 6:04 p.m.
3. ITEMS FROM THE AUDIENCE – Erik Anderson recalled addressing the Council two months ago advocating for a skate park. Mr. Anderson asked the Council if it was a yes or no and wanted to discuss location and budget.

Freddie Berna complained about the weeds in neighbor's yard which butts up to her back side of the fence and expressed that she is afraid of it being a fire hazard. Ms. Berna inquired if it is illegal to not cut back those weeds. Ms. Berna mentioned that she and her neighbor have had many falling outs and asked if someone can make him cut those down.

4. Request to Conduct Closed Session

Real Property Negotiations (Gov. Code, § 54956.8)

Property Location: 729/741 N. Central Avenue, Tracy
APN: 235-068-06

Negotiator for the City: Andrew Malik, Development Services Director Shelley Burcham, Economic Development Manager Scott Claar, Senior Planner Josh Ewen, Management Analyst

Negotiating Parties: Andy Zarakani

Under Negotiation: Price and terms of payment for the purchase of the property

5. MOTION TO RECESS TO CLOSED SESSION – Council Member Young motioned to recess the meeting to closed session at 6:01 p.m. Mayor Pro Tem Vargas seconded the motion. Roll call vote found all in favor; passed and so ordered.
6. RECONVENE TO OPEN SESSION – Mayor Rickman reconvened the meeting into open session at 6:56 p.m.
7. REPORT OF FINAL ACTION – There was no report out of closed session.

8. ADJOURNMENT – Council Member Ransom motioned to adjourn the meeting; Mayor Pro Tem Vargas seconded the motion to adjourn the meeting. Roll call vote found all in favor; passed and so ordered. Time 6:57 p.m.

The agenda was posted at City Hall on June 29, 2017. The above are action minutes.

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.B

REQUEST

APPROVE THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR ELLIS PHASE 1B, TRACT 3872, AUTHORIZE THE MAYOR TO EXECUTE THE SUBDIVISION IMPROVEMENT AGREEMENT, AND AUTHORIZE THE CITY CLERK TO FILE THE AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

EXECUTIVE SUMMARY

Approval of the Final Subdivision Map will facilitate recordation of the Final Subdivision Map and the issuance of building permits to construct homes within the Ellis Phase 1B subdivision. CalAtlantic Group, Inc., a California corporation (Subdivider) has signed the Subdivision Improvement Agreement (SIA) for the construction of subdivision improvements to serve the 131 single family dwelling lots that will be created by the Final Subdivision Map.

DISCUSSION

The Tentative Subdivision Map (TSM) for the first phase of the Modified Ellis Project consists of 296 residential lots and six other parcels on approximately 150 acres (Ellis Phase 1 Subdivision) generally located at the northwest corner of Corral Hollow Road and Linne Road, which was approved by the Planning Commission on July 23, 2014, pursuant to PC Resolution No. 2014-016.

The Planning Commission approved an amendment to the conditions of approval of the TSM on August 12, 2015, pursuant to PC Resolution 2015-010. The amendment relates to landscape maintenance, the neighborhood park agreement, changes to the conditions of grading, and encroachment permits.

On September 1, 2015, the City Council approved the final subdivision map of Ellis Phase 1A, Tract 3764, which composed of 165 residential lots and which is the first residential phase of the Ellis Phase 1 Subdivision. The subdivision improvements and residential houses on Ellis Phase 1A are now being constructed.

The second phase of Ellis Phase 1 Subdivision known as "Ellis Phase 1B, Tract 3872" is composed of 131 residential lots as shown on Attachment A. The City Engineer has determined that the Final Subdivision Map of Ellis Phase 1B, Tract 3872 (FSM) substantially complies with the TSM. The FSM, Improvement Plans and Subdivision Improvement Agreement (SIA) are on file with the office of the City Engineer and are available for review upon request.

The Subdivider has executed the SIA for the completion of the subdivision improvements required of Ellis Phase 1B, Tract 3872, including the traffic signal and associated improvements at the intersection of Corral Hollow Road/Ellis Towne Drive

and Corral Hollow Road/Middlefield Drive and the Zone 3 Water Main from Corral Hollow Road to and within the Ellis Phase 1B subdivision. Engineering has reviewed the design of and the Improvement Plans for the improvements described above and determined them to be complete.

Upon completion of all the improvements, the City will accept the improvements for maintenance and will accept all offers of dedication of public right-of-way at that time.

FISCAL IMPACT

Subdivider has paid all applicable engineering review fees associated with the processing of the Improvement Plans, Final Subdivision Map and Subdivision Improvement Agreement.

STRATEGIC PLAN

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

RECOMMENDATION

That City Council, by resolution, approve the Final Subdivision Map for Ellis Phase 1B, Tract 3872, authorize the Mayor to execute the Subdivision Improvement Agreement for Ellis Phase 1B, Tract 3872, and authorize the City Clerk to file the Agreement with the San Joaquin County Recorder.

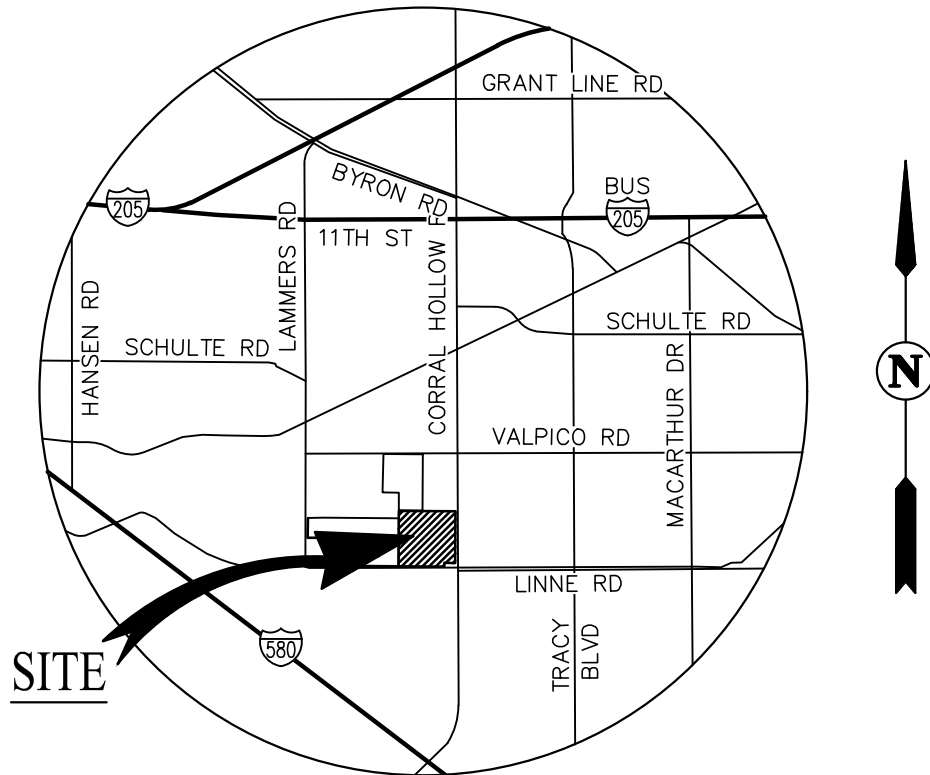
Prepared by: Criseldo Mina, PE, Senior Civil Engineer

Reviewed by: Robert Armijo, PE, City Engineer
Andrew Malik, Development Services Director
Martha Garcia, Finance Manager
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Subdivision Improvement Agreement



VICINITY MAP

NOT TO SCALE

Recording Requested By
City of Tracy
Development Services Department
333 Civic Center Plaza
Tracy, CA 95376

And When Recorded Mail To:
City of Tracy
Office of the City Clerk
333 Civic Center Plaza
Tracy, CA 95376
Attention: Nora Pimentel

**CITY OF TRACY
SUBDIVISION IMPROVEMENT AGREEMENT
(PART OF MODIFIED ELLIS PROJECT AREA)
ELLIS, PHASE 1B, TRACT 3872**

This **SUBDIVISION IMPROVEMENT AGREEMENT** (hereinafter "Agreement") is made and entered into by and between the **CITY OF TRACY**, a municipal corporation (hereinafter "City"), and **CALATLANTIC GROUP, INC.**, a Delaware corporation (hereinafter "Subdivider").

RECITALS

- A. The Subdivider is currently the owner of the real property located south of Middlefield Drive and west of Corral Hollow Road (hereinafter "Property"), and more particularly described in Exhibit "A", attached and incorporated herein by its reference.
- B. In accordance with the Subdivision Map Act (California Government Code sections 66410, *et seq.*) and the Subdivision Ordinance (Tracy Municipal Code, title 12), the Subdivider has submitted to the City a Final Map (hereinafter "Final Map") for the Project known as **ELLIS, PHASE 1B, TRACT 3872** (hereinafter "Project"). The Final Map, as approved by the City Council on _____, 2017, pursuant to Resolution No. 2017- _____, is on file with the City Clerk, and is incorporated herein by reference.
- C. The Project is geographically located within the boundaries of the Tentative Subdivision Map for the first phase of the **MODIFIED ELLIS PROJECT**, consisting of 296 residential lots and six other parcels on approximately 150 acres (hereinafter "Tentative Map"). The Tentative Map was approved by the Planning Commission ("PC") on July 23, 2014, pursuant to PC Resolution 2014-0016, is on file with the PC Secretary, and is incorporated herein by reference. The approval of the Tentative Map by PC was subject to specified conditions of approval (hereinafter "Conditions").
- D. On August 12, 2015, PC approved an amendment to the Conditions, pursuant to PC Resolution 2015-010 (hereinafter "Amended Conditions"). The Amended Conditions are attached hereto as Exhibit "B", and incorporated herein by reference.

CITY OF TRACY – SUBDIVISION IMPROVEMENT AGREEMENT
PART OF ELLIS MODIFIED PROJECT
ELLIS PHASE 1B, TRACT 3872
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- E. The Amended Conditions describe, among other things, improvements that are required for approval of the Final Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards.
- F. Improvement Plans and Specifications for Ellis Phase 1A, Tract 3764, have been prepared on behalf of the Subdivider, and approved by the City Engineer, which describe in more detail the improvements which are required for approval of the Final Map. The Plans and Specifications, as approved by the City Engineer, are on file with the City Engineer, and are incorporated herein by reference. The term "Plans and Specifications" shall include thirty-six (36) sheets of improvement plans titled "Ellis Phase 1B, Improvement Plans, Tract 3872" prepared by Carlson, Barbee & Gibson, Inc. of San Ramon, California; five (5) sheets of improvement plans titled "Ellis Phase 1B, Tract 3872, Joint Trench" prepared by Giacalone Design Services, Inc. of Pleasanton, California; thirty-five (35) sheets of irrigation and landscaping improvement plans titled "Ellis Phase 1B – Streetscape" prepared by Gates and Associates of San Ramon, California; four (4) sheets of improvement plans titled "Traffic Signal at Corral Hollow Road at Peony Drive" prepared by TJKM Transportation Consultants of Pleasanton, California; and four (4) sheets of improvement plans titled "Traffic Signal at Corral Hollow Road at Middlefield Drive" prepared by TJKM Transportation Consultants of Pleasanton, California, and as approved by the City Engineer.
- G. Since the required improvements, as described in the Amended Conditions and the Plans and Specifications, have not been completed, the Subdivider has requested to execute this Agreement as authorized by Government Code section 66462.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **SCOPE OF WORK.** The Subdivider shall perform, or cause to be performed, the work described in the Plans and Specifications and the Amended Conditions (hereinafter, "Work"), to the reasonable satisfaction of the City Engineer. The Work shall be performed, and all materials and labor shall be provided, at the Subdivider's expense, in the manner described in the Plans and Specifications. No change shall be made to the Scope of Work unless authorized in writing by the City Engineer. The Subdivider may submit a written request to the City Engineer for a change in the Scope of Work, as required by Tracy Municipal Code section 12.36.060(f).
- 1.1. Traffic Signal and Intersection Improvements on Corral Hollow Road at Peony Drive/ Ellis Town Drive and Corral Hollow Road at Middlefield Drive. As part of the Work to be performed as described in the paragraph above, the Subdivider shall construct certain frontage improvements on Corral Hollow Road including but not limited to, concrete curb, gutter, handicap ramp, asphalt concrete pavement, sidewalk, storm drain, catch basin, pavement marking and striping, traffic signs, street light, the traffic signals and intersection improvements at Corral Hollow Road / Peony Drive and Corral Hollow Road / Middlefield Drive, and other improvements as shown on the Plans and Specifications (hereinafter

CITY OF TRACY – SUBDIVISION IMPROVEMENT AGREEMENT
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ELLIS PHASE 1B, TRACT 3872
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“Corral Hollow Frontage Improvements”). Subdivider will be granted building permits prior to the completion of Corral Hollow Frontage Improvements. The cost of Corral Hollow Frontage Improvements including design, construction and construction management shall be the responsibility of the Subdivider.

The Subdivider shall offer the necessary right-of-way on Corral Hollow Road to the City by a Grant Deed, prior to City Council's acceptance of the Corral Hollow Frontage Improvements, without any compensation or reimbursement from the City.

- 1.2. Offsite Temporary Storm Drainage Retention Basin and Stockpile Area. The Subdivider shall operate and maintain the temporary storm drainage retention basin and stockpile area as shown on the Plans and Specifications on Surland property. The Subdivider shall maintain at its sole cost and expense the storm drainage basin, including all pipes within the subdivision to the storm drainage retention basin. The use, operation, and maintenance by the Subdivider, of the temporary storm drainage retention basin and pipe(s) shall continue until a permanent downstream storm drainage facility (Detention Basin #3A) and all necessary pipelines are completed to the satisfaction of the City.

The Subdivider shall maintain the offsite temporary storm drainage retention basin and perform dust control when necessary, and remove and dispose of accumulated silt, weed and debris within the basin.

Within ninety (90) calendar days after the Subdivider receives written notice from the City that the downstream storm drainage line and Detention Basin #3A has been completed, the Subdivider shall remove the offsite temporary storm drainage retention basin and dirt stockpile, compact and restore the basin and stockpile sites to a substantially similar condition as prior to Subdivider's construction of the temporary storm drainage retention basin and stockpile.

Within five (5) business days of the execution of this Agreement, the Subdivider shall deliver to the City a cash deposit in the amount of \$4,500. The cash deposit may be used by the City, if necessary, to cover the City's costs of performing emergency maintenance on the temporary storm drainage retention basin and stockpile area required by this section which the Subdivider fails to perform within five (5) working days from the date of Subdivider's receipt of written notice from the City Engineer. In the event that the City has not used any or all of the cash deposit after the Subdivider completes the restoration required by this sub-section 1.3, the City shall promptly return the unused portion of the cash deposit to the Subdivider. In the event the entire amount of Subdivider's original deposit is used by the City for emergency maintenance services, an additional deposit in the amount of \$5,000 will be delivered by the Subdivider within five (5) business days after Subdivider's receipt of the written notice from the City thereof.

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- 1.3. Temporary Turnaround for Emergency Vehicles.** The Subdivider shall construct and maintain a temporary paved turnaround at the west end of Ellis Drive, all at the Subdivider's sole cost and expense. The construction detail and location of the temporary turnaround shall be as shown on the Improvement Plans. The Subdivider agrees to remove the temporary turnaround within ninety (90) calendar days from the Subdivider's receipt of written notice from the City Engineer.

Within five (5) business days of the execution of this Agreement, the Subdivider shall deliver to the City a cash deposit in the amount of \$4,000. The cash deposit may be used by the City, if necessary, to cover the City's costs of performing emergency maintenance on the temporary turnaround required by this section or as determined by the City which the Subdivider fails to perform within five (5) working days from the date of Subdivider's receipt of written notice from the City Engineer. In the event that the City has not used any or all of the cash deposit after the Subdivider completes the restoration required by this subsection 1.3, the City shall promptly return the unused portion of the cash deposit to the Subdivider.

- 1.4. Lot(s) and Street Grading and Maintenance.** Until the Work is accepted by the City as complete and all applicable warranty periods have expired, the Subdivider shall diligently perform the necessary maintenance, including but not limited to maintaining the streets, undeveloped lots, and berms and including the removal and disposal of weeds and accumulated debris, at the Subdivider's sole cost and expense and to the reasonable satisfaction of the City Engineer, of any portion of the Work until such portion is accepted by the City.

Within five (5) business days of the execution of this Agreement, the Subdivider shall deliver to the City a cash deposit in the amount of \$3,000. The cash deposit may be used by the City, if necessary, to cover the City's costs of performing emergency maintenance on lot(s) and street grading as required by this section or as determined by the City which the Subdivider fails to perform within five (5) working days from the date of Subdivider's receipt of written notice from the City Engineer. In the event that the City has not used any or all of the cash deposit after the Subdivider completes the restoration required by this subsection 1.4, the City shall promptly return the unused portion of the cash deposit to the Subdivider.

- 1.6** The Ellis Program Area Finance Implementation Plan (hereinafter "Ellis FIP") that was approved by the City Council on August 20, 2013 by Resolution 2013-136, identified the Project's obligations towards infrastructure improvements such as roadway, traffic signal, water distribution, sewer conveyance, water treatment, wastewater treatment, storm drainage, and others that will serve the

**CITY OF TRACY – SUBDIVISION IMPROVEMENT AGREEMENT
PART OF ELLIS MODIFIED PROJECT
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Project. The storm drainage development impact fees for Ellis Phase 1 identified in the Ellis FIP did not include the Project's funding obligations towards the future storm drainage line from the Property to the final location of Detention Basin 3A (DB #3A) which will be constructed in the future. The City and the Subdivider agree that the City will amend the Ellis FIP to include the cost of the storm drainage line described above, prior to the issuance of the 1st building permit, except for the model homes.

- 1.7 The Subdivider has signed an improvement agreement (hereinafter "Offsite Improvement Agreement, Ellis Phase 1B, Tract 3872 – Offsite Waterline Improvements From The John Jones Water Treatment Plant Western Boundary to the Ellis Phase 1 Subdivision or OIA") and posted improvement security in the amounts shown in the OIA, to ensure completion of certain water line improvements to serve the Modified Ellis Project as identified in the Technical Memorandum dated August 13, 2015 titled "Ellis Specific Plan Water System Analysis – Phase 1" prepared by West Yost & Associates of Davis, California, as required in Section II – G of Exhibit C of the Deferred Improvement Agreement of the Modified Ellis Project and as described in the OIA.
2. **SUBDIVIDER'S AUTHORIZED REPRESENTATIVE.** At all times during the progress of the Work, Subdivider shall have a competent foreman or superintendent (hereinafter "Authorized Representative") on site with authority to act on behalf of the Subdivider. The Subdivider shall, at all times, keep the City Engineer informed in writing of the name and telephone number of the Authorized Representative, and the names and telephone numbers of all contractors and subcontractors performing the Work.
3. **LOCATION OF PERFORMANCE.** The Subdivider shall perform all Work at the locations and grades shown on the Plans and Specifications. The Subdivider shall acquire, at the Subdivider's sole cost and expense, any easement or right-of-way necessary for the performance of the Work.
4. **IMPROVEMENT SECURITY.** Concurrently with the execution of this Agreement by the Subdivider, and prior to the commencement of any Work, the Subdivider shall furnish contract security, in a form authorized by the Subdivision Map Act (Government Code sections 66499 *et seq.*) and all applicable requirements of the Tracy Municipal Code (including section 12.36.080), in the following amounts:
 - 4.1. **Faithful Performance** security in the amount of **\$8,187,000** in accordance with the cost estimates approved by City to secure faithful performance of this Agreement (until the date on which the City Council accepts the Work as complete) pursuant to Government Code section 66499.1, 66499.4, and 66499.9.
 - 4.2. **Labor and Material** security in the amount of **\$8,187,000** in accordance with the cost estimates approved by City to secure payment by the Subdivider

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to laborers and materialmen (until the date on which claims are required to be made by laborers and materialmen) pursuant to Government Code sections 66499.2, 66499.3, 66499.4 and 66499.7(b).

- 4.3. **Warranty** security in the amount of **\$818,700** in accordance with the cost estimates approved by City to secure faithful performance of this Agreement (from the date on which the City Council accepts the Work as complete until one year thereafter) pursuant to Government Code section 66499.1, 66499.4, and 66499.9.
- 4.4. **Monumentation** security in the amount of **\$20,000** to secure faithful performance of setting monuments as described in the Final Map within one year from the date this of Agreement pursuant to Government Code section 66496.
5. **INSURANCE**. Concurrently with the execution of this Agreement by the Subdivider, and prior to the commencement of any Work, the Subdivider shall furnish evidence to the City that all of the following insurance requirements have been satisfied.
 - 5.1. **General**. The Subdivider shall, throughout the duration of this Agreement, maintain insurance to cover Subdivider, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.
 - 5.2. **Commercial General Liability** (with coverage at least as broad as ISO form CG 00 01 01 96) coverage shall be maintained in an amount not less than \$3,000,000 general aggregate and \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
 - 5.3. **Automobile Liability** (with coverage at least as broad as ISO form CA 00 01 07 97, for “any auto”) coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.
 - 5.4. **Workers’ Compensation** coverage shall be maintained as required by the State of California.
 - 5.5. **Endorsements**. Subdivider shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:
 - 5.5.1. The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional “insured.”
 - 5.5.2. For any claims related to this Agreement, Subdivider’s coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Subdivider’s insurance and shall not contribute with it.

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5.6. Notice of Cancellation. Subdivider shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the City should the policy be 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.

5.7. Authorized Insurers. All insurance companies providing coverage to Subdivider 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. Subdivider shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City Attorney.

5.9. Substitute Certificates. No later than thirty calendar (30) days prior to the policy expiration date of any insurance policy required by this Agreement, Subdivider shall provide a substitute certificate of insurance.

5.10. Subdivider's Obligation. Maintenance of insurance by the Subdivider as specified in this Agreement shall in no way be interpreted as relieving the Subdivider of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Subdivider may carry, at its own expense, such additional insurance as it deems necessary.

6. PERMITS, LICENSES, AND COMPLIANCE WITH LAW. The Subdivider shall, at the Subdivider's expense, obtain and maintain all necessary permits and licenses for the performance of the Work. Prior to the commencement of the Work, the Subdivider shall obtain a City of Tracy Business License. The Subdivider shall comply with all local, state, and federal laws, whether or not said laws are expressly stated in this Agreement.

7. TIME OF PERFORMANCE. Time is of the essence in the performance of the Work, and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. The Subdivider shall submit all requests for extensions of time 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.

7.1 Commencement of Work. No later than five (5) days prior to the commencement of Work, the Subdivider shall provide written notice to the City Engineer of the date on which the Subdivider shall commence Work. The Subdivider shall not commence Work until after the notice required by this section

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is properly provided, and the Subdivider shall not commence Work prior to the date specified in the written notice.

7.2 Schedule of Work. Concurrently with the written notice of commencement of Work, the Subdivider shall provide the City with a written schedule of Work, which shall be updated in writing as necessary to accurately reflect the Subdivider's prosecution of the Work.

7.3 Completion of Work. The Subdivider shall complete all Work by no later than three hundred sixty-five (365) days after the City's execution of this Agreement. If all of the Work is not completed and accepted by City Council by this date, City Engineer may grant an extension of time if a) the Subdivider submits a written request for extension at least five (5) days prior to expiring date of completion, b) the City Engineer reasonably determines that Work is substantially complete and an extension is warranted, c) the Subdivider amends this agreement and provides bonds to cover the term of the Amendment, and d) the Subdivider pays all processing fees for such time extension.

8. INSPECTION BY THE CITY. In order to permit the City to inspect the Work, the Subdivider shall, at all times, and upon no less than twenty-four (24) hour written notice from the City to the Subdivider, provide to the City proper and safe access to the Project site, and all portions of the Work, and to all shops which are within the Subdivider's reasonable control and wherein portions of the Work are in preparation.

9. INSPECTION FEES. Concurrently with the execution of this Agreement by the Subdivider, and prior to the commencement of any Work, the Subdivider shall pay the City Inspection Fees in the amount of three and one-half percent (3-1/2 %) of the estimated Project costs (as approved by the City Engineer). In the event that the City determines that the City's actual costs of inspecting the Work (including all costs and expenses of inspection, reviewing maps and plans, field checking, testing, and administrative and overhead costs of fifteen percent (15 %)) exceeds the amount of Inspection Fees paid by the Subdivider, the Subdivider shall pay the City the actual costs of inspecting the Work less Inspection Fees previously paid, not later than thirty (30) days following Subdivider's receipt from City of an invoice for the excess inspection costs. In the event that the City requires an independent inspection, the Subdivider shall pay all such costs and provide a report to the City.

In the event that the City determines that the City's actual costs of inspecting the Work (including all costs and expenses of inspection, reviewing maps and plans, field checking, testing and administrative and overhead costs of fifteen (15%)) is less than the amount of Inspection Fees paid by the Subdivider, the City shall refund the Subdivider the cost difference between the Inspection Fees previously paid and the actual costs of inspecting the Work, not later than thirty (30) days following completion by the City of all required inspections.

**CITY OF TRACY – SUBDIVISION IMPROVEMENT AGREEMENT
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10. DEFAULT.

10.1. In the event that the Subdivider is in default of this Agreement, as defined in this section, the City Engineer shall provide written notice to the Subdivider and the Subdivider's surety (if any) in which the default is described with appropriate specificity.

10.2. The Subdivider shall be in default of this Agreement if the City Engineer determines that any one of the following conditions exist:

10.2.1. The Subdivider is insolvent, bankrupt, or makes a general assignment for the benefit of its creditors.

10.2.2. The Subdivider abandons the Project site.

10.2.3. The Subdivider fails to perform one or more requirements of this Agreement.

10.2.4. The Subdivider fails to replace or repair any damage caused by Subdivider or its agents, representatives, contractors, subcontractors, or employees in connection with performance of the Work.

10.2.5. The Subdivider violates any legal requirement related to the Work.

10.3. In the event that the Subdivider fails to cure the default within ten (10) days of the Subdivider's receipt of written notice from the City setting forth with reasonable specificity the nature of default, or provide adequate written assurance to the satisfaction of the City Engineer that the cure will be promptly commenced and diligently prosecuted to its completion, the City may, in the discretion of the City Engineer, take any or all of the following actions:

10.3.1. Cure the default and charge the Subdivider for the costs therefore, including administrative costs and interest in an amount equal to three percent (3 %) per annum from the date of default.

10.3.2. Demand the Subdivider to complete performance of the Work.

10.3.3. Demand the Subdivider's surety (if any) to complete performance of the Work.

11. ACCEPTANCE OF WORK. Prior to acceptance of the Work by the City Council, the Subdivider shall be solely responsible for maintaining the quality of the Work, and maintaining safety at the Project site. The Subdivider's obligation to perform the Work shall not be satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied and all outstanding fees and charges have been paid, and the City Council has accepted the Work as complete.

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12. **WARRANTY PERIOD.** The Subdivider shall warrant the quality of the Work, in accordance with the terms of the Plans and Specifications, for a period of one (1) year after acceptance of the Work by the City Council. In the event that (during the one (1) year warranty period) any portion of the Work is determined by the City Engineer to be defective solely as a result of an act or omission of the Subdivider under this Agreement, the Subdivider shall correct such default within a reasonable period of time and to the reasonable satisfaction of the City Engineer.
13. **INDEPENDENT CONTRACTOR STATUS.** Subdivider is an independent contractor and is solely responsible for all acts of its employees, agents, or subcontractors, including any negligent acts or omissions. Subdivider is not City's employee and Subdivider 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 whatsoever, unless the City provides prior written authorization to Subdivider.
14. **OWNERSHIP OF WORK.** Upon completion of the Work and the City's acceptance of such Work, all original documents prepared by Subdivider for this Agreement shall be the property of the City, subject to applicable legal requirements, and shall be given to the City at the completion of Subdivider's Work, or upon demand from the City. Prior to acceptance of the work, the Subdivider shall submit the as-built drawings in Autodesk AutoCAD format Release-14 or higher.
15. **ATTORNEY'S FEES.** In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.
16. **ASSIGNMENT AND DELEGATION.** This Agreement and any portion thereof shall not be assigned or transferred, nor shall any of the Subdivider's duties be delegated, without the written consent of the City. Any attempt to assign or delegate this Agreement without the written consent of the City shall be void and of no force and effect. Consent by the City to one assignment shall not be deemed to be consent to any subsequent assignment.

Notwithstanding the foregoing, Subdivider shall have the right to assign its rights, duties and obligations under this Agreement to any entity controlled by, controlling, or under common control with Subdivider without the consent of the City, provided however, that any such assignment without the consent of the City shall not release Subdivider from its obligations and duties to the City under this Agreement.

17. **NOTICES.**

17.1. 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 respective party as follows:

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To CITY:
City of Tracy
Development Services
333 Civic Center Plaza
Tracy, California 95376
Attn: City Engineer
City Engineer

To Subdivider:
CalAtlantic Group, Inc.
4750 Willow Road
Suite 150
Pleasanton, CA 94588
Attn: Sergio Perez /
Bridgit Koller

CalAtlantic Group, Inc.
15360 Barranca Parkway
Irvine, CA 92618-2215
Attn: Dwight Hirsch
Vice President & Associate
Counsel

- 17.2.** Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) three working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.
- 18. MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.
- 19. 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.
- 20. SEVERABILITY.** In the event, any term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect.
- 21. 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.
- 22. INDEMNIFICATION.** Subdivider shall indemnify, defend and hold harmless the City (including its elected officials, officers, agents and employees) from and against any and all claims, demands, liabilities, costs and expenses (including court costs and attorney's fees) resulting from, arising out of or related to the performance of the Work by Subdivider or Subdivider's agents, representatives, contractors, subcontractors or employees, prior to acceptance of the Work by the City.

CITY OF TRACY – SUBDIVISION IMPROVEMENT AGREEMENT
PART OF ELLIS MODIFIED PROJECT
ELLIS PHASE 1B, TRACT 3872
Page 12 of 13

23. **DEFERRED IMPROVEMENT AGREEMENT**. The Property is subject to the requirements specified in that certain Deferred Improvement Agreement of the Modified Ellis Project that was approved by the City Council on September 1, 2015, pursuant to Resolution 2015-143 and recorded on December 9, 2015, as Document Number 2015-144459 of the San Joaquin County Records. Subdivider agreed to submit improvement plans, sign improvement agreements, and post improvement security for the completion of the Deferred Improvements within the timelines specified in the DIA. The City has no obligation to construct or complete the Deferred Improvements.
24. **ENTIRE AGREEMENT**. This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the improvements to be constructed for this Project. This Agreement supersedes all prior negotiations, representations, or agreements.

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25. **SIGNATURES**. The City and Subdivider represent and warrant that the individuals executing this Agreement have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the

**CITY OF TRACY – SUBDIVISION IMPROVEMENT AGREEMENT
PART OF ELLIS MODIFIED PROJECT
ELLIS PHASE 1B, TRACT 3872
Page 13 of 13**

Subdivider and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

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

CITY OF TRACY,
a municipal corporation

By: Robert Rickman
Title: MAYOR
Date: _____

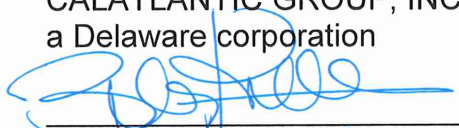
Attest:


By: Nora Pimentel
Title: CITY CLERK
Date: _____

Approved As To Form:

By: Bill Sartor
Title: CITY ATTORNEY
Date: _____

SUBDIVIDER:
CALATLANTIC GROUP, INC.,
a Delaware corporation


By: Brandon Rouer
Title: OPERATOR A.K.P.
Date: 07.10.17


By: Operational V.P. / Sergio Perez
Title: _____
Date: 07.10.2017

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF Alameda

On July 10, 2017, before me, C. Leon, Notary Public

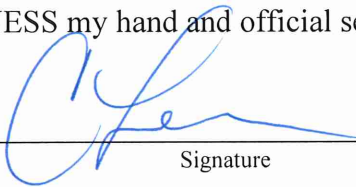
(here insert name and title of the officer)

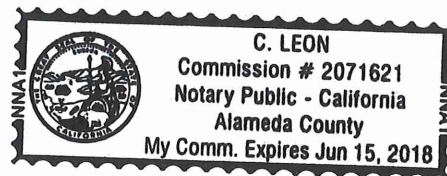
personally appeared Bridgit Koller and Sergio Perez,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he~~/she/they executed the same in ~~his~~/her/their authorized capacity(ies), and that by ~~his~~/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

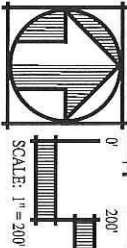
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Signature



(SEAL)



DATE: 03/26/2016

ELLIS PHASE 1B
CITY OF TRACY SAN JOAQUIN COUNTY CALIFORNIA

	Carlson, Barbee & Gibson, Inc.
	CIVIL ENGINEERS • SURVEYORS • PLANNERS
3033 CAMINO RAMON, SUITE 300 SAN RAMON, CALIFORNIA 94583	
TEL: (925) 666-4323 FAX: (925) 666-5375	

RESOLUTION 2017-_____

APPROVING THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR ELLIS PHASE 1B, TRACT 3872, AUTHORIZING THE MAYOR TO EXECUTE THE SUBDIVISION IMPROVEMENT AGREEMENT FOR ELLIS PHASE 1B, TRACT 3872, AND AUTHORIZING THE CITY CLERK TO FILE THE AGREEMENT WITH THE SAN JOAQUIN COUNTY RECORDER

WHEREAS, The Tentative Subdivision Map (TSM) for the first phase of the Modified Ellis Project consists of 296 residential lots and six other parcels on approximately 150 acres (Ellis Phase 1 Subdivision) generally located at the northwest corner of Corral Hollow Road and Linne Road, was approved by the Planning Commission (PC) on July 23, 2014, pursuant to Resolution 2014-016, and

WHEREAS, PC approved an amendment to the Conditions of Approval of the TSM on August 12, 2015, pursuant to PC Resolution 2015-010, and

WHEREAS, On September 1, 2015, pursuant to Resolution 2015-143, the City Council approved the final subdivision map for Ellis Phase 1A, Tract 3764 which composed of 165 residential lots, and

WHEREAS, The CalAtlantic Group, Inc., a Delaware corporation (Subdivider) requested approval of the second phase of Ellis Phase 1 Subdivision known as "Ellis Phase 1B, Tract 3872," which composed of 133 residential lots, and

WHEREAS, The City Engineer has determined that the Final Subdivision Map of Ellis Phase 1B, Tract 3872 (FSM) substantially complies with the TSM, and

WHEREAS, The Subdivider has executed the Subdivision Improvement Agreement (SIA) for the completion of the subdivision improvements including the traffic signal and associated improvements at the intersection of Corral Hollow Road/Ellis Towne Drive and Corral Hollow Road/Middlefield Drive, Zone 3 Water Main from Corral Hollow Road to and within the Ellis Phase 1B subdivision, and

WHEREAS, Upon completion of all improvements, the City will accept the improvements for maintenance and will accept all offers of dedication of public right-of-way at that time, and

WHEREAS, The Subdivider has paid the applicable engineering review fees necessary for processing the Improvement Plans, the Final Subdivision Map, and Subdivision Improvement Agreement;

NOW, THEREFORE BE IT RESOLVED, That City Council of the City of Tracy hereby approves the Final Subdivision Map for Ellis Phase 1B, Tract 3872, and authorizes the Mayor to execute the Subdivision Improvement Agreement for Ellis Phase 1B, Tract 3872, and authorizes the City Clerk to file the Agreement with the San Joaquin County Recorder.

* * * * *

The foregoing Resolution 2017-_____ was passed and adopted by the Tracy City Council on the 18th day of July 2017, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.C

REQUEST

APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE DEFENSE LOGISTICS AGENCY DISTRIBUTION SAN JOAQUIN, A PART OF THE U.S. GOVERNMENT, FOR THE INSTALLATION OF A TRAFFIC SIGNAL AND ASSOCIATED IMPROVEMENTS AT THE INTERSECTION OF CHRISMAN ROAD AND VALPICO ROAD

EXECUTIVE SUMMARY

The Defense Logistics Agency Distribution San Joaquin (DLA) intends to complete various on-site improvements including consolidating their two entrances into one entrance on Chrisman Road as part of their Access Control Point Project (Project). The Project will include the construction of a traffic signal and associated intersection improvements on Chrisman Road and Valpico Road which will require that an encroachment permit be obtained from the City. The encroachment permit is conditioned on the execution of this Memorandum of Understanding (MOU) before the permit is issued.

The Project is expected to break ground during fiscal year 2020. Approval of the MOU by the City and DLA will facilitate DLA's continued planning and design of the improvements, including obtaining the necessary budgetary approval from Congress, and the review of the improvement plans and issuance of the encroachment permit. The MOU will also serve as a guarantee of DLA's commitment to complete the work to the satisfaction of the City.

DISCUSSION

The DLA is a federal agency under the Department of Defense that operates Distribution San Joaquin which is commonly referred to as the Defense Depot. DLA proposes to consolidate the Defense Depot's two existing entrances on Chrisman Road north of Valpico Road to one access point on Chrisman Road as part of the Project. The proposed access point will serve as the main entrance and exit on Chrisman Road for the Defense Depot's employees and visitors.

Based on the traffic impact study prepared by DLA and approved by the City Engineer, a traffic signal is necessary to control vehicular traffic at the Defense Depot's main entrance and exit and also at the intersection of Chrisman Road and Valpico Road. The installation of a traffic signal on Chrisman Road and Valpico Road includes the installation of a traffic signal controller, power supply cabinet, conduit and wire for the traffic signal interconnect system, traffic detecting loops at all approaches, pull boxes, advance traffic warning lights on Chrisman Road, asphalt concrete paving & overlay, signing, and striping where it is needed.

The Improvement Plans and Specifications for the improvements described above will be prepared by DLA and submitted for City's review and approval. Prior to start of construction, DLA's contractor will obtain an encroachment permit and will conduct and

invite the City to the pre-construction meeting. At the pre-construction meeting, DLA's contractor will submit a traffic control plan for City's approval. Prior to City Engineer's signature on the Improvement Plans, DLA's contractor will be required to pay plan checking, permit processing, and engineering inspection fees.

Upon completion of the improvements, and prior to acceptance of the improvements, DLA will request that the U.S. Army Corp of Engineers grant a non-exclusive access easement to the City for the purpose of maintaining the traffic detecting loops and appurtenances and the City will accept the improvements for maintenance. The City will also commence the processing of the potential reimbursement to DLA per the share identified in the DLA's traffic impact study and as determined by the City Engineer.

FISCAL IMPACT

DLA's contractor will pay for all required City fees for plan checking, permit processing, and engineering inspection prior to the approval of the Improvement Plans and issuance of the encroachment permit.

DLA intends to obtain funding for their Project from Congress, which will include the cost of the traffic light and intersection. The City will reimburse DLA for the costs of constructing the traffic signal and associated improvements that exceed DLA's fair-share contribution. DLA's fair-share contribution shall be a percentage of the total cost of completing the improvements as determined by the City Engineer based on the findings of a pending traffic study that will identify the amount or percentage of traffic generated by the Project. Prior to the issuance of the encroachment permit, a capital improvement project will be created and funds will be appropriated to cover payment of the potential reimbursement to DLA.

STRATEGIC PLAN

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

RECOMMENDATION

That City Council, by resolution, approve the Memorandum of Understanding between the DLA Distribution San Joaquin and the City for the installation of a traffic signal and associated improvements at the intersection of Chrisman Road and Valpico Road.

Prepared by: Criseldo Mina, PE, Senior Civil Engineer

Reviewed by: Robert Armijo, PE, City Engineer
Andrew Malik, Development Services Director
Karen Schnaider, Finance Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENT

Attachment A - Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF TRACY
AND
DLA DISTRIBUTION SAN JOAQUIN

This Memorandum of Understanding (“MOU”) is made by and between the City of Tracy (“City”), a municipal corporation, and the Defense Logistics Agency Distribution San Joaquin (“DLA”), a part of the U.S. Government. City and DLA are collectively referred to as “Parties.”

RECITALS

WHEREAS, The Defense Logistics Agency Distribution San Joaquin (“DLA”) intends to construct a new Access Control Point to the Installation that will be a multi-million dollar construction project that will provide a single entry point at the corner of Chrisman Road and Valpico Road (“Project”); and

WHEREAS, The City of Tracy (“City”) has in its Citywide Roadway & Transportation Master Plan a requirement in the future for a traffic light at that same intersection; and

WHEREAS, Changes in the traffic patterns created by the Project along Chrisman Road necessitate the construction of the traffic light at this juncture; and

WHEREAS, Both DLA and the City have an interest in ensuring the development of safe and efficient roads in this location; and

WHEREAS, This MOU allows for the continuation of planning and design of the intersection referenced above, and acknowledges the common interests of DLA and the City in completing the Work further described below; and

WHEREAS, This MOU further memorializes the Parties’ intent that the Work further described below be completed to the satisfaction of City prior to the acceptance of the Project by DLA.

Now therefore, the Parties agree as follows:

1. EXECUTION OF AGREEMENT: The issuance of an encroachment permit is conditioned on the execution of this Agreement. As such, this Agreement shall be executed prior to the City’s issuance of an encroachment permit for the Project.
2. SCOPE OF WORK: The DLA shall require that Contractor perform, or cause to be performed, the traffic light and all requirements necessitated by the traffic light at the intersection of Valpico Road and Chrisman Road (“Work”). The Work is for the benefit of both parties. DLA will continue to work with the City to ensure that the Work at the intersection is done to the satisfaction of the City Engineer. The Work shall be performed, and all materials and labor shall be provided, at Contractor’s expense. No

material change shall be made to the scope of common interest of DLA and the City unless agreed by both parties, and authorized in writing by the City Engineer and Department of Defense (DoD) engineers, such approval not to be unreasonably withheld. The current general description of the Work is as follows:

- a. A traffic signal that will operate at an acceptable level of service (LOS D), including traffic signal poles and lights, traffic controller with the power supply cabinet, conduit and wires for the traffic signal connect system, traffic detecting loops at all approaches, loop detector boxes, lane markings and pavement markers, advance traffic signal warning lights and new striping. This is a general description of the work. The DLA understands that this work must be accomplished to the satisfaction of the City.
3. IMPROVEMENT PLANS: Improvements plans for the Work will be reviewed and approved by the City for compliance with City Design Standards. Improvement Plans to be approved by the City Engineer shall be prepared on a 24" x 36" size polyester film (Mylar) with the standard title and approval block, signed and wet-stamped by the Design Engineer. The Improvement Plans shall include the design, construction details, and specifications of the Work.
4. COORDINATION WITH CITY:
 - a. The DLA shall require Contractor to, at all times, keep the City Engineer reasonably informed in writing of the names and telephone numbers of all contractors and subcontractors performing the Work described in paragraph 3 above.
 - b. The DLA will ensure that representatives of the City are kept informed as to the status of work, and will be invited to the pre-construction meeting at the beginning of the project.
 - c. Any bonds obtained by Contractor shall account for the costs of completing the common interest Work.
5. FEES: The DLA shall require Contractor to pay all City-required permit, inspection, and engineering review fees, as set forth in Federal Acquisition Regulation 52.236-7 (Permits and Responsibilities).
6. TIME OF PERFORMANCE: The Work shall be completed in a timely manner, and the City will be kept informed as to the schedule of the contract, including estimated completion date.
7. ACCEPTANCE OF WORK: Prior to acceptance of the Work by the City, the DLA shall require that Contractor be solely responsible for maintaining the quality of the Work, and maintaining safety at the Work Site. DLA shall accept the Project pursuant to the applicable Federal Acquisitions Regulations and only after the City has accepted the Work.

8. RIGHT OF ACCESS FOR MAINTENANCE PURPOSES: Prior to acceptance of the Work by City, the DLA shall request the Army Corps of Engineers to grant the City a perpetual, non-exclusive easement, license or similar interest for the purpose of maintaining the Work described in paragraph #3.
9. WARRANTY PERIOD: The DLA shall require that Contractor warrant the quality of the Work, in accordance with the Federal Acquisition Regulations. If any portion of the Work is determined by the City Engineer to be defective during the warranty period, the DLA shall enforce the warranty provisions of its contract with Contractor.
10. INSURANCE AND INDEMNIFICATION: The DLA Distribution San Joaquin, as part of the U.S. Government, is self-insured. Under the provisions of the Federal Tort Claims Act (FTCA) of 1948, as amended, 28 USC 2671-2680, the U.S. Government will be liable and therefore compensate the City of Tracy, or other injured parties, for damage or injury resulting from the actions or negligence of a U.S. government employee or Agency acting within the scope of authority given by the U.S. Government.
11. REIMBURSEMENT OF COSTS: It is the intentions of the Parties that the DLA will obtain funding for its project from Congress, which will include the cost of the traffic light and intersection. The City shall reimburse the DLA for the costs of constructing the Work that exceed DLA's fair-share contribution. The DLA's fair-share contribution shall be a percentage of the total cost of completing the Work as determined by the City Engineer based on the findings of a pending traffic study that will identify the amount or percentage of traffic generated by the Project. The City shall allocate reimbursements to DLA in accordance with Tracy Municipal Code (TMC) section 13.08.070. The DLA shall be deemed to have submitted a request for a reimbursement for purposes of TMC section 13.08.070 upon acceptance of the Project.
12. DISPUTES: In the event that there is a dispute between the Parties, the Parties will resolve it in accordance with applicable law. The Parties will notify one another at the earliest of a problem and discuss a resolution.
13. DEFAULT: In the event the DoD Contractor is in default of the contract with DoD, or causes any harm to the City property, the parties will immediately notify one another and require contract compliance. Any damage to the City property by the contractor will be repaired in accordance with Federal Acquisition Regulation 52.236-9. The Contractor, its subcontractors and Agents will be directed by the DLA to repair the damage to the satisfaction of the City and DLA.
14. NOTICES: All notices or communications that this Agreement contemplates, authorizes, or requires shall be in writing and shall be mailed to the respective party as follows:

DLA: Defense Logistics Agency
Chief Facilities & Equipment Engineering
25600 Chrisman Road
Bldg. 100, Room 10

MOU regarding DLA Distribution San Joaquin ACP Project

Tracy, CA 95304

CITY: City Engineer
City of Tracy
333 Civic Center Plaza
Tracy, California 95376

Copy to: City Attorney's Office
Attn: City Attorney
333 Civic Center Plaza
Tracy, California 95376

15. INCORPORATION OF RECITALS: The recitals contained herein are incorporated into the body of this MOU as though set forth in full, and by this reference are made a part of the same.
16. MODIFICATIONS: This MOU may only be modified by written agreement of the Parties, duly signed by their authorized representatives. This MOU will be reviewed by the parties regularly.
17. TRANSFERABILITY: This MOU is not transferable except with written consent of both parties.
18. EFFECTIVE DATE: This MOU takes effect beginning on the day after the last party signs.
19. AUTHORITY: The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of their respective agencies.

City of Tracy

By: _____

Title: Mayor

Date: _____

Attest:

By: _____

For DLA Distribution San Joaquin

By: _____

Title: Colonel, USMC Commander

Date: _____

By: _____

Title: Site Director, DLA Installation Support
San Joaquin

MOU regarding DLA Distribution San Joaquin ACP Project

Nora Pimentel, City Clerk

Date: _____

Approved as to form

By: _____

Bill Sartor, City Attorney

RESOLUTION 2017-_____

APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE DEFENSE
LOGISTICS AGENCY DISTRIBUTION SAN JOAQUIN, A PART OF THE U.S.
GOVERNMENT, FOR THE INSTALLATION OF A TRAFFIC SIGNAL AND
ASSOCIATED IMPROVEMENTS AT THE INTERSECTION OF CHRISMAN ROAD
AND VALPICO ROAD

WHEREAS, The Defense Logistics Agency Distribution San Joaquin (DLA), a part of the U.S. government, has identified a few on-site improvements to Distribution San Joaquin (Defense Depot) located on the east side of Chrisman Road between Schulte Road and Valpico Road, and

WHEREAS, The proposed on-site improvements to the Defense Depot include consolidating their two existing entrances on Chrisman Road north of Valpico Road into one access point on Chrisman Road. This access point will serve as the main ingress and egress gate for the Depot, and

WHEREAS, The proposed access point will also be located at the intersection of Chrisman Road and Valpico Road, and

WHEREAS, Based on the traffic impact study prepared by DLA and approved by the City Engineer, a traffic signal is necessary to control vehicular traffic at the Depot's proposed access point and also at the intersection of Chrisman Road and Valpico Road, and

WHEREAS, The installation of a traffic signal on Chrisman Road and Valpico Road includes the installation of a traffic signal controller, power supply cabinet, conduit and wire for the traffic signal interconnect system, traffic detecting loops at all approaches, pull boxes, advance traffic warning lights on Chrisman Road, asphalt concrete paving & overlay, signing, and striping where it is needed, and

WHEREAS, The Improvement Plans and Specifications for the improvements described above will be prepared by DLA and submitted for City's review and approval. Prior to start of construction, DLA's contractor will obtain an encroachment permit and will conduct and invite the City on the pre-construction meeting. At the pre-construction meeting, DLA's contractor will submit a traffic control plan for City's approval. Prior to City Engineer's signature on the Improvement Plans, DLA's contractor will be required to pay plan checking, permit processing, and engineering inspection fees, and

WHEREAS, Upon completion of the improvements, and prior to acceptance of the improvements, DLA will request that the U.S. Army Corps of Engineers grant a non-exclusive access easement to the City for the purpose of maintaining the traffic detector loops and appurtenances and the City will accept the improvements for maintenance, and

WHEREAS, The City will also commence the processing of the potential reimbursement to DLA per the share identified in DLA's traffic impact study and as determined by the City Engineer, and

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves a Memorandum of Understanding with the Defense Logistics Agency Distribution San Joaquin, a part of the U.S. Government, for the installation of a traffic signal and associated improvements at the intersection of Chrisman Road and Valpico Road.

* * * * *

The foregoing Resolution 2017-_____ was adopted by the Tracy City Council on the 18th day of July, 2017, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.D

REQUEST

AUTHORIZE THE APPOINTMENT OF FIVE YOUTH COMMISSIONERS TO THE YOUTH ADVISORY COMMISSION

EXECUTIVE SUMMARY

The bylaws of the Youth Advisory Commission set the minimum number of youth appointed Commissioners at eight, with a maximum limit at fourteen and a maximum of three adult Commissioners. A selection panel was established which made recommendations for five youth to be appointed for a two-year term to fill the existing youth vacancies on the Youth Advisory Commission.

DISCUSSION

The bylaws of the Youth Advisory Commission call for a minimum of eight youth Commissioners and a maximum of fourteen and a maximum of three adult Commissioners who may sit on the Commission. The bylaws are crafted to include two youth representatives from each of the four comprehensive high schools in the area (Kimball, Millennium, Tracy and West) and the four alternative education high schools (Delta Charter, Duncan-Russell Continuation, Excel High and Stein Continuation). The selection process for the Youth Advisory Commission is designed to have a diverse group of teens that reflect each of the Tracy area high schools, and who wish to have a voice in their community and be involved in the Commission. Adult Commissioners shall reside within the jurisdiction of any Tracy school district and include one member of the School District and two members of the community who desire to work with youth. Currently the Commission has seven youth and two adult vacancies.

The City recruits new Commissioners on an ongoing basis to fill any vacancies created by outgoing Commissioners. The bylaws of the Youth Advisory Commission call for a selection panel to review new applications and make recommendations for appointment to the City Council. This year's panel consisted of Recreation Coordinator Justin Geibig, Recreation Coordinator Amanda Jensen, and Executive Assistant Sandra Edwards.

The interview panel conducted interviews on May 18, 2017. The selection panel recommends the following five youth to serve two-year terms, from August 1, 2017, to July 31, 2019: Kayvon Moshiri, Yuvleen Kaur and Richard Smith from Millennium High School, Tawny Andrews from Kimball High School and Alex Klassen from West High School.

FISCAL IMPACT

Staff support of the Youth Advisory Committee is budgeted in the Parks & Recreation's operating budget.

RECOMMENDATION

Staff recommends that the City Council approve, by resolution, the appointment of five youth Commissioners to the Youth Advisory Commission based upon the interview and selection panel recommendations.

Prepared by: Jolene Jauregui, Recreation Services Supervisor

Reviewed by: Kim Scarlata, Division Manager II
Karin Schneider, Finance Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

RESOLUTION 2017-_____

AUTHORIZING THE APPOINTMENT OF FIVE YOUTH COMMISSIONERS TO THE
YOUTH ADVISORY COMMISSION

WHEREAS, The bylaws of the Youth Advisory Commission (YAC) call for a minimum of eight youth Commissioners, and a maximum of fourteen youth Commissioners and a maximum of three adult Commissioners that may sit on the Commission, and

WHEREAS, The eligibility criteria and selection process of YAC Commissioners are established, and

WHEREAS, The City recruits new Commissioners on an ongoing basis to replace the outgoing Commissioners and fill existing vacancies, and has established a recommendation selection panel to recommend appointees to City Council, and

WHEREAS, The recommendation selection panel recommended the following five youth for a two-year term, from August 1, 2017, to July 31, 2019: Kayvon Moshiri, Yuvleen Kaur, Richard Smith, Tawny Andrews and Alex Klassen;

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby approves the appointment of the five new Youth Commissioners recommended by the selection panel as identified above, and for the recommended terms, to the Youth Advisory Commission.

* * * * *

The foregoing Resolution 2017-_____ was passed and adopted by the City Council of the City of Tracy on the 18th day of July, 2017 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.E

REQUEST

GRANT A PERMIT TO SKYRYSE, INC., FOR COMMERCIAL USE AT THE TRACY MUNICIPAL AIRPORT

EXECUTIVE SUMMARY

Section 2.28.050 of the Tracy Municipal Code prohibits commercial activity at the Tracy Municipal Airport unless a permit has been granted by the City Council. Skyryse, Inc., a Delaware Corporation, is seeking a permit for commercial use at the Tracy Municipal Airport to conduct research and development of autonomous air transportation technologies.

DISCUSSION

Section 2.28.050 of the Tracy Municipal Code prohibits commercial activity at the Tracy Municipal Airport unless a permit has been granted by the City Council. This has been in effect since the Ordinance was created in 1964. Skyryse, Inc., a Delaware Corporation, would like to rent a hangar at the airport to conduct research and development of autonomous air transportation technologies. Skyryse, Inc. must obtain a permit from City Council to conduct commercial activities at the airport prior to renting a hangar for its business.

STRATEGIC PLAN

This agenda item supports the Economic Development Strategic Plan and specifically implements the following goals and objectives:

Goal 4: Position Tracy as the preferred location for start-up companies and entrepreneurial investment.

Objective 4a: Attract start-up companies and entrepreneurs to the San Joaquin Valley region.

FISCAL IMPACT

Fees received from the rental of hangar space will be \$471 per month and will go to the Airport Fund.

RECOMMENDATION

Staff recommends that the City Council grant a permit to Skyryse, Inc., for commercial use at the Tracy Municipal Airport.

Prepared by: Ed Lovell, Management Analyst II
Barbara Harb, Economic Development Management Analyst

Reviewed by: Martha Garcia, Finance Manager
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

RESOLUTION 2017-_____

GRANTING A PERMIT TO SKYRYSE, INC., FOR COMMERCIAL USE AT THE TRACY
MUNICIPAL AIRPORT

WHEREAS, Section 2.28.050 of the Tracy Municipal Code prohibits commercial activity at the Tracy Municipal Airport unless a permit has been granted by the City Council, and

WHEREAS, Skyrise, Inc., a Delaware Corporation, proposes to rent a hangar at the airport to conduct research and development of autonomous air transportation technologies, and

WHEREAS, Skyrise, Inc., may not rent a hangar at the airport for commercial purposes without a permit granted by the City Council;

NOW, THEREFORE, BE IT RESOLVED, That the City Council grants a permit to Skyrise, Inc., for commercial use at the Tracy Municipal Airport.

* * * * *

The foregoing Resolution 2017-_____ was passed and adopted by the City Council of the City of Tracy on the 18th day of July, 2017, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.F

REQUEST

WAIVE SECOND READING AND ADOPT ORDINANCE 1235, AN ORDINANCE OF THE CITY OF TRACY AMENDING THE I-205 CORRIDOR SPECIFIC PLAN LAND USE DESIGNATION (FIGURE 3.1a) FROM FREEWAY COMMERCIAL TO GENERAL COMMERCIAL FOR AN APPROXIMATELY 1.46-ACRE SITE LOCATED SOUTH OF NAGLEE ROAD, WEST OF THE INTERSECTION WITH PAVILION PARKWAY AND THE I-205 ON-RAMP, ASSESSOR'S PARCEL NUMBER 212-290-51, APPLICATION NUMBER SPA17-0003

EXECUTIVE SUMMARY

Ordinance 1235 was introduced at the Council meeting held on June 20, 2017. Ordinance 1235 is before Council for adoption.

DISCUSSION

A 1.46-acre site located south of Naglee Road, west of the intersection with Pavilion Parkway and the I-205 On-Ramp, east of Panera Bread and Chipotle Mexican Grill, Assessor's Parcel Number 212-290-51, is designated Freeway Commercial in the I-205 Corridor Specific Plan (Figure 3.1a). An application was filed by VMI Architects, Inc. to amend the I-205 Corridor Specific Plan to redesignate the subject site from Freeway Commercial to General Commercial to allow uses such as retail and consumer services to be permitted at the site. Ordinance 1235 was introduced at the June 20, 2017, Council meeting to amend the I-205 Corridor Specific Plan land use designation from Freeway Commercial to General Commercial for the 1.46-acre site. The proposed amendment is compatible with the land uses designations of the surrounding area because the adjacent properties to the north are designated General Commercial and contain a mix of retail and restaurant uses.

Ordinance 1235 is before Council for adoption.

STRATEGIC PLAN

This agenda item does not relate to the Council's four strategic plans.

FISCAL IMPACT

None.

RECOMMENDATION

That Council adopt Ordinance 1235.

Prepared by: Adrienne Richardson, Deputy City Clerk

Reviewed by: Nora Pimentel, City Clerk
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

Attachment A – Ordinance 1235

ORDINANCE 1235

AN ORDINANCE OF THE CITY OF TRACY AMENDING THE I-205 CORRIDOR SPECIFIC PLAN LAND USE DESIGNATION (FIGURE 3.1a) FROM FREEWAY COMMERCIAL TO GENERAL COMMERCIAL FOR AN APPROXIMATELY 1.46-ACRE SITE LOCATED SOUTH OF NAGLEE ROAD, WEST OF THE INTERSECTION WITH PAVILION PARKWAY AND THE I-205 ON-RAMP, ASSESSOR'S PARCEL NUMBER 212-290-51
APPLICATION NUMBER SPA17-0003

WHEREAS, The 1.46-acre site located south of Naglee Road, west of the intersection with Pavilion Parkway and the I-205 On-Ramp, east of Panera Bread and Chipotle Mexican Grill, Assessor's Parcel Number 212-290-51, is designated Freeway Commercial in the I-205 Corridor Specific Plan (Figure 3.1a); and

WHEREAS, VMI Architects, Inc. submitted an application to amend the I-205 Corridor Specific Plan to redesignate the subject site from Freeway Commercial to General Commercial to allow uses such as retail and consumer services to be permitted at the site, which are currently not permitted under the Freeway Commercial designation (Application Number SPA17-0003); and

WHEREAS, The proposed amendment is compatible with the land use designations of the surrounding area because the adjacent properties to the north are designated General Commercial and contain a mix of retail and restaurant uses; and

WHEREAS, The General Commercial land use designation is consistent with the General Plan land use designation of Commercial; and

WHEREAS, The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183, which pertains to consistency with the General Plan. The project is consistent with the Environmental Impact Report (EIR) prepared for the Tracy General Plan, adopted February 1, 2011, and does not propose more intensive uses than were analyzed under the EIR because the General Plan land use designation for the site is remaining Commercial and the project is consistent with the Commercial designation. In accordance with CEQA Guidelines Section 15183, no further environmental assessment is necessary; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on May 10, 2017 and recommended that City Council approve the project; and

WHEREAS, On June 20, 2017, the City Council conducted a public hearing to review and consider the project;

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

SECTION 1: The Land Use Plan exhibit (Figure 3.1a) of the I-205 Corridor Specific Plan is hereby amended to reclassify the following property from Freeway Commercial to General Commercial:

Approximately 1.46 acres located south of Naglee Road, west of the intersection with Pavilion Parkway and the I-205 On-Ramp, Assessor's Parcel Number 212-290-51.

SECTION 2: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

Ordinance 1235

SECTION 3: This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the Ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the Ordinance. (Gov't. Code §36933.)

* * * * *

The foregoing Ordinance 1235 was introduced at a regular meeting of the Tracy City Council held on the 20th day of June, 2017, and finally adopted on the 18th day of July, 2017, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST

CITY CLERK

AGENDA ITEM 1.G

REQUEST

WAIVE SECOND READING AND ADOPT ORDINANCE 1236, AN ORDINANCE OF THE CITY OF TRACY AMENDING ARTICLES 13 (PLANNED UNIT DEVELOPMENT ZONE – PUD) AND 30 (DEVELOPMENT REVIEW) OF CHAPTER 10.08, ZONING REGULATIONS, OF THE TRACY MUNICIPAL CODE

EXECUTIVE SUMMARY

Ordinance 1236 was introduced at the Council meeting held on July 5, 2017. Ordinance 1236 is before Council for adoption.

DISCUSSION

The City wishes to improve the development application process by streamlining regulations governing the reviews and approvals that must occur prior to the issuance of building permits. Approval of the revised Planned Unit Development and Development Review Ordinance will result in clearer standards, and therefore a streamlined review process, for new development and redevelopment of existing project sites. Ordinance 1236 was introduced at the July 5, 2017, Council meeting to amend Articles 13 (Planned Unit Development Zone – PUD) and 30 (Development Review) of Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code.

Ordinance 1236 is before Council for adoption.

STRATEGIC PLAN

This agenda item does not relate to the Council's four strategic plans.

FISCAL IMPACT

None.

RECOMMENDATION

That Council adopt Ordinance 1236.

Prepared by: Adrienne Richardson, Deputy City Clerk

Reviewed by: Nora Pimentel, City Clerk
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

Attachment A – Ordinance 1236

ORDINANCE 1236

AN ORDINANCE OF THE CITY OF TRACY AMENDING ARTICLES 13 (PLANNED UNIT DEVELOPMENT ZONE – PUD) AND 30 (DEVELOPMENT REVIEW) OF CHAPTER 10.08, ZONING REGULATIONS, OF THE TRACY MUNICIPAL CODE

WHEREAS, The City wishes to improve the development application process by streamlining regulations governing the reviews and approvals that must occur prior to the issuance of building permits; and

WHEREAS, The Planning Commission considered this Ordinance at a noticed public hearings held on March 22, 2017 and May 10, 2017 and recommended approval; and

WHEREAS, The City Council considered this Ordinance at a noticed public hearing held on July 5, 2017; and

WHEREAS, The City Council finds that this Ordinance is consistent with the Environmental Impact Report (EIR) that was prepared for the General Plan and certified on February 1, 2011. Therefore, no further environmental assessment is required pursuant to CEQA Guidelines Section 15183 because there will be no significant on or off-site impacts as a result of this Ordinance that were not already discussed in the General Plan EIR;

The City Council of the City of Tracy does ordain as follows:

SECTION 1: Article 13, Planned Unit Development Zone, of Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, is amended in its entirety to read as set forth in the attached Exhibit A.

SECTION 2: Article 30, Development Review, of Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, is amended in its entirety to read as set forth in the attached Exhibit B.

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 1236 was introduced at a regular meeting of the Tracy City Council on the 5th day of July, 2017, and finally adopted on the 18th day of July, 2017, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

Exhibit A
“Article 13, Planned Unit Development Zone (PUD)”

10.08.1760 – Purpose and Intent; Applicability (PUD).

(a) Purpose. The Planned Unit Development (PUD) Zone allows a single zoning district to combine a variety of uses, densities, and design characteristics. It applies to projects that:

- (1) are of substantial public benefit or are in furtherance of some City objective; and
- (2) have one or more of the following characteristics:
 - (i) common or public open space areas;
 - (ii) the maintenance of common spaces at the expense of those directly benefiting from it;
 - (iii) a mixture of uses;
 - (iv) a variety of housing types, and a mixture of densities and lot sizes in residential areas;
 - (v) preservation of natural amenities; and/or
 - (vi) creation of additional amenities.

It is not the purpose nor intent of the PUD Zoning simply to bypass standard zoning district regulations.

(b) Applicability. The specific regulations and the general rules set forth in this article apply in a PUD Zone. In case of a conflict, PUD Zone requirements supersede other zoning requirements.

10.08.1770 - Application.

(a) General. PUD zoning may be established consistent with Article 29, Amendments (section 10.08.3800 and following).

(b) Pre-application conferences. Before filing an application for PUD zoning, the prospective applicant must submit to the Development Services Department preliminary plans, sketches, and other basic site information as required by the Department, and consult with the Department as to the relation of the proposal to the General Plan, any applicable specific plan, and this Article 13.

(c) Application. An application for PUD zoning must be made in accordance with the provisions of Article 29. In addition to the standard requirements set forth on the City's application form, the application must include the following:

- (1) Written documents as follows:
 - (i) A legal description or assessor's parcel numbers and a map of the total site proposed for development, including a statement of the present ownership and zoning;
 - (ii) The proposed amenities and benefits to the public and/or the project that would not be attainable through traditional zoning. (See section 10.08.1760(a).) This includes a concise statement of one page or less describing these public benefits and a statement of the planning objectives to be achieved by the PUD zoning through the particular approach proposed, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
 - (iii) In narrative and diagrams, describe all land uses to be established in various areas and buildings of the district in detail sufficient to generally describe the proposed PUD Zone;
 - (iv) Quantitative data for the following: the total number and type of dwelling units; the parcel size; the proposed maximum lot coverage of structures; the approximate gross and net residential densities; the total amount of open space; the total amount of usable open space; the total amount of nonresidential construction; and other studies as may be required by the Development Services Director; and
- (2) Site plan and supporting maps are required when needed to support an assertion of public benefit under section 10.08.1760 (a), as follows:
 - (i) Architectural renderings of typical structures and improvements, including elevations. Such drawings shall be sufficient to relay the basic architectural intent of the proposed improvements but need not be encumbered with final details at this stage;
 - (ii) The tentative street and lot pattern;
 - (iii) The location and floor area size of all existing and proposed buildings, structures, and other improvements, including maximum heights, types of dwelling units, density per type, and nonresidential structures, including recreational and/or commercial facilities.
 - (iv) The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreation areas, school sites, and similar public and semi-public uses;
 - (v) The existing and proposed circulation system of arterial, collector, and

local streets, including off-street parking areas, service areas, loading areas, major points of access to public rights-of-way, and points of ingress and egress to the development;

(vi) The existing and proposed pedestrian walk areas, including their possible inter-relationships with the vehicular circulation plan;

(vii) The existing and proposed utility systems, including, but not limited to sanitary sewers, storm sewers, water, electric, gas, telephone, cable and internet lines;

(viii) A map of the PUD showing topography data indicating clearly the character of the terrain; the type, location, condition, and size of the trees or tree groups and other natural vegetation; other natural features; and the existing development to be retained;

(ix) A landscape plan indicating the quantity, size, and type of materials. An irrigation plan shall also be required;

(x) Sufficient information on land areas adjacent to the proposed PUD Zone to indicate the relationships between the proposed development and the existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape;

(xi) The proposed treatment of the perimeter of the PUD, including the materials and techniques used, such as screens, fences, walls, dedications and vehicle and pedestrian connection points;

(xii) For residential uses, a residential lot plan; and for commercial uses, a commercial site plan (including lots, driveways, buildings, parking, internal circulation patterns and access to public right of way). For residential development, the lotting plan must include lot sizes and locations, public streets, open space, parks, landscape features and other amenities; and

(xiii) Any additional information required by the City necessary to evaluate the character, impact, or proposed public benefit of the proposed PUD Zoning.

10.08.1780 Approval

(a) Approval. The Planning Commission and City Council will review the proposed PUD. If approved, the City Council will take the action by ordinance, which establishes the PUD zoning regulations for the area.

(b) Format and contents. The ordinance will set forth the basic elements of the PUD Zone, including:

- (1) Purpose and intent.
- (2) Permitted uses: a listing of all uses to be permitted within the district, or in specific locations within the district. Any use may be permitted in a PUD Zone as long as the use is in conformance with the General Plan and any applicable specific plan.
- (3) Conditional uses: a listing of uses to be conditionally allowed within the district or within specific locations within the district.
- (4) Site development regulations: the maximum or minimum regulations, as appropriate, governing site dimensions, required yards and distances between buildings, site coverage, building height, residential density, floor area ratio, open space requirements, accessory facilities and uses, and other aspects of the proposed development.
- (5) Parking and loading requirements.
- (6) Special requirements: additional regulations as are appropriate to assure a harmonious relationship between uses and a compatible relationship with existing or potential uses within adjoining districts. This may include additional height limitations, yard requirements, landscaping and screening, provisions governing outdoor activities, and other requirements.
- (7) A concise description in one page or less setting forth what qualifies the PUD under section 10.08.1760(a).
- (8) Incorporating by reference specific site plan or design exhibits when these elements are used to support an assertion of public benefit under section 10.08.1760 (a).

10.08.1790 Development Review Permit Required in PUD.

A development review permit is required prior to the issuance of building permits in a PUD Zone as specified in Article 30 (section 10.08.3920 and following).

10.08.1800 - Amendments to a PUD.

The City will process a proposed amendment to a PUD Zone in the same manner as any zoning amendment under Article 29 (section 10.08.3800 and following)."

Exhibit B
“Article 30, Development Review Permit

10.08.3920 – Intent and purpose.

The City Council determines that appropriate building and site design improvements enhance the health, safety, and welfare of the residents of the City by:

- (a) improving the desirability of properties within the area for future uses;
- (b) improving the benefits of occupancy of other property in the area;
- (c) encouraging the most appropriate development of other properties within the area;
- (d) encouraging other property owners to properly maintain and improve their properties, benefiting the health, safety, comfort and general welfare of the residents of the area and the City at large;
- (e) avoiding unsightliness which, if permitted to exist, adversely affects surrounding properties; and
- (f) assuring appropriate City utilities, public infrastructure, circulation and roadway access.

The development review permit process is intended as a comprehensive review to facilitate the efficient processing of project applications, by combining environmental and public infrastructure review with site and architectural plan review before a building permit is issued.

10.08.3930 - Applicability.

A development review permit is required for any of the following:

- (a) Improvements. A permit is required for an improvement except for:
 - (1) new construction of or an improvement to a single-family home or residential duplex or a project consisting of four or fewer single-family homes;
 - (2) an addition or repair to an existing improvement if the exterior is not to be altered; and
 - (3) an accessory dwelling unit or residential accessory structure.
- (b) Changes. A permit is required for a change made to an improvement under a prior approval, including prior development review permit approval. However, a change substantially consistent with the prior approval, as determined by the director, does not require a new permit.

In this article, *improvement* means: construction or a modification that requires a building permit

under chapter 9.04 or an exterior change to color, building materials, landscape, hardscape, window replacement, or façade treatment.

10.08.3940 - Application.

The application for a development review permit must be in the form required by the Development Services Department and must include the fee established by City Council resolution.

10.08.3950 – Approval authority

Each development review application will be considered in one of three tiers, depending on the nature of the application, as follows:

(a) Tier 1. A Tier 1 application is reviewed by the City Council, following recommendation by Planning Commission and occurs when:

- (1) the development review permit application is paired with another application being reviewed by the City Council (including an appeal);
- (2) the affected property is located within the I-205 overlay zone (Article 21.2);
- (3) a specific plan or design guidelines require City Council review.

The City Council will consider a development review permit application after notice and a public hearing.

(b) Tier 2. A Tier 2 application is reviewed by the Planning Commission and occurs when:

- (1) the development review permit application is paired with another application being reviewed by the Planning Commission (including an appeal);
- (2) the development review permit application is for a site located within 500 feet of a freeway;
- (3) a specific plan or design guidelines require Planning Commission review; or
- (4) the Director refers a development review permit application to the Planning Commission.

The Planning Commission will consider a development review permit application after notice and a public hearing.

(c) Tier 3. A Tier 3 application is reviewed by the Director and occurs when not covered by Tier 1 or Tier 2, above. The Director may refer review and approval of an application to the Planning Commission.

The Director will consider a development review permit application after notice and a public hearing.

10.08.3960 – Decision and findings.

The reviewing body will consider the following factors: general site considerations including height, bulk, and size of buildings; physical and architectural relationship with the existing and proposed structures; site layout, orientation, and location of the buildings and relationships with open areas and topography; location and type of landscaping; off-street parking areas; height, materials, colors and variations in boundary walls, fences, and screen plantings; appropriateness of the sign design and exterior lighting; and appropriate City utilities, public infrastructure, circulation, and roadway access.

Before approving a development review permit, the reviewing body (under section 10.08.3950) must make written findings that:

- (1) the proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy.
- (2) the proposal conforms to this chapter, the general plan, any applicable specific plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

10.08.3970 Appeal.

Any person dissatisfied with the action taken on an application for a development review permit may file an appeal to the Planning Commission within ten days after the Director's notice of decision. An action of the Planning Commission may likewise be appealed to the City Council, by filing a written appeal within ten days after the Commission's action, all in accordance with the procedures for appeals set forth in section 1.12.020..

10.08.3980 - Time limits; extensions.

(a) Time Limits. A development review permit approval lapses two years after the date it became effective unless:

- (1) By condition of the permit a greater time is allowed, up to three years, based on the size, complexity or other project characteristics; or
- (2) A building permit is issued and construction is begun and diligently pursued toward completion.

(b) Extensions.

- (1) The property owner may apply for one or more extensions before the development review permit has lapsed. Submittal of the application for extension together with the application fee suspends the expiration date until the decision on the extension, and the City will not issue a building permit during the period of suspension.
- (2) The approval body for the permit shall conduct a public hearing. If the approval body was the Director, he or she may refer the extension request to the Planning Commission for a public hearing and decision.
- (3) The Director (or Planning Commission upon referral) may approve an extension for up to three years if it finds there are no substantial changes in: (i) the project; or (ii) the circumstances, City policies, standards, or laws that affect the approval.
- (4) The development review permit is automatically extended (without separate notice or public hearing) for a corresponding period of time if the Planning Commission approves extension of a conditional use permit for the same project, under section 10.08.4250.
- (5) The extension decision may be appealed under section 10.08.3970."

July 18, 2017

AGENDA ITEM 1.H

REQUEST

ADOPT A RESOLUTION AMENDING THE CITY OF TRACY MASTER EMPLOYEE PAY SCHEDULE TO CONFIRM THE PAY RATES/RANGES FOR ALL CITY OF TRACY ESTABLISHED POSITIONS

EXECUTIVE SUMMARY

This item recommends amending the City of Tracy Master Employee Pay Schedule to confirm the pay rates/ranges for all City of Tracy established positions.

DISCUSSION

As a standard practice the City Council approves all salary schedules which include classification titles and pay rates/ranges at the time a Memorandum of Understanding (MOU) or Compensation and Benefit Plan is approved for each employee unit; or when specific wage and classification title adjustments are needed. The City Council also approves the employment agreements that include salary ranges for the City Manager and City Attorney. Additionally, the amount of monthly compensation the City Council receives is set in accordance with California Government Code Section 36516.

The City of Tracy Master Employee Pay Schedule was adopted in January 2017, in order to comply with the Public Employees' Retirement Law (PERL) which governs the California Public Employees Retirement System, and CCR Section 570.5. The City Council must consider and approve any adjustments in pay rates/ranges or classification title changes for established positions by amending the master pay schedule. Per the respective adopted MOU's and Compensation and Benefit Plans, some classifications are due a rate increase effective July 1, 2017. Therefore, it is recommended the amended Master Employee Pay Schedule be adopted to reflect all changes.

STRATEGIC PLAN

This agenda item supports the City's Governance Strategy and Business Plan, and specifically implements the following goals and objectives:

Governance Strategy

Goal 1: Further develop an organization to attract, motivate, develop, and retain a high-quality, engaged, high-performing, and informed workforce.

Objective 1b: Affirm organizational values.

FISCAL IMPACT

There is no fiscal impact associated with the adoption of the City of Tracy Master Employee Pay Schedule.

RECOMMENDATION

That the City Council, by resolution, amend the City of Tracy Master Employee Pay Schedule to confirm the pay rates/ranges for all City of Tracy established positions.

Prepared by: JoAnn Weberg, Human Resources Analyst

Reviewed by: Midori Lichtwardt, Director of Human Resources
Martha Garcia, Finance Manager
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

Attachment: Exhibit A: City of Tracy Master Employee Pay Schedule

DRAFT

City of Tracy
Master Salary Schedule

EFFECTIVE 7/1/17 COLA

Class Code	Position Title	Unit		Semi-Mon Salary	Monthly Salary	Annual Salary	Hourly Rate
3106	Accountant*	TMMBU	A	3,106.60	6,213.20	74,558.40	35.8440
			B	3,261.93	6,523.86	78,286.32	37.6362
			C	3,425.03	6,850.06	82,200.72	39.5181
			D	3,596.28	7,192.56	86,310.72	41.4939
			E	3,776.09	7,552.18	90,626.16	43.5686
4112	Accounting Assistant	TSSU	A	1,975.90	3,951.80	47,421.60	22.7980
			B	2,074.70	4,149.40	49,792.80	23.9379
			C	2,178.43	4,356.86	52,282.32	25.1348
			D	2,287.36	4,574.72	54,896.64	26.3916
			E	2,401.73	4,803.46	57,641.52	27.7112
4203	Accounting Coordinator	TSSU	A	2,824.09	5,648.18	67,778.16	32.5844
			B	2,965.30	5,930.60	71,167.20	34.2137
			C	3,113.57	6,227.14	74,725.68	35.9244
			D	3,269.25	6,538.50	78,462.00	37.7207
			E	3,432.72	6,865.44	82,385.28	39.6068
3103	Accounting Officer*	TMMBU	A	4,048.20	8,096.40	97,156.80	46.7082
			B	4,250.61	8,501.22	102,014.64	49.0436
			C	4,463.13	8,926.26	107,115.12	51.4957
			D	4,686.29	9,372.58	112,470.96	54.0705
			E	4,920.60	9,841.20	118,094.40	56.7740
4201	Accounting Technician	TSSU	A	2,429.99	4,859.98	58,319.76	28.0373
			B	2,551.49	5,102.98	61,235.76	29.4391
			C	2,679.06	5,358.12	64,297.44	30.9110
			D	2,813.02	5,626.04	67,512.48	32.4567
			E	2,953.67	5,907.34	70,888.08	34.0795
4101	Administrative Assistant I	TSSU	A	1,771.83	3,543.66	42,523.92	20.4434
			B	1,860.42	3,720.84	44,650.08	21.4656
			C	1,953.44	3,906.88	46,882.56	22.5388
			D	2,051.12	4,102.24	49,226.88	23.6659
			E	2,153.68	4,307.36	51,688.32	24.8492
4102	Administrative Assistant II	TSSU	A	1,967.16	3,934.32	47,211.84	22.6971
			B	2,065.52	4,131.04	49,572.48	23.8320
			C	2,168.80	4,337.60	52,051.20	25.0237
			D	2,277.23	4,554.46	54,653.52	26.2747
			E	2,391.09	4,782.18	57,386.16	27.5884
4106	Administrative Assistant III	TSSU	A	2,085.80	4,171.60	50,059.20	24.0660
			B	2,190.09	4,380.18	52,562.16	25.2693
			C	2,299.60	4,599.20	55,190.40	26.5328
			D	2,414.58	4,829.16	57,949.92	27.8595
			E	2,535.31	5,070.62	60,847.44	29.2525
4425	Airport Coordinator	TSSU	A	2,342.54	4,685.08	56,220.96	27.0283
			B	2,459.67	4,919.34	59,032.08	28.3797
			C	2,582.65	5,165.30	61,983.60	29.7987
			D	2,711.78	5,423.56	65,082.72	31.2886
			E	2,847.37	5,694.74	68,336.88	32.8530

Legend:

* = asterisk

All employees marked with an * (asterisk) are salaried employees

All employees are paid semi-monthly

DRAFT

**City of Tracy
Master Salary Schedule**

EFFECTIVE 7/1/17 COLA

Class Code	Position Title	Unit		Semi-Mon Salary	Monthly Salary	Annual Salary	Hourly Rate
9322	Airport Operations Assistant	LS	A				11.0000
			B				11.5500
			C				12.1300
			D				12.7300
			E				13.3700
5522	Animal Services Aide	TEAMSTERS	A	1,321.95	2,643.90	31,726.80	15.2527
			B	1,388.06	2,776.12	33,313.44	16.0155
			C	1,457.47	2,914.94	34,979.28	16.8163
			D	1,530.34	3,060.68	36,728.16	17.6571
			E	1,606.85	3,213.70	38,564.40	18.5399
5521	Animal Services Officer I	TEAMSTERS	A	1,839.90	3,679.80	44,157.60	21.2288
			B	1,931.88	3,863.76	46,365.12	22.2901
			C	2,028.46	4,056.92	48,683.04	23.4044
			D	2,129.89	4,259.78	51,117.36	24.5747
			E	2,236.39	4,472.78	53,673.36	25.8035
5523	Animal Services Officer II	TEAMSTERS	A	2,020.05	4,040.10	48,481.20	23.3074
			B	2,121.06	4,242.12	50,905.44	24.4728
			C	2,227.12	4,454.24	53,450.88	25.6966
			D	2,338.47	4,676.94	56,123.28	26.9813
			E	2,455.41	4,910.82	58,929.84	28.3306
3621	Animal Services Supervisor	TMMBU	A	2,510.03	5,020.06	60,240.72	28.9608
			B	2,635.53	5,271.06	63,252.72	30.4088
			C	2,767.30	5,534.60	66,415.20	31.9292
			D	2,905.66	5,811.32	69,735.84	33.5256
			E	3,050.94	6,101.88	73,222.56	35.2018
9616	Aquatics Specialist	LS	A				17.3600
			B				18.2300
			C				19.1400
			D				20.1000
			E				21.1000
9634	Arts Education Coordinator	LS	A				21.6000
			B				22.6800
			C				23.8100
			D				25.0000
			E				26.2500
2573	Assistant City Attorney*	CMMBU	A	5,717.36	11,434.72	137,216.64	65.9670
			B	6,003.22	12,006.44	144,077.28	69.2653
			C	6,303.38	12,606.76	151,281.12	72.7285
			D	6,618.55	13,237.10	158,845.20	76.3649
			E	6,949.47	13,898.94	166,787.28	80.1831
3308	Assistant City Engineer*	TMMBU	A	4,824.54	9,649.08	115,788.96	55.6656
			B	5,065.77	10,131.54	121,578.48	58.4489
			C	5,319.06	10,638.12	127,657.44	61.3714
			D	5,585.01	11,170.02	134,040.24	64.4399
			E	5,864.27	11,728.54	140,742.48	67.6621

Legend:

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Updated 06/12/17

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City of Tracy
Master Salary Schedule

EFFECTIVE 7/1/17 COLA

Class Code	Position Title	Unit		Semi-Mon Salary	Monthly Salary	Annual Salary	Hourly Rate
1502	Assistant City Manager*	DH	Min	6819.82	13639.64	163675.64	78.6872
			Max	8289.69	16579.38	198952.66	95.6466
3302	Assistant Civil Engineer*	TMMBU	A	3,247.67	6,495.34	77,944.08	37.4717
			B	3,410.05	6,820.10	81,841.20	39.3452
			C	3,580.56	7,161.12	85,933.44	41.3126
			D	3,759.59	7,519.18	90,230.16	43.3782
			E	3,947.56	7,895.12	94,741.44	45.5470
2682	Assistant Director DES*	CMMBU	A	5,460.42	10,920.84	131,050.08	63.0024
			B	5,733.44	11,466.88	137,602.56	66.1525
			C	6,020.12	12,040.24	144,482.88	69.4603
			D	6,321.12	12,642.24	151,706.88	72.9332
			E	6,637.17	13,274.34	159,292.08	76.5798
2681	Assistant Director DES/City Engineer*	CMMBU	A	5,720.77	11,441.54	137,298.48	66.0063
			B	6,006.80	12,013.60	144,163.20	69.3066
			C	6,307.15	12,614.30	151,371.60	72.7720
			D	6,622.50	13,245.00	158,940.00	76.4105
			E	6,953.64	13,907.28	166,887.36	80.2312
5232	Assistant Planner	TEAMSTERS	A	2,643.09	5,286.18	63,434.16	30.4960
			B	2,775.25	5,550.50	66,606.00	32.0209
			C	2,914.02	5,828.04	69,936.48	33.6220
			D	3,059.71	6,119.42	73,433.04	35.3030
			E	3,212.70	6,425.40	77,104.80	37.0682
3303	Associate Engineer*	TMMBU	A	3,648.43	7,296.86	87,562.32	42.0957
			B	3,830.84	7,661.68	91,940.16	44.2003
			C	4,022.39	8,044.78	96,537.36	46.4104
			D	4,223.51	8,447.02	101,364.24	48.7309
			E	4,434.68	8,869.36	106,432.32	51.1674
3202	Associate Planner*	TMMBU	A	3,087.59	6,175.18	74,102.16	35.6247
			B	3,241.97	6,483.94	77,807.28	37.4059
			C	3,404.07	6,808.14	81,697.68	39.2762
			D	3,574.27	7,148.54	85,782.48	41.2400
			E	3,752.99	7,505.98	90,071.76	43.3021
4451	Box Office Assistant	TSSU	A	1,771.83	3,543.66	42,523.92	20.4434
			B	1,860.42	3,720.84	44,650.08	21.4656
			C	1,953.44	3,906.88	46,882.56	22.5388
			D	2,051.12	4,102.24	49,226.88	23.6659
			E	2,153.68	4,307.36	51,688.32	24.8492
4455	Box Office Coordinator	TSSU	A	2,342.54	4,685.08	56,220.96	27.0283
			B	2,459.67	4,919.34	59,032.08	28.3797
			C	2,582.65	5,165.30	61,983.60	29.7987
			D	2,711.78	5,423.56	65,082.72	31.2886
			E	2,847.37	5,694.74	68,336.88	32.8530

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**City of Tracy
Master Salary Schedule**

EFFECTIVE 7/1/17 COLA

Class Code	Position Title	Unit		Semi-Mon Salary	Monthly Salary	Annual Salary	Hourly Rate
3104	Budget Officer*	TMMBU	A	4,048.20	8,096.40	97,156.80	46.7082
			B	4,250.61	8,501.22	102,014.64	49.0436
			C	4,463.13	8,926.26	107,115.12	51.4957
			D	4,686.29	9,372.58	112,470.96	54.0705
			E	4,920.60	9,841.20	118,094.40	56.7740
5218	Building and Fire Inspector I	TEAMSTERS	A	2,371.91	4,743.82	56,925.84	27.3671
			B	2,490.51	4,981.02	59,772.24	28.7355
			C	2,615.03	5,230.06	62,760.72	30.1723
			D	2,745.78	5,491.56	65,898.72	31.6809
			E	2,883.07	5,766.14	69,193.68	33.2649
5219	Building and Fire Inspector II	TEAMSTERS	A	3,029.31	6,058.62	72,703.44	34.9522
			B	3,180.79	6,361.58	76,338.96	36.7000
			C	3,339.82	6,679.64	80,155.68	38.5349
			D	3,506.81	7,013.62	84,163.44	40.4616
			E	3,682.15	7,364.30	88,371.60	42.4847
5211	Building Inspector I	TEAMSTERS	A	2,582.36	5,164.72	61,976.64	29.7953
			B	2,711.48	5,422.96	65,075.52	31.2851
			C	2,847.05	5,694.10	68,329.20	32.8493
			D	2,989.42	5,978.84	71,746.08	34.4920
			E	3,138.89	6,277.78	75,333.36	36.2166
5212	Building Inspector II	TEAMSTERS	A	2,885.06	5,770.12	69,241.44	33.2879
			B	3,029.31	6,058.62	72,703.44	34.9522
			C	3,180.79	6,361.58	76,338.96	36.7000
			D	3,339.82	6,679.64	80,155.68	38.5349
			E	3,506.81	7,013.62	84,163.44	40.4616
5321	Building Maintenance Worker	TEAMSTERS	A	2,119.11	4,238.22	50,858.64	24.4503
			B	2,225.06	4,450.12	53,401.44	25.6728
			C	2,336.31	4,672.62	56,071.44	26.9564
			D	2,453.13	4,906.26	58,875.12	28.3043
			E	2,575.80	5,151.60	61,819.20	29.7196
5322	Building Maintenance Worker Assistant	TEAMSTERS	A	2,079.58	4,159.16	49,909.92	23.9942
			B	2,183.55	4,367.10	52,405.20	25.1938
			C	2,292.73	4,585.46	55,025.52	26.4536
			D	2,407.36	4,814.72	57,776.64	27.7762
			E	2,527.73	5,055.46	60,665.52	29.1650
3341	Building Official*	TMMBU	A	4,680.09	9,360.18	112,322.16	53.9990
			B	4,914.09	9,828.18	117,938.16	56.6989
			C	5,159.80	10,319.60	123,835.20	59.5339
			D	5,417.79	10,835.58	130,026.96	62.5106
			E	5,688.68	11,377.36	136,528.32	65.6361

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**City of Tracy
Master Salary Schedule**

EFFECTIVE 7/1/17 COLA

Class Code	Position Title	Unit		Semi-Mon Salary	Monthly Salary	Annual Salary	Hourly Rate
4502	Building Permit Technician I	TSSU	A	2,147.04	4,294.08	51,528.96	24.7726
			B	2,254.39	4,508.78	54,105.36	26.0112
			C	2,367.11	4,734.22	56,810.64	27.3118
			D	2,485.47	4,970.94	59,651.28	28.6774
			E	2,609.75	5,219.50	62,634.00	30.1113
1506	City Attorney*	CONTRACT		8,312.50	16,625.00	199,500.00	95.9135
3110	City Clerk*	TMMBU	A	4,048.20	8,096.40	97,156.80	46.7082
			B	4,250.61	8,501.22	102,014.64	49.0436
			C	4,463.13	8,926.26	107,115.12	51.4957
			D	4,686.29	9,372.58	112,470.96	54.0705
			E	4,920.60	9,841.20	118,094.40	56.7740
1102	City Council Member*			292.50	585.00	7,020.00	
1501	City Manager*	CONTRACT		9,395.83	18,791.66	225,500.00	108.4135
1112	City Treasurer*			378.00	756.00	9,072.00	
9107	Clerical	LS	A				11.0000
			B				11.5500
			C				12.1300
			D				12.7300
			E				13.3700
3155	Code Compliance Analyst	TMMBU	A	2,940.17	5,880.34	70,564.08	33.9237
			B	3,087.18	6,174.36	74,092.32	35.6199
			C	3,241.54	6,483.08	77,796.96	37.4009
			D	3,403.62	6,807.24	81,686.88	39.2710
			E	3,573.80	7,147.60	85,771.20	41.2346
5202	Code Enforcement Officer	TEAMSTERS	A	2,450.14	4,900.28	58,803.36	28.2698
			B	2,572.65	5,145.30	61,743.60	29.6833
			C	2,701.28	5,402.56	64,830.72	31.1674
			D	2,836.34	5,672.68	68,072.16	32.7257
			E	2,978.17	5,956.34	71,476.08	34.3622
5513	Community Services Officer	TEAMSTERS	A	2,014.67	4,029.34	48,352.08	23.2453
			B	2,115.41	4,230.82	50,769.84	24.4076
			C	2,221.17	4,442.34	53,308.08	25.6279
			D	2,332.23	4,664.46	55,973.52	26.9093
			E	2,448.86	4,897.72	58,772.64	28.2550
3623	Communications Unit Supervisor*	TMMBU	A	3,037.32	6,074.64	72,895.68	35.0447
			B	3,189.18	6,378.36	76,540.32	36.7968
			C	3,348.64	6,697.28	80,367.36	38.6367
			D	3,516.07	7,032.14	84,385.68	40.5685
			E	3,691.88	7,383.76	88,605.12	42.5970

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**City of Tracy
Master Salary Schedule**

EFFECTIVE 7/1/17 COLA

Class				Semi-Mon	Monthly	Annual	
Code	Position Title	Unit		Salary	Salary	Salary	Hourly Rate
9113	Community Access Coordinator	LS	A				23.7800
			B				24.9600
			C				26.2100
			D				27.5200
			E				28.9000
3210	Community Development Analyst*	TMMBU	A	3,087.59	6,175.18	74,102.16	35.6247
			B	3,241.97	6,483.94	77,807.28	37.4059
			C	3,404.07	6,808.14	81,697.68	39.2762
			D	3,574.27	7,148.54	85,782.48	41.2400
			E	3,752.99	7,505.98	90,071.76	43.3021
3206	Community Devel Program Manager*	TMMBU	A	4,680.07	9,360.14	112,321.68	53.9987
			B	4,914.07	9,828.14	117,937.68	56.6986
			C	5,159.78	10,319.56	123,834.72	59.5336
			D	5,417.77	10,835.54	130,026.48	62.5103
			E	5,688.66	11,377.32	136,527.84	65.6359
3315	Community Preservation Manager*	TMMBU	A	3,648.43	7,296.86	87,562.32	42.0957
			B	3,830.84	7,661.68	91,940.16	44.2003
			C	4,022.39	8,044.78	96,537.36	46.4104
			D	4,223.51	8,447.02	101,364.24	48.7309
			E	4,434.68	8,869.36	106,432.32	51.1674
5222	Construction Inspector I	TEAMSTERS	A	2,749.49	5,498.98	65,987.76	31.7237
			B	2,886.98	5,773.96	69,287.52	33.3100
			C	3,031.32	6,062.64	72,751.68	34.9754
			D	3,182.89	6,365.78	76,389.36	36.7242
			E	3,342.04	6,684.08	80,208.96	38.5605
5223	Construction Inspector II	TEAMSTERS	A	2,886.81	5,773.62	69,283.44	33.3081
			B	3,031.15	6,062.30	72,747.60	34.9735
			C	3,182.71	6,365.42	76,385.04	36.7222
			D	3,341.85	6,683.70	80,204.40	38.5583
			E	3,508.94	7,017.88	84,214.56	40.4862
3501	Community Services Supervisor	TMMBU	A	3,387.46	6,774.92	81,299.04	39.0846
			B	3,556.83	7,113.66	85,363.92	41.0388
			C	3,734.67	7,469.34	89,632.08	43.0907
			D	3,921.40	7,842.80	94,113.60	45.2452
			E	4,117.47	8,234.94	98,819.28	47.5074
4605	Crime Analyst	TSSU	A	2,651.15	5,302.30	63,627.60	30.5890
			B	2,783.71	5,567.42	66,809.04	32.1185
			C	2,922.90	5,845.80	70,149.60	33.7245
			D	3,069.05	6,138.10	73,657.20	35.4108
			E	3,222.50	6,445.00	77,340.00	37.1813
5514	Crime Prevention Specialist	TEAMSTERS	A	2,216.15	4,432.30	53,187.60	25.5700
			B	2,326.97	4,653.94	55,847.28	26.8486
			C	2,443.31	4,886.62	58,639.44	28.1910
			D	2,565.47	5,130.94	61,571.28	29.6004
			E	2,693.74	5,387.48	64,649.76	31.0804

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Master Salary Schedule**

EFFECTIVE 7/1/17 COLA

Class				Semi-Mon	Monthly	Annual	
Code	Position Title	Unit		Salary	Salary	Salary	Hourly Rate
5517	Crime Scene Technician	TEAMSTERS	A	2,345.79	4,691.58	56,298.96	27.0658
			B	2,463.09	4,926.18	59,114.16	28.4192
			C	2,586.24	5,172.48	62,069.76	29.8401
			D	2,715.55	5,431.10	65,173.20	31.3321
			E	2,851.33	5,702.66	68,431.92	32.8987
3622	Crime Scene Unit Supervisor	TMMBU	A	2,510.03	5,020.06	60,240.72	28.9608
			B	2,635.53	5,271.06	63,252.72	30.4088
			C	2,767.30	5,534.60	66,415.20	31.9292
			D	2,905.66	5,811.32	69,735.84	33.5256
			E	3,050.94	6,101.88	73,222.56	35.2018
1108	Cultural Arts Commissioner		Stipend \$50.00 per meeting				
3525	Cultural Arts Manager - Performing Arts*	TMMBU	A	3,387.47	6,774.94	81,299.28	39.0847
			B	3,556.84	7,113.68	85,364.16	41.0389
			C	3,734.68	7,469.36	89,632.32	43.0908
			D	3,921.41	7,842.82	94,113.84	45.2453
			E	4,117.49	8,234.98	98,819.76	47.5077
3524	Cultural Arts Manager - Visual Arts*	TMMBU	A	3,387.47	6,774.94	81,299.28	39.0847
			B	3,556.84	7,113.68	85,364.16	41.0389
			C	3,734.68	7,469.36	89,632.32	43.0908
			D	3,921.41	7,842.82	94,113.84	45.2453
			E	4,117.49	8,234.98	98,819.76	47.5077
9552	D.A.R.E Officer	LS	A				31.3900
			B				32.9600
			C				34.6000
			D				36.3300
			E				38.1500
2571	Deputy City Attorney I*	CMMBU	A	4,488.85	8,977.70	107,732.40	51.7924
			B	4,713.29	9,426.58	113,118.96	54.3820
			C	4,948.96	9,897.92	118,775.04	57.1012
			D	5,196.41	10,392.82	124,713.84	59.9563
			E	5,456.22	10,912.44	130,949.28	62.9540
2572	Deputy City Attorney II*	CMMBU	A	4,937.74	9,875.48	118,505.76	56.9717
			B	5,184.63	10,369.26	124,431.12	59.8204
			C	5,443.86	10,887.72	130,652.64	62.8114
			D	5,716.06	11,432.12	137,185.44	65.9520
			E	6,001.86	12,003.72	144,044.64	69.2496
4116	Deputy City Clerk	TSSU	A	2,610.09	5,220.18	62,642.16	30.1153
			B	2,740.60	5,481.20	65,774.40	31.6211
			C	2,877.62	5,755.24	69,062.88	33.2020
			D	3,021.51	6,043.02	72,516.24	34.8622
			E	3,172.58	6,345.16	76,141.92	36.6053
1515	Development & Engineering Services Director	DH	Min	6681.26	13362.52	160350.22	77.0885
			Max	8119.70	16239.40	194872.68	93.6852

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EFFECTIVE 7/1/17 COLA

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Code	Position Title	Unit		Salary	Salary	Salary	Hourly Rate
2561	Division Manager I*	CMMBU	A	3,853.02	7,706.04	92,472.48	44.4562
			B	4,045.67	8,091.34	97,096.08	46.6790
			C	4,247.95	8,495.90	101,950.80	49.0129
			D	4,460.35	8,920.70	107,048.40	51.4636
			E	4,683.36	9,366.72	112,400.64	54.0367
3161	Division Manager I*	TMMBU	A	3,759.78	7,519.56	90,234.72	43.3804
			B	3,947.77	7,895.54	94,746.48	45.5494
			C	4,145.16	8,290.32	99,483.84	47.8269
			D	4,352.41	8,704.82	104,457.84	50.2182
			E	4,570.03	9,140.06	109,680.72	52.7291
3162	Division Manager II*	TMMBU	A	4,382.41	8,764.82	105,177.84	50.5643
			B	4,601.53	9,203.06	110,436.72	53.0925
			C	4,831.61	9,663.22	115,958.64	55.7472
			D	5,073.18	10,146.36	121,756.32	58.5344
			E	5,326.85	10,653.70	127,844.40	61.4613
3209	Economic Devel Management Analyst*	TMMBU	A	3,275.02	6,550.04	78,600.48	37.7872
			B	3,438.77	6,877.54	82,530.48	39.6766
			C	3,610.71	7,221.42	86,657.04	41.6604
			D	3,791.25	7,582.50	90,990.00	43.7435
			E	3,980.82	7,961.64	95,539.68	45.9308
3207	Economic Development Manager*	TMMBU	A	4,048.20	8,096.40	97,156.80	46.7082
			B	4,250.61	8,501.22	102,014.64	49.0436
			C	4,463.13	8,926.26	107,115.12	51.4957
			D	4,686.29	9,372.58	112,470.96	54.0705
			E	4,920.60	9,841.20	118,094.40	56.7740
5324	Electrician	TEAMSTERS	A	2,504.15	5,008.30	60,099.60	28.8929
			B	2,629.37	5,258.74	63,104.88	30.3377
			C	2,760.82	5,521.64	66,259.68	31.8544
			D	2,898.87	5,797.74	69,572.88	33.4472
			E	3,043.81	6,087.62	73,051.44	35.1195
3711	Emergency Medical Services Manager*	TMMBU	A	3,647.71	7,295.42	87,545.04	42.0873
			B	3,830.10	7,660.20	91,922.40	44.1918
			C	4,021.61	8,043.22	96,518.64	46.4014
			D	4,222.69	8,445.38	101,344.56	48.7215
			E	4,433.82	8,867.64	106,411.68	51.1575
3309	Engineering Program Manager*	TMMBU	A	4,385.94	8,771.88	105,262.56	50.6051
			B	4,605.24	9,210.48	110,525.76	53.1353
			C	4,835.50	9,671.00	116,052.00	55.7921
			D	5,077.27	10,154.54	121,854.48	58.5816
			E	5,331.14	10,662.28	127,947.36	61.5108
5221	Engineering Technician I	TEAMSTERS	A	2,420.37	4,840.74	58,088.88	27.9263
			B	2,541.38	5,082.76	60,993.12	29.3225
			C	2,668.45	5,336.90	64,042.80	30.7886
			D	2,801.87	5,603.74	67,244.88	32.3280
			E	2,941.97	5,883.94	70,607.28	33.9445

Legend:

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Updated 06/12/17

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**City of Tracy
Master Salary Schedule**

EFFECTIVE 7/1/17 COLA

Class				Semi-Mon	Monthly	Annual	
Code	Position Title	Unit		Salary	Salary	Salary	Hourly Rate
5225	Engineering Technician II	TEAMSTERS	A	2,541.39	5,082.78	60,993.36	29.3226
			B	2,668.46	5,336.92	64,043.04	30.7887
			C	2,801.89	5,603.78	67,245.36	32.3283
			D	2,942.00	5,884.00	70,608.00	33.9448
			E	3,089.08	6,178.16	74,137.92	35.6419
5425	Environmental Compliance Officer	TEAMSTERS	A	2,470.39	4,940.78	59,289.36	28.5034
			B	2,593.90	5,187.80	62,253.60	29.9285
			C	2,723.59	5,447.18	65,366.16	31.4248
			D	2,859.77	5,719.54	68,634.48	32.9961
			E	3,002.76	6,005.52	72,066.24	34.6459
5424	Environmental Compliance Technician	TEAMSTERS	A	2,014.67	4,029.34	48,352.08	23.2453
			B	2,115.41	4,230.82	50,769.84	24.4076
			C	2,221.17	4,442.34	53,308.08	25.6279
			D	2,332.23	4,664.46	55,973.52	26.9093
			E	2,448.86	4,897.72	58,772.64	28.2550
5313	Equipment Mechanic I	TEAMSTERS	A	2,224.38	4,448.76	53,385.12	25.6649
			B	2,335.60	4,671.20	56,054.40	26.9482
			C	2,452.37	4,904.74	58,856.88	28.2955
			D	2,574.99	5,149.98	61,799.76	29.7103
			E	2,703.74	5,407.48	64,889.76	31.1958
5314	Equipment Mechanic II	TEAMSTERS	A	2,335.59	4,671.18	56,054.16	26.9481
			B	2,452.37	4,904.74	58,856.88	28.2955
			C	2,574.98	5,149.96	61,799.52	29.7102
			D	2,703.74	5,407.48	64,889.76	31.1958
			E	2,838.92	5,677.84	68,134.08	32.7555
4108	Executive Assistant	TSSU	A	2,392.97	4,785.94	57,431.28	27.6101
			B	2,512.62	5,025.24	60,302.88	28.9907
			C	2,638.25	5,276.50	63,318.00	30.4402
			D	2,770.17	5,540.34	66,484.08	31.9623
			E	2,908.67	5,817.34	69,808.08	33.5603
2581	Executive Assistant to City Manager*	CMMBU	A	2,800.71	5,601.42	67,217.04	32.3146
			B	2,940.74	5,881.48	70,577.76	33.9303
			C	3,087.78	6,175.56	74,106.72	35.6269
			D	3,242.17	6,484.34	77,812.08	37.4082
			E	3,404.28	6,808.56	81,702.72	39.2786
3423	Facilities Maint Superintendent*	TMMBU	A	3,927.42	7,854.84	94,258.08	45.3146
			B	4,123.79	8,247.58	98,970.96	47.5804
			C	4,329.98	8,659.96	103,919.52	49.9594
			D	4,546.48	9,092.96	109,115.52	52.4574
			E	4,773.80	9,547.60	114,571.20	55.0802
9635	Facility Attendant	LS	A				14.5200
			B				15.2500
			C				16.0100
			D				16.8100
			E				17.6500

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City of Tracy
Master Salary Schedule

EFFECTIVE 7/1/17 COLA

Class Code	Position Title	Unit		Semi-Mon Salary	Monthly Salary	Annual Salary	Hourly Rate
1522	Finance Director*	DH	Min	6233.63	12467.26	149607.07	71.9237
			Max	7570.91	15141.82	181701.87	87.3533
2525	Finance Division Manager*	CMMBU	A	4,491.09	8,982.18	107,786.16	51.8183
			B	4,715.64	9,431.28	113,175.36	54.4091
			C	4,951.43	9,902.86	118,834.32	57.1297
			D	5,199.00	10,398.00	124,776.00	59.9862
			E	5,458.96	10,917.92	131,015.04	62.9856
3715	Fire Battalion Chief*	TMMBU	A	4,339.70	8,679.40	104,152.80	35.7677
			B	4,556.69	9,113.38	109,360.56	37.5562
			C	4,784.51	9,569.02	114,828.24	39.4339
			D	5,023.74	10,047.48	120,569.76	41.4056
			E	5,274.93	10,549.86	126,598.32	43.4759
7105	Fire Captain	TFFA	A	3,467.51	6,935.02	83,220.24	28.5792
			B	3,641.00	7,282.00	87,384.00	30.0091
			C	3,822.93	7,645.86	91,750.32	31.5085
			D	4,014.08	8,028.16	96,337.92	33.0840
			E	4,214.78	8,429.56	101,154.72	34.7382
1514	Fire Chief*	DH	Min	6681.26	13362.52	160350.22	77.0885
			Max	8119.70	16239.40	194872.68	93.6852
2751	Fire Division Chief*	CMMBU	A	5,460.29	10,920.58	131,046.96	63.0009
			B	5,733.30	11,466.60	137,599.20	66.1509
			C	6,019.97	12,039.94	144,479.28	69.4585
			D	6,320.97	12,641.94	151,703.28	72.9315
			E	6,637.02	13,274.04	159,288.48	76.5781
7103	Fire Engineer	TFFA	A	3,051.79	6,103.58	73,242.96	25.1528
			B	3,204.36	6,408.72	76,904.64	26.4103
			C	3,364.60	6,729.20	80,750.40	27.7310
			D	3,532.83	7,065.66	84,787.92	29.1175
			E	3,709.47	7,418.94	89,027.28	30.5734
5213	Fire Inspector	TEAMSTERS	A	2,885.06	5,770.12	69,241.44	33.2879
			B	3,029.31	6,058.62	72,703.44	34.9522
			C	3,180.79	6,361.58	76,338.96	36.7000
			D	3,339.82	6,679.64	80,155.68	38.5349
			E	3,506.81	7,013.62	84,163.44	40.4616
9563	Fire Reserve	LS	A				11.0000
7102	Firefighter	TFFA	A	2,703.66	5,407.32	64,887.84	22.2835
			B	2,838.83	5,677.66	68,131.92	23.3976
			C	2,980.78	5,961.56	71,538.72	24.5675
			D	3,129.81	6,259.62	75,115.44	25.7958
			E	3,286.30	6,572.60	78,871.20	27.0856
				410.78	ic Pay (per pay period)		
9565	Firefighter Trainee	LS	A	1,892.56	3,785.12	45,421.44	21.8364
				(70% OFF STEP A, FIREFIGHTER)			

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Master Salary Schedule**

EFFECTIVE 7/1/17 COLA

Class				Semi-Mon	Monthly	Annual	
Code	Position Title	Unit		Salary	Salary	Salary	Hourly Rate
7108	Firefighter/Paramedic	TFFA	A	3,041.77	6,083.54	73,002.48	25.0702
			B	3,193.86	6,387.72	76,652.64	26.3237
			C	3,353.56	6,707.12	80,485.44	27.6400
			D	3,521.23	7,042.46	84,509.52	29.0219
			E	3,697.30	7,394.60	88,735.20	30.4731
4206	GIS Technician	TSSU	A	2,651.15	5,302.30	63,627.60	30.5890
			B	2,783.71	5,567.42	66,809.04	32.1185
			C	2,922.90	5,845.80	70,149.60	33.7245
			D	3,069.05	6,138.10	73,657.20	35.4108
			E	3,222.50	6,445.00	77,340.00	37.1813
2511	Human Resources Analyst I*	CMMBU	A	2,918.55	5,837.10	70,045.20	33.6743
			B	3,064.48	6,128.96	73,547.52	35.3580
			C	3,217.69	6,435.38	77,224.56	37.1258
			D	3,378.58	6,757.16	81,085.92	38.9821
			E	3,547.51	7,095.02	85,140.24	40.9312
2512	Human Resources Analyst II*	CMMBU	A	3,356.24	6,712.48	80,549.76	38.7244
			B	3,524.05	7,048.10	84,577.20	40.6606
			C	3,700.25	7,400.50	88,806.00	42.6936
			D	3,885.27	7,770.54	93,246.48	44.8283
			E	4,079.54	8,159.08	97,908.96	47.0698
1518	Human Resources Director*	DH	Min	6233.63	12467.26	149607.07	71.9237
			Max	7570.91	15141.82	181701.82	87.3533
2562	Human Resources Manager*	CMMBU	A	4,491.09	8,982.18	107,786.16	51.8183
			B	4,715.64	9,431.28	113,175.36	54.4091
			C	4,951.43	9,902.86	118,834.32	57.1297
			D	5,199.00	10,398.00	124,776.00	59.9862
			E	5,458.96	10,917.92	131,015.04	62.9856
4301	Human Resources Technician	TSSU	A	2,275.05	4,550.10	54,601.20	26.2496
			B	2,388.80	4,777.60	57,331.20	27.5620
			C	2,508.24	5,016.48	60,197.76	28.9401
			D	2,633.65	5,267.30	63,207.60	30.3871
			E	2,765.33	5,530.66	66,367.92	31.9064
4204	Information Systems Technician I	TSSU	A	2,305.36	4,610.72	55,328.64	26.5993
			B	2,420.63	4,841.26	58,095.12	27.9293
			C	2,541.67	5,083.34	61,000.08	29.3258
			D	2,668.75	5,337.50	64,050.00	30.7921
			E	2,802.18	5,604.36	67,252.32	32.3316
4205	Information Systems Technician II	TSSU	A	2,651.15	5,302.30	63,627.60	30.5890
			B	2,783.71	5,567.42	66,809.04	32.1185
			C	2,922.90	5,845.80	70,149.60	33.7245
			D	3,069.05	6,138.10	73,657.20	35.4108
			E	3,222.50	6,445.00	77,340.00	37.1813

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**City of Tracy
Master Salary Schedule**

EFFECTIVE 7/1/17 COLA

Class				Semi-Mon	Monthly	Annual	
Code	Position Title	Unit		Salary	Salary	Salary	Hourly Rate
2553	Information Technology Manager*	CMMBU	A	4,491.09	8,982.18	107,786.16	51.8183
			B	4,715.64	9,431.28	113,175.36	54.4091
			C	4,951.43	9,902.86	118,834.32	57.1297
			D	5,199.00	10,398.00	124,776.00	59.9862
			E	5,458.96	10,917.92	131,015.04	62.9856
3111	Information Technology Specialist*	TMMBU	A	3,181.40	6,362.80	76,353.60	36.7070
			B	3,340.47	6,680.94	80,171.28	38.5424
			C	3,507.49	7,014.98	84,179.76	40.4695
			D	3,682.87	7,365.74	88,388.88	42.4930
			E	3,867.01	7,734.02	92,808.24	44.6176
5413	Instrumentation Technician	TEAMSTERS	A	2,754.56	5,509.12	66,109.44	31.7822
			B	2,892.29	5,784.58	69,414.96	33.3713
			C	3,036.91	6,073.82	72,885.84	35.0399
			D	3,188.75	6,377.50	76,530.00	36.7919
			E	3,348.19	6,696.38	80,356.56	38.6315
9108	Intern-Generalist	LS	A				15.1400
			B				15.8900
			C				16.6900
			D				17.5200
			E				18.4000
5224	Junior Engineer	TEAMSTERS	A	2,795.13	5,590.26	67,083.12	32.2503
			B	2,934.88	5,869.76	70,437.12	33.8627
			C	3,081.62	6,163.24	73,958.88	35.5558
			D	3,235.70	6,471.40	77,656.80	37.3336
			E	3,397.48	6,794.96	81,539.52	39.2002
5421	Laboratory Technician I	TEAMSTERS	A	2,196.38	4,392.76	52,713.12	25.3419
			B	2,306.20	4,612.40	55,348.80	26.6090
			C	2,421.51	4,843.02	58,116.24	27.9394
			D	2,542.58	5,085.16	61,021.92	29.3363
			E	2,669.71	5,339.42	64,073.04	30.8032
5422	Laboratory Technician II	TEAMSTERS	A	2,295.45	4,590.90	55,090.80	26.4849
			B	2,410.21	4,820.42	57,845.04	27.8090
			C	2,530.73	5,061.46	60,737.52	29.1996
			D	2,657.25	5,314.50	63,774.00	30.6594
			E	2,790.12	5,580.24	66,962.88	32.1925
9303	Laborer	LS	A				12.3400
			B				12.9600
			C				13.6100
			D				14.2900
			E				15.0000
5504	Lead Public Safety Dispatcher	TEAMSTERS	A	2,686.10	5,372.20	64,466.40	30.9923
			B	2,820.40	5,640.80	67,689.60	32.5418
			C	2,961.43	5,922.86	71,074.32	34.1690
			D	3,109.50	6,219.00	74,628.00	35.8775
			E	3,264.98	6,529.96	78,359.52	37.6714

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EFFECTIVE 7/1/17 COLA

Class Code	Position Title	Unit		Semi-Mon Salary	Monthly Salary	Annual Salary	Hourly Rate
4109	Legal Secretary	TSSU	A	2,610.09	5,220.18	62,642.16	30.1153
			B	2,740.60	5,481.20	65,774.40	31.6211
			C	2,877.62	5,755.24	69,062.88	33.2020
			D	3,021.51	6,043.02	72,516.24	34.8622
			E	3,172.58	6,345.16	76,141.92	36.6053
9636	Lifeguard	LS	A				11.0000
			B				11.5500
			C				12.1300
			D				12.7300
			E				13.3700
5301	Maintenance Worker I	TEAMSTERS	A	1,637.22	3,274.44	39,293.28	18.8903
			B	1,719.08	3,438.16	41,257.92	19.8348
			C	1,805.03	3,610.06	43,320.72	20.8265
			D	1,895.28	3,790.56	45,486.72	21.8678
			E	1,990.06	3,980.12	47,761.44	22.9613
5303	Maintenance Worker II	TEAMSTERS	A	2,079.58	4,159.16	49,909.92	23.9942
			B	2,183.55	4,367.10	52,405.20	25.1938
			C	2,292.73	4,585.46	55,025.52	26.4536
			D	2,407.36	4,814.72	57,776.64	27.7762
			E	2,527.73	5,055.46	60,665.52	29.1650
3151	Management Analyst I*	TMMBU	A	2,847.92	5,695.84	68,350.08	32.8594
			B	2,990.31	5,980.62	71,767.44	34.5022
			C	3,139.83	6,279.66	75,355.92	36.2274
			D	3,296.81	6,593.62	79,123.44	38.0387
			E	3,461.66	6,923.32	83,079.84	39.9407
3152	Management Analyst II*	TMMBU	A	3,275.02	6,550.04	78,600.48	37.7872
			B	3,438.77	6,877.54	82,530.48	39.6766
			C	3,610.71	7,221.42	86,657.04	41.6604
			D	3,791.25	7,582.50	90,990.00	43.7435
			E	3,980.82	7,961.64	95,539.68	45.9308
1101	Mayor*			342.50	685.00	8,220.00	
4207	Media Services Coordinator	TSSU	A	2,342.54	4,685.08	56,220.96	27.0283
			B	2,459.67	4,919.34	59,032.08	28.3797
			C	2,582.65	5,165.30	61,983.60	29.7987
			D	2,711.78	5,423.56	65,082.72	31.2886
			E	2,847.37	5,694.74	68,336.88	32.8530
5531	Meter Reader	TEAMSTERS	A	1,418.63	2,837.26	34,047.12	16.3682
			B	1,489.54	2,979.08	35,748.96	17.1863
			C	1,564.04	3,128.08	37,536.96	18.0459
			D	1,642.22	3,284.44	39,413.28	18.9480
			E	1,724.34	3,448.68	41,384.16	19.8955

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EFFECTIVE 7/1/17 COLA

Class Code	Position Title	Unit		Semi-Mon Salary	Monthly Salary	Annual Salary	Hourly Rate
1107	Parks Commissioner		Stipend of \$50.00 per meeting				
1516	Parks & Community Services Director*	DH	Min	6233.62	12467.24	149606.97	71.9236
			Max	7570.91	15141.82	181701.87	87.3533
4202	Payroll Coordinator	TSSU	A	2,824.09	5,648.18	67,778.16	32.5844
			B	2,965.30	5,930.60	71,167.20	34.2137
			C	3,113.57	6,227.14	74,725.68	35.9244
			D	3,269.25	6,538.50	78,462.00	37.7207
			E	3,432.72	6,865.44	82,385.28	39.6068
1106	Planning Commissioner		Stipend of \$50.00 per meeting				
5215	Plans Check Examiner	TEAMSTERS	A	3,112.24	6,224.48	74,693.76	35.9091
			B	3,267.87	6,535.74	78,428.88	37.7047
			C	3,431.26	6,862.52	82,350.24	39.5899
			D	3,602.81	7,205.62	86,467.44	41.5693
			E	3,782.97	7,565.94	90,791.28	43.6480
5411	Plant Mechanic I	TEAMSTERS	A	2,509.07	5,018.14	60,217.68	28.9497
			B	2,634.52	5,269.04	63,228.48	30.3971
			C	2,766.25	5,532.50	66,390.00	31.9170
			D	2,904.56	5,809.12	69,709.44	33.5129
			E	3,049.79	6,099.58	73,194.96	35.1885
5412	Plant Mechanic II	TEAMSTERS	A	2,571.78	5,143.56	61,722.72	29.6732
			B	2,700.37	5,400.74	64,808.88	31.1569
			C	2,835.40	5,670.80	68,049.60	32.7149
			D	2,977.16	5,954.32	71,451.84	34.3505
			E	3,126.01	6,252.02	75,024.24	36.0680
4601	Police Assistant	TSSU	A	1,771.83	3,543.66	42,523.92	20.4434
			B	1,860.42	3,720.84	44,650.08	21.4656
			C	1,953.44	3,906.88	46,882.56	22.5388
			D	2,051.12	4,102.24	49,226.88	23.6659
			E	2,153.68	4,307.36	51,688.32	24.8492
6212	Police Captain*	TPMA	A	5,154.08	10,308.17	123,697.99	59.4702
			B	5,411.79	10,823.57	129,882.89	62.4437
			C	5,682.38	11,364.75	136,377.03	65.5659
			D	5,966.50	11,932.99	143,195.88	68.8442
			E	6,264.82	12,529.64	150,355.68	72.2864
1513	Police Chief*	DH	Min	7097.84	14195.68	170348.16	81.8950
			Max	8627.50	17255.00	207060.00	99.5442
6103	Police Corporal	TPOA	A	3422.83	6845.66	82147.92	39.4927
			B	3593.99	7187.98	86255.76	41.4675
			C	3773.69	7547.38	90568.56	43.5409
			D	3962.38	7924.76	95097.12	45.7180
			E	4160.50	8321.00	99852.00	48.0039

Legend:

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City of Tracy
Master Salary Schedule

EFFECTIVE 7/1/17 COLA

Class Code	Position Title	Unit		Semi-Mon Salary	Monthly Salary	Annual Salary	Hourly Rate
9501	Police Intern/Parking Enforcement Officer	LS	A				14.4000
			B				15.1200
			C				15.8700
			D				16.6700
			E				17.5000
6211	Police Lieutenant*	TPMA	A	4,683.76	9,367.52	112,410.29	54.0434
			B	4,917.95	9,835.90	118,030.81	56.7456
			C	5,163.85	10,327.70	123,932.35	59.5829
			D	5,422.04	10,844.08	130,128.97	62.5620
			E	5,693.14	11,386.28	136,635.41	65.6901
6102	Police Officer	TPOA	A	3111.67	6223.34	74680.08	35.9025
			B	3267.25	6534.50	78414.00	37.6976
			C	3430.62	6861.24	82334.88	39.5826
			D	3602.17	7204.34	86452.08	41.5619
			E	3782.26	7564.52	90774.24	43.6398
4103	Police Records Assistant I	TSSU	A	1,996.79	3,993.58	47,922.96	23.0390
			B	2,096.63	4,193.26	50,319.12	24.1910
			C	2,201.47	4,402.94	52,835.28	25.4006
			D	2,311.54	4,623.08	55,476.96	26.6706
			E	2,427.12	4,854.24	58,250.88	28.0042
4104	Police Records Assistant II	TSSU	A	2,096.61	4,193.22	50,318.64	24.1907
			B	2,201.45	4,402.90	52,834.80	25.4004
			C	2,311.51	4,623.02	55,476.24	26.6702
			D	2,427.09	4,854.18	58,250.16	28.0038
			E	2,548.45	5,096.90	61,162.80	29.4041
9551	Police Reserve	LS	A				18.4600
6105	Police Sergeant	TPOA	A	3749.75	7499.50	89994.00	43.2647
			B	3937.25	7874.50	94494.00	45.4281
			C	4134.12	8268.24	99218.88	47.6996
			D	4340.82	8681.64	104179.68	50.0845
			E	4557.87	9115.74	109388.88	52.5888
2712	Police Support Operations Manager*	CMMBU	A	5,083.26	10,166.52	121,998.24	58.6507
			B	5,337.43	10,674.86	128,098.32	61.5834
			C	5,604.30	11,208.60	134,503.20	64.6625
			D	5,884.51	11,769.02	141,228.24	67.8956
			E	6,178.74	12,357.48	148,289.76	71.2904
4701	Police Support Services Technician	TSSU	A	2,429.99	4,859.98	58,319.76	28.0373
			B	2,551.49	5,102.98	61,235.76	29.4391
			C	2,679.06	5,358.12	64,297.44	30.9110
			D	2,813.02	5,626.04	67,512.48	32.4567
			E	2,953.67	5,907.34	70,888.08	34.0795
6101	Police Trainee (Non-Sworn)	TPOA	A	2705.72	5411.44	64937.28	31.2186

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9638	Pool Manager	LS	A				15.6300
			B				16.4100
			C				17.2300
			D				18.1000
			E				19.0000
5408	Principal WWTP Operator	TEAMSTERS	A	3,304.61	6,609.22	79,310.64	38.1286
			B	3,469.83	6,939.66	83,275.92	40.0350
			C	3,643.33	7,286.66	87,439.92	42.0368
			D	3,825.50	7,651.00	91,812.00	44.1387
			E	4,016.77	8,033.54	96,402.48	46.3456
9533	Professional Standards Officer	LS	A				44.8400
			B				47.0800
			C				49.4300
			D				51.9000
			E				54.5000
9110	Program Assistant	LS	Min				11.0000
			Max				18.9400
9231	Project Specialist I	LS	Min				11.0000
			Max				36.6800
9232	Project Specialist II	LS	Min				36.6900
			Max				103.4000
5502	Public Safety Dispatcher I	TEAMSTERS	A	2,331.81	4,663.62	55,963.44	26.9045
			B	2,448.40	4,896.80	58,761.60	28.2497
			C	2,570.82	5,141.64	61,699.68	29.6622
			D	2,699.36	5,398.72	64,784.64	31.1453
			E	2,834.34	5,668.68	68,024.16	32.7027
9512	Public Safety Dispatcher II - Per Diem	LS	A				28.5800
			B				30.0100
			C				31.5100
			D				33.0900
			E				34.7400
5503	Public Safety Dispatcher II	TEAMSTERS	A	2,558.19	5,116.38	61,396.56	29.5164
			B	2,686.10	5,372.20	64,466.40	30.9923
			C	2,820.40	5,640.80	67,689.60	32.5418
			D	2,961.43	5,922.86	71,074.32	34.1690
			E	3,109.50	6,219.00	74,628.00	35.8775
1512	Public Works Director*	DH	Min	6233.62	12467.24	149606.97	71.9236
			Max	7570.91	15141.82	181701.87	87.3533
3401	PW Maint & Operations Superintendent*	TMMBU	A	3,784.65	7,569.30	90,831.60	43.6674
			B	3,973.88	7,947.76	95,373.12	45.8507
			C	4,172.58	8,345.16	100,141.92	48.1433
			D	4,381.21	8,762.42	105,149.04	50.5505
			E	4,600.26	9,200.52	110,406.24	53.0779

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9517	Range Master	LS	A				26.9000
			B				28.2500
			C				29.6600
			D				31.1400
			E				32.7000
4105	Receptionist	TSSU	A	1,610.75	3,221.50	38,658.00	18.5849
			B	1,691.29	3,382.58	40,590.96	19.5141
			C	1,775.86	3,551.72	42,620.64	20.4899
			D	1,864.65	3,729.30	44,751.60	21.5144
			E	1,957.88	3,915.76	46,989.12	22.5901
3626	Records Unit Supervisor*	TMMBU	A	2,862.08	5,724.16	68,689.92	33.0227
			B	3,005.19	6,010.38	72,124.56	34.6739
			C	3,155.44	6,310.88	75,730.56	36.4075
			D	3,313.22	6,626.44	79,517.28	38.2280
			E	3,478.87	6,957.74	83,492.88	40.1393
9631	Recreation Leader I	LS	A				11.0000
			B				11.5500
			C				12.1300
			D				12.7300
			E				13.3700
9632	Recreation Leader II	LS	A				13.7800
			B				14.4700
			C				15.1900
			D				15.9500
			E				16.7500
9633	Recreation Leader III	LS	A				15.6300
			B				16.4100
			C				17.2300
			D				18.1000
			E				19.0000
4401	Recreation Prgm Coordinator I	TSSU	A	2,342.54	4,685.08	56,220.96	27.0283
			B	2,459.67	4,919.34	59,032.08	28.3797
			C	2,582.65	5,165.30	61,983.60	29.7987
			D	2,711.78	5,423.56	65,082.72	31.2886
			E	2,847.37	5,694.74	68,336.88	32.8530
4402	Recreation Prgm Coordinator II	TSSU	A	2,576.81	5,153.62	61,843.44	29.7313
			B	2,705.64	5,411.28	64,935.36	31.2177
			C	2,840.92	5,681.84	68,182.08	32.7786
			D	2,982.97	5,965.94	71,591.28	34.4176
			E	3,132.11	6,264.22	75,170.64	36.1383
3511	Recreation Service Manager*	TMMBU	A	3,897.48	7,794.96	93,539.52	44.9692
			B	4,092.35	8,184.70	98,216.40	47.2176
			C	4,296.97	8,593.94	103,127.28	49.5785
			D	4,511.83	9,023.66	108,283.92	52.0576
			E	4,737.42	9,474.84	113,698.08	54.6604

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EFFECTIVE 7/1/17 COLA

Class Code	Position Title	Unit		Semi-Mon Salary	Monthly Salary	Annual Salary	Hourly Rate
3513	Recreation Services Program Manager*	TMMBU	A	3,726.19	7,452.38	89,428.56	42.9928
			B	3,912.51	7,825.02	93,900.24	45.1426
			C	4,108.13	8,216.26	98,595.12	47.3997
			D	4,313.54	8,627.08	103,524.96	49.7697
			E	4,529.22	9,058.44	108,701.28	52.2582
3505	Recreation Services Supervisor*	TMMBU	A	3,387.46	6,774.92	81,299.04	39.0846
			B	3,556.83	7,113.66	85,363.92	41.0388
			C	3,734.67	7,469.34	89,632.08	43.0907
			D	3,921.40	7,842.80	94,113.60	45.2452
			E	4,117.47	8,234.94	98,819.28	47.5074
9626	Recreation Specialized Instructor	LS	Min				11.0000
			Max				39.0200
3105	Senior Accountant*	TMMBU	A	3,520.20	7,040.40	84,484.80	40.6161
			B	3,696.21	7,392.42	88,709.04	42.6469
			C	3,881.03	7,762.06	93,144.72	44.7794
			D	4,075.08	8,150.16	97,801.92	47.0183
			E	4,278.84	8,557.68	102,692.16	49.3693
4113	Senior Accounting Assistant	TSSU	A	2,177.89	4,355.78	52,269.36	25.1285
			B	2,286.79	4,573.58	54,882.96	26.3850
			C	2,401.13	4,802.26	57,627.12	27.7043
			D	2,521.19	5,042.38	60,508.56	29.0895
			E	2,647.25	5,294.50	63,534.00	30.5440
5323	Senior Building Maintenance Worker	TEAMSTERS	A	2,331.03	4,662.06	55,944.72	26.8955
			B	2,447.58	4,895.16	58,741.92	28.2402
			C	2,569.95	5,139.90	61,678.80	29.6521
			D	2,698.45	5,396.90	64,762.80	31.1348
			E	2,833.39	5,666.78	68,001.36	32.6917
5325	Senior Electrician	TEAMSTERS	A	2,754.56	5,509.12	66,109.44	31.7822
			B	2,892.29	5,784.58	69,414.96	33.3713
			C	3,036.91	6,073.82	72,885.84	35.0399
			D	3,188.75	6,377.50	76,530.00	36.7919
			E	3,348.19	6,696.38	80,356.56	38.6315
3304	Senior Engineer*	TMMBU	A	4,385.94	8,771.88	105,262.56	50.6051
			B	4,605.24	9,210.48	110,525.76	53.1353
			C	4,835.50	9,671.00	116,052.00	55.7921
			D	5,077.27	10,154.54	121,854.48	58.5816
			E	5,331.14	10,662.28	127,947.36	61.5108
5315	Senior Equipment Mechanic	TEAMSTERS	A	2,452.38	4,904.76	58,857.12	28.2956
			B	2,574.99	5,149.98	61,799.76	29.7103
			C	2,703.75	5,407.50	64,890.00	31.1959
			D	2,838.93	5,677.86	68,134.32	32.7556
			E	2,980.87	5,961.74	71,540.88	34.3933

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EFFECTIVE 7/1/17 COLA

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2513	Senior Human Resources Analyst*	CMMBU	A	3,679.01	7,358.02	88,296.24	42.4485
			B	3,862.95	7,725.90	92,710.80	44.5708
			C	4,056.10	8,112.20	97,346.40	46.7994
			D	4,258.91	8,517.82	102,213.84	49.1394
			E	4,471.86	8,943.72	107,324.64	51.5964
4208	Senior Information Systems Technician	TSSU	A	2,916.27	5,832.54	69,990.48	33.6480
			B	3,062.08	6,124.16	73,489.92	35.3303
			C	3,215.19	6,430.38	77,164.56	37.0969
			D	3,375.95	6,751.90	81,022.80	38.9518
			E	3,544.74	7,089.48	85,073.76	40.8993
9637	Senior Lifeguard	LS	A				13.7800
			B				14.4700
			C				15.1900
			D				15.9500
			E				16.7500
5305	Senior Maintenance Worker	TEAMSTERS	A	2,289.39	4,578.78	54,945.36	26.4150
			B	2,403.84	4,807.68	57,692.16	27.7355
			C	2,524.04	5,048.08	60,576.96	29.1224
			D	2,650.25	5,300.50	63,606.00	30.5786
			E	2,782.75	5,565.50	66,786.00	32.1074
3203	Senior Planner*	TMMBU	A	3,759.77	7,519.54	90,234.48	43.3803
			B	3,947.76	7,895.52	94,746.24	45.5493
			C	4,145.15	8,290.30	99,483.60	47.8268
			D	4,352.40	8,704.80	104,457.60	50.2181
			E	4,570.02	9,140.04	109,680.48	52.7290
5402	Senior Water Plant Operator	TEAMSTERS	A	2,877.44	5,754.88	69,058.56	33.2000
			B	3,021.31	6,042.62	72,511.44	34.8599
			C	3,172.38	6,344.76	76,137.12	36.6030
			D	3,331.00	6,662.00	79,944.00	38.4331
			E	3,497.55	6,995.10	83,941.20	40.3548
5407	Senior WW Plant Operator	TEAMSTERS	A	2,700.76	5,401.52	64,818.24	31.1614
			B	2,835.77	5,671.54	68,058.48	32.7192
			C	2,977.57	5,955.14	71,461.68	34.3553
			D	3,126.45	6,252.90	75,034.80	36.0730
			E	3,282.79	6,565.58	78,786.96	37.8769
9101	Student Clerk	LS	A				11.0000
3343	Supervising Building & Fire Inspector	TMMBU	A	3,366.07	6,732.14	80,785.68	38.8378
			B	3,534.37	7,068.74	84,824.88	40.7796
			C	3,711.09	7,422.18	89,066.16	42.8186
			D	3,896.64	7,793.28	93,519.36	44.9595
			E	4,091.48	8,182.96	98,195.52	47.2076

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3345	Supervising Construction Inspector	TMMBU	A	3,508.70	7,017.40	84,208.80	40.4834
			B	3,684.14	7,368.28	88,419.36	42.5077
			C	3,868.35	7,736.70	92,840.40	44.6331
			D	4,061.76	8,123.52	97,482.24	46.8647
			E	4,264.85	8,529.70	102,356.40	49.2079
3344	Supervising Plans Examiner*	TMMBU	A	3,301.04	6,602.08	79,224.96	38.0875
			B	3,466.09	6,932.18	83,186.16	39.9918
			C	3,639.40	7,278.80	87,345.60	41.9915
			D	3,821.37	7,642.74	91,712.88	44.0910
			E	4,012.44	8,024.88	96,298.56	46.2956
3523	Technical Theatre Supervisor*	TMMBU	A	2,812.11	5,624.22	67,490.64	32.4462
			B	2,952.72	5,905.44	70,865.28	34.0685
			C	3,100.35	6,200.70	74,408.40	35.7719
			D	3,255.37	6,510.74	78,128.88	37.5605
			E	3,418.14	6,836.28	82,035.36	39.4386
4461	Theatre Operations & Tech Asst	TSSU	A	1,967.16	3,934.32	47,211.84	22.6971
			B	2,065.52	4,131.04	49,572.48	23.8320
			C	2,168.80	4,337.60	52,051.20	25.0237
			D	2,277.23	4,554.46	54,653.52	26.2747
			E	2,391.09	4,782.18	57,386.16	27.5884
9361	Theatre Technician	LS	A				25.6400
			B				26.9200
			C				28.2600
			D				29.6800
			E				31.1600
1109	Transportation Commissioner		Stipend \$50.00 per meeting				
1520	Utilities Director*	DH	Min	6681.26	13362.52	160350.22	77.0885
			Max	8119.70	16239.40	194872.68	93.6852
3424	Utilities Laboratory Supervisor*	TMMBU	A	3,534.70	7,069.40	84,832.80	40.7834
			B	3,711.43	7,422.86	89,074.32	42.8225
			C	3,897.00	7,794.00	93,528.00	44.9637
			D	4,091.85	8,183.70	98,204.40	47.2118
			E	4,296.44	8,592.88	103,114.56	49.5724
3403	Utility Lines Maintenance Superintendent*	TMMBU	A	3,856.05	7,712.10	92,545.20	44.4912
			B	4,048.85	8,097.70	97,172.40	46.7157
			C	4,251.29	8,502.58	102,030.96	49.0515
			D	4,463.86	8,927.72	107,132.64	51.5041
			E	4,687.05	9,374.10	112,489.20	54.0793
5404	Utility Operator	TEAMSTERS	A	3,082.05	6,164.10	73,969.20	35.5607
			B	3,236.14	6,472.28	77,667.36	37.3386
			C	3,397.95	6,795.90	81,550.80	39.2056
			D	3,567.84	7,135.68	85,628.16	41.1658
			E	3,746.24	7,492.48	89,909.76	43.2242

Legend:

* = asterisk

All employees marked with an * (asterisk) are salaried employees

All employees are paid semi-monthly

Updated 06/12/17

DRAFT

**City of Tracy
Master Salary Schedule**

EFFECTIVE 7/1/17 COLA

Class Code	Position Title	Unit		Semi-Mon Salary	Monthly Salary	Annual Salary	Hourly Rate
9351	Water Patrol Aide	LS	A				13.0100
			B				13.6600
			C				14.3400
			D				15.0600
			E				15.8100
5401	Water Plant Operator	TEAMSTERS	A	2,624.50	5,249.00	62,988.00	30.2815
			B	2,755.73	5,511.46	66,137.52	31.7957
			C	2,893.53	5,787.06	69,444.72	33.3856
			D	3,038.20	6,076.40	72,916.80	35.0548
			E	3,190.13	6,380.26	76,563.12	36.8078
5403	Water Plant Operator-In-Training	TEAMSTERS	A	2,178.35	4,356.70	52,280.40	25.1338
			B	2,287.28	4,574.56	54,894.72	26.3907
			C	2,401.64	4,803.28	57,639.36	27.7102
			D	2,521.73	5,043.46	60,521.52	29.0958
			E	2,647.80	5,295.60	63,547.20	30.5504
3421	Water Plant Superintendent*	TMMBU	A	3,856.05	7,712.10	92,545.20	44.4912
			B	4,048.85	8,097.70	97,172.40	46.7157
			C	4,251.29	8,502.58	102,030.96	49.0515
			D	4,463.86	8,927.72	107,132.64	51.5041
			E	4,687.05	9,374.10	112,489.20	54.0793
3431	Water Resources Coordinator*	TMMBU	A	2,501.00	5,002.00	60,024.00	28.8566
			B	2,626.05	5,252.10	63,025.20	30.2994
			C	2,757.36	5,514.72	66,176.64	31.8145
			D	2,895.22	5,790.44	69,485.28	33.4051
			E	3,039.98	6,079.96	72,959.52	35.0753
9112	Webmaster/Information Systems	LS	A				31.3000
			B				32.8700
			C				34.5100
			D				36.2400
			E				38.0500
3422	WW Operations Superintendent*	TMMBU	A	3,927.42	7,854.84	94,258.08	45.3146
			B	4,123.79	8,247.58	98,970.96	47.5804
			C	4,329.98	8,659.96	103,919.52	49.9594
			D	4,546.48	9,092.96	109,115.52	52.4574
			E	4,773.80	9,547.60	114,571.20	55.0802
5406	WW Plant Operator	TEAMSTERS	A	2,463.37	4,926.74	59,120.88	28.4224
			B	2,586.54	5,173.08	62,076.96	29.8435
			C	2,715.86	5,431.72	65,180.64	31.3356
			D	2,851.65	5,703.30	68,439.60	32.9024
			E	2,994.24	5,988.48	71,861.76	34.5476
5405	WW Plant Operator-In-Training	TEAMSTERS	A	2,044.60	4,089.20	49,070.40	23.5906
			B	2,146.83	4,293.66	51,523.92	24.7702
			C	2,254.17	4,508.34	54,100.08	26.0087
			D	2,366.88	4,733.76	56,805.12	27.3091
			E	2,485.22	4,970.44	59,645.28	28.6745

Legend:

* = asterisk

All employees marked with an * (asterisk) are salaried employees

All employees are paid semi-monthly

Updated 06/12/17

RESOLUTION 2017 - _____

AMENDING THE CITY OF TRACY MASTER EMPLOYEE PAY SCHEDULE TO CONFIRM
THE PAY RATES/RANGES FOR ALL CITY OF TRACY ESTABLISHED POSITIONS

WHEREAS, The City Council approves all salary schedules which include classification titles and pay rates/ranges at the time a Memorandum of Understanding (MOU) or Compensation and Benefit Plan for each employee unit is approved, and

WHEREAS, The City Council approves the employment agreements for the City Manager and City Attorney which include salaries, and

WHEREAS, The amount of monthly compensation the City Council receives is set in accordance with California Government Code Section 36516, and

WHEREAS, In order to comply with the Public Employees' Retirement Law (PERL) which governs the California Public Employees Retirement System, and CCR Section 570.5, the City must establish a Master Employee Pay Schedule.

NOW, THEREFORE, BE IT RESOLVED, That City Council of the City of Tracy hereby amends the City of Tracy Master Employee Pay Schedule, a copy of which is attached to the staff report accompanying this resolution, confirming the pay rates/ranges for all City of Tracy Established Positions

* * * * *

The foregoing Resolution 2017 - _____ was adopted by the Tracy City Council on the 18th day of July, 2017 by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.I

REQUEST

APPROVE OFFSITE IMPROVEMENT AGREEMENT FOR THE ZONE 3 WATER MAIN IMPROVEMENTS FROM WESTERN BOUNDARY OF THE JOHN JONES WATER TREATMENT PLANT TO CORRAL HOLLOW ROAD, ON CORRAL HOLLOW ROAD UP TO MIDDLEFIELD DRIVE, AND FROM CORRAL HOLLOW ROAD TO AND WITHIN THE ELLIS PHASE 1B, TRACT 3872, AND AUTHORIZE THE ALLOCATION OF \$852,000 FROM FUND 365 AND \$461,000 FROM FUND 358 TO CIP 74118 TO REIMBURSE SUBDIVIDER \$1,313,000 FOR COMPLETING THE IMPROVEMENTS

EXECUTIVE SUMMARY

CalAtlantic Group, Inc., a Delaware corporation Subdivider for the Ellis Phase 1B, Tracy 3872 will construct Zone 3 Water Main Improvements under the Offsite Improvement Agreement (OIA) with new improvement security. Approval of the OIA is required before the Subdivider starts the construction of the waterline improvements.

DISCUSSION

On September 1, 2015, the City Council approved the final subdivision map of the first phase of Ellis Phase 1 Subdivision which is known as "Ellis Phase 1A, Tract 3764," to create 165 residential lots, the neighborhood park site, Parcel G for Ellis Phase 1B, and two commercial lots designated as Parcels B and E.

At the same City Council meeting, a Deferred Improvement Agreement (DIA) for Ellis Phase 1A, Tract 3764 was also approved by the City Council, to defer the completion of certain improvements or Subdivider's obligations to a specified time.

The DIA required the Subdivider, to complete the construction of the Zone 3 Water Main and appurtenances from the John Jones Water Treatment Plant (JJWTP) to and within the Ellis Phase 1 Subdivision and the installation of a temporary water pump station at the JJWTP as described in the technical memorandum dated August 13, 2015 titled "Ellis Specific Plan Water System Analysis – Phase 1" (Zone 3 Water Main Improvements). Completion of the Zone 3 Water Main Improvements are required of Ellis Phase 1B, Tract 3872.

Engineering Division has reviewed the design and Improvement Plans of the Zone 3 Water Main Improvements and found it to be complete. The Improvement Plans for Zone 3 Water Main Improvements are on file with the Office of the City Engineer and available for review upon request.

In order to guarantee completion of the Zone 3 Water Main Improvements, the Subdivider was required to sign the OIA and post improvement security. The OIA was reviewed by the City Attorney as to form and the Subdivider has executed the OIA. A copy of the OIA is attached as Attachment B.

If the Subdivider completes the Zone 3 Water Main Improvements, the Subdivider will be entitled to receive reimbursement in accordance with the OIA and the Tracy Municipal Code. The total reimbursement to the Subdivider under the OIA is \$1,007,438.

City staff recommends the allocation of \$852,000 (Tracy Hills Reimbursement Amount) from available Water Tracy Infrastructure Master Plan Fees Fund 365, and \$461,000 (Whirlaway Zone 3 Water Main Reimbursement Amount) from collected Water Development Impact Fees from Ellis Phase 1A, deposited in Fund 358, to CIP 74118.

Upon completion of all the improvements, the City will accept the improvements for maintenance and will accept all offers of dedication of public right-of-way at that time.

FISCAL IMPACT

Subdivider has paid all applicable engineering review fees associated with the processing of the Improvement Plans, and the Offsite Improvement Agreement.

After the completion and City Council's acceptance of the Zone 3 Water Main Improvements, the Tracy Hills Reimbursement Amount and Whirlaway Zone 3 Water Main Reimbursement Amount with the total amount of \$1,313,000 will be paid to the Subdivider.

STRATEGIC PLAN

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

RECOMMENDATION

That City Council, by resolution, approve the Offsite Improvement Agreement for the Zone 3 Water Main Improvements for Ellis Phase 1B, Tract 3872 and authorize the allocation of \$852,000 from Fund 365 and \$461,000 from Fund 358 to CIP 74118 to reimburse the Subdivider \$1,313,000 for completing the improvements.

Prepared by: Criseldo Mina, PE, Senior Civil Engineer

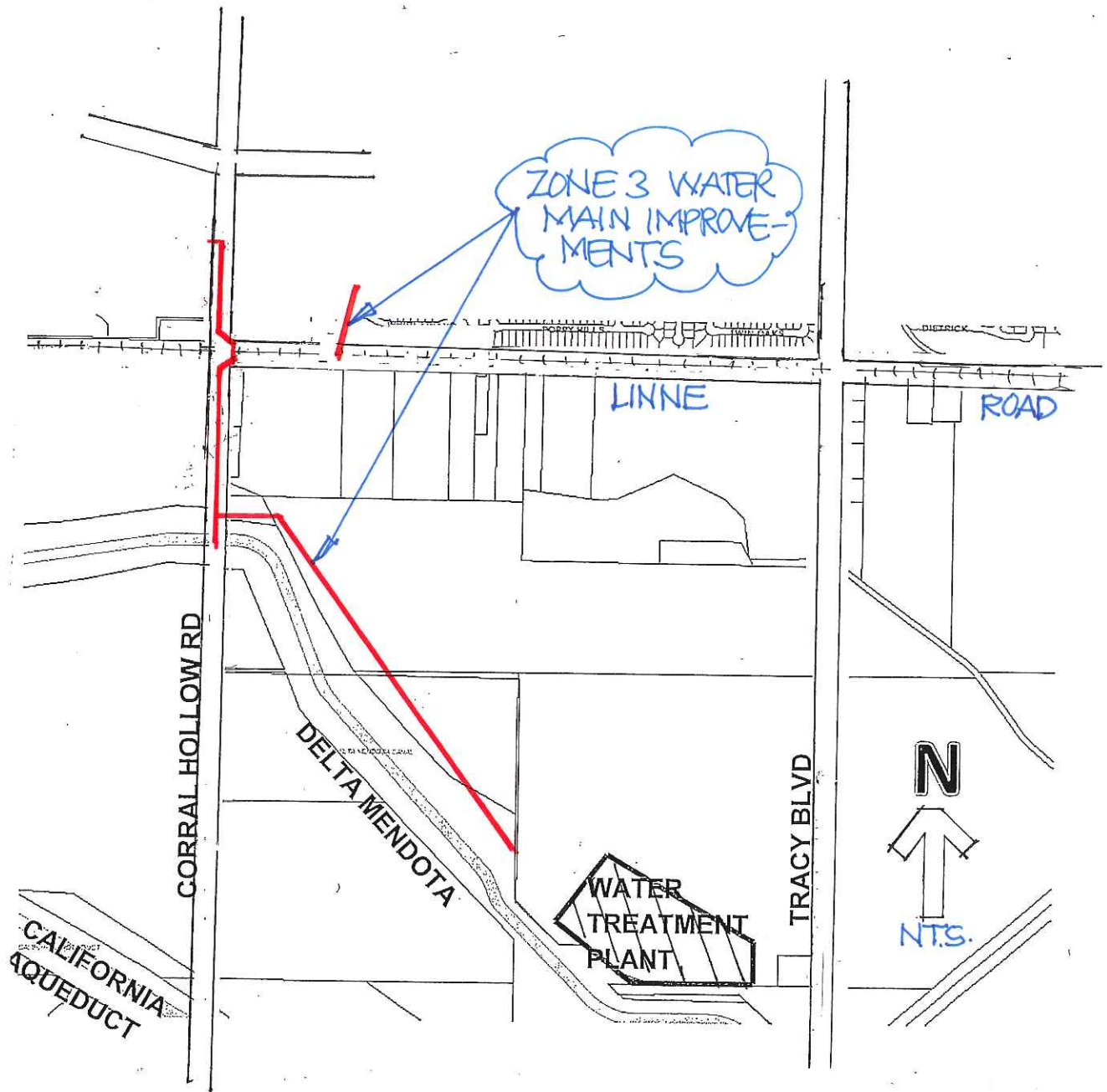
Reviewed by: Robert Armijo, PE, City Engineer
Andrew Malik, Development Services Director
Martha Garcia, Finance Manager
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Offsite Improvement Agreement

Attachment A



**CITY OF TRACY
OFFSITE IMPROVEMENT AGREEMENT
ELLIS PHASE 1B, TRACT 3872 – OFFSITE WATERLINE IMPROVEMENTS
FROM THE JOHN JONES WATER TREATMENT PLANT WESTERN BOUNDARY TO
THE ELLIS PHASE 1 SUBDIVISION**

This Offsite Improvement Agreement for Ellis Phase 1B, Tract 3872 – Offsite Waterline Improvements from the John Jones Water Treatment Plant Western Boundary to the Ellis Phase 1 Subdivision ("**Agreement**") is made and entered into by and between the City of Tracy, a municipal corporation ("**City**") and CalAtlantic Group, Inc., a Delaware corporation ("**Developer**").

RECITALS

- A. Developer is currently the owner of the real property generally located on the west side of Corral Hollow Road south of Ellis Town Drive, and more particularly described as Parcel "D" as shown on the Final Map of Ellis Phase 1A, Tract 3764, that was recorded on September 28, 2015, in Book 42 of Maps and Plats, at Page 43 of the San Joaquin County Records (the "**Property**"). The Property is also described in Exhibit "A", attached hereto and incorporated herein by reference.
- B. The Property is located within the boundaries of the Tentative Subdivision Map for the Modified Ellis Project approved by the Planning Commission ("**PC**") on July 23, 2014, pursuant to PC Resolution 2015-016 (the "**Tentative Map**"). The Tentative Map is on file with the Office of the City Engineer, and is incorporated herein by reference.
- C. The Developer has submitted to the City a Final Map for the subdivision of the Property known as Ellis Phase 1B, Tract 3872 (the "**Second Final Map**"). The Second Final Map is being reviewed for substantial compliance with the Tentative Map and for technical accuracy, and has not yet been approved by the City for recordation.
- D. The approval of the Tentative Map by PC was subject to specified Conditions of Approval ("**Conditions**"). The Conditions are attached hereto as Exhibit "B," and incorporated herein by reference.
- E. As required in the Conditions, City's Consultant, West Yost Associates, performed a water analysis and prepared a technical memorandum dated August 14, 2013 and titled "Ellis Specific Plan Water System Analysis ("**Water System Evaluation Report**").
- F. In accordance with the Conditions, the Citywide Water System Master Plan ("**Master Plan**"), and the Water System Evaluation Report, City and Developer have caused to be prepared, and the City Engineer has approved, certain Improvement Plans and Specifications relating to the construction and installation of offsite water lines and associated improvements from the City's John Jones

**CITY OF TRACY - OFFSITE IMPROVEMENT AGREEMENT
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Water Treatment Plant to the Ellis Phase 1 Subdivision and the Property, and from Linne Road through the Union Pacific Railroad Company ("**UPRR**") property to the Don Cose Park within the Edgewood Subdivision (collectively, the "**Work**"), which Developer intends to construct and install in accordance with the approved Improvement Plans and Specifications. The Work is described more fully on the two (2) sheets of improvement plans entitled "Offsite Whirlaway Waterline Improvement Plans, Ellis Phase 1B (APN 240-140-31 & 240-140-30)", prepared by Carlson Barbee & Gibson of San Ramon, California and Sheets PP-22 through PP-26, Sheets PP-33 through PP-37, and in various portions of the eighty-four (84) sheets of improvement plans entitled "Corral Hollow Road Utility Improvements, Water And Sewer Pipelines, CIP 74118 – August 2016", prepared by CH2MHill of Sacramento, California (collectively, the "**Improvement Plans and Specifications**"), as approved by the City Engineer. The Improvement Plans and Specifications are on file with the City Engineer, and are incorporated herein by reference.

- G.** The Developer has agreed to construct the improvements and requested that the City execute this Agreement. Conditions require Developer to enter into an Offsite Improvement Agreement prior to the issuance of the Project's encroachment permit, which is needed for the improvements.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

- 1. SCOPE OF WORK.** The Developer shall perform, or cause to be performed, the Work in the manner as described in the Improvement Plans and Specifications, to the reasonable satisfaction of the City Engineer. The Work shall be performed, and all materials and labor shall be provided, at Developer's sole expense, subject to fee credits and reimbursements as set forth in this Agreement. No change shall be made to the scope of Work unless authorized in writing by the City Engineer. Developer may submit a written request to the City Engineer for a change in the scope of Work, as required by Tracy Municipal Code Section 12.36.060(f). Any portion(s) of the Work that are within City's right(s)-of-way and/or easement(s) are to be performed by the Developer in accordance with the requirements of the State prevailing wage laws, in the event and to the extent applicable.

- 1.1** "Zone 3 – TH CL 24" Pipeline and appurtenances starts from Zone 3 – TH Station 100 + 00.00 and ends at Zone 3 – TH Station 138 + 00.00 as shown on Sheets PP-22 through PP-26 of the Improvement Plans and Specifications ("Tracy Hills Zone 3 Water Main Work").

If the Developer completes the Tracy Hills Zone 3 Water Main Work in accordance with the terms of this Agreement, the Developer shall be entitled to receive reimbursement in the amount of **\$852,000** ("Tracy Hills

**CITY OF TRACY - OFFSITE IMPROVEMENT AGREEMENT
ELLIS PHASE 1B, TRACT 3872 – OFFSITE WATERLINE IMPROVEMENTS
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BOUNDARY TO THE ELLIS PHASE 1 SUBDIVISION
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Reimbursement Amount”) in accordance with the terms of this Agreement. The City Engineer and the Community Services Director have determined and hereby find that reimbursing Developer for the costs of the Tracy Hills Zone 3 Water Main Work as set forth in this Agreement is reasonable. If conflict exists between this Agreement and the Tracy Municipal Code (“TMC”), this agreement shall prevail.

- 1.2** “Zone 3 – C CL 24” Pipeline and appurtenances starts from Zone 3 – C Station 100 + 00.00 and ends at Zone 3 – C Station 342 + 53.89.00 as shown on Sheets PP-22 through PP-26 and Sheets PP-33 through PP-37 of the Improvement Plans and Specifications (“City Zone 3 Water Main Work”).

If the Developer completes the City Zone 3 Water Main Work in accordance with the terms of this Agreement, the Developer may be eligible for reimbursements of the cost of such work. Developer hereby assigns any such reimbursement to Surland Companies, LLC, and Developer hereby waives any right to receive fee credits for the cost of such work.

- 1.3** The Water System Evaluation Report requires completion of a water main connection from Linne Road through the UPRR property to the Don Cose Park within the Edgewood Subdivision as shown on the two (2) sheets of improvement plans entitled “Offsite Whirlaway Waterline Improvement Plans, Ellis Phase 1B (APN 240-140-31 & 240-140-30)”, prepared by Carlson Barbee & Gibson of San Ramon, California, as approved by the City Engineer (“Whirlaway Zone 3 Water Main Work”).

If the Developer completes the Whirlaway Zone 3 Water Main Work in accordance with the terms of this Agreement, the Developer shall be entitled to receive reimbursement in the amount of \$461,000 (Whirlaway Zone 3 Water Main Reimbursement Amount) in accordance with the terms of this Agreement. The City Engineer and the Community Services Director have determined and hereby find that reimbursing the Developer for the costs of the Whirlaway Zone 3 Water Main Reimbursement Work as set forth in this Agreement is reasonable. If conflict exists between this Agreement and the TMC, this agreement shall prevail.

- 1.4** Upon completion and acceptance by the City Council of the Tracy Hills Zone 3 Water Main Work, the City shall pay the Developer the Tracy Hills Zone 3 Reimbursement Amount within thirty calendar days. Upon completion and acceptance of the Whirlaway Zone 3 Water Main Work, the City shall pay the Developer the Whirlaway Zone 3 Reimbursement Amount within thirty calendar days. The total amount of reimbursements to developer under this agreement

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is **\$1,313,000** (the "**City Reimbursement Amount**"). The City Reimbursement Amount shall include all design, plan checking, construction, program contingencies, permit and agreement processing, engineering inspection, and program management costs associated with the Tracy Hills Zone 3 Water Main Work and Whirlaway Zone 3 Water Main Work.

- 1.4** City shall obtain the Water Line Crossing Agreement(s) and Encroachment Permit(s) from the UPRR, for the installation, repair, use, and maintenance of a water main crossing on Corral Hollow Road for the City Zone 3 Water Main and on Linne Road for the Whirlaway Zone 3 Water Main, prior to the Developer starting any portion of the Work that is located within the UPRR right-of-way. The City shall assign the right and permission under the Encroachment Permit(s) granted by UPRR and shall cooperate with Developer as needed in regards to such assignment. To the extent that the Developer incurs any costs for processing the Water Line Crossing Agreement(s) and the Encroachment Permit(s), such incurred costs will be considered as part of the City Reimbursement Amount.
- 1.5** City shall be responsible for obtaining right(s)-of-way and/or easement(s) and encroachment permits needed for completion of any portion(s) of the City Zone 3 Water Main Work and Whirlaway Zone 3 Water Main Work that are not within current City right-of-way. To the extent that the Developer incurs any costs for obtaining such rights-of-way and/or easements, such incurred costs will be considered as part of the City Reimbursement Amount.
- 2. DEVELOPER'S AUTHORIZED REPRESENTATIVE.** At all times during the progress of the Work, Developer shall have a competent foreman or superintendent ("**Authorized Representative**") on site with authority to act on Developer's behalf. Developer shall, at all times, keep the City Engineer reasonably informed in writing of the name and telephone number of the Authorized Representative. The Authorized Representative shall be on site approximately 60% of the time the Work is occurring. The Developer may designate an employee of its general contractor or development manager as the Authorized Representative. Developer shall, at all times, keep the City Engineer reasonably informed in writing of the names and telephone numbers of all contractors and subcontractors performing the Work. Exhibit C attached hereto includes the initial contact information for the Authorized Representative.
- 3. LOCATION OF PERFORMANCE.** Developer shall perform the Work at the locations and grades shown on the Improvement Plans and Specifications or as otherwise approved by the City Engineer. In the event and to the extent required for the Work, Developer shall use commercially reasonable efforts to acquire all

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easements and/or rights-of-way necessary for the performance of the Work, at Developer's expense, except as otherwise specified in the Conditions or as otherwise set forth in this Agreement. To the extent that the Developer is required by this Agreement to obtain easements and/or rights-of-way, Developer shall notify the City Engineer if such easements and/or rights-of-way cannot be acquired so that the Improvement Plans and Specifications may be modified, subject to the City Engineer's approval.

4. **IMPROVEMENT SECURITY.** Concurrently with the execution of this Agreement, and prior to the commencement of any Work, Developer shall furnish contract security, in a form of a bond or other form authorized by the Subdivision Map Act (including Government Code Sections 66499 *et seq.*) and Tracy Municipal Code Section 12.36.080, in the following amounts:

Tracy Hills Zone 3 Water Main Work

- 4.1 **Faithful Performance** security in the amount of **\$702,000**, to secure faithful performance of this Agreement (until the date when the City Council accepts the Work as complete) pursuant to Government Code Sections 66499, 66499.1, 66499.3, and 66499.4.
- 4.2 **Labor and Material** security in the amount of **\$702,000**, to secure payment by Developer to laborers and materialmen (until the date when any and all claims in connection with the Work are required to be made by laborers and materialmen in accordance with applicable laws) pursuant to Government Code Sections 66499, 66499.2, 66499.3, and 66499.4.
- 4.3 **Warranty security** in the amount of **\$70,200**, to secure faithful performance of this Agreement (from the date when the City Council accepts the Work as complete until one (1) year thereafter) pursuant to Government Code Sections 66499, and 66499.4.

City Zone 3 Water Main Work

- 4.4 **Faithful Performance** security in the amount of **\$1,647,500**, to secure faithful performance of this Agreement (until the date when the City Council accepts the Work as complete) pursuant to Government Code Sections 66499, 66499.1, 66499.3, and 66499.4.
- 4.5 **Labor and Material** security in the amount of **\$1,647,500**, to secure payment by Developer to laborers and materialmen (until the date when any and all claims in connection with the Work are required to be made by laborers and materialmen in accordance with applicable laws) pursuant to Government Code Sections 66499, 66499.2, 66499.3, and 66499.4.

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- 4.6 **Warranty security** in the amount of **\$164,750**, to secure faithful performance of this Agreement (from the date when the City Council accepts the Work as complete until one (1) year thereafter) pursuant to Government Code Sections 66499, and 66499.4.

Whirlaway Zone 3 Water Main Work

- 4.7 **Faithful Performance** security in the amount of **\$305,000**, to secure faithful performance of this Agreement (until the date when the City Council accepts the Work as complete) pursuant to Government Code Sections 66499, 66499.1, 66499.3, and 66499.4.

- 4.8 **Labor and Material** security in the amount of **\$305,000**, to secure payment by Developer to laborers and materialmen (until the date when any and all claims in connection with the Work are required to be made by laborers and materialmen in accordance with applicable laws) pursuant to Government Code Sections 66499, 66499.2, 66499.3, and 66499.4.

- 4.9 **Warranty security** in the amount of **\$30,500**, to secure faithful performance of this Agreement (from the date when the City Council accepts the Work as complete until one (1) year thereafter) pursuant to Government Code Sections 66499, and 66499.4.

5. **INSURANCE**. Concurrently with the execution of this Agreement, and prior to the commencement of any Work, Developer shall furnish evidence to City that all of the following insurance requirements have been satisfied by the Developer or its general contractor responsible for the Work.

- 5.1. **General**. Developer shall, throughout the duration of this Agreement, maintain or cause to be maintained insurance to cover Developer, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services for the Work covered by this Agreement at the minimum levels set forth herein.

- 5.2. **Commercial General Liability** (with coverage at least as broad as ISO form CG 00 01 01 96) coverage shall be maintained in an amount not less than Three Million Dollars (\$3,000,000) general aggregate and One Million Dollars (\$1,000,000) per occurrence for general liability, bodily injury, personal injury, and property damage.

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

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- 5.4. **Workers' Compensation** coverage shall be maintained as required by the State of California.
 - 5.5. **Endorsements**. Developer shall ensure the automobile and commercial general liability insurance provide for the following provisions:
 - 5.5.1. City (including its elected and appointed officials, officers, employees, and agents) shall be named as an additional "insured."
 - 5.5.2. For any claims related to this Agreement, Developer's coverage shall be primary insurance with respect to City. Any insurance maintained by City shall be excess of Developer's insurance and shall not contribute with it.
 - 5.6. **Notice of Cancellation**. Developer shall provide thirty (30) days' prior written notice to City should the policy be canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy that results in the policy not conforming to the requirements of this Agreement prior to the expiration shall be considered a cancellation.
 - 5.7. **Authorized Insurers**. All insurance companies providing coverage to Developer 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**. Developer shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form reasonably satisfactory to the City Attorney.
 - 5.9. **Substitute Certificates**. No later than ten (10) calendar days prior to the policy expiration date of any insurance policy required by this Agreement, Developer shall provide a substitute certificate of insurance.
 - 5.10. **Developer's Obligation**. Maintenance of insurance by Developer as specified in this Agreement shall in no way be interpreted as relieving Developer of any of its obligations hereunder (including indemnity obligations under this Agreement), and Developer may carry, at its own expense, such additional insurance as it deems necessary or desirable.
6. **PERMITS, LICENSES AND COMPLIANCE WITH LAW**. Except as otherwise set forth in this Agreement, Developer shall, at its sole expense, obtain and maintain all necessary permits, approvals and licenses for performance of the Work, subject to City's reasonable cooperation. Prior to the commencement of the Work, the Developer shall obtain a City of Tracy Business License. In its performance of the Work, Developer shall comply with all applicable local, state,

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and federal laws, whether or not said laws are expressly stated in this Agreement.

7. **TIME OF PERFORMANCE.** Time is of the essence in the performance of the Work, and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. The Developer shall submit all requests for extensions of time 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.
 - 7.1. **Commencement of Work.** No later than fifteen (15) days prior to the commencement of Work, the Developer shall provide written notice to the City Engineer of the date on which the Developer shall commence Work. The Developer shall not commence Work until after the notice required by this section is properly provided, and the Developer shall not commence Work prior to the date specified in the written notice.
 - 7.2. **Schedule of Work.** Concurrently with the written notice of commencement of Work, the Developer shall provide the City with a written schedule of Work, which shall be updated in writing as necessary to accurately reflect the Developer's prosecution of the Work.
 - 7.3. **Completion of Work.** The Developer shall complete the City Zone 3 Water Main Work and Tracy Hills Zone 3 Water Main Work for delivery of potable water to the Ellis Phase 1 subdivision prior to final inspection of the residential buildings within Ellis Phase 1B. The Developer shall complete the Whirlaway Zone 3 Water Main Work within one year of obtaining all approvals, permits, permissions, rights-of-way, easements, and/ or encroachment permits that are necessary to perform the Whirlaway Zone 3 Water Main Work.
8. **INSPECTION BY CITY.** In order to permit City to inspect the Work, the Developer shall, at all reasonable times provide to City reasonable and safe access to the Work site, and all portions of the Work, and to all shops wherein portions of the Work are in preparation.
 - 8.1. **INSPECTION FEES.** Concurrently with the execution of this Agreement by the Developer, and prior to the commencement of any Work, the Developer shall pay the City Inspection Fees in the amount of three and one-half percent (3-1/2 %) of the estimated Project costs (as approved by the City Engineer). In the event that the City determines that the City's actual costs of inspecting the Work (including all costs and expenses of inspection, reviewing maps and plans, field checking, testing, and administrative and overhead costs of fifteen percent (15%)) exceeds the amount of Inspection

**CITY OF TRACY - OFFSITE IMPROVEMENT AGREEMENT
ELLIS PHASE 1B, TRACT 3872 – OFFSITE WATERLINE IMPROVEMENTS
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Fees paid by the Developer, the Developer shall pay the City the actual costs of inspecting the Work less Inspection Fees previously paid, not later than thirty (30) days following Subdivider's receipt from City of an invoice for the excess inspection costs..

In the event that the City requires an independent inspection, the City may retain an independent inspector and the Developer shall pay all costs associated with the independent inspection, and the independent inspector shall provide a report directly to the City. The City shall notice the Developer prior to such retention and the Developer shall review the need for independent inspection.

In the event that the City determines that the City's actual costs of inspecting the Work (including all costs and expenses of inspection, reviewing maps and plans, field checking, testing and administrative and overhead costs of fifteen (15%)) is less than the amount of Inspection Fees paid by the Developer, the City shall reimburse the Developer the cost difference between the Inspection Fees previously paid and the actual costs of inspecting the Work, not later than thirty (30) days following completion by the City of all required inspections.

Fifteen percent (15%) of the estimated construction cost of the Work shall be allocated by the Developer, for cost of materials and labor for public improvements not explicitly described on the Improvement Plans and Specifications, but intended to be part of the Work or portion of the Work that are determined by the City Engineer to be designed and constructed by the Developer, in order to complete the Work to the satisfaction of the City.

9. DEFAULT.

9.1. Notice of Default. In the event that Developer is in default of this Agreement, as defined in this Section 9, the City Engineer shall provide written notice to Developer and Developer's surety (if any) in which the default is described.

9.2. Developer shall be in default of this Agreement if the City Engineer determines that anyone of the following conditions exist:

9.2.1. The Developer is insolvent, bankrupt, or makes a general assignment of the benefit of its creditors.

9.2.2. The Developer abandons the Work Site.

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9.2.3. The Developer fails to perform one or more requirements of this Agreement, or fails to cure any such non-performance pursuant to section 9.3 below.

9.2.4. The Developer violates any legal requirements related to the Work.

9.3. **Cure of Default.** In the event that Developer fails, within thirty (30) calendar days after receipt of written notice, to either cure the default or provide adequate written assurance to the reasonable satisfaction of the City Engineer that the cure will be promptly commenced and diligently prosecuted to its completion, the City may, in its discretion, take any or all of the following actions:

9.3.1. Cure the default and charge the Developer for the costs therefore, including administrative costs and interest in an amount equal to seven percent (7%) per annum from date of the default.

9.3.2. Demand that Developer complete performance of the Work.

9.3.3. Demand that Developer's surety (if any) complete performance of the Work.

10. **REPAIR OF ANY DAMAGE.** In the event and to the extent Developer or its agents, representatives, contractors, subcontractors, or employees, in connection with performance of the Work, cause any damage to property owned by City or other property owners, then Developer shall commence, within five (5) calendar days of becoming aware of such damage, and diligently continue to completion, the repair or replacement (as necessary) of the damaged property; provided that, Developer may defer such repairs or replacement of the damaged property pursuant to the written agreement of the property owner.

11. **ACCEPTANCE OF WORK.** Prior to acceptance of the Work by the City Council, the Developer shall be solely responsible for maintaining the quality of the Work, and maintaining safety at the Project site. The Developer's obligation to perform the Work shall not be satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied and all outstanding fees and charges have been paid, and the City Council has accepted the Work as complete.

12. **WARRANTY PERIOD.** Developer shall warrant the quality of the Work, in accordance with the terms of the Plans and Specifications, for a period of one (1) year after acceptance of the Work by the City Council. In the event that (during said one-year warranty period) any portion of the Work is determined by the City Engineer

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to be defective as a result of an act or omission of Developer under this Agreement, Developer shall be in default and shall cure such default as required hereunder.

13. **INDEPENDENT CONTRACTOR STATUS.** Developer is an independent contractor, and the parties agree that City shall have no responsibility for any acts of Developer's employees, agents, representatives, contractors or subcontractors, including any negligent acts or omissions. Developer is not City's employee and Developer shall have no authority, express or implied, to act on behalf of City as an agent, or to bind City to any obligation whatsoever, unless City provides prior written authorization to Developer.
14. **OWNERSHIP OF WORK.** All original documents prepared by Developer for this Agreement shall be given to City upon City's acceptance of the Work; provided, however, ownership of said documents shall be determined in accordance with applicable laws. Prior to acceptance of the Work, the Developer shall submit the as-built drawings in AutoCAD format Release-14 or higher.
15. **ATTORNEY'S FEES.** In the event any legal action or proceeding is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.
16. **INDEMNIFICATION.** Consistent with the security provisions contained herein, Developer shall indemnify, defend, and hold harmless the City (including its elected officials, officers, agents, and employees) from and against any and all claims, demands, damages, liabilities, costs, and expenses (including court costs and attorney's fees) arising or resulting, directly or indirectly, from the performance of the Work by Developer or Developer's agents, representatives, contractors, subcontractors, or employees except to the extent arising from the City's sole or active negligence or willful misconduct or defects in design provided by the City.
17. **ASSIGNMENT AND DELEGATION.** This Agreement and any portion thereof shall not be assigned or transferred, nor shall any of Developer's duties be delegated, without the written consent of City, which shall not be unreasonably withheld, delayed or denied. Any attempt to assign or delegate this Agreement without City's written consent shall be void and of no force and effect. Consent by City to one assignment shall not be deemed to be consent to any subsequent assignment.
18. **PREVAILING WAGES.** For all work located and performed within the public right-of-way and easements, and for utility infrastructure such as sewer, water, and storm drainage improvements and appurtenances, the Developer shall comply with applicable regulations and pay prevailing wages.

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19. **NOTICES.**

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

City: City of Tracy
Attn: City Engineer
333 Civic Center Plaza
Tracy, CA 95376

Copy to: City Attorney's Office
Attn: City Attorney
333 Civic Center Plaza
Tracy, CA 95376

Developer: CalAtlantic Group, Inc.
Attn: Division President
4750 Willow Road, Suite 150
Pleasanton, CA 94588
Tel: (925) 847-8700
Fax: (949) 789-9630

19.2. Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) two (2) business days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

20. **MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

21. **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.

22. **SEVERABILITY.** In the event a court of competent jurisdiction holds any term of this Agreement invalid, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect.

23. **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

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County of San Joaquin.

24. **ENTIRE AGREEMENT.** This Agreement, including all documents incorporated by reference, comprises the entire integrated understanding between the parties concerning the Work. This Agreement supersedes all prior negotiations, representations or agreements as such may relate to performance of the Work.
25. **SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Developer and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

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

CITY OF TRACY,
a municipal corporation

By: Robert Rickman
Title: CITY MAYOR
Date: _____

Attest:

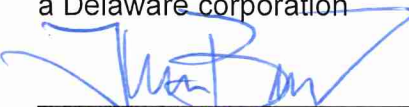
By: Nora Pimentel
Title: CITY CLERK
Date: _____


Approved As To Form:

By: Bill Sartor
Title: CITY ATTORNEY
Date: _____

03-122616cm
rev 7/12/2017

DEVELOPER
CalAtlantic Group, Inc.,
a Delaware corporation

By: 
Title: OPERATIONAL Vice President
Date: 7/12/17

By: 
Title: Operational Vice President
Date: 7/12/17

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF Alameda

On July 12, 2017, before me, Elizabeth Neal, Notary Public
(here insert name and title of the officer)

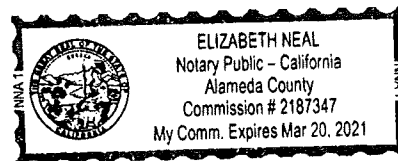
personally appeared Thomas Burrill and Sergio Perez,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Elizabeth Neal
Signature



(SEAL)

RESOLUTION 2017-_____

APPROVING AN OFFSITE IMPROVEMENT AGREEMENT FOR THE ZONE 3 WATER MAIN IMPROVEMENTS FROM THE WESTERN BOUNDARY OF THE JOHN JONES WATER TREATMENT PLANT TO CORRAL HOLLOW ROAD, ON CORRAL HOLLOW ROAD TO MIDDLEFIELD DRIVE, AND FROM CORRAL HOLLOW ROAD TO AND WITHIN THE ELLIS PHASE 1B, TRACT 3872 SUBDIVISION, AND AUTHORIZING THE ALLOCATION OF \$852,000 FROM FUND 365 AND \$461,000 FROM FUND 358 TO CIP 74118, TO REIMBURSE SUBDIVIDER \$1,313,000 FOR COMPLETING THE IMPROVEMENTS

WHEREAS, On September 1, 2015, the City Council approved the final subdivision map of the first phase of Ellis Phase 1 Subdivision which is known as "Ellis Phase 1A, Tract 3764," to create 165 residential lots, the neighborhood park site, Parcel G for Ellis Phase 1B, and two commercial lots designated as Parcels B and E, and

WHEREAS, A Deferred Improvement Agreement (DIA) for Ellis Phase 1A, Tract 3764 with Standard Pacific Corp now CalAtlantic Group, Inc., a Delaware corporation (Subdivider), was also approved by the City Council on September 1, 2015, to defer the completion of certain improvements or Subdivider's obligations to a specified time, and

WHEREAS, The DIA required the Subdivider to complete the construction of the Zone 3 Water Main and appurtenances from the John Jones Water Treatment Plant (JJWTP) to and within the Ellis Phase 1 Subdivision and the installation of a temporary water pump station at the JJWTP as described in the technical memorandum dated August 13, 2015 titled "Ellis Specific Plan Water System Analysis – Phase 1" (Zone 3 Water Main Improvements), and

WHEREAS, Engineering Division has reviewed the design and Improvement Plans of the Zone 3 Water Main Improvements and found it to be complete, and

WHEREAS, In order to guarantee completion of the Zone 3 Water Main Improvements, the Subdivider was required to sign the OIA and post improvement security, and

WHEREAS, The OIA was reviewed by the City Attorney as to form, and the Subdivider has executed the OIA, and

WHEREAS, If the Subdivider completes the Zone 3 Water Main Improvements, the Subdivider will be entitled to receive reimbursement in accordance with the OIA and the Tracy Municipal Code, and

WHEREAS, The total reimbursement to the Subdivider under the OIA is \$1,313,000 and

WHEREAS, City staff recommends the allocation of \$852,000 (Tracy Hills Reimbursement Amount) from available Water Tracy Infrastructure Master Plan Fees Fund 365, and \$461,000 (Whirlaway Zone 3 Water Main Reimbursement Amount) from collected Water Development Impact Fees from Ellis Phase 1A, deposited in Fund 358, to CIP 74118, and

WHEREAS, Upon completion of all improvements, the City will accept the improvements and will accept all offers of dedication of public right-of-way, and

WHEREAS, Subdivider has paid all applicable engineering review fees associated with the processing of the Improvement Plans, and the OIA;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the Offsite Improvement Agreement for the Zone 3 Water Main Improvements for Ellis Phase 1B, Tract 3872 and authorizes the allocation of \$852,000 from Fund 365 and \$461,000 from Fund 358 to CIP 74118 to reimburse Subdivider \$1,313,000 for completing the improvements.

* * * * *

The foregoing Resolution 2017-_____ was passed and adopted by the Tracy City Council on the 18th day of July 2017, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 3

REQUEST

PUBLIC HEARING TO DECLARE THE EXISTENCE OF WEEDS, RUBBISH, REFUSE AND FLAMMABLE MATERIAL ON EACH OF THE PARCELS LISTED IN EXHIBIT “A” TO THIS AGENDA ITEM A NUISANCE; CONSIDER OBJECTIONS TO ABATEMENT OF SAID NUISANCES, AND ADOPT A RESOLUTION AUTHORIZING FIRE DEPARTMENT STAFF TO ORDER CONTRACTOR TO ABATE SAID NUISANCES

EXECUTIVE SUMMARY

The Fire Department performs regular inspections throughout the City in addition to inspections initiated from complaints received from citizens regarding the existence of weeds, rubbish, refuse and flammable material on residential and commercial parcels. Abatement notices are sent to parcel owners within the City deemed by Fire Department staff to be a public nuisance and dangerous to the public health and safety.

The notice states the time and date of the Public Hearing to be conducted by the City Council. Council may then address any and all objections to the proposed abatement and, as necessary, authorize Fire Department staff to direct the City's contractor to abate parcels Council finds to be a nuisance.

DISCUSSION

Pursuant to Tracy Municipal Code, a Public Hearing is required prior to the abatement of any parcels. Sections 4.12.250 through 4.12.340 of the Tracy Municipal Code set forth the procedure for the City to abate weeds, rubbish, refuse and flammable material on private property.

On June 22, 2017, pursuant to Tracy Municipal Code, Section 4.12.280, the Fire Department sent a notice to the property owner(s) listed in Exhibit “A” to this staff report. That notice required the said property owner(s) to abate weeds, rubbish, refuse and flammable material on his/her parcel within twenty days, and informed the property owner(s) that a Public Hearing would be conducted on July 18, 2017, where any protests regarding the notice to abate would be heard. The Tracy Municipal Code provides that upon failure of the owner, or authorized agent, to abate within 20 days from the date of notice, the City will perform the necessary work by private contractor and the cost of such work will be made a personal obligation of the owner, or become a tax lien against the property.

Under the provisions of Tracy Municipal Code, Section 4.12.290, the Fire Department will proceed at Council's direction with instructing the City's contractor to perform weed, rubbish, refuse and flammable material abatement on the parcels listed in Exhibit “A”. Per the Tracy Municipal Code, property owners are liable for the cost of abatement and will be billed for the actual cost of the City contractor's services, plus a twenty-five percent administrative charge. All unpaid assessments will be filed with the San Joaquin County Auditor Controller's office to establish a lien on the property.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's four strategic priorities.

FISCAL IMPACT

There is \$10,630 budgeted for Fiscal Year 2017-2018, Grounds and Maintenance account, 21122101-5252, that is used for contracting the abatement of weeds, rubbish, refuse and flammable material. There are sufficient funds at this time to accomplish abatement services.

RECOMMENDATION

That City Council conduct a Public Hearing to hear and consider any and all objections to the proposed abatement, and by resolution, declare the weeds, rubbish, refuse, and flammable material located at the parcels listed within Exhibit "A" to be a nuisance, and authorize the Fire Department to direct the City's contractor to abate such nuisance.

Prepared by: Gina Rodriguez, Administrative Assistant II

Reviewed by: David Bramell, Fire Division Chief
Randall Bradley, Fire Chief
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

Attachment: Exhibit A - 2017 Weed Abatement Parcel List

TRACY FIRE DEPARTMENT WEED ABATEMENT LIST - 7/18/2017						
APN	SITUS ADDRESS	NAME/BUSINESS	MAILING ADDRESS	CITY	STATE	ZIP
233-153-03	1458 PARKER AVENUE	SANJEEV MALIK	1458 PARKER AVENUE	TRACY	CA	95376
233-075-16	435 W. BEVERLY PLACE	PRANJALKUMAR & HINA PATEL	2266 LIGHTHOUSE CIRCLE	TRACY	CA	95304
233-161-01	270 W EMERSON AVENUE	SUE LINDLY OHLENDORF	18881 S. LAMMERS ROAD	TRACY	CA	95376
232-240-50	1581 VALERIE LANE	JERRY WALKER	P.O. BOX 1181	TRACY	CA	95378
248-290-51	VACANT LOT PEBBLEBROOKE	COSE CORNER LLC	P.O. BOX 326	TRACY	CA	95378
248-290-52	VACANT LOT PEBBLEBROOKE	COSE CORNER LLC	P.O. BOX 326	TRACY	CA	95378
248-290-53	VACANT LOT PEBBLEBROOKE	COSE CORNER LLC	P.O. BOX 326	TRACY	CA	95378
232-220-63	1401 CHESTER DRIVE	BILLY PRUITT	1401 CHESTER DRIVE	TRACY	CA	95376
244-080-40	1200 MEADOW LANE	HILARIO IBARRA	1200 MEADOW LANE	TRACY	CA	95376
233-340-01	1470 HOLLY DRIVE	MARIO & MARIA ZEPEDA	1470 HOLLY DRIVE	TRACY	CA	95376
233-170-04	1805 ALCOTT PLACE	DANIEL & JULIE GALEAZZI	1805 ALCOTT PLACE	TRACY	CA	95376
238-120-05	1125 TONY STUITT DRIVE	ATUL NANDA	7375 ROLLINGDELL DR #41	CUPERTINO	CA	95014
238-060-09	1180 BERG ROAD	MING WONG	P.O. BOX 975	PLEASANTON	CA	94566
238-060-10	1160 BERG ROAD	STEVEN & SARALYNN BOSKO	3340 EL SUYO DRIVE	SAN RAMON	CA	94583
238-050-13	2660 W. BYRON ROAD	JOHN & PAMELA HINRICHS	379 HUMMINGBIRD LANE	LIVERMORE	CA	94551
240-040-03	25229 S. CORRAL HOLLOW DRIVE	POND CREEK LLC	1620 N. CARPENTER ROAD BLDG B	MODESTO	CA	95351
240-050-38	VACANT LOT	BRIGHT DEVELOPMENT	1620 N. CARPENTER ROAD BLDG B	MODESTO	CA	95351
246-290-12	94 ELYSIAN COURT	PHYRUN & SOKHA HENG	3433 BAGELLO COURT	STOCKTON	CA	95212
235-065-08	55 W. SEVENTH STREET	GEORGE STEPHEN LYNN	55 W. SEVENTH STREET	TRACY	CA	95376
235-065-14	89 W. SEVENTH STREET	BAY AREA INVESTMENT COMPANY INC.	2648 INTERNATIONAL BLVD 8TH F	OAKLAND	CA	94601
235-069-21	59 W. SIXTH STREET	HAMIDULLAH NOOR	905 LEE LANE	CONCORD	CA	94518
235-260-37	460 MT. OSO AVENUE	LG DEVELOPERS LP	332 MANZANITA COURT	MILPITAS	CA	95035
235-260-28	465 CECILIO WAY	CHARLES & MARILYN TUSO	27249 S. LAMMERS ROAD	TRACY	CA	95377
235-260-38	440 MT. OSO ROAD	GARY & ALICIN REEVE	P.O. BOX 215	TRACY	CA	95378
235-260-29	445 CECILIO WAY	COVENANT & ASSOC INC.	20621 SARAZEN PLACE	PATTERSON	CA	95363
214-140-09	2830 SAN ROCO WAY	BRENT SURFIELD	2726 SYDNEY WAY	CASTRO VALLEY	CA	94546
244-330-58	4341 BURR COURT	ENRICO & AIDA ROQUE	4341 BURR COURT	TRACY	CA	95377
214-110-04	2860 LINCOLN BLVD	MIYOKO TOKUDA	1870 HEATHER COURT	TRACY	CA	95376
244-020-03	4005 S. TRACY BLVD	ANGLICAN BISHOP OF SAN JOAQUIN	4159 E. DAKOTA AVENUE	FRESNO	CA	93726
246-110-35	2001 EARL WAY	RICHARD SCHOTT	618 HILLSIDE BLVD	SOUTH SAN FRANCISCO	CA	94080
246-180-61	945 PEERLESS COURT	RICHARD & JUNHUI ZHU	1262 LE MANS COURT	LIVERMORE	CA	94551
233-120-03	20 W. HIGHLAND AVENUE	ALEXANDRA BLACK	20 W. HIGHLAND AVENUE	TRACY	CA	95376
242-090-50	1191 PROVIDENCE COURT	GLORIA SALES	1191 PROVIDENCE COURT	TRACY	CA	95376
238-080-03	2850 W. BYRON ROAD	SHAWN STEELE	2850 W. BYRON ROAD #1	TRACY	CA	95377
238-080-04	12920 W. BYRON ROAD	SHAWN STEELE	2850 W. BYRON ROAD #1	TRACY	CA	95377
235-390-30	341 BALDWIN LANE	MINHAJ & SAMIUN SHAHAB	341 BALDWIN LANE	TRACY	CA	95376
238-360-57	3042 LOGGINS LANE	DOUGLAS & HONGYI MARSTON	218 W. CLAIFORNIA AVENUE	SUNNYVALE	CA	94086
232-090-06	1700 DUNCAN DRIVE	RONALD MULLINS	1377 LILLIAN STREET	LIVERMORE	CA	94550
244-040-01	11150 W. VALPICO ROAD	JC TRACY GROUP LLC	33768 TRAILSIDE WAY	UNION CITY	CA	94587
235-270-02	465 GIANELLI STREET	JASWANT SINGH	1501 PARADISE ROAD	MODESTO	CA	95351

TRACY FIRE DEPARTMENT WEED ABATEMENT LIST - 7/18/2017						
APN	SITUS ADDRESS	NAME/BUSINESS	MAILING ADDRESS	CITY	STATE	ZIP
235-100-72	VACANT LOT MT. OSO	JOHN & VIGINIA VASQUEZ	7715 AMBER WAY	STOCKTON	CA	95207
235-100-71	280 W. MT DIABLO AVENUE - VACANT	JOHN & VIGINIA VASQUEZ	7715 AMBER WAY	STOCKTON	CA	95207
235-100-15	302 W. MT DIABLO AVENUE	KRISHNA REDDY	500 LARKIN STREET	SAN FRANCISCO	CA	94102
213-362-42	3384 ERNEST DRVIE	JUAN THANH NGUYEN	3248 KENHILL DRVIE	SAN JOSE	CA	95111
235-270-01	435 GIANELLI STREET	QHAIS TABIBI ETAL	435 GIANELLI STREET	TRACY	CA	95376
233-270-25	VACANT LOT HOLLY DRIVE	DONNA PIRRO	650 E. 11TH STREET	TRACY	CA	95376
244-130-25	3687 NEWBURY COURT	EDGAR PETRIG	3265 BAYWOOD LANE	NAPA	CA	94558
238-200-48	2833 DORSET LANE	CHIAN LIU	1112 S. STELLING ROAD	CUPERTINO	CA	95014
232-143-11	1375 W. LOWELL AVENUE	JOHNNIE SKIPPER	1375 W. LOWELL AVENUE	TRACY	CA	95376
214-520-10	2490 ALTOGA AVENUE - VACANT	AY KUANG SAECHAO	2900 23RD AVENUE	OAKLAND	CA	94606
246-330-37	2155 DEVIN COURT	LI H BERKLEY	2155 DEVIN COURT	TRACY	CA	95376
235-066-08	615 N. C STREET	STAN SHORE	242 KELLOGG AVENUE	PALO ALTO	CA	94301
232-210-32	1361 MCDERMOTT COURT	BRIAN FEDERICO	P.O. BOX 1026	TRACY	CA	95378
235-420-13	VACANT LOT MT. DIABLO	JULIA HASHEMIEH	20398 BLAUER DRIVE	SARATOGA	CA	95070
240-440-56	2689 JACKSON AVENUE	LAWERENCE & AMY SHERIDAN	2689 JACKSON AVENUE	TRACY	CA	95377
242-040-49	VACANT LOT ON DOVE DRIVE & MITS	MERITAGE HOMES OF CALIF. INC	8800 E. RAINTREE DR. #300	SCOTTSDALE	AZ	85260
	PROPERTIES CLEARED BEFORE COUNCIL MEETING					

RESOLUTION _____

DECLARING THE EXISTENCE OF WEEDS, RUBBISH, REFUSE AND FLAMMABLE
MATERIAL ON THE PARCELS LISTED IN EXHIBIT "A", A NUISANCE AUTHORIZING FIRE
DEPARTMENT STAFF TO ORDER CONTRACTOR TO ABATE

WHEREAS, On June 22, 2017 pursuant to Tracy Municipal Code, Section 4.12.280, Fire Department staff mailed, via certified mail, a notice to the owners of record listed within Exhibit "A", that the existence of weeds, rubbish, refuse and flammable material on said parcel in the City of Tracy constitutes a nuisance and is dangerous to public health and safety of the inhabitants of the City pursuant to Section 4.12.260 of the Tracy Municipal Code, and

WHEREAS, The notices included an order to abate said nuisance within 20 days and informed the property owner(s) of their opportunity to appear and object to the abatement of such nuisance at a public hearing before the City Council on July 18, 2017, and

WHEREAS, The County Assessor's Office shows the mailing address for the owner(s) of record of the subject parcels as listed within Exhibit "A", and a notice to abate and the notice of the public hearing was sent in a timely manner to that address by certified mail, and

WHEREAS, Objections, if any, to said abatement have been heard and considered, and

WHEREAS, The Fire Department has budgeted \$10,630 in FY 2017-2018 for weed, rubbish, refuse and flammable material abatement;

NOW, THEREFORE, BE IT RESOLVED, That the City Council declares the weeds, rubbish, refuses and flammable material on the parcels listed within Exhibit "A" to be a nuisance and further authorizes Fire Department staff to order the City's contractor to abate the accumulation of weeds, rubbish, refuse and flammable materials on the listed parcels.

* * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 18th day of July, 2017 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 4

REQUEST

**INTRODUCE AND WAIVE THE FIRST READING OF AN ORDINANCE AMENDING
CHAPTER 5.24 (WASTE DISPOSAL) OF THE TRACY MUNICIPAL CODE IN
ACCORDANCE WITH FEDERAL AND STATE WASTEWATER REGULATIONS**

EXECUTIVE SUMMARY

Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution, also known as The Streamlining Rule, was published in the Federal Register on October 15, 2005 (70 Fed. Reg. 60134), and became effective November 14, 2005. The Streamlining Rule revises several provisions of the General Pretreatment Regulations (40 CFR Part 403) and was designed to reduce the overall regulatory burden on both Industrial Users (IUs) and Publically Owned Treatment Works (POTWs) without adversely affecting environmental protection.

The Central Valley Water Quality Control Board (CVRWQCB) set forth waste discharge requirements for the City of Tracy wastewater treatment plant through a National Pollutant Discharge Elimination System (NPDES) permit, pursuant to Section 402 of the Clean Water Act (CWA) and implementing regulations adopted by USEPA and Chapter 5.5, Division 7 of the California Water Code. One such requirement of the CWA for a facility such as the City of Tracy's wastewater treatment plant (WWTP) is the creation and implementation of a pretreatment program. POTW pretreatment programs are typically inspected every other year to determine compliance with requirements of the NPDES permit and State and Federal regulations. On June 13, 2016, a Pretreatment Compliance Inspection (PCI) to review the City of Tracy's Pretreatment Program, was conducted by an EPA contracted company, Tetra Tech, on behalf of the CVRWQCB. The final report submitted to the City on November 10, 2016 contained seventeen required actions and thirteen strongly recommended actions to improve the City's Pretreatment program. Several of these requirements and recommendations involve changes to the Title 5, Chapter 5.24, Waste Disposal, of the Tracy Municipal Code, also known as the Sewer Use Ordinance. Staff is also amending the Code to reflect changes in departmental responsibilities now that the Utilities Department, instead of the Public Works Department, is responsible for enforcing these provisions.

DISCUSSION

The EPA had identified thirteen rule changes that were more stringent than existing provisions in 40 CFR Part 403, and would require changes to the City's WWTP. The following changes would apply to the City.

1. Streamlining Rule #4

- Significant industrial users (SIUs) are required to notify the City immediately of changes that occur at the facility affecting the potential for a non-routine (slug) discharge.

2. Streamlining Rule #5

- The Streamlining Rule made several wording changes that expand the types of Standards and Requirements that are to be considered when determining whether an SIU's violations constitute Significant Noncompliance (SNC).

The Pretreatment Compliance Inspection report contained the following elements which require changes to the City of Tracy's Waste Disposal ordinance which contains regulations for the use of the City's sewer system:

1. PCI Requirement #2

- The definition of "authorized representative" is outdated and does not reflect the federal definition.

2. PCI Requirement #3

- The City has several requirements in its SUO that it are not practical or cost effective, therefore the City is required to update the SUO to modify or remove these items:

- 1) Prohibiting the discharge of any water or wastes having a biochemical oxygen demand (BOD) greater than 190 mg/L or total suspended solids (TSS) of more than 275 mg/L.
- 2) Requiring each user to develop a slug control plan.
- 3) Issuance of a minimum of \$1,000 civil penalties for all permit and SUO violations.

3. PCI Requirement #5

- The City's WWTP is required to develop and effectively enforce technologically based limitations on wastewater strength (local limits) and to continue to develop those local limits as necessary.

Other changes to the TMC

STRATEGIC PLAN

This agenda item does not relate to the Council's Strategic Plans.

FISCAL IMPACT

The City includes the costs of regulatory compliance and inspections in the operating budget of the Wastewater fund.

RECOMMENDATION

Staff recommends City Council introduce and waive the first reading of an ordinance amending provisions of Chapter 5.24 (WASTE DISPOSAL) of the Tracy Municipal Code in accordance with Federal and State Wastewater Regulations.

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Page 3

Prepared by: Tasha Cheney, Environmental Compliance Officer, Utilities Department

Reviewed by: Kul Sharma, Utilities Director
Karin Schneider, Finance Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment A: Proposed Ordinance (showing tracked changes)

Attachment B: Proposed Ordinance

Chapter 5.24 - WASTE DISPOSAL

Article 1. - General Provisions

Article 1. - General Provisions

5.24.010 - Purpose and policy.

- (a) The purpose of this chapter is to provide uniform requirements for discharges into the City wastewater collection and treatment system and also to protect the local environment from the disposal of other undesirable wastes or materials.
- (b) This chapter enables the City to:
 - (1) Comply with the administrative provisions of the Clean Water Grant Regulations, the water quality requirements set by the Regional Water Quality Control Board, national standards of performance, State and Federal toxic discharge and pretreatment standards and any other criteria which are required or authorized by State or Federal law related to waste disposal;
 - (2) Prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system, pass through the system inadequately treated, contaminate the resultant sludge or impair the opportunity to recycle products of the treatment process;
 - (3) Provide for the equitable distribution of costs related to wastewater treatment and collection. This includes collection of revenues necessary for the maintenance of adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements and depreciation;
 - (4) Provide for the issuance of permits to certain persons who are, by contract or agreement with the City, users of the City publicly owned treatment works (POTW).
- (c) This article regulating waste disposal shall supersede all previous ordinances governing the items covered in this chapter. In the event there are any conflicts or inconsistencies between the provisions of this article and other provisions previously written in the City's Codes, the provisions of this chapter shall apply.
- (d) The provisions of this chapter shall apply to the direct or indirect discharge of all liquid wastes carried to the City's publicly owned treatment works (POTW). Except as otherwise provided, the Director of Utilities ~~Public Works~~ enforces the provisions of this chapter.

5.24.020 - Definitions.

(Prior code § 5-6.102)

5.24.030 - Adoption of definitions.

Unless otherwise defined herein, terms shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

(Prior code § 5-6.102.1)

5.24.040 - Definitions used in the article.

For purposes of this chapter, the following words, phrases, and abbreviations shall have the meanings respectively ascribed to them in this section unless the context specifically indicates otherwise.

"Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act.

"Applicant" means any person or group of persons, who applies for sewer service or a wastewater discharge permit.

An "authorized representative" of an industrial user shall be:

- (1) A responsible corporate officer such as a president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation;
- (2) A manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures of the corporation if the facility employs more than 250 persons or has gross national sales or expenditures exceeding Twenty-Five Million and no/100ths (\$25,000,000.00) Dollars, as long as the manager has been authorized to sign reports in accordance with proper corporate procedures;
- (3) A duly authorized representative of a responsible corporate officer of the individual user such as a plant manager, individual having overall responsibility for environmental matters for the user, superintendent or operator of a well or well field; if the authorization is made in writing by the responsible corporate officer; the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and the written authorization is submitted to the Control Authority

(4) A general partner or proprietor if the company is a partnership or sole proprietorship respectively.

(5) If an authorization under paragraph (3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (3) of this section must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

"Batch dumps" means the discharge of concentrated non-compatible pollutants in a manner or method that is not approved by the City.

"Biochemical oxygen demand (BOD)" means that quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five (5) days at twenty (20°) degrees centigrade expressed in terms of weight and concentration (milligrams per liter, mg/l).

"Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

"Categorical pretreatment standard" is any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405—471.

"City" means the City of Tracy, City Manager or his designee, or the City Council of Tracy.

"C.O.D. (chemical oxygen demand)" means the measure of chemically oxidizable material in domestic or other wastewaters as determined by appropriate testing procedures and expressed in terms of mass per volume (mg/l).

"Code" means the Tracy Municipal Code.

"Commercial user" means all retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

"Composite sample" means a collection of individual samples obtained at intervals during a specified period of time. Flow-proportioned composite samples are obtained by collecting incremental samples with volumes proportional to flow. The resulting mixture (composite sample) forms a representative sample of the waste stream discharged during the sample period.

"Compatible pollutant" means a combination of biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria, plus other pollutants that the City's POTW facilities are designed to accept and/or remove. Some compatible pollutants may be considered incompatible when discharged in significant quantities.

"Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

"Council" means the City Council of the City of Tracy.

"Customer" means any person, firm, association, corporation, or governmental agency served or entitled to be served by the City, for or without compensation.

"Daily maximum limit" means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

"Developer" means any person, or group of persons, who requests the Council to extend its sewage collection facilities.

"Development" means a parcel of land on which dwelling units, commercial or industrial buildings or other improvements are built.

"Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the State of California.

"Director" means the Director of ~~Public Works-Utilities~~ of the City or his authorized representative, acting within the scope of his assigned duties.

"Domestic user" means a user discharging domestic wastewater from a private dwelling.

"Domestic wastewater" means the liquid and solid and waterborne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private disposal system.

"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. For the purpose of this article, a mobile home space shall be considered a dwelling unit. More than one dwelling unit per structure and/or lot shall be deemed multiple dwelling units.

"Enforcement Compliance Schedule Agreement (ECSA)" means a mutual agreement between the City and the user amending the permit pretreatment practices and/or installation of equipment to insure permit compliance.

"Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

"Finance Director" means the Finance Manager of the City of Tracy.

"Floor area" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of ramps, docks, vents, shafts, and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the floor or roof above.

"Grab sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the rate of flow in the waste stream and without consideration of time.

"Grease, oil and fats" means any material, or like material, that is free or extractable.

"Holding tank waste" means any waste from holding tanks such as those located on or in vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

"Incompatible pollutant" means any pollutant which is not a compatible pollutant as defined herein.

"Indirect discharge" means the discharge or the introduction of pollutants from any non-domestic source regulated under section 307(b) or (c) of the Act (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into the system).

"Industrial user" means any user that is a source of indirect discharge.

"Industrial wastewater" means all water-carried wastes and wastewater of the community, excluding domestic wastewater, and shall include all wastewater from any producing, manufacturing, processing, agricultural or other operation. These may also include wastes of human origin similar to domestic wastewaters.

"Inspector" means a person authorized by the Director to inspect any development discharging or anticipating discharge to wastewater conveyance, processing and disposal facilities.

"Instantaneous limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

"Institutional user" means any user, including any outside user, public or private, operating a nonprofit school, church, hospital, lodge or club.

"Interference" means the inhibition or disruption of the POTW treatment processes or operations which may contribute to the violation of any requirement of the City's National Pollution Discharge Elimination System permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

"Liquid waste manifest" means that receipt which is retained by the generator as required by the California Department of Health Services and/or the United States Government pursuant to the Resources Conservation Recovery Act.

"Mass emission rate" means the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

"May" means permissive.

"Milligrams per liter" means a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the formerly commonly used

unit "parts per million," to which it is approximately equivalent in reporting the results of water and wastewater analysis.

"National pretreatment standard," "pretreatment standard" or "standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to section 403.5 of this Act.

"New construction" means any structure planned or under construction for which a connection permit has not been issued.

"New source" means any source, the construction of which is commenced after the publication of proposed regulations prescribing section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source.

"Normal working day" means the period of time during which production and/or operation is taking place.

"Pass-through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

"Permittee" means a person who has applied for and received permission to discharge pollutants into Tracy's sewerage system subject to the requirements and conditions established by the City.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representative, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

"Pesticides" means those compounds, including, but not limited to, DDT (dichlorodipheyltrichloroethane, both isomers), DDE (dichlorodiphenylethylene), DDD (dichlorodiphenyldichloroethane), aldrin, benzene hexachloride (alpha, beta and gamma isomers), chlordane, endrin, endrin aldehyde, 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD), toxaphene, alpha-endosulfan, beta-endosulfan, endosulfan sulfate, heptachlor, heptachlor epoxide, dieldrin.

"pH" means the logarithm of the reciprocal of the quantity of hydrogen ions in moles per liter of solution used in expressing both acidity and alkalinity on a scale ranging from zero to fourteen (14) where seven (7) represents neutrality, numbers less than seven (7) increasing acidity, and more than seven (7) increasing alkalinity.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked, or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

"Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, and the radiological integrity of water.

"Polychlorinated biphenyls (PCB)" means those compounds, including, but not limited to, Aroclors, 1016, 1221, 1228, 1232, 1248, 1254, 1260, and 1262.

"Pretreatment or treatment" means the reduction of the amounts of pollutants, the concentration of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by 40 CFR section 403.6(d).

"Pretreatment requirements" means any substantive or procedural requirements related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

"Priority pollutants" means a listing of the toxic pollutants identified by EPA as having the greatest environmental concern and as incompatible and requiring pretreatment prior to discharge in order to prevent interference with POTW's operation, sludge contamination or treatment system pass-through into receiving waters or into the atmosphere.

"Public agency" means the State of California and any city, county, district, other local authority or public body of or within this State.

"Publicly owned treatment works (POTW)" means a treatment works as defined by section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipe, sewers of other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

"Public sewer" means a sewer owned and operated by the City. All public sewers must be constructed in accordance with Tracy's regulations and specifications for construction of sanitary sewers.

"RCRA" means Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901, et seq.).

"Regulatory agencies" means those agencies affecting the operation of Tracy's sewer system, including, but not limited to, the following:

- (1) United States Environmental Protection Agency, San Francisco and Washington, DC (EPA);
- (2) California State Water Resources Control Board (SWRCB); and
- (3) California Regional Water Quality Control Board (RWQCB).

"Regulatory compliance schedule agreement (RCSA)" means an agreement between the City and permittee to implement pretreatment practices and/or install equipment to ensure compliance with future revised categorical pretreatment standards or revised discharge limitations.

"Routine sampling" means sampling conducted prior to any enforcement action(s) initiated by the City. Sampling shall consist of either grab or composite sampling which may be conducted at the Director's discretion.

"Sanitary sewage" means the portion of sewage exclusive of industrial wastes and stormwaters.

"Sanitary sewer" means a sewer to which storm, surface and ground waters are not intentionally admitted.

"Sanitary waste" means domestic wastewater.

"Sewage" means water carrying wastes from residences, business buildings, institutions and industrial establishments, together with such other waters as may be present, or any combination of such wastes and water. Also see wastewater.

"Sewage facilities" means any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.

"Sewage works" means all sewer and facilities operated for carrying, collecting, pumping, treating, and disposing of sewage; also POTW.

"Sewer" means a pipe or conduit for carrying sewage.

"Sewer lateral" means the pipe between the City's sewer line and the customer's service connection at the edge of the street or easement.

"Shall" means mandatory.

"Side sewer" means a connection with a sewer lateral from a house or other structure; also building sewer.

"Significant industrial user" means, except as provided in subsection (3) of this definition:

- (1) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
- (2) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary non-contact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five (5%) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
- (3) The City may determine that an industrial user subject to categorical pretreatment standards under section 403.6 and 40 CFR chapter I, subchapter N is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day of total categorical wastewater, (excluding sanitary, non-contact cooling and boiler blowdown wastewater,

unless specifically included in the pretreatment standard) and the following conditions are met:

- (i) The industrial user, prior to the City's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
- (ii) The industrial user annually submits the certification statement required in 40 CFR section 403.12(q) together with any additional information necessary to support the certification statement; and
- (iii) The industrial user never discharges any untreated concentrated wastewater.

Upon finding that an industrial user meeting the criteria in subsection (1) of this definition has no reasonable potential for adversely affecting POTW's operation or for violation any pretreatment standards or requirement, the City may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

- (4) Has, in his wastes, toxic pollutants in toxic amounts as defined in the standards issued under section 307a of the Federal Act;
- (5) Is found by the City to have a significant impact, either singularly or in combination with other contributing industries, on the POTW or sewage collection system;
- (6) Is otherwise subject to Federal categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or
- (7) Has a discharge of wastewater which may contain, at any given time, any of the components as referred to in section ~~5.24.1105-6.207~~, Limitations on Radioactive Wastes, and in section ~~5-6.2025.24.060~~, Limitations on Wastewater Strength.

"Significant noncompliance" if the violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66%) percent or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1); the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33%) percent or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(1) of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) pretreatment effluent limit (daily maximum, or longer-term average, instantaneous limit, or narrative Standard) that the Control Authority determines has

caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

"Slug discharge" means any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

"Standard industrial classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

"State" means the State of California.

"Storm sewers or storm drains" means a sewer which carries storm and surface water but excludes sewage and polluted industrial wastes.

"Stormwater" means any flow occurring during or following any form of natural precipitation and resulting therefrom.

"Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.

"Temporary user" means any discharger who is granted temporary permission by the City to discharge unpolluted water, storm drainage or ground water to the City's sewerage facilities.

"T.O.C. (total organic carbon)" means the measure of total organic carbon in domestic or other wastewater as determined by the appropriate testing procedure.

"Total halomethane" means the sum of all quantifiable values greater than 0.01 milligrams per liter of the following components: bromodichloromethane, dibromochloromethane, chloroform, bromoform, methylene chloride, chloromethane, and bromomethane. Halomethane means a methane molecule having one or more halogen atoms attached to it, including, but not limited to, bromodichloromethane, dibromochloromethane, chloroform, bromoform, methylene chloride, chloromethane, and bromomethane. Halogen atom means fluorine, chlorine, bromine, or iodine.

"Total toxic organics (TTO)" means the summation of all quantifiable values greater than 0.01 milligrams per liter for the toxic organics listed in 40 CFR 401.15.

"Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

"Unpolluted water" means water to which no constituent has been added either intentionally or accidentally.

"User" means any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

"User charge" means a charge established and levied by the City that provides for the operation and maintenance expenses, capital expansion, capital recovery and adequate reserves for the sewage treatment works upon residential, commercial and industrial users in proportion to the use of the treatment works by their respective class.

"Waste" means sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

"Wastehauler" means any person carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for the purpose of discharging said waste into the City's system.

"Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW. Also see sewage.

"Wastewater constituents and characteristics" means the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the quality and quantity of wastewater.

(1) Abbreviations. The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
L	Liter

mg	Milligrams
mg/L	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SS	Suspended Solids
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
USC	United States Code

- (2) Word Usage. Words used in this article in the singular may include the plural and plural the singular. Use of masculine shall include feminine and use of feminine shall include masculine.

(Ord. 1119 §§ 1, 2, 2008; prior code § 5-6.102.2)

Article 2. - Regulations

5.24.050 - Prohibitions on discharge.

- (a) No person shall discharge to the City's sewer system wastes which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances:
- (1) A fire or explosion; prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
 - (i) Wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit or sixty (60°) degrees Centigrade (using the test methods specified in 40 CFR 261.21).
 - (2) Obstruction of flow in the sewer system or damage to the sewerage facilities;
 - (3) Danger to life or safety of any person or that which threatens the health of the public;

- (4) Impairment of the effective maintenance or operation of the sewerage system;
 - (5) The release of toxic or malodorous gas or malodorous gas producing substances;
 - (6) The discharge of any pollutant, including oxygen-demanding pollutants (such as biochemical oxygen demand (BOD)), released in a discharge at a flow rate or pollutant concentration that will cause interference in the wastewater treatment process;
 - (7) Any waste containing an incompatible pollutant;
 - (8) Any compatible pollutant in excess of that permitted in the City's permit or special agreement;
 - (9) The City's effluent or any other product of the treatment process, residues, sludges or scums, to be unsuitable for reclamation, reuse or disposal;
 - (10) Discoloration or any other condition which affects the quality of the City's treatment works effluent in such a manner that receiving water quality requirements established by regulatory agencies cannot be met;
 - (11) Quantities or rates of flow which overload the City's collection or treatment facilities, or cause excessive City collection or treatment cost, or may use a disproportionate share of the City's facilities;
 - (12) Any discharge of any pollutant that causes pass-through is prohibited;
 - (13) Conditions which violate any statute or any rule, regulation, or ordinance of any public agency or State or Federal regulatory body having jurisdiction over the discharge of wastewater through the sanitary sewer system;
 - (14) Any water or wastes having a pH lower than six (6.0) or higher than nine (9.0) or having any other corrosive property capable of causing damages or injuries to structures, equipment, or personnel of the City;
 - (15) A temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 104 degrees Fahrenheit (forty (40°) degrees Centigrade);
 - ~~(16) Any water or wastes having a BOD greater than 190 mg/L (the average BOD for residential users), unless a City permit is obtained;~~
 - ~~(17) Any waters or wastes containing more than 275 mg/L of suspended solids (the average suspended solids for residential users), unless a City permit is obtained;~~
 - ~~(186)~~ Any wastes requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes;
 - ~~(197)~~ Any water or wastes containing algaecides, fungicides, antibiotics, insecticides, herbicides, strong oxidizing agents, or strong reducing agents.
- (b) No person shall discharge by vehicular transport, rail car, or dedicated pipeline, directly or indirectly, to the POTW any substance that is defined as a hazardous waste by the Regulatory Agencies.

- (c) No person shall transport from one location or facility to another for the purpose of treating or discharging it directly or indirectly to the POTW without written permission from the Director.
- (d) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the following provisions:
 - (1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the City, if possible, at least ten (10) days before the date of the bypass. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the City within twenty-four (24) hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
 - (2) Bypass is prohibited, and the City may take enforcement action against an industrial user for a bypass, unless:

Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;

There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

The industrial user submitted notices as required under subsection (d)(1) of this section.

The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three (3) conditions listed in subsection (d)(2) of this section.

(Ord. 1119 § 3, 2008; prior code § 5-6.201)

5.24.060 - Limitations on wastewater strength.

- (a) No person shall discharge wastewater containing constituents in excess of the quantities listed in Table 1.

TABLE 1
DISCHARGE LIMITS, mg/L

Constituent	Limit mg/L
Antimony	3.56
Arsenic	0.05
Beryllium	0.46
Cadmium	0.05
Chromium	1.18
Copper	1.51
Cyanide (Total)	0.34
Lead	0.6
Mercury	0.03
Molybdenum	0.14
Nickel	0.17
Selenium	0.05
Silver	0.94
Zinc	1.4
Ammonia	265
MBAS	250

Sulfate	300
Sulfide	10
Benzene	0.13
bis(2-ethylhexyl)phthalate	5.1
Chlorobenzene	2.35
Chloroform	0.42
1,4-Dichlorobenzene	2.6
Dichloromethane	1.5
cis 1,3 Dichloropropene	0.09
Ethylbenzene	1.59
Total Halomethanes	10
<u>Total Oil and Grease</u>	<u>525</u>
Phenol	125
Tetrachloroethene (PCE)	0.51
Toluene	1.31
Tributyltin	0.07
1,1,1-Trichloroethane	1.55
Trichloroethene (TCE)	0.71

The term "free cyanide" means those cyanides amenable to chlorination as described in the Annual Book of ASTM Standards, 1972, Standard D 2-36-72 Method B, page 553.

(b) No person shall discharge any wastewater:

~~(1) Containing more than 525 mg/L of oil or grease of mineral, petroleum, animal, or vegetable origin;~~

(21) In violation of any applicable federal categorical or state standards or other local regulations covering wastewater disposal;

(32) Containing constituents in excess of the levels stated in their annual discharge permit.

The above limits may be modified by Council resolution for purposes of preventing POTW pass-through and/or interference.

(Ord. 1119 § 3, 2008; prior code § 5-6.202, as amended by § 1, Ord. 966 C.S., eff. January 15, 1998)

5.24.070 - Accidental discharges/slug discharges.

(a) Each user will ensure that the POTW is protected from discharge of prohibited materials or other substances regulated by this chapter. Such protection shall be provided and maintained by the user at the owner's or user's own cost and expense. Detailed plans showing protection shall be submitted to the City for review and shall be approved by the City before construction of the facility. All existing users shall complete such a plan within twelve (12) months of the date that these ordinances become effective. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutant(s) into the system until accidental/slug discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter.

Significant industrial users may be required to submit a Slug Discharge Control Plan to the City upon request, which shall contain, at a minimum, the following elements:

~~(1) Slug Control Plan. The plan shall contain, at a minimum, the following elements:~~

- (i) Description of discharge practices, including non-routine batch discharges;
- (ii) Description of stored chemicals;
- (iii) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days;
- (iv) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic

organic pollutants, (including solvents), and/or measures and equipment for emergency response.

- (b) Notification. Users are required to notify the Director immediately of any changes at its facility affecting the potential for a slug discharge. In the case of an accidental or slug load discharge, it is the responsibility of the user to immediately notify the POTW of the incident. Notification shall identify the location of the discharge, the type, concentration, and volume of waste, and corrective actions taken and/or anticipated.~~Notification. In the case of discharge of any wastewater or other material suspected of causing interference to the POTW, causing any unusual volume of flow or concentration of wastes, or regulated by this chapter, it is the responsibility of the user to immediately notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions taken by the user.~~
- (c) Written Notification. Within five (5) days following an accidental/slug discharge, the user shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fine, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(Prior code § 5-6.203)

5.24.080 - Prohibition on storm drainage and ground water.

Storm water, ground water, rain water, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to a sewer unless a permit is issued by the City. The City may approve the discharge of such water only when no reasonable alternative method of disposal is available. If a permit is granted for the discharge of such water into a sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the City. Discharge of hazardous or toxic materials, or water containing hazardous or toxic materials, into the storm drain system is prohibited.

(Prior code § 5-6.204)

5.24.090 - Dilution water.

Any water added for the purpose of diluting wastes in lieu of treatment, to reduce the concentrations of pollutants present, or as a partial substitute for treatment is prohibited.

(Prior code § 5-6.205)

5.24.100 - Prohibition on unpolluted water.

Unpolluted water, including, but not limited to cooling water, process water or blow-down from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to a sewer unless a permit is issued by the City. The City may approve the discharge of such water only when no reasonable alternative method of disposal is available. If a permit is granted for the discharge of such water into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the City.

(Prior code § 5-6.206)

5.24.110 - Limitations on radioactive wastes.

No person shall discharge, or cause to be discharged, any radioactive waste into a public sewer except:

- (a) When the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials; and
- (b) When the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) for safe disposal; and
- (c) When the person is in compliance with all rules and regulations of all other applicable regulatory agencies; and
- (d) When a permit has been obtained from the City.

(Prior code § 5-6.207)

5.24.120 - Limitations on the use of grinders.

Wastes from garbage grinders shall not be discharged into a community sewer except:

- (a) Wastes generated in preparation for food normally consumed on the premises; or
- (b) Where the user has obtained a permit for that specific use from the City, and agrees to undertake whatever self-monitoring is required to enable the City to equitably determine the charges and fees based on the waste constituents and characteristics.

Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

(Prior code § 5-6.208)

5.24.130 - Notification of hazardous waste discharges.

- (a) All Industrial Users shall notify the City, EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW

of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. Industrial users shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d), and (e).

- (b) Dischargers are exempt from the requirements of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

- (c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the City of Tracy, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under paragraph (a) of this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(Prior code § 5-6.209)

5.24.140 - Limitations of the point of discharge.

- (a) No person, except local sewerage agencies involved in maintenance functions of sanitary sewer facilities, shall discharge any wastewater, waste products, solids or other fluids directly into a manhole or other opening in a sewer other than through an approved building sewer, unless, upon a written application by the user and payment of the applicable user charges and fees, the City issues a permit for such direct discharges.

- (b) No person except the City sewerage agencies shall leave open an unprotected sewer manhole.
- (c) Accidental spills into a City manhole must be reported to Tracy's POTW immediately by phone.

(Prior code § 5-6.210)

5.24.150 - Holding tank wastes.

- (a) No person shall discharge any holding tank waste into a community sewer unless he has been issued a permit by the City and the Public Health Services of San Joaquin County unless otherwise allowed by the City under the terms and conditions of their permit. A separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the City.
 - (1) An exception to the above is that no permit will be required of City residents for discharge of domestic wastes from recreational vehicle holding tanks provided that such discharges are made into a City approved facility designed to receive such wastes.

(Prior code § 5-6.211)

5.24.160 - Pretreatment requirements.

The City shall implement and enforce its POTW Pretreatment Program as determined necessary. Users shall make wastewater acceptable under the limitations established therein before discharging into any sewer. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City before construction of the facility, along with an application for a permit to discharge wastewater, or a compliance schedule, as necessary. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to provide an effluent which complies with the provisions of this article. In such cases of non-compliance, the user will be subject to all the provisions of Article 6 of this chapter including the requirement for a compliance schedule for the installation and proper management of new pretreatment technology.

(Prior code § 5-6.212)

5.24.170 - Screened industrial wastes.

No person shall discharge, cause, allow or permit to be discharged into the sanitary sewer system, or any part thereof, any industrial wastes unless such wastes have first been passed

through twenty (20) mesh screens. This includes any garbage or any fruit, vegetable, animal, fish, or other solid industrial wastes resulting from the processing, packaging, or canning of fruits, vegetables, fish or other foods or products.

The Director, by written permit, may authorize the discharge into the sanitary sewer system of such wastes if they are first passed through screens having larger openings if the Director is satisfied that such larger openings will provide screening efficiency and effectiveness equal to or better than that provided by the above specified openings.

Each person who shall discharge, cause, allow, or permit to be discharged into the sanitary sewer system of the City, or any part thereof, any such wastes resulting from the processing, packaging or canning of fruits, vegetables, fish, or other foods or products shall install within or upon the premises from which such wastes are discharged, before such discharge of any wastes is made into the City's sanitary sewer system, or any part of such system, and thereafter maintain in good operating order, screens as specified in this section and appurtenances thereto, including, but not limited to all the necessary conveyors and elevators, all in sufficient quantity and of sufficient size and quality, to continuously and effectively screen not less than 100 percent of the peak hydraulic and solids loading imposed upon such screens and appurtenances during any processing period.

No one shall discharge any screened waste into the sanitary sewer system, or any part of the system, unless and until he shall obtain from the Director advance approval to do so. The Director may require such persons to provide to the Director a report prepared by a registered engineer which shows, to the satisfaction of the Director, that the provisions of this section have been complied with by the discharger. The Director may also make such field tests and investigations as he deems necessary to satisfy himself that the provisions of this section have been complied with by the discharger. The Director shall not give such written approval if any such wastes cannot be processed successfully by the physical and biological processing units of the waste treatment plant.

Any and all equipment, sewer, pipelines, floor drains, or other facilities capable of discharging any garbage, fruit, vegetable, animal, fish, or any other solid industrial wastes resulting from the processing or packaging of the above or other foods or products into the sanitary system, or any part thereof, before such wastes have been screened as required by this section shall hereafter be locked, closed, and sealed in an approved manner. No person shall remove any such lock or seal, and no person shall discharge, or cause, or permit to be discharged, into any such equipment, sewers, pipelines, floor drains, or other facilities capable of discharging into the sanitary sewer system, or any part thereof, any unscreened industrial wastes without first having obtained from the Director his consent to do so.

(Prior code § 5-6.212.1)

5.24.180 - Grease, oil, and sand interceptors.

Grease, oil, and sand interceptors shall be provided by the waste discharger in restaurants, buildings with cafeterias, service stations, and when, in the reasonable opinion of the City, they are necessary for the proper handling of any flammable wastes, sand, grease, oil or other harmful

ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type and capacity approved by the City and shall be so located as to be readily and easily accessible for cleaning and inspections. Discharges from urinals, toilets, wash basins and other fixtures containing fecal material shall not flow through the interceptor.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers which when bolted in place, shall be gas tight and water-tight. When installed, all grease, oil, and sand interceptors shall be maintained by and at the discharger's expense in continuously efficient operation.

The use of chemicals or biological agents for removing or dissolving grease in a grease interceptor is prohibited. The discharger shall keep a record of the cleaning and maintenance of the grease interceptor, with receipts from the company doing the cleaning. These records shall be made available upon demand to the City.

Before installation of any interceptor, approval must be obtained from the City. The City has the right of final approval of the type and required size of the grease and oil interceptors.

(Prior code § 5-6.212.2)

5.24.190 - Pretreatment required by federal categorical standards.

All users subject to national categorical pretreatment standards found in 40 CFR Chapter I, subchapter N, Parts 405-471 shall be required to meet those standards by the compliance dates specified in those requirements or, in the case of new industrial users, upon commencement of the discharge. Upon the promulgation of new standards for a particular industrial category, those limitations shall immediately apply. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the City pursuant to EPA regulations set forth in 40 CFR Section 403.6. Local limits established by this document, however, take precedence over a categorical standard, if the local limit is more stringent.

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, the user, subject to pretreatment standards and requirements, shall submit to the Director a compliance report indicating the nature and concentration of all pollutants in the discharge and the average and maximum daily flow from the regulated processes which are limited by pretreatment standards. Pollutant data shall be based on, but not limited to, at least one flow-paced composite sample. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.

Those users who are not in compliance with the applicable pretreatment standards or requirements by the compliance dates must enter into an Enforcement Compliance Schedule Agreement and will be subject to all the provisions of article 6 of this chapter.

- (a) National Categorical Standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated in this chapter.

(Prior code § 5-6.212.3)

5.24.200 - Separation of industrial and domestic wastewaters.

All domestic or sanitary wastewaters from rest rooms, showers, drinking fountains, etc., shall be kept separate from all industrial wastewaters until the industrial wastewaters have passed through any required pretreatment system or device and the sampling or flow measuring point.

(Prior code § 5-6.213)

5.24.210 - Duty to connect premises producing wastewater to the City's sewer system.

- (a) Unless otherwise specifically provided by this section, no person owning or using real property within the City limits shall construct or use any system for the disposal of any waste, wastewater, or sewerage, other than through the City's wastewater system.
- (b) Exceptions for private domestic sewer systems.
 - (1) If, as of the effective date of the ordinance codified in this section or as of the date which the subject real property is annexed to the City, a person is using a private disposal system for domestic wastewater (including any privy, privy vault, septic tank, or cesspool) which has been constructed and is operated and maintained in accordance with all applicable federal, state and San Joaquin County Environmental Health Department regulations, then the person may continue to use the private disposal system.
- (c) Any person permitted to use a private disposal system for domestic wastewater in accordance with this section shall be required to connect to the City's wastewater sewer system within 120 days after receiving written notice from the City that all of the following have occurred:
 - (1) The private disposal system has failed, as indicated by: (i) the surfacing of sewerage following clean up and pumping of the private disposal system; or (ii) the collapse of the private disposal system structure; and
 - (2) There is a connection point to the City's wastewater sewer system which is within 200 feet from any boundary of the subject property; and
 - (3) There is adequate sewer line and sewer treatment capacity available to serve the subject property.

- (d) Any person required to connect to the City's wastewater sewer system in accordance with subsection (c) of this section shall:
 - (1) Pay to the City all applicable fees related to the connection to the City's wastewater sewer system.
 - (2) Provide for a separate connection to the City's wastewater sewer system for each building or structure served; provided, however, two or more buildings or structures on the same lot may be served by one connection if adequate written documentation is submitted to the City Engineer which establishes the need.
- (e) The City declares that any private disposal system for domestic wastewater (including any privy, privy vault, septic tank, or cesspool) which is used in violation of this section shall constitute a public nuisance, and the City may use any legal means to abate the nuisance.

(Ord. 986 § 2, 1998)

5.24.220 - Duty to connect premises producing domestic waste with the sewer system.

(Ord. 986 § 1 (part), 1998; prior code § 5-6.215)

5.24.230 - Duty to connect premises producing industrial waste with the sewer system.

No person owning any premises within the limits of the City and no user of any premises within the limits of the City on which industrial waste is produced shall discharge industrial waste into the domestic waste sewer lines or into the industrial waste sewer lines without first obtaining a permit from the City for a connection thereto. No such person or user shall use any means of industrial waste disposal other than through the domestic waste sewer lines or the industrial waste sewer lines unless approval has been obtained from all concerned regulatory agencies and a permit has been obtained from the City. The City declares that any unapproved means of industrial waste disposal on any premises within the City limits shall constitute a public nuisance and may invoke any legal means to abate the same.

(Prior code § 5-6.216)

5.24.240 - Maintenance and inspections of sewer connections.

Each user shall keep his sewer connections in good order at his expense and shall be liable for all damages resulting from his failure to do so. Any City inspector shall be admitted at all reasonable hours to any premises connected with the sewer system for the purpose of checking plumbing fixtures, protecting the right of the City, and determining facts relevant to the establishment, computation, and billing of the sewer service charges provided for in this article, including, in the case of industrial users, the examination of the user's records for purposes of checking the quantities of industrial waste produced, and compliance with this chapter.

(Prior code § 5-6.217)

5.24.250 - Permits to connect—General.

(Ord. 986 § 1 (part), 1998; prior code § 5-6.218)

5.24.260 - Disposal of unacceptable waste.

Waste not permitted to be discharged into the community sewer must be transported to a State-approved disposal site. The required "Waste Haulers Report" must be completed and a copy kept at the facility. The waste hauling manifest must be made available upon demand by the City, and retained for a minimum of three years. All users are subject to applicable requirements under Section 204(b) and 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

(Prior code § 5-6.219)

5.24.270 - Approval of plans for sewage construction.

No person, other than employees of the City or persons contracting to do work for the City shall construct, or cause to be altered, any public sewer, sewer lateral, house connection or industrial connection sewer, sewage pumping plant, pollution control plant, or other sewage facility within the City where existing or proposed wastewater flows will be discharged directly or indirectly to the facilities of the City without first obtaining approval of the plans and specifications from the City. The applicant shall submit to the City for approval construction plans and such specifications and other details as required to describe fully the proposed sewage facility. The plans shall have been prepared under the supervision of, and shall be signed by, an engineer of suitable training, currently registered in the State of California.

Plans for sewage construction shall be designed in accordance with the standard specifications as adopted by the City and shall also meet all special design requirements as determined necessary by the City to meet any special conditions encountered.

An approval of plans for sewage construction shall expire one year after the date of approval and issuance of permit.

(Prior code § 5-6.220)

5.24.280 - General standards of design.

The sewage collection system facilities shall be developed consistent with the system adopted by Council resolution. The construction of sewage collection facilities shall conform to the City standard specifications and plans approved by the City Engineer.

All fees shall be subject to provisions in Chapter 4, Article 1 of the Code as adopted by Council resolution.

(Prior code § 5-6.221)

5.24.290 - Repair of private sewage disposal system.

(Ord. 986 § 1 (part), 1998; prior code § 5-6.222)

5.24.300 - Duty to protect public water system.

All dischargers into the City sewage system shall take all measures necessary to provide protection against backflow of water from the user premises into the City potable water system. All protective back-flow prevention devices must meet all requirements of the "Regulations Relating to Cross-Connections" from Title 17 of the California Administrative Code and/or Title 11, Chapter 11.04, Section 11.04.050 of the Tracy Municipal Code.

(Prior code § 5-6.223)

5.24.310 - Notification to employees.

A notice shall be permanently posted on the permittee's bulletin board or other prominent place advising employees whom to call in the event of a prohibited discharge. Employers shall insure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

(Prior code § 5-6.224)

5.24.320 - Applications outside of limits of city.

The Council may refuse the use of the sewer system to any applicant whose property is located outside the limits of the City.

(Prior code § 5-6.225)

Article 3. - Wastewater Volume Determination

5.24.330 - Metered water supply.

When charges and fees are based upon the water usage, such charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the City, significant portions of water received are not discharged to a community sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the City.

(Prior code § 5-6.301)

5.24.340 - Metered wastewater volume and metered diversions.

When charges and fees are based upon water usage and where, in the opinion of the City, a significant portion of the water received from any metered source does not flow into the community sewer because of the principal activity of the user or removal by other means, the charges and fees will be applied against the volume of water discharged from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user, and approved by the City, if the user is to avoid the application of the charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the City and at the user's expense. Such meter shall measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the Director.

(Prior code § 5-6.302)

5.24.350 - Estimated wastewater volume.

(Prior code § 5-6.303)

5.24.360 - Users without source meters.

For users where, in the opinion of the City, it is unnecessary or impractical to install meters, the charges and fees may be based upon an estimate of the volume to be discharged, prepared by the City. A rational method will be used to estimate the quantity of wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services or such other determinations of water use necessary to estimate the wastewater volume discharged.

(Prior code § 5-6.303.1)

5.24.370 - Users with source meters.

For users who, in the opinion of the City, divert or discharge a significant portion of their flow from a community sewer, the charges and fees may be based upon an estimate of the flow and volume to be discharged, prepared by the user and approved by the City, provided the user obtains a Wastewater Discharge Permit and pays the applicable charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

(Prior code § 5-6.303.2)

Article 4. - Wastewater Discharge Surveys, Permits, Monitoring, and Administration

5.24.380 - Application.

Article 4 does not apply to "dwelling units."

(Prior code § 5-6.401)

5.24.390 - Wastewater discharge surveys.

All potential dischargers, as determined by the City, may be required to have an annually updated Discharge Survey Report on file with the City. The Discharge Survey Report may include, but not be limited to, nature of user's business, production quantities, hours of operation, number and classification of employees, or other information which related to the user's operation, including the chemical constituents and quantity of liquid or gaseous materials stored on site even though they are not normally discharged.

(Prior code § 5-6.402)

5.24.400 - Wastewater discharge permits.

(Prior code § 5-6.403)

5.24.410 - Mandatory discharge permits.

All significant industrial users proposing to connect to or discharge into the City's sewer shall obtain a wastewater discharge permit before connecting to or discharging into the City's sewer. All existing significant industrial users shall obtain a wastewater discharge permit within 180 days after the effective date of the ordinance codified in this chapter.

- (a) Within 180 days after the effective date of a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, existing industrial users subject to such categorical standards and currently discharging to or scheduled to discharge to the POTW shall submit to the City a report which contains the information required in section 5.24.440(a)—(l) of this Code.
- (b) New sources and sources that become industrial dischargers to the City's sewer system subsequent to the promulgation of an applicable categorical standard shall submit to the City a report which contains the information required in section 5.24.440(a)—(l) of this Code ninety (90) days prior to the commencement of discharge.
- (c) The City has the right to condition or deny any new or increased contributions of pollutants or changes in the nature of pollutants discharged to the POTW by any discharger where such discharges do not meet applicable pretreatment standards and

requirements, or where such contributions would cause the POTW to violate its NPDES permit.

- (d) All discharge permits are subject to all provisions of this chapter and all other regulations, charges for use and fees established by the City. The condition of wastewater discharge permits shall be uniformly enforced by the City in accordance with this chapter and all applicable State and Federal regulations.

(Ord. 1119 § 5, 2008: prior code § 5-6.403.1)

5.24.420 - Temporary permits.

A permit shall be required of all users granted temporary permission to discharge unpolluted water, storm drainage, and groundwater into the sanitary sewer. This temporary permit may be granted when no alternative method of disposal is reasonably available. The provisions of Section 5.24.050 (Prohibitions on Discharge) of this chapter pertaining to wastewater strength and characteristics shall apply.

Users granted permission to discharge wastes of uncertain effect upon the treatment process may be required to obtain a bond by the City.

(Prior code § 5-6.403.2)

5.24.430 - Wastehauler permits.

All wastehaulers discharging septic wastes into the POTW shall obtain a Wastehauler Discharger Permit. The provisions of Section 5.24.050 (Prohibitions on Discharge) of this chapter pertaining to wastewater strength and characteristics shall apply. Wastehaulers shall also be subject to all State, County, and RCRA regulations related to waste disposal.

(Prior code § 5-6.403.3)

5.24.440 - Permit application and baseline monitoring report.

Users seeking a Wastewater Discharge Permit shall complete and file with the Director, an application in the form prescribed by the Director. This application will require the submission of a baseline monitoring report supplying, but not limited to, the following information:

- (a) Name, address, and SIC number of applicant;
- (b) Names of executive officers and owners;
- (c) Type of business, products produced, and average rate of production;
- (d) Wastewater constituents and characteristics including, but not limited to, those mentioned in Section ~~5.24.060-6.202~~, from each regulated process as determined by a laboratory approved by the City;

- (e) Total, average, and peak wastewater flow rates, including daily, monthly, and seasonal variations. These flows shall include those from regulated process streams or other streams as necessary;
- (f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by size, location, and elevation, including:
 - (1) Pretreatment equipment,
 - (2) Grease, oil and sand interceptors,
 - (3) Back-flow prevention devices,
 - (4) Chemical storage areas,
 - (5) Spill containment structures,
 - (6) Location of stormwater system,
 - (7) Hazardous waste management;
- (g) Material Safety Data Sheets for chemicals stored on the premises;
- (h) Spill prevention and control measures;
- (i) List of any environmental permits in possession of the applicant;
- (j) Anticipated pretreatment equipment and/or construction required by the applicant to meet all provisions of this chapter;
- (k) Existing users shall submit the results of sampling and analysis of the regulated waste streams. Such results will include the nature and concentration of the regulated pollutants in each waste stream, also the time, date and place of sampling and the methods of analysis.

Baseline sampling data shall be based on, but not be limited to, a minimum of one sampling analysis of pollutants. New users may be permitted to submit verifiable estimates of production, flow and the presence and quantity of regulated pollutants in its wastestream, where justified by feasibility considerations, and sampling is impractical;

- (l) Certification. A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.
- (m) Other information may be required to properly evaluate the permit application. After evaluation and acceptance of the information supplied, the City may issue the appropriate permit to discharge wastewater.

(Prior code § 5-6.403.4)

5.24.450 - Permit conditions.

Wastewater Discharge Permits shall be expressly subject to all provisions of this chapter and all other ordinances, regulations, charges and fees established by the City. The conditions of Wastewater Discharge Permits shall be uniformly enforced by the Director in accordance with this chapter, and applicable State and Federal regulations. Permits may contain the following:

- (a) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer;
- (b) The average and maximum allowable wastewater constituents and characteristics;
- (c) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation of monitoring, inspection, and sampling facilities, as specified by the City;
- (e) Pre-treatment requirements;
- (f) Specifications for monitoring programs which may include sampling locations, frequency, and method of sampling, number, types, standards for tests reporting schedule, and frequency of calibration of flow monitoring equipment;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining plant records relating to wastewater discharge as specified by the City and affording the City access thereto;
- (i) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as in the users wastewater discharge);
- (j) Requirements for maintaining manifests, hazardous, or pretreatment wastes;
- (k) A statement that the City has the right to enter the property to inspect, monitor, collect samples, and to inspect and copy monitoring and discharge records;
- (l) The civil penalties and fees that can be levied for non-compliance with the permit conditions, City ordinance and State or Federal regulations;
- (m) Specifications, by type, as to what waste streams are authorized for discharge;
- (n) Minimum requirements for a slug discharge/accidental discharge plan are given in section 5.24.070 of this chapter;
- (o) Other conditions as deemed appropriate by the City to insure compliance with this chapter.

(Ord. 1119 § 6, 2008; prior code § 5-6.403.5)

5.24.460 - Duration of permits.

All permits shall be issued for a period of one year, unless determined otherwise by the Director. All users must apply for permit renewal a minimum of ninety (90) days prior to the

expiration of the existing permit. Permits are renewed annually by the City's Continuing Operating Permit.

(Prior code § 5-6.403.6)

5.24.470 - Permit modifications.

Within ninety (90) days of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised as required for compliance with such standards within the time frame prescribed by such standard.

The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements are modified or other just cause exists. Any change or new conditions in the permit shall require the permittee to enter into an Enforcement Compliance Schedule Agreement (as per Section 5.24.710) with the City.

(Prior code § 5-6.403.7)

5.24.480 - Transfer of wastewater permit.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also reapply and comply with the terms and conditions of the existing permit until a new permit is issued.

(Prior code § 5-6.403.8)

5.24.490 - Special agreements.

Special agreements between the City and any persons or agency may be established when, in the opinion of the City, unusual or extraordinary circumstances compel special terms and conditions. Such special agreements may contain special provisions relating to the particular industry with which the agreement is made. All such agreements shall be subject to meeting provisions of all regulating agencies, including the Federal Categorical Pretreatment Standards.

(Prior code § 5-6.403.9)

5.24.500 - Out of city industrial permits/discharges.

Industrial wastewater discharge permits for dischargers located outside of the City's service area but tributary to the City's sewerage facilities, may be issued by the local sewerage agency after approval by the City and/or through special agreement. Inspection of the discharger's plant to determine compliance with industrial waste discharge regulations will be made under a coordinated plan of inspection developed by the affected agencies. Industrial waste discharge

regulations and effluent limitations of affected agencies will apply to the discharger unless one agency specifically waives its requirements. The discharger must meet Federal Categorical Limits.

(Prior code § 5-6.403.10)

5.24.510 - Wastewater monitoring.

(Prior code § 5-6.404)

5.24.520 - Right of entry.

The Director or his duly authorized representative shall be permitted to enter all wastewater facilities of all properties served by the City for purposes of inspection, observation, measurement, sampling, testing, or any other duty in accordance with the provisions of this chapter.

(Prior code § 5-6.404.1)

5.24.530 - Monitoring facilities.

Users who propose to discharge, or who in the judgment of the City could discharge now or in the future, wastewater with constituents and characteristics different from that produced by a dwelling unit may be required to install and maintain a monitoring facility at the user's expense, at a location acceptable to the Director and constructed in accordance with the City's requirements and construction standards and specifications.

When, in the judgment of the City, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be complete within ninety (90) days following written notification unless a time extension is otherwise granted by the City.

(Prior code § 5-6.404.2)

5.24.540 - Inspection and sampling.

The City may inspect the facilities and inspect and copy monitoring and discharge records of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. All users, except domestic users, of premises where wastewater is created or discharged, shall allow the City or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The City shall have the right to set up on the user's property, except domestic users, such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identifications and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that

upon presentation of suitable identification, personnel from the City will be permitted at any time to enter without delay for the purposes of performing their specific responsibilities.

(Prior code § 5-6.404.3)

5.24.550 - Data collection.

Measurements of flow rates, flow volumes, COD, BOD, TOC, grease, and suspended solids for use in determining the annual industrial wastewater treatment charges and such measurements of other constituents believed necessary by the Director may be required of each discharger. All sampling analyses and flow measurements of industrial wastewater shall be performed by a state certified independent laboratory, by a laboratory of the industrial discharger approved by the Director, or by personnel of the City, at the discretion of the Director. If performed by the City's personnel, an appropriate charge shall be paid by the discharger requesting the test. Prior to the submittal to the City of data developed in the laboratory of an industrial discharger, the results shall be verified by a responsible administrative official of the industrial discharger under the penalty of perjury.

All analyses shall be performed in accordance with procedures established in Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the EPA Administrator. Any independent laboratory or discharger performing tests shall furnish any required test data or information of the test methods or equipment used if requested to do so by the Director.

All dischargers making periodic measurements shall furnish and install at the control manhole or other appropriate location a calibrated flume, weir, flowmeter, or similar device approved by the Director and suitable to measure the industrial wastewater flow rate and total volume. A recording and totalizing register for flowage may be required by the Director. In lieu of wastewater flow measurement, the Director may accept records of water usage and adjust the flow volumes by suitable factors to determine the peak and average flow rates for the specific industrial wastewater discharge. All devices used to measure the industrial wastewater flow rate and total volume shall be calibrated and certified, as required by the Director, by an approved service. Copies of the certifications shall be submitted to the Director along with monitoring reports.

Those industrial wastewater dischargers required by the Director to make periodic measurements of the industrial wastewater flow and constituents shall annually make the minimum number of such measurements required. The minimum requirement for such periodic measurements shall be at least two (2) measurements per year of a twenty-four (24) hour duration. Representative samples of the industrial wastewater shall be obtained at least once per hour over the twenty-four (24) hour period, properly refrigerated, composited according to measured flow rates during the twenty-four (24) hours, and analyzed for the specified wastewater constituents. Dischargers required to sample on only a few days per year shall collect representative samples of their discharge on the required monitoring dates. Industrial plants with large fluctuations in the quantity or quality of wastewater may be required to provide continuous sampling and analysis for every working day. When required by the Director, the discharger

shall install and maintain, in proper order, automatic flow, proportional sampling, and/or automatic analysis and recording equipment.

Time proportional or grab samples may be allowed by the Director for specific pollutant analyses or in demonstrated situations where flow-proportional sampling is not feasible. Measurements to verify the quantities of waste flows and waste constituents reported by industrial dischargers will be conducted on a random basis by personnel of the City.

(Prior code § 5-6.404.4)

5.24.560 - Reporting requirements.

- (a) Signatory Requirement. All required user reports must contain the following statement, and be signed by an "authorized representative" of the user (as defined in section 5.24.040 of this chapter):

Statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for a knowing violation."

- (b) Compliance Date Report. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introductions of the wastewater into the POTW, any industrial user subject to categorical pretreatment standards and requirements shall submit to the Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

- (c) Periodic Compliance Reports.

- (1) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Director during the months of June and December, unless required more frequently in the pretreatment standard or by the Director, a report indicating the nature, concentration of pollutants and volume of the effluent which are limited by such pretreatment standards or required in the permit. Users subject to production-based categorical standards must report the actual average production rate for the reporting period. At the direction of the Director and in

consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., they may agree to alter the months during which the above reports are to be submitted. This report shall be signed by an authorized representative of the industrial user.

- (2) Significant noncategorical industrial users shall submit to the Director at least once every six months (on dates specified by the Director) a description of the nature, concentration, and flow of the pollutants required to be reported by the City. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the Administrator. This sampling and analysis may be performed by the City of Tracy in lieu of the significant noncategorical industrial user. Where the City of Tracy itself collects all the information required for the report, the noncategorical significant industrial user will not be required to submit the report.
 - (3) Monthly monitoring reports submitted to the Director for the purpose of collecting wastewater user fees must be submitted no later than the seventh (7th) day of the month following that reported.
 - (4) To verify the user's operating data, the Director may require a user to submit an inventory of all wastewater streams and production data.
 - (5) All users are required to notify the City prior to making any changes to their facility, operations or production methods that will substantially change the volume or character of the pollutants in their discharge or affect the potential for a slug discharge.
 - (6) If sampling by an industrial user indicates a violation of limits set by this chapter or State or Federal regulations, the user must notify the City within twenty-four (24) hours of becoming aware of the violation. The user must then repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation.
 - (7) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in this section, the results of this monitoring shall be included in the report
- (d) Compliance Schedule Agreement Reporting. Any user subject to an Enforcement Compliance Schedule Agreement or a Regulatory Compliance Schedule Agreement shall report to the Director, within fourteen (14) days of each specific date for achieving

compliance, the status and progress of each term and condition for construction and/or acquisition and installation of required equipment related to pretreatment.

(Ord. 1119 § 7, 2008; prior code § 5-6.404.5)

5.24.570 - Recordkeeping requirements.

All industrial users shall maintain records of all information resulting from any monitoring activities (whether or not such monitoring activities are required by this chapter) for a minimum of three (3) years. These records shall be made available upon request for inspection and copying by the Director. This period of retention shall be extended during the course of any unresolved litigation regarding the user or the POTW or when requested by the Director, appropriate State or EPA officials.

All analytical monitoring results shall include:

- (a) The date, exact place, method and time of sampling and the names of the persons taking the samples;
- (b) The dates analyses were performed;
- (c) The analytical techniques/methods used;
- (d) The results of such analyses.

(Prior code § 5-6.404.6)

5.24.580 - Confidential information.

All information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public or other governmental agencies without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes, or methods which would be detrimental to the user's competitive position.

When requested by the person furnishing the report, the portions of a report which have been determined confidential, as above, shall not be made available for inspection by the public but shall be made available to State agencies or agencies of the Federal government.

Wastewater constituents and characteristics will not be recognized as confidential information.

(Prior code § 5-6.404.7)

5.24.590 - Discrepancies between the actual and the reported industrial wastewater discharge quantities.

Should measurements or other investigations reveal that the industrial discharger is discharging at a flow rate or at a combination of flow, biochemical oxygen demand, or suspended solids significantly in excess of that stated on the industrial wastewater permit, or in excess of the quantities reported to the City by the discharger and upon which the industrial wastewater treatment fee is based, the discharger shall apply for an amended industrial wastewater permit and shall be assessed for all delinquent charges, plus an administrative charge of ten (10%) percent of the delinquent charges. An industrial discharger found in violation shall, in the absence of other evidence, be presumed to have been discharging at the determined parameter value over the preceding three (3) years or subsequent to the previous City verification of quantity parameter, whichever period is shorter.

For the purpose of establishing the correct treatment fees, at least two (2) twenty-four (24) hour composite samples and two (2) flow measurements shall be obtained by the City, with all costs of sampling and analysis to be paid by the discharger. The data obtained from such samplings, along with any other relevant information obtained by the City or presented by the discharger, shall be used by the Director in determining the quantity parameters for use in the formula.

(Prior code § 5-6.404.8)

Article 5. - Wastewater User Charges and Fees

5.24.600 - Purpose of wastewater charges and fees.

The purpose of the wastewater user charges and fees is to raise revenue for the cost of maintenance, construction, operation and improvement of the City POTW facilities. The sewage facilities include the collection, treatment, analysis and disposal of sewage, sludge, industrial sewage, industrial waste, septic tank truck waste, and the reclamation of water therefrom as a by-process.

(Prior code § 5-6.501)

5.24.610 - Classification of users.

All users are classified by the City either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics, to provide an effective means of source control, and to establish a system of charges and fees which will insure an equitable recovery of the City's cost. Users are classified as single-family, multi-family, Commercial I, Commercial II, Commercial III, or industrial dischargers.

(Ord. 1052 § 2, 2003: prior code § 5-6.502)

5.24.620 - Fees and charges.

In order to recover from the users of the City's wastewater disposal system the cost of implementing the program established by this chapter, the City Council may adopt by resolution fees and charges which may include:

- (a) Fees for reimbursement of costs of setting up and operating the City's pretreatment programs;
- (b) Fees for monitoring, inspections and surveillance procedures;
- (c) Fees for recurring accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal by the City of pollutants otherwise subject to federal pretreatment standards;
- (g) Other fees as the City may deem necessary to carry out the requirements contained herein;
- (h) Connection charges based on wastewater constituents and characteristics, and capacity entitlements;
- (i) Fees for sampling and testing;
- (j) Fees as reimbursement of costs of setting up and operating a city-wide clean-up program of hazardous household wastes.

(Ord. 1052 § 3, 2003: prior code § 5-6.503)

5.24.630 - Revenue recovery program.

All user charges shall be derived from the City Revenue Recovery Program. Users of the POTW shall be required to reimburse the City for all costs related to operation and maintenance, capital expenditures and reserve requirements for providing wastewater collection, treatment and disposal. User charges are developed by first estimating the City's annual revenue requirements, including those portions that were grant funded, and then determining for each user classification based on each user's proportionate share of all the costs of providing the sewerage service. Proportionate shares are derived from unit charges attributed to total and peak wastewater flows, Biochemical Oxygen Demand and total suspended solids discharged into the POTW. The operation and maintenance portion of the revenue required is derived from the unit charges related to total annual discharges into the POTW and the capital expenditures portion of the revenue required is derived from unit charges related to the peak discharges into the POTW. Other measurements of the organic content of the wastewater of a discharger, such as C.O.D. or T.O.C. may be used, once a relationship between BOD and the parameter of measure is

determined, instead of B.O.D. This relationship shall be used by the City in determining the charge for use.

(Prior code § 5-6.504)

5.24.640 - Special situations.

Notwithstanding any other provision of this article, the City Council shall have the power to establish, by ordinance or by agreement with the user, the monthly wastewater service charges applicable to any public corporation, political subdivision, City, County, District, the State, or the United States of America, or any department or agency of any thereof (including any agency of the City), or applicable to any user outside the limits of the City.

(Ord. 1052 § 4, 2003; prior code § 5-6.504.1)

5.24.650 - Capacity regulation, allocation and connection fees.

All connections to the sewer systems and conditions and fees associated with the capacity entitlement determination process are provided for in the Code as adopted by Council resolution.

(Prior code § 5-6.505)

5.24.651 - Capacity reservation charge.

In the event an industry ceases operation and the wastewater capacity is not used, the wastewater capacity may be reserved for future use by paying a capacity reservation charge. The monthly capacity reservation charge shall be calculated as twenty-five (25%) percent of the average monthly wastewater billing for the previous two (2) years. The capacity shall be reserved for a maximum period of two (2) years, unless the period is extended by written agreement authorized by the City Council. The capacity reservation charge shall be prorated if only a portion of the capacity is to be reserved. The capacity reservation charge shall be paid monthly. A capacity reservation charge is necessary as the majority of the City's wastewater treatment costs do not change with the volume of wastewater treated and it is in the best public interest to have the wastewater treatment plant fully utilized. Failure to pay the capacity reservation charge will result in the capacity reverting to the City to reallocate in accordance with City Council adopted policies. The capacity reservation charge only applies to significant industrial users as defined in Section 5.24.040. (§ 2, Ord. 966 C.S., eff. January 15, 1998)

5.24.660 - Sewer service charges, billing, payment and delinquencies.

Except as otherwise provided, all sewer service charges shall be billed and made payable and otherwise conform with the provisions of Chapter 3 of Title 11 of this Code.

(Prior code § 5-6.506)

5.24.670 - Duties of director of utilities ~~public works~~ and finance manager.

It shall be the duty of the Director to monitor all connections to the sewer system, and subject to the approval of the Council, to establish and administer such reasonable rules and regulations applicable to the use and operation of the sewer system and the sewage treatment and disposal system as may be deemed advisable or necessary provided, however, such rules and regulations so established shall not be in conflict with any provisions of this article and shall be at all times subject to appeal under section 5.24.810. It shall be the duty of the Finance Director to collect all sewer service charges. The Finance Director shall keep an accurate accounting and records showing the source, amount, and disposition of all funds received from sewer service charges and connection fees.

(Ord. 1111 § 4 Exh. A (part), 2007: prior code § 5-6.507)

Article 6. - Enforcement, Non-Compliance Fees and Abatement

5.24.680 - Enforcement responsibilities.

- (a) The City Manager shall insure enforcement of this chapter by coordinating the actions of Finance Director and the Director of ~~Public Works~~Utilities and any other City departments concerned. The Director of ~~Public Works~~Utilities is hereby charged with the enforcement of all of the provisions of this chapter except where otherwise directed.
- (b) The City can require compliance with the terms of this chapter by issuing administrative orders that are enforceable in a court of law or by directly seeking court action.

(Prior code § 5-6.601)

5.24.690 - Preliminary determination of non-compliance and related fees.

If routine sampling reveals non-compliance by the discharger with the mass emission rates or conditions specified in the user's permit, then the user shall pay to the City non-compliance fees as specified in Schedule A of Tables I and II, and City laboratory fees as set by the Council resolution in effect at the time of non-compliance. The City may, however, impose a minimum fine of One Thousand and no/100ths (\$1,000.00) Dollars per day for each violation of this chapter. The non-compliance fees shall be in addition to and not in lieu of said fines.

- (a) Routine sampling shall be conducted in the time, place, manner and frequency determined at the sole discretion of the Director.
- (b) The fees specified shall commence on the date the sampling is started and shall continue to accumulate for each day sampled.

(Prior code § 5-6.602.1)

5.24.700 - Probation order.

- (a) Grounds. In the event the Director determines that a permittee has discharged in violation of any provision of this chapter, or the terms, conditions and limitations of its discharge permit, or has not made payment of all amounts owed to the City for user charges, non-compliance fees or any other fees, the Director may issue a Probation Order, whereby the permittee must comply with all directives, conditions, and requirements therein within the time prescribed.
- (b) Probation Order—Non-Compliance Charges. If at any time while a Probation Order is in effect, a permittee discharges effluent to the City's sewerage system which is not in compliance with the Probation Order, the terms, conditions or limitations specified in the permittee's discharge permit, or with any provision of the chapter, then the permittee shall pay fees to the City as specified in Schedule B of Tables I and II of the adopted non-compliance fees, and the permittee may be assessed all other costs incurred during the sampling, including labor, equipment, materials, overhead, and laboratory fees, in addition to the foregoing.
- (c) Probation Order—Permit Suspension. If at any time while a Probation Order is in effect, a permittee discharges effluent to the City's sewerage system which is not in compliance with the Probation Order, the terms, conditions or limitations specified in the permittee's discharge permit, or with any provision of this chapter, the permittee shall be subject to permit suspension pursuant to the provisions of Section 5.24.740 of this chapter.
- (d) Probation Order—Expiration. A Probation Order issued by the Director shall be in effect for a period not to exceed ninety (90) days. Upon satisfactory compliance with the terms of the Probation Order and expiration thereof, any fees to be assessed due to subsequent non-compliance by Permittee shall be in accordance with Schedule A of Tables I and II of the adopted non-compliance fees.

(Prior code § 5-6.602.2)

5.24.710 - Enforcement compliance schedule agreement (ECSA).

- (a) Grounds. Upon determination that an industrial user is in noncompliance with the terms, conditions or limitations specified in a permit or any provision of this chapter, and needs to construct and/or acquire and install equipment related to pretreatment, the Director may require the permittee to enter into an ECSA which will, upon the effective date of the ECSA, amend the permittee's permit. The ECSA shall contain the terms and conditions by which a permittee must operate during its term and shall provide specific dates for achieving compliance with each term and condition for construction and/or acquisition and installation of required equipment related to pretreatment.

An ECSA shall have a maximum term of 180 days, and upon showing of good cause, including but not limited to reasonable progress under the terms of the ECSA, it may be extended by the Director for an additional period of not to exceed 180 days.

- (b) ECSA—Payment of Amounts Owed. An ECSA shall not be approved by the City until such time as all amounts owed to the City, including user fees, non-compliance fees, deposits or civil penalties are paid in full, or an agreement for deferred payment secured by collateral or a third party, is approved by the City.
- (c) ECSA—Non-Compliance Charges. If, during the term of an ECSA, sampling reveals noncompliance by the permittee with the terms, conditions or limitations specified in the user's permit, or any provision of this chapter, the permittee shall pay the fees as specified in Schedule B of Tables I and II of the adopted non-compliance fees, and may be assessed all other costs incurred during the sampling, including labor, equipment, materials, and overhead.
- (d) ECSA—Permit Suspension/Revocation. If compliance is not achieved in accordance with the terms and conditions of an ECSA during its term or after expiration, the Director may issue an order suspending or revoking the discharge permit pursuant to Section 5.24.740 of this chapter.
- (e) ECSA—Expiration. If, following the expiration of an ECSA, sampling reveals non-compliance by the permittee with the terms, conditions or limitations specified in the permit, or any provision of this chapter, the permittee shall pay fees as specified in Schedule B of Tables I and II of the adopted non-compliance fees. If the permittee remains in consistent compliance for a two (2) year period, then fees shall initially be established in accordance with Schedule A, Tables I and II.

(Prior code § 5-6.602.3)

5.24.720 - Regulatory Compliance Schedule Agreement (RCSA).

If Federal Categorical Pretreatment Standards are adopted or revised by the United States Environmental Protection Agency, or in the event the City enacts revised discharge limitations, the Director, upon determination that an industrial user would not be in compliance with the future limitations, shall require the industrial user to enter into a RCSA with the City under terms and conditions that would provide for achieving compliance with all new standards by the industrial user on a specific date.

During the period said RCSA is in effect, any discharge by permittee in violation of the RCSA will require payment of non-compliance fees in accordance with Schedule A of Tables I and II of the adopted non-compliance fee.

Upon RCSA expiration, or in the event of non-compliance by permittee, non-compliance fees shall initially be established in accordance with Schedule A of Tables I and II of the adopted non-compliance fees. Enforcement actions thereafter will be based on applicable provisions of this chapter.

(Prior code § 5-6.602.4)

5.24.730 - Batch dumps.

When the City determines that a user has discharged concentrated non-compatible pollutants to the sewerage system in a manner or method that is not approved by the City, non-compliance fees shall be assessed as set forth in Schedule C of Tables I and II of the adopted non-compliance fees. In addition, the user may be subject to permit suspension or permit revocation in accordance with Section 5.24.740 as well as additional legal enforcement remedies available to the City.

(Prior code § 5-6.602.5)

5.24.740 - Administrative orders.

- (a) Cease and Desist Orders. When the City finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter or the provisions of a wastewater discharge permit, in addition to all other requirements and actions provided herein, the Director may issue a cease and desist order and direct that those persons not complying with such prohibitions, limitations, requirements or provisions:
 - (1) Cease discharge immediately; or
 - (2) Comply immediately; or
 - (3) Comply in accordance with a time schedule set forth by the City.
- (b) Public Nuisance. Discharges of wastewater in any manner in violation of this chapter or of any order issued by the Director as authorized by this chapter are hereby declared a public nuisance and shall be corrected or abated as directed by the City. Any person creating a public nuisance is guilty of a misdemeanor.
- (c) Termination of Service. In addition to all other requirements and actions provided herein, the City may revoke any wastewater discharge permit or terminate sewerage service to any customer found in violation of the provisions of this chapter or whose discharge presents or may present, danger to the environment or that threatens to interfere with the POTW's operation. All costs for reinstituting service shall be paid by the permittee. Prior to termination of service, unless immediate termination is required, the Director shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided. Such notice shall be mailed to the owner at the address shown on the records of the Assessor of the County and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of the proposed termination of service and the reason therefore and the date the ~~Public Works~~Utilities Department shall hold a hearing upon such intended termination. Such hearing shall not be held less than fifteen (15) days after the giving of notice as herein required. At the hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice. After the hearing, the Director or his designee shall make his determination and should he find grounds for the termination of service, he shall have the right to revoke that permit. The decision shall be reduced to writing within ten (10) days after submission of the cause by the parties thereto, and shall contain a brief statement of facts found to be true, the order of the Director or other person sitting as hearing officer. A

copy shall be mailed or delivered to the permittee or his legal council. The revocation hearing shall be conducted in accordance with procedures established by the Director of ~~Public Works Utilities~~ and approved by the City Attorney.

- (d) Immediate Termination of Service. The City may immediately, without prior written notification, suspend sewerage service when such suspension is necessary, in order to stop an actual discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, or cause the City to violate any State or federal law or regulation.

(Prior code § 5-6.603)

5.24.750 - Enforcement.

Any wastewater discharger who discharges or causes the discharge of prohibited wastewaters which cause damages to the City's facility, detrimental effects on treatment processes, or other damages resulting in costs to the City shall be liable to the City for all damages occasioned thereby.

- (a) Injunction. Whenever a violation of the provisions of this chapter or a Federal or State pretreatment standard or requirement occurs, the City may, in addition to any other action provided herein, petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such violation.
- (b) Civil Penalties. Any person who violates any provision of this chapter or permit condition, or who violates any cease and desist order, prohibition or effluent limitation, ~~shall~~may be liable civilly for a minimum penalty of One Thousand and no/100ths (\$1,000.00) Dollars per day for each day such violation occurs. The legal counsel of the City shall petition the Superior Court to impose, assess and recover such penalties.
- (c) Criminal Penalties. Any person who violates a provision of this chapter or permit condition, or who violates a cease and desist order, prohibition or effluent limitation, is guilty of a misdemeanor punishable as set forth in section 1.04.030

(Ord. 1040 § 5 Exh. E (part), 2002; prior code § 5-6.604)

5.24.760 - List of violators.

The Director shall annually publish in any paper of general circulation that provides meaningful notice within the City a list of the industrial users, which were in significant noncompliance of applicable pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall summarize any enforcement actions taken against the industrial user(s) during the same twelve (12) month period.

(Ord. 1119 § 8, 2008; prior code § 5-6.605)

5.24.770 - Damage to facilities.

When a discharge of waste causes an obstruction, damage, or any other impairment to City facilities, the City may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(Prior code § 5-6.606)

5.24.780 - Falsifying of information.

Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the City or knowingly renders inaccurate any monitoring device or method required under this chapter, becomes subject to civil and criminal penalties set forth in this chapter.

(Prior code § 5-6.607)

5.24.790 - Right of entry.

In order to affect its powers, the City may enter upon private property, except domestic user property, at any reasonable time, for the purpose of inspection, maintenance of sanitary and waste disposal facilities, or inspection, copying, monitoring and discharge of records to determine compliance with this chapter.

(Prior code § 5-6.608)

5.24.800 - Wastehauler non-compliance with permit requirements.

- (a) Non-compliance with permit requirements shall be determined by an analysis of a grab sample of the effluent for any constituent or condition specified in the user's permit. If the effluent of a user is found by the analysis to be in excess of the concentrations or conditions specified in the user's permit and it can be proven to the satisfaction of the Director not to be of septic tank/cesspool or non-industrial origin, the following shall apply:
 - 1. First violation and all subsequent violations: wastehauler shall identify, in writing, the source of the discharge.
 - 2. Second violation: permittee's disposal privileges shall be suspended for five (5) days.
 - 3. Third violation: permittee shall pay a noncompliance fee and the permit for disposal privileges shall be suspended for ten (10) days.
 - 4. Fourth violation: the permit shall be revoked.
- (b) For those wastehaulers discharging liquids from industrial sources, the following shall apply:
 - 1. First violation: permittee shall pay a noncompliance fee.

2. Second violation: permittee shall pay a noncompliance fee and the permit shall be revoked.

(Prior code § 5-6.609)

5.24.810 - Appeals.

The City costs incurred by reason of appeals by a permittee, which result in additional sampling and study, will be charged directly to the permittee.

Any user, permit applicant or permit holder affected by any decision, action or determination made by the Director interpreting or implementing the provisions of this chapter or in any permit issued herein, may file with the Director written request for reconsideration within ten (10) days setting forth in detail the facts supporting the user's request for reconsideration. Such facts must include a statement listing newly discovered relevant facts that were not known or available to the user at the date of the hearing. The Director shall render a decision on the request for reconsideration to the user, permit applicant or permit holder in writing within fifteen (15) days of receipt of request. If the ruling on the request for reconsideration made by the Director is unacceptable, or if there is no request for reconsideration and the original ruling is unacceptable, the person requesting reconsideration may file an appeal to the City Manager under section 1.12.010.

(Ord. 1111 § 4 Exh. A (part), 2007: prior code § 5-6.610)

Article 7. - Severability

5.24.820 - Severability.

If any provision of this chapter or the application to any person or circumstances is held invalid, the remainder of the chapter or the application of such provisions to other persons or other circumstances shall not be affected.

(Prior code § 5-6.701)

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY AMENDING PROVISIONS OF CHAPTER 5.24 (WASTE DISPOSAL) OF TITLE 5 (SANITATION AND HEALTH) OF THE TRACY MUNICIPAL CODE

WHEREAS, the City of Tracy is subject to state and federal regulations regarding the disposal of waste that protect the health and safety of the public; and

WHEREAS, the City's current waste disposal regulations must be updated to ensure consistency with these regulations and reflect changes in departmental responsibilities.

The City Council of the City of Tracy does ordain as follows:

SECTION 1: Chapter 5.24, Waste Disposal, of the Tracy Municipal Code is hereby amended to read as set forth in Attachment A and incorporated by reference herein.

SECTION 2: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 3: This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the Ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the Ordinance. (Gov't. Code §36933.)

* * * * *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the _____ day of _____, 2017, and finally adopted on the _____ day of _____, 2017, by the following vote:

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

Mayor

ATTEST:

City Clerk

Title 5- SANITATION AND HEALTH

Chapter 5.24 - WASTE DISPOSAL

Article 1. - General Provisions

5.24.010 - Purpose and policy.

- (a) The purpose of this chapter is to provide uniform requirements for discharges into the City wastewater collection and treatment system and also to protect the local environment from the disposal of other undesirable wastes or materials.
- (b) This chapter enables the City to:
 - (1) Comply with the administrative provisions of the Clean Water Grant Regulations, the water quality requirements set by the Regional Water Quality Control Board, national standards of performance, State and Federal toxic discharge and pretreatment standards and any other criteria which are required or authorized by State or Federal law related to waste disposal;
 - (2) Prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system, pass through the system inadequately treated, contaminate the resultant sludge or impair the opportunity to recycle products of the treatment process;
 - (3) Provide for the equitable distribution of costs related to wastewater treatment and collection. This includes collection of revenues necessary for the maintenance of adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements and depreciation;
 - (4) Provide for the issuance of permits to certain persons who are, by contract or agreement with the City, users of the City publicly owned treatment works (POTW).
- (c) This article regulating waste disposal shall supersede all previous ordinances governing the items covered in this chapter. In the event there are any conflicts or inconsistencies between the provisions of this article and other provisions previously written in the City's Codes, the provisions of this chapter shall apply.
- (d) The provisions of this chapter shall apply to the direct or indirect discharge of all liquid wastes carried to the City's publicly owned treatment works (POTW). Except as otherwise provided, the Director of Utilities enforces the provisions of this chapter.

5.24.020 - Definitions.

(Prior code § 5-6.102)

5.24.030 - Adoption of definitions.

Unless otherwise defined herein, terms shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public

Health Association, the American Water Works Association, and the Water Pollution Control Federation.

(Prior code § 5-6.102.1)

5.24.040 - Definitions used in the article.

For purposes of this chapter, the following words, phrases, and abbreviations shall have the meanings respectively ascribed to them in this section unless the context specifically indicates otherwise.

"Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act.

"Applicant" means any person or group of persons, who applies for sewer service or a wastewater discharge permit.

An "authorized representative" of an industrial user shall be:

- (1) A responsible corporate officer such as a president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation;
- (2) A manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (3) A duly authorized representative of a responsible corporate officer of the individual user if the authorization is made in writing by the responsible corporate officer; the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and the written authorization is submitted to the Control Authority
- (4) A general partner or proprietor if the company is a partnership or sole proprietorship respectively.
- (5) If an authorization under paragraph (3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (3) of this section must be

submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

"Batch dumps" means the discharge of concentrated non-compatible pollutants in a manner or method that is not approved by the City.

"Biochemical oxygen demand (BOD)" means that quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five (5) days at twenty (20°) degrees centigrade expressed in terms of weight and concentration (milligrams per liter, mg/l).

"Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

"Categorical pretreatment standard" is any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405—471.

"City" means the City of Tracy, City Manager or his designee, or the City Council of Tracy.

"C.O.D. (chemical oxygen demand)" means the measure of chemically oxidizable material in domestic or other wastewaters as determined by appropriate testing procedures and expressed in terms of mass per volume (mg/l).

"Code" means the Tracy Municipal Code.

"Commercial user" means all retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

"Composite sample" means a collection of individual samples obtained at intervals during a specified period of time. Flow-proportioned composite samples are obtained by collecting incremental samples with volumes proportional to flow. The resulting mixture (composite sample) forms a representative sample of the waste stream discharged during the sample period.

"Compatible pollutant" means a combination of biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria, plus other pollutants that the City's POTW facilities are designed to accept and/or remove. Some compatible pollutants may be considered incompatible when discharged in significant quantities.

"Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

"Council" means the City Council of the City of Tracy.

"Customer" means any person, firm, association, corporation, or governmental agency served or entitled to be served by the City, for or without compensation.

"Daily maximum limit" means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

"Developer" means any person, or group of persons, who requests the Council to extend its sewage collection facilities.

"Development" means a parcel of land on which dwelling units, commercial or industrial buildings or other improvements are built.

"Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the State of California.

"Director" means the Director of Utilities of the City or his authorized representative, acting within the scope of his assigned duties.

"Domestic user" means a user discharging domestic wastewater from a private dwelling.

"Domestic wastewater" means the liquid and solid and waterborne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private disposal system.

"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. For the purpose of this article, a mobile home space shall be considered a dwelling unit. More than one dwelling unit per structure and/or lot shall be deemed multiple dwelling units.

"Enforcement Compliance Schedule Agreement (ECSA)" means a mutual agreement between the City and the user amending the permit pretreatment practices and/or installation of equipment to insure permit compliance.

"Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

"Finance Director" means the Finance Manager of the City of Tracy.

"Floor area" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of ramps, docks, vents, shafts, and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the floor or roof above.

"Grab sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the rate of flow in the waste stream and without consideration of time.

"Grease, oil and fats" means any material, or like material, that is free or extractable.

"Holding tank waste" means any waste from holding tanks such as those located on or in vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

"Incompatible pollutant" means any pollutant which is not a compatible pollutant as defined herein.

"Indirect discharge" means the discharge or the introduction of pollutants from any non-domestic source regulated under section 307(b) or (c) of the Act (33 U.S.C. 1317) into the POTW (including holding tank waste discharged into the system).

"Industrial user" means any user that is a source of indirect discharge.

"Industrial wastewater" means all water-carried wastes and wastewater of the community, excluding domestic wastewater, and shall include all wastewater from any producing, manufacturing, processing, agricultural or other operation. These may also include wastes of human origin similar to domestic wastewaters.

"Inspector" means a person authorized by the Director to inspect any development discharging or anticipating discharge to wastewater conveyance, processing and disposal facilities.

"Instantaneous limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

"Institutional user" means any user, including any outside user, public or private, operating a nonprofit school, church, hospital, lodge or club.

"Interference" means the inhibition or disruption of the POTW treatment processes or operations which may contribute to the violation of any requirement of the City's National Pollution Discharge Elimination System permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

"Liquid waste manifest" means that receipt which is retained by the generator as required by the California Department of Health Services and/or the United States Government pursuant to the Resources Conservation Recovery Act.

"Mass emission rate" means the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

"May" means permissive.

"Milligrams per liter" means a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the formerly commonly used unit "parts per million," to which it is approximately equivalent in reporting the results of water and wastewater analysis.

"National pretreatment standard," "pretreatment standard" or "standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to section 403.5 of this Act.

"New construction" means any structure planned or under construction for which a connection permit has not been issued.

"New source" means any source, the construction of which is commenced after the publication of proposed regulations prescribing section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source.

"Normal working day" means the period of time during which production and/or operation is taking place.

"Pass-through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

"Permittee" means a person who has applied for and received permission to discharge pollutants into Tracy's sewerage system subject to the requirements and conditions established by the City.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representative, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

"Pesticides" means those compounds, including, but not limited to, DDT (dichlorodiphenyltrichloroethane, both isomers), DDE (dichlorodiphenylethylene), DDD (dichlorodiphenyldichloroethane), aldrin, benzene hexachloride (alpha, beta and gamma isomers), chlordane, endrin, endrin aldehyde, 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD), toxaphene, alpha-endosulfan, beta-endosulfan, endosulfan sulfate, heptachlor, heptachlor epoxide, dieldrin.

"pH" means the logarithm of the reciprocal of the quantity of hydrogen ions in moles per liter of solution used in expressing both acidity and alkalinity on a scale ranging from zero to fourteen (14) where seven (7) represents neutrality, numbers less than seven (7) increasing acidity, and more than seven (7) increasing alkalinity.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked, or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

"Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, and the radiological integrity of water.

"Polychlorinated biphenyls (PCB)" means those compounds, including, but not limited to, Aroclors, 1016, 1221, 1228, 1232, 1248, 1254, 1260, and 1262.

"Pretreatment or treatment" means the reduction of the amounts of pollutants, the concentration of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by 40 CFR section 403.6(d).

"Pretreatment requirements" means any substantive or procedural requirements related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

"Priority pollutants" means a listing of the toxic pollutants identified by EPA as having the greatest environmental concern and as incompatible and requiring pretreatment prior to discharge in order to prevent interference with POTW's operation, sludge contamination or treatment system pass-through into receiving waters or into the atmosphere.

"Public agency" means the State of California and any city, county, district, other local authority or public body of or within this State.

"Publicly owned treatment works (POTW)" means a treatment works as defined by section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipe, sewers of other conveyances not connected to a facility providing treatment. For the purposes of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

"Public sewer" means a sewer owned and operated by the City. All public sewers must be constructed in accordance with Tracy's regulations and specifications for construction of sanitary sewers.

"RCRA" means Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901, et seq.).

"Regulatory agencies" means those agencies affecting the operation of Tracy's sewer system, including, but not limited to, the following:

- (1) United States Environmental Protection Agency, San Francisco and Washington, DC (EPA);
- (2) California State Water Resources Control Board (SWRCB); and
- (3) California Regional Water Quality Control Board (RWQCB).

"Regulatory compliance schedule agreement (RCSA)" means an agreement between the City and permittee to implement pretreatment practices and/or install equipment to ensure compliance with future revised categorical pretreatment standards or revised discharge limitations.

"Routine sampling" means sampling conducted prior to any enforcement action(s) initiated by the City. Sampling shall consist of either grab or composite sampling which may be conducted at the Director's discretion.

"Sanitary sewage" means the portion of sewage exclusive of industrial wastes and stormwaters.

"Sanitary sewer" means a sewer to which storm, surface and ground waters are not intentionally admitted.

"Sanitary waste" means domestic wastewater.

"Sewage" means water carrying wastes from residences, business buildings, institutions and industrial establishments, together with such other waters as may be present, or any combination of such wastes and water. Also see wastewater.

"Sewage facilities" means any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.

"Sewage works" means all sewer and facilities operated for carrying, collecting, pumping, treating, and disposing of sewage; also POTW.

"Sewer" means a pipe or conduit for carrying sewage.

"Sewer lateral" means the pipe between the City's sewer line and the customer's service connection at the edge of the street or easement.

"Shall" means mandatory.

"Side sewer" means a connection with a sewer lateral from a house or other structure; also building sewer.

"Significant industrial user" means, except as provided in subsection (3) of this definition:

- (1) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and
- (2) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary non-contact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five (5%) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
- (3) The City may determine that an industrial user subject to categorical pretreatment standards under section 403.6 and 40 CFR chapter I, subchapter N is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day of total categorical wastewater, (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
 - (i) The industrial user, prior to the City's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - (ii) The industrial user annually submits the certification statement required in 40 CFR section 403.12(q) together with any additional information necessary to support the certification statement; and
 - (iii) The industrial user never discharges any untreated concentrated wastewater.

Upon finding that an industrial user meeting the criteria in subsection (1) of this definition has no reasonable potential for adversely affecting POTW's operation or for violation any

pretreatment standards or requirement, the City may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

- (4) Has, in his wastes, toxic pollutants in toxic amounts as defined in the standards issued under section 307a of the Federal Act;
- (5) Is found by the City to have a significant impact, either singularly or in combination with other contributing industries, on the POTW or sewage collection system;
- (6) Is otherwise subject to Federal categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or
- (7) Has a discharge of wastewater which may contain, at any given time, any of the components as referred to in section 5.24.110, Limitations on Radioactive Wastes, and in section 5.24.060, Limitations on Wastewater Strength.

"Significant noncompliance" if the violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66%) percent or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l); ;
- (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33%) percent or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, longer-term average, instantaneous limit, or narrative Standard) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

"Slug discharge" means any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

"Standard industrial classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

"State" means the State of California.

"Storm sewers or storm drains" means a sewer which carries storm and surface water but excludes sewage and polluted industrial wastes.

"Stormwater" means any flow occurring during or following any form of natural precipitation and resulting therefrom.

"Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.

"Temporary user" means any discharger who is granted temporary permission by the City to discharge unpolluted water, storm drainage or ground water to the City's sewerage facilities.

"T.O.C. (total organic carbon)" means the measure of total organic carbon in domestic or other wastewater as determined by the appropriate testing procedure.

"Total halomethane" means the sum of all quantifiable values greater than 0.01 milligrams per liter of the following components: bromodichloromethane, dibromochloromethane, chloroform, bromoform, methylene chloride, chloromethane, and bromomethane. Halomethane means a methane molecule having one or more halogen atoms attached to it, including, but not limited to, bromodichloromethane, dibromochloromethane, chloroform, bromoform, methylene chloride, chloromethane, and bromomethane. Halogen atom means fluorine, chlorine, bromine, or iodine.

"Total toxic organics (TTO)" means the summation of all quantifiable values greater than 0.01 milligrams per liter for the toxic organics listed in 40 CFR 401.15.

"Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

"Unpolluted water" means water to which no constituent has been added either intentionally or accidentally.

"User" means any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

"User charge" means a charge established and levied by the City that provides for the operation and maintenance expenses, capital expansion, capital recovery and adequate reserves for the sewage treatment works upon residential, commercial and industrial users in proportion to the use of the treatment works by their respective class.

"Waste" means sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

"Wastehauler" means any person carrying on or engaging in vehicular transport of waste as part of, or incidental to, any business for the purpose of discharging said waste into the City's system.

"Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW. Also see sewage.

"Wastewater constituents and characteristics" means the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the quality and quantity of wastewater.

(1) Abbreviations. The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
L	Liter
mg	Milligrams
mg/L	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SS	Suspended Solids
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
USC	United States Code

- (2) Word Usage. Words used in this article in the singular may include the plural and plural the singular. Use of masculine shall include feminine and use of feminine shall include masculine.

(Ord. 1119 §§ 1, 2, 2008; prior code § 5-6.102.2)

Article 2. - Regulations

5.24.050 - Prohibitions on discharge.

- (a) No person shall discharge to the City's sewer system wastes which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances:
 - (1) A fire or explosion; prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
 - (i) Wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit or sixty (60°) degrees Centigrade (using the test methods specified in 40 CFR 261.21).
 - (2) Obstruction of flow in the sewer system or damage to the sewerage facilities;
 - (3) Danger to life or safety of any person or that which threatens the health of the public;
 - (4) Impairment of the effective maintenance or operation of the sewerage system;
 - (5) The release of toxic or malodorous gas or malodorous gas producing substances;
 - (6) The discharge of any pollutant, including oxygen-demanding pollutants (such as biochemical oxygen demand (BOD)), released in a discharge at a flow rate or pollutant concentration that will cause interference in the wastewater treatment process;
 - (7) Any waste containing an incompatible pollutant;
 - (8) Any compatible pollutant in excess of that permitted in the City's permit or special agreement;
 - (9) The City's effluent or any other product of the treatment process, residues, sludges or scums, to be unsuitable for reclamation, reuse or disposal;
 - (10) Discoloration or any other condition which affects the quality of the City's treatment works effluent in such a manner that receiving water quality requirements established by regulatory agencies cannot be met;
 - (11) Quantities or rates of flow which overload the City's collection or treatment facilities, or cause excessive City collection or treatment cost, or may use a disproportionate share of the City's facilities;
 - (12) Any discharge of any pollutant that causes pass-through is prohibited;
 - (13) Conditions which violate any statute or any rule, regulation, or ordinance of any public agency or State or Federal regulatory body having jurisdiction over the discharge of wastewater through the sanitary sewer system;

- (14) Any water or wastes having a pH lower than six (6.0) or higher than nine (9.0) or having any other corrosive property capable of causing damages or injuries to structures, equipment, or personnel of the City;
- (15) A temperature which will inhibit biological activity in the POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 104 degrees Fahrenheit (forty (40°) degrees Centigrade);
- (16) Any wastes requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes;
- (17) Any water or wastes containing algaecides, fungicides, antibiotics, insecticides, herbicides, strong oxidizing agents, or strong reducing agents.
- (b) No person shall discharge by vehicular transport, rail car, or dedicated pipeline, directly or indirectly, to the POTW any substance that is defined as a hazardous waste by the Regulatory Agencies.
- (c) No person shall transport from one location or facility to another for the purpose of treating or discharging it directly or indirectly to the POTW without written permission from the Director.
- (d) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the following provisions:
 - (1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the City, if possible, at least ten (10) days before the date of the bypass. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the City within twenty-four (24) hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
 - (2) Bypass is prohibited, and the City may take enforcement action against an industrial user for a bypass, unless:

Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;

There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods

of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

The industrial user submitted notices as required under subsection (d)(1) of this section.

The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three (3) conditions listed in subsection (d)(2) of this section.

(Ord. 1119 § 3, 2008; prior code § 5-6.201)

5.24.060 - Limitations on wastewater strength.

- (a) No person shall discharge wastewater containing constituents in excess of the quantities listed in Table 1.

TABLE 1
DISCHARGE LIMITS, mg/L

Constituent	Limit mg/L
Antimony	3.56
Arsenic	0.05
Beryllium	0.46
Cadmium	0.05
Chromium	1.18
Copper	1.51
Cyanide (Total)	0.34
Lead	0.6
Mercury	0.03
Molybdenum	0.14

Nickel	0.17
Selenium	0.05
Silver	0.94
Zinc	1.4
Ammonia	265
Sulfate	300
Sulfide	10
Benzene	0.13
bis(2-ethylhexyl)phthalate	5.1
Chlorobenzene	2.35
Chloroform	0.42
1,4-Dichlorobenzene	2.6
Dichloromethane	1.5
cis 1,3 Dichloropropene	0.09
Ethylbenzene	1.59
Total Halomethanes	10
Total Oil and Grease	525
Phenol	125
Tetrachloroethene (PCE)	0.51

Toluene	1.31
1,1,1-Trichloroethane	1.55
Trichloroethene (TCE)	0.71

The term "free cyanide" means those cyanides amenable to chlorination as described in the Annual Book of ASTM Standards, 1972, Standard D 2-36-72 Method B, page 553.

(b) No person shall discharge any wastewater:

- (1) In violation of any applicable federal categorical or state standards or other local regulations covering wastewater disposal;
- (2) Containing constituents in excess of the levels stated in their annual discharge permit.

The above limits may be modified by Council resolution for purposes of preventing POTW pass-through and/or interference.

(Ord. 1119 § 3, 2008; prior code § 5-6.202, as amended by § 1, Ord. 966 C.S., eff. January 15, 1998)

5.24.070 - Accidental discharges/slug discharges.

- (a) Each user will ensure that the POTW is protected from discharge of prohibited materials or other substances regulated by this chapter. Such protection shall be provided and maintained by the user at the owner's or user's own cost and expense. Detailed plans showing protection shall be submitted to the City for review and shall be approved by the City before construction of the facility. All existing users shall complete such a plan within twelve (12) months of the date that these ordinances become effective. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutant(s) into the system until accidental/slug discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter.

Significant industrial users may be required to submit a Slug Discharge Control Plan to the City upon request, which shall contain, at a minimum, the following elements:

- (i) Description of discharge practices, including non-routine batch discharges;
- (ii) Description of stored chemicals;
- (iii) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five (5) days;

- (iv) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, (including solvents), and/or measures and equipment for emergency response.
- (b) Notification. Users are required to notify the Director immediately of any changes at its facility affecting the potential for a slug discharge. In the case of an accidental or slug load discharge, it is the responsibility of the user to immediately notify the POTW of the incident. Notification shall identify the location of the discharge, the type, concentration, and volume of waste, and corrective actions taken and/or anticipated..
- (c) Written Notification. Within five (5) days following an accidental/slug discharge, the user shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fine, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(Prior code § 5-6.203)

5.24.080 - Prohibition on storm drainage and ground water.

Storm water, ground water, rain water, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to a sewer unless a permit is issued by the City. The City may approve the discharge of such water only when no reasonable alternative method of disposal is available. If a permit is granted for the discharge of such water into a sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the City. Discharge of hazardous or toxic materials, or water containing hazardous or toxic materials, into the storm drain system is prohibited.

(Prior code § 5-6.204)

5.24.090 - Dilution water.

Any water added for the purpose of diluting wastes in lieu of treatment, to reduce the concentrations of pollutants present, or as a partial substitute for treatment is prohibited.

(Prior code § 5-6.205)

5.24.100 - Prohibition on unpolluted water.

Unpolluted water, including, but not limited to cooling water, process water or blow-down from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to a sewer unless a permit is issued by the City. The City may approve the discharge

of such water only when no reasonable alternative method of disposal is available. If a permit is granted for the discharge of such water into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the City.

(Prior code § 5-6.206)

5.24.110 - Limitations on radioactive wastes.

No person shall discharge, or cause to be discharged, any radioactive waste into a public sewer except:

- (a) When the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials; and
- (b) When the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) for safe disposal; and
- (c) When the person is in compliance with all rules and regulations of all other applicable regulatory agencies; and
- (d) When a permit has been obtained from the City.

(Prior code § 5-6.207)

5.24.120 - Limitations on the use of grinders.

Wastes from garbage grinders shall not be discharged into a community sewer except:

- (a) Wastes generated in preparation for food normally consumed on the premises; or
- (b) Where the user has obtained a permit for that specific use from the City, and agrees to undertake whatever self-monitoring is required to enable the City to equitably determine the charges and fees based on the waste constituents and characteristics.

Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

(Prior code § 5-6.208)

5.24.130 - Notification of hazardous waste discharges.

- (a) All Industrial Users shall notify the City, EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous,

batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. Industrial users shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d), and (e).

- (b) Dischargers are exempt from the requirements of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

- (c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the City of Tracy, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under paragraph (a) of this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(Prior code § 5-6.209)

5.24.140 - Limitations of the point of discharge.

- (a) No person, except local sewerage agencies involved in maintenance functions of sanitary sewer facilities, shall discharge any wastewater, waste products, solids or other fluids directly into a manhole or other opening in a sewer other than through an approved building sewer, unless, upon a written application by the user and payment of the applicable user charges and fees, the City issues a permit for such direct discharges.
- (b) No person except the City sewerage agencies shall leave open an unprotected sewer manhole.
- (c) Accidental spills into a City manhole must be reported to Tracy's POTW immediately by phone.

(Prior code § 5-6.210)

5.24.150 - Holding tank wastes.

- (a) No person shall discharge any holding tank waste into a community sewer unless he has been issued a permit by the City and the Public Health Services of San Joaquin County unless otherwise allowed by the City under the terms and conditions of their permit. A separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the City.
- (1) An exception to the above is that no permit will be required of City residents for discharge of domestic wastes from recreational vehicle holding tanks provided that such discharges are made into a City approved facility designed to receive such wastes.

(Prior code § 5-6.211)

5.24.160 - Pretreatment requirements.

The City shall implement and enforce its POTW Pretreatment Program as determined necessary. Users shall make wastewater acceptable under the limitations established therein before discharging into any sewer. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City before construction of the facility, along with an application for a permit to discharge wastewater, or a compliance schedule, as necessary. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to provide an effluent which complies with the provisions of this article. In such cases of non-compliance, the user will be subject to all the provisions of Article 6 of this chapter including the requirement for a compliance schedule for the installation and proper management of new pretreatment technology.

(Prior code § 5-6.212)

5.24.170 - Screened industrial wastes.

No person shall discharge, cause, allow or permit to be discharged into the sanitary sewer system, or any part thereof, any industrial wastes unless such wastes have first been passed through twenty (20) mesh screens. This includes any garbage or any fruit, vegetable, animal, fish, or other solid industrial wastes resulting from the processing, packaging, or canning of fruits, vegetables, fish or other foods or products.

The Director, by written permit, may authorize the discharge into the sanitary sewer system of such wastes if they are first passed through screens having larger openings if the Director is

satisfied that such larger openings will provide screening efficiency and effectiveness equal to or better than that provided by the above specified openings.

Each person who shall discharge, cause, allow, or permit to be discharged into the sanitary sewer system of the City, or any part thereof, any such wastes resulting from the processing, packaging or canning of fruits, vegetables, fish, or other foods or products shall install within or upon the premises from which such wastes are discharged, before such discharge of any wastes is made into the City's sanitary sewer system, or any part of such system, and thereafter maintain in good operating order, screens as specified in this section and appurtenances thereto, including, but not limited to all the necessary conveyors and elevators, all in sufficient quantity and of sufficient size and quality, to continuously and effectively screen not less than 100 percent of the peak hydraulic and solids loading imposed upon such screens and appurtenances during any processing period.

No one shall discharge any screened waste into the sanitary sewer system, or any part of the system, unless and until he shall obtain from the Director advance approval to do so. The Director may require such persons to provide to the Director a report prepared by a registered engineer which shows, to the satisfaction of the Director, that the provisions of this section have been complied with by the discharger. The Director may also make such field tests and investigations as he deems necessary to satisfy himself that the provisions of this section have been complied with by the discharger. The Director shall not give such written approval if any such wastes cannot be processed successfully by the physical and biological processing units of the waste treatment plant.

Any and all equipment, sewer, pipelines, floor drains, or other facilities capable of discharging any garbage, fruit, vegetable, animal, fish, or any other solid industrial wastes resulting from the processing or packaging of the above or other foods or products into the sanitary system, or any part thereof, before such wastes have been screened as required by this section shall hereafter be locked, closed, and sealed in an approved manner. No person shall remove any such lock or seal, and no person shall discharge, or cause, or permit to be discharged, into any such equipment, sewers, pipelines, floor drains, or other facilities capable of discharging into the sanitary sewer system, or any part thereof, any unscreened industrial wastes without first having obtained from the Director his consent to do so.

(Prior code § 5-6.212.1)

5.24.180 - Grease, oil, and sand interceptors.

Grease, oil, and sand interceptors shall be provided by the waste discharger in restaurants, buildings with cafeterias, service stations, and when, in the reasonable opinion of the City, they are necessary for the proper handling of any flammable wastes, sand, grease, oil or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type and capacity approved by the City and shall be so located as to be readily and easily accessible for cleaning and inspections. Discharges from urinals, toilets, wash basins and other fixtures containing fecal material shall not flow through the interceptor.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers which when bolted in place, shall be gas tight and water-tight. When installed, all grease, oil, and sand interceptors shall be maintained by and at the discharger's expense in continuously efficient operation.

The use of chemicals or biological agents for removing or dissolving grease in a grease interceptor is prohibited. The discharger shall keep a record of the cleaning and maintenance of the grease interceptor, with receipts from the company doing the cleaning. These records shall be made available upon demand to the City.

Before installation of any interceptor, approval must be obtained from the City. The City has the right of final approval of the type and required size of the grease and oil interceptors.

(Prior code § 5-6.212.2)

5.24.190 - Pretreatment required by federal categorical standards.

All users subject to national categorical pretreatment standards found in 40 CFR Chapter I, subchapter N, Parts 405-471 shall be required to meet those standards by the compliance dates specified in those requirements or, in the case of new industrial users, upon commencement of the discharge. Upon the promulgation of new standards for a particular industrial category, those limitations shall immediately apply. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the City pursuant to EPA regulations set forth in 40 CFR Section 403.6. Local limits established by this document, however, take precedence over a categorical standard, if the local limit is more stringent.

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, the user, subject to pretreatment standards and requirements, shall submit to the Director a compliance report indicating the nature and concentration of all pollutants in the discharge and the average and maximum daily flow from the regulated processes which are limited by pretreatment standards. Pollutant data shall be based on, but not limited to, at least one flow-paced composite sample. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.

Those users who are not in compliance with the applicable pretreatment standards or requirements by the compliance dates must enter into an Enforcement Compliance Schedule Agreement and will be subject to all the provisions of article 6 of this chapter.

- (a) National Categorical Standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated in this chapter.

(Prior code § 5-6.212.3)

5.24.200 - Separation of industrial and domestic wastewaters.

All domestic or sanitary wastewaters from rest rooms, showers, drinking fountains, etc., shall be kept separate from all industrial wastewaters until the industrial wastewaters have passed through any required pretreatment system or device and the sampling or flow measuring point.

(Prior code § 5-6.213)

5.24.210 - Duty to connect premises producing wastewater to the City's sewer system.

- (a) Unless otherwise specifically provided by this section, no person owning or using real property within the City limits shall construct or use any system for the disposal of any waste, wastewater, or sewerage, other than through the City's wastewater system.
- (b) Exceptions for private domestic sewer systems.
 - (1) If, as of the effective date of the ordinance codified in this section or as of the date which the subject real property is annexed to the City, a person is using a private disposal system for domestic wastewater (including any privy, privy vault, septic tank, or cesspool) which has been constructed and is operated and maintained in accordance with all applicable federal, state and San Joaquin County Environmental Health Department regulations, then the person may continue to use the private disposal system.
- (c) Any person permitted to use a private disposal system for domestic wastewater in accordance with this section shall be required to connect to the City's wastewater sewer system within 120 days after receiving written notice from the City that all of the following have occurred:
 - (1) The private disposal system has failed, as indicated by: (i) the surfacing of sewerage following clean up and pumping of the private disposal system; or (ii) the collapse of the private disposal system structure; and
 - (2) There is a connection point to the City's wastewater sewer system which is within 200 feet from any boundary of the subject property; and
 - (3) There is adequate sewer line and sewer treatment capacity available to serve the subject property.
- (d) Any person required to connect to the City's wastewater sewer system in accordance with subsection (c) of this section shall:
 - (1) Pay to the City all applicable fees related to the connection to the City's wastewater sewer system.
 - (2) Provide for a separate connection to the City's wastewater sewer system for each building or structure served; provided, however, two or more buildings or structures on

the same lot may be served by one connection if adequate written documentation is submitted to the City Engineer which establishes the need.

- (e) The City declares that any private disposal system for domestic wastewater (including any privy, privy vault, septic tank, or cesspool) which is used in violation of this section shall constitute a public nuisance, and the City may use any legal means to abate the nuisance.

(Ord. 986 § 2, 1998)

5.24.220 - Duty to connect premises producing domestic waste with the sewer system.

(Ord. 986 § 1 (part), 1998; prior code § 5-6.215)

5.24.230 - Duty to connect premises producing industrial waste with the sewer system.

No person owning any premises within the limits of the City and no user of any premises within the limits of the City on which industrial waste is produced shall discharge industrial waste into the domestic waste sewer lines or into the industrial waste sewer lines without first obtaining a permit from the City for a connection thereto. No such person or user shall use any means of industrial waste disposal other than through the domestic waste sewer lines or the industrial waste sewer lines unless approval has been obtained from all concerned regulatory agencies and a permit has been obtained from the City. The City declares that any unapproved means of industrial waste disposal on any premises within the City limits shall constitute a public nuisance and may invoke any legal means to abate the same.

(Prior code § 5-6.216)

5.24.240 - Maintenance and inspections of sewer connections.

Each user shall keep his sewer connections in good order at his expense and shall be liable for all damages resulting from his failure to do so. Any City inspector shall be admitted at all reasonable hours to any premises connected with the sewer system for the purpose of checking plumbing fixtures, protecting the right of the City, and determining facts relevant to the establishment, computation, and billing of the sewer service charges provided for in this article, including, in the case of industrial users, the examination of the user's records for purposes of checking the quantities of industrial waste produced, and compliance with this chapter.

(Prior code § 5-6.217)

5.24.250 - Permits to connect—General.

(Ord. 986 § 1 (part), 1998; prior code § 5-6.218)

5.24.260 - Disposal of unacceptable waste.

Waste not permitted to be discharged into the community sewer must be transported to a State-approved disposal site. The required "Waste Haulers Report" must be completed and a copy kept at the facility. The waste hauling manifest must be made available upon demand by the City, and retained for a minimum of three years. All users are subject to applicable requirements under Section 204(b) and 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

(Prior code § 5-6.219)

5.24.270 - Approval of plans for sewage construction.

No person, other than employees of the City or persons contracting to do work for the City shall construct, or cause to be altered, any public sewer, sewer lateral, house connection or industrial connection sewer, sewage pumping plant, pollution control plant, or other sewage facility within the City where existing or proposed wastewater flows will be discharged directly or indirectly to the facilities of the City without first obtaining approval of the plans and specifications from the City. The applicant shall submit to the City for approval construction plans and such specifications and other details as required to describe fully the proposed sewage facility. The plans shall have been prepared under the supervision of, and shall be signed by, an engineer of suitable training, currently registered in the State of California.

Plans for sewage construction shall be designed in accordance with the standard specifications as adopted by the City and shall also meet all special design requirements as determined necessary by the City to meet any special conditions encountered.

An approval of plans for sewage construction shall expire one year after the date of approval and issuance of permit.

(Prior code § 5-6.220)

5.24.280 - General standards of design.

The sewage collection system facilities shall be developed consistent with the system adopted by Council resolution. The construction of sewage collection facilities shall conform to the City standard specifications and plans approved by the City Engineer.

All fees shall be subject to provisions in Chapter 4, Article 1 of the Code as adopted by Council resolution.

(Prior code § 5-6.221)

5.24.290 - Repair of private sewage disposal system.

(Ord. 986 § 1 (part), 1998; prior code § 5-6.222)

5.24.300 - Duty to protect public water system.

All dischargers into the City sewage system shall take all measures necessary to provide protection against backflow of water from the user premises into the City potable water system. All protective back-flow prevention devices must meet all requirements of the "Regulations Relating to Cross-Connections" from Title 17 of the California Administrative Code and/or Title 11, Chapter 11.04, Section 11.04.050 of the Tracy Municipal Code.

(Prior code § 5-6.223)

5.24.310 - Notification to employees.

A notice shall be permanently posted on the permittee's bulletin board or other prominent place advising employees whom to call in the event of a prohibited discharge. Employers shall insure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

(Prior code § 5-6.224)

5.24.320 - Applications outside of limits of city.

The Council may refuse the use of the sewer system to any applicant whose property is located outside the limits of the City.

(Prior code § 5-6.225)

Article 3. - Wastewater Volume Determination

5.24.330 - Metered water supply.

When charges and fees are based upon the water usage, such charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the City, significant portions of water received are not discharged to a community sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the City.

(Prior code § 5-6.301)

5.24.340 - Metered wastewater volume and metered diversions.

When charges and fees are based upon water usage and where, in the opinion of the City, a significant portion of the water received from any metered source does not flow into the community sewer because of the principal activity of the user or removal by other means, the charges and fees will be applied against the volume of water discharged from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user, and approved by the City, if the user is to avoid the application of the charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the City and at the user's expense. Such meter shall measure

either the amount of sewage discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the Director.

(Prior code § 5-6.302)

5.24.350 - Estimated wastewater volume.

(Prior code § 5-6.303)

5.24.360 - Users without source meters.

For users where, in the opinion of the City, it is unnecessary or impractical to install meters, the charges and fees may be based upon an estimate of the volume to be discharged, prepared by the City. A rational method will be used to estimate the quantity of wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services or such other determinations of water use necessary to estimate the wastewater volume discharged.

(Prior code § 5-6.303.1)

5.24.370 - Users with source meters.

For users who, in the opinion of the City, divert or discharge a significant portion of their flow from a community sewer, the charges and fees may be based upon an estimate of the flow and volume to be discharged, prepared by the user and approved by the City, provided the user obtains a Wastewater Discharge Permit and pays the applicable charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

(Prior code § 5-6.303.2)

Article 4. - Wastewater Discharge Surveys, Permits, Monitoring, and Administration

5.24.380 - Application.

Article 4 does not apply to "dwelling units."

(Prior code § 5-6.401)

5.24.390 - Wastewater discharge surveys.

All potential dischargers, as determined by the City, may be required to have an annually updated Discharge Survey Report on file with the City. The Discharge Survey Report may

include, but not be limited to, nature of user's business, production quantities, hours of operation, number and classification of employees, or other information which related to the user's operation, including the chemical constituents and quantity of liquid or gaseous materials stored on site even though they are not normally discharged.

(Prior code § 5-6.402)

5.24.400 - Wastewater discharge permits.

(Prior code § 5-6.403)

5.24.410 - Mandatory discharge permits.

All significant industrial users proposing to connect to or discharge into the City's sewer shall obtain a wastewater discharge permit before connecting to or discharging into the City's sewer. All existing significant industrial users shall obtain a wastewater discharge permit within 180 days after the effective date of the ordinance codified in this chapter.

- (a) Within 180 days after the effective date of a categorical pretreatment standard or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4), whichever is later, existing industrial users subject to such categorical standards and currently discharging to or scheduled to discharge to the POTW shall submit to the City a report which contains the information required in section 5.24.440(a)—(l) of this Code.
- (b) New sources and sources that become industrial dischargers to the City's sewer system subsequent to the promulgation of an applicable categorical standard shall submit to the City a report which contains the information required in section 5.24.440(a)—(l) of this Code ninety (90) days prior to the commencement of discharge.
- (c) The City has the right to condition or deny any new or increased contributions of pollutants or changes in the nature of pollutants discharged to the POTW by any discharger where such discharges do not meet applicable pretreatment standards and requirements, or where such contributions would cause the POTW to violate its NPDES permit.
- (d) All discharge permits are subject to all provisions of this chapter and all other regulations, charges for use and fees established by the City. The condition of wastewater discharge permits shall be uniformly enforced by the City in accordance with this chapter and all applicable State and Federal regulations.

(Ord. 1119 § 5, 2008: prior code § 5-6.403.1)

5.24.420 - Temporary permits.

A permit shall be required of all users granted temporary permission to discharge unpolluted water, storm drainage, and groundwater into the sanitary sewer. This temporary permit may be

granted when no alternative method of disposal is reasonably available. The provisions of Section 5.24.050 (Prohibitions on Discharge) of this chapter pertaining to wastewater strength and characteristics shall apply.

Users granted permission to discharge wastes of uncertain effect upon the treatment process may be required to obtain a bond by the City.

(Prior code § 5-6.403.2)

5.24.430 - Wastehauler permits.

All wastehaulers discharging septic wastes into the POTW shall obtain a Wastehauler Discharger Permit. The provisions of Section 5.24.050 (Prohibitions on Discharge) of this chapter pertaining to wastewater strength and characteristics shall apply. Wastehaulers shall also be subject to all State, County, and RCRA regulations related to waste disposal.

(Prior code § 5-6.403.3)

5.24.440 - Permit application and baseline monitoring report.

Users seeking a Wastewater Discharge Permit shall complete and file with the Director, an application in the form prescribed by the Director. This application will require the submission of a baseline monitoring report supplying, but not limited to, the following information:

- (a) Name, address, and SIC number of applicant;
- (b) Names of executive officers and owners;
- (c) Type of business, products produced, and average rate of production;
- (d) Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 5.24.060, from each regulated process as determined by a laboratory approved by the City;
- (e) Total, average, and peak wastewater flow rates, including daily, monthly, and seasonal variations. These flows shall include those from regulated process streams or other streams as necessary;
- (f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by size, location, and elevation, including:
 - (1) Pretreatment equipment,
 - (2) Grease, oil and sand interceptors,
 - (3) Back-flow prevention devices,
 - (4) Chemical storage areas,
 - (5) Spill containment structures,
 - (6) Location of stormwater system,

- (7) Hazardous waste management;
- (g) Material Safety Data Sheets for chemicals stored on the premises;
- (h) Spill prevention and control measures;
- (i) List of any environmental permits in possession of the applicant;
- (j) Anticipated pretreatment equipment and/or construction required by the applicant to meet all provisions of this chapter;
- (k) Existing users shall submit the results of sampling and analysis of the regulated waste streams. Such results will include the nature and concentration of the regulated pollutants in each waste stream, also the time, date and place of sampling and the methods of analysis.

Baseline sampling data shall be based on, but not be limited to, a minimum of one sampling analysis of pollutants. New users may be permitted to submit verifiable estimates of production, flow and the presence and quantity of regulated pollutants in its wastestream, where justified by feasibility considerations, and sampling is impractical;

- (l) Certification. A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.
- (m) Other information may be required to properly evaluate the permit application. After evaluation and acceptance of the information supplied, the City may issue the appropriate permit to discharge wastewater.

(Prior code § 5-6.403.4)

5.24.450 - Permit conditions.

Wastewater Discharge Permits shall be expressly subject to all provisions of this chapter and all other ordinances, regulations, charges and fees established by the City. The conditions of Wastewater Discharge Permits shall be uniformly enforced by the Director in accordance with this chapter, and applicable State and Federal regulations. Permits may contain the following:

- (a) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer;
- (b) The average and maximum allowable wastewater constituents and characteristics;
- (c) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation of monitoring, inspection, and sampling facilities, as specified by the City;
- (e) Pre-treatment requirements;

- (f) Specifications for monitoring programs which may include sampling locations, frequency, and method of sampling, number, types, standards for tests reporting schedule, and frequency of calibration of flow monitoring equipment;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining plant records relating to wastewater discharge as specified by the City and affording the City access thereto;
- (i) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as in the users wastewater discharge);
- (j) Requirements for maintaining manifests, hazardous, or pretreatment wastes;
- (k) A statement that the City has the right to enter the property to inspect, monitor, collect samples, and to inspect and copy monitoring and discharge records;
- (l) The civil penalties and fees that can be levied for non-compliance with the permit conditions, City ordinance and State or Federal regulations;
- (m) Specifications, by type, as to what waste streams are authorized for discharge;
- (n) Minimum requirements for a slug discharge/accidental discharge plan are given in section 5.24.070 of this chapter;
- (o) Other conditions as deemed appropriate by the City to insure compliance with this chapter.

(Ord. 1119 § 6, 2008; prior code § 5-6.403.5)

5.24.460 - Duration of permits.

All permits shall be issued for a period of one year, unless determined otherwise by the Director. All users must apply for permit renewal a minimum of ninety (90) days prior to the expiration of the existing permit. Permits are renewed annually by the City's Continuing Operating Permit.

(Prior code § 5-6.403.6)

5.24.470 - Permit modifications.

Within ninety (90) days of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standards shall be revised as required for compliance with such standards within the time frame prescribed by such standard.

The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements are modified or other just cause exists. Any change or new conditions in the permit shall require the permittee to enter into an Enforcement Compliance Schedule Agreement (as per Section 5.24.710) with the City.

(Prior code § 5-6.403.7)

5.24.480 - Transfer of wastewater permit.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also reapply and comply with the terms and conditions of the existing permit until a new permit is issued.

(Prior code § 5-6.403.8)

5.24.490 - Special agreements.

Special agreements between the City and any persons or agency may be established when, in the opinion of the City, unusual or extraordinary circumstances compel special terms and conditions. Such special agreements may contain special provisions relating to the particular industry with which the agreement is made. All such agreements shall be subject to meeting provisions of all regulating agencies, including the Federal Categorical Pretreatment Standards.

(Prior code § 5-6.403.9)

5.24.500 - Out of city industrial permits/discharges.

Industrial wastewater discharge permits for dischargers located outside of the City's service area but tributary to the City's sewerage facilities, may be issued by the local sewerage agency after approval by the City and/or through special agreement. Inspection of the discharger's plant to determine compliance with industrial waste discharge regulations will be made under a coordinated plan of inspection developed by the affected agencies. Industrial waste discharge regulations and effluent limitations of affected agencies will apply to the discharger unless one agency specifically waives its requirements. The discharger must meet Federal Categorical Limits.

(Prior code § 5-6.403.10)

5.24.510 - Wastewater monitoring.

(Prior code § 5-6.404)

5.24.520 - Right of entry.

The Director or his duly authorized representative shall be permitted to enter all wastewater facilities of all properties served by the City for purposes of inspection, observation, measurement, sampling, testing, or any other duty in accordance with the provisions of this chapter.

(Prior code § 5-6.404.1)

5.24.530 - Monitoring facilities.

Users who propose to discharge, or who in the judgment of the City could discharge now or in the future, wastewater with constituents and characteristics different from that produced by a dwelling unit may be required to install and maintain a monitoring facility at the user's expense, at a location acceptable to the Director and constructed in accordance with the City's requirements and construction standards and specifications.

When, in the judgment of the City, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be complete within ninety (90) days following written notification unless a time extension is otherwise granted by the City.

(Prior code § 5-6.404.2)

5.24.540 - Inspection and sampling.

The City may inspect the facilities and inspect and copy monitoring and discharge records of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. All users, except domestic users, of premises where wastewater is created or discharged, shall allow the City or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The City shall have the right to set up on the user's property, except domestic users, such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identifications and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City will be permitted at any time to enter without delay for the purposes of performing their specific responsibilities.

(Prior code § 5-6.404.3)

5.24.550 - Data collection.

Measurements of flow rates, flow volumes, COD, BOD, TOC, grease, and suspended solids for use in determining the annual industrial wastewater treatment charges and such measurements of other constituents believed necessary by the Director may be required of each discharger. All sampling analyses and flow measurements of industrial wastewater shall be performed by a state certified independent laboratory, by a laboratory of the industrial discharger approved by the Director, or by personnel of the City, at the discretion of the Director. If performed by the City's personnel, an appropriate charge shall be paid by the discharger requesting the test. Prior to the submittal to the City of data developed in the laboratory of an industrial discharger, the results shall be verified by a responsible administrative official of the industrial discharger under the penalty of perjury.

All analyses shall be performed in accordance with procedures established in Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the EPA Administrator. Any independent laboratory or discharger

performing tests shall furnish any required test data or information of the test methods or equipment used if requested to do so by the Director.

All dischargers making periodic measurements shall furnish and install at the control manhole or other appropriate location a calibrated flume, weir, flowmeter, or similar device approved by the Director and suitable to measure the industrial wastewater flow rate and total volume. A recording and totalizing register for flowage may be required by the Director. In lieu of wastewater flow measurement, the Director may accept records of water usage and adjust the flow volumes by suitable factors to determine the peak and average flow rates for the specific industrial wastewater discharge. All devices used to measure the industrial wastewater flow rate and total volume shall be calibrated and certified, as required by the Director, by an approved service. Copies of the certifications shall be submitted to the Director along with monitoring reports.

Those industrial wastewater dischargers required by the Director to make periodic measurements of the industrial wastewater flow and constituents shall annually make the minimum number of such measurements required. The minimum requirement for such periodic measurements shall be at least two (2) measurements per year of a twenty-four (24) hour duration. Representative samples of the industrial wastewater shall be obtained at least once per hour over the twenty-four (24) hour period, properly refrigerated, composited according to measured flow rates during the twenty-four (24) hours, and analyzed for the specified wastewater constituents. Dischargers required to sample on only a few days per year shall collect representative samples of their discharge on the required monitoring dates. Industrial plants with large fluctuations in the quantity or quality of wastewater may be required to provide continuous sampling and analysis for every working day. When required by the Director, the discharger shall install and maintain, in proper order, automatic flow, proportional sampling, and/or automatic analysis and recording equipment.

Time proportional or grab samples may be allowed by the Director for specific pollutant analyses or in demonstrated situations where flow-proportional sampling is not feasible. Measurements to verify the quantities of waste flows and waste constituents reported by industrial dischargers will be conducted on a random basis by personnel of the City.

(Prior code § 5-6.404.4)

5.24.560 - Reporting requirements.

- (a) Signatory Requirement. All required user reports must contain the following statement, and be signed by an "authorized representative" of the user (as defined in section 5.24.040 of this chapter):

Statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant

penalties for submitting false information, including the possibility of fines and imprisonment for a knowing violation."

- (b) **Compliance Date Report.** Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introductions of the wastewater into the POTW, any industrial user subject to categorical pretreatment standards and requirements shall submit to the Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.
- (c) **Periodic Compliance Reports.**
 - (1) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Director during the months of June and December, unless required more frequently in the pretreatment standard or by the Director, a report indicating the nature, concentration of pollutants and volume of the effluent which are limited by such pretreatment standards or required in the permit. Users subject to production-based categorical standards must report the actual average production rate for the reporting period. At the direction of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., they may agree to alter the months during which the above reports are to be submitted. This report shall be signed by an authorized representative of the industrial user.
 - (2) Significant noncategorical industrial users shall submit to the Director at least once every six months (on dates specified by the Director) a description of the nature, concentration, and flow of the pollutants required to be reported by the City. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the Administrator. This sampling and analysis may be performed by the City of Tracy in lieu of the significant noncategorical industrial user. Where the City of Tracy itself collects all the information required for the report, the noncategorical significant industrial user will not be required to submit the report.

- (3) Monthly monitoring reports submitted to the Director for the purpose of collecting wastewater user fees must be submitted no later than the seventh (7th) day of the month following that reported.
 - (4) To verify the user's operating data, the Director may require a user to submit an inventory of all wastewater streams and production data.
 - (5) All users are required to notify the City prior to making any changes to their facility, operations or production methods that will substantially change the volume or character of the pollutants in their discharge or affect the potential for a slug discharge.
 - (6) If sampling by an industrial user indicates a violation of limits set by this chapter or State or Federal regulations, the user must notify the City within twenty-four (24) hours of becoming aware of the violation. The user must then repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation.
 - (7) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in this section, the results of this monitoring shall be included in the report
- (d) Compliance Schedule Agreement Reporting. Any user subject to an Enforcement Compliance Schedule Agreement or a Regulatory Compliance Schedule Agreement shall report to the Director, within fourteen (14) days of each specific date for achieving compliance, the status and progress of each term and condition for construction and/or acquisition and installation of required equipment related to pretreatment.

(Ord. 1119 § 7, 2008; prior code § 5-6.404.5)

5.24.570 - Recordkeeping requirements.

All industrial users shall maintain records of all information resulting from any monitoring activities (whether or not such monitoring activities are required by this chapter) for a minimum of three (3) years. These records shall be made available upon request for inspection and copying by the Director. This period of retention shall be extended during the course of any unresolved litigation regarding the user or the POTW or when requested by the Director, appropriate State or EPA officials.

All analytical monitoring results shall include:

- (a) The date, exact place, method and time of sampling and the names of the persons taking the samples;
- (b) The dates analyses were performed;
- (c) The analytical techniques/methods used;
- (d) The results of such analyses.

(Prior code § 5-6.404.6)

5.24.580 - Confidential information.

All information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections shall be available to the public or other governmental agencies without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes, or methods which would be detrimental to the user's competitive position.

When requested by the person furnishing the report, the portions of a report which have been determined confidential, as above, shall not be made available for inspection by the public but shall be made available to State agencies or agencies of the Federal government.

Wastewater constituents and characteristics will not be recognized as confidential information.

(Prior code § 5-6.404.7)

5.24.590 - Discrepancies between the actual and the reported industrial wastewater discharge quantities.

Should measurements or other investigations reveal that the industrial discharger is discharging at a flow rate or at a combination of flow, biochemical oxygen demand, or suspended solids significantly in excess of that stated on the industrial wastewater permit, or in excess of the quantities reported to the City by the discharger and upon which the industrial wastewater treatment fee is based, the discharger shall apply for an amended industrial wastewater permit and shall be assessed for all delinquent charges, plus an administrative charge of ten (10%) percent of the delinquent charges. An industrial discharger found in violation shall, in the absence of other evidence, be presumed to have been discharging at the determined parameter value over the preceding three (3) years or subsequent to the previous City verification of quantity parameter, whichever period is shorter.

For the purpose of establishing the correct treatment fees, at least two (2) twenty-four (24) hour composite samples and two (2) flow measurements shall be obtained by the City, with all costs of sampling and analysis to be paid by the discharger. The data obtained from such samplings, along with any other relevant information obtained by the City or presented by the discharger, shall be used by the Director in determining the quantity parameters for use in the formula.

(Prior code § 5-6.404.8)

Article 5. - Wastewater User Charges and Fees

5.24.600 - Purpose of wastewater charges and fees.

The purpose of the wastewater user charges and fees is to raise revenue for the cost of maintenance, construction, operation and improvement of the City POTW facilities. The sewage facilities include the collection, treatment, analysis and disposal of sewage, sludge, industrial sewage, industrial waste, septic tank truck waste, and the reclamation of water therefrom as a by-process.

(Prior code § 5-6.501)

5.24.610 - Classification of users.

All users are classified by the City either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics, to provide an effective means of source control, and to establish a system of charges and fees which will insure an equitable recovery of the City's cost. Users are classified as single-family, multi-family, Commercial I, Commercial II, Commercial III, or industrial dischargers.

(Ord. 1052 § 2, 2003: prior code § 5-6.502)

5.24.620 - Fees and charges.

In order to recover from the users of the City's wastewater disposal system the cost of implementing the program established by this chapter, the City Council may adopt by resolution fees and charges which may include:

- (a) Fees for reimbursement of costs of setting up and operating the City's pretreatment programs;
- (b) Fees for monitoring, inspections and surveillance procedures;
- (c) Fees for recurring accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal by the City of pollutants otherwise subject to federal pretreatment standards;
- (g) Other fees as the City may deem necessary to carry out the requirements contained herein;
- (h) Connection charges based on wastewater constituents and characteristics, and capacity entitlements;
- (i) Fees for sampling and testing;

- (j) Fees as reimbursement of costs of setting up and operating a city-wide clean-up program of hazardous household wastes.

(Ord. 1052 § 3, 2003: prior code § 5-6.503)

5.24.630 - Revenue recovery program.

All user charges shall be derived from the City Revenue Recovery Program. Users of the POTW shall be required to reimburse the City for all costs related to operation and maintenance, capital expenditures and reserve requirements for providing wastewater collection, treatment and disposal. User charges are developed by first estimating the City's annual revenue requirements, including those portions that were grant funded, and then determining for each user classification based on each user's proportionate share of all the costs of providing the sewerage service. Proportionate shares are derived from unit charges attributed to total and peak wastewater flows, Biochemical Oxygen Demand and total suspended solids discharged into the POTW. The operation and maintenance portion of the revenue required is derived from the unit charges related to total annual discharges into the POTW and the capital expenditures portion of the revenue required is derived from unit charges related to the peak discharges into the POTW. Other measurements of the organic content of the wastewater of a discharger, such as C.O.D. or T.O.C. may be used, once a relationship between BOD and the parameter of measure is determined, instead of B.O.D. This relationship shall be used by the City in determining the charge for use.

(Prior code § 5-6.504)

5.24.640 - Special situations.

Notwithstanding any other provision of this article, the City Council shall have the power to establish, by ordinance or by agreement with the user, the monthly wastewater service charges applicable to any public corporation, political subdivision, City, County, District, the State, or the United States of America, or any department or agency of any thereof (including any agency of the City), or applicable to any user outside the limits of the City.

(Ord. 1052 § 4, 2003: prior code § 5-6.504.1)

5.24.650 - Capacity regulation, allocation and connection fees.

All connections to the sewer systems and conditions and fees associated with the capacity entitlement determination process are provided for in the Code as adopted by Council resolution.

(Prior code § 5-6.505)

5.24.651 - Capacity reservation charge.

In the event an industry ceases operation and the wastewater capacity is not used, the wastewater capacity may be reserved for future use by paying a capacity reservation charge. The

monthly capacity reservation charge shall be calculated as twenty-five (25%) percent of the average monthly wastewater billing for the previous two (2) years. The capacity shall be reserved for a maximum period of two (2) years, unless the period is extended by written agreement authorized by the City Council. The capacity reservation charge shall be prorated if only a portion of the capacity is to be reserved. The capacity reservation charge shall be paid monthly. A capacity reservation charge is necessary as the majority of the City's wastewater treatment costs do not change with the volume of wastewater treated and it is in the best public interest to have the wastewater treatment plant fully utilized. Failure to pay the capacity reservation charge will result in the capacity reverting to the City to reallocate in accordance with City Council adopted policies. The capacity reservation charge only applies to significant industrial users as defined in Section 5.24.040. (§ 2, Ord. 966 C.S., eff. January 15, 1998)

5.24.660 - Sewer service charges, billing, payment and delinquencies.

Except as otherwise provided, all sewer service charges shall be billed and made payable and otherwise conform with the provisions of Chapter 3 of Title 11 of this Code.

(Prior code § 5-6.506)

5.24.670 - Duties of director of utilities and finance manager.

It shall be the duty of the Director to monitor all connections to the sewer system, and subject to the approval of the Council, to establish and administer such reasonable rules and regulations applicable to the use and operation of the sewer system and the sewage treatment and disposal system as may be deemed advisable or necessary provided, however, such rules and regulations so established shall not be in conflict with any provisions of this article and shall be at all times subject to appeal under section 5.24.810. It shall be the duty of the Finance Director to collect all sewer service charges. The Finance Director shall keep an accurate accounting and records showing the source, amount, and disposition of all funds received from sewer service charges and connection fees.

(Ord. 1111 § 4 Exh. A (part), 2007: prior code § 5-6.507)

Article 6. - Enforcement, Non-Compliance Fees and Abatement

5.24.680 - Enforcement responsibilities.

- (a) The City Manager shall insure enforcement of this chapter by coordinating the actions of Finance Director and the Director of Utilities and any other City departments concerned. The Director of Utilities is hereby charged with the enforcement of all of the provisions of this chapter except where otherwise directed.
- (b) The City can require compliance with the terms of this chapter by issuing administrative orders that are enforceable in a court of law or by directly seeking court action.

(Prior code § 5-6.601)

5.24.690 - Preliminary determination of non-compliance and related fees.

If routine sampling reveals non-compliance by the discharger with the mass emission rates or conditions specified in the user's permit, then the user shall pay to the City non-compliance fees as specified in Schedule A of Tables I and II, and City laboratory fees as set by the Council resolution in effect at the time of non-compliance. The City may, however, impose a minimum fine of One Thousand and no/100ths (\$1,000.00) Dollars per day for each violation of this chapter. The non-compliance fees shall be in addition to and not in lieu of said fines.

- (a) Routine sampling shall be conducted in the time, place, manner and frequency determined at the sole discretion of the Director.
- (b) The fees specified shall commence on the date the sampling is started and shall continue to accumulate for each day sampled.

(Prior code § 5-6.602.1)

5.24.700 - Probation order.

- (a) Grounds. In the event the Director determines that a permittee has discharged in violation of any provision of this chapter, or the terms, conditions and limitations of its discharge permit, or has not made payment of all amounts owed to the City for user charges, non-compliance fees or any other fees, the Director may issue a Probation Order, whereby the permittee must comply with all directives, conditions, and requirements therein within the time prescribed.
- (b) Probation Order—Non-Compliance Charges. If at any time while a Probation Order is in effect, a permittee discharges effluent to the City's sewerage system which is not in compliance with the Probation Order, the terms, conditions or limitations specified in the permittee's discharge permit, or with any provision of the chapter, then the permittee shall pay fees to the City as specified in Schedule B of Tables I and II of the adopted non-compliance fees, and the permittee may be assessed all other costs incurred during the sampling, including labor, equipment, materials, overhead, and laboratory fees, in addition to the foregoing.
- (c) Probation Order—Permit Suspension. If at any time while a Probation Order is in effect, a permittee discharges effluent to the City's sewerage system which is not in compliance with the Probation Order, the terms, conditions or limitations specified in the permittee's discharge permit, or with any provision of this chapter, the permittee shall be subject to permit suspension pursuant to the provisions of Section 5.24.740 of this chapter.
- (d) Probation Order—Expiration. A Probation Order issued by the Director shall be in effect for a period not to exceed ninety (90) days. Upon satisfactory compliance with the terms of the Probation Order and expiration thereof, any fees to be assessed due to subsequent non-compliance by Permittee shall be in accordance with Schedule A of Tables I and II of the adopted non-compliance fees.

(Prior code § 5-6.602.2)

5.24.710 - Enforcement compliance schedule agreement (ECSA).

- (a) **Grounds.** Upon determination that an industrial user is in noncompliance with the terms, conditions or limitations specified in a permit or any provision of this chapter, and needs to construct and/or acquire and install equipment related to pretreatment, the Director may require the permittee to enter into an ECSA which will, upon the effective date of the ECSA, amend the permittee's permit. The ECSA shall contain the terms and conditions by which a permittee must operate during its term and shall provide specific dates for achieving compliance with each term and condition for construction and/or acquisition and installation of required equipment related to pretreatment.

An ECSA shall have a maximum term of 180 days, and upon showing of good cause, including but not limited to reasonable progress under the terms of the ECSA, it may be extended by the Director for an additional period of not to exceed 180 days.

- (b) **ECSA—Payment of Amounts Owed.** An ECSA shall not be approved by the City until such time as all amounts owed to the City, including user fees, non-compliance fees, deposits or civil penalties are paid in full, or an agreement for deferred payment secured by collateral or a third party, is approved by the City.
- (c) **ECSA—Non-Compliance Charges.** If, during the term of an ECSA, sampling reveals noncompliance by the permittee with the terms, conditions or limitations specified in the user's permit, or any provision of this chapter, the permittee shall pay the fees as specified in Schedule B of Tables I and II of the adopted non-compliance fees, and may be assessed all other costs incurred during the sampling, including labor, equipment, materials, and overhead.
- (d) **ECSA—Permit Suspension/Revocation.** If compliance is not achieved in accordance with the terms and conditions of an ECSA during its term or after expiration, the Director may issue an order suspending or revoking the discharge permit pursuant to Section 5.24.740 of this chapter.
- (e) **ECSA—Expiration.** If, following the expiration of an ECSA, sampling reveals non-compliance by the permittee with the terms, conditions or limitations specified in the permit, or any provision of this chapter, the permittee shall pay fees as specified in Schedule B of Tables I and II of the adopted non-compliance fees. If the permittee remains in consistent compliance for a two (2) year period, then fees shall initially be established in accordance with Schedule A, Tables I and II.

(Prior code § 5-6.602.3)

5.24.720 - Regulatory Compliance Schedule Agreement (RCSA).

If Federal Categorical Pretreatment Standards are adopted or revised by the United States Environmental Protection Agency, or in the event the City enacts revised discharge limitations, the Director, upon determination that an industrial user would not be in compliance with the future limitations, shall require the industrial user to enter into a RCSA with the City under terms

and conditions that would provide for achieving compliance with all new standards by the industrial user on a specific date.

During the period said RCSA is in effect, any discharge by permittee in violation of the RCSA will require payment of non-compliance fees in accordance with Schedule A of Tables I and II of the adopted non-compliance fee.

Upon RCSA expiration, or in the event of non-compliance by permittee, non-compliance fees shall initially be established in accordance with Schedule A of Tables I and II of the adopted non-compliance fees. Enforcement actions thereafter will be based on applicable provisions of this chapter.

(Prior code § 5-6.602.4)

5.24.730 - Batch dumps.

When the City determines that a user has discharged concentrated non-compatible pollutants to the sewerage system in a manner or method that is not approved by the City, non-compliance fees shall be assessed as set forth in Schedule C of Tables I and II of the adopted non-compliance fees. In addition, the user may be subject to permit suspension or permit revocation in accordance with Section 5.24.740 as well as additional legal enforcement remedies available to the City.

(Prior code § 5-6.602.5)

5.24.740 - Administrative orders.

- (a) Cease and Desist Orders. When the City finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this chapter or the provisions of a wastewater discharge permit, in addition to all other requirements and actions provided herein, the Director may issue a cease and desist order and direct that those persons not complying with such prohibitions, limitations, requirements or provisions:
 - (1) Cease discharge immediately; or
 - (2) Comply immediately; or
 - (3) Comply in accordance with a time schedule set forth by the City.
- (b) Public Nuisance. Discharges of wastewater in any manner in violation of this chapter or of any order issued by the Director as authorized by this chapter are hereby declared a public nuisance and shall be corrected or abated as directed by the City. Any person creating a public nuisance is guilty of a misdemeanor.
- (c) Termination of Service. In addition to all other requirements and actions provided herein, the City may revoke any wastewater discharge permit or terminate sewerage service to any customer found in violation of the provisions of this chapter or whose discharge presents or may present, danger to the environment or that threatens to interfere with the POTW's operation. All costs for reinstituting service shall be paid by the permittee. Prior to

termination of service, unless immediate termination is required, the Director shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided. Such notice shall be mailed to the owner at the address shown on the records of the Assessor of the County and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of the proposed termination of service and the reason therefore and the date the Utilities Department shall hold a hearing upon such intended termination. Such hearing shall not be held less than fifteen (15) days after the giving of notice as herein required. At the hearing, the permittee shall have an opportunity to respond to the allegations set forth in the notice. After the hearing, the Director or his designee shall make his determination and should he find grounds for the termination of service, he shall have the right to revoke that permit. The decision shall be reduced to writing within ten (10) days after submission of the cause by the parties thereto, and shall contain a brief statement of facts found to be true, the order of the Director or other person sitting as hearing officer. A copy shall be mailed or delivered to the permittee or his legal council. The revocation hearing shall be conducted in accordance with procedures established by the Director of Utilities and approved by the City Attorney.

- (d) Immediate Termination of Service. The City may immediately, without prior written notification, suspend sewerage service when such suspension is necessary, in order to stop an actual discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, or cause the City to violate any State or federal law or regulation.

(Prior code § 5-6.603)

5.24.750 - Enforcement.

Any wastewater discharger who discharges or causes the discharge of prohibited wastewaters which cause damages to the City's facility, detrimental effects on treatment processes, or other damages resulting in costs to the City shall be liable to the City for all damages occasioned thereby.

- (a) Injunction. Whenever a violation of the provisions of this chapter or a Federal or State pretreatment standard or requirement occurs, the City may, in addition to any other action provided herein, petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such violation.
- (b) Civil Penalties. Any person who violates any provision of this chapter or permit condition, or who violates any cease and desist order, prohibition or effluent limitation, may be liable civilly for a minimum penalty of One Thousand and no/100ths (\$1,000.00) Dollars per day for each day such violation occurs. The legal counsel of the City shall petition the Superior Court to impose, assess and recover such penalties.
- (c) Criminal Penalties. Any person who violates a provision of this chapter or permit condition, or who violates a cease and desist order, prohibition or effluent limitation, is guilty of a misdemeanor punishable as set forth in section 1.04.030

(Ord. 1040 § 5 Exh. E (part), 2002; prior code § 5-6.604)

5.24.760 - List of violators.

The Director shall annually publish in any paper of general circulation that provides meaningful notice within the City a list of the industrial users, which were in significant noncompliance of applicable pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall summarize any enforcement actions taken against the industrial user(s) during the same twelve (12) month period.

(Ord. 1119 § 8, 2008; prior code § 5-6.605)

5.24.770 - Damage to facilities.

When a discharge of waste causes an obstruction, damage, or any other impairment to City facilities, the City may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

(Prior code § 5-6.606)

5.24.780 - Falsifying of information.

Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the City or knowingly renders inaccurate any monitoring device or method required under this chapter, becomes subject to civil and criminal penalties set forth in this chapter.

(Prior code § 5-6.607)

5.24.790 - Right of entry.

In order to affect its powers, the City may enter upon private property, except domestic user property, at any reasonable time, for the purpose of inspection, maintenance of sanitary and waste disposal facilities, or inspection, copying, monitoring and discharge of records to determine compliance with this chapter.

(Prior code § 5-6.608)

5.24.800 - Wastehauler non-compliance with permit requirements.

- (a) Non-compliance with permit requirements shall be determined by an analysis of a grab sample of the effluent for any constituent or condition specified in the user's permit. If the effluent of a user is found by the analysis to be in excess of the concentrations or conditions specified in the user's permit and it can be proven to the satisfaction of the Director not to be of septic tank/cesspool or non-industrial origin, the following shall apply:

1. First violation and all subsequent violations: wastehauler shall identify, in writing, the source of the discharge.
 2. Second violation: permittee's disposal privileges shall be suspended for five (5) days.
 3. Third violation: permittee shall pay a noncompliance fee and the permit for disposal privileges shall be suspended for ten (10) days.
 4. Fourth violation: the permit shall be revoked.
- (b) For those wastehaulers discharging liquids from industrial sources, the following shall apply:
1. First violation: permittee shall pay a noncompliance fee.
 2. Second violation: permittee shall pay a noncompliance fee and the permit shall be revoked.

(Prior code § 5-6.609)

5.24.810 - Appeals.

The City costs incurred by reason of appeals by a permittee, which result in additional sampling and study, will be charged directly to the permittee.

Any user, permit applicant or permit holder affected by any decision, action or determination made by the Director interpreting or implementing the provisions of this chapter or in any permit issued herein, may file with the Director written request for reconsideration within ten (10) days setting forth in detail the facts supporting the user's request for reconsideration. Such facts must include a statement listing newly discovered relevant facts that were not known or available to the user at the date of the hearing. The Director shall render a decision on the request for reconsideration to the user, permit applicant or permit holder in writing within fifteen (15) days of receipt of request. If the ruling on the request for reconsideration made by the Director is unacceptable, or if there is no request for reconsideration and the original ruling is unacceptable, the person requesting reconsideration may file an appeal to the City Manager under section 1.12.010.

(Ord. 1111 § 4 Exh. A (part), 2007: prior code § 5-6.610)

Article 7. - Severability

5.24.820 - Severability.

If any provision of this chapter or the application to any person or circumstances is held invalid, the remainder of the chapter or the application of such provisions to other persons or other circumstances shall not be affected.

(Prior code § 5-6.701)

AGENDA ITEM 5

REQUEST

**DISCUSS PROPOSED CITY COMMENTS ON THE DRAFT ENVIRONMENTAL
IMPACT REPORT FOR THE SAN JOAQUIN REGIONAL RAIL COMMISSION'S
ACEFORWARD PLAN**

EXECUTIVE SUMMARY

The San Joaquin Regional Rail Commission (SJRRRC) is proposing to expand service and connections to better serve the existing travel markets along its existing corridor between Stockton and San Jose and to expand service to additional cities in San Joaquin, Stanislaus, and Merced Counties. The implementation of this expansion is known as *ACEforward*. A draft environmental impact report (DEIR) for the *ACEforward* plan was released for public comment on May 31, 2017. Public comments are due in writing by July 31, 2017, in order to be considered. Attached to this staff report are proposed comments to the DEIR to be made on behalf of the City of Tracy.

DISCUSSION

Since June 2013, SJRRRC has been advancing the *ACEforward* plan. *ACEforward* consists of identified shorter-term goals to modernize the existing ACE service that would result in faster intercity and commuter train service, and, long-term, could establish a connection between Stockton, Modesto, Ceres, Turlock, Merced, and San Jose within the next 10 years. *ACEforward* is consistent with the Metropolitan Transportation Commission (MTC) 2007 San Francisco Bay Area Regional Rail Plan which identified the Altamont Corridor as a key future northern California regional rail route. *ACEforward* is also consistent with the California High Speed Rail Authority (CHSRA) 2016 Business Plan in relation to providing an opportunity to connect existing intercity and commuter rail services to future High Speed Rail (HSR) service.

The *ACEforward* DEIR was released on May 31, 2017 and is open for public comments until July 31, 2017. In order for comments to be considered, they must be submitted in writing on or before July 31st. In relation to Tracy, the *ACEforward* plan identifies multiple options for potential service improvements in the Tracy area. Some of these options include using the existing station along the existing alignment with the possibility of an additional station in one of five potential locations to the west, providing service along a different alignment which would bring the ACE train through Tracy's downtown with the potential for an additional station to the west, or using part of the downtown alignment and part of the existing alignment to provide stations. A summary of these options can be found on Figure ES-5 of the Executive Summary of the DEIR. Additional details of each proposed station can be found in Section 2.3.5 of the DEIR with supporting images shown in Figures 2-16 through 2-34.

Attached to this report is a draft letter which contains proposed comments regarding this project (Attachment A). Additionally, the Transportation Advisory Commission will be discussing this item at their regular meeting on July 13, 2017. Since that meeting will

take place after the publication of this staff report, a separate memo containing their comments will be forwarded to Council for their consideration.

STRATEGIC PLAN

This agenda item supports the Economic Development Strategic Plan and specifically implements the following goals and objectives:

Goal 1: Attract Head-of-Household Jobs Reflective of the City's Target Industries and those that Best Match the Skill Sets of the Local Labor Force.

Objective 1b: Pursue Bay Area companies and industries with growth and expansion potential.

Task 1.b.4 Support transportation services that enhance connectivity to the Silicon Valley and Bay Area (i.e. ACE, RTD, BART, etc.).

FISCAL IMPACT

Upon completion of the draft environmental impact report (DEIR), City staff will return with an expanded fiscal impact discussion, if any, resulting from San Joaquin Regional Rail Commission (SJRRRC) *ACEforward* plan.

RECOMMENDATION

Staff recommends that City Council discuss and provide direction regarding proposed City comments on the draft environmental impact report for the San Joaquin Regional Rail Commission's *ACEforward* plan.

Prepared by: Ed Lovell, Management Analyst II

Reviewed by: Karin Schnaider, Finance Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENT

A - Comment Letter



ATTACHMENT A

City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

DEVELOPMENT SERVICES
DEPARTMENT

MAIN 209.831.6400
FAX 209.831.6439
www.cityoftracy.org

July 18, 2017

San Joaquin Regional Rail Commission
Attn: ACEforward Draft EIR
949 East Channel Street
Stockton, CA 95202
ACEforwardEIR@acerail.com

Dear San Joaquin Regional Rail Commission:

Subject: ACEforward Draft Environmental Impact Report; SCH# 2013062059

On behalf of the Tracy City Council, thank you for the opportunity to comment on the ACEforward Draft Environmental Impact Report (DEIR). We are pleased with plans to increase the number of ACE trains stopping in Tracy and the extension of the ACE service area.

We share the conviction of everyone from elected officials to commuters and businesses on both sides of the Altamont Pass that increased transportation capacity and alternatives to Interstate 580 are critical to economic growth and competitiveness of our region.

The San Joaquin Regional Rail Commission has committed tremendous effort to develop a comprehensive DEIR for the ACEforward project. With a relatively small amount of additional analysis, the project will be closer to the ultimate mission for ACE and the DEIR will more thoroughly align with the vision of the project. Please consider the following items as part of the project and analyze them as part of the DEIR.

1. An additional project alternative in the DEIR: a rail line (either ACE-dedicated or shared with Union Pacific) for self-propelled, light rail to connect from Lathrop to BART (with a stop in Tracy) at Greeneville Road. Shared platforms at Lathrop and Greeneville Road will allow passengers to conveniently transfer from one service to the other. The line could be shared with Union Pacific to help finance capital costs by both passenger and freight service providers. This is a logical extension, inevitably necessary for the optimal service between the San Joaquin Valley and the greater Bay Area.

2. The DEIR identifies one existing station, one proposed station, and seven potential stations in Tracy. Please expand the DEIR to analyze the relative differences between the multiple stations in Tracy. The analysis should include, but not be limited to the following: noise impacts to existing and planned nearby uses; parking opportunities and alternatives; roadway and other transportation improvements necessary to gain access to each station; growth-inducing effects in proximity to the proposed stations; and efficiency to the ACE system.
3. Identify potential location(s) in Tracy for a maintenance yard for system-wide tracks, trains, and other infrastructure. The City of Tracy is uniquely located centrally to the ACE system; has access to water, sewer capacity, and other utilities to serve a maintenance facility; and owns several sites of 100 acres or more (Chrisman Property, Antenna Farm Property, and Holly Sugar Property) that may become, in whole or part, available for use as a maintenance facility.
4. Please identify and analyze potential effects of additional freight rail traffic in Tracy that may result from ACE system-wide improvements. Potential effects could relate to such topics as noise, the speed or types of rail cars, the duration of automobile or other transportation (including emergency vehicles) delays at rail crossings, length of emergency response times, and potential health or safety concerns related to rail car leaks, spills, or other accidents.

Thank you, again, for the opportunity to review and comment on the ACEforward DEIR. If you have any questions or would like to discuss any of these items, please contact Ed Lovell at (209) 831-6204, or ed.lovell@cityoftracy.org.

Sincerely,

Robert Rickman
Mayor, City of Tracy

cc: Tracy City Council

AGENDA ITEM 6

REQUEST

DISCUSS AND REVIEW PROPOSED AMENDMENTS TO THE TRACY MUNICIPAL CODE REGARDING THE USE OF TEMPORARY STORAGE STRUCTURES (PERSONAL ON DEMAND STORAGE UNITS – PODS), AND CARGO/SHIPPING CONTAINERS WITHIN THE CITY OF TRACY AND PROVIDE DIRECTION TO STAFF

EXECUTIVE SUMMARY

This agenda item is a part of a broader code enforcement effort to help beautify and enhance the image of the City. On September 6, 2016, Council directed staff to return with language to amend and add sections to the Tracy Municipal Code relating to a variety of property maintenance issues following a report from staff regarding current code enforcement efforts. Staff's report also provided Council with existing enforcement authority and enforcement procedures for addressing nuisance complaints, as well as nuisances reported but not identified in the Tracy Municipal Code. This agenda item brings forth one of several proposed Tracy Municipal Code amendments as they relate to property maintenance regulations and standards.

BACKGROUND

Concerns Over Lack of Enforcement and Visual Blight

During the September 6, 2016 City Council meeting, staff presented Council with reports of increased property maintenance complaints not identified in the Tracy Municipal Code (TMC). The most common issues reported include the following:

- Vehicle parking on lawns, back yards and side yards
- Paving entire front yards
- Abandoned shopping carts
- Yard maintenance standards
- Accumulation of newspapers, circulars, flyers and notices in driveways
- Use of outside storage containers and other temporary accessory units
- Abandoned or neglected newspaper racks
- Neglected building maintenance, unmaintained landscaping, including tall, green, overgrown or dead vegetation, including lawns and landscaping

These conditions can lead to visual blight, deteriorated neighborhood aesthetics, safety concerns, and reduced property values. While the number of complaints related to the issues highlighted above are increasing, staff's only remedy to address these issues is to amend various TMC sections to set forth beautification standards.

Following Council discussion and deliberation, staff was directed to draft and strengthen municipal code language to address property maintenance standards, including but not limited to the use of temporary storage structures such as rented storage PODS and cargo units (also known as shipping containers) within residential areas of the City of Tracy. This subject matter is the topic of this meeting's discussion; previous staff reports addressed shopping carts, vehicle parking on front lawns, and residential landscape standards for which standards and Municipal Code amendments are underway. Future staff reports will address the balance of the requested Municipal Code amendments.

Pursuant to the 2016 California Building Code, a building permit is required for any accessory structure over 120 square feet. Such accessory structures include, but are not limited to, sheds, patio covers, and arbors, which either exceed 120 square feet or are attached to a garage or residential structure. Temporary canopies, such as temporary car shade structures, pop-up canopies, and most other fabric structures, do not meet the 2016 California Building Code requirements and, are therefore, prohibited as permanent structures.

As directed by Council in September of 2016, staff has developed criteria regarding the use of PODS and cargo storage units in the City of Tracy, as follows:

PODS Unit Allowances, Requirements and Restrictions:

- "Temporary Structure" is defined in the 2016 California Building Code, as a period of less than 180 days from the date the structure was located onto the site.
- One or more Temporary PODS less than 128 total square feet will be allowed in residential zones on a temporary basis without the benefit of a City of Tracy Building Permit.
- Temporary PODS over 128 square feet will require a City of Tracy Building Permit, as set forth in the 2016 California Building Code, Section 3103, Temporary Structures.

PODS Unit Restrictions - In residential areas, temporary PODS units will be subject to the following restrictions:

- Encroaching on City property or City right of way (i.e., easements, sidewalks or street).
- Encroaching on adjacent property.
- Obstructing vehicular or pedestrian traffic. If placed in a front yard, the structure must be located on a non-permeable (paved) surface.

Cargo Storage Unit Requirements:

- Cargo/shipping containers will be defined in the Municipal Code.
- Cargo/shipping containers of any size proposed for use in commercial or industrial zones will require a City of Tracy Building Permit.
- Cargo/shipping containers will be prohibited in residential zones.

Cargo/Shipping Container Restrictions - In commercial and industrial areas, cargo/shipping containers must adhere to the following regulations:

- No encroachment on to City property or City right of way (i.e., City easements, sidewalk or street).
- No encroachment on adjacent property.
- Must not be a sight obstruction to vehicular or pedestrian traffic.
- Must not impede vehicular ingress/egress to site.
- Must not impede emergency site requirements such as fire lane, emergency doors, emergency parking, handicapped parking, etc.

At the time of building permit issuance, staff will encourage the applicant to place the temporary structure within the rear of the proposed property where the structure will be located.

STRATEGIC PLAN

The information provided in this report coincides with the Mayor's Five Point Plan and the City of Tracy's Public Safety Strategy Plan, No. 2, Promote public health, safety, and welfare throughout the community. This effort includes reducing the number of blighted property conditions in the City of Tracy.

FISCAL IMPACT

This report is provided to Council for direction. After formal adoption of this code amendment, implementation will be performed by existing staff; therefore, there is no additional fiscal impact.

RECOMMENDATION

That Council review staff's proposed amendments to the Tracy Municipal Code regarding the use of temporary storage structures (PODS) and shipping containers (known as cargo units) in the City of Tracy. If Council finds this language is acceptable and directs staff to move forward with the code amendment, staff will draft an ordinance reflecting the language contained in this staff report and will return to Council for introduction of an ordinance within sixty (60) days.

Prepared by: Ana Contreras, Community Preservation Manager

Reviewed by: Bill Dean, Assistant Development Services Director
Andrew Malik, Development Services Director
Karin Schnaider, Finance Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

AGENDA ITEM 7

REQUEST

INTRODUCE AND WAIVE THE FIRST READING OF AN ORDINANCE ADDING A NEW SECTION 10.08.3225 AND AMENDING SECTION 10.08.3530 OF THE TRACY MUNICIPAL CODE RELATING TO RESTRICTIONS ON FRONT YARD PAVING AND PROHIBITING PARKING ON ANY UNPAVED SURFACE – CITY INITIATED – APPLICATION NUMBER ZA17-0005

EXECUTIVE SUMMARY

City Council is being asked to introduce and waive the first reading of an ordinance adding a new section 10.08.3225 and amending section 10.08.3530 of the Tracy Municipal Code relating to restrictions on front yard paving and prohibiting parking on any unpaved surface.

DISCUSSION

This agenda item is a part of a broader code enforcement effort to help beautify and enhance the image of the City. On September 6, 2016, City Council directed staff to return with language to amend and add sections to the Tracy Municipal Code relating to a variety of property maintenance issues. On April 4, 2017, City Council had a discussion item to clarify their direction regarding front yard paving and parking on unpaved surfaces. At the April 4th meeting, City Council directed staff to bring forth a draft ordinance for review and consideration by Planning Commission and City Council that would (1) amend Tracy Municipal Code Section 10.08.3530 to state that it shall be unlawful to park on any unpaved surface, and (2) propose new regulations that would restrict the amount of paving in front yards on residential property, in order to address concerns of visual blight and deteriorated neighborhood aesthetics.

As part of the April 4th City Council meeting, there were public comments both in favor of and against potential regulations that might restrict paving on residential property. In particular, several members of the public expressed opposition to any new regulations that would restrict their ability to pave portions of their front yard for accessing their side yards. These concerns were taken into consideration when staff prepared the draft ordinance.

Staff examined front yard paving regulations of nearby cities. In general terms, several of the nearby cities restrict paving to approximately 50% of the front yard, including Livermore, Brentwood, Stockton, San Jose, and Turlock, with some minor variations in the details of each ordinance.

Staff also looked at many existing residential lots in Tracy to assess how front yard paving regulations would impact Tracy homeowners. Staff found that in certain cases, such as side entry garages, three car garages, and garages that are setback more than 10 feet from the front façade of the house, the driveway alone could potentially exceed

50% paving in the front yard, depending on the size and shape of the lot, and the design and setbacks of the house.

The proposed draft ordinance addresses these potential concerns by excluding the driveway from the calculations for the front yard area. The draft ordinance states that no more than 50% of the front yard may be paved, but the area of the driveway is excluded from the calculation. By using this approach, the various driveway types will not be in conflict with the ordinance. Additionally, by allowing up to 50% of the remaining front yard to be paved, there would be opportunity for people to pave portions of the front yard for various uses such as driveway extensions and accessing side yards. However, paving the entire front yard would not be allowed. With this proposed ordinance a certain amount of the front yard would be preserved as non-paved area, which would vary in size depending on the size and shape of the lot, the design and setback of the house, and the size of the driveway.

The proposed ordinance also amends Subsection (a) of Section 10.08.3530 of the Tracy Municipal Code to add a statement that it shall be unlawful to park on any unpaved surface. This statement would be added to the existing language, which already states that every parking area used or intended to be used as a public or private parking area shall be paved with a surfacing material in compliance with City of Tracy Standards.

The complete proposed ordinance is included in Attachment A. Here are the relevant details:

A new Section 10.08.3225, Front yard paving, would be added to Title 10 (Planning and Zoning) of the Tracy Municipal Code to read as follows:

“10.08.3225 Front yard paving.

On residential property, no more than 50 percent of the front yard may be paved.

For the purposes of this section, the following definitions shall apply:

“Front yard” means the total area, extending across the full width of the lot, between the front façade of a dwelling and the front lot line, excluding the driveway.

“Driveway” means a paved area providing the shortest direct route, at the minimum width necessary, between a public right-of-way driveway approach and the vehicular entrance to a garage or carport.

“Paving” shall mean any permanent hard surface, such as asphalt, concrete, pavers, bricks, or other masonry.”

Subsection (a) of Section 10.08.3530, Required improvements and maintenance of parking areas, of Title 10 (Planning and Zoning) of the Tracy Municipal Code would be amended to read as follows:

“10.08.3530 Required improvements and maintenance of parking areas.

(a) It shall be unlawful to park on any unpaved surface. Every parking area used or intended to be used as a public or private parking area shall be paved with a surfacing material in compliance with City of Tracy Standards.”

Planning Commission Discussion

The Planning Commission met and discussed this item on June 28, 2017, and recommended that the City Council introduce and adopt the ordinance adding a new section 10.08.3225 and amending section 10.08.3530 of the Tracy Municipal Code relating to restrictions on front yard paving and prohibiting parking on any unpaved surface. During the discussion, one of the questions that the Commissioners had was whether this new ordinance would apply to existing pavement. Staff explained that the ordinance would only apply to pavement installed after the effective date of the ordinance. Staff also explained that determining when pavement was installed and enforcing this ordinance could be difficult. Another question posed by the Planning Commission was regarding how the City would inform the community of this new ordinance. Staff explained that an informational outreach effort would be deployed to inform Tracy residents of the new ordinance, such as press releases and posts on the City website and social media accounts.

Environmental Document

The proposed amendments to the Tracy Municipal Code are not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)). Therefore, no further environmental assessment is required.

STRATEGIC PLAN

The agenda item is related to the Mayor's Five Point Plan and the City of Tracy's Public Safety Strategy Plan, No. 2, Promote public health, safety, and welfare throughout the community. This effort includes reducing the number of blighted property conditions in the City of Tracy.

FISCAL IMPACT

If this ordinance is adopted, implementation will be performed by existing staff; therefore, cost will be absorbed within FY2017/18 operating budget.

RECOMMENDATION

Staff and Planning Commission recommend that the City Council introduce and waive the first reading of an ordinance adding a new section 10.08.3225 and amending section 10.08.3530 of the Tracy Municipal Code relating to restrictions on front yard paving and prohibiting parking on any unpaved surface.

Prepared by: Scott Claar, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Director
Andrew Malik, Development Services Director
Martha Garcia, Finance Manager
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment A – Ordinance adding a new section 10.08.3225 and amending section 10.08.3530 of the Tracy Municipal Code relating to restrictions on front yard paving and prohibiting parking on any unpaved surface

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY ADDING A NEW SECTION 10.08.3225 AND AMENDING SECTION 10.08.3530 OF THE TRACY MUNICIPAL CODE RELATING TO RESTRICTIONS ON FRONT YARD PAVING AND PROHIBITING PARKING ON ANY UNPAVED SURFACE

WHEREAS, The City Council wishes to restrict front yard paving on residential property and prohibit parking on any unpaved surface, in order to address concerns of visual blight and deteriorated neighborhood aesthetics; and

WHEREAS, The proposed amendments to the Tracy Municipal Code are not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)); and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on June 28, 2017 and recommended that City Council introduce and adopt the ordinance; and

WHEREAS, The City Council held a duly noticed public hearing to consider the ordinance on July 18, 2017.

The Tracy City Council hereby ordains as follows:

SECTION 1. A new Section 10.08.3225, Front yard paving, is added to Title 10 (Planning and Zoning) of the Tracy Municipal Code to read as follows:

“10.08.3225 Front yard paving.

On residential property, no more than 50 percent of the front yard may be paved.

For the purposes of this section, the following definitions shall apply:

“Front yard” means the total area, extending across the full width of the lot, between the front façade of a dwelling and the front lot line, excluding the driveway.

“Driveway” means a paved area providing the shortest direct route, at the minimum width necessary, between a public right-of-way driveway approach and the vehicular entrance to a garage or carport.

“Paving” shall mean any permanent hard surface, such as asphalt, concrete, pavers, bricks, or other masonry.”

SECTION 2. Subsection (a) of Section 10.08.3530, Required improvements and maintenance of parking areas, of Title 10 (Planning and Zoning) of the Tracy Municipal Code is amended to read as follows:

“10.08.3530 Required improvements and maintenance of parking areas.

(a) It shall be unlawful to park on any unpaved surface. Every parking area used or intended to be used as a public or private parking area shall be paved with a surfacing material in compliance with City of Tracy Standards.”

SECTION 3. This Ordinance takes effect 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 _____ was introduced at a regular meeting of the Tracy City Council on the _____ day of _____, 2017, and finally adopted on the _____ day of _____, 2017, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST: _____ MAYOR

CITY CLERK

AGENDA ITEM 8

REQUEST

DISCUSS AND REVIEW IMPROVEMENT ALTERNATIVES CONCERNING UNCONTROLLED PEDESTRIAN CROSSWALKS IN THE CITY INCLUDING A POSSIBLE ANNUAL PEDESTRIAN SAFETY IMPROVEMENT PROGRAM FOR UNCONTROLLED PEDESTRIAN CROSSWALKS AND PROVIDE DIRECTION TO STAFF

EXECUTIVE SUMMARY

City Council has requested that the City Engineer prepare a presentation on the safety of Uncontrolled Pedestrian Crosswalks in the City of Tracy. Of further interest was what can be done to improve the safety of these crosswalks. This report (and presentation) will note some alternatives for improvements, recommend some priority crosswalks, and discuss a potential annual program to improve crosswalks across the City. Staff will return to Council on a later date to request the necessary approvals, if any, to implement Council's direction.

DISCUSSION

The City Engineer's office will present City Council with options for enhancing existing uncontrolled pedestrian crosswalks to increase safety for pedestrians, with advantages/disadvantages of each alternative along with a budgetary (or a planning) level cost estimate. Staff will also recommend priority crosswalks to consider for improvements along with an annual program to make improvements for crosswalks across the City.

Uncontrolled Pedestrian Crosswalk Improvement Alternatives

Uncontrolled crosswalks are defined as crosswalks where motorists must yield to crossing pedestrians, but no stop sign, traffic signal, or yield sign is present on the approach, only a striped crosswalk. In Tracy, the crosswalk is indicated by two parallel white lines. Close to schools, these lines are yellow.

A common problem at uncontrolled crosswalks is low compliance from motorists who are required by law to yield to pedestrians attempting to cross, especially where the crossing distance includes more than two lanes. Different tools have been developed for addressing this problem. These tools are aimed at increasing the driver's awareness that a pedestrian is attempting to cross. Higher awareness typically results in higher motorist yield rates. The following are some options to improve the safety at uncontrolled pedestrian crosswalks:

Rectangular Rapid Flashing Beacons

Rectangular Rapid Flashing Beacons often abbreviated as RRFB's have become a staple solution for addressing this problem. They take high visibility signage and couple

them with flashing yellow rectangular lights that flash at a specific rate that has been developed to grab driver's attention. RRFB's can be pole mounted (on the sides of the roadways) or they can be overhead (mounted on a mast arm).

Some alternatives that are similar to RRFBs have been used by other agencies, but are backed by less research. These alternatives include in-roadway flashers and flashing pedestrian warning signs. The City of Tracy has in-roadway flashers at the mid-block crossing located in 10th Street between Central and B streets.

Pedestrian Hybrid Beacon (HAWK)

HAWKs are a common solution in other parts of the country and are beginning to gain traction in California. These systems combine warning signs with a red-light stop signal that requires vehicular traffic to stop at the crosswalk. This red signal is activated by pedestrians with a push button. The City of Stockton is currently in the process of designing a HAWK system, as well as, the City of Santa Clara. The California Manual on Uniform Traffic Control Devices (MUTCD) also has a warrant to justify the installation of HAWKs.

Hardscape Improvements

Hardscape improvements at intersections such as bulb outs and median refuge islands can go a long way in improving pedestrian visibility to the motorist and reduce the required crossing distance for pedestrians. These improvements can be used in combination with the signs and striping (noted later) and/or the traffic signals (noted above).

Signs and Pavement Striping

Signs and striping can be installed at or near intersections to improve the visibility of the crosswalks for motorists. Some of these signs and striping include:

- Pole mounted pedestrian retro-reflective warning signs (W11-2 per MUTCD)
- Retro-reflective strips along poles of warning signs
- Advanced Pedestrian Warning Signs (W11-2 & W16-9P per MUTCD)
- Paint Striping for high visibility and a retro-reflective crosswalk

Initial Recommended Priority Uncontrolled Pedestrian Crosswalks in Tracy

The following crosswalks have been identified by the staff as possible priority crosswalks for improvement:

1. 11th Street (at F St.) – Rectangular Rapid Flashing Beacons (pole mounted)
2. West Grant Line Rd (at O'Hara Dr.) – Rectangular Rapid Flashing Beacons (overhead)
3. Schulte Road (at Amaretto Dr.) - Rectangular Rapid Flashing Beacons (overhead)

Recommended Annual Program to Improve Controlled Pedestrian Crosswalks

The City of Tracy has a multitude of uncontrolled crosswalks. Prioritization in treating these is critical, because studies show that traffic control devices that are over used, or used when not warranted, often result in lower compliance rates from motorists. Limited funding is another reason why prioritization is important in order to address the crosswalks most in need.

Common criteria for ranking crosswalks for prioritization include:

- Proximity to schools and senior centers
- Speed of roadway crossed
- Vehicular volume on roadway crossed
- Pedestrian volume
- Sight distance limitations
- Collision history
- Crosswalk geometry
- Community concern
- Crosswalk lighting
- ADA Compliance
- Drainage issues

Staff proposes to receive feedback from council on the priority crosswalk improvements, possible budget allocations, and funding sources. After receiving this feedback, staff will return at a later Council Meeting to propose specific Capital Improvement Project(s) (CIP) to address Council comments and request approvals at that time.

STRATEGIC PLAN

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

FISCAL IMPACT

Based on the feedback staff receives on this presentation, staff will return to Council (at a different meeting) with specific CIP recommendations. Therefore, there is no fiscal impact at this time for this staff report.

RECOMMENDATION

That Council discuss and consider staff's recommendations regarding uncontrolled pedestrian crosswalks and provide direction to staff regarding priority crosswalk improvements and funding.

Prepared by: Robert Armijo, City Engineer / Assistant Development Services Director

Reviewed by: Andrew Malik, Development Services Director
Craig Kootstra, TPD Traffic Sergeant

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July 18, 2017
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Karin Schnaider, Finance Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

Uncontrolled Crosswalk Enhancement Options



Uncontrolled Crosswalks

An uncontrolled crosswalk is one where motorists have to yield to crossing pedestrians, but no stop sign, traffic signal, or yield sign is present on the approach.



Taylor Way and Jefferson Parkway



E Street and 11th Street



F Street and 11th Street (School Crosswalk)

Potential Crosswalk Enhancement Options



Pole Mounted Rectangular Rapid Flashing Beacon (RRFB) – Push Button Activated

Cost: \$25,000 – \$35,000

► Pros

- Increases driver's awareness of pedestrians attempting to cross
- Shown to be more effective than standard flashing beacons
- Less costly compared to traffic signals
- Rapid flashing lights very effective and bright

► Cons

- Pedestrians may not be aware of the button required to activate the lights
- May give pedestrians false sense of security



Note: FHWA Interim Approval of RRFB devices currently on hold due to patent lawsuit.

Overhead Rectangular Rapid Flashing Beacon (RRFB) – Push Button Activated

Cost: \$35,000 – \$60,000

► Pros

- Increases driver's awareness of pedestrians attempting to cross
- Shown to be more effective than standard flashing beacons

► Cons

- Pedestrians may not be aware of the button required to activate the lights
- May give pedestrians false sense of security
- Longer timeline for installation when compared to pole mounted RRFB



Note: FHWA Interim Approval of RRFB devices currently on hold due to patent lawsuit.

In Pavement Flashers – Push Button Activated

Cost: \$25,000 – \$35,000

► Pros

- Increases driver's awareness of pedestrians attempting to cross.

► Cons

- High maintenance cost
- Visibility restriction during the day
- Prone to damage due to rain
- Less research compared to Rectangular Rapid Flashing Beacon (RRFB)
- Settles in flexible pavement



Flashing Pedestrian Warning Sign – Push Button Activated (W11-2)

Cost: \$25,000 – \$35,000

► Pros

- Increases driver's awareness of pedestrians attempting to cross

► Cons

- Less research compared to Rectangular Rapid Flashing Beacon (RRFB)



Pole Mounted Pedestrian Retroreflective Warning Signs (W11-2)

Cost: \$500 - \$2,000 (Signs Only)

► Pros

- Increases driver's awareness of pedestrians attempting to cross

► Cons

- Less effective when compared to flashing beacons



Retroreflective strip along pole of warning signs

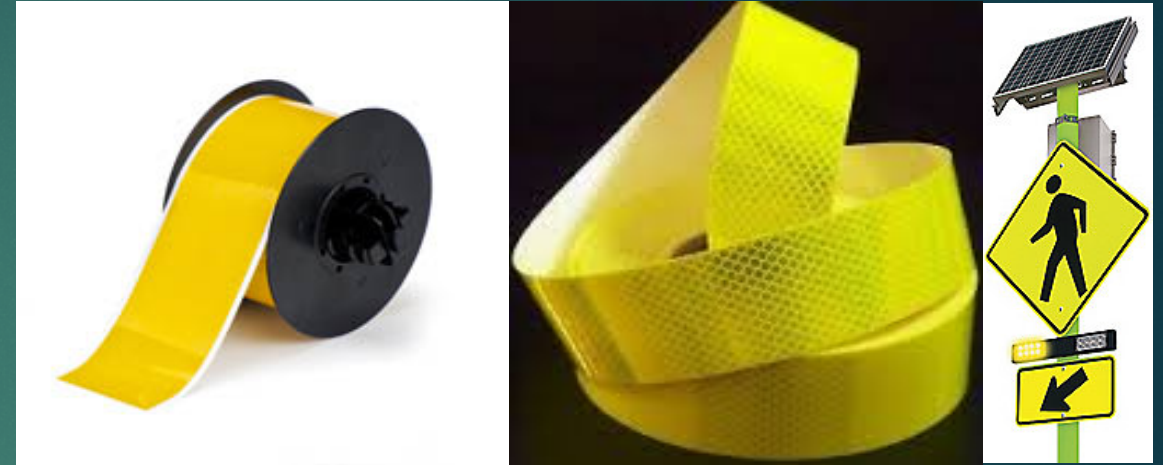
Cost: <\$300 (Strip Only)

► Pros

- Short timeline for installation
- Low cost compared with other treatments
- Increases driver's awareness of pedestrians attempting to cross

► Cons

- Less effective when compared to flashing beacons



Advanced Pedestrian Warning Signs (W11-2 & W16-9P) – retroreflective & fluorescent yellow

Cost: \$300-\$1,000 (Signs Only)

► Pros

- Useful for crosswalks near curves in roadway alignment which may limit a driver's sight distance
- Low cost
- Short timeline for installation

► Cons

- May add to sign clutter



Paint high visibility/retroreflectivity crosswalks – continental

Cost: \$500 - \$1,000

► Pros

- Increases driver's awareness of pedestrians attempting to cross
- Cheap installation
- Continental pattern lowers maintenance cost of crosswalks due to less impact from vehicle travel path



Pedestrian Hybrid Beacon (HAWK) Push Button Activated

Cost: \$75,000 – \$125,000

► Pros

- Dedicated right of way given to pedestrians
- Less delay for vehicles compared to traffic signal

► Cons

- Higher vehicular delay when compared to regular crosswalk
- Uncommon traffic control in California. Would likely require enforcement and public education. Signal operation may be confusing i.e. standard signals DMV requirements.
- Longer timeline for installation
- Mast arm costs higher compared to sidewalk pole mounted devices.
- Looks like a standard signal.



Median Refuge Island

Cost: \$7,500 – \$20,000

▶ Pros

- ▶ Pedestrians negate one direction of flow at a time while crossing
- ▶ Decreases crossing distance conflicting with vehicles
- ▶ Provides additional protection for pedestrians

▶ Cons

- ▶ Requires Right of way
 - ▶ Physical layout of roadway may prohibit construction
- ▶ Island may take away left turn pocket
- ▶ Costly
- ▶ Longer timeline for installation
- ▶ Debris gathers in refuge island



Bulb-out

Cost: \$15,000 – \$40,000 per corner

▶ Pros

- ▶ Increases visibility of pedestrians
- ▶ Decreases crossing distance conflicting with vehicles
- ▶ Slows down turning vehicles
- ▶ Aesthetically pleasing

▶ Cons

- ▶ Requires Right of way
 - ▶ Layout of roadway may prohibit construction
- ▶ May require reconstruction of storm water drainage system
- ▶ May require removal of parking, or impact driveways and bicycle facilities
- ▶ Longer timeline for installation



AGENDA ITEM 9

REQUEST

**DISCUSS AND PROVIDE DIRECTION REGARDING STAFF'S REVISED
PRELIMINARY DESIGN CONCEPT FOR IMPROVEMENTS TO THE 11TH STREET
CORRIDOR FROM LAMMERS ROAD TO CORRAL HOLLOW ROAD**

EXECUTIVE SUMMARY

Consistent with the Mayor's Five Point Plan on Enhancing the City's Image, Staff is proposing to expand an existing Capital Improvement Project (CIP) to create a more attractive "gateway" into the City along 11th Street. This design concept is being resubmitted to Council based on the feedback received at the Council Meeting of April 18, 2017.

The proposal involves removing much of the underperforming and water inefficient landscaping along the 11th Street Median from Corral Hollow Road to Lammers Road. This area will be enhanced with more attractive and vibrant landscaping features, while being water efficient. Attached to this report are some renderings and planting plans that demonstrate Staff's proposal.

DISCUSSION

In accordance with the Mayor's Five Point Strategy Work Plan, Staff is recommending that the Median Landscape Improvement Project on 11th Street be augmented to provide an attractive entry feature into the City of Tracy. Attractive landscaping should be used at the "gateways" to the city. Medians are often used to establish a community identity. Furthermore, the serviceable lifespan of the 11th Street median landscape has passed, and so now would be an opportune time to bring new life to this gateway median feature.

Description of the (Revised) Proposed Landscape Median Improvements

Staff has prepared a revised design concept (see attached exhibits) based on comments received from Council on April 18th. The proposed Design concepts intend to remove the poorly growing trees in the former lawn areas and any remaining grasses in those areas. Overhead spray irrigation will be converted to series of low volume bubbler heads to comply with State's mandated water ordinance.

The layout of the cobble, rock fines areas, and all concrete will remain as is. Proposed trees include larger more mature olive trees spaced closer together to give fullness and a more established look. Trees themselves will provide screening as one glances across the road. The overall grading will change to allow for better drainage. Water from irrigation will be retained within the planter instead of flowing onto the street and overhead sprays in those areas will be eliminated.

Other former lawn areas may contain large evergreen trees such as Deodar Cedar or Evergreen Oak, accented with trees with fall color. Ground plane will have ground

covers to the edge of the planting area and large full shrubs in the center of median that form an attractive pattern rather than straight lines. Shrubs would be 5 to 6 foot tall to prevent views across the road.

The existing ground cover which is thriving will remain, and weaker areas will be filled in with the same species. Areas in center of median will also have larger full shrubs to screen cars from opposing direction. Low water use shrubs such as dwarf oleander for hardiness and color and coffee berry can be used.

Deodar Cedars and native evergreen oaks will provide drought tolerance and fast growth for massive appearing trees. Spacing will be based on maintenance requirements and required offsets from street lights.

There is a total of 125,000 square feet of landscaping improvements proposed in the area between Corral Hollow and Lammers Road. The medians are approximately 30 feet wide and this linear project is about 1.3 miles long. As aforementioned, this project will include significant improvements to the irrigation system and to the drainage system in the medians.

The anticipated cost of this project, at this Preliminary Stage of Design, is estimated as follows:

Estimated Construction Costs	\$ 621,430
Contingency (20%)	\$ 124,286
Engineering Design and Planning (10%)	\$ 62,143
Construction Management and Inspection (10%)	<u>\$ 62,143</u>
Total Project Cost	\$ 870,002

CIP 73162 currently has an appropriation of \$61,075. Staff will return to Council at a later date with a detailed CIP proposal that would include a firm budget based on direction given by Council.

Engineering staff worked with Public Works to develop this concept.

STRATEGIC PLAN

The agenda is a routine operational item and is not related to the Council's Strategic Plans. This is part of the Mayor's Five Point Strategy for the City's Image Enhancement.

FISCAL IMPACT

CIP 73162 has a current appropriation of \$61,075 from Fund 301 (a general fund CIP account). Depending upon Council's direction, Staff may return to Council at a later time to request additional appropriations, as needed.

RECOMMENDATION

Staff recommends that the City Council receive the report, discuss, and provide input regarding the revised preliminary design concept for improvements to the 11th Street corridor from Lammers Road to Corral Hollow Road.

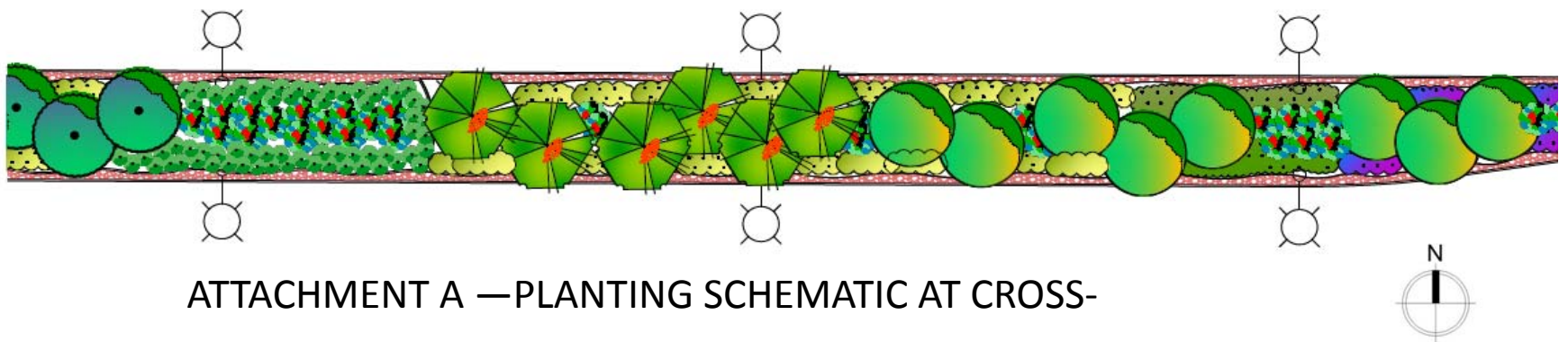
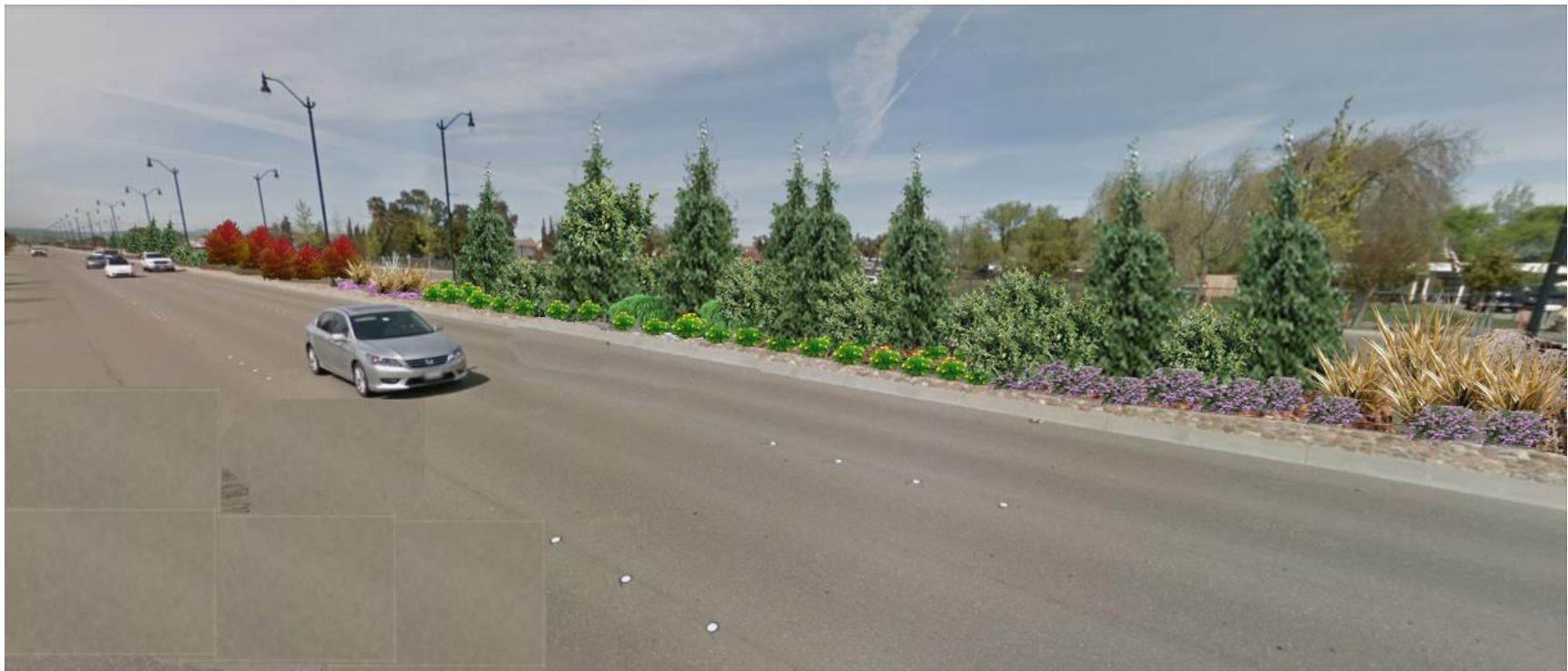
Prepared by: Robert Armijo, City Engineer / Assistant Development Services Director

Reviewed by: Andrew Malik, Development Services Director
Karin Schnaider, Finance Director
Stephanie Garrabrant-Sierra, Assistant City Manager

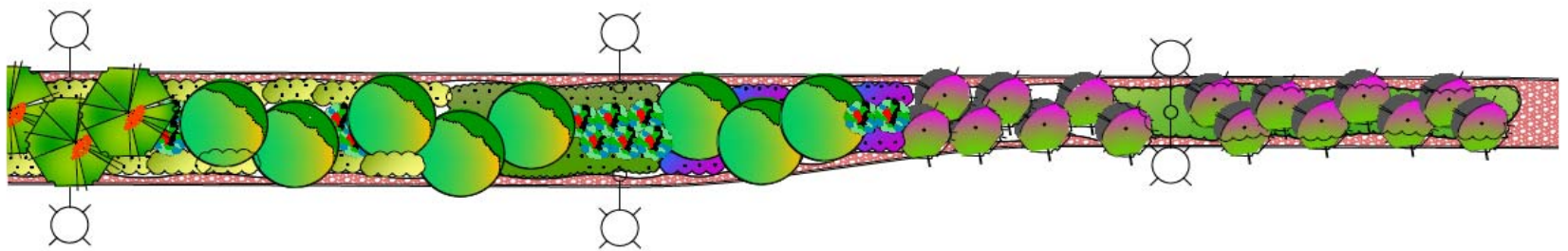
Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment A – Planting Schematic at Crossroads
Attachment B – Planting Schematic at Crossroads – side view
Attachment C – Planting Schematic at Summer Lane
Attachment D – Planting Schematic at Fountain



ATTACHMENT A —PLANTING SCHEMATIC AT CROSS-ROADS

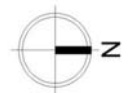


ATTACHMENT B — PLANTING SCHEMATIC AT CROSSROADS



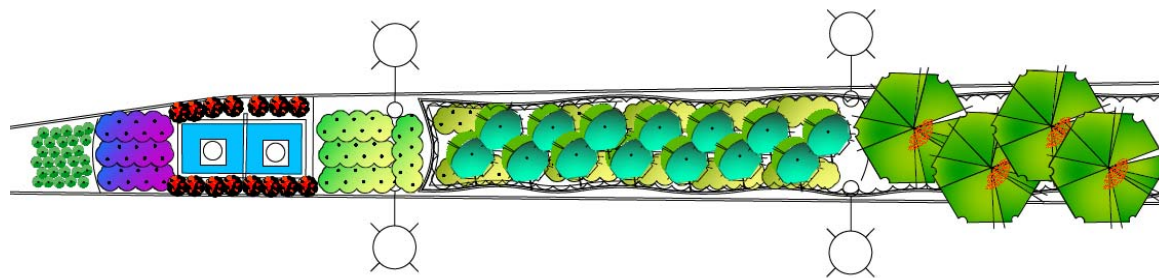


ATTACHMENT C — PLANTING SCHEMATIC AT MEDIAN AT SUMMER LANE
LOOKING WEST





LAMMERS ROAD



ATTACHMENT D — PLANTING SCHEMATIC AT FOUNTAIN