

Tuesday, February 1, 2011, 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. Individuals addressing the Council should state their names and addresses for the record, and for contact information. "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. The five minute maximum time limit for each speaker applies to all "Items from the Audience." Any item not on the agenda, brought up by 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 citizens address the Council, speakers should be as specific as possible about their concerns. If several speakers 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 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, 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 – Mike Souza, Grand Foundation – Donation to the Grand Theatre

1. CONSENT CALENDAR

- A. Minutes Approval
- B. Authorize Establishment of No Parking Zones on Holly Drive and Beverly Place in the Vicinity of Tracy Learning Center and Replacement of Existing Yield Signs on Mae Avenue with Stop Signs at the Intersection of Mae Avenue and Beverly Place
- C. Authorize Establishment of a No Parking Zone for Approximately 50 Feet on the South Side of Eaton Avenue West of Franklin Avenue at the Intersection of Franklin Avenue and Eaton Avenue
- D. Award a Construction Contract to Knife River Construction of Stockton, California, for the Court Drive, Twenty-Second Street, Twenty-Third Street, and Whittier Avenue Improvements - CIPS 73104, 73123, 73124, 75105, 75109, & 75110, and Authorize the Mayor to Execute the Construction Contract
- E. Approval of Amendments to Professional Services Agreements with Various Consultants for Additional Services Required to Complete the City's Infrastructure Master Plans
- F. Authorization to Amend a Lease Agreement with Sacramento-Valley Limited Partnership (Verizon) for Use of a Portion of the City Water Tower and Ground Space at Sixth Street and Tracy Boulevard to Extend the Term of the Lease Agreement, Increase the Rent Amount, Change the Methodology for Calculating Rent Increases; and Authorization for the Mayor to Sign the Amendment
- G. Approving the 2011 Calendar Year Budget for the Operation of the Tracy Material Recovery Facility and Solid Waste Transfer Station
- H. Accept Grand Foundation (Formerly Arts Leadership Alliance Aka ALA) 2010-11 Annual Underwriting Support for Programming and Operations at the Grand Theatre Center for the Arts

2. ITEMS FROM THE AUDIENCE

3. CITY COUNCIL ADOPTION OF THE GENERAL PLAN AMENDMENT OF 2011, THE CITYWIDE SUSTAINABILITY ACTION PLAN, AND CERTIFICATION OF THE GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT WHICH INCLUDES MAKING FINDINGS RELATED TO SIGNIFICANT IMPACTS, ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

4. AUTHORIZE NEGOTIATIONS WITH BLACK OPS AIRSOFT, INC. dba 9 GATES AIRSOFT FOR POTENTIAL USE OF CITY PROPERTY FOR THE DEVELOPMENT OF A TACTICAL AIRSOFT PLAYING FACILITY
5. ITEMS FROM THE AUDIENCE
6. COUNCIL ITEMS
7. ADJOURNMENT

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

December 21, 2010, 5:45 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Ives called the meeting to order at 5:30 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Abercrombie, Elliott, Rickman, Mayor Pro Tem Maciel, and Mayor Ives present.
3. ITEMS FROM THE AUDIENCE - None
4. CLOSED SESSION –
 - A. Real Property Negotiations (Gov. Code section 54956.8)
 - Property Location: The following City-owned parcels located north of Larch Road, west of Tracy Blvd. and east of Corral Hollow Road: APN#21214006, APN321214007, and APN21215001
 - Negotiator(s) for the City: Rod Buchanan, Director of Parks and Community Services; Andrew Malik, Development and Engineering Services Director; and William Dean, Assistant Development and Engineering Services Director
 - Negotiating Parties: Representatives of Tracy Blast Development LLC
 - Under Negotiation: Price and terms of payment for the sale or lease of the property.
 - Property Location: The City-owned property located at the northeast corner of Chrisman Road and 11th Street – a portion of APN# 250-030-06
 - Negotiator(s) for the City: Ursula Luna-Reynosa, Director of Economic Development; and Andrew Malik, Development and Engineering Services Director
 - Negotiating Parties: Representatives of the Tracy Learning Center
 - Under Negotiation: Price and terms of payment for the sale or lease of the property.

B. Anticipated Litigation (Gov. Code section 54956.9(b))

- Statement made by Paul Miles at the City Council meeting of June 15, 2010, threatening litigation.

C. Pending Litigation (Gov. Code section 54956.9(b))

- *Christopher Bosch v. City of Tracy, et al.*
(San Joaquin County Superior Court Case No. 39-2010-00252419-CU-OE-STK)

5. MOTION TO RECESS TO CLOSED SESSION – Council Member Abercrombie motioned to recess the meeting to closed session at 5:30 p.m. Council Member Elliott seconded the motion. Voice vote found all in favor; passed and so ordered.

Council Member Rickman stated he would abstain from the Anticipated Litigation concerning Paul Miles due to a possible conflict of interest.

6. RECONVENE TO OPEN SESSION – Mayor Ives reconvened the meeting into open session at 7:03 p.m.
7. REPORT OF FINAL ACTION – None.
8. ADJOURNMENT – It was moved by Council Member Abercrombie and seconded by Mayor Pro Tem Maciel to adjourn. Voice vote found all in favor; passed and so ordered. Time: 7:04 p.m.

The agenda was posted at City Hall on December 16, 2010. The above are summary minutes.

Mayor

ATTEST:

City Clerk

December 21, 2010, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

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Mayor Ives called the meeting to order at 7:07 p.m. and led the Pledge of Allegiance.

The invocation was given by Pastor Tim Heinrich, Crossroads Baptist Church.

Roll call found Council Members Abercrombie, Elliott, Rickman, Mayor Pro Tem Maciel, and Mayor Ives present.

1. CONSENT CALENDAR - Following the removal of items 1-J by Andrew Malik, Director of Development and Engineering Services, and item 1-H by a member of the audience, it was moved by Council Member Abercrombie and seconded by Mayor Pro Tem Maciel to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - A. Minutes Approval – Regular meeting minutes of October 19, 2010, closed session minutes of December 7, 2010, and special meeting minutes of December 7, 2010, were approved.
 - B. Award a Construction Contract in the Amount of \$108,543.30 for the Sidewalk, Curb & Gutter Repairs (ADA Improvements - FY10-11) - CIP 73122, to Nor-Cal Concrete of Suisun, California, and Authorize the Mayor to Execute the Construction Contract – Resolution 2010-200 awarded the construction contract.
 - C. Acceptance of the Patterson Pass Water Booster Pump Station Replacement Project - CIP 75097, and the Valpico Road Pressure Monitoring Station - CIP 75098, Completed by Conco West Inc., of Manteca, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2010-201 accepted the project.
 - D. Approve a List of City of Tracy Projects for San Joaquin Council of Government's One Voice Trip to Washington D.C., for Congressional Funding Appropriation Requests – Resolution 2010-202 approved the list of Tracy projects.
 - E. Approval of and Authorization for Mayor to Sign the 2010 Drainage Agreement Between the City of Tracy and the West Side Irrigation District – Resolution 2010-203 authorized the Mayor to sign the agreement.
 - F. Adopt Resolution Approving the Annual Report on Development Impact Fee Revenues and Expenditures, and Making Findings as to Unexpended Funds – Resolution 2010-204 approved the annual report.
 - G. Adopt Resolution Approving a Property Tax Sharing Agreement Between the County of San Joaquin and the City of Tracy – Resolution 2010-205 approved the agreement.

- I. Acceptance of the City of Tracy's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2010 – Resolution 2010-206 accepted the report.

- H. ADOPTION OF A RESOLUTION DESIGNATING MUNISERVICES AS AN AUTHORIZED CITY REPRESENTATIVE TO EXAMINE SALES AND USE TAX RECORDS - Mr. Tanner asked what percentage of the tax recovery would MuniServices receive for their fee. Mr. Zane Johnston, Finance and Administrative Services Director, explained the importance of services to audit State Board of Equalization records. Mr. Tanner asked how much was recovered in Fiscal Year (FY) 09/10 and how much is expected in FY10/11. Mr. Johnston explained that the fee was 25% of the first six quarters of any fee that is recovered from their audit. For FY 09/10 the fee was \$13,000 which means MuniServices collected approximately \$52,000 in additional revenues for the City. Mr. Johnston stated there was no estimate for FY 10/11.

It was moved by Council Member Abercrombie and seconded by Mayor Pro Tem Maciel to adopt Resolution 2010-207 designating MuniServices as an authorized City representative to examine sales and use tax records. Voice vote found all in favor; passed and so ordered.

- J APPROVE AMENDMENT OF THE CITY'S ADOPTED BUDGET FOR FY2010-11 TO CREATE A NEW CAPITAL IMPROVEMENT PROJECT – CIP 74091, FOR RECYCLED WATER DISTRIBUTION SYSTEM AND AUTHORIZE AN APPROPRIATION OF \$25,000 FROM THE WASTEWATER FUND 521 TO THIS PROJECT - Andrew Malik, Development and Engineering Services Director, asked that the item be pulled to clarify a discrepancy in the resolution attached to the staff report. The correct amount of the appropriation request is \$25,000.

It was moved by Council Member Abercrombie and seconded by Mayor Pro Tem Maciel to adopt the revised Resolution 2010-208 approving an amendment of the City's adopted budget for FY2010-11 to create a new Capital Improvement Project – CIP 74091, for recycled water distribution system and authorize an appropriation of \$25,000 from the Wastewater Fund 521 to this project. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – None.

3. PUBLIC HEARING TO APPROVE THE FINAL COSTS OF WEED ABATEMENT AND DESCRIPTION OF THE STRATEGY FOR FUTURE ABATEMENTS - Dave Bramell, Division Fire Chief, presented the staff report. Chief Bramell stated that pursuant to Tracy Municipal Code, Title 4, Article 6, Section 4.12.260, the Fire Department had identified property that required weed abatement. The property owners were given notice to abate and public hearings were conducted on July 17, 2010, and October 19, 2010. The Tracy Municipal Code provides that if the owner, or authorized agent, fails to abate the property 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. At the public hearings the Council authorized the abatement of several Tracy area properties.

The Fire Department budgeted \$12,100 for weed abatement in the FY2010-2011 budget. The department designated 21 parcels (Exhibit A to the staff report) that required abatement by the City's weed abatement contractor, Baylor Services. After the July 17, 2010 public hearing the City's contractor abated 16 parcels at a cost of \$10,319.80. After the October 19, 2010 public hearing, the contractor abated six additional parcels at a cost of \$1,744.50. The abatement was completed within budget at a cost to the City of \$12,064.30 for the contractor, and \$3,015.30 for the City's recoverable administrative costs. All other previously identified problem parcels were abated by the property owners.

Fire Department staff notified the property owners of this public hearing where Council will consider the report of costs for abatement and any objections of the property owners liable for the cost of abatement. The cost of abatement assessed to the property owners is the actual cost of the City contractor plus a 25% administrative charge.

Hazards due to weeds are significantly reduced during the fall and winter months. However, with FY 2010-2011 funding for further weed abatement exhausted, staff has identified strategies to address any hazards for the remainder of the fiscal year.

Strategy One: Develop a neighborhood outreach program:

In calendar year 2010, the department received 256 weed abatement complaints although only 21 non-compliant properties required abatement by the City's contractor. These statistics indicate a 92% citizen compliance rate. The City continues to work toward the initiation of an outreach program to educate and inform neighborhoods of how the weed abatement program works. The outreach will include meeting with home owners associations and neighborhood watch groups. Incorporating an outreach program will bring awareness to the community and assist the department in striving toward greater compliance with the ordinance.

Strategy two: Actively Assess Property Ownership:

A number of unabated properties are either unoccupied or bank owned properties in foreclosure. Fire Department staff makes every attempt to identify the current owner of the property prior to sending the abatement notice. Returned abatement notices result in a delay in abatement. The City will continue the practice of determining property ownership to ensure mail is delivered to the responsible party in a timely manner. In addition, staff will research technology that may assist in accurate property ownership identification.

Strategy three: Increase the Administrative Fee - The administrative charge for weed abatement was last increased in March 2003, by Resolution 2003-059. Staff will research the possibility of increasing the administrative charge from 25% to a percentage that would reflect the City's actual cost recovery. This increase should encourage property owners to comply with the ordinance.

Strategy four: Issue Administrative Citations - Staff has experienced a compliance rate of 92% for calendar year 2010 indicating very few properties require abatement through the administrative citation process. Staff intends to include the issuance of administrative citations as necessary to reduce the number of properties requiring abatement from the City's contractor. The Fire Department budgeted \$12,100 for weed abatement services

in FY 2010-2011. The department has expended \$12,064.30 for the work performed by Baylor Services. Expended funds were within the identified budget for FY 2010-2011.

Staff recommended that the Council authorize approval of the final abatement costs.

Mayor Pro Tem Maciel asked what the criterion was for establishing a fire hazard on residential property. Division Chief Bramell indicated the height and density of the weeds were taken into consideration.

Council Member Elliott asked to what degree the four strategies have been implemented. Division Chief Bramell indicated they have not been implemented in their entirety, but elaborated on the steps that have been taken.

Mayor Ives opened the public hearing. Since there was no one wishing to address Council on the item the public hearing was closed.

It was moved by Council Member Abercrombie and seconded by Mayor Pro Tem Maciel to adopt Resolution 2010-209 approving the final costs of weed abatement. Voice vote found all in favor; passed and so ordered.

4. DECLARE 100 ACRES OF CITY PROPERTY LOCATED AT NORTH OF LARCH ROAD AND EAST OF TRACY BLVD AT HOLLY SUGAR AS SURPLUS PROPERTY, AUTHORIZATION OF A PURCHASE AGREEMENT WITH SAN JOAQUIN COUNTY FOR THE SALE OF SAID PROPERTY AND AUTHORIZATION FOR THE MAYOR TO EXECUTE THE SALE AGREEMENT AND RELATED DOCUMENTS - Rod Buchanan, Parks & Community Services Director, presented the staff report. Mr. Buchanan stated that 100 acres of the North East portion of the City owned property at Holly Sugar is no longer needed for City purposes. San Joaquin County desires to purchase the property for public purposes and has negotiated terms for acquisition with the City as shown in the Sale Agreement.

County staff has indicated the land will eventually be used as a County park. The amount of land to be sold to San Joaquin County is 100 acres. An appraisal set the fair market value of the subject land at approximately \$662,470.

San Joaquin County approved the purchase at its regular Board of Supervisors meeting on December 14, 2010. Prior to the sale, the Council needs to declare the property as surplus and authorize the sale agreement with San Joaquin County. The property is currently being leased, as part of a larger area, to the Arnaudo Brothers, a General Partnership. The sale agreement provides that the City will assign that portion of the lease of which the property is a part upon transfer of title to the property. The Arnaudo Brothers have agreed to the assignment.

Because the City's Waste Water Fund originally purchased the Holly Sugar property for possible waste water treatment facilities, the proceeds of \$662,470 from the sale of the surplus land will be credited to the Waste Water Fund.

Staff recommended that the Council declare 100 acres of City owned property located north of Larch Road and east of Tracy Boulevard at Holly Sugar as surplus property, authorize the purchase agreement with San Joaquin County in the amount of \$662,470, and authorize the Mayor to execute the sale agreement and related documents.

Mayor Ives invited members of the public to address Council on the item.

Supervisor Leroy Ornellas addressed Council stating it had taken approximately seven years to get to this date. Supervisor Ornellas stated the property will be land-banked until the County has funding available to develop the property. Supervisor Ornellas added his vision for the property was to develop it as a passive park for residents of Tracy and the surrounding cities to enjoy. Supervisor Ornellas asked Council to approve the request.

Council Member Elliott indicated it sounded like a win-win for the City, the County, and Tracy residents.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2010-210 declaring 100 acres of City owned property located at Holly Sugar surplus property, authorizing a Purchase Agreement with San Joaquin County for the sale of said 100 acres of property and authorizing the Mayor to execute the Purchase Agreement and related documents. Voice vote found all in favor; passed and so ordered.

5. PUBLIC MEETING TO CONSIDER COMMENTS FROM THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND REVISIONS TO THE DRAFT HOUSING ELEMENT - Alan Bell, Senior Planner, presented the staff report. Mr. Bell stated that the purpose of the public meeting was to review comments from the State Department of Housing and Community Development (HCD) on the City's Draft Housing Element.

The Housing Element is one of ten elements of the City's General Plan and is required to be submitted to HCD for review for compliance with State law. The goal of HCD review is to receive HCD's certification that the Housing Element is in substantial compliance with State housing law.

Generally, the Housing Element is required to: (1) identify and analyze housing needs for all income levels; (2) contain goals and programs to preserve and develop housing; (3) identify adequate sites for housing; and (4) analyze governmental and non-governmental constraints upon the maintenance and development of housing.

The City's previous Housing Element was not certified by HCD. At the time of the previous Housing Element review, HCD concluded that Measure A's (the 2000 voter initiative) limits on new housing construction caused a significant governmental constraint that was not adequately mitigated. For various other reasons, Tracy's two Housing Elements prior to 2000 (dating back to the beginning of HCD's program in 1988) were also not certified by HCD.

Historically, the consequences of non-certification from HCD were limited. In more recent years, however, receiving HCD certification has become increasingly important. One benefit is that HCD certification is often needed to qualify for and/or be competitive in certain State grants related to capital improvement financing.

A second benefit of HCD certification is that beginning with the next Housing Element cycle (after 2009-2014), Housing Element updates will be extended to every eight years if the previous Element is certified by HCD. If HCD does not certify the previous

Element, the City must update the Element every four years. That is, if the 2009-2014 Tracy Housing Element is certified by HCD, the City will update the Element again in 2014, for the planning period 2014-2022. However, if HCD does not certify the 2009-2014 Element, the City will be subject to two updates during the 2014-2022 period.

A third benefit of HCD certification is that, if legally challenged, a statutory “rebuttable presumption” exists that the Housing Element is valid.

The City has hired Veronica Tam and Associates (VTA), an experienced consulting firm specializing in Housing Element updates, to help with the Housing Element update process.

In June 2010, the Draft Housing Element was submitted to HCD, following review by the Planning Commission and City Council in April 2010. On August 19, 2010, HCD provided comments on the Draft Housing Element. Typically, HCD will certify compliance with State housing law after the City has satisfactorily addressed each of HCD’s comments. Several of HCD’s comments relate to the City’s Growth Management Ordinance (GMO) and Measure A.

The City Council adopted the GMO in 1987 to regulate the rate of residential growth in accordance with the availability of required public facilities and services. The GMO was adopted as Ordinance No. 993 and is codified in Tracy Municipal Code chapter 10.12. The GMO has been amended various times, including in 1994 (Ordinance No. 914); 1999 (Ordinance Nos. 993 and 1000); 2005 (Ordinance No. 1071); and 2009 (Ordinance No. 1136).

In 2000, the voters adopted Measure A which amended the GMO to reduce the number of housing units that could be constructed each year from a maximum of 1,500 and an average of 1,200 to a maximum of 750 and an average of 600.

The City Council has also established guidelines to aid in the implementation of the GMO Guidelines (GMO). The guidelines were originally adopted in 1987, amended various times, including in 2001 (Resolution No. 2001-067), and amended in 2005 (Resolution No. 2005-092) and 2009 (Resolution No. 2009-084).

Most of HCD’s comments relate to factual clarifications or elaborations regarding City housing statistics, projects, or programs.

The most significant HCD comment is that it believes the limit on the number of new residential building permits does not allow the City to meet its “share of the regional housing need. As a result, the [housing] element must include programs to address and mitigate and/or remove constraints of the GMO.” Staff is seeking public input on how to respond to this comment.

By “regional housing need”, HCD is referring to the Regional Housing Needs Allocation (RHNA). The RHNA is a prescribed number of new, residential building permits that each city must show can be constructed (“accommodated”) within its jurisdiction during the Housing Element cycle. The RHNA is separated into four income categories (very low, low, moderate, and above moderate) and each city must show it can accommodate the number of units in each income category. Each city and county is assigned a RHNA, based on criteria from HCD.

The GMO, as amended by Measure A, limits the number of new units that can be constructed each year. With a number of exceptions (such as small projects of four or fewer units) Measure A will allow approximately 400 new residential units in 2012 and an average of 600 new units per year beginning in 2013. Given the limits of Measure A, it would be difficult for the City to accommodate the RHNA for any income category in the current 2007 – 2014 RHNA cycle. The City would be 238 units short in the Moderate Income category and 1,103 units short for Above Moderate, for a total of 1,341 units. However, this does not take into account units that could be constructed under the various exemptions to the GMO.

Below are three preliminary options staff has identified as possible responses to HCD's concerns with Measure A. Of course, other options may be suggested by the public at the hearing on this item.

Under the California Elections Code, no ordinance that is adopted by the voters, such as Measure A, may be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance. (Elections Code, section 9217.)

The state Housing Element Law provides in relevant part that the City is only required to "[a]dress and, where appropriate and *legally possible*, remove governmental constraints to the maintenance, improvement, and development of housing for all income levels and housing for persons of disabilities." (Italics added.) (Government Code, section 65583(c) (3).) Therefore, because the City Council cannot legally amend or repeal Measure A on its own, it is not an option that should be included in the Housing Element. The City Council could adopt a program in the Housing Element directing the City Council to propose an initiative measure to the voters to repeal or amend Measure A to ensure that the City can meet its RHNA.

Measure A provides in relevant part that:

Nothing in this Initiative Ordinance shall be construed to preclude, prohibit or limit the City from complying with any requirements under state housing law. To the extent that any provision of this Initiative Ordinance can be read to conflict with state housing law, it shall be read to allow for compliance with state housing law, while honoring the intent and purpose of the Initiative Ordinance.

Interpreting and implementing this provision of Measure A, the City Council could adopt a program in the Housing Element directing the Council to adopt an amendment to the GMO Guidelines which would allow issuance of building permits up to the City's RHNA. The Council could direct staff to respond to HCD that, at this time, the City chooses not to suggest any changes to the GMO (including Measure A) or the GMO Guidelines in the Housing Element.

Staff recommended that the Council receive public comment on this issue and, taking into account the comments presented, direct staff to return with a recommendation for the Council to consider at a subsequent meeting.

After receiving direction from City Council at a subsequent meeting, staff and VTA will incorporate such direction, and any additional supplementary information requested by HCD, into the Draft Housing Element and/or in a supplementary memo to HCD. HCD

will have 60 days after receiving the second Draft Housing Element to provide comments.

After HCD review and comment, the City may revise the Draft Housing Element and ask for one or more additional 60-day review periods. Ultimately, a California Environmental Quality Act (CEQA) document will be prepared for the Housing Element (likely a Negative Declaration), the Planning Commission will review the final draft, and the Council will adopt the Housing Element. The adopted Housing Element will be sent to HCD one final time, and HCD will have 90 days to determine whether the Housing Element substantially complies with State Housing law and, if so, to certify the Housing Element.

The Draft Housing Element preparation is within the scope of work approved by the Council for VTA on April 21, 2009 (Resolution 2009-068). No additional expenditure of funds is required. To date, VTA has been paid \$37,001 of the \$75,000 Professional Services Agreement maximum. Funding for this CIP was from the General Fund.

Council Member Abercrombie asked how long the period is for receiving public comment. Mr. Bell indicated the public comment period would last until the item is brought back to Council for further consideration, hopefully by February. Council Member Abercrombie asked what type of outreach is planned to solicit comment. Mr. Bell indicated approximately 60 individuals and/or interested organizations are notified of each meeting, along with advertising.

Mayor Ives invited members of the public to address Council on the item.

Mark Connelly, 121 E. Eleventh Street, on behalf of TRAQC, provided a handout titled "TRAQC Analysis of Affordable Housing and Requested Allocation by Category for Housing Element". Mr. Connelly discussed the handout in detail. Mr. Connelly requested staff respond to HCD to modify the Housing Element to allocate the available RGA's under Measure A to those categories that provide affordable housing and to not take any type of effort that will open up marketing rate housing.

John Beckman, CEO, Building Industry Association, addressed Council regarding the RHNA numbers. Mr. Beckman indicated Measure A has been identified by HCD as a constraint to meeting the RHNA numbers. Mr. Beckman requested Council consider a temporary amendment to the GMO to bring the City into compliance with State law. Mr. Beckman indicated BIA would be willing to meet with City staff and HCD to help meet the State's housing law requirements.

Dave Helm, 1000 W. Central Avenue, addressed Council stating there seemed to be a surplus of affordable housing on the market. Mr. Bell indicated the discussion surrounds new housing construction. Mr. Helm asked what impacts are realized from not having the Housing Element certified. Mr. Malik stated the revolving loan fund from the State provides points for having a certified Housing Element when applying for loans and grants.

Celeste Garamendi, 139 W. Twelfth Street, addressed Council stating everyone has identified that HCD is out of touch with reality. The City has never had a certified Housing Element and the only reason we are here is because of the BIA and the developer's desire to build market rate housing. Ms. Garamendi stated the City's

development plans support the development of the type of housing needed in the community. Ms. Garamendi indicated the City should not pursue amending Measure A and requested that the Council accept that it may not see certification of the Housing Element unless a legitimate program comes along where grant funding is in jeopardy.

Jim Freeman, 705 Mt. Rushmore Avenue, addressed Council regarding adding additional allocations to a City that already has an excess of vacant housing. Mr. Freeman indicated the voters have spoken and if there are plans to build affordable housing, then that was a good thing.

Council Member Elliott asked what type of grants might be affected by not having a certified Housing Element. Mr. Malik referred to an attachment to the staff report which outlined the types of grants that could be affected.

Council Member Abercrombie asked what the difference was between the Pleasanton issue and the City of Tracy. Dan Sodergren, City Attorney, stated that the City of Pleasanton established a growth cap that was challenged by the Attorney General who brought suit because the growth cap made it numerically impossible for the City to meet its RHNA numbers.

Mayor Pro Tem Maciel indicated the City is stuck in the middle and added he was looking forward to hearing more from staff. Mayor Pro Tem Maciel indicated the State has been actively involved in imposing its will upon local jurisdictions. Mayor Pro Tem Maciel stated he saw the benefit of having a certified Housing Element and that Council need not limit its outlook on the here and now.

Mayor Ives indicated that the Council would like more information. Mayor Ives added Council needs to be convinced of the benefits of going through this process and suggested continuing the discussion. Mayor Ives stated he did see valuable reasons for having a certified Housing Element.

Andrew Malik suggested staff return to Council on January 18, to request direction on the response to HCD.

6. **DISCUSS GUIDELINES FOR THE MEASURE E RESIDENTS' OVERSIGHT COMMITTEE, APPOINT COUNCIL SUBCOMMITTEE TO INTERVIEW OVERSIGHT COMMITTEE APPLICANTS AND DIRECT STAFF TO RETURN TO COUNCIL WITH A RESOLUTION ESTABLISHING THE RESIDENTS OVERSIGHT COMMITTEE GUIDELINES AND BY-LAWS** - Maria Hurtado, Assistant City Manager, presented the staff report. Ms. Hurtado stated that on August 3, 2010, Council adopted Resolution 2010-130 placing a one-half-cent transactions and use (sales) tax measure (Measure E) to maintain City services on the November 2, 2010, ballot. On August 17, 2010, Council adopted Ordinance 1151 imposing a transactions and use tax to be administered by the State board of equalization, enacting the transactions and use (sales) tax, if a majority of the electors approved the imposition of the tax. On November 2, 2010, Tracy residents approved Measure E with 57.98% of the vote.

Section 6.28.180 of Ordinance 1151 states that the City Council will establish a five member Residents' Oversight Committee no later than March 1, 2011. These guidelines include a proposed application/recruitment process, powers and duties, qualifications for appointment, selection of members, term of service, meetings, and staff liaison

appointments to the Oversight Committee. After Council finalizes the guidelines, staff will return to Council with the Measure E Resident Oversight Committee By-laws that reflect and incorporate Council discussion and input.

The proposed timeline to establish the Measure E Residents' Oversight Committee is as follows:

Action	Timeline
Council discusses and provides direction to staff regarding Resident Oversight Committee Guidelines & Bylaws	12/21/10
Appointment of Council Subcommittee to review Applications And Conduct Interviews	12/21/10
Action Timeline	
Adoption of a Resolution establishing the Measure E Residents' Oversight Committee Guidelines and By-Laws	01/18/11
Notice to Residents of Committee vacancies and Begin recruitment process	01/19/11
Applicant Interviews by Council Subcommittee	2/8/11 – 2/14/11
Appointment of Measure E Residents' Oversight Committee Members by Council	02/15/11

Application/Recruitment Process:

Staff recommended that Council utilize the recruitment process for boards and commissions as outlined in Resolution 2004-152 to conduct the application and recruitment process for the Measure E Residents' Oversight Committee. Special noticing of vacancies would be posted in the office of the City Clerk, Tracy Public Library, the City's website, and in other places eliciting interest from Tracy residents for a minimum of 20 days. The Mayor (or designee) and a selected Council member will review applications, interview applicants and recommend candidates to the Council for appointment to the Committee.

Powers and Duties:

The Measure E residents' Oversight Committee will ensure transparency and oversight of the revenues generated by and expenses related to Measure E. Enterprise and other funds generated independent of Measure E are outside the jurisdiction of the Measure E Residents' Oversight Committee. The Committee's duties include review of the annual independent financial audit of the City performed by an independent auditor, which includes the revenue raised and expended by this tax and other City financial reports necessary to advise the Council of its findings regarding use of the sales tax during their term. The Measure E Residents' Oversight Committee's findings will be presented annually in a written report to the City Council. The Council will seriously consider the

Committee's recommendations; however, the Council retains final authority in all decisions and has the fiduciary responsibility over all aspects of the sales tax revenue.

The Committee is not charged with decision-making on spending priorities, schedules, project details, funding source decisions, or financing plans. The Committee serves as an advisory-only role to the City Council, who retains final decision authority.

Qualifications for Appointment:

Staff recommends that residents appointed to the Measure E Residents' Oversight Committee will be residents at large who meet the residency requirement. The residency requirement is defined as residents who live within the city limits of the City of Tracy. Residency can be verified annually by the City Clerk through (1) voter registration, (2) California Driver's License or Identification, (3) utility bill (phone, water, cable, etc.), or (4) federal or state tax returns.

Selection of Members:

Per Ordinance 1151, five (5) members will be appointed to the Measure E Residents' Oversight Committee by the Council. Members will not be current City of Tracy employees, officials, contractors or vendors of the City. Past employees officials or vendors may be eligible to serve on the Committee, provided that no conflicts of interest exist.

Term of Service:

The five (5) member Measure E Residents' Oversight Committee will commence on March 1, 2011. Of the five (5) members of the Committee first appointed, three (3) could be appointed for a two (2) year term and two (2) could be appointed for a three (3) year term. Due to the Measure E's sunset date, no member of the committee could serve more than two consecutive terms.

Meetings:

The Measure E Residents' Oversight Committee could meet semi-annually on the 3rd Monday in January and 3rd Monday in July at 5:30 p.m. at City Hall Room 109. The Committee will be subject to the Brown Act, so its meetings must be noticed and open to the public. The Committee's minutes and reports are a matter of public record, and will be posted on a web site provided by the City. Additional meetings may be scheduled by the Committee as necessary. All Committee members should attend training and orientation sessions, including separate Brown Act and AB 1234 Ethics training.

Committee members are expected to attend all regular meetings. Because this committee only meets twice a year, failure to attend two consecutive meetings should result in removal from the Committee at the discretion of the City Council. Committee decisions, positions, findings, and procedures may require a simple majority vote of those members in attendance. The quorum requirement for any meeting shall be a minimum of three members.

Staff Liaison Appointment:

A city staff person will be appointed by the City Manager or his designee to serve as staff liaison. The staff liaison will be responsible for providing relevant information and will receive and record all exhibits, petitions, documents, or other material presented to the Committee in support of, or in opposition to, any question before the Committee, including the annual financial audit. The staff liaison will prepare, post and distribute agendas, and take minutes at each meeting. The city staff liaison will ensure approved minutes are made available to the public.

After Council discusses the guidelines and provides staff with direction, staff will return on January 18, 2011, with final guidelines and by-laws that reflect Council's direction and input for Council adoption.

There is no fiscal impact associated with Council's consideration of his item.

Staff recommended that: 1) Council discuss and finalize the Residents' Oversight Committee guidelines and direct staff to return for Council adoption of a resolution establishing the Measure E Residents' Oversight Committee guidelines and by-laws, and that 2) Council appoint a Council subcommittee to review applications, interview applicants and recommend candidates to the Council for appointment to the Oversight Committee.

In response to a question from Council Member Rickman regarding conflict of interest, Ms. Hurtado stated prior vendors who have done business with the City may pose a conflict of interest. City Attorney Sodergren indicated it would be determined on a case-by-case basis.

Mayor Pro Tem Maciel suggested a press release might be appropriate and suggested those opposed to Measure E have a seat at the table. Mayor Pro Tem Maciel emphasized meeting twice a year was the minimum.

Council Member Rickman asked if it was possible to advertise it on the web site as well. Ms. Hurtado stated yes.

Council Member Abercrombie inquired whether the committee could meet on a quarterly basis since the City receives quarterly reports on sales tax. Ms. Hurtado stated the committee could certainly meet on a quarterly basis. Ms. Hurtado stated the committee will bring a written report to Council at least once per year.

Council Member Abercrombie asked if there would be any training for the committee. Ms. Hurtado stated outside of Brown Act and Ethics training, staff is proposing that committee members attend an orientation and receive training on financial reports.

Council Member Elliott indicated the committee should expect that staff will answer their questions and agreed that the positions would need to be advertised. Ms. Hurtado indicated the City has already received interest from seven individuals.

Mayor Ives stated a set of authorities and responsibilities need to be laid out and applicants need to be aware that this is a voluntary committee without pay.

Mayor Ives invited members of the public to address Council on the item.

Robert Tanner, 1371 Rusher Drive, addressed Council regarding the annual report. Mr. Tanner suggested Council may need to have the recommendations after each committee meeting.

Mayor Pro Tem Maciel stated a five-year term affords the committee members with the needed knowledge to serve.

Council Member Abercrombie indicated he would like to receive input from the committee more than once per year.

Mayor Pro Tem Maciel indicated the Council may be faced with having to cut additional expenses and/or staff and this is something the committee may be involved with.

It was Council's suggestion to have quarterly meetings and an annual report at a minimum.

It was moved by Council Member Abercrombie and seconded by Mayor Pro Tem Maciel to direct staff to return for Council adoption of a resolution establishing the Measure E Residents' Oversight Committee guidelines and by-laws. Voice vote found all in favor; passed and so ordered.

Council Member Rickman and Mayor Pro Tem Maciel volunteered to review applications, interview applicants and recommend candidates to Council for appointment to the Oversight Committee.

7. APPOINT ONE APPLICANT TO THE TRACY ARTS COMMISSION - There is a vacancy on the Tracy Arts Commission due to the mid-term resignation of Commissioner Rothschild. To fill the vacancy, the City Clerk's office conducted a recruitment which opened on November 9, 2010, and closed on November 30, 2010. Three applications were received. On December 14, 2010, a Council subcommittee consisting of Mayor Pro Tem Maciel and Council Member Abercrombie interviewed the applicants. In accordance with Resolution 2004-152, the Council subcommittee recommended to appoint Ffjorren Zolfaghar to the Tracy Arts Commission. The appointee will serve the remainder of the vacated term which expires on December 31, 2011. The subcommittee also recommended placing Kalani Schreiner and Debbie Elliott on an eligibility list which could be used to fill vacancies that might occur in the following 12 months.

It was moved by Council Member Abercrombie and seconded by Mayor Pro Tem Maciel to appoint Ffjorren Zolfaghar to the Tracy Arts Commission, and to place Kalani Schreiner and Debbie Elliott on the eligibility list. Voice vote found all in favor; passed and so ordered.

8. ITEMS FROM THE AUDIENCE - Jim Freeman, 705 Mt. Rushmore Avenue, suggested Council watch a television special regarding unfunded pensions.

Dave Helm, 1000 W. Central Avenue, addressed Council complimenting police work that resulted in the arrest of an individual downtown.

9. COUNCIL ITEMS

- A. Consideration of a Request by Council Member Abercrombie to Reconsider Previous Council Direction Regarding the Use of Additional City Resources on the Van Lehn's Noise Complaint with Leprino Foods Processing Facility Located at 2401 N. Macarthur Drive - Council Member Abercrombie outlined the situation.

Mayor Pro Tem Maciel indicated he believed everyone was empathetic to the Van Lehn's issue, but it appeared that Leprino Foods had not violated the noise ordinance. Mayor Pro Tem Maciel added the City was no longer a part of the solution, and he did not advocate looking further into the issue. The situation was between Leprino and the Van Lehns and should be pursued through civil action.

Council Member Rickman asked if there was any additional fact or information available to Council Member Abercrombie when he visited the site. Council Member Abercrombie indicated the Van Lehns have requested to be present during subsequent readings. Mr. Malik indicated the Brown Buntin report did take readings at multiple locations.

Council Member Elliott asked for clarification regarding where the readings are to be taken. Andrew Malik, Director of Development and Engineering Services, indicated the readings are taken at the complaining party's property line.

Mayor Ives indicated he was concerned that if noise readings are taken and Leprino is out of compliance, what will Council do; and if the readings are in compliance, the Van Lehn's still won't be happy. Mayor Ives suggested looking at the City's noise policy.

Mayor Pro Tem Maciel asked how much it would cost to pursue the matter. Mr. Malik stated between \$5,000 and \$10,000 to hire an acoustical engineer.

Mayor Pro Tem Maciel asked if the railroad was pre-empted from the noise ordinance. Mr. Sodergren indicated it is the railroad's position that they are not subject to the noise ordinance.

Mr. Churchill indicated if there was a violation, the ordinance would be enforced and inquired if it's something other than noise, should the City of Tracy address those issues as a nuisance issue? Mr. Churchill stated the policy question should be, "Should the City of Tracy address the issue?"

Mayor Ives invited members of the audience to address Council on the item.

Brian Van Lehn, 540 Winston Court, thanked the Council for taking another look at the situation. Mr. Van Lehn indicated the City allowed Leprino to expand into residential property lines and added he would appreciate the Council's assistance.

Mayor Ives asked who designed the sound walls. Mr. Malik responded the sound walls were designed by Rodkins and Illingsworth, and Leprino Foods hired Rodkins and Illingsworth to build the walls.

Council Member Elliott inquired what was the acceptable level of noise and how did the City arrive at 67 decibels. Mr. Malik stated the Tracy Municipal Code calls for 65 decibels. When the Leprino facility was built, Leprino applied for and was granted a noise exemption. Dan Sodergren, City Attorney, added that in 1994 the Council adopted an ordinance establishing an exemption application and consideration process. In 1994, Leprino did go through a formal application and hearing process.

Mr. Van Lehn indicated the exemption was granted prior to the expansion when the railroad had a different orientation.

Mayor Pro Tem Maciel stated that if the City spends \$5,000-\$10,000 on this complaint and the results are the same, then it is not a city issue. Mayor Pro Tem Maciel added there has to be an end to the issue.

Council Member Elliott stated the Council cannot solve everyone's individual problem. If a City ordinance is in place and a violation exists, then the City is obligated to resolve it. If there is no violation, the City is not obligated to create a violation that needs to be fixed.

Council Member Abercrombie indicated the difference is that the problem didn't occur until the business expanded.

Council Member Rickman asked if the City is able to determine what the low frequency is, can the City legally require Leprino to change things. Mr. Sodergren indicated the City would have to go with what is currently in place.

Mr. Van Lehn stated Council has taken measures to help residents by installing speed bumps and stop signs, and asked what was the difference with his request.

Mayor Ives indicated he preferred that Council understands and works with residents to resolve their issues. Mayor Ives suggested constructing an analysis and carefully directing the project to a qualified acoustical engineer to find out if there is an issue or not. Mayor Ives stated he would then be able to make a definitive answer. Mayor Ives further stated it has to be a very carefully commissioned study.

It was moved by Council Member Abercrombie and seconded by Mayor Ives to bring the item back to Council with a proposal that included detailed costs for an acoustical engineer for further recommendations and solutions. Mayor Pro Tem Maciel indicated he could support this motion if there is an end. Voice vote found all in favor; passed and so ordered.

Council Member Abercrombie thanked everyone who volunteered for Brighter Christmas and added 900 families would be supplied with food and gifts. Council Member Abercrombie wished everyone a Merry Christmas.

10. ADJOURNMENT - It was moved by Council Member Abercrombie and seconded by Mayor Pro Tem Maciel to adjourn. Voice vote found all in favor; passed and so ordered. Time 9:51 p.m.

The above agenda was posted at the Tracy City Hall on December 16, 2010. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk

January 17, 2011, 5:30 p.m.

City Council Chambers, 333 Civic Center Plaza

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

1. Mayor Pro Tem Maciel called the joint special meeting of the Tracy City Council/Community Development Agency (CDA) to order at 5:30 p.m.
2. Roll call found Council Members Abercrombie, Rickman and Mayor Pro Tem Maciel present; Council Member Elliott and Mayor Ives absent. Council Member Elliott arrived at 5:39 p.m.
3. Items from the Audience - None.
4. & 5. APPROVAL OF A PUBLIC IMPROVEMENTS GRANT AND COOPERATION AGREEMENT AND MAKING CERTAIN FINDINGS RELATED THERETO – Mayor Pro Tem Maciel stated that agenda items 4 and 5 would be presented at the same time. Ursula Luna-Reynosa, Director of Economic Development presented the staff report.

The Community Development Agency of the City of Tracy (the "Agency") and the City of Tracy (the "City") desire to enter into a Public Improvements Grant and Cooperation Agreement (the "Agreement") for the purpose of installing certain public improvements within the Tracy Community Development Project Area (the "Project Area") for the purposes of implementing the Tracy Community Development Plan (the "Redevelopment Plan").

To assist in implementing the Redevelopment Plan, the Agency has adopted a five year Implementation Plan pursuant to Section 33490 of the Redevelopment Law. The Redevelopment Plan and Implementation Plan call for the Agency to fund certain public improvements to encourage private sector investment in the Project Area to eliminate blight. Since the City is better equipped to cause the installation of such public improvements the Agency and the City desire that the Agency will fund and the City will acquire any necessary land for, and design and construct various elements of public improvements and facilities owned or to be owned by the City. Exhibit A to the Agreement is referred to in the Agreement as the "Improvement Plan," and the improvements listed in the Improvement Plan are referred to individually as a "Public Improvement Project" and collectively as the "Public Improvement Projects." The Improvement Plan includes the currently estimated costs of implementing the Public Improvement Projects.

Subject to the terms and conditions of the Agreement, the Agency will grant to the City, a grant in an amount not to exceed the total amount shown for all Public Improvement Projects in the Improvement Plan at the time of execution of the Agreement (the "Maximum Grant Amount"), for use by the City to complete the Public Improvement Projects. The sources of the Grant from the Agency to the City shall consist of:

All funds currently held by the Agency (other than in the Agency's Low and Moderate Income Housing Fund) and not previously budgeted or appropriated for other activities, projects, or programs (the "Available Funds"); and

All future tax increment revenue allocated to the Agency pursuant to the Redevelopment Plan and the Redevelopment Law and available to the Agency after the Agency: (1) makes all necessary annual payments with respect to then existing debt obligations of the Agency, including, without limitation, bonded indebtedness, pass-through payments owed to affected taxing entities under agreement or Sections 33607.5 or 33607.7 of the Redevelopment Law, written agreements with other persons or entities, deposits to the Agency's Low and Moderate Income Housing Fund pursuant to the Redevelopment Law, and any other statutorily required payment obligations of the Agency; and (2) sets aside a reasonable amount for Agency administration as mutually determined by the City and the Agency (collectively, the "Pledged Funds").

In no event shall the sum of the Available Funds and the Pledged Funds exceed the Maximum Grant Amount.

The Improvement Plan consists of the acquisition and improvement of land for design, construction, and related activities to complete the following Public Improvement Projects:

DOWNTOWN INFRASTRUCTURE - In and around Downtown are several "opportunity sites" for private sector investment. Each site shares a common obstacle to development in that many of the infrastructure systems currently in place have deteriorated or do not contain capacities to accommodate new development. No individual site is large enough to finance the required infrastructure, many sites are under separate ownership, are geographically spread out and would develop under varying time-frames. As a result, development of Downtown has stymied, which has limited the Agency's and City's ability to channel growth to infill sites. The total estimated cost of infrastructure to accommodate new development in the Downtown is \$17m.

DOWNTOWN PLAZA - Downtown needs revitalization because over time it has lost its position as a location that draws in people and investment. Revitalization efforts should primarily focus on enhancing the conditions that make downtown more attractive by providing an environment that adds value to and distinguishes the district. The key to this effort is urban amenity. Downtown is in need of significant injections of amenity. Today, place-making has become more valuable, not just as a way to increase livability but as a way of growing the local economy. In the absence of demand for residential units (as in the current economic downturn) concentrating first on place-making, dramatically enhances the core pedestrian environment.

The Downtown Plaza is currently under design as a large scale urban plaza, located on the east side of Central Avenue between Central Avenue and D Street along Sixth Street in front of the new Transit Station. The Plaza will contain interactive water features, hardscape, landscape, street furniture, a pavilion structure, and the reconfiguration of Sixth Street to include a couplet and roundabout at the intersection of Sixth Street and Central Avenue. The total estimated cost of the project is \$6m.

ACQUISITION OF REAL PROPERTY AND ASSISTANCE FOR PUBLIC IMPROVEMENTS AND RELATED PUBLIC-PRIVATE IMPROVEMENTS TO ELIMINATE BLIGHT AND REVITALIZE DOWNTOWN - While focusing efforts on increasing the number of customers within walking distance of Downtown shops, strategic actions should also be focused on enhancing the appeal of the Downtown Core to people outside Downtown's immediate neighborhood. This requires resources be focused on the retention and addition of one-of-a-kind shops and eateries that distinguish Downtown from malls and strip centers. To do so it is critical to identify and assemble the spaces in the Core that are available or that could be made available and get those spaces ready for new investment. Because the majority of public improvements and infrastructure and nearby private use areas in downtown are old, it is more costly for a business to open a similar sized store in downtown than in a newer commercial center. Acquiring spaces for public improvements and related public private ventures, assisting in site preparation and the creation of the ultimate improvements, and then marketing them aggressively is fundamental to revitalization. The total estimated cost is \$14m which includes property acquisition and remediation, parking improvements and off-site improvements.

DOWNTOWN WAY FINDING SIGN PROGRAM - Downtown needs revitalization because it has lost its position as a location that draws in people and investment. The railroad crossroads and the City's first arterial were once the area's primary transportation arteries, making Downtown the most desirable place (initially the only place) to live or to locate a business in Tracy. As the City grew (and automobiles replaced trains as the primary mode of transportation), newer and bigger arterials were located far from the original core settlement to serve new housing development, drawing retail investment to the newer, busier intersections that were closer to the new residential development. Eventually major regional highways and highway interchanges were constructed even farther from Downtown, drawing much of the investment and real estate value far from the historic core. Disinvestment ensued. A Downtown Way Finding Signage Program will help direct potential customers to Downtown at an estimated cost of \$250,000.

Section 33445 of the California Health and Safety Code requires that the City Council make the following findings in order for the Agency to fund the Public Improvement Project as identified in the Improvement Plan:

1. The Public Improvement Projects are of benefit to the Project Area as they will eliminate one or more blighting conditions in the following manner:
 - a. Downtown Infrastructure – these improvements will benefit the Project Area by replacing aged, inadequate and deteriorated infrastructure, including water and sewer, which will encourage private sector investment and eliminate economic and physical blight and which are cost prohibitive for the private sector to install without public assistance;
 - b. Downtown Plaza – this improvement will benefit the Project Area by making downtown more attractive than other locations by providing an environment that adds value to and distinguishes the district from other investment opportunities thereby stimulating private sector investment and eliminating economic and physical blight, by among other methods, reducing and eliminating empty, unsafe, or unhealthy buildings and alleviating stagnant property values;

- c. Participation/ Acquisition of Real Property for Public Improvements and related Public-Private Improvements – these improvements will benefit the Project Area by identifying public improvements and related public-private partnerships that will result in new investment and eliminate economic and physical blight;
 - d. Downtown Way Finding Sign Program – this improvement will benefit the Project Area by guiding potential customers to Downtown which is located away from the major regional highways and highway interchanges where recent commercial investment has occurred. As Downtown retailers are able to increase their sales per square foot it will encourage new private investment which will eliminate economic and physical blight.
2. There are no other reasonable means of financing the cost of the Improvements available to the community as the General Fund has a significant operating budget deficit nor has the money available in its capital budget to pay for the cost of the Public Improvement Projects.

The Public Improvement Projects are provided for in the Redevelopment Plan, and are consistent with the Implementation Plan. Implementation of the Public Improvement Projects will benefit the Project Area and will assist in the elimination of blight in the Project Area and the provision of affordable housing in the community. The Agency's use of funds as provided in the Agreement is authorized by Redevelopment Law, and the Agency and City Council have made all findings required under the Redevelopment Law for such use.

Pursuant to State CEQA Guidelines Section 15378(b)(4), approval of the Agreement is not a project subject to the California Environmental Quality Act ("CEQA"), because this Agreement consists of the creation of a governmental funding mechanism for various public improvements, but does not commit funds to any specific public improvement, in that environmental review required by CEQA shall be completed prior to the commencement of any Public Improvement Project listed in the Improvement Plan.

This action will essentially appropriate all existing and future available financial resources of the Agency and results in the need to amend both the Agency and City FY 10-11 budget to the extent necessary to make such appropriation.

Staff recommended that the Agency take the following actions:

1. Make the required findings in compliance with Section 33445 of the Health and Safety Code;
2. Approve the Agreement;
3. Authorize and direct the Executive Director to sign the Agreement on behalf of the Agency; and
4. Amend the Agency FY 10-11 Budget to the extent necessary to appropriate all existing and future available financial resources of the Agency.

Staff recommended that the City take the following actions:

1. Make the required findings in compliance with Section 33445 of the Health and Safety Code;
2. Approve the Agreement;
3. Authorize and direct the City Manager to sign the Agreement on behalf of the City; and

4. Amend the City FY 10-11 Budget to the extent necessary to accept all existing and future available financial resources of the Agency.

Council Member Abercrombie asked if the City could move these funds to purchase, for example the Bowtie area, at a later date. Ms. Luna-Reynosa responded yes. That would be the type of project contemplated under the category "Acquisition of Real Property and Assistance for Public Improvements." Council Member Abercrombie inquired if the City would be able to use all the funds to make that happen. Ms. Luna-Reynosa responded yes.

Council Member Rickman requested confirmation that the \$4.5m had not been spent. Ms. Luna-Reynosa responded that was correct.

Council Member Elliott inquired if there would be any benefit in leaving the money where it is to take advantage of future opportunities that might be presented. Zane Johnston, Director of Finance, responded all City and CDA funds are pooled and invested collectively. Any interest received is distributed among the various funds in the pool. The action before the Council/CDA is to transfer the money from one account to another; there is no movement of cash and no securities need to be sold to complete this action. Mr. Johnston added that from a financial aspect there were no disadvantages either to the CDA or to the City.

Council Member Elliott inquired if the City appropriated the money for general use would it preclude the money from being used for another purpose. Ms. Luna-Reynosa responded the money is redevelopment money so its use has to comply with Redevelopment Law, which has strings attached. Language has been added to allow some public/private partnership but that would be limited to public improvements. Redevelopment allows a little more flexibility in entering into agreements with private developers, so the City would lose some flexibility. Andrew Malik, Director of Development and Engineering Services, added the money could not be used for public infrastructure on the west side of town. It has to be used to eliminate blight in the redevelopment area, which is primarily downtown.

Mayor Pro Tem Maciel inquired whether the City was committed to the four projects listed, or if they were examples of where prioritized needs have been identified. Mr. Johnston responded the four projects were envisioned by the Agency and are part of a previously adopted five year plan. This action does not mean the projects are being funded. The plan is simply moving forward. Future actions will include matching the available money to the projects. The Council/CDA action will allow the City Council to proceed and to award contracts for these projects. However, many other decisions will need to be made before a specific project on this list goes forward. Ms. Luna-Reynosa added that if an eligible redevelopment use is identified which is not on the list, the five year implementation plan could be revised and the agreement amended.

Mayor Pro Tem Maciel confirmed that it is unlikely any project would take precedence over the projects listed, but if that did happen Council has the flexibility to spend \$4.5m on a project other than the four listed.

Mayor Pro Tem Maciel invited public comment.

Robert Tanner, 1371 Rusher Street, asked whether the downtown plaza was funded to the full amount of \$6m. Mr. Malik responded the City has \$4.5m; the full amount of \$6m includes both sides of Central Avenue, east and west. Cost estimates for the east side are coming in at approximately \$3m. Mr. Malik added the City received a grant for Smart Growth from the Council of Governments for design work. Ms. Luna-Reynosa stated that no money has been appropriated for the construction of the plaza.

In response to a question from Mr. Tanner regarding property acquisitions, Ms. Luna-Reynosa stated no specific targets have been identified at this time. This matter will be discussed in closed session since it relates to property negotiations.

Mr. Tanner referred to the state's efforts to take back redevelopment money and dissolve enterprise zones, and asked what the City was doing in this regard. Leon Churchill, Jr., City Manager, stated the City has begun formal dialogue with agencies and legislators at the state level. The actions before the Council/CDA directly address some of the issues presented by the Governor's proposed budget. These actions also quantify the impact, the \$37.25 million, so the City can continue that dialogue coupled with the policy arguments and why the City disagrees with some elements of the Governor's proposed budget.

Mr. Tanner inquired if it was possible that the \$4m the City has in reserve would have to be returned to the state. Mr. Churchill responded the action before the Council/CDA transfers the funds to the City so the money can be used for its intended purposes.

Council Member Abercrombie moved to adopt CDA Resolution 249, a Resolution of the Community Development Agency of the City of Tracy, Approving a Public Improvements Grant and Cooperation Agreement and Making Certain Findings Related Thereto. Council Member Elliott seconded the motion. Voice vote found Council Members Abercrombie, Elliott, Rickman and Mayor Pro Tem Maciel in favor; Mayor Ives absent. Motion carried 4:0:1.

Council Member Abercrombie moved to adopt Resolution 2011-020, a Resolution of the City Council of the City of Tracy, Approving a Public Improvements Grant and Cooperation Agreement and Making Certain Findings Related Thereto. Council Member Elliott seconded the motion. Voice vote found Council Members Abercrombie, Elliott, Rickman and Mayor Pro Tem Maciel in favor; Mayor Ives absent. Motion carried 4:0:1.

6. It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adjourn. Voice vote found Council Members Abercrombie, Elliott, Rickman and Mayor Pro Tem Maciel in favor; Mayor Ives absent. Motion carried 4:0:1. Time: 5:55 p.m.

The above agenda was posted at the Tracy City Hall on January 15, 2011. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor Pro Tem

ATTEST

Assistant City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

January 18, 2011, 6:15 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Ives called the meeting to order at 6:15 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Abercrombie, Elliott, Rickman, Mayor Pro Tem Maciel, and Mayor Ives present.
3. ITEMS FROM THE AUDIENCE - None
4. CLOSED SESSION –
Pending Litigation (Gov. Code section 54956.9(b))
 - Allgoewer v. City of Tracy, et al.
(San Joaquin Superior Court Case No. 39-2008-00187830-CU-CR-STK)
 - Montecinos v. City of Tracy, et al.
(San Joaquin Superior Court Case No. 39-2010-00254007-CU-PO-STK)
 - Claim of Nate Cogburn
5. MOTION TO RECESS TO CLOSED SESSION – Council Member Abercrombie motioned to recess the meeting to closed session at 6:15 p.m. Council Member Elliott seconded the motion. Voice vote found all in favor; passed and so ordered.
6. RECONVENE TO OPEN SESSION – Mayor Ives reconvened the meeting into open session at 6:43 p.m.
7. REPORT OF FINAL ACTION – In the matter of the claim of Nate Cogburn, Council Member Abercrombie moved to reject the claim and direct staff to send a notice of rejection to the claimant in accordance with Government Code section 913. Council Member Elliott seconded the motion. Voice vote found all in favor; passed and so ordered.
8. ADJOURNMENT – It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adjourn. Voice vote found all in favor; passed and so ordered. Time: 6:43 p.m.

The agenda was posted at City Hall on January 13, 2011. The above are summary minutes.

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.B

REQUEST

AUTHORIZE ESTABLISHMENT OF NO PARKING ZONES ON HOLLY DRIVE AND BEVERLY PLACE IN THE VICINITY OF TRACY LEARNING CENTER AND REPLACEMENT OF EXISTING YIELD SIGNS ON MAE AVENUE WITH STOP SIGNS AT THE INTERSECTION OF MAE AVENUE AND BEVERLY PLACE

EXECUTIVE SUMMARY

There is heavy vehicular and pedestrian traffic on Beverly Place during pick up, drop off and school events at the Tracy Learning Center (Discovery Charter and Millennium High). Vehicles parked along Holly Drive both north and south of Beverly Place impede the safe sight stopping distances. The proposed improvements will provide sufficient safe sight distance for motorists and improve traffic circulation.

DISCUSSION

The Tracy Learning Center is located on the northeast corner of Holly Drive and Beverly Place. Holly Drive is a two lane north-south minor arterial roadway and Beverly Place is a two lane east-west collector street fronting Tracy learning Center. Currently, parking is permitted on Holly Drive except on the eastern side from Carlton Avenue to approx. 200 feet south of Carlton Avenue, and on both sides of Beverly Place.

On school and special event days there is heavy vehicular and pedestrian traffic at the intersections of Beverly Place at Holly Drive and Mae Avenue. Vehicles parked near the intersections along Holly Drive make it difficult for motorists pulling out of Beverly Place to watch for oncoming traffic on Holly Drive thus impacting the safe stopping site distance. Similar conditions occur at the first residential driveway located on the east side of Holly Drive just south of Beverly Place.

To improve the traffic circulation around the school, staff evaluated the site conditions and recommends the following improvements in the area:

1. Install a "No Parking Zone" on the eastern side of Holly Drive; a) between the first residential driveway south of Beverly Place and the corner of Beverly Place (approximately 50 feet) and b) from the corner of Beverly Place continuing 60 feet north.
2. Install a "No Parking Zone" along the north side of Beverly Place between Holly Drive and the first school driveway east of Holly Drive (approximately 100 feet).
3. Remove the existing "No Parking Zone" on the eastern side of Holly Drive from Carlton Avenue to 60 feet north of Beverly Place.
4. Remove the existing yield signs and replace them with stop signs on Mae Avenue at the intersection of Mae Avenue and Beverly Place.

Staff has coordinated the proposed improvements with the school and one resident impacted by these improvements. The School concurs with the recommendation and believes the loss of parking spaces is balanced with the addition of parking along Holly

Drive. In addition, school authorities also believe that any loss of parking on the public street is insignificant compared to the benefits of improving traffic circulation. The affected resident at 2 Beverly Place also concurs with this recommendation.

Police Department staff has reviewed the proposed changes and concur with the recommendation.

Section 3.08.440 of the Tracy Municipal Code requires City Council authorization to establish parking restrictions on city streets.

Staff recommends that City Council, by resolution, authorize the proposed additional and deletion of No Parking Zones and replacement of traffic signs as listed in this agenda item and as shown in Attachment A.

City crews will perform the installation of the necessary signing and striping to install no parking zones and stop signs.

FISCAL IMPACT

Funding for the maintenance of City streets, which includes striping and installation of no parking and stop signs, is a budgeted item included in the Public Works Department operating budget.

STRATEGIC PLAN

This agenda item supports the traffic mobility and connectivity strategic plan and specifically implements the following goals and objectives.

Goal 3: Improve Traffic Congestion Management

Objective 3c Work with the schools to reduce traffic congestion during peak times

RECOMMENDATION

That City Council, by resolution, authorize:

1. A "No Parking Zone" on the eastern side of Holly Drive; a) between the first residential driveway south of Beverly Place and the corner of Beverly Place (approximately 50 feet) and b) from the corner of Beverly Place continuing 60 feet north;
2. A "No Parking Zone" along the north side of Beverly Place between Holly Drive and the first school driveway east of Holly Drive (approximately 100 feet);
3. Removal of the existing "No Parking Zone" on the eastern side of Holly Drive from Carlton Avenue to 60 feet north of Beverly Place;
4. Removal of the existing yield signs and replacement with stop signs on Mae Avenue at the intersection of Mae Avenue and Beverly Place.

Agenda Item 1.B
February 1, 2011
Page 3

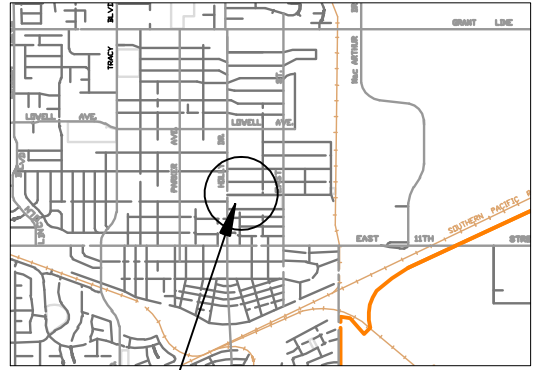
Prepared by: Ripon Bhatia, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer
Kevin Tobeck, Public Works Director

Approved by: Andrew Malik, Development and Engineering Services Director
Leon Churchill, Jr., City Manager

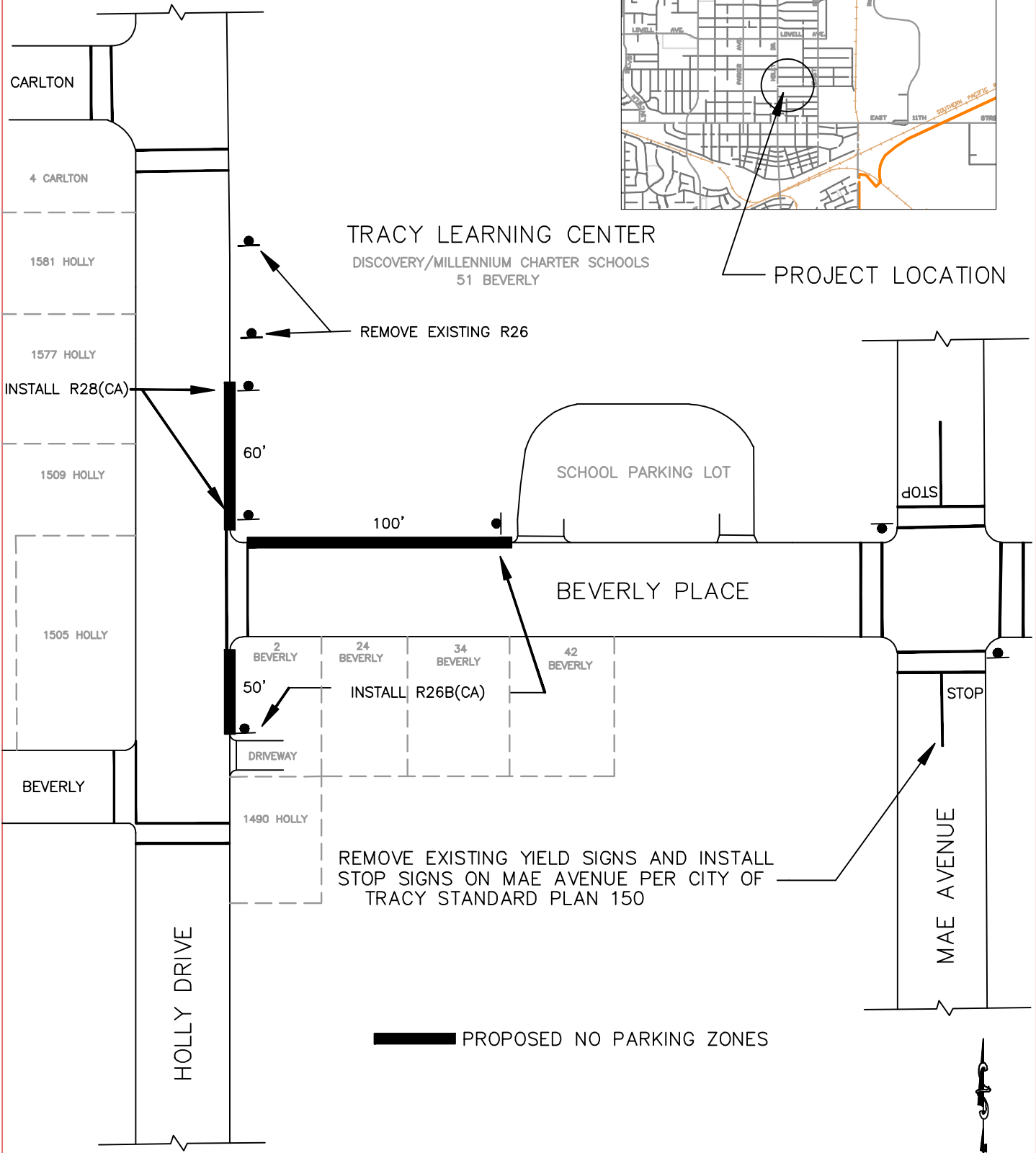
Attachment - A – Area Map

EXHIBIT "A"



PROJECT LOCATION

TRACY LEARNING CENTER
DISCOVERY/MILLENNIUM CHARTER SCHOOLS
51 BEVERLY



REMOVE EXISTING YIELD SIGNS AND INSTALL STOP SIGNS ON MAE AVENUE PER CITY OF TRACY STANDARD PLAN 150

█ PROPOSED NO PARKING ZONES



NOT TO SCALE

SIGNAGE IMPROVEMENTS
NEAR
TRACY LEARNING CENTER

DESIGNED BY				REVISIONS		
SYMBOL	DATE	DESCRIPTION	APPROVED			
DM						
DM						
RB						
N.T.S						

SHEET 1
OF 1 SHEETS

CITY OF TRACY

APPROVED FOR CONSTRUCTION SUBJECT TO THE DATA SHOWN.
CITY OF TRACY AND THE UNDERSIGNED ARE NOT RESPONSIBLE FOR
ERRORS AND/OR OMISSION THAT MAY BE PRESENT ON THESE PLANS.

KULDEEP SHARMA CITY ENGINEER DATE:

RESOLUTION _____

AUTHORIZING ESTABLISHMENT OF NO PARKING ZONES ON HOLLY DRIVE AND BEVERLY PLACE IN THE VICINITY OF TRACY LEARNING CENTER AND REPLACEMENT OF EXISTING YIELD SIGNS ON MAE AVENUE WITH STOP SIGNS AT THE INTERSECTION OF MAE AVENUE AND BEVERLY PLACE

WHEREAS, The Tracy Learning Center is located on the northeast corner of Holly Drive and Beverly Place, and

WHEREAS, On school and special event days there is heavy vehicular and pedestrian traffic at the intersections of Beverly Place at Holly Drive and Mae Avenue, and

WHEREAS, Vehicles parked near the intersections along Holly Drive make it difficult for motorists pulling out of Beverly Place to watch for oncoming traffic on Holly Drive thus impacting the safe stopping site distance, and

WHEREAS, To improve the traffic circulation around the school, staff evaluated the site conditions and recommends the following improvements in the area:

1. Install a "No Parking Zone" on the eastern side of Holly Drive; a) between the first residential driveway south of Beverly Place and the corner of Beverly Place (approximately 50 feet) and b) from the corner of Beverly Place continuing 60 feet north.
2. Install a "No Parking Zone" along the north side of Beverly Place between Holly Drive and the first school driveway east of Holly Drive (approximately 100 feet).
3. Remove the existing "No Parking Zone" on the eastern side of Holly Drive from Carlton Avenue to 60 feet north of Beverly Place.
4. Remove the existing yield signs and replace them with stop signs on Mae Avenue at the intersection of Mae Avenue and Beverly Place.

WHEREAS, Funding for the maintenance of City streets, which includes striping and installation of no parking and stop signs, is a budgeted item included in the Public Works Department operating budget;

NOW THEREFORE, BE IT RESOLVED, That City Council, by resolution, authorize:

1. A "No Parking Zone" on the eastern side of Holly Drive; a) between the first residential driveway south of Beverly Place and the corner of Beverly Place (approximately 50 feet) and b) from the corner of Beverly Place continuing 60 feet north;
2. A "No Parking Zone" along the north side of Beverly Place between Holly Drive and the first school driveway east of Holly Drive (approximately 100 feet);
3. Removal of the existing "No Parking Zone" on the eastern side of Holly Drive from Carlton Avenue to 60 feet north of Beverly Place;
4. Removal of the existing yield signs and replacement with stop signs on Mae Avenue at the intersection of Mae Avenue and Beverly Place.

Resolution _____

Page 2

The foregoing Resolution _____ was adopted by City Council on the 1st day of February 2011, by the following vote:

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

MAYOR

ATTEST:

City Clerk

February 1, 2011

AGENDA ITEM 1.C

REQUEST

AUTHORIZE ESTABLISHMENT OF A NO PARKING ZONE FOR APPROXIMATELY 50 FEET ON THE SOUTH SIDE OF EATON AVENUE WEST OF FRANKLIN AVENUE AT THE INTERSECTION OF FRANKLIN AVENUE AND EATON AVENUE

EXECUTIVE SUMMARY

There is heavy vehicular traffic at the intersection of Franklin Avenue and Eaton Avenue that connects to the rear entrance of Tracy High School. Vehicles parked on the south side of Eaton Avenue west of Franklin Drive impede the safe stopping site distance for vehicles coming out of the school at this intersection. Staff evaluated the site conditions and proposes that City Council authorize establishment of a No Parking Zone for approximately 50 feet on the south side of Eaton Avenue west of Franklin Avenue.

DISCUSSION

The Development and Engineering Services Department has received a request from an area resident to review and address traffic circulation related concerns at Eaton Avenue and Franklin Avenue during school days and special events. Eaton Avenue and Franklin Avenue are both two lane residential streets. Franklin Avenue terminates south of Eaton Avenue into the Tracy High School parking lot.

On school days and special events there is heavy vehicular traffic entering and exiting this Tracy High School entrance on Franklin Avenue. Tracy High students routinely park vehicles on these streets. On most days vehicles are parked so close to the intersection that it makes it difficult for vehicles pulling out of the intersection to watch for oncoming traffic thus creating safe stopping site distance issues.

Staff evaluated the site conditions and recommends establishing a No Parking Zone for approximately 50 feet on the south side of Eaton Avenue west of Franklin Drive to improve sight distance and traffic circulation.

The Police Department has also reviewed the proposed change and concurs with the recommendation. The most affected resident (due to the proposed no parking zone) is also in favor of this recommendation.

Section 3.08.440 of the Tracy Municipal Code requires City Council authorization to establish parking restrictions on city streets.

Staff recommends that City Council, by resolution, authorize establishing a No Parking Zone for approximately 50 feet on the south side of Eaton Avenue west of Franklin Avenue as shown on Attachment A.

City crews will perform installation of the necessary no parking zone.

STRATEGIC PLAN

This agenda item supports the traffic mobility and connectivity strategic plan and specifically implements the following goals and objectives.

Goal 3: Improve Traffic Congestion Management

Objective 3c Work with Tracy Unified School District to reduce traffic congestion during peak times.

FISCAL IMPACT

Funding for the maintenance of City streets, which includes striping and installation of no parking signs, is a budgeted item included in the Public Works Department operating budget.

RECOMMENDATION

That City Council, by resolution, authorize establishment of a “No Parking Zone” for approximately 50 feet on the south side of Eaton Avenue west of Franklin Avenue at the intersection of Franklin Avenue and Eaton Avenue.

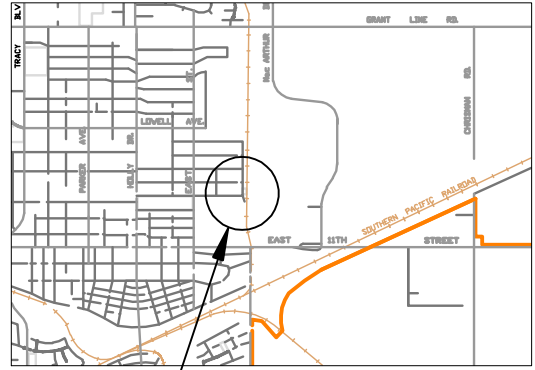
Prepared by: Ripon Bhatia, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer
Kevin Tobeck, Public Works Director

Approved by: Andrew Malik, Development and Engineering Services Director
Leon Churchill, Jr., City Manager

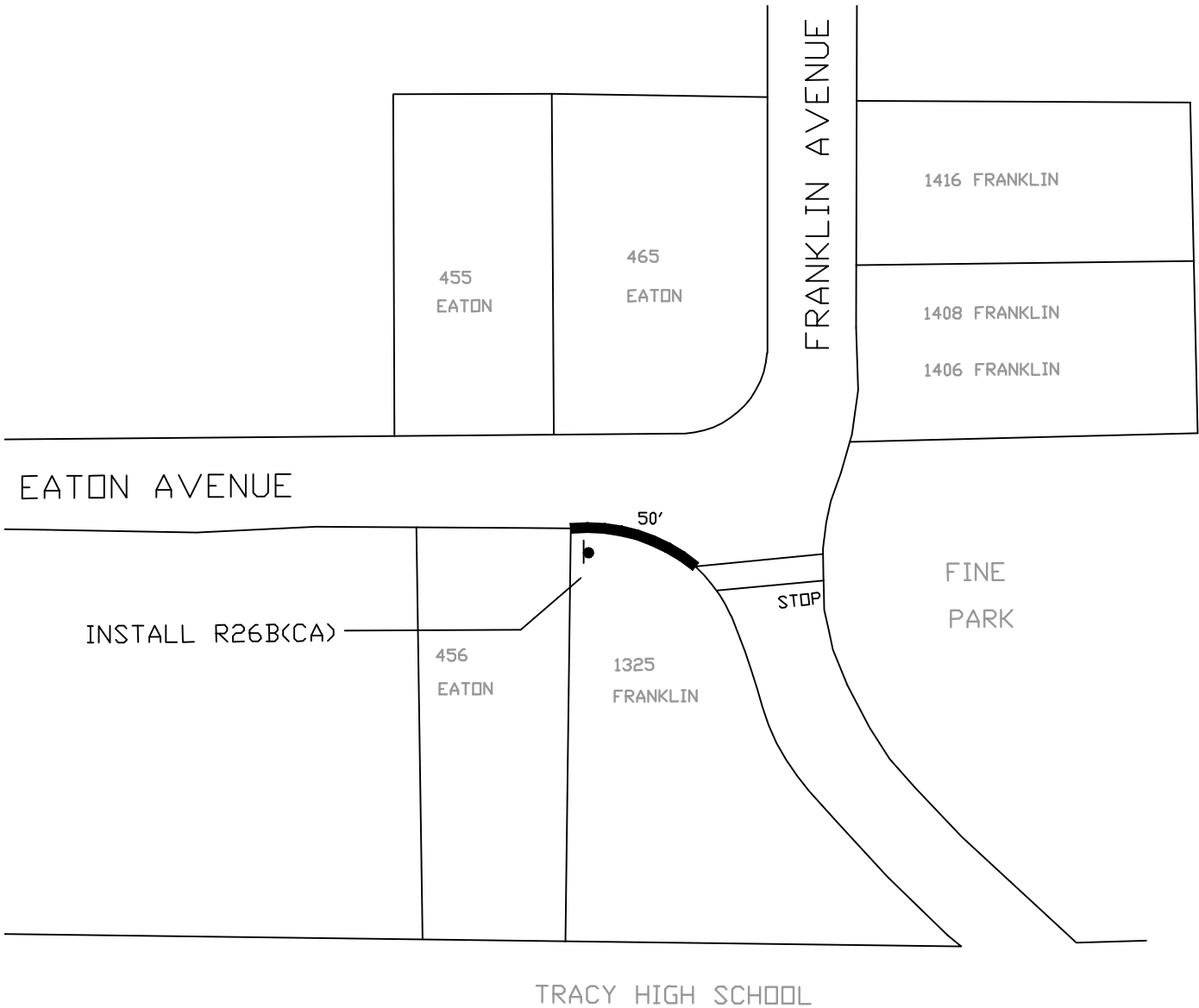
Attachment - A – Area Map

EXHIBIT "A"



PROPOSED NO PARKING ZONE

PROJECT LOCATION



TRACY HIGH SCHOOL

NO PARKING
EATON AND FRANKLIN

DESIGNED BY	REVISIONS			
	SYMBOL	DATE	DESCRIPTION	APPROVED
DM				
DRAWN BY				
DM				
CHECKED BY				
RB				
SCALE				
N.T.S.				

SHEET 1
OF 1 SHEETS

CITY OF TRACY

APPROVED FOR CONSTRUCTION SUBJECT TO THE DATA SHOWN.
CITY OF TRACY AND THE UNDERSIGNED ARE NOT RESPONSIBLE FOR
ERRORS AND/OR OMISSION THAT MAY BE PRESENT ON THESE PLANS.

KULDEEP SHARMA CITY ENGINEER DATE: _____

RESOLUTION _____

AUTHORIZING ESTABLISHMENT OF A NO PARKING ZONE FOR APPROXIMATELY 50 FEET ON THE SOUTH SIDE OF EATON AVENUE WEST OF FRANKLIN AVENUE AT THE INTERSECTION OF FRANKLIN AVENUE AND EATON AVENUE

WHEREAS, There is heavy vehicular traffic at the intersection of Franklin Avenue and Eaton Avenue that connects to the rear entrance of Tracy High School, and

WHEREAS, Vehicles parked on the south side of Eaton Avenue west of Franklin Drive impede the safe stopping site distance for vehicles coming out of the school at this intersection, and

WHEREAS, Staff evaluated the site conditions and recommends establishing a No Parking Zone for approximately 50 feet on the south side of Eaton Avenue west of Franklin Drive to improve sight distance and traffic circulation, and

WHEREAS, Funding for the maintenance of City streets, which includes striping and installation of no parking signs, is a budgeted item included in the Public Works Department operating budget;

NOW THEREFORE, BE IT RESOLVED, That City Council, by resolution, authorizes establishment of a "No Parking Zone" for approximately 50 feet on the south side of Eaton Avenue west of Franklin Avenue at the intersection of Franklin Avenue and Eaton Avenue.

The foregoing Resolution _____ was adopted by City Council on the 1st day of February 2011, 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

AWARD A CONSTRUCTION CONTRACT TO KNIFE RIVER CONSTRUCTION OF STOCKTON, CALIFORNIA, FOR THE COURT DRIVE, TWENTY-SECOND STREET, TWENTY-THIRD STREET, AND WHITTIER AVENUE IMPROVEMENTS - CIPs 73104, 73123, 73124, 75105, 75109, & 75110, AND AUTHORIZE THE MAYOR TO EXECUTE THE CONSTRUCTION CONTRACT

EXECUTIVE SUMMARY

As part of the City's on going commitment to maintain and improve its roadway and water distribution network, City Council is requested to award a construction contract for various projects involving streets and water lines. The work involves asphalt overlay on streets (CIP 73123 & 73124), waterline replacement (CIP 75105, 75109, and 75110), and replacement of damaged or deteriorated sidewalk, curb, gutter, driveway, and tree removal and planting (CIP 73104). Completion of these projects will improve street curb, gutter, and sidewalk; construct handicap access ramps; overlay existing badly deteriorated street pavement and replace old undersized and corroded cast iron and asbestos cement water mains.

DISCUSSION

This project consists of the asphalt overlay and waterline replacement on Court Drive between Twenty-Third Street and south of Lowell Avenue (CIPs 73123 and 75109), and Twenty-Second Street between Parker Avenue and Holly Drive (CIPs 73124 and 75110). In addition, the project includes water line replacement on Twenty-Third Street between Bessie Avenue and Court Drive (CIP 75105). The project also provides Whittier Avenue improvements between Tracy Boulevard and East Street (CIP 73104). The project plans and specifications were prepared in-house by engineering staff.

The asphalt overlay on streets includes the application of 1,030 tons of rubberized asphalt concrete (RAC) on Court Drive and Twenty-Second Streets. The work also includes grinding, patching of ruts and depressions before resurfacing with overlay and adjustment of existing manholes, water valves, and survey monuments to grade.

The water main line work includes abandoning the existing 4-inch cast iron and asbestos cement pipes in place and installing approximately 4,357 linear feet of 8-inch ductile iron water main, water service lines, valves, and fire hydrants along Court Drive, Twenty-Second and Twenty-Third Streets. These replacements will provide new larger sized pipes to improve service reliability in the area.

The improvements on Whittier Avenue involves the removal and replacement of approximately 7,835 square feet of damaged or deteriorated sidewalks and driveways, 2,964 linear feet of curb and gutter, 24 handicap access ramps, and removal and replacement of 17 old trees, some of which are diseased and others that are lifting the sidewalks, curb and gutter due to shallow roots. The trees that are lifting and damaging the sidewalks, curbs and gutters will be removed and replaced with new trees since the

removal of shallow roots will lead these trees to die. This work will improve pedestrian accessibility and comply with the American Disability Act (ADA).

In order to take advantage of the existing bid environment, the project also includes additive bid items A1 through A4 for additional improvements on Whittier Avenue between Holly Drive and East Street as listed below.

Additive Item No.	Item Description	Estimated Quantity
A1	Additional Sidewalk - Whittier Street	3,760 SF
A2	Additional Roll Curb and Gutter	970 LF
A3	Additional Tree Demolition	3 ea
A4	Additional Tree Planting	3 ea

The project was advertised for competitive bids on November 9, and November 16, 2010 and the following 10 bids were received and publicly opened on December 7, 2010:

Contractors	Base Bid	Additive A1	Additive A2	Additive A3	Additive A4
Knife River Construction, Stockton	\$946,436.00	\$39,856.00	\$36,660.00	\$3,000.00	\$3,450.00
Bay Cities Paving, Concord	\$951,527.90	\$34,404.00	\$26,320.00	\$2,100.00	\$1,392.00
Granite Construction, Stockton	\$986,885.00	\$56,400.00	\$42,300.00	\$2,550.00	\$2,850.00
George Reed, Inc., Modesto	\$1,065,914.00	\$54,520.00	\$45,590.00	\$2,955.00	\$2,850.00
Bill Nelson Gen. Engineering, Fresno	\$1,086,627.50	\$18,800.00	\$26,320.00	\$4,500.00	\$1,500.00
MCI Engineering, Stockton	\$1,127,804.00	\$67,680.00	\$47,000.00	\$4,200.00	\$3,600.00
MDF Pipeline, Dublin	\$1,190,059.00	\$46,060.00	\$53,580.00	\$1,725.00	\$2,550.00
RGW Construction, Inc., Livermore	\$1,349,939.50	\$27,448.00	\$33,840.00	\$2,010.00	\$2,475.00
Teichert Construction, Stockton	\$1,363,438.00	\$60,160.00	\$56,400.00	\$2,760.00	\$1,500.00
J & M Inc., Livermore	\$1,500,503.00	\$37,036.00	\$50,901.00	\$1,785.00	\$1,935.00

Knife River Construction of Stockton, California, is the lowest monetary bidder for the base bid amount. The contract documents require award of the contract on the basis of the base bid amount only. The bid analysis indicates their bid is "responsive" and the bidder is "responsible". Knife River Construction has good references and has completed similar projects for the City and other public agencies.

Since the lowest base bid is approximately 10% lower than the engineer's estimate, it is recommended that the construction contract be awarded to Knife River Construction, for the base bid with all additive bid items A1, A2, A3, & A4, to take advantage of the low bid environment. The estimated construction cost of this project, if awarded to Knife River Construction, is as follows:

<u>Construction Cost</u>	
Contractor's Bid for Construction	\$1,029,402.00
Construction management, Testing, Inspection (5%)	\$ 51,470.00
Design & Design Support During Construction (10%)	\$ 102,940.00
Contingency (12%)	\$ 123,528.00
Project Management	<u>\$ 231,615.00</u>
Total Construction Cost	\$1,538,955.00
Total Project Budget	\$1,614,000.00

If the project is awarded to Knife River Construction, construction of the project will commence in February 2011, with completion expected by the end of May 2010. This project will generate approximately 40 jobs.

STRATEGIC PLAN

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

FISCAL IMPACT

There will be no fiscal impact to the General Fund. This project is an approved CIP projects in FY10/11 funded from the Water Fund (F513), Transportation Sales Tax, (F242), and Gas Tax (F245). Approved funding from various sub-projects is listed as follows:

<u>CIP</u>	<u>Funds</u>
73104	\$400,000
73123	\$200,000
73124	\$200,000
75105	\$290,000
75109	\$374,000
75110	<u>\$150,000</u>
Allocated Funds	\$1,614,000

RECOMMENDATION

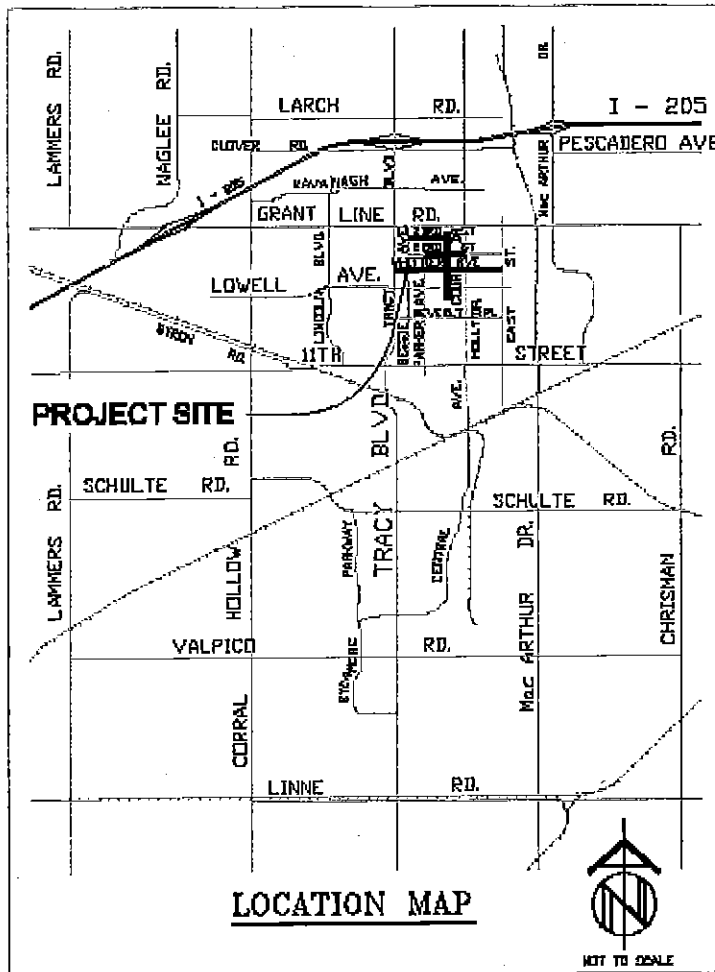
That City Council, by resolution, award a construction contract to Knife River Construction of Stockton, California, in the amount of \$1,029,402 (base bid plus additive bids A1, A2, A3, and A4), for the construction of Court Drive, Twenty-Second Street, Twenty-Third Street, and Whittier Avenue Improvements (CIPs 73104, 73123, 73124, 75105, 75109 and 75110), and authorize the Mayor to execute the construction contract.

Agenda Item 1.D
February 1, 2011
Page 4

Reviewed by: Kuldeep Sharma, City Engineer

Approved by: Andrew Malik, Development and Engineering Services Director
Leon Churchill, Jr., City Manager

Attachment A – Location Map



RESOLUTION _____

AWARDING A CONSTRUCTION CONTRACT TO KNIFE RIVER CONSTRUCTION OF STOCKTON, CALIFORNIA, FOR THE COURT DRIVE, TWENTY-SECOND STREET, TWENTY-THIRD STREET, AND WHITTIER AVENUE IMPROVEMENTS - CIPs 73104, 73123, 73124, 75105, 75109, & 75110, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONSTRUCTION CONTRACT

WHEREAS, The work involves asphalt overlay on streets (CIP 73123 & 73124), waterline replacement (CIP 75105, 75109, and 75110), and replacement of damaged or deteriorated sidewalk, curb, gutter, driveway, and tree removal and planting (CIP 73104), and

WHEREAS, In order to take advantage of the existing bid environment, the project also includes additive bid items A1 through A4 for additional improvements on Whittier Avenue between Holly Drive and East Street, and

WHEREAS, The project was advertised for competitive bids on November 9, and November 16, 2010 and 10 bids were received and publicly opened on December 7, 2010, and

WHEREAS, Knife River Construction of Stockton, California, is the lowest monetary bidder for the base bid amount, and

WHEREAS, It is recommended that the construction contract be awarded to Knife River Construction, for the base bid with all additive bid items A1, A2, A3, & A4, to take advantage of the low bid environment, and

WHEREAS, The estimated construction cost of this project, if awarded to Knife River Construction, is as follows:

Construction Cost

Contractor's Bid for Construction	\$1,029,402.00
Construction management, Testing, Inspection (5%)	\$ 51,470.00
Design & Design Support During Construction (10%)	\$ 102,940.00
Contingency (12%)	\$ 123,528.00
Project Management	<u>\$ 231,615.00</u>
Total Construction Cost	\$1,538,955.00
Total Project Budget	\$1,614,000.00

There will be no fiscal impact to the General Fund. This project is an approved CIP projects in FY10/11 funded from the Water Fund (F513), Transportation Sales Tax, (F242), and Gas Tax (F245);

NOW THEREFORE, BE IT RESOLVED, that the City of Tracy award a construction contract to Knife River Construction of Stockton, California, in the amount of \$1,029,402 (base bid plus additive bids A1, A2, A3, and A4), for the construction of Court Drive, Twenty-Second Street, Twenty-Third Street, and Whittier Avenue Improvements (CIPs 73104, 73123, 73124, 75105, 75109 and 75110), and authorize the Mayor to execute the construction contract.

The foregoing Resolution _____ was adopted by City Council on the 1st day of February 2011, 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

APPROVAL OF AMENDMENTS TO PROFESSIONAL SERVICES AGREEMENTS WITH VARIOUS CONSULTANTS FOR ADDITIONAL SERVICES REQUIRED TO COMPLETE THE CITY'S INFRASTRUCTURE MASTER PLANS

EXECUTIVE SUMMARY

Approval of amendments to the existing Professional Services Agreements with various consultants are needed to provide additional services to complete the Infrastructure Master Plans for new development areas within the City's Sphere of Influence to address specific site and design related issues.

DISCUSSION

On September 15, 2009, City Council approved Professional Services Agreements (PSA's) with various consultants to provide services for completion of the City's Infrastructure Master Plans for development of new areas within the City's Sphere of Influence. The Sphere of Influence represents approximately 9,000 acres of area collectively for the next phase of development of industrial, commercial, and residential properties. The Master Plans include Roadways, Water, Wastewater, Storm Drainage, Parks, Public Safety, Public Facilities, and Environment. The PSA's for Parks, Public Facilities, and Public Safety Master Plans were approved by City Council on March 16, 2010. The selection of consultants was made based on the qualifications based selection process.

Due to the complexity of the Master Plans and the need for extensive coordination efforts within the development community, a PSA was executed on August 27, 2008, to provide project management services.

The following consultants have been working toward completion of the Infrastructure Master Plans as follows:

<u>Infrastructure Services</u>	<u>Consultant</u>
Roadways & Transportation	RBF Consulting
Wastewater	CH2M Hill
Water	West Yost
Storm Drainage	Stantech Consulting
Project Management	Harris & Associates
Parks	MIG Consultants
Public Facilities	Indigo/Hammond & Playle
Public Safety	Indigo/Hammond & Playle

The consultants, development community, and the City have been working together to complete these infrastructure master plans. Numerous meetings were held with developers during various phases of work for these master plans. A number of issues

varying from generation rates to design methodology were discussed and resolved. While work on the Storm Drainage, Parks, Public Facilities, and Public Safety is proceeding, additional analysis is required for Roadways and Water to address specific site issues, questions of developers, and/or to resolve various technical issues. This has also resulted in expanded project management services due to the increased scopes of work.

Proposals from consultants were solicited for the additional services. After careful review and coordination with the development community, additional costs of services were negotiated as follows:

<u>Consultant</u>	<u>Services</u>	<u>Amount</u>
RBF Consulting	Roads	\$56,150
West Yost Associates	Water	\$23,000
Harris & Associates	Project Management	\$45,000

Sufficient funding is available to pay for the above services from the contingency portion of the original deposits received from the development community toward completion of the Infrastructure Master Plans.

STRATEGIC PLAN

This agenda item meets the Council's adopted Economic Development Strategy with the following goal:

- o Ensure the physical infrastructure and systems necessary for development

FISCAL IMPACT

There is no impact to the General Fund. The cost of additional services will be paid from the original deposit secured from the development community.

RECOMMENDATION

That City Council approve amendments to Professional Services Agreements with various consultants for additional services required to complete the City's Infrastructure Master Plans.

Prepared by: Kuldeep Sharma, City Engineer

Reviewed by: Andrew Malik, Development and Engineering Services Director

Approved by: Leon Churchill, Jr., City Manager

RESOLUTION _____

APPROVING AMENDMENTS TO PROFESSIONAL SERVICES AGREEMENTS WITH VARIOUS CONSULTANTS FOR ADDITIONAL SERVICES REQUIRED TO COMPLETE THE CITY'S INFRASTRUCTURE MASTER PLANS

WHEREAS, On September 15, 2009, City Council approved Professional Services Agreements (PSA's) with various consultants to provide services for completion of the City's Infrastructure Master Plans, and

WHEREAS, Due to the complexity of the Master Plans and the need for extensive coordination efforts within the development community, a PSA was executed on August 27, 2008, to provide project management services, and

WHEREAS, While work on the Storm Drainage, Parks, Public Facilities, and Public Safety is proceeding, additional analysis is required for Roadways and Water to address specific site issues, questions of developers, and/or to resolve various technical issues, and

WHEREAS, Proposals from consultants were solicited for the additional services, and

WHEREAS, Additional costs of services were negotiated as follows:

RBF Consulting	Roads	\$56,150
West Yost Associates	Water	\$23,000
Harris & Associates	Project Management	\$45,000

WHEREAS, There is no impact to the General Fund. The cost of additional services will be paid from the original deposit secured from the development community;

NOW THEREFORE, BE IT RESOLVED, That City Council, by resolution, approves amendments to Professional Services Agreements with various consultants for additional services required to complete the City's Infrastructure Master Plans.

The foregoing Resolution _____ was adopted by City Council on the 1st day of February 2011, 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

AUTHORIZATION TO AMEND A LEASE AGREEMENT WITH SACRAMENTO-VALLEY LIMITED PARTNERSHIP (VERIZON) FOR USE OF A PORTION OF THE CITY WATER TOWER AND GROUND SPACE AT 6TH STREET AND TRACY BOULEVARD TO EXTEND THE TERM OF THE LEASE AGREEMENT, INCREASE THE RENT AMOUNT, CHANGE THE METHODOLOGY FOR CALCULATING RENT INCREASES; AND AUTHORIZATION FOR THE MAYOR TO SIGN THE AMENDMENT

EXECUTIVE SUMMARY

This item seeks to obtain authorization for a second amendment to the Lease Agreement with Sacramento-Valley Limited Partnership (Verizon) to extend the term of the lease by four five-year terms, increase the rent from \$11,503 annually to \$16,800 annually, adjust the rent annually by the greater of three percent or the percentage change in the Consumer Price Index in lieu of nine percent for every three-year term, and have rent paid to the City in a lump-sum annually, and in advance, versus monthly.

DISCUSSION

On July 29th, 1997, the City entered into a Site Lease Agreement with Sacramento-Valley Limited Partnership which is now doing business as Verizon Wireless (Verizon), to lease space for cellular equipment located on the 6th Street and Tracy Boulevard water tower premises.

On January 6, 2009, Council approved the First Amendment to the Site Lease Agreement that allowed the installation of an equipment shelter, emergency generator, and propane tank in addition to modifying the inflationary rent increase for future renewal terms.

The City has since been approached by Verizon to secure additional years to the term of the Lease as an option for Verizon. Negotiations ensued resulting in the proposed extension options of four five-year terms, which, together with previously approved terms, will total 35 years. This is comparable to similar leases entered into between the City and other communication companies. In return for the option for Lease extensions, the City will receive an increase in the rental rate, a potentially higher inflationary rate to be applied annually, and an annual payment in lieu of monthly rental payments each year (annual, advance payment to commence September 1, 2011) which will be nonrefundable should Verizon exercise its right to terminate the Agreement.

FISCAL IMPACT

The City will realize a revenue increase of \$5,297 per year as a result of the rental amount increase. Each year, the rate will increase by at least three percent or more depending upon the percentage increase beyond three percent of the Consumer Price

Index. In addition, the full annual amount will be paid in a lump-sum amount in advance, versus having the amount paid over a 12 month period allowing the City greater flexibility in planning and using the funds. The increased revenue received by the City will be deposited in the City's General Fund.

STRATEGIC PLAN

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

RECOMMENDATION

That the City Council, by resolution, authorize a second amendment to the 1997 Lease Agreement with Sacramento-Valley Limited Partnership, doing business as Verizon Wireless, for use of the City water tower and ground space at 6th Street and Tracy Boulevard to extend the term of the Lease, increase the rent amount, change the methodology for calculating rent increases, and authorize the Mayor to sign the amendment.

Prepared by Anne Bell, Management Analyst II
Reviewed by Kevin Tobeck, Director of Public Works
Approved by Leon Churchill, Jr., City Manager

SECOND AMENDMENT TO SITE LEASE AGREEMENT

This SECOND AMENDMENT TO SITE LEASE AGREEMENT ("Amendment") is made this ____ day of _____, 20__, by and between the City of Tracy ("Landlord"), and Sacramento-Valley Limited Partnership d/b/a Verizon Wireless ("Tenant"), with reference to the facts set forth in the Recitals below:

RECITALS

A. Landlord and Tenant, or their predecessors in interest, are parties to a Site Lease Agreement dated July 29, 1997, as amended by that certain First Amendment to Site Lease Agreement dated January 6, 2009 (collectively, the "Lease"), whereby Landlord has leased a portion of the Property (as defined in the Lease) and water tower to Tenant to construct, operate and maintain a communications facility, including required antennas and antenna support structure(s), as situated substantially as shown on Exhibit B attached to the First Amendment to the Site Lease Agreement. The Lease is currently scheduled to terminate on August 27, 2012.

B. Landlord and Tenant desire to (i) provide for four (4) additional five (5) year extension terms, (ii) provide for an increase in the rent payable to Landlord under the Lease, and (iii) modify the terms of rent payment.

AMENDMENT

NOW, THEREFORE, in consideration of the facts contained in the Recitals above, the mutual covenants and conditions below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties amend the Lease as follows:

1. OPTIONS TO EXTEND. Effective on the date this Amendment is fully executed by all parties hereto, Paragraph 3 of the Lease, is hereby deleted and replaced with the following:

"3. Lease Term.

The term of this Agreement ("Term") shall be three (3) years commencing with the issuance of a local building permit allowing Tenant to construct its communications facilities on the Premises, or January 1, 1998, whichever is earlier ("Commencement Date"). Tenant shall have the right to extend this Agreement for four (4) additional terms of three (3) years each (each an "Additional Term" and collectively the "Additional Terms"). The last Additional Term shall expire on August 31, 2012. In addition, upon the expiration of the last Additional Term, this Agreement may be extended for four (4) terms of five (5) years each (each a "Renewal Term"), for a maximum term, including each Additional Term and Renewal Term, of thirty-five (35) years. Each Additional Term and Renewal Term shall be on the same terms and conditions as set forth herein. This Agreement shall automatically be extended for each Additional Term and Renewal Term unless the Tenant elects to terminate it at the end of the then current term by giving written notice of the intent to terminate at least sixty (60) days prior to the end of the then current term."

2. RENT. Effective on the date this Amendment is fully executed by all parties hereto, Paragraph 6 of the Lease is hereby deleted and replaced with the following:

“6. Rent.

(a) Commencing on the first day of the month in which the Second Amendment to this Lease is fully executed, the monthly rent shall be increased to One Thousand Four Hundred and No/100ths Dollars (\$1,400.00) (the “Rent”). The Rent shall be payable on the first day of each month in advance to the City of Tracy at the Landlord’s address specified in Paragraph 14 below. The parties acknowledge and agree that the increased monthly Rent may not actually be sent by Tenant until thirty (30) days after the Second Amendment to this Lease is fully executed.

(b) Commencing September 1, 2011 and on each September 1 thereafter, the annual Rent shall be increased by the greater of (i) three percent (3%), or (ii) the percentage change in the most recent published Consumer Price Index (1982-84=100) Urban Wage Earners and Clerical Workers – San Francisco, Oakland, San Jose (“Index”) compared to the Index published twelve (12) months earlier; provided, however, an annual Rent of \$16,800 shall be used as the base Rent for the purpose of calculating and adjusting the Rent on September 1, 2011. If the Index is discontinued or changed so that it is impossible to obtain a continuous measurement of price changes, the Index shall be replaced by a comparable governmental index.

(c) Notwithstanding anything in the Lease to the contrary, commencing September 1, 2011 and on each September 1 thereafter during the Term, the Rent shall be paid annually in advance and not monthly.”

3. TERMINATION. Effective on the date this Amendment is fully executed by all parties hereto, Paragraph 9 of the Lease, is hereby deleted and replaced with the following:

“9. Termination. Except as otherwise provided herein, this Lease may be terminated, without any penalty or further liability, on sixty (60) days written notice as follows: (a) by either party upon a default of any covenant or term hereof by the other party, which is not cured within sixty (60) days of receipt of written notice of default (without, however, limiting any other rights available to the parties pursuant to any other provisions hereof); (b) by Tenant if it is unable to obtain or maintain, through no fault of Tenant, any license, permit or other Governmental Approval necessary to the construction and/or operation of the Antenna Facilities or Tenant’s business; or (c) by Tenant if the Tenant determines that the Premises are not appropriate for its operations for economic, environmental or technological reasons, including without limitation, signal strength or interference. In the event of termination by Tenant under (c), Tenant shall give Landlord one (1) year notice, of its intent to terminate Agreement. Upon termination, Tenant will return the Premises to its original condition as of the commencement date of this Lease, normal wear and tear and casualty excepted. Excluding Tenant’s personal property, antennas, and any tower installed by Tenant, and the equipment building, Landlord may retain improvements if it desires and shall notify tenant in writing of any such improvements to be retained. Any

Rent paid prior to termination will be nonrefundable.”

4. SIGNATURES. Each of the parties hereto warrants to the other that the person or persons executing this Amendment on behalf of such party has the full right, power and authority to enter into and execute this Amendment on such party’s behalf and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Amendment. This Amendment shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

5. CONTINUED EFFECT. Except as specifically modified by this Amendment, all of the terms and conditions of the Lease shall remain in full force and effect. In the event of a conflict between any term and provision of the Lease and this Amendment, the terms and provisions of this Amendment shall control. In addition, except as otherwise stated in this Amendment, all initially capitalized terms will have the same respective defined meaning stated in the Lease.

6. All captions are for reference purposes only and shall not be used in the construction or interpretation of this Amendment.

IN WITNESS WHEREOF, Landlord and Tenant have caused this SECOND AMENDMENT TO SITE LEASE AGREEMENT to be executed by each party’s duly authorized representative effective as of the date first above written.

LANDLORD:

City of Tracy


By: _____
Name: Brent H. Ives
Title: Mayor
Date: _____


Approved as to Form

By: Daniel G. Sodergren
Title: CITY ATTORNEY
Date: _____

TENANT:

Sacramento-Valley Limited Partnership
d/b/a Verizon Wireless
By AirTouch Cellular, Its General Partner

By:  _____
Name: Walter L. Jones, Jr.
Title: Area Vice President Network
Date: 12/10/10

By:  _____
Name: Daniel J. Hess
Title: Area Vice President Finance
Date: 12/16/10

RESOLUTION _____

AMENDING A LEASE AGREEMENT WITH SACRAMENTO-VALLEY LIMITED PARTNERSHIP (VERIZON) FOR USE OF A PORTION OF THE CITY WATER TOWER AND GROUND SPACE AT 6TH STREET AND TRACY BOULEVARD TO EXTEND THE TERM OF THE LEASE AGREEMENT, INCREASE THE RENT AMOUNT, CHANGE THE METHODOLOGY FOR CALCULATING RENT INCREASES; AND AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT

WHEREAS, On July 29th, 1997, the City entered into a Site Lease Agreement with Sacramento-Valley Limited Partnership which is now doing business as Verizon Wireless (Verizon), to lease space for cellular equipment located on the 6th Street and Tracy Boulevard water tower premises, and

WHEREAS, On January 6, 2009, Council approved the First Amendment to the Site Lease Agreement that allowed the installation of an equipment shelter, emergency generator, and propane tank in addition to modifying the inflationary rent increase for future renewal terms, and

WHEREAS, The proposed extension options of four five-year terms, which together with previously approved terms, will total 35 years which is comparable to similar leases entered into between the City and other communication companies, and

WHEREAS, In return for the option for Lease extensions, the City will receive an increase in the rental rate, a potentially higher inflationary rate to be applied annually, and an annual payment in lieu of monthly rental payments each year (annual, advance payment to commence September 1, 2011) which will be nonrefundable should Verizon exercise its right to terminate the Agreement, and

WHEREAS, that the City will realize a revenue increase of \$5,297 per year as a result of the rental amount increase. Each year, the rate will increase by at least three percent or more depending upon the percentage increase beyond three percent of the Consumer Price Index, and

WHEREAS, The full annual amount will be paid in a lump-sum amount in advance, versus having the amount paid over a 12 month period allowing the City greater flexibility in planning and using the funds. The increased revenue received by the City will be deposited in the City's General Fund;

NOW, THEREFORE, BE IT RESOLVED That the City Council hereby amends a Lease Agreement with Sacramento-Valley Limited Partnership (Verizon) for use of the City water tower and ground space at 6th Street and Tracy Boulevard to extend the term of the Lease Agreement, increase the rent amount, change the methodology for calculating rent increases, and authorizes the Mayor to sign the Amendment.

RESOLUTION _____

Page 2

* * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 1st day of February, 2011, 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

APPROVING THE 2011 CALENDAR YEAR BUDGET FOR THE OPERATION OF THE TRACY MATERIAL RECOVERY FACILITY AND SOLID WASTE TRANSFER STATION

EXECUTIVE SUMMARY

Approve the 2011 calendar year budget for the operation of the Tracy Material Recovery Facility and Solid Waste Transfer Station in the amount of \$10,369,005.

DISCUSSION

The Service Agreement between the City of Tracy and Tracy Material Recovery and Solid Waste Transfer, Inc., for the operation of the Material Recovery Facility (MRF), requires the budget for the MRF be approved annually by the City of Tracy. The MRF has been in operation since May 1, 1995. The attached budget submitted by Tracy Material Recovery and Solid Waste Transfer, Inc. for City Council approval is for calendar year 2011.

The total MRF budget is forecasted to be \$10,369,005 for 2011. Highlights impacting the proposed budget requirements include:

- Foothill Sanitary Landfill, the ultimate repository for the residual waste coming from the MRF, increased its tipping fee by \$1.42 a ton January 1, 2009, \$1.56 a ton January 1, 2010, and \$1.00 a ton January 1, 2011. The Operator has increased its tipping fees accordingly. However, the tipping fee increase does not cover inbound waste from the City of Tracy, which represents 64% of the tonnage processed at the MRF.
- The MRF processed 111,863 tons in 2009, an estimated 111,100 tons for 2010, and an estimated 113,000 tons for 2011.
- Previous measures taken including employee layoffs, reduction in operating costs, and delayed capital purchases.
- Expanding the Solid Waste Facility Permit, Land Use Permit and CEQA Permit due to increased traffic since inception (1995) has been extended for approximately three years; therefore, remaining permit fees have been moved from 2009 to 2010, and 2011 with anticipated completion during 2011.

The City Council, by Resolution 2007-163 (July 17, 2007), authorized a new monthly solid waste rate to preserve the enterprise fund's economic health and comply with the covenants of the California Pollution Control Financing Authority (CPCFA) Solid Waste Refunding Revenue Bonds (Tracy Material Recovery Facility Project Series 1999A and 1999B), which were approved by Council Resolution 94-212. The rates that were adopted in 2007 were to maintain and pay for the current and projected level of service at the MRF, but due to continued increase in tipping fees at the landfill, rise in fuel prices, regulatory compliance, and the struggling economy, the solid waste reserve fund is still being impacted. It is necessary to prepare for a solid waste rate increase.

Implications to the MRF budget have been provided to a rate consultant for further review. Below is a summary of the expenditures and revenues of the MRF budget:

**Tracy Material Recovery and
Solid Waste 2011 Budget**

Debt Service Requirements	\$ 847,860
Operating and Maintenance	6,345,600
Landfill disposal	2,758,000
Property taxes	148,000
Operators fee	<u>269,545</u>
	<u>\$10,369,005</u>
Revenue from the rate payers	\$6,137,000
Revenue from sale of recycled materials	1,100,000
Other revenue sources - Public, South County, Mountain House, Interest, etc.	2,433,005
Revenue short fall to the City Solid Waste Fund	<u>699,000</u>
	<u>\$10,369,005</u>

FISCAL IMPACT

There is no fiscal impact to the General Fund. The \$699,000 projected shortfall for the MRF will be funded from the fund balance of the Solid Waste Fund.

RECOMMENDATION

That the City Council, by resolution, approve the Tracy MRF budget of \$10,369,005 submitted by Tracy Material Recovery and Solid Waste Transfer, Inc. for the operation of the Tracy Material Recovery Facility and Solid Waste Transfer Station for calendar year 2011.

Prepared by Jennifer Cariglio, Management Analyst I, Public Works Department
Reviewed by Kevin Tobeck, Director of Public Works
Approved by Leon J. Churchill Sr., City Manager

Exhibit A: Tracy Material Recovery and Solid Waste Transfer, Inc. Forecasted Service Fee Budget

Exhibit A

Tracy Material Recovery and Solid Waste Transfer, Inc.

Forecasted Service Fee Calculation (Budget)

For the year ending December 31, 2011

(See Accountants' Compilation Report and Summary of Significant Forecast Assumptions)

Debt Service	
Bond Principal	\$ 714,583
Bond Interest	156,655
Interest Earned-Trustee funds	(23,377)
Capital Lease Obligations	<u>(1) \$ 847,860</u>
Coverage Requirements - Covenant Requirements	
Additional Funding - City of Tracy Enterprise Fund	
Deposit from the City of Tracy	
Operating and Maintenance	
Salaries	2,290,000
Employee Benefits	
Payroll Taxes	197,000
Health Insurance	444,000
Dental Insurance	41,700
Life Insurance	2,301
Workers' Compensation	145,000
401K Employers Match	17,000
Hauling Expenses	
Fuel (Hauling and onsite)	608,000
Repairs and Maintenance	
Transfer Trucks	90,000
Transfer Trailers	50,000
Secondary Haul	60,000
Maintenance	
Shop Equipment	20,000
MRF Equipment	298,000
Buildings	90,000
Janitorial	-
Landscape	35,000
Utilities	
Gas, Electric, and Propane	190,000
Water	3,600
Sewer	2,100
Telephone	24,000
Insurance - Liability/Pollution/Property	190,000
Plant Generated Waste Hauling/Disposal	18,000
Plant Supplies - MRF and Shop	144,000
Office Supplies	
Printed Materials	6,500
Other (Software, Shop, MRF, Visitor Center)	12,500
Accounting Services	113,000
Payroll/Human Resources	13,500
Audit	13,000
Legal	5,000
Engineer	4,000
Computer and Software Support (Network Admin.)	20,000
Security	78,000
Education and Training	2,000
Public Awareness	7,500
Equipment Rental - Tractor	-
Equipment Rental - Shop/MRF	7,000
Equipment Rental - Copier	9,300
License Renewals	26,000
Compliance, Permits, Bit Program	30,800
Bank Fees-BNY	24,700
Travel/Meetings/Conventions	5,000
Arbitrage Services	1,500
Interest Expense - Finance Ins. (Pollution/general liab policy)	5,000
Interest Expense - Loan	9,000
Property taxes - non pass through	100
Dues and subscriptions	6,000
Disposal Fees - non pass through	
CRT Disposal - E-waste	7,500
Freon	12,000
Tires	8,000
Concrete	20,000
Wood	12,000
Compost Testing/Issues	28,000
Equipment Replacement Reserve	800,000
Solid Waste Permit Related Costs	<u>99,000</u>
	6,345,600

Exhibit A

**Tracy Material Recovery and Solid Waste Transfer, Inc.
Forecasted Service Fee Calculation (Budget)
For the year ending December 31, 2011**

(See Accountants' Compilation Report and Summary of Significant Forecast Assumptions)

Continued

Pass Through Costs		
Landfill Disposal Costs	2,758,000	
Property Taxes	148,000	2,906,000
Operators Fee	269,545	269,545
Revenue from Recycled Materials	(1,100,000)	(1,100,000)
Other Revenues		
Public Revenue - Self-haul - Weighed	(781,000)	
Public Revenue - Self-haul - Minimum Fee	(360,000)	
San Joaquin County - Service Area F	(940,000)	
Mountain House	(240,000)	
Interest Revenue		
Bond Reserve Fund - applied to debt service	-	
Equipment Replacement Reserve/Operating Account	(4,005)	
Miscellaneous (sale of equipment)	-	
Rental income	(108,000)	
		<u>(2,433,005)</u>
Service Fee		<u>\$ 6,836,000</u>

Allocate revenue requirements based on tonnage

Tonnage Forecasted		
Municipal	69,200	
County Service Area F	17,700	
Mountain House	5,300	
Self-haul - commercial	12,800	
Self-haul - minimum fee	5,900	
Self-haul - noncharge wood, public works, other	2,100	
	<u>113,000</u>	
Operating and maintenance costs	<u>\$ 6,345,600</u>	
Forecasted tonnage	<u>113,000</u>	
Forecasted operating and maintenance costs per ton	<u>\$ 56.16</u>	

Debt Service Coverage Ratio

Total Revenues	10,369,005		
Operating and maintenance costs	(6,345,600)		
Pass through costs	(2,906,000)		
Debt Service coverage requirement - City of Tracy Dep.	(28,358)		
Net divided by debt service	<u>1,089,047</u>	/ 871,238	<u>\$ 1.25</u>

Debt Service

Principal Bonds	\$ 714,583
Interest Bonds	156,655
	<u>\$ 871,238</u>

Revenue from Current Rates

Municipal		
Forecasted revenue required	\$ 6,836,000	
Forecasted revenue-current rates	<u>6,137,256</u>	
Revenue short fall	698,744	
Nonrecurring expense for solid waste permit	(99,000)	
Adjusted balance	<u>\$ 599,744</u>	

RESOLUTION _____

APPROVING THE 2011 CALENDAR YEAR BUDGET FOR THE OPERATION OF THE TRACY MATERIAL RECOVERY FACILITY AND SOLID WASTE TRANSFER STATION IN THE AMOUNT OF \$10,369,005

WHEREAS, The "Service Agreement" between the City of Tracy and Tracy Material Recovery and Solid Waste Transfer, Inc. (MRF) for the operation of the MRF requires that the budget for the MRF be approved annually by the City of Tracy, and

WHEREAS, The total MRF budget is forecasted to be \$10,369,005 for January 1, 2011 to December 31, 2011, and

WHEREAS, A graph displaying the MRF's historical budget and tonnage trend is attached as Exhibit A, and

WHEREAS, The City Council, by Resolution 2007-163 (July 17, 2007) authorized a new monthly solid waste rate to preserve the enterprise's economic health and comply with the covenants of the California Pollution Control Financing Authority (CPCFA) Solid Waste Refunding Revenue Bonds (Tracy Material Recovery Facility Project Series 1999A and 1999B), which were approved by Council Resolution 94-212, and

WHEREAS, The rates that were adopted in 2007 were to maintain and pay for the current and projected level of service at the MRF, but due to continued increase in tipping fees at the landfill, rise in fuel prices, regulatory compliance, and the struggling economy, the solid waste reserve fund is still being impacted, and

WHEREAS, There is no fiscal impact to the General Fund, and

WHEREAS, Funding for the projected \$699,000 shortfall for the MRF will be funded from the approved Solid Waste Fund;

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby approves the Tracy MRF budget of \$10,369,005 submitted by Tracy Material Recovery and Solid Waste Transfer, Inc. for the operation of the Tracy Material Recovery Facility and Solid Waste Transfer Station for calendar year 2011.

* * * * *

The foregoing Resolution _____ was passed and adopted by the City Council of the City of Tracy on the _____ day of _____, 2011, by the following vote:

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

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.H

REQUEST

ACCEPT GRAND FOUNDATION (FORMERLY ARTS LEADERSHIP ALLIANCE AKA ALA) 2010-11 ANNUAL UNDERWRITING SUPPORT FOR PROGRAMMING AND OPERATIONS AT THE GRAND THEATRE CENTER FOR THE ARTS

EXECUTIVE SUMMARY

Staff is requesting that Council accept funding from the Grand Foundation (GF) for approved programming and operational expenditures for FY 2010-11.

DISCUSSION

The City of Tracy, through the Cultural Arts Division, is partnered with the Grand Foundation (formerly known as the Arts Leadership Alliance aka ALA) to provide programming and operational financial support at the Grand Theatre Center for the Arts. The Foundation provides a minimum of \$30,000 annually under the current MOU.

The GF provides underwriting through fundraising and donor relationships to support the programming and operations of the Arts Education, Exhibitions and Presenting Programs at the Center. Each year financial needs are accessed and prioritized by staff and submitted to the GF Board for their consideration in order to supplement the adopted Cultural Arts Division FY budget.

This year, the GF Board has chosen to underwrite \$14,700 in the Arts Education Program, \$1,500 in the Exhibitions Program, and \$13,800 in the Presenting Program. This funding support will have significant and lasting impact upon the operations of the Center and in the quality and diversity of public programming. The existing adopted FY2010-11 budget reflects these programming priorities and no further action is needed to allocate funds.

Staff has prepared an outline of the estimated itemized budget in collaboration with the GF. Staff will meet monthly with the GF Board to provide expenditure updates. The GF has directly purchased the specified Multimedia Project Lens in the amount \$3,750, and will submit balance in a check to the City in the amount of \$26,250.

STRATEGIC PLAN:

This agenda item supports the Communication/Marketing Strategy:

Goal 1: Provide the community with basic and extended services that offer opportunities to prosper as they live, work and play in Tracy

This agenda item supports the Organizational Effectiveness Strategy:

Goal 2: Strengthen Customer Value through ensuring quality and excellent customer service.

This agenda item also supports the Communication/Marketing Strategy.

Goal 3: Align available resources with marketing objectives to maximize return on investment.

FISCAL IMPACT:

Provide \$30,000 in programming and operational underwriting support from the Grand Foundation to the Cultural Arts Division - Grand Theatre Center for the Arts FY10-11.

RECOMMENDATION:

Staff recommends that Council authorize the acceptance of the annual underwriting funding from the Grand Foundation to support programming and operations of the Grand Theatre Center for the Arts in FY10-11.

Prepared by: William Wilson, Gallery Supervisor

Approved by: Leon Churchill, Jr., City Manager

Attachment A: Grand Theatre Center for the Arts – GF FY2010-11 Underwriting Support Outline

Grand Theatre Center for the Arts
 Grand Foundation FY2010-11 Underwriting Support Outline
 Estimated Itemized Expenses

Arts Education Program

Anniversary Weekend	Activities, Instructors, Materials, Supplies	\$1,500
Visual Arts I & II	Multimedia Video Projector	\$1,600
	2 Retractable Projection Screens	\$400
	Flatbed Printing Press, Accessories, Supplies	\$5,000
Music Studios	Instrument Rentals/Purchases	\$1,000
AEP Staff Office	Bookshelf for Arts Library & Resource Materials	\$500
	Books, Periodicals, Sheet Music, Media	\$500
Children's Studio	Chalk Board Wallpaper & Educational Decoration	\$600
Class Underwriting	Youth, Teen & Senior Programming	\$3,600

		\$14,700

Exhibitions Program

Catering & Hospitality Services for three spring/summer exhibitions	\$1,500
---	----------------

Presenting Program

Anniversary Weekend	John Heffron and Sound of Music	\$5,000
Theatre A/V Equipment	Wireless Microphones & Accessories	\$5,050
Theatre A/V Equipment	Multimedia Projector Lens	\$3,750

		\$13,800

Total FY2010-11 Annual Underwriting Support	\$30,000
--	-----------------

RESOLUTION _____

ACCEPTING GRAND FOUNDATION (FORMERLY ARTS LEADERSHIP ALLIANCE AKA ALA)
2010-11 ANNUAL UNDERWRITING SUPPORT FOR PROGRAMMING AND OPERATIONS
AT THE GRAND THEATRE CENTER FOR THE ARTS

WHEREAS, The City of Tracy, through the Cultural Arts Division, is partnered with the Grand Foundation (formerly known as the Arts Leadership Alliance aka ALA) to provide programming and operational financial support at the Grand Theatre Center for the Arts at a minimum of \$30,000 annually under the current MOU.

NOW, THEREFORE, BE IT RESOLVED, That the City Council authorize acceptance of the annual underwriting funding from the Grand Foundation to support programming and operations of the Grand Theatre Center for the Arts in FY10-11.

* * * * *

The foregoing Resolution _____ was adopted by the Tracy City Council on the 1st day of February, 2011, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 3

REQUEST

CITY COUNCIL ADOPTION OF THE GENERAL PLAN AMENDMENT OF 2011, THE CITYWIDE SUSTAINABILITY ACTION PLAN, AND CERTIFICATION OF THE GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT WHICH INCLUDES MAKING FINDINGS RELATED TO SIGNIFICANT IMPACTS, ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

EXECUTIVE SUMMARY

This agenda item involves a public hearing and adoption of amendments to the City's General Plan, which includes adoption of the proposed Sustainability Action Plan (SAP), and certification of a Supplemental Environmental Impact Report (SEIR).

DISCUSSION

Background

The City's General Plan is the principal policy and planning document for guiding future development; it contains numerous objectives, policies and actions related to all aspects of development including land use, transportation, housing, economic development, public facilities, infrastructure and open spaces, among other topics. The General Plan is amended from time-to-time in response to development proposals and evolving City priorities, while comprehensive updates to General Plans typically occur every 10 years.

On July 20, 2006, the City Council certified an Environmental Impact Report (EIR) and adopted a General Plan. The General Plan adopted in 2006 was a comprehensive update to the General Plan previously adopted in 1993. Among the policies in the General Plan is a proposed Sphere of Influence, or area outside the City limits that the City intends to urbanize. Sphere's of Influence are proposed by cities and approved by Local Agency Formation Commissions, or LAFCo's. After the City adopted the General Plan in 2006, new policies regarding SOIs were adopted by the San Joaquin County LAFCo, necessitating a revision of the SOI to reflect these new policies. Additionally, during the same time period, new regulations under the California Environmental Quality Act (CEQA) necessitated a comprehensive analysis of greenhouse gas emissions. Together, these new State and LAFCo requirements have been addressed under a single, significant amendment to the City's General Plan.

This staff report organizes the discussion of the current amendment to the General Plan in several broad categories, as follows:

- Sphere of Influence changes
- Sustainability/Sustainability Action Plan
- Urban Reserve areas changes
- Land Use designation changes/Minor Edits

SOI Changes: 10-year and 30-year Horizons

A new LAFCo policy now requires cities to show their projected growth within 10 and 30-year timeframes. Any project or area that a city does not anticipate to begin development within that timeframe cannot be included within a SOI. In order to comply with this new LAFCo policy, the City conducted six workshops between December 2007 and July 2008 related to the Sphere of Influence to determine the 10 and 30-year horizons. This resulted in a reduction in acreage than proposed in the General Plan as approved by the City Council in 2006. The majority of the properties proposed to be removed from the SOI were planned for residential development, and could not all have begun development within the 30-year timeline, due to the regulations of the City's Growth Management Ordinance (GMO), which limits the rate of residential growth. The proposed SOI is shown in the proposed General Plan Amendment document. Figure 1-2 on page 1-9 of the General Plan (Attachment A to the staff report) identifies the City's proposed SOI. The 10 and 30-year horizons are shown in Attachment B.

Sustainability/Sustainability Action Plan

On April 15, 2008, the City Council identified sustainability as a priority and directed staff to develop a Citywide Sustainability Strategy. The Environmental Sustainability Priority Strategic Team was formed consisting of staff from various departments, including the City Manager's Office. One of its goals was to develop a Sustainability Action Plan (SAP) for Tracy to address growth in compliance with State laws and regulations relating to climate change. The most notable new laws are listed below:

- Assembly Bill 32 (AB 32) requires the State of California to reduce greenhouse gas (GHG) emissions to 1990 levels no later than 2020, an approximately 15% reduction from then-current (2006) levels.
- Senate Bill 375 (SB 375) aims to reduce transportation-related GHGs through strategic land use planning; requires Regional Agencies including SJCOG to develop "Sustainable Community Strategies" as part of the Regional Transportation Planning process.
- Senate Bill 97 (SB 97) requires GHG analyses under CEQA.

Various City departments, outside agencies, and members of the Tracy community were involved in the development of the SAP. Drafts of the SAP were published in June 2010, July 2010, and in December 2010, for public review and comment.

The SAP is a comprehensive, citywide strategy through the year 2020 and contains twenty targets and eighty-four measures in the sectors of energy, transportation and land use, solid waste, water, agriculture and open space, biological resources, GHG emissions and air quality, public health, and economic development. As a part of the SAP, a baseline GHG inventory for the year 2006 and forecast for the year 2020 were conducted. Because not all the sustainability measures are quantifiable, the SAP focuses on the reduction of GHG emissions by the year 2020. Included in the SAP is an implementation and monitoring plan that outlines how to measure the effectiveness of the SAP as it is implemented over time.

The overarching achievement of the SAP is to demonstrate that addressing GHG reductions to meet State-required levels can be done so without placing onerous requirements on new development. Many of the SAP measures account for existing State requirements. Additionally, the SAP will assist future projects' compliance with new CEQA requirements (SB 97), as it establishes a framework for quantifying and comparing GHG emissions against a community baseline. It includes policies and programs to reduce GHG at the municipal level as well as programs at the community level and partnerships with outside agencies.

The SAP will be implemented over the next ten years as resources become available. Some measures will be able to be implemented shortly after adoption, while others may not be implemented for several years based on the availability of funding, staff, and other resources. Staff intends to pursue grant opportunities to fund SAP implementation.

New General Plan Policies Related to Sustainability

The development of the Sustainability Action Plan resulted in proposed additions and changes to goals, objectives and policies within several elements of the General Plan. Some examples of these goals, objectives and policies are summarized below:

- Land Use Element—density, mix of land uses, prioritizing infill development
- Community Character Element—walkability of neighborhoods, prioritizing downtown development
- Circulation Element—enhanced vehicular connectivity and expansion of transit systems
- Open Space and Conservation Element—promotion of energy efficient design principles and conservation of resources, continued use of agricultural lands within the Planning Area
- Public Facilities and Services Element—reduction of solid waste produced, through recycling and decreased use of new resources, water reduction strategies, and water recycling
- Air Quality Element—promoting the reduction of vehicular trips through land development patterns and maximized bicycle and pedestrian access, encouraging methods of design and construction that can reduce the production of greenhouse gas emissions

These proposed additions and changes to the goals, objectives and policies within the General Plan will lead to implementation action items and performance measures that will likely occur within the Zoning Ordinance, City Standard Plans, Infrastructure Master Plans, and other programs, all of which include public participation opportunities in their development.

Changes to Urban Reserves

Each of the Urban Reserves (URs) within the General Plan contain policy language related to intended land uses and also contain statistical profiles that provide examples of the potential development within each area (such as low density residential, high density residential, neighborhood commercial, industrial, etc.).

This General Plan Amendment adjusted several of the statistical profiles within the General Plan to reflect existing conditions (such as the true acreage of Kimball High School within UR 13) and to include flexibility for creativity within each UR. For example, a UR may allow a range of densities from very low to high, with the ultimate goal of medium density across the entire acreage of the UR. The statistical profiles have been clarified in order to promote flexibility for such development, and to address refinements as the Citywide Infrastructure Master Planning process continues.

Land Use Designation Changes/Minor Edits

Throughout the amendment process of the General Plan, staff determined that a number of minor adjustments and corrections to the General Plan were necessary to ensure the accuracy of the document and the land use map.

There is additional information regarding newly released FEMA maps showing a 200-year floodplain (previously only 100 and 500-year floodplains had been mapped), that will be included. Typographical errors have been corrected and land use designations were reviewed for accuracy.

Planning Commission Discussion

On December 15, 2010, the Planning Commission met and discussed the General Plan Amendment, SEIR, and Sustainability Action Plan. Much of their discussion focused on clarifications to the General Plan document, and resulted in proposed revised language that clarifies several policies in the Noise Element, adds a definition for zoning districts (so they will not be confused with General Plan land use designations) in the Land Use Element, and a brief description of Measure K, as discussed in the Circulation Element. With those clarifications, Planning Commission voted unanimously to recommend City Council certify the SEIR and approve the General Plan Amendment and the Sustainability Action Plan.

Environmental Document

A Supplemental Environmental Impact Report (SEIR) was prepared for the proposed revisions to the General Plan. It included only the sections that need to be changed due to the proposed changes to the General Plan. These included Land Use, Population, Employment and Housing, Traffic and Circulation, Noise, and Air Quality. A Notice of Preparation for the SEIR was distributed on September 2, 2008, and a Scoping meeting to receive any comments of the preparation of the SEIR was held at a regularly scheduled Planning Commission meeting on September 24, 2008.

The Draft SEIR was completed and published for public comment on April 20, 2009. The comment period closed on June 8, 2009, and within that timeframe, numerous comments were received, the most lengthy from the Center for Biological Diversity, asserting that a Climate Action Plan must be developed for the City's proposed General Plan. The amendments regarding sustainability within the General Plan, the revised Air Quality section in the DSEIR, and the creation of the Sustainability Action Plan have addressed that comment letter. Due to the number and nature of the comments

received on the SEIR, staff revised and re-circulated a revised SEIR on July 22, 2010 for review and comment. The comment period for the revised SEIR closed on September 2, 2010, with a number of comments received from various parties. Those comments have been addressed in the Final EIR (FEIR) in the responses to comments, and through edits/changes to the proposed General Plan and SAP (Attachment F).

Resolutions

There are three proposed City Council resolutions attached to this staff report (Attachment G). One resolution relates to the certification of the Supplemental EIR, and includes four exhibits: A) Findings related to environmental impacts, B) Findings related to alternatives, C) Statement of Overriding Considerations, and D) Mitigation and Monitoring Plan. The two additional resolutions are for the adoption of the General Plan Amendment, and the adoption of the Sustainability Action Plan.

STRATEGIC PLAN

This agenda item supports the Traffic Mobility & Connectivity, Economic Development, Community Amenities, and Environmental Sustainability Strategic Plans. These strategic plans, in part, were developed as a result of the General Plan approval in 2006, as a method to implement the General Plan. The proposed General Plan Amendment contains the same, as well as updated goals and policies from the General Plan, and builds upon those goals in the realm of environmental sustainability. The proposed SAP in particular, fulfills Goal 3 of the Environmental Sustainability Strategy: Design a Sustainability Action Plan.

FISCAL IMPACT

The drafting of the General Plan Amendment and the SEIR were funded through the General Fund, with a budget totaling \$263,247 to pay for consultant's costs. The creation of the SAP was funded by \$40,000 allocated from the General Fund in 2008 and \$150,000 received from the Federal Energy Efficiency and Conservation Block Grant program. There are no additional General Fund impacts other than significant staff time associated with the implementation of the General Plan and the SAP.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council do the following:

1. Certify the General Plan Supplemental EIR and adopt Findings of Fact and Statement of Overriding Considerations
2. Adopt the General Plan Amendment of 2011
3. Adopt the Sustainability Action Plan

Prepared by: Victoria Lombardo, Senior Planner
Kimberly Matlock, Assistant Planner
Bill Dean, Assistant DES Director

Reviewed by: Andrew Malik, Development and Engineering Services Director

Approved by: Leon Churchill, Jr., City Manager

ATTACHMENTS

- A—Sphere of Influence Map (Figure 1-2 of the General Plan)
- B—10 and 30-Year Horizons Map
- C—Proposed Supplemental EIR (3 documents: The Re-circulated SEIR, Final SEIR, and EIR Addendum) (distributed earlier, available at the City Clerk's office and DES counter, and will be available at the meeting on February 1)
- D—Proposed General Plan Amendment of 2011 (distributed earlier, available at the City Clerk's office and DES counter, and will be available at the meeting on February 1)
- E—Proposed Sustainability Action Plan (distributed earlier, available at the City Clerk's office and DES counter, and will be available at the meeting on February 1)
- F—Staff Report Attachment: Responses to comments on the General Plan and Sustainability Action Plan
- G—Planning Commission draft meeting minutes from 12/15/2010
- H—Planning Commission Resolutions

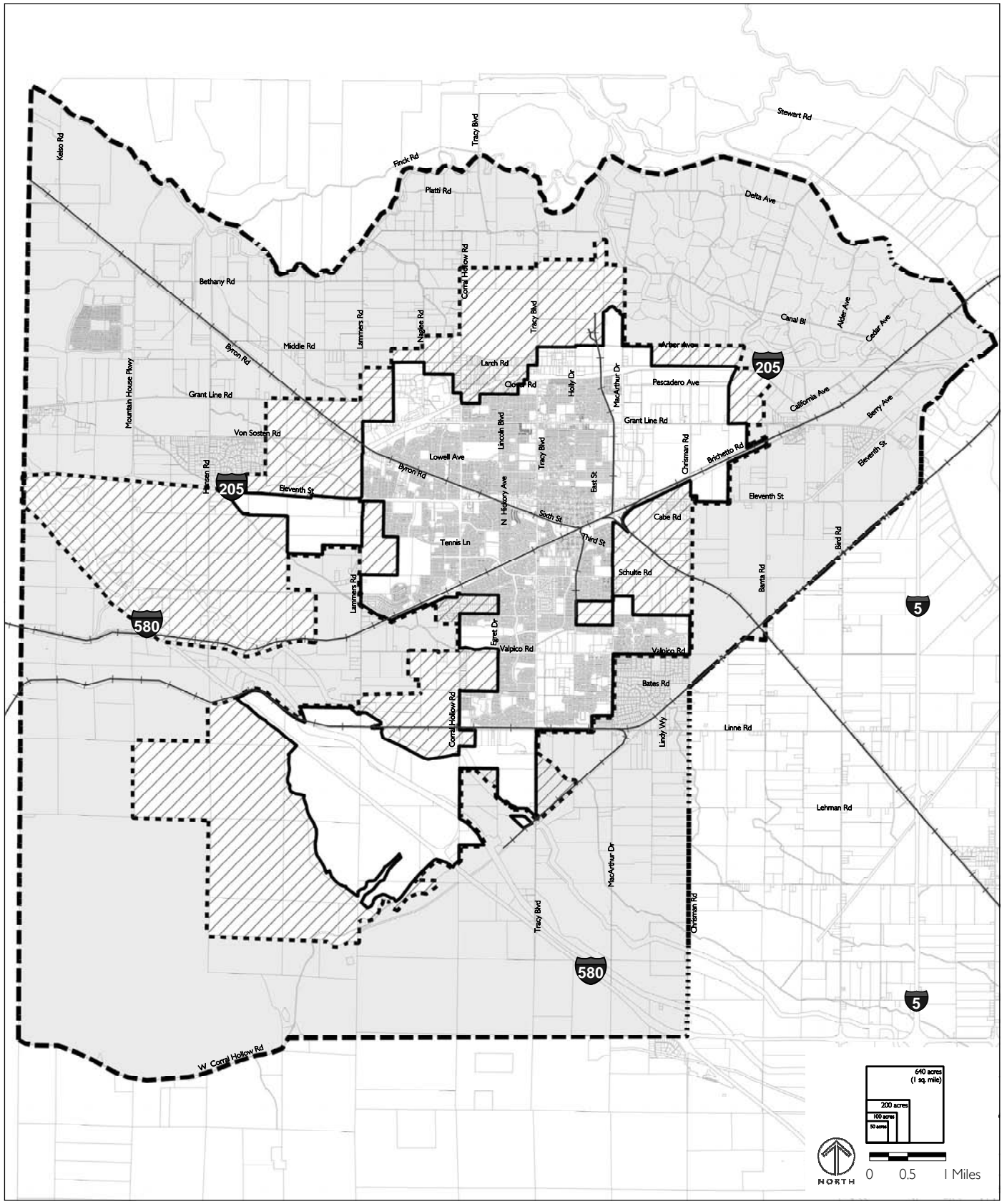





FIGURE 1-2

TRACY CITY LIMITS, SPHERE OF INFLUENCE AND PLANNING AREA

-  City Limits
-  Sphere of Influence
-  Planning Area

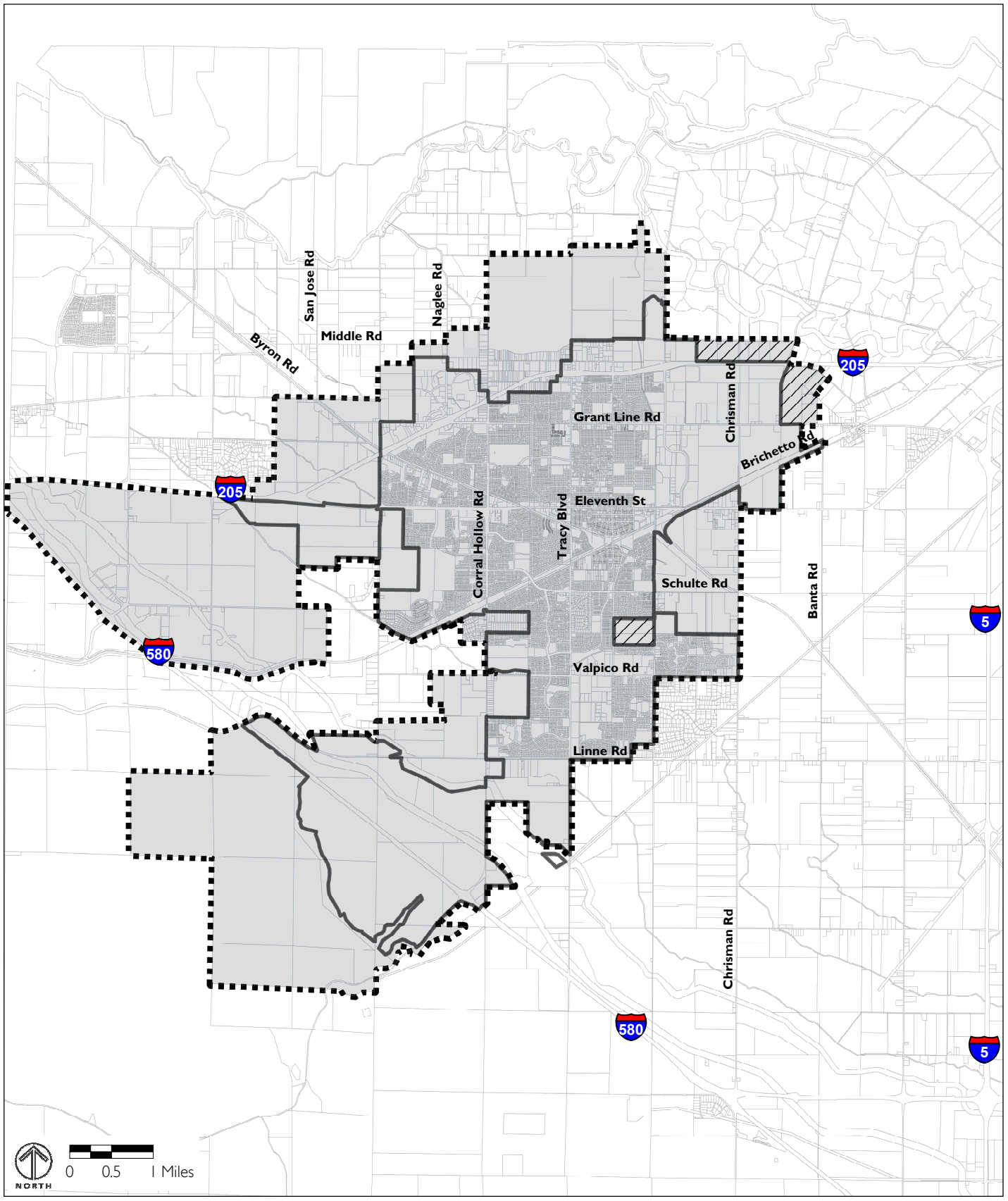






FIGURE 1-2

-  City Limits
-  Proposed Sphere of Influence
-  Proposed 10-year Horizon
-  Proposed 30-year Horizon

**PROPOSED 30-YEAR SPHERE OF INFLUENCE
AND 10-YEAR HORIZON**

ATTACHMENT: RESPONSES TO COMMENTS ON THE GENERAL PLAN AND SUSTAINABILITY ACTION PLAN

The California Environmental Quality Act (CEQA) requires that the Final EIR provide a response to comments on the adequacy of the Draft EIR and does not require a response to comments on the General Plan or Sustainability Action Plan (SAP). Although a response is not required for comments on the General Plan or SAP, the City has provided a response to comments on the General Plan and SAP in this attachment.

LETTER SA2

Sandy Hesnard, Aviation Environmental Specialist. California Department of Transportation, Division of Aeronautics. September 3, 2010.

Response SA2-3

The comment refers to the applicability of the Traditional Residential-Ellis (TR-Ellis) land use designation in the General Plan and how it relates to Urban Reserve 10 and the former South Schulte Specific Plan.

The Ellis Specific Plan site was originally identified in the City's General Plan as Urban Reserve 10 (General Plan dated July 20, 2006).¹ As part of the General Plan Amendment for the Ellis project that the Tracy City Council approved on December 16, 2008 (Resolution 2008-261), the General Plan land use designation for the Ellis site was changed from Urban Reserve 10 to TR-Ellis, Commercial, and Village Center. The proposed citywide General Plan Amendment currently contemplated carries forward that Amendment, as it occurred two years ago. Because the Ellis site is no longer designated as Urban Reserve 10, the numbering of the Urban Reserves has shifted and no longer applies to the Ellis site. The term Urban Reserve 10 can be (and now is) applied to the property south of the Ellis site, as defined on page 2-80 of the proposed General Plan Amendment document. As each Urban Reserve area goes through comprehensive planning, the numbering of Urban Reserves in the General Plan will shift as these areas become identified with new General Plan land use designations. This is further explained on page 2-59 of the proposed General Plan Amendment document.

The South Schulte Specific Plan was a previous planning document (approved in 1998) that applied to properties in the same general location as the Ellis Specific

¹ An Urban Reserve is defined on page 2-27 of the General Plan Amendment document. In short, an Urban Reserve is a land use designation that provides guidance to a relatively large geographic area; while establishing land use intensity envelopes it also allows flexibility in developing Zoning and Specific Plans as implementing documents for these areas.

Plan site. Reference to the South Schulte Specific Plan is being removed from the proposed General Plan because it was never implemented and has been superseded by the proposed General Plan and the Ellis Specific Plan, with a majority of the property once covered by the South Schulte Specific Plan no longer within the City's proposed Sphere of Influence.

Response SA2-4

No specific concern is presented in the comment that staff can discern. Rather, the commentor correctly notes that the proposed General Plan and SAP identify areas for future development in Tracy that will have mixes of densities in residential neighborhoods. Additionally, the commentor highlights a SAP measure (Measure T-12), which strives to achieve transit-oriented development (TOD) around transit centers, such as in the vicinity of the Altamont Commuter Express (ACE) stations. The commentor also correctly notes that one of the hallmarks of TOD is high densities proximate to transit stations. The City's General Plan reflects this, especially as noted by the Downtown land use designation, which surrounds the newly constructed Tracy Transit Station and permits densities up to 40 dwelling units per acre. Another area of the City that allows higher densities (25 dwelling units per acre) proximate to transit is, for example, adjacent to the existing ACE station, located at Tracy Boulevard north of Linne Road.

Response SA2-5

The comment relates to the relationship between the boundaries of the Ellis Specific Plan, the former South Schulte Specific Plan, and Urban Reserve 10. Please see Response SA2-3, which provides clarifying background information on the areas mentioned in this comment. The City notes the recommendation to provide a map. However, since reference to the South Schulte Specific Plan is being deleted in the proposed General Plan for the reasons stated in response to Comment SA2-3, no such map is necessary. The Ellis Specific Plan was identified in the General Plan dated July 20, 2006 as Urban Reserve 10, and in accordance with the General Plan policies related to processing Urban Reserves, the City Council amended Urban Reserve 10 to become TR-Ellis on December 16, 2008. The boundaries of the former Urban Reserve 10 are now the same as TR-Ellis, and "Urban Reserve 10" in the proposed General Plan Amendment now refers to an area south of the Ellis site.

Response SA2-6

The comment requests clarification related to language in the General Plan Urban Reserve 10. The commentor is referred to Response SA2-3, above. The numbering of Urban Reserves changes as one Urban Reserve is processed. As described

on page 2-60 of the General Plan that was reviewed by this commentator (dated July 22, 2010), Urban Reserves change; they are amended with land use redesignations appropriate for a given Urban Reserve as that area undergoes comprehensive planning, such as a Specific Plan process. Policy 10a on page 2-80 of the General Plan dated July 22, 2010 clearly states that any project within the area that is now Urban Reserve 10 (the area south of the Ellis site) shall conform to the Airport Land Use Compatibility Plan (ALUCP) of San Joaquin County. The TR-Ellis land use designation, by contrast, is applied to land located to the north of Urban Reserve 10. The outer approach zone for the Tracy Municipal Airport bisects the land designated as TR-Ellis; it does not bisect the land designated as Urban Reserve 10.

Response SA2-7

The comment requests that the airport runways be depicted on the General Plan map. Typically, physical improvements are not shown on General Plan maps. The City is however revising Policy 1 under Objective LU-6.3 (page 2-47), which refers to the City's Zoning Map and the airport environs. A Zoning Map is a more appropriate location for this information because it is the map that is more generally distributed, requested, and referred to for daily City operations, and is the map most utilized when interacting with members of the public and the real estate development community.

Response SA2-8

The comment requests notification of any General Plan Amendment, Specific Plan, Specific Plan Amendment, Planned Unit Development, or rezoning in the vicinity of the Urban Reserve 10 area or the TR-Ellis area. The City has a mailing list for the Ellis project, to which the commentator has been added. However, no such generic list is maintained at the City for other areas such as Urban Reserve 10. The City will attempt to identify all interested parties for projects in the vicinity of the airport; this will largely occur through coordination with San Joaquin Council of Governments (SJCOG) staff managing the San Joaquin County ALUCP.

LETTER RA3

Laura Brunn, Associate Regional Planner. San Joaquin County of Governments. September 7, 2010. (1 of 2)

Response RA3-5

The comment correctly notes that the wrong date was referenced in the proposed General Plan. The text on page 2-22 in the TR-Ellis section has been revised to reflect that the project would comply with the ALUCP as amended in 1998.

Response RA3-6

The comment refers to Objective LU-6.3, Policy P2 on page 2-47, which states a requirement for aviation agreements for developments within the vicinity of the airport. Objective LU-6.3, Policy P2 has been revised to correctly reflect the aviation easement and deed notice requirements of the updated ALUCP.

Response RA3-7

The comment refers to Objective LU-6.3, Policy P1, which requires new development in the vicinity of the Tracy Municipal Airport be in conformance with the ALUCP, questioning the implementation of the ALUCP requirements. The comment also states that the industrial land use designation of some properties in the vicinity of the airport is inconsistent with the ALUCP.

The implementation of the requirements of the ALUCP will be through the City's Zoning regulations. The General Plan is a policy document that, in this case, directs compliance with the regulations of the San Joaquin County ALUCP. In order to ensure that all projects are in compliance with that ALUCP, the City has an Airport Overlay Zone which is a part of the Zoning Ordinance. The Zoning Ordinance is therefore used as the tool to ensure implementation of General Plan Objective LU-6.3, Policy P1, as the regulations of the Airport Overlay Zone require compliance with the ALUCP. The Industrial land use designation of the properties in the vicinity of the airport is not inconsistent with the policy that requires compliance with the ALUCP. While some land uses that typically fall within the category of industrial development would be prohibited under the ALUCP (generally, those that cause a density of more than 50 persons per acre and include manufacturing and chemical uses), there are a number of industrial land uses that are consistent with the ALUCP and are very common in Tracy, such as warehousing and storage. The Airport Overlay Zone within the Tracy Municipal Code will be an effective tool to implement the General Plan policy regarding compliance with the ALUCP, because it causes further restriction of the zoning regulations, essentially applying the regulations of the ALUCP to properties within the Airport Overlay Zone. Furthermore, it is through project development applications that City staff will interact with SJCOG staff to ensure compliance with the ALUCP.

LETTER RA4

Laura Brunn, Associate Regional Planner. San Joaquin County of Governments. September 7, 2010. (2 of 2)

Response RA4-7

The comment refers to the San Joaquin Council of Government's (SJCOG's) two-tiered level of service (LOS) standard. The first tier is triggered when a roadway operates at LOS D; when this tier is triggered, SJCOG begins an effort to reduce trips or shift trips to alternative transportation modes. The comment provides information on the Congestion Management Agency's implementation actions for roadways operating at LOS D, and states that the Congestion Management Agency is required to analyze and comment on future land uses that may impact roadways within the Congestion Management Program (CMP) network. The comment requests that information on this regional program be incorporated into the General Plan, or that policy language be added to ensure coordination with the CMP. The General Plan has been revised to include more information about the CMP and the City's efforts to coordinate with the Congestion Management Agency. As noted in response to Comment RA4-6 in the Final EIR, the Tracy General Plan and Sustainability Action Plan are consistent with the CMP by including land use, transportation demand management, and transportation system management policies and programs.

LETTER ORG1

A. Michael Souza. Souza Realty & Development. August 11, 2010.

Response ORG1-2

The comment refers to the applicability of SAP Measure T-5(b) solely for properties designated Traditional Residential. This measure applies to new subdivisions as applicable, which may include infill areas that are not designated Traditional Residential. This measure is intended for new subdivisions where these design principals would result in the most efficient use of land, and the measure would be used in conjunction with the City's Zoning Ordinance.

Response ORG1-3

The comment suggests clarification to the wording of SAP Measure T-19. The text of Measure T-19 has been revised accordingly; please see revised language on page 5-14.

Response ORG1-4

The comment suggests clarification to the wording of SAP Measure T-20(e) and its applicability to the requirements of the 2006 General Plan. Development shall be consistent with the current General Plan in place at the time of adoption of the SAP. The General Plan is currently being amended and may be amended over

time, and the 2006 General Plan will be replaced. Please see the revised language of Measure T-20(e) on page 5-15.

Response ORG1-5

The comment refers to the proposed requirements contained in SAP Measure W-1(a). This measure has been revised and no longer requires water use and efficiency measures identified as voluntary in the California Green Building Standards Code. Please see revised language of Measure W-1(a) on pages 5-17 and 5-18.

LETTER ORG2

A. Michael Souza. Tracy Hills, LLC. August 11, 2010.

Response ORG2-2

The comment suggests clarification to the wording of SAP Target #12. Target #12 has been revised accordingly; please see revised language on page 4-2.

Response ORG2-3

The comment refers to the intent of the sustainability targets identified the SAP. The SAP is an implementation tool of the General Plan. The sustainability targets are identified as targets in the introductory paragraph of Chapter 4, Sustainability Targets, of the SAP. The City intends to achieve these targets by 2020 through implementation of the measures contained in the SAP.

Response ORG2-4

The comment refers to the feasibility of SAP Targets #15, #16, and #18. These targets are goals and not absolute requirements. These targets include existing and future development through 2020. Measures in the SAP have been developed to move Tracy toward reaching these targets (see SAP Measures T-5, T-20, T-21, PH-7, ED-1, ED-5, ED-6 and ED-7).

Response ORG2-5

The comment refers to the developer cost of implementing SAP Measure T-3(b). The availability of shower facilities and dressing areas encourages the use of alternative transportation (e.g. walking, biking) to the workplace. In developing this requirement, the City will consider thresholds for applicability of the requirement and appropriate number and sizes of these facilities relative to the size of the development project. See Table 5-1 on page 5-33 of the SAP for anticipated cost to developers and estimated return on investment.

Response ORG2-6

The comment suggests clarification to the wording of SAP Measure T-16. Measure T-16 has been revised accordingly; please see revised language on page 5-13.

Response ORG2-7

The comment suggests clarification to the wording of SAP Measure T-20(d). Measure T-20(d) has been revised accordingly; please see revised language on page 5-15.

Response ORG2-8

The comment refers to the proposed requirements contained in SAP Measure W-1(a). This measure has been revised and no longer requires water use and efficiency measures identified as voluntary in the California Green Building Standards Code. Please see revised Measure W-1(a) on pages 5-17 and 5-18.

Response ORG2-9

The comment suggests clarification to the wording of SAP Measure BIO-1. Measure BIO-1 has been revised accordingly; please see revised language on page 5-22.

Response ORG2-10

This comment correctly states that a former quarry site has been mistakenly excluded from the Sphere of Influence. The Sphere of Influence has been revised accordingly.

Response ORG2-11

This comment states that it is not realistic for every project and neighborhood to meet a ¼-mile walkability standard. Policy P5 under Objective CIR-3.1 has been revised to refer to a ½-mile walkability standard.

Response ORG2-12

This comment requests that the proposed Policy P4 under Objective OSC-1 be revised. Under the revised draft of the General Plan, this policy has been removed, so the comment is no longer applicable.

Response ORG2-13

This comment requests that Policy P11 under Objective AQ-1.2 be revised. In response to this comment, the City has revised this policy to refer to CARB and SJVAPCD requirements, rather than recommendations.

Response ORG2-14

This comment suggests that the requirements of Objective AQ-1.2, Action A4 be reduced. The City will be adopting the 2010 California Green Building Standards Code, Title 24, Part 11. In developing the City's Green Building Ordinance, applicability of green building techniques will be developed as is appropriate for different sizes and types of development.

LETTER ORG3

John R. Beckman, Chief Executive Officer. Building Industry Association of the Delta. September 3, 2010.

Response ORG3-2

The comment refers to the City's Growth Management Ordinance (GMO) and its relationship to the General Plan's Housing Element. The Land Use Element of the General Plan acknowledges that the City has a GMO in place and that the City will continue to implement the GMO. The Housing Element is currently being updated separately from this proposed General Plan Amendment, and the regulations of the GMO and their relationship with the State Housing Element Law are discussed in the Housing Element Update, which is available at the City's website at the following web address: http://www.ci.tracy.ca.us/modules/dms/file_retrieve.php?function=view&obj_id=1131. The contact at the City of Tracy for the Housing Element Update is Alan Bell, Senior Planner, (209) 831-6426.

Response ORG3-3

The comment refers to the GMO and its relationship to State Housing Element law. The comments received from the Department of Housing and Community Development (HCD) regarding the proposed Draft Housing Element will be discussed in the Housing Element Update, and are not a part of this proposed General Plan Amendment.

The letter also indicates that the General Plan will be internally inconsistent because of the policies listed under Land Use Objective LU-1.4. The City disagrees. The proposed policy changes in the General Plan refer to the methodology of the implementation of the GMO (such as eligibility for building permits based on criteria such as geographic location, project progress, and housing type), not on the numbers of building permits that may be issued, which cannot be changed in this General Plan and rather can only be amended through changes to the GMO and GMO Guidelines, which may require voter approval.

LETTER ORG5

Michael Bowes. Calandev. September 7, 2010.

Response ORG5-1

The comment refers to the ¼-mile walkability standard proposed in the General Plan. The ¼-mile standard in the General Plan has been revised to be consistent with the ½-mile standard that is used in the SAP.

Response ORG5-2

The comment suggests clarification to the wording of SAP Measure T-16. Measure T-16 has been revised accordingly; please see revised language on page 5-13.

Response ORG5-3

The comment refers to the proposed requirements contained in SAP Measure W-1(a). This measure has been revised and no longer requires water use and efficiency measures identified as voluntary in the California Green Building Standards Code. Please see revised Measure W-1(a) on pages 5-17 and 5-18.

LETTER ORG6

Anna Shimko. Sedgwick, Detert, Moran & Arnold, LLP. September 7, 2010.

Response ORG6-5

The comment states that the Statistical Profile (or land use assumptions) for Urban Reserve 9 should be consistent with those assumptions used for the Infrastructure Master Plans. The numbers are consistent, with the exception of the assumption of approximately 15 percent of the gross acreage for infrastructure such as roads and utility easements. The 15 percent figure is an estimate of typical adjustments to gross acreage for such uses, but may vary. In order to clarify this assumption, footnote b has been removed from each of the Statistical Profiles, and the following text has been added to Section E of the Land Use Element of the General Plan: “The adjusted gross acres of each land use type, as estimated in the Statistical Profiles shows that approximately 15 percent of the land area may be used for infrastructure such as roads and utilities. This percentage is an estimate and is subject to change as development applications are reviewed for each Urban Reserve. The resulting developable acres in each Urban Reserve will be adjusted through the Specific Plans, Zoning Districts, or PUDs as necessary.”

Response ORG6-6

Please see Response ORG6-5.

Response ORG6-7

The comment requests that the roadway plan (shown in Figure 5-1 of the proposed General Plan) be amended to eliminate the east-west connector road that is depicted within Urban Reserve 9, because it is inconsistent with the proposed site plan for the project area. The collector street in question is currently included in the 2006 General Plan Circulation Element, adopted by the City Council in 2006. These conceptual alignments are clearly noted on Figure 5-1 as conceptual, and it is also stated that “revisions/additions to minor arterials and other collectors will occur during the development process.” The General Plan sets the policies for traffic levels of service (LOS), and potential roadway layouts that can help achieve those LOS goals. The development of a Specific Plan, PUD, or other Zoning approval for Urban Reserve 9 will be the implementation tool that will finalize the roadway alignments within the area, which may or may not include the connector street. A site-specific traffic study will address the requirements of local roadways necessary for the Urban Reserve 9 development application to meet City policies and regulations.

LETTER IND1

Christina Frankel. September 6, 2010.

Response IND1-2

The comment refers to language used in the second paragraph in Chapter 1, Introduction, of the SAP. The text of this chapter has been revised accordingly; please see revised language on page 1-1.

Response IND1-3

The comment refers to bringing green jobs to Tracy. The City is open to suggestions that the commentator may have to strengthen the City’s efforts to bring green jobs to Tracy.

Response IND1-5

The comment refers to the emphasis on poor air quality in Chapter 1, Introduction, of the SAP. The introductory language in the SAP is intended to give brief background on the sustainability sectors addressed in the SAP for the benefit of first-time readers. It is not intended to contain a full analysis, as the focus of the document is the sustainability targets and measures.

Response IND1-6

The comment refers to the General Plan Amendment that is currently underway. The new sustainability goals in the General Plan Amendment are in addition to existing goals, not in replacement.

Response IND1-7

The comment refers to the figures presented in the Economic Development discussion in Chapter 2, Existing Conditions, of the SAP. Workers based in Tracy are a different group of people than Tracy's resident workforce. The fourth paragraph on page 2-9 states that 21 percent of workers based in Tracy are Tracy residents. That is, of the people who work in Tracy, 21 percent live in Tracy. The first paragraph on page 2-10 states that 20 percent of Tracy's resident workforce is employed in Tracy. That is, of the people who live in Tracy and are currently employed, 20 percent work in Tracy.

Response IND1-8

The comment states that the GMO will be eliminated in 2012, which is incorrect. The City's GMO has been effective since 1988, and remains in place today. The GMO has been amended a number of times, a notable amendment being the changes due to Measure A, passed by voters in the year 2000. The implementation of these changes has caused a limitation on residential building permits for a period of time, in order to reach the new average requirements of the Ordinance. The City has been allowing a small number of permits (100 dwelling units per year) to be issued until the average of 600 per year is reached. It is anticipated that the average will be reached in 2012, and at that time, the City will be able to issue an average of 600 permits per year, as limited by the GMO. The GMO does not expire, and will continue to be implemented accordingly. The growth rate estimates used in the SAP and the General Plan are based on the allowable number of dwelling units under the requirements of the GMO. The growth rate estimates in the SAP were not calculated assuming the city's current rate of growth.

Response IND1-12

The comment refers to the development of the sustainability targets in the SAP. Please see the introductory paragraph on page 4-1 of the SAP.

Response IND1-13

The comment refers to the amount of green jobs in the economic development sector. The comment appears to express the personal opinion of the commentor and does not contain a specific question about the SAP target to which the commentor is referring.

Response IND1-14

The comment refers to language used in the introductory paragraph of Chapter 5, Sustainability Measures, of the SAP. The comment appears to express the personal opinion of the commentator and does not contain a specific question about the SAP measures to which the commentator is referring.

Response IND1-15

The comment refers to requiring green building standards beyond what will become mandatory through the California Green Building Standards Code. SAP Measures E-1(b) through (n), E-2, E-3, T-3(a & b), T-18(b), SW-1, W-1, W-2, W-3, BIO-3, BIO-5, BIO-7, PH-12, and OE-5 specify green building practices that the City intends to pursue and further evaluate in addition to the requirements of the California Green Building Standards Code.

Response IND1-16

The comment refers to the effectiveness of encouraging green building practices. It is the City's intent to gradually introduce green building requirements and encourage more advanced green building techniques through education and incentives. Experience from other cities has shown that gradual introduction of green building techniques is more readily received by the development community than a comprehensive introduction of green building requirements.

Response IND1-17

The comment refers to the need for defining what constitutes a "green building." A definition for "green building" would be developed as part of the City's Green Building Ordinance.

Response IND1-18

The comment refers to working with Pacific Gas & Electric (PG&E) for requiring proper disposal of compact fluorescent light (CFL) bulbs and incentives for the use of light-emitting diode (LED) lighting. The City will be working with PG&E to evaluate points of collaboration and assistance that PG&E can provide to help the City meet its sustainability targets. PG&E is currently able to distribute CFL bulbs to its customers at no charge, and as similar opportunities arise for CFL bulb disposal programs and LED bulb distribution arises, they will be explored.

Response IND1-19

The comment asks why SAP Measure E-5 would be limited to low-income households. The program would be open to households that meet the eligibility re-

quirements of the City's Downtown Rehabilitation Loan and Grant programs. This currently includes households of low and moderate income levels who reside within the program boundary in downtown Tracy. As other sources of funding become available, or as the eligibility requirements change to include other households, the City will evaluate the feasibility of providing a weatherization program for households of various income levels. This measure has been revised to allow flexibility should this occur; please see revised language on page 5-5.

Response IND1-20

The comment supports the development of a financing program for energy efficiency and renewable energy projects under Assembly Bill (AB) 811. The City recognizes the potential value of such a program and will be pursuing resources and funding for the program as it becomes available.

Response IND1-21

This comment suggests that SAP Measure T-2 will be ineffective unless it is partnered with increased transit options. Any changes to decreased parking requirements would be based on a number of factors, including increase of transit options.

Response IND1-22

The comment refers to SAP Measure T-4(a) and its compatibility with the City's plan for future public transit. The City adopted a Short Range Transit Plan in 2009 that goes through 2018, with a planned update in approximately 2014. According to the proposed service routes in the Short Range Transit Plan, most residential areas will be within ½ mile of a transit route by 2018, which includes limited routes based on ridership demand. The City will evaluate transit route needs for new development areas in approximately 2014 or as needed and through the formal Development Review process.

Response IND1-24

The comment refers to the need for bus routes in new residential subdivisions. The City's Short Range Transit Plan includes additional and/or modified routes as development occurs to ensure adequate bus coverage for new riders as needed.

Response IND1-25

The comment questions how Measure T-6 would be implemented. The Transportation Master Plan is currently under development and addresses existing and future roadway designs. Experts in the field of roadway design are working with City staff to develop a plan for roadway networks, which include roadway and intersection types and sizes.

Response IND1-27

The comment refers to safety for users of alternative modes of transportation. The Transportation Master Plan considers pedestrian and passenger safety in the design of future roadways.

Response IND1-28

The comment expresses support for SAP Measure T-11. The comment appears to express the personal opinion of the commentor and does not contain a specific question about the SAP measure to which the commentor is referring.

Response IND1-29

The comment states that the success of SAP Measure T-12 would be dependent upon the presence of high speed rail in downtown Tracy. The measure calls for the City to work with the High Speed Rail Authority to bring the Altamont Corridor through downtown Tracy.

Response IND1-30

The comment refers to the relationship of Tracy Hills, GHG emissions, and sprawl development. The Tracy Hills project is within the city limits and has received various City Council approvals. Tracy Hills will contain residential, retail commercial, office, and light industrial uses that provide homes, jobs, and goods and services to the Tracy Hills area. The connectivity of residential uses to goods, services, and workplaces will reduce GHG emissions resulting from vehicle miles traveled.

Response IND1-31

The comment refers to the benefit of continued use of compressed natural gas fuel or conversion to diesel-electric hybrid for City bus fleet. Continued use of compressed natural gas fuel would yield a reduction in GHG emissions when compared to use of gasoline fuel. The City will consider the costs and benefits of converting the bus fleet to diesel-electric hybrid before making a final determination on fuel type.

Response IND1-33

The comment refers to sustainability measures for graywater use and rainwater harvesting. Rainwater harvesting is not currently prohibited by Ordinance. Please see revised SAP Measure W-1(d), which includes graywater use, on page 5-18.

Response IND1-34

The comment suggests allowing community gardens within community parks. Community parks that are owned and maintained by the City currently may have City owned and maintained community gardens. SAP Measure PH-9 addresses private community gardens.

Response IND1-35

This comment states that the requirements for Storm Water Pollution Prevention Plans should be incorporated into SAP Measure BIO-5. The measure states that significant development shall be in accordance with City standards, which contain Storm Water Pollution Prevention Plan requirements.

Response IND1-36

This comment refers to best practices for waste reduction at City offices and City-sponsored events. The City currently recycles at City events but does not currently have the resources necessary to support the use of reusable dining and flatware. The City has been following media coverage of other communities with plastic bag bans and would be interested in whether there is community support for a local ban.

Response IND1-38

The comment refers to the coordination between the SAP and other City policy documents. The SAP is a directory of policies and programs that would be implemented through other City documents. City codes, standards, and plans would be amended as appropriate to implement the measures identified in the SAP, similarly to the way City Codes, Standards, and Plans implement the goals and actions of the General Plan.

2. NEW BUSINESS

A. RECOMMENDING CITY COUNCIL ADOPTION OF THE GENERAL PLAN AMENDMENT OF 2010/2011, THE CITYWIDE SUSTAINABILITY ACTION PLAN, AND RECOMMENDING CERTIFICATION OF THE GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT WHICH INCLUDES MAKING FINDINGS RELATED TO SIGNIFICANT IMPACTS, ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

The staff report was given by Bill Dean, Assistant Director of Development and Engineering Services. Mr. Dean indicated that staff was asking the Commission to make a recommendation to City Council regarding the General Plan Amendment (GPA), Sustainability Action Plan (SAP), and the Environmental Impact Report (EIR). Mr. Dean introduced David Early of DC&E. Mr. Dean provided a PowerPoint presentation. Mr. Dean provided a timeline regarding the process of the GPA, SAP and EIR. Mr. Dean stated that the key aspects of the amendment were revisions to the Sphere of Influence (SOI) to reflect LAFCo policy changes, land use changes, changes to the urban reserve areas, addition of sustainability policies, and incorporating new State regulations regarding flooding. Mr. Dean indicated that there had been a sheet provided to the Commission which was also available to the public which included cleaning up of the language of the noise element in order to make it more understandable. Mr. Dean added that there was a modification to the SAP program related to set-backs and buffers along riparian areas.

Mr. Dean briefly outlined the Sustainability Action Plan (SAP) strategies, targets, and measures. Mr. Dean stated that the purpose of the EIR was to provide public agencies with detailed information on the effect of the project, and ways in which to minimize those effects. Mr. Dean indicated that staff was asking the Commission to recommend Council certify the EIR, adopt the GPA and the SAP. Mr. Dean further indicated that the next steps would be a City Council hearing on January 18, 2011 to consider the recommendation, and a LAFCo workshop and hearing on the proposed SOI and City's Municipal Services Review in March or April 2011.

Chair Mitracos stated he hadn't realized this project was three years in the making.

Commissioner Ransom asked if the Commission would have a few moments to review the addendum that was given to them that evening, or if staff intended to go over the information item by item. Mr. Dean answered that he intended to announce it was available to the Commission and the public, and answer any questions that anyone might have. Mr. Dean added that if the Commission would like, he could go over the item line by line. Chair Mitracos stated that he felt it would be a good idea to go over the page item by item. Mr. Dean stated that staff had opened up the Noise Element of the General Plan and the Noise Ordinance of the Tracy Municipal Code to compare the language. Mr. Dean indicated that staff wanted to make sure that the policies in the General Plan served the Noise Ordinance well, as staff had spent much time crafting the Ordinance and it had been working well. Mr. Dean indicated in Objective N-1.1 there were changes to several policies. Mr. Dean stated that in Policy P2, there was a typo, which made the language confusing and staff had

reworded the policy so it was easier to understand. Mr. Dean further stated in Policy P3, it wasn't clear that sometimes residential uses are located next to non-residential uses, and the verbiage was changed to recognize that. Mr. Dean stated in Policy P4, staff wanted to change the language due to the fact that it contained a very specific reference to a specific State Building Code, which may change over time and so it was changed to a more general reference to the Building Code. Mr. Dean indicated that in Policy P5 staff wanted to make the language more clear and understandable. Mr. Dean indicated in Policy P6, staff clarified that noise can also come from external sources. Mr. Dean stated that Policy P8 was redundant to Policy P3 so it was removed, and Policy P9 was renumbered to P8. Mr. Dean further stated that an additional Policy was added regarding train pass-bys. Mr. Dean indicated that in Objective N1.2, staff reworded the language in Policy P1 to reflect the fact that there should be a Noise Ordinance in the Municipal Code. Mr. Dean stated that in Objective N1-3 there was a policy change on Policy P2 to establish the fact that it is the project proponent's responsibility to implement the Conditions of Approval relating to the Noise Ordinance. Mr. Dean indicated that the final measure on the sheet provided was a recommended change to the SAP, regarding the setbacks and buffers along habitat corridors. Mr. Dean stated that the change added language which required setbacks and buffers in new developments unless the setback or buffer area was already in the riparian or critical habitat corridor.

Commissioner Johnson asked if the addendum would cause the documents to be put out again for public comment. Mr. Dean answered that the changes were relatively minor and did not cause changes to the EIR; therefore it was possible to make the changes at that level. Mr. Dean reminded the Commission that members of the public did have the next month to contact staff if there was any concern about the proposal.

Commissioner Johnson stated that Mr. Dean had indicated that the changes were minor, however in Policy P9 it was stated that the maximum for train pass-bys was 70 dBA instead of the day-night average noise level and that seemed like a significant difference. Commissioner Johnson further stated that 70 dBA seemed low. Mr. Dean indicated that one needed to keep in mind that there was a set-back requirement from the rail line. Mr. Dean stated that staff was going to use sound attenuation techniques to look at any projects approximate to a railway however the sound attenuation techniques are significantly different if the standard is 60 or 70 or 80 dBA, and this was a reasonable measure to attenuate without getting into complex construction techniques. Mr. Dean added that the policy was for the outdoor activity areas, not the interior of the village. Commissioner Johnson asked how staff had come up with the number of 70 dBA, and if it was an industry standard. Mr. Dean answered that staff had looked at all the work done by the noise consultant, and the General Plan had a table referring to what 70 dBA sounds like and feels like. Commissioner Johnson stated that he knew there was a Council goal to get the High Speed Rail connection in the Downtown area and it would be next to multi-family homes and 70 dBA seemed low. Commissioner Johnson stated that he understood the goal, and asked if the objectives could be amended later. Mr. Dean answered that it was important to remember that these were all amendable.

Chair Mitracos asked for clarification on the decibel levels. Andrew Malik, Director of Development and Engineering Services answered that a conversation was

approximately 50 decibels. Mr. Dean added that 70 decibels was similar to a freeway approximately 100 feet away.

Vice Chair Alexander stated that he had noticed there were 21 measures supporting transportation however none of them supported High Speed Rail or the expansion of BART through the Altamont Pass, which he felt was an important measure to look at and support. Mr. Dean stated Vice Chair Alexander was correct that City Council had made it known that if there was a connection to high speed rail it should go through the downtown area. Mr. Dean stated that staff had to determine how to write the language when the planning of the projects was being done by other agencies. Mr. Dean added that staff had recognized in measure T13 that there were other entities involved in the developing of those projects and staff needed to work with those entities to make that possible.

Commissioner Ransom asked if it was necessary to include the noise level of a train pass-by as it was unavoidable and staff was not sure what the level would be. Mr. Sartor stated that when staff reviewed the document, they had found throughout the ordinance a clear typo with the dBA referenced without Ldn, and Ldn referenced without dBA. Mr. Sartor stated that staff felt they resolved the problem on their own without speaking to the consultant, however staff could clarify the number with the consultant before it goes before City Council.

Commissioner Ransom stated that she was not able to locate Measure T-5(b) on page 5-9 of the SAP and asked if she was missing something. Kimberly Matlock, Assistant Planner answered that the version of the document before the Commission was in track changes, and once the changes were accepted, the numbering would be corrected. Commissioner Ransom stated that as a result of the numbering, she was not able to fully comprehend what had taken place regarding letter ORG1 as it refers to the applicability of Measure T-5(b). Mr. Dean provided a brief explanation that a comment came in regarding the City's proposed to the Subdivision Design Standards, that is should only be applicable to areas designated Traditional Residential. Mr. Dean stated that instead of saying that Subdivision Design Standards which have yet to be developed and brought to public hearing only apply to certain designations of the General Plan, staff felt they may be applicable for several different designations. Mr. Dean stated that application of any subdivision standard would be viewed in a map, and any application coming in under the subdivision standard would come before the Commission for the subdivision map. Mr. Dean stated that he felt the City needed flexibility because the Standards have not been finished yet.

Chair Mitracos stated that he was concerned that the traditional neighborhood was being watered down. Mr. Dean stated that there must be flexibility in General Plan policy and Zoning Code and standards because one-size-fits-all does not work. Mr. Dean stated that there are some projects which would not work with a strict standard, such as odd shaped properties or a neighborhood in the hills which would not be able to have a grid pattern. Chair Mitracos stated that he was talking about designing, but he was talking about character.

Mr. Early stated that there had been a comment from Mr. Souza which suggested that the T5(b) measure be clarified so that the standards be applied to the traditional

residential zone only. Mr. Early further stated that staff disagreed with the comments, and had staff agreed it would have resulted in the watering-down that Chair Mitracos was talking about.

Commissioner Ransom indicated in ORG2-11, the commenter stated that it was not realistic to meet the one-quarter mile walkability standard, which she agreed with, and it had been changed to the half mile but she would like to know how staff had come up with the standard. Mr. Dean answered that staff had worked with the consultant MIG to look at the standard based on their research and found that the half-mile standard was more reasonable.

Vice Chair Alexander stated he noticed in the GPA a projected number of jobs in Urban Area 3 and Urban Area 6, and he wondered what type of jobs would be available in those areas. Mr. Malik stated those were the Cordes Ranch and Catellus areas, and they would likely include a mix of uses, including possible light industrial and flex-office.

Commissioner Ransom stated that in the GPA the senior housing in the density up to 50 units per gross acre had been removed from the downtown area and she would like to know the rationale. Mr. Dean stated that staff wanted the density to apply to more than just senior housing. Commissioner Ransom asked if senior housing would still be allowed. Mr. Dean answered it would. Commissioner Ransom asked about the phrase "zoning district" in the GPA, and stated that she could not find a definition for the phrase. Mr. Dean asked for a specific page reference to clarify the information. Mr. Early stated that he found a reference on page 2-20. Mr. Early stated that the reference was related to Ellis and it was taken from documents adopted by the City, and the references were taken verbatim from the documents. Mr. Dean stated that on page 2-13 the General Plan Land Use Designations were introduced and he suggested that there could be language added which would say this is distinct from zoning. Commissioner Ransom stated she thought that would be helpful to the reader.

Commissioner Ransom asked if, in regards to the Urban Reserves, the amendments to the General Plan would be automatically generated to show the changes to the Urban Reserve numbering. Mr. Dean stated that staff would be before the Commission with a General Plan Amendment with exhibits and texts to show the change.

Commissioner Ransom stated in Objective ED6.3, Policy P4, on page 4-15 she was trying to relate the policy to the goal. Mr. Malik stated that the area referenced was the Northeast Industrial Area, which was an existing Industrial Area, and it was a policy statement that staff would be proactive to try to get investors and developers into the City.

Commissioner Ransom stated on page 5-3 there was a reference to Measure K, and she thought there should be a description of what Measure K was for a future reader of the document. Mr. Dean stated that was a good point and staff would include at the very least a definition of Measure K.

Chair Mitracos opened the public hearing. As no one spoke on the item, the public hearing was closed.

Commissioner Ransom stated that she appreciated that time and effort that went into the creation of the documents. Chair Mitracos agreed with the comments.

Mr. Early stated that he appreciated the Commissioners having read and understood the documents, their questions, and the small errors they found.

Commissioner Johnson asked if the process would end at the certification of the documents by LAFCo. Mr. Dean stated that the process never really ends. Mr. Dean further stated that the process of General Plan Adoption would conclude when Council certified the EIR and approved it and LAFCo adopted the SOI; however then the process would move into the implementation mode, and there would be amendments to the General Plan. Commissioner Johnson asked if the document was a living document constantly changing. Mr. Dean stated that the General Plan was constantly evolving and it was necessary to change it over time as local priorities change.

Chair Mitracos asked how long it would take for LAFCo to review and act on the documents. Mr. Dean answered that LAFCo would receive a complete and well-thought application from staff, and David Early would assist in the process. Mr. Dean stated that LAFCo would have a staff review, and then they would put together a workshop for City staff and the public to interact. Chair Mitracos asked if would be complete in April. Mr. Dean stated that staff intended to submit the documents in February.

Victoria Lombardo, Senior Planner stated that there would be four separate sets of edits. Mrs. Lombardo stated that the first and second set of edits would be to incorporate the policy changes to the GPA and the SAP on the sheet provided that evening, with the exception of the policy change regarding the 70 dBA limit for train pass-bys, until staff could clarify the number and language with the noise consultant. Mrs. Lombardo indicated the third set of edits would be to add a sentence to better describe zoning and its relationship to the General Plan Land Use designations on page 2-13. Mrs. Lombardo further indicated that the last set of edits would be to page 5-3 to define and explain what Measure K was. Mr. Sartor clarified that the first set of edits to the noise ordinance were not policy changes but clarifications.

It was moved by Commissioner Johnson and seconded by Commissioner Manne that the Planning Commission recommend City Council:

1. Certify the General Plan Supplemental EIR and adopt Findings of Fact and Statement of Overriding Considerations,
2. Adopt the General Plan Amendment of 2011, and
3. Adopt the Sustainability Action Plan

with the amendments as described previously by Mrs. Lombardo. Voice vote found all in favor; passed 5-0-0-0.

RESOLUTION 2011-002

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TRACY RESCINDING
RESOLUTION NUMBER 2010-0016 AND
RECOMMENDING THAT THE CITY COUNCIL ADOPT THE GENERAL PLAN AMENDMENT OF
2011 WITH THE EXCEPTION OF THE HOUSING ELEMENT

WHEREAS, On July 20, 2006, the City Council adopted the City of Tracy General Plan of 2006, and

WHEREAS, In 2007, the City of Tracy ("City") began the process of petitioning for approval of the Sphere of Influence from the Local Agency Formation Commission (LAFCo), and

WHEREAS, LAFCo had adopted revised policies regarding Spheres of Influence, thus requiring the City to revise the proposed Sphere within the General Plan, and

WHEREAS, The City held workshops and public hearings on December 2, 2007, January 15, 2008, February 5, 2008, April 1, 2008, June 3, 2008, and July 15, 2008 to discuss revisions to the Sphere of Influence, and

WHEREAS, These revisions, along with work related to strengthening policies related to sustainability and creation of a Sustainability Action Plan (SAP) resulted in the General Plan Amendment, titled Tracy General Plan Amendment of 2011, and

WHEREAS, The City of Tracy General Plan consists of the following ten elements: the Land Use Element, the Community Character Element, the Economic Development Element, the Circulation Element, the Open Space and Conservation Element, the Public Facilities and Services Element, the Safety Element, the Noise Element, the Air Quality Element, and the Housing Element, and

WHEREAS, The City's Housing Element is being updated separately from the other elements of the General Plan given the unique timing and other requirements that are contained in the State housing element law (Government Code Sections 65580-65589.8), and

WHEREAS, Pursuant to the California Environmental Quality Act ("CEQA"), the Planning Commission recommended that the City Council: certify a Final Supplemental Environment Impact Report (SEIR) for the General Plan; make findings related to significant impacts, alternatives, and Statement of Overriding Considerations; and adopt a Mitigation Monitoring and Reporting Program, and

WHEREAS, The Planning Commission met to discuss the General Plan Amendment on June 23, July 14, August 25, and October 27, 2010, and

WHEREAS, The Planning Commission conducted a public hearing to consider the General Plan on December 15, 2010, and during that public hearing discussed clarifications of the Noise Element as proposed by staff, and requested adding the definition of Zoning and background information regarding Measure K to the General Plan Land Use and Circulation Elements, and, by adoption of Resolution Number 2010-016 recommended that the City Council approve the General Plan Amendment, as revised, and


WHEREAS, On January 12, 2011, the Planning Commission met and reviewed the proposed revisions to the General Plan Amendment, as noted in Exhibit A;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission:

1. Rescinds Resolution Number 2010-0016, dated December 15, 2010
2. Recommend that the City Council adopt the General Plan Amendment of 2011 as set forth in Exhibits A and B, based on the following:
 - a. The General Plan constitutes a comprehensive, long term document capable of guiding the future development of the City.
 - b. The General Plan meets all of the requirements for such plans as contained in the Planning and Zoning Law (Government Code Sections 65300-65303.4) and other laws.
 - c. The General Plan contains all seven elements mandatory by section 65303 of the Government Code. These are the Land Use Element, the Circulation Element, the Housing Element, the Conservation Element, the Open Space Element, the Noise Element, and the Safety Element. The Conservation and Open Space Elements are combined in the General Plan as the Open Space and Conservation Element. The General Plan also contains two optional elements: The Community Character Economic Development Elements. As stated above, the Housing Element is being considered separately.
 - d. The General Plan has been prepared and adopted in accordance with the requirements of the Planning and Zoning Laws.

The foregoing Resolution is hereby passed and adopted by the Planning Commission on the 12th day of January, 2011, by the following vote:

AYES:	COMMISSION MEMBERS:	Alexander, Johnson, Manne, Mitracos, Ransom
NOES:	COMMISSION MEMBERS:	None
ABSENT:	COMMISSION MEMBERS:	None
ABSTAIN:	COMMISSION MEMBERS:	None



 CHAIR

ATTEST:


 STAFF LIAISON

Exhibit A— Minor General Plan edits as proposed by staff and Planning Commission
 Exhibit B— General Plan in strikethrough underline format

Beginning on Page 9-14' of the General Plan, Staff recommends the following changes:

B. Goals, Objectives, Policies and Actions

Goal N-1 A citizenry protected from excessive noise.

Objective N-1.1 Ensure appropriate exterior and interior noise levels for new land uses.

Policies

- P1. Noise sensitive land uses shall not be located in areas with noise levels that exceed those considered normally acceptable for each land use unless measures can be implemented to reduce noise to acceptable levels.
- P2. ~~Less noise sensitive~~Land uses shall require appropriate interior noise environments when located in areas adjacent to major noise generators.
- P3. ~~Recognizing that some new single-family residential uses may be located adjacent to non-residential uses,~~ New single-family residential development shall maintain a standard of ~~not exceed~~ 60 Ldn (day/night average noise level) for exterior noise in private use areas.
- P4. ~~New single-family residential development sites~~uses exposed to noise levels exceeding 60 Ldn shall be analyzed following protocols in the Appendix, Chapter 12, Section 1208A, Sound Transmission Control of the ~~California Building Code~~operative California Building Code or other operative code.
- P5. ~~All~~For new residential land uses, noise from external sources shall not cause building interiors to exceed 45 Ldn. ~~shall maintain a standard of 45 Ldn in building interiors.~~
- P6. ~~For~~New multi-family residential land uses, noise from external sources shall not cause the developments shall maintain a standard of 65 Ldn in community outdoor recreation areas to exceed 65 Ldn. ~~This policy~~ Noise standards shall not apply to balconies.
- P7. New residential development affected by noise from railroads or aircraft operations shall be designed to limit typical maximum instantaneous noise levels to 50 dBA in bedrooms and 55 dBA in other rooms.
- P8. ~~Residential development sites exposed to noise levels exceeding 60 Ldn shall be analyzed following protocols in Appendix Chapter 12, Section 1208A, Sound Transmission Control, California Building Code.~~
- P9P8. Measures to attenuate exterior and/or interior noise levels to acceptable levels shall be incorporated into all development projects. Acceptable, conditionally acceptable and unacceptable noise levels are presented in Figure 9-3.
- P10P9. If the primary noise sources are train pass-bys, then the standard for outdoor noise levels in single- and multi-family residential outdoor activity areas shall be 70 dBA-Ldn.

Objective N-1.2 Control sources of excessive noise.

Policies

- P1. ~~The City shall reduce traffic noise levels in existing residential areas through enforcement and structural improvements, to the extent feasible. The City's Noise Ordinance, as revised from time to time, shall prohibit the generation of excessive noise.~~
- P2. Mitigation measures shall be required for new development projects that exceed the following criteria:
 - ◆ Cause the Ldn at noise-sensitive uses to increase by 3 dB or more and exceed the "normally acceptable" level.
 - ◆ Cause the Ldn at noise-sensitive uses to increase 5 dB or more and remain "normally acceptable."
 - ◆ Cause new noise levels to exceed the City of Tracy Noise Ordinance limits.
- P3. Pavement surfaces that reduce noise from roadways should be considered as paving or repavement opportunities arise.

- P4. All construction in the vicinity of noise sensitive land uses, such as residences, hospitals, or convalescent homes, shall be limited to daylight hours or 7:00 a.m. to 7:00 p.m. In addition, the following construction noise control measures shall be included as requirements at construction sites to minimize construction noise impacts:
- ◆ Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - ◆ Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
 - ◆ Utilize "quiet" air compressors and other stationary noise sources where technology exists.

Objective N-1.3 Consider noise issues in the Development Review Process.

Policies

- P1. Development projects shall be evaluated for potential noise impacts and conflicts as part of the Development Review process.
- P2. Significant noise ~~The City shall ensure that significant noise impacts are~~ shall be mitigated as a condition of project approval.

In the Land Use Element, on Page 2-17, at the top of the page, the following sentence will be added to the end of the first (partial) paragraph:

Zoning regulations are implementing tools of the General Plan Land Use Designations, and set further guidelines for the development of land, including but not limited to permitted uses, minimum yard areas, lot area and coverage, parking, building height, and open space.

In the Circulation Element, on Page 5-3, in the first (partial) paragraph, after the sentence ending in "... November 2006." The following will be added:

Measure K is the 1/2-cent sales tax dedicated to transportation projects in San Joaquin County. The program is aimed at remedying the existing over \$1.0 billion deficiency in transportation funding in San Joaquin County while promoting improved air quality and quality of life. With its passage in November 1990, Measure K began laying the groundwork for two decades of funding for a system of improved highways and local streets, new passenger rail service, regional and interregional bus routes, park-and-ride lots, new bicycle facilities, and railroad crossings.

EXHIBIT B

Exhibit B is the General Plan in strike-through underline format, as provided to the Planning Commission on December 3, 2010.

RESOLUTION 2011-001

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TRACY RESCINDING PLANNING COMMISSION RESOLUTION NUMBER 2010-0015, AND RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF TRACY GENERAL PLAN AMENDMENT OF 2011 AND THE SUSTAINABILITY ACTION PLAN; MAKING FINDINGS RELATING TO SIGNIFICANT IMPACTS, ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, On July 20, 2006, the City Council of the City of Tracy ("City Council") adopted the City of Tracy General Plan of 2006 (Resolution No. 06-183), and

WHEREAS, In 2007, the City of Tracy ("City") began the process of petitioning for approval of the Sphere of Influence from the Local Agency Formation Commission (LAFCo), and

WHEREAS, LAFCo had adopted revised policies regarding Spheres of Influence, thus requiring the City to revise the proposed Sphere within the General Plan, and

WHEREAS, The City held workshops and public hearings to discuss revisions to the Sphere of Influence, and

WHEREAS, In April of 2008, the City Council identified environmental sustainability as a priority and the City began work on the Sustainability Action Plan, and

WHEREAS, The City completed a draft Sustainability Action Plan, published the document on July 22, 2010 and held a public hearing to receive comments on August 11, 2010, and

WHEREAS, The City of Tracy ("City") determined that the Project requires review pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, section 21000 et seq.), and pursuant to CEQA a Supplemental Environmental Impact Report ("SEIR") was prepared to evaluate the potential environmental effects of the Project, potential alternatives to the Project and recommended mitigation measures for potentially significant impacts of the Project, and

WHEREAS, The City published a Notice of Preparation regarding the SEIR seeking public and public agency review and comment on September 2, 2008, and held a public scoping meeting to receive comments on topics and issues which should be evaluated in the Draft SEIR on September 24, 2008, and

WHEREAS, The City distributed a Notice of Availability for the Draft SEIR on April 20, 2009, which started a 45-day public review and comment period on the EIR, which ended on June 8, 2009; followed by a Notice of Availability for an Amendment to the Draft SEIR on July 22, 2010, which started another 45-day public review and comment period, which ended on September 7, 2010, and

WHEREAS, The City also submitted the Draft SEIR to the State Clearinghouse for state agency review (State Clearinghouse No. 2008092006), and

WHEREAS, The City's Planning Commission ("Planning Commission") held public hearings on May 13, 2009 to receive public comments on the Draft SEIR; and on August 11, 2010 to receive public comments on the Amendment to the Draft SEIR, and

WHEREAS, The Final SEIR (also referred to as the "SEIR") is comprised of the Draft SEIR and Amendment to the Draft SEIR, comments on the Draft SEIR and Amendment to the Draft SEIR, responses to such comments and revisions to the Draft SEIR in response to those comments, and

WHEREAS, All of the mitigation measures approved with the General Plan EIR of 2006 remain in effect and will continue to apply to the General Plan, as amended, and

WHEREAS, The Planning Commission considered the SEIR on December 15, 2010, reviewed all evidence presented both orally and in writing, and adopted Resolution Number 2010-0015 recommending City Council certify the EIR and adopt the findings in accordance with CEQA, and

WHEREAS, The Planning Commission met on January 12, 2011 and reviewed corrected findings (Exhibits A, B, C and D to this resolution), and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission rescinds Resolution Number 2010-0015, dated December 15, 2010 and resolves as follows:

1. Certification

The Planning Commission recommends that the City Council certifies the following:

- a. The Final EIR has been completed in compliance with the requirements of CEQA and the CEQA Guidelines (14 Cal. Code Regs. (hereafter referred to as "Guidelines"), § 15090(a)(2)).
- b. The Final EIR reflects the independent judgment and analysis of the Planning Commission. (Guidelines, § 15090(a)(3).)
- c. Therefore, the Planning Commission recommends that the City Council find that the Final SEIR has been completed in compliance with the requirements of CEQA and the CEQA Guidelines. (Guidelines, § 15090(a)(1).)

2. Significant Impacts

- a. The EIR identifies potentially significant environmental impacts of the Project that can be mitigated to a less-than-significant level. The Planning Commission recommends that the City Council makes the findings with respect to these significant impacts as set forth in Exhibit A. (Pub. Resources Code, § 21081; Guidelines, § 15091.)
- b. The EIR identifies potentially significant environmental impacts of the Project that cannot be mitigated to a less-than-significant level and are thus considered significant and unavoidable. The Planning Commission recommends that the City Council makes the findings

with respect to these significant impacts as set forth in Exhibit A. (Pub. Resources Code, § 21081; Guidelines, § 15091.)

c. All other impacts identified in the EIR are less-than-significant without mitigation. Therefore, further findings are not required for those impacts.

3. Alternatives

The EIR includes four project alternatives, including the mandatory No Project alternative, which the City evaluated during Project analysis and review and in the EIR. The City Council finds these alternatives to be infeasible based on the findings as set forth in Exhibit B. (Pub. Resources Code, § 21081; Guidelines, § 15091.)

4. Statement of Overriding Considerations

The adoption of all feasible mitigation measures will not avoid or reduce to a less-than-significant level all significant adverse environmental effects caused by the Project. However, the Planning Commission recommends that the City Council find that the Project's benefits override and outweigh its unavoidable impacts on the environment, and adopts a Statement of Overriding Considerations, as set forth in Exhibit C. (Pub. Resources Code, § 21081(b); Guidelines, §§ 15043 and 15093.)

5. Mitigation Monitoring and Reporting Program

The Planning Commission recommends that the City Council adopt the Mitigation Monitoring and Reporting Program as set forth in Exhibit D. (Pub. Resources Code, § 21081.6; Guidelines, 15097.)

6. Other Findings and Information

a. The Planning Commission finds that there has been no significant new information that has been added to the SEIR after public notice was given of the availability of the Amendment to the Draft SEIR. This includes information showing that:

i. A new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented;

ii. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

iii. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project, but the Project's proponents decline to adopt it; or

iv. The Draft SEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Therefore, the Planning Commission recommends that the City Council finds that it is not necessary to recirculate the Amendment to the Draft SEIR for further public review and comment. (Pub. Resources Code, § 21166; Guidelines, § 15088.5.)

b. The record upon which all findings and determinations related to the Project and the SEIR are based includes the following, all of which constitute substantial evidence:

- i. The SEIR, and all documents referenced in or relied upon by the SEIR;
- ii. All information (including written evidence and testimony) considered by City Staff and/or provided by City staff to the Planning Commission and City Council relating to the EIR;
- iii. All information (including written evidence and testimony) presented to the Planning Commission and City Council by the environmental consultant and sub-consultants who prepared the SEIR, or incorporated into reports presented to City Staff and/or to the Planning Commission or City Council;
- iv. All information (including written evidence and testimony) presented to the City by other public agencies relating to the SEIR or the Project;
- v. All applications, letters, testimony and hearing presentations given by any of the project sponsors or their consultants to the City in connection with the Project;
- vi. All information (including written evidence and testimony) presented to the City by members of the public relating to the SEIR or the Project;
- vii. For documentary and information purposes, all City-adopted land use plans and ordinances, including, without limitation, general plans, specific plans, and ordinances, and all environmental impact reports and other CEQA documentation prepared in support of City's consideration and adoption of those regulations and policies;
- viii. The Mitigation Monitoring and Reporting Program for the Project; and
- ix. All other documents comprising the record of proceedings pursuant to Public Resources Code section 21167.6(e).

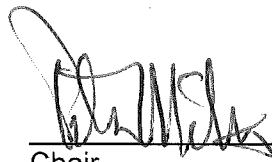
c. The findings contained in this Resolution are based upon substantial evidence in the entire record of the City's proceedings relating to the Project. All the evidence supporting these findings was presented in a timely fashion, and early enough to allow adequate consideration by the City. Any information not presented directly to the City Council or Planning Commission is nonetheless considered to have been before the City Council or Planning Commission because that information contributed to City staff's consideration and presentation to City Council and the Planning Commission of the Project and its environmental impacts, mitigation measures and alternatives. References to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings. Any reference to certain parts of the EIR set forth in these findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

d. The custodian of the documents and other materials that constitute the record of proceedings on which the City's decision is based is the Director of Development and Engineering Services, or designee. Such documents and other materials are located at 333

Civic Center Plaza, Tracy, California 95376. (Pub. Resources Code, § 21081(a)(2); Guidelines, § 15091(e).)

The foregoing Resolution No 2011-001 is hereby passed and adopted by the Tracy Planning Commission on the 12th day of January 2011, by the following vote:

AYES:	COMMISSION MEMBERS:	Alexander, Johnson, Manne, Mitracos, Ransom
NOES:	COMMISSION MEMBERS:	None
ABSENT:	COMMISSION MEMBERS:	None
ABSTAIN:	COMMISSION MEMBERS:	None



Chair

ATTEST:


STAFF LIAISON

Attachments: Exhibit "A" – Findings Related to Significant Impacts
Exhibit "B" – Findings Related to Alternatives
Exhibit "C" – Findings Related to Statement of Overriding Consideration
Exhibit "D" – Mitigation Monitoring and Reporting Program

EXHIBIT A (January 12, 2011)

FINDINGS RELATED TO SIGNIFICANT IMPACTS

While the 2006 General Plan EIR evaluated 15 environmental topics, the Supplemental EIR contains only those environmental analysis chapters for which the findings of the 2006 General Plan Draft EIR could change as a result of the General Plan Amendment and Sustainability Action Plan. The issues addressed in the Supplemental EIR include the following:

- Land Use
- Population, Employment and Housing
- Traffic and Circulation
- Noise
- Air Quality
- Greenhouse Gas (GHG) Emissions

This exhibit contains findings related to significant impacts identified in the Supplemental EIR for the topics listed above.

A. Findings Associated with Potentially Significant Impacts that are Mitigated to a Less-Than-Significant Level

Based upon the criteria set forth in the EIR, the City Council finds that the following environmental effects of the Project are potentially significant but will be mitigated to a less-than-significant level. (Pub. Resources Code, § 21081; Guidelines, § 15091.)

1. Noise

a. Impact and Mitigation

Impact NOI-2: Construction associated with development projected during the planning horizon of the proposed General Plan would temporarily elevate noise levels at adjacent land uses by 15 to 20 dBA or more.

Mitigation Measure NOI -2: In addition to the time-of-day restriction in Objective N-1.2, P4, the following standard construction noise control measures should be included as requirements at construction sites to minimize construction noise impacts:

- When necessary, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.
- Foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. The pre-drilling of foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.
- All construction projects shall comply with the Article 9 of the City of Tracy Municipal Code, the City's Noise Control Ordinance.

(Draft Supplemental EIR, pages 4.14-28 to 4.14-29.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impact NOI-2. Specifically, see for example: Goal N-1 of the Noise Element (page 9-15) [relating to protecting citizens from excessive noise].

The City Council further finds that Policy P6 of Objective N-1.3 (page 9-21) would lessen the significant effect of Impact NOI-2:

- P6. The City shall seek to reduce impacts from groundborne vibration associated with rail operations by requiring that vibration-sensitive buildings (e.g., residences) are sited at least 100-feet from the centerline of the railroad tracks whenever feasible. The development of vibration-sensitive buildings within 100-feet from the centerline of the railroad tracks shall require a study demonstrating that ground borne vibration issues associated with rail operations have been adequately addressed (i.e., through building siting or construction techniques).

The City Council further finds that Policy P4 of Objective N-1.2 of the Noise Element of the Draft General Plan (at page 9-19) will be revised as follows:

- P4. All construction in the vicinity of noise sensitive land uses, such as residences, hospitals, or convalescent homes, shall be limited to daylight hours or 7:00 AM to 7:00 PM. In addition, the following construction noise control measures shall be included as requirements at construction sites to minimize construction noise impacts:
- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - Locate stationary noise generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
 - Utilize "quiet" air compressors and other stationary noise sources where technology exists.
 - When necessary, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.
 - Foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. The pre-drilling of foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.
 - All construction projects shall comply with the Article 9 of the City of Tracy Municipal Code, the City's Noise Control Ordinance.

The City Council finds that these policies in the General Plan, including revisions to Objective N-1.2, Policy P4, will avoid or substantially lessen the significant environmental effect identified in Impact NOI-2 to a less-than-significant level.

2. Air

a. Impact and Mitigation

Impact AIR-2: The proposed General Plan does not provide adequate buffers between new or existing sources of odors and new or existing residences or sensitive receptors.

Mitigation Measure AIR-2: Add a new Action under Objective AQ-1.2 as follows:

“Require supplemental project studies in accordance with CARB and SJVAPCD recommendations to evaluate air quality health risks for proposed developments with sensitive receptors proximate to Interstate 205, Interstate 580, or large truck warehousing facilities or truck facilities where trucks with transportation refrigeration units operate almost continuously. Mitigation measures to reduce significant health risks shall be included in final project designs.”

(Draft Supplemental EIR, pages 4.15-44 to 4.15-45.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impact AIR-2. Specifically, see for example: Objective AQ-1.2 of Goal AQ-1 of the Air Quality Element (page 10-23) [relating to promoting development that minimizes air pollutant emissions and their impact on sensitive receptors as a result of indirect and stationary sources]; and Objective AQ-1.3 of Goal AQ-1 of the Air Quality Element (page 10-26) [relating to providing a diverse and efficient transportation system that minimizes air pollutant emissions].

The City Council further finds that Policy P11 of Objective AQ-1.2 of Goal AQ-1 of the Air Quality Element of the Draft General Plan (at page 10-13) will be amended to read as follows:

P11. Residential developments and other projects with sensitive receptors shall be analyzed in accordance with CARB and SJVAPCD recommendations ~~located an adequate distance from odor sources such as freeways, arterial roadways and stationary air pollutant sources.~~

The City Council further finds that this change to the Draft General Plan will avoid or substantially lessen the significant environmental effect identified in Impact AIR-2 to a less-than-significant level.

B. Findings Associated with Significant and Unavoidable Impacts

Based upon the criteria set forth in the EIR, the City finds that the following environmental effects of the Project are potentially significant and unavoidable. (Pub. Resources Code, § 21081; Guidelines, § 15091.) However, as explained in the Statement of Overriding Considerations, these effects are considered to be acceptable when balanced against the economic, legal, social, technological and/or other benefits of the Project.

1. Population, Employment and Housing

a. Impact and Mitigation

Impact POP-1: Despite policies in the Community Character Element of the proposed General Plan to maintain and enhance quality of life as future growth occurs, development permitted under the proposed General Plan would result in approximately an additional 43,000 to 70,000 residents, 163,000 employees and 13,225 to 21,300 housing units for a total of 124,500 to 151,500 residents, 193,000 employees and 38,700 to 46,700 housing units at total buildout.

Mitigation Measure: No additional mitigation is available.

(Draft Supplemental EIR, page 4.4-14.)

Cumulative Impact (Impact POP-2): The project's impact on population, employment and housing, in combination with the growth that will occur in other communities throughout the County and the region, constitutes a significant and unavoidable cumulative impact.

Mitigation Measure: No additional mitigation is available.

(Draft Supplemental EIR, page 6-7.)

b. Findings

The City Council finds that actions, policies, objective and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impact POP-1 and the cumulative impacts related to population, employment and housing. Specifically, see for example: Objective CC-6.3, Policies P1 and P4 (pages 3-27 and 3-28) and Goals ED-6, ED-7 and ED-8 (pages 4-12 through 4-19) [providing some level of preservation and enhancement for existing neighborhoods and policy direction to enhance and support existing economic activity centers, and to ensure that Tracy has a competitive workforce and is able to respond quickly to changing economic conditions]. However, these will not reduce the impacts referenced above to a less than significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

2. Traffic and Circulation

a. Impact and Mitigation

Impact CIR-1: The proposed General Plan incorporates a range of features to help reduce the potential impact of future growth on regional roadways. However, traffic levels along regional roadways listed below will increase, creating a significant and unavoidable impact.

- ◆ I-205
- ◆ I-580
- ◆ I-5

- ◆ Patterson Pass Road
- ◆ Tesla Road

Mitigation Measure: No additional mitigation is available.

(Draft Supplemental EIR, pages 4.4-67 to 4.4-68.)

Cumulative Impact (Impact CIR-2): Despite measures in the proposed General Plan and Sustainability Action Plan to help reduce the potential impact of future growth in Tracy to regional roadways, the project's impact on regional roadways, in combination with growth and associated increases in traffic on regional roadways, constitutes a significant and unavoidable impact.

Mitigation Measure: No additional mitigation is available.

(Draft Supplemental EIR, pages 6-8 to 6-9.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impacts CIR-1 and the cumulative impacts related to traffic and circulation. Specifically, see for example: Objective CIR-2.1, Policies P1 through P4 (pages 5-28 and 5-29) [relating to supporting regional planning and implementation efforts to improve interregional highways and travel efficiency]; Objective ED-5.3, Policy P1 (page 4-11) [relating to supporting SJCOG and Caltrans efforts to widen I-205]; and Objective AQ-1.3, Policies P1, P2, P3, P4 and P6 and Actions A1 and A2 (pages 10-26 and 10-27) [relating to supporting ways to provide a diverse and efficient regional transportation system while decreasing air pollutant emissions]. However, these policies will not reduce the impacts referenced above to a less than significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

3. Noise

a. Impact and Mitigation

Impact NOI-1: The City's Noise Ordinance and policies in the proposed General Plan serve to control excessive sources of noise in the City and ensure that noise impacts from new projects are evaluated when they are reviewed. Despite these policies and regulations, significant noise levels increases (3 dBA Ldn or greater) associated with increased traffic would occur adjacent to existing noise sensitive uses along portions of Interstate 205, Grant Line Road, Schulte Road, Linne Road, Lammers Road, Corral Hollow Road, Tracy Boulevard, and MacArthur Drive. New roadways facilitated by the General Plan would also increase existing noise levels at receivers in Tracy.

Mitigation Measure: No additional mitigation is available.

(Draft Supplemental EIR, page 4.14-28.)

Cumulative Impact (Impact NOI-3): The project's impact related to noise level increases associated with new roadways facilitated by the proposed General Plan, in combination with the with noise level increases associated with the growth that will occur in other communities throughout the County and the region, constitutes a significant and unavoidable impact.

Mitigation Measure: No additional mitigation is available.

(Draft Supplemental EIR, page 6-18.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impact NOI-1 and the cumulative impacts related to noise. Specifically, see for example: Objective N-1.2, Policies P1 and P3 (pages 9-17 and 9-19) [relating to reducing noise from the City's roadways to existing residential areas to the extent feasible through enforcement and structural improvements]; Objective N-1.3, Policies P1, P2, P3 and P5 (pages 9-20 and 9-21) [relating to requiring evaluation and mitigation of a project's noise impacts as a condition of project approval]. However, these policies will not reduce the impacts referenced above to a less than significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

4. Air Quality

a. Impact and Mitigation

Impact AIR-1: The General Plan and Sustainability Action Plan would not be consistent with applicable clean air planning efforts of the SJVAPCD, since vehicle miles traveled that could occur under the General Plan would exceed that projected by SJCOG, which are used in projections for air quality planning. The projected growth could lead to an increase in the region's VMT, beyond that anticipated in the SJCOG and SJVAPCD's clean air planning efforts. Development in Tracy and the SOI would contribute to the on-going air quality issues in the San Joaquin Valley Air Basin.

Mitigation Measure AIR-1: The City of Tracy will facilitate development applicants' participation in the San Joaquin Valley Air Pollution Control District's Indirect Source Review program. The Indirect Source Review program requires developers of larger projects to reduce emissions and provides on-site mitigation measures to help developers reduce air impacts. However, the mitigation measure identified above may not completely mitigate this impact.

(Draft Supplemental EIR, page 4.15-44.)

Cumulative Impact (Impact AIR-3): Buildout under the proposed General Plan and Sustainability Action Plan is projected to lead to substantial increases in vehicle miles traveled and contribute to existing air quality issues in the San Joaquin Valley Air Basin. These air quality impacts associated with increases in regional traffic are anticipated to occur after 2030, constituting a cumulatively significant impact.

Mitigation Measure: No additional mitigation is available.

(Draft Supplemental EIR, page 6-18 to 6-19.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in AIR-1 and the cumulative impacts related to air quality. Specifically, see for example: Policies and Actions under Objectives AQ-1.1 through AQ-1.4 (pages 10-22 through 10-28) [relating to improving air quality through land use planning decisions; promoting development that minimizes air pollutant and greenhouse gas emissions and their impact on sensitive receptors; providing a transportation system that minimizes air pollutant emissions and supporting local and regional air quality improvement efforts]. However, these policies will not reduce the impacts referenced above to a less than significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

5. Greenhouse Gas Emissions

a. Impact and Mitigation

Impact GHG-1: Implementation of the proposed General Plan and Sustainability Action Plan would reduce GHG emissions from 2020 projected BAU conditions by between 22 and 28 percent. Therefore, the project would not meet the San Joaquin Valley Air Pollution Control District's threshold of reducing GHG emissions by 29 percent.

Mitigation Measure: While the proposed General Plan and Sustainability Action Plan do not meet the GHG threshold, the documents include all measures that are considered to be feasible at this time. The process to develop the Sustainability Action Plan and General Plan included a comprehensive review of other climate-related plans and policies, including the California Air Pollution Control Officers Association's (CAPCOA) *Model Policies for Greenhouse Gases in General Plans* and *Green Cities California's Best Practices*, and recommendations from the consultant team in order to identify a wide array of potential measures. All measures that were considered feasible were included in the General Plan and Sustainability Action Plan.

(Draft Supplemental EIR, pages 4.16-18 to 4.16-19.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan and Sustainability Action Plan to substantially lessen the significant environmental effects identified in Impact GHG-1 and the cumulative impacts related to noise. Specifically, see for example: policies under Objective LU-1.4 [related to promoting increased densities and efficient land uses]; objectives, policies and actions under Goal AQ-1 [related to reducing GHG emissions]; and Sustainability Action Plan measures, including Measures SW-2, T-14 and E-4, which would together reduce the city's GHG emissions

by over 137,500 metric tons of carbon dioxide equivalent, as shown in Table 5-1 of the Sustainability Action Plan. However, these policies and measures will not reduce the impacts referenced above to a less-than-significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

EXHIBIT B (January 12, 2011)

FINDINGS RELATED TO ALTERNATIVES

The EIR describes and evaluates four alternatives to the proposed project. While all of the alternatives have the ability to reduce environmental impacts, none of the alternatives can completely reduce all of the environmental impacts to a level of insignificance.

The Supplemental EIR considers the same alternatives that were evaluated in the 2006 General Plan EIR. The alternatives evaluation in the Supplemental EIR only considers alternatives in light of significant impacts that are the result of the General Plan Amendment and Sustainability Action Plan; it does not address significant impacts that were found in the 2006 General Plan Draft EIR. The only new or modified impacts as a result of the General Plan Amendment and Sustainability Action Plan are Impacts AIR-3 and GHG-1, which are related to cumulative air quality issues and greenhouse gas (GHG) emissions, respectively. In regards to Impact AIR-3, the Draft Supplemental EIR finds that all four alternatives would result in the same significant and unavoidable cumulative air quality impact as the project. In regards to Impact GHG-1, the Draft Supplemental EIR finds that reductions in vehicle trips would significantly reduce GHG emissions under all four alternatives, representing a substantial improvement over the proposed project.

Because the Supplemental EIR evaluates the same alternatives that were considered in the 2006 General Plan EIR, the findings related to alternatives that were adopted by the City Council for the 2006 General Plan EIR are still applicable. As explained below, the City Council finds the various alternatives to be infeasible. Whether an alternative is considered to be feasible involves a determination of whether it is capable of being successfully accomplished within a reasonable period of time, taking into account environmental, economic, legal, social, technological and/or other relevant factors. A key factor is the degree to which the project and alternatives to the Project will implement relevant City goals and policies.

Under CEQA, feasibility also encompasses "desirability" to the extent desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.

The City Council finds that when looked at as a whole, and considering the benefits presented by the project together with its potential environmental impacts, the project offers a reasonable and desirable means for achieving important City goals, policies and objectives including, among others, to increase land supply for industrial, office and employment-generating uses in key opportunity areas and balance this with the development of new housing, the preservation and enhancement of community character and the protection of open space and agricultural lands. The project comprises a feasible and reasonable method of achieving these City goals, policies and objectives while offering benefits to the public that would not otherwise occur in the absence of the Project. As explained in more detail below, the City Council finds that the alternatives to the Project will not achieve these important City objectives to the same degree as the proposed Project, and are therefore less desirable. Further, as explained

in the findings for each alternative below, unlike the project, some of the alternatives would impede achievement of City policies and objectives.

A. No-Project Alternative

This alternative is required by CEQA, and assumes that the General Plan would not be adopted, new uses proposed in the General Plan would not occur, and new policies would not be implemented. The purpose of describing and analyzing a No Project alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project. Under this alternative, the proposed General Plan would not be adopted and the existing General Plan for the City of Tracy, including the existing Sphere of Influence (SOI), would remain in effect. This alternative includes development projected in both the Tracy Hills Specific Plan and Tracy Gateway Planned Unit Development areas, since these areas have adopted plans. The City Council finds that this alternative is less desirable than the proposed project and is infeasible, and therefore rejects this alternative for the following reasons:

1. One of the City's long-term goals is to increase its land supply for industrial, office and employment-generating uses in targeted areas, which will provide a balance with the development of new housing. This goal is emphasized a number of times throughout the proposed Plan, including in the opening Vision Statement (pages 1-1 and 1-2), and in the Land Use Element where an expansion of the Sphere of Influence is key to the creation of expanded opportunities for flex-office uses, industrial and office development (see General Plan Figure 2-2, page 2-15; Goal LU-2, pages 2-39 through 2-42; and Urban Reserve 6 of the Land Use Element, pages 2-72 and 2-73). Because the No Project Alternative does not include an expansion of the Sphere of Influence, it does not as effectively further this goal.
2. The General Plan includes a new Economic Development Element, which was based on the City's adopted Economic Development Strategy (Resolution #2003-094, adopted April 2003). The Economic Development Element will serve to promote a diversified and sustainable local economy, a supportive business environment, job and workforce development, and an adequate and balanced land supply (see Goals ED-1 through ED-9, pages 4-7 through 4-19). This Alternative would not include an Economic Development Element; and therefore would not as effectively further these goals and the City's Economic Development Strategy.
3. Major public infrastructure projects, such as the widening of I-205 (in which the City is a participant) and the construction of the Mountain House Parkway interchange, are in progress. Developing and being able to effectively utilize such infrastructure projects are an important objective of the new Economic Development Element (see Objective ED-5.3, page 4-11). The No Project Alternative does not include an expansion of the Sphere of Influence, and therefore does not include Urban Reserve 6, which lies along I-205. The City would not as effectively be able to benefit from these improvements under the No Project Alternative, and

the City would lose the opportunity in planning for the most appropriate job-generating uses for these areas.

4. It is a goal of the City that the Holly Sugar property remains as open space, including the potential for public access. This goal has been incorporated into the proposed General Plan (see Land Use Element, pages 2-56 and 2-57; and Open Space and Conservation Element Objective OSC 4-4, page 6-28). The No Project does not include an expansion of the Sphere of Influence, and does not include the majority of Holly Sugar property. Therefore, the No Project alternative would not further this goal.
5. The Land Use Element (see Goal LU-5, page 2-44; and Area of Special Consideration [The Bowtie], pages 2-51 and 2-53), the Community Character Element (Goal CC-8, page 3-31), and Economic Development Element (Objective ED-6.1, page 4-12) of the proposed General Plan include policy direction to enhance downtown, preserve historic structures, and revitalize neighborhoods adjacent to downtown. The No Project Alternative would not as effectively further these goals because it does not include the specific policies to attract anchor uses, increase residential densities, continue a street grid pattern into the Bowtie, orient buildings towards the pedestrian network, enhance the pedestrian environment, and require architecture that preserves downtown's historic integrity. New development, including development in the Tracy Hills Specific Plan area, would not be subject to these improved design principals.
6. It is a goal of the City to promote connectivity between modes of transit, a high level of street connectivity, a balanced transportation system and protection from truck traffic and for bicycle users (see Goal CIR-1, pages 5-19 through 5-28; Goal CIR-3, pages 5-30 through 5-32; and Goal CIR-4, pages 5-32 through 5-35). The No Project Alternative would not as effectively further this goal because is would not contain policies to implement a Level of Service policy to provide for movement of goods and people at the same time as developing a hierarchical street system that is sensitive to the land uses served that provide a high-level of connectivity, and emphasizes multi-mode transportation.
7. Growth Management goals would be weakened under this alternative because no specific policy direction would be in place to guide the next increment of residential growth (see Goal LU-1, Objective LU-1.4, page 2-35; and General Plan Figure 2-3, page 2-36).
8. Conservation goals would be weakened under this alternative because specific policy language related to energy conservation would not be in place (see Goal OSC-5, page 6-30).
9. When compared to the proposed Plan, the No Project Alternative does not have the same level of comprehensive policy direction in many areas, including land use, economic development, orderly growth management,

energy, community character, noise and air quality as the proposed General Plan.

B. Concentrated Growth Alternative

Under this alternative, the General Plan would include policy direction to ensure that new growth would be concentrated near the existing urbanized area (both within and outside the City limits). This alternative would include development of all available land within the existing City limits, except for the Tracy Hills Specific Plan area. It would also include development in areas identified as "Secondary Residential Growth Areas" in Figure 2-3 of the proposed General Plan. Under this alternative, the City's Sphere of Influence would be contracted to encompass only these areas identified for development. The same General Plan land use designations as under the proposed General Plan would be applied to these areas. All other policies proposed for the General Plan would be included. The City Council finds that this alternative is infeasible and less desirable than the proposed Project and rejects this alternative for the following reasons:

1. One of the City's long-term goals is to increase its land supply for industrial, office and employment-generating uses in targeted areas, which will provide a balance with the development of new housing. This goal is emphasized a number of times throughout the proposed General Plan, including in the opening Vision Statement (see pages 1-1 to 1-2), and in the Land Use Element where an expansion of the Sphere of Influence is key to the creation of expanded opportunities for flex-office uses, industrial and office development (see General Plan Figure 2-2, page 2-15; Goal LU-2, pages 2-39 through 2-42; and Urban Reserve 6 of the Land Use Element, pages 2-72 and 2-73). Under the Concentrated Growth Alternative, the only areas for flex-office development would be the areas along Tracy Boulevard, south of Valpico Road, that are part of the Industrial Areas Specific Plan, and a small number of infill sites along Mariani Court and Larch Road. This does not provide for land to accommodate an expansion of flex office uses as stated above and as established in the policy direction contained in the Economic Development Element (see Goal ED-6, Objectives ED-6.6 and ED-6.7, pages 4-15 through 4-17).
2. In addition to a smaller land supply, the Concentrated Growth Alternative would not include specific areas that have been identified as important economic development opportunities in the City's Economic Development Strategy (Resolution #2003-094, adopted April 2003), the policies and recommendations of which have been carried over into the proposed Plan's Economic Development Element. This alternative would be inconsistent with the City's vision for the Sphere of Influence that could be considered for future development to meet growth needs. Specifically, the City's land use and economic development goals target specific areas along the City's entryways, such as I-205, I-580 and I-5, to attract new higher-end office and office-flex uses (see Goal LU-2, page 2-39; Urban Reserve 6 description and policies, pages 2-72 and 2-73; and Goal ED-5, page 4-10). Major public roadway improvement projects, such as widening of I-205 (in which the City is a participant) and construction of

the Mountain House Parkway interchange support economic development opportunities in these areas. The Concentrated Growth Alternative does not include areas such as Urban Reserve 6 (along I-205) and the Tracy Hills Specific Plan area (along I-580), which would preclude the City from being able to plan for the most appropriate job-generating uses for these areas, as called for under Land Use Element Goals (see Objective LU-2.3, Policy P3, page 2-41).

3. The mix of uses proposed as part of the adopted Tracy Hills Specific Plan area would provide important job-generating office and industrial uses in close proximity to housing at a mix of intensities, which supports the City's policies of expanding economic development in the Tracy Hills Specific Plan Area (see Objective ED-6.9, Policy P1, page 4-17; Objective LU-2.3, Policy P3, page 2-41; and Objective LU-2.4, Policy P3, page 2-42). The Tracy Hills Specific Plan would help the City retain high-quality employment opportunities for its residents, reduce jobs-housing imbalance, and reduce the numbers of commuters. As a result, the economic and cultural base of the City would be strengthened. In support of these goals, a great deal of effort has been given to moving this project forward and many City approvals are already in place (City Council resolution 98-001 Certifying the Tracy Hills Specific Plan EIR, City Council resolution 98-002 approving annexation of the Tracy Hills Specific Plan area, City Council resolution 98-003 approving the Tracy Hills Specific Plan). This alternative would not include Tracy Hills, and would be inconsistent with the residential growth management policies of the General Plan including the Secondary Residential Growth Areas map (see Objective LU-1.4, page 2-35; and General Plan Figure 2-3, page 2-37). Under this alternative, the Tracy Hills Specific Plan area, which is a comprehensively planned development, would require de-annexation from the City limits. To pursue a de-annexation at this late stage of the planning process is undesirable.
4. It is a goal of the City that the Holly Sugar property be included within the City's Sphere of Influence. The General Plan creates special policy direction, which is called out in the General Plan as an Area of Special Consideration, to ensure that the property will remain as open space, including the potential for a publicly accessible open space area (see page 2-51). Specifically, the City desires to comprehensively plan for the Holly Sugar property to provide both public infrastructure benefits to the Tracy Community through environmentally sensitive re-use of treated wastewater, but also to incorporate accessible open space planning into the long-range future for use of the property (see Land Use Element, Areas of Special Consideration, page 2-51; Objective PF-6.5, Policy P3, page 7-29; Objective PF-7.2, Policy P1, page 7-34; Objective PF-7.4, Policy P2, page 7-35; and Objective OSC-4.4, Action A1, pages 6-29 and 6-30). The Concentrated Growth Alternative excludes this area from the Sphere of Influence and fails to provide the policy direction to realize these City goals, objectives, policies, and actions.
5. It is a goal of the City that urbanization not occur in unincorporated County areas outside the Sphere of Influence (see Objective LU-8.1,

Policies P1, P2 and P3, pages 2-49 and 2-50). Under this alternative, the proposed expansion of the Sphere of Influence would not occur, the Sphere of Influence would be contracted, and the City would lose influence over potential development and the ability to plan comprehensively in the best interests of the City in areas that would otherwise be exclusively subject to San Joaquin County development processes. Therefore, in such areas, the City would lose its ability to ensure the most appropriate comprehensive planning and the policy guidance related to air quality, energy conservation, circulation, and public facilities contained within the General Plan would not be required (see Objectives CIR-1.1 through CIR-1.7, pages 5-19 through 5-28; Objective CIR 3-1, pages 5-30 through 5-32; Objectives CIR-4.1 and CIR 4.2, pages 5-32 through 5-35; Objectives OSC-5.1 and OSC-5.2, pages 6-30 through 6-32; Objective PF-6.3, page 7-27; Objective PF-6.5, Policies P1 through P4, page 7-29; Objective PF-7.3, page 7-34; Objectives AQ-1.1 and AQ-1.2, pages 10-22 through 10-26). Additionally, a goal of the City is to ensure outstanding urban design. Development within San Joaquin County would not be subject to the City's design standards (see Objectives CC-1.1 through CC-1.5, pages 3-14 through 3-17; Objectives CC-2.1 and CC 2.2, pages 3-17 through 3-19; Objective CC-4.1, pages 3-20 through 3-22; Objectives CC-11.1 through CC-11.3, pages 3-39 through 3-42).

6. It is a goal of the City to have mixes of residential types in close proximity within neighborhoods, and that land use and housing product types not be isolated from one-another. Achieving the urban design objectives that create architecturally, socially, and economically diverse neighborhoods, as discussed in the General Plan, would not be achieved under the Concentrated Growth Alternative. Significant policy direction in the General Plan related to land use planning, community character, and urban design would not be feasible to implement under the Concentrated Growth Alternative. Specifically, the mix of housing types would be limited because the Concentrated Growth Alternative would result in much more development of medium density (5.9 to 12 units per acre) and high density (12.1 to 25 units per acre) projects in close proximity to one another than is desirable (See Objective CC-6.1, Policies P1 through P8, pages 3-25 and 3-26; Objective CC-6.2, Policies P1 through P7 and Action A1, pages 3-26 through 3-27). Numerous workshops throughout the General Plan update process focused on the desire to mix densities and achieve a greater housing type variety in close proximity to one another throughout all areas planned for future residential growth (see Draft Supplemental EIR, pages 3-7 and 3-8). Additional policies related to mixes of housing types that would not be feasible under this alternative include: Objective LU-2.1, Policy P1, pages 2-39 and 2-40; Objective LU-4.1, Policy P1, page 2-43; and Objective CC-6.1, Policies P2 and P3, page 3-25. Overbuilding multifamily units under the Concentrated Growth Alternative would adversely impact the City's ability to ensure mixes of residential housing types in new development areas and new neighborhoods. Also included in the mix of residential uses are low-density land use designations to accommodate estate developments. This type of housing development is important to attract business

professionals to Tracy, thereby increasing the opportunity to expand the diversity of businesses, and establish a locally based high-skilled workforce.

C. City Limits Alternative

Under this alternative, the proposed General Plan land use designations would be applied to all land within the existing City limits. The SOI would be contracted to become coterminous with the existing City limits. All other policies proposed for the General Plan would be included. The City Council finds that this alternative is infeasible and less desirable than the proposed Project and rejects this alternative for the following reasons:

1. One of the City's long-term goals is to increase its land supply for industrial, office and employment-generating uses in targeted areas, which will provide a balance with the development of new housing. This goal is emphasized a number of times throughout the proposed Plan, including in the opening Vision Statement (pages 1-1 and 1-2), and in the Land Use Element where an expansion of the Sphere of Influence is key to the creation of expanded opportunities for flex-office uses, industrial and office development see General Plan Figure 2-2, page 2-15; Goal LU-2, pages 2-39 through 2-42; and Urban Reserve 6 of the Land Use Element, pages 2-72 and 2-73). Because the City Limits Alternative does not include an expansion of the Sphere of Influence, and would require that the Sphere of Influence be contracted to exclude areas immediately adjacent to the City limits, it does not further this goal. The City Limits Alternative includes a considerably smaller land supply and would not meet the City's vision to increase its land supply for industrial, office and employment-generating uses and balancing this with the development of new housing, as effectively as the proposed General Plan (see Goal ED-4, page 4-10).
2. It is a goal of the City to expand the I-205 Corridor Specific Plan Area, as this area is viewed as a key component of the General Plan to achieve an expanded retail base for the City. This alternative would not promote an expansion of the I-205 Corridor Specific Plan area as well as the General Plan (see Objective LU-2.2, page 2-40; and Objective ED-6.6, page 4-15).
3. While it would allow for development along I-580 in the Tracy Hills Specific Plan area, overall, the City Limits alternative would exclude specific areas that have been identified as important economic development opportunities in the City's Economic Development Strategy (Resolution #2003-094, adopted April 2003), the policies and recommendations of which have been carried over into the proposed Plan's Economic Development Element. The specific areas targeted as economic development opportunities excluded under this alternative include areas along the City's entryways, such as I-205, I-580 and I-5, for attracting new higher-end office and office-flex uses. Major public roadway improvement projects, such as widening of I-205 (in which the City is a participant) and construction of the Mountain House Parkway

interchange, both of which are under construction, support economic development opportunities in these areas. The City Limits Alternative would preclude the City from being able to plan for the most appropriate job-generating uses for these areas, as called for in the City's adopted Economic Development Strategy and stated in Land Use Element and Economic Development Goals (see Goal LU-2, page 2-39; Urban Reserve 6 description and policies, pages 2-72 and 2-73; and Goal ED-5, page 4-10).

4. It is a goal of the City that the Holly Sugar property be included within the City's Sphere of Influence. The General Plan creates special policy direction, which is called out in the General Plan as an Area of Special Consideration, to ensure that the property will remain as open space, including the potential for a publicly accessible open space area. Specifically, the City desires to comprehensively plan for the Holly Sugar property to provide both public infrastructure benefits to the Tracy Community through environmentally sensitive re-use of treated wastewater, but also to incorporate accessible open space planning into the long-range future for use of the property (see Land Use Element: Areas of Special Consideration, page 2-51; Objective PF-6.5, Policy P3 page 7-29; Objective PF-7.2, Policy P1, page 7-34; Objective PF-7.4, Policy P2, page 7-35; and Objective OSC-4.4, Action A1, pages 6-29 and 6-30). The City Limits Alternative excludes this area from the Sphere of Influence and fails to provide the policy direction to realize these City goals, objectives, policies, and actions. This alternative excludes this area from the Sphere of Influence and fails to provide the policy direction to realize these City goals and objectives.

5. It is a goal of the City that urbanization not occur in unincorporated County areas outside the Sphere of Influence (see Objective LU-8.1, Policies P1 through P3, pages 2-49). Under this alternative, the proposed expansion of the Sphere of Influence would not occur, the Sphere of Influence would be contracted, and the City would lose influence over potential development and the ability to plan comprehensively in the best interests of the City in areas that would otherwise be exclusively subject to San Joaquin County development processes. Therefore, in such areas, the City would lose its ability to ensure the most appropriate comprehensive planning and the policy guidance related to air quality, energy conservation, circulation, and public facilities contained within the General Plan would not be required (see Objectives CIR-1.1 through CIR-1.7, pages 5-19 through 5-28; Objective CIR 3-1, pages 5-30 through 5-32; Objectives CIR-4.1 and CIR 4.2, pages 5-32 through 5-35; Objectives OSC-5.1 and OSC-5.2, pages 6-30 through 6-32; Objective PF-6.3, page 7-27; Objective PF-6.5, Policies P1 through P4, page 7-29; Objective PF-7.3, page 7-34; Objectives AQ-1.1 and AQ-1.2, pages 10-22 through 10-26). By effectively eliminating the City's Sphere of Influence, this Alternative would be contrary to sound planning principals. Spheres of influence serve as an important tool to facilitate planning, shape logical and orderly development, and foster coordination between local government agencies. (See Government Code, sections 56001 and 56425.) Additionally, a goal of the City is to ensure outstanding urban

design. Development within San Joaquin County would not be subject to the City's design standards (see Objectives CC-1.1 through CC-1.5, pages 3-14 through 3-17; Objectives CC-2.1 and CC 2.2, pages 3-17 through 3-19; Objective CC-4.1, pages 3-20 through 3-22; Objectives CC-11.1 through CC-11.3, pages 3-39 through 3-42).

D. Existing Sphere of Influence Alternative

Under this alternative, the proposed General Plan land use designations would be applied to all land within both the existing City limits and the existing Sphere of Influence (SOI). However, no new development-oriented General Plan designations or development would occur outside of the existing SOI. All other policies proposed for the General Plan would be included. The City Council finds that this alternative is infeasible and less desirable than the proposed Project and rejects this alternative for the following reasons:

1. While it encompasses a similar extent of area, it does not meet the City's long-term goals and objectives of the proposed Plan since it would exclude key economic development and targeted open space areas from the SOI, thereby precluding the City from having any influence regarding planning decisions and leaving planning control exclusively under the County. The Existing Sphere of Influence Alternative would not include Urban Reserve 6, which represents a key economic development opportunity for the City, particularly in light of major public infrastructure projects that are underway, such as widening I-205 (in which the City is a participant) and construction of the Mountain House Parkway interchange. Adoption of this alternative would preclude the City from having the ability to plan for the most appropriate job-generating uses for these areas, as called for in the City's adopted Economic Development Strategy, and as stated in the Land Use and Economic Development Elements see Goal LU-2, page 2-39; Urban Reserve 6 description and policies, pages 2-72 and 2-73; and Goal ED-5, page 4-10).
2. The majority of the Holly Sugar property would not be included within the City's SOI in the Existing Sphere of Influence Alternative, which is called out in the proposed Plan as an Area of Special Consideration with policies to ensure that the property will remain as open space, including the potential for a publicly accessible open space area. Specifically, the City desires to comprehensively plan for the Holly Sugar property to provide both public infrastructure benefits to the Tracy Community through environmentally sensitive re-use of treated wastewater (see Objective PF-6.5, Policy P3, pages 7-29; Objective PF-7.2, Policy P1, page 7-34; and Objective PF-7.4, Policy P2, page 7-35), but also to incorporate accessible open space planning into the long-range future for use of the property (Objective OSC-4.4, Action 1, pages 6-29 and 6-30). This alternative excludes the majority of this area from the Sphere of Influence, thereby failing to provide the policy direction to realize these City goals and objectives.

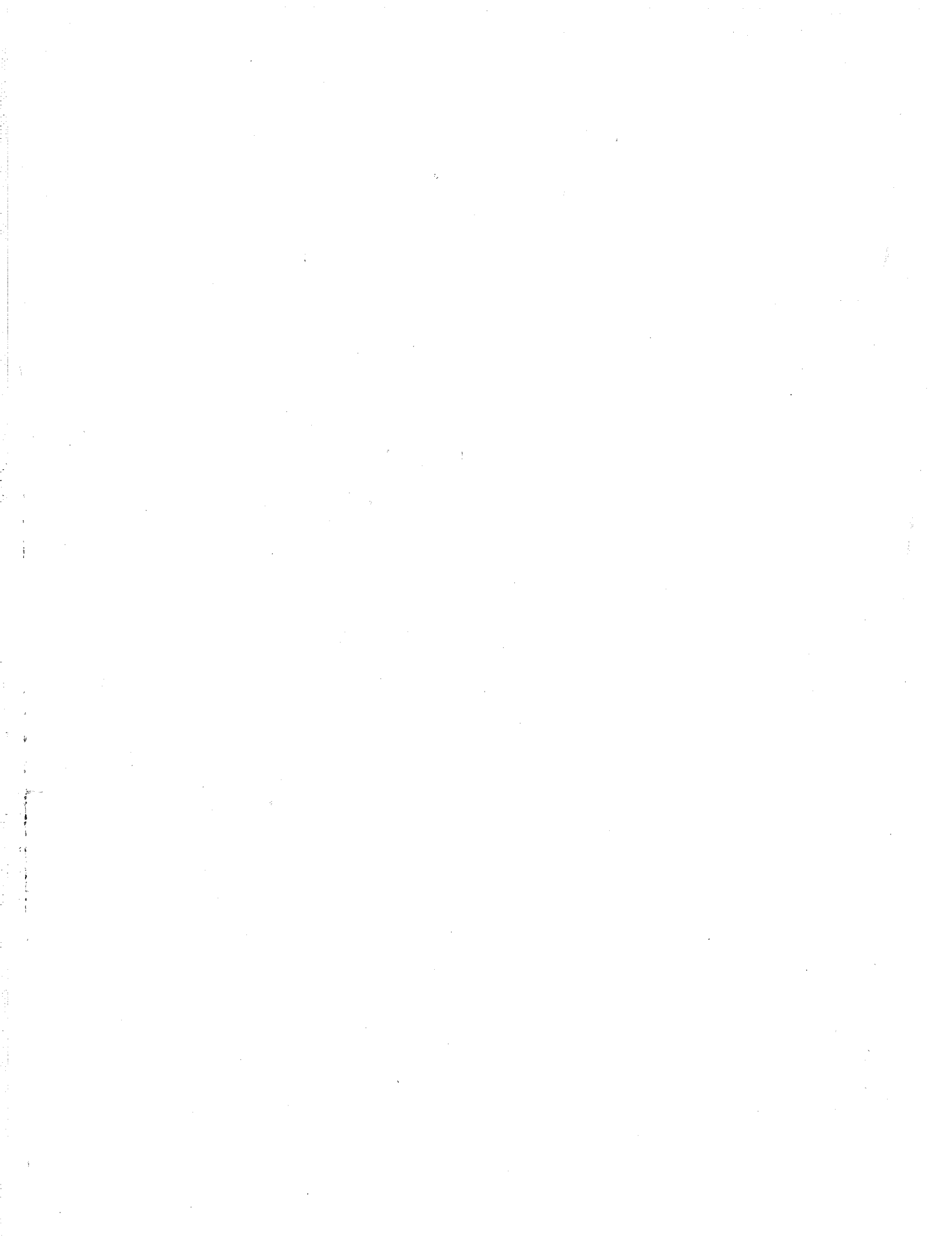


EXHIBIT C (January 12, 2011)

FINDINGS RELATED TO STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council adopts and makes this Statement of Overriding Considerations concerning the project's unavoidable significant impacts to explain why the project's benefits override and outweigh its unavoidable impacts.

The project represents the best possible balance between the City's goals, objectives, and policies relating to on-going residential growth, development of employment areas, and open space and agricultural preservation. As more fully described below, the project will bring substantial benefits to the City, including: increasing the City's ability to plan for key areas for economic development; augmenting policy guidance to preserve and enhance community character; incorporating policy guidance to protect agricultural land and other open space areas; supporting provision of a diversity of housing types; and providing a policy framework for orderly expansion and systematic, continual upgrade of transportation and utility infrastructure and services.

The City Council finds that the project's unavoidable significant impacts are acceptable in light of the project's benefits. Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, despite each and every unavoidable impact. This Exhibit C also incorporates the findings contained in Exhibit B (relating to Alternatives), and the substantial evidence upon which they are based.

1. The project provides the most comprehensive and balanced approach for economic development, and serves an important role in implementing the City's adopted Economic Development Strategy (Resolution #2003-094, adopted April 2003). This comprehensive approach consists of promoting and revitalizing key economic development centers, including the Downtown and other commercial infill areas within in the City limits. It also recognizes that the City's ability to compete with other jurisdictions, in attracting higher-wage and higher-skilled office and technology employment opportunities, depends upon having a land supply in locations that best serve these economic sectors.
2. The project will allow the City to increase its land supply and plan for new industrial, office and retail uses in key opportunity areas, such as along the City's entryways (e.g. I-205, I-580 and I-5). The project includes large, contiguous parcels of undeveloped land designated for industrial, office and retail uses along key regional corridors that will help attract economic development in sectors of industry with long-term growth and income potential, such as management, financial and business services and technology.
3. The project will allow the City to better take advantage of certain public infrastructure projects that are occurring in and around Tracy, such as the widening of I-205 (in which the City is a participant) and construction of the Mountain House Parkway interchange.
4. The project would allow the City, rather than San Joaquin County, to plan for the most appropriate job generating uses in areas located along key regional

corridors. Leaving future planning of these areas to the County may adversely affect the City's ability to attract higher-income jobs and higher tax revenues, and thus, affect the City's ability to meet its long-term economic development objectives.

5. Currently many of Tracy's employed residents commute outside of Tracy—many as far as the Bay Area—for higher-wage and higher-skilled job opportunities. A more diversified local economy, with expanded higher-wage job opportunities and a full range of shopping and entertainment options would enhance residents' overall quality of life. The commercial and industrial land uses identified in the proposed General Plan will allow the City to provide additional employment opportunities for residents. The General Plan and Sustainability Action Plan contain policies and measures to improve the match between housing options and Tracy workers' housing needs, as well as the match between employment options and Tracy residents' employment needs. This would reduce the need for residents to travel outside the community, and improve the City's jobs-housing balance and match.
6. The project would improve the tax base of the community by expanding the retail base, and thus, provide increased funding for services and facilities for Tracy residents.
7. The project would provide a more diverse range of housing opportunities. The Land Use Element includes policies that support the types of new residential development that best serve a diverse workforce. This includes goals and policies to: promote an increased supply of housing affordable to all economic segments of the community, which includes improving and preserving existing stock of affordable housing (see Objective LU-4.1, Policies P1 through P3, page 2-43); promote infill development, affordable housing, senior housing (see Objective LU-1.4, Policies P2, P4, and Action A1, pages 2-35 and 2-38); and provide for lower density, residential estate housing, that will attract business professionals in the management, financial services and technology sectors of the economy.
8. The Sphere of Influence under the project includes the Holly Sugar property, which is called out in the proposed General Plan as an Area of Special Consideration with policies to ensure that the property will remain as open space, with the potential for public access.
9. The General Plan and Sustainability Action Plan contain policies and measures to reduce the city's greenhouse (GHG) emissions. The proposed General Plan Land Use Element includes new policies to encourage Downtown sites to be developed at the highest densities possible. In the Community Character Element, proposed policies encourage the development of urban green spaces, promote the incorporation of pedestrian and bicycle access into site design, and discourage new strip commercial development. The Economic Development Element includes proposed policies encouraging green businesses, local procurement of green products, and employment opportunities that reduce the need for vehicle trips. The Circulation Element proposes additional policies to encourage alternatives modes of transportation and use sustainable materials in road construction and repair projects. Proposed policies in the Open Space and

Conservation Element incorporate resource conservation. The proposed Public Facilities Element calls for rehabilitating and reusing municipal buildings whenever feasible. In the Air Quality Element, proposed policies would develop a green building standard for new development, encourage solar panels on new development, encourage use of light emitting diodes (LED) for outdoor lighting, and reduce GHG emissions from municipal operations and new development.

The proposed Sustainability Action Plan includes 39 measures in the energy, transportation and land use, solid waste and water sectors that would reduce GHG emissions. In total, it is estimated that measures in the General Plan and Sustainability Action Plan would reduce 2020 BAU GHG emissions by between 382,422 and 486,115 metric tons of carbon dioxide equivalent.

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CITY OF TRACY GENERAL PLAN AND SUSTAINABILITY ACTION PLAN

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/ Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p><u>Mitigation Measure NO1-2</u>: In addition to the time-of-day restriction in Objective N-1.2, P4, the following standard construction noise control measures should be included as requirements at construction sites to minimize construction noise impacts:</p> <ul style="list-style-type: none"> ◆ When necessary, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected. ◆ Foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. The pre-drilling of foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. ◆ All construction projects shall comply with the Article 9 of the City of Tracy Municipal Code, the City's Noise Control Ordinance. 	Development & Engineering Services	Modify text prior to approval of General Plan Update	Development & Engineering Services	Verify text is modified	Once
<p><u>Mitigation Measure AIR-1</u>: The City of Tracy will facilitate development applicants' participation in the San Joaquin Valley Air Pollution Control District's Indirect Source Review program. The Indirect Source Review program requires developers of larger projects to reduce emissions and provides on-site mitigation measures to help developers reduce air impacts. However, the mitigation measure identified above may not completely mitigate this impact. Therefore, it is considered a significant and unavoidable impact.</p>	Development & Engineering Services	Revise building permit application materials within 30 days	Development & Engineering Services	Verify materials have been updated	Once
<p><u>Mitigation Measure AIR-2</u>: Add a new Action under Objective AQ-1.2 as follows: "Require supplemental project studies in accordance with CARB and SJVAPCD recommendations to evaluate air quality health risks for proposed developments with sensitive receptors proximate to Interstate 205, Interstate 580, or large truck warehousing facilities or truck facilities where trucks with transportation refrigeration units operate almost continuously. Mitigation measures to reduce significant health risks shall be included in final project designs."</p>	Development & Engineering Services	Modify text prior to approval of General Plan update	Development & Engineering Services	Verify text is modified	Once

RESOLUTION 2010-017

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TRACY
RECOMMENDING THAT THE CITY COUNCIL ADOPT THE SUSTAINABILITY
ACTION PLAN

WHEREAS, On July 20, 2006, the City Council adopted the City of Tracy General Plan of 2006, and

WHEREAS, On April 15, 2008, the City Council identified sustainability as a priority and directed staff to develop a Citywide Sustainability Strategy, and

WHEREAS, The City held a workshop with the public on February 17, 2010 to discuss the targets and measures to be included within the Sustainability Action Plan, and

WHEREAS, A Draft Sustainability Action Plan was published for public review on July 22, 2010, and

WHEREAS, At the close of the public comment period, the City had received four comment letters on the July Draft Sustainability Action Plan, and

WHEREAS, The City responded to all comments received within the attachment to the Staff Report presented to the Planning Commission for review with the General Plan and the General Plan SEIR on December 15, 2010

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), the Planning Commission recommended that the City Council: certify a Final Supplemental Environment Impact Report (SEIR) for the General Plan and Sustainability Action Plan; make findings related to significant impacts, alternatives, and Statement of Overriding Considerations; and adopt a Mitigation Monitoring and Reporting Program, and

WHEREAS, The Planning Commission conducted a public hearing to consider the General Plan on December 15, 2010, with the Sustainability Action Plan to be used as an part implementation tool of the General Plan, and

WHEREAS, The Planning Commission conducted a public hearing to consider the Sustainability Action Plan on December 15, 2010;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council adopt the Sustainability Action Plan as set forth in exhibit A, based on the following:

- a. The Sustainability Action Plan contains targets and measures that will assist in the implementation of the Goals, objectives and policies of the General Plan.
- b. The Sustainability Action Plan contains an Implementation and Monitoring Plan that assists in the implementation and tracking of the progress of the Plan in reducing greenhouse gas emissions.

The foregoing Resolution is hereby passed and adopted by the Planning Commission on the 15th day of December, 2010, by the following vote:

AYES: COMMISSION MEMBERS: Alexander, Johnson, Manne, Mitracos
NOES: COMMISSION MEMBERS: None
ABSENT: COMMISSION MEMBERS: None
ABSTAIN: COMMISSION MEMBERS: None



CHAIR

ATTEST:



STAFF LIAISON

Exhibit A—Sustainability Action Plan

EXHIBIT A

**Exhibit A is the Sustainability Action Plan as provided to the
Planning Commission on December 3, 2010.**

RESOLUTION _____

CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF TRACY GENERAL PLAN AMENDMENT OF 2011 AND THE SUSTAINABILITY ACTION PLAN; MAKING FINDINGS RELATING TO SIGNIFICANT IMPACTS, ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, On July 20, 2006, the City Council of the City of Tracy ("City Council") adopted the City of Tracy General Plan of 2006 (Resolution No. 06-183), and

WHEREAS, In 2007, the City of Tracy ("City") began the process of petitioning for approval of the Sphere of Influence from the Local Agency Formation Commission (LAFCo), and

WHEREAS, LAFCo had adopted revised policies regarding Spheres of Influence, thus requiring the City to revise the proposed Sphere within the General Plan, and

WHEREAS, The City held workshops and public hearings to discuss revisions to the Sphere of Influence, and

WHEREAS, In April of 2008, the City Council identified environmental sustainability as a priority and the City began work on the Sustainability Action Plan, and

WHEREAS, The City completed a draft Sustainability Action Plan, published the document on July 22, 2010 and held a public hearing to receive comments on August 11, 2010, and

WHEREAS, The City of Tracy ("City") determined that the Project requires review pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, section 21000 et seq.), and pursuant to CEQA a Supplemental Environmental Impact Report ("SEIR") was prepared to evaluate the potential environmental effects of the Project, potential alternatives to the Project and recommended mitigation measures for potentially significant impacts of the Project, and

WHEREAS, The City published a Notice of Preparation regarding the SEIR seeking public and public agency review and comment on September 2, 2008, and held a public scoping meeting to receive comments on topics and issues which should be evaluated in the Draft SEIR on September 24, 2008, and

WHEREAS, The City distributed a Notice of Availability for the Draft SEIR on April 20, 2009, which started a 45-day public review and comment period on the EIR, which ended on June 8, 2009; followed by a Notice of Availability for an Amendment to the Draft SEIR on July 22, 2010, which started another 45-day public review and comment period, which ended on September 7, 2010, and

WHEREAS, The City also submitted the Draft SEIR to the State Clearinghouse for state agency review (State Clearinghouse No. 2008092006), and

WHEREAS, The City's Planning Commission held public hearings on May 13, 2009, to receive public comments on the Draft SEIR; and on August 11, 2010, to receive public comments on the Amendment to the Draft SEIR, and

WHEREAS, The Final SEIR is comprised of the Draft SEIR and Amendment to the Draft SEIR, comments on the Draft SEIR and Amendment to the Draft SEIR, responses to such comments and revisions to the Draft SEIR in response to those comments, and

WHEREAS, The Planning Commission considered the SEIR on December 15, 2010, and January 12, 2011, and reviewed all evidence presented both orally and in writing, and recommended, by adoption of Planning Commission Resolution Number 2011-001 that the City Council certify the EIR and adopt the findings in accordance with CEQA, which are more fully set forth in this Resolution, and

WHEREAS, The City Council considered the SEIR on February 1, 2011, and reviewed all evidence presented both orally and in writing;

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

1. Certification

The City Council certifies the following:

a. The City prepared the Supplemental EIR prepared in accordance with section 15163 of the CEQA Guidelines, as a supplement to the original Final EIR which the City previously certified when it originally adopted the City of Tracy General Plan in 2006 (hereafter, the "2006 General Plan FEIR"). As such, the City prepared the Supplemental EIR to address new environmental information relating to (1) additional amendments in the City's General Plan revising the City's Sphere of Influence; (2) the City's newly drafted Sustainability Action Plan; and (3) new information relating to greenhouse gas emissions which was not addressed in the 2006 General Plan FEIR.

b. The Supplemental EIR has been completed in compliance with the requirements of CEQA and the CEQA Guidelines (14 Cal. Code Regs. (hereafter referred to as "Guidelines")), and, in accordance with Guidelines § 15163(b), the Supplemental EIR contains such information as is necessary to make the 2006 General Plan FEIR adequate for approval of the amended City General Plan and the Sustainability Action Plan.

c. The 2006 General Plan FEIR, as revised by the Supplemental EIR, reflects the independent judgment and analysis of the City Council.

d. In rendering the CEQA findings adopted in this Resolution, and in acting upon the amended General Plan and the Sustainability Action Plan, the City Council is considering the 2006 General Plan FEIR as revised by the supplemental EIR.

e. The 2006 General Plan FEIR, as revised by the Supplemental EIR, is a Program EIR. The City's approvals of the amended General Plan and the Sustainability

Action Plan are both activities which are within the scope of this Program EIR, which adequately describes both the amended General Plan and the Sustainability Action Plan.

2. Significant Impacts

a. The EIR identifies potentially significant environmental impacts of the Project that can be mitigated to a less-than-significant level. The City Council makes the findings with respect to these significant impacts as set forth in Exhibit A. (Pub. Resources Code, § 21081; Guidelines, § 15091.)

b. The EIR identifies potentially significant environmental impacts of the Project that cannot be mitigated to a less-than-significant level and are thus considered significant and unavoidable. The City Council makes the findings with respect to these significant impacts as set forth in Exhibit A. (Pub. Resources Code, § 21081; Guidelines, § 15091.)

c. All other impacts identified in the EIR are less-than-significant without mitigation. Therefore, further findings are not required for those impacts.

3. Alternatives

The EIR includes four project alternatives, including the mandatory No Project alternative, which the City evaluated during Project analysis and review and in the EIR. The City Council finds these alternatives to be infeasible based on the findings as set forth in Exhibit B. (Pub. Resources Code, § 21081; Guidelines, § 15091.)

4. Statement of Overriding Considerations

The adoption of all feasible mitigation measures will not avoid or reduce to a less-than-significant level all significant adverse environmental effects caused by the Project. However, the City Council finds that the Project's benefits override and outweigh its unavoidable impacts on the environment, and adopts a Statement of Overriding Considerations, as set forth in Exhibit C. (Pub. Resources Code, § 21081(b); Guidelines, §§ 15043 and 15093.)

5. Mitigation Monitoring and Reporting Program

The City Council adopts the Mitigation Monitoring and Reporting Program as set forth in Exhibit D. (Pub. Resources Code, § 21081.6; Guidelines, 15097.) The Mitigation Monitoring and Reporting Program adopted on July 20, 2006 is still in effect and enforceable and will continue to apply to the General Plan, as amended.

6. Other Findings and Information

a. The City Council finds that there has been no significant new information that has been added to the SEIR after public notice was given of the availability of the Amendment to the Draft SEIR. This includes information showing that:

i. A new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented;

ii. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

iii. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project, but the Project's proponents decline to adopt it; or

iv. The Draft SEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Therefore, the City Council finds that it is not necessary to recirculate the Amendment to the Draft SEIR for further public review and comment. (Pub. Resources Code, § 21166; Guidelines, § 15088.5.)

b. The record upon which all findings and determinations related to the Project and the SEIR are based includes the following, all of which constitute substantial evidence:

i. The SEIR, and all documents referenced in or relied upon by the SEIR;

ii. All information (including written evidence and testimony) considered by City Staff and/or provided by City staff to the Planning Commission and City Council relating to the EIR;

iii. All information (including written evidence and testimony) presented to the Planning Commission and City Council by the environmental consultant and sub-consultants who prepared the SEIR, or incorporated into reports presented to City Staff and/or to the Planning Commission or City Council;

iv. All information (including written evidence and testimony) presented to the City by other public agencies relating to the SEIR or the Project;

v. All applications, letters, testimony and hearing presentations given by any of the project sponsors or their consultants to the City in connection with the Project;

vi. All information (including written evidence and testimony) presented to the City by members of the public relating to the SEIR or the Project;

vii. For documentary and information purposes, all City-adopted land use plans and ordinances, including, without limitation, general plans, specific plans, and ordinances, and all environmental impact reports and other CEQA documentation prepared in support of City's consideration and adoption of those regulations and policies;

viii. The Mitigation Monitoring and Reporting Program for the Project; and

ix. All other documents comprising the record of proceedings pursuant to Public Resources Code section 21167.6(e).

c. The findings contained in this Resolution are based upon substantial evidence in the entire record of the City's proceedings relating to the Project. All the evidence supporting these findings was presented in a timely fashion, and early enough to allow adequate consideration by the City. Any information not presented directly to the City Council or Planning Commission is nonetheless considered to have been before the City Council or Planning Commission because that information contributed to City staff's consideration and presentation to City Council and the Planning Commission of the Project and its environmental impacts, mitigation measures and alternatives. References to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings. Any reference to certain parts of the EIR set forth in these findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

d. The custodian of the documents and other materials that constitute the record of proceedings on which the City's decision is based is the Director of Development and Engineering Services, or designee. Such documents and other materials are located at 333 Civic Center Plaza, Tracy, California 95376. (Pub. Resources Code, § 21081(a)(2); Guidelines, § 15091(e).)

* * * * *

The foregoing Resolution No. _____ is hereby passed and adopted by the Tracy City Council on the 1st day of February, 2011, by the following vote:

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

Mayor

ATTEST:

City Clerk

Attachments: Exhibit "A" – Findings Related to Significant Impacts
Exhibit "B" – Findings Related to Alternatives
Exhibit "C" – Findings Related to Statement of Overriding Consideration
Exhibit "D" – Mitigation Monitoring and Reporting Program

EXHIBIT A (February 1, 2011)

FINDINGS RELATED TO SIGNIFICANT IMPACTS

While the 2006 General Plan EIR evaluated 15 environmental topics, the Supplemental EIR contains only those environmental analysis chapters for which the findings of the 2006 General Plan Draft EIR could change as a result of the General Plan Amendment and Sustainability Action Plan. The issues addressed in the Supplemental EIR include the following:

- Land Use
- Population, Employment and Housing
- Traffic and Circulation
- Noise
- Air Quality
- Greenhouse Gas (GHG) Emissions

This exhibit contains findings related to significant impacts identified in the Supplemental EIR for the topics listed above.

A. **Findings Associated with Potentially Significant Impacts that are Mitigated to a Less-Than-Significant Level**

Based upon the criteria set forth in the EIR, the City Council finds that the following environmental effects of the Project are potentially significant but will be mitigated to a less-than-significant level. (Pub. Resources Code, § 21081; Guidelines, § 15091.)

1. Noise

a. Impact and Mitigation

Impact NOI-2: Construction associated with development projected during the planning horizon of the proposed General Plan would temporarily elevate noise levels at adjacent land uses by 15 to 20 dBA or more.

Mitigation Measure NOI -2: In addition to the time-of-day restriction in Objective N-1.2, P4, the following standard construction noise control measures should be included as requirements at construction sites to minimize construction noise impacts:

- When necessary, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.
- Foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. The pre-drilling of foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.
- All construction projects shall comply with the Article 9 of the City of Tracy Municipal Code, the City's Noise Control Ordinance.

(Draft Supplemental EIR, pages 4.14-28 to 4.14-29.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impact NOI-2. Specifically, see for example: Goal N-1 of the Noise Element (page 9-15) [relating to protecting citizens from excessive noise].

The City Council further finds that Policy P6 of Objective N-1.3 (page 9-21) would lessen the significant effect of Impact NOI-2:

- P6. The City shall seek to reduce impacts from groundborne vibration associated with rail operations by requiring that vibration-sensitive buildings (e.g., residences) are sited at least 100-feet from the centerline of the railroad tracks whenever feasible. The development of vibration-sensitive buildings within 100-feet from the centerline of the railroad tracks shall require a study demonstrating that ground borne vibration issues associated with rail operations have been adequately addressed (i.e., through building siting or construction techniques).

The City Council further finds that Policy P4 of Objective N-1.2 of the Noise Element of the Draft General Plan (at page 9-19) will be revised as follows:

- P4. All construction in the vicinity of noise sensitive land uses, such as residences, hospitals, or convalescent homes, shall be limited to daylight hours or 7:00 AM to 7:00 PM. In addition, the following construction noise control measures shall be included as requirements at construction sites to minimize construction noise impacts:
- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
 - Locate stationary noise generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
 - Utilize “quiet” air compressors and other stationery noise sources where technology exists.
 - When necessary, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.
 - Foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. The pre-drilling of foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.
 - All construction projects shall comply with the Article 9 of the City of Tracy Municipal Code, the City’s Noise Control Ordinance.

The City Council finds that these policies in the General Plan, including revisions to Objective N-1.2, Policy P4, will avoid or substantially lessen the significant environmental effect identified in Impact NOI-2 to a less-than-significant level.

2. Air

a. Impact and Mitigation

Impact AIR-2: The proposed General Plan does not provide adequate buffers between new or existing sources of odors and new or existing residences or sensitive receptors.

Mitigation Measure AIR-2: Add a new Action under Objective AQ-1.2 as follows:

“Require supplemental project studies in accordance with CARB and SJVAPCD recommendations to evaluate air quality health risks for proposed developments with sensitive receptors proximate to Interstate 205, Interstate 580, or large truck warehousing facilities or truck facilities where trucks with transportation refrigeration units operate almost continuously. Mitigation measures to reduce significant health risks shall be included in final project designs.”

(Draft Supplemental EIR, pages 4.15-44 to 4.15-45.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impact AIR-2. Specifically, see for example: Objective AQ-1.2 of Goal AQ-1 of the Air Quality Element (page 10-23) [relating to promoting development that minimizes air pollutant emissions and their impact on sensitive receptors as a result of indirect and stationary sources]; and Objective AQ-1.3 of Goal AQ-1 of the Air Quality Element (page 10-26) [relating to providing a diverse and efficient transportation system that minimizes air pollutant emissions].

The City Council further finds that Policy P11 of Objective AQ-1.2 of Goal AQ-1 of the Air Quality Element of the Draft General Plan (at page 10-13) will be amended to read as follows:

P11. Residential developments and other projects with sensitive receptors shall be analyzed in accordance with CARB and SJVAPCD recommendations ~~located an adequate distance from odor sources such as freeways, arterial roadways and stationary air pollutant sources.~~

The City Council further finds that this change to the Draft General Plan will avoid or substantially lessen the significant environmental effect identified in Impact AIR-2 to a less-than-significant level.

B. Findings Associated with Significant and Unavoidable Impacts

Based upon the criteria set forth in the EIR, the City finds that the following environmental effects of the Project are potentially significant and unavoidable. (Pub. Resources Code, § 21081; Guidelines, § 15091.) However, as explained in the Statement of Overriding Considerations, these effects are considered to be acceptable when balanced against the economic, legal, social, technological and/or other benefits of the Project.

1. Population, Employment and Housing

a. Impact and Mitigation

Impact POP-1: Despite policies in the Community Character Element of the proposed General Plan to maintain and enhance quality of life as future growth occurs, development permitted under the proposed General Plan would result in approximately an additional 43,000 to 70,000 residents, 163,000 employees and 13,225 to 21,300 housing units for a total of 124,500 to 151,500 residents, 193,000 employees and 38,700 to 46,700 housing units at total buildout.

Mitigation Measure: No additional mitigation is available.

(Draft Supplemental EIR, page 4.4-14.)

Cumulative Impact (Impact POP-2): The project's impact on population, employment and housing, in combination with the growth that will occur in other communities throughout the County and the region, constitutes a significant and unavoidable cumulative impact.

Mitigation Measure: No additional mitigation is available.

(Draft Supplemental EIR, page 6-7.)

b. Findings

The City Council finds that actions, policies, objective and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impact POP-1 and the cumulative impacts related to population, employment and housing. Specifically, see for example: Objective CC-6.3, Policies P1 and P4 (pages 3-27 and 3-28) and Goals ED-6, ED-7 and ED-8 (pages 4-12 through 4-19) [providing some level of preservation and enhancement for existing neighborhoods and policy direction to enhance and support existing economic activity centers, and to ensure that Tracy has a competitive workforce and is able to respond quickly to changing economic conditions]. However, these will not reduce the impacts referenced above to a less than significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

2. Traffic and Circulation

a. Impact and Mitigation

Impact CIR-1: The proposed General Plan incorporates a range of features to help reduce the potential impact of future growth on regional roadways. However, traffic levels along regional roadways listed below will increase, creating a significant and unavoidable impact.

- ◆ I-205
- ◆ I-580
- ◆ I-5

- ◆ Patterson Pass Road
- ◆ Tesla Road

Mitigation Measure: No additional mitigation is available.

(Draft Supplemental EIR, pages 4.4-67 to 4.4-68.)

Cumulative Impact (Impact CIR-2): Despite measures in the proposed General Plan and Sustainability Action Plan to help reduce the potential impact of future growth in Tracy to regional roadways, the project's impact on regional roadways, in combination with growth and associated increases in traffic on regional roadways, constitutes a significant and unavoidable impact.

Mitigation Measure: No additional mitigation is available.

(Draft Supplemental EIR, pages 6-8 to 6-9.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impacts CIR-1 and the cumulative impacts related to traffic and circulation. Specifically, see for example: Objective CIR-2.1, Policies P1 through P4 (pages 5-28 and 5-29) [relating to supporting regional planning and implementation efforts to improve interregional highways and travel efficiency]; Objective ED-5.3, Policy P1 (page 4-11) [relating to supporting SJCOG and Caltrans efforts to widen I-205]; and Objective AQ-1.3, Policies P1, P2, P3, P4 and P6 and Actions A1 and A2 (pages 10-26 and 10-27) [relating to supporting ways to provide a diverse and efficient regional transportation system while decreasing air pollutant emissions]. However, these policies will not reduce the impacts referenced above to a less than significant level.

As discussed on page 4.4-59 of the Draft Supplemental EIR, there are several improvements proposed in the SJCOG Regional Transportation Plan (RTP) that could improve the operation of the regional roadway system; however, these improvements are not funded and cannot be anticipated to be constructed prior to 2030.

In addition, as discussed on pages 4.4-59 through 4.4-63 of the Draft Supplemental EIR, the following improvements and programs have been identified by SJCOG and the City, and could help to relieve the congestion on these regional roadways:

- ◆ Widening of Interstate 205 to eight lanes adjacent to the City of Tracy. This is a funded improvement in the RTP.
- ◆ Construction of a parallel or reliever route along Interstate 205. Alternate routes for such a strategy are being studied by SJCOG.
- ◆ Contribution to a regional or sub-regional fee program to facilitate the construction of regional freeway and transit facilities. Tracy is currently participating in SJCOG's Regional Transportation Impact Fee program, and the General Plan includes policies that support continuing participation in regional and sub-regional fee programs.

However, these regional roadway improvements and participation in the Regional Transportation Impact Fee program would not reduce the impacts to a less than significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

3. Noise

a. Impact and Mitigation

Impact NOI-1: The City's Noise Ordinance and policies in the proposed General Plan serve to control excessive sources of noise in the City and ensure that noise impacts from new projects are evaluated when they are reviewed. Despite these policies and regulations, significant noise levels increases (3 dBA Ldn or greater) associated with increased traffic would occur adjacent to existing noise sensitive uses along portions of Interstate 205, Grant Line Road, Schulte Road, Linne Road, Lammers Road, Corral Hollow Road, Tracy Boulevard, and MacArthur Drive. New roadways facilitated by the General Plan would also increase existing noise levels at receivers in Tracy.

Mitigation Measure: No additional mitigation is available.

(Draft Supplemental EIR, page 4.14-28.)

Cumulative Impact (Impact NOI-3): The project's impact related to noise level increases associated with new roadways facilitated by the proposed General Plan, in combination with the with noise level increases associated with the growth that will occur in other communities throughout the County and the region, constitutes a significant and unavoidable impact.

Mitigation Measure: No additional mitigation is available.

(Draft Supplemental EIR, page 6-18.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impact NOI-1 and the cumulative impacts related to noise. Specifically, see for example: Objective N-1.2, Policies P1 and P3 (pages 9-17 and 9-19) [relating to reducing noise from the City's roadways to existing residential areas to the extent feasible through enforcement and structural improvements]; Objective N-1.3, Policies P1, P2, P3 and P5 (pages 9-20 and 9-21) [relating to requiring evaluation and mitigation of a project's noise impacts as a condition of project approval]. However, these policies will not reduce the impacts referenced above to a less than significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

4. Air Quality

a. Impact and Mitigation

Impact AIR-1: The General Plan and Sustainability Action Plan would not be consistent with applicable clean air planning efforts of the SJVAPCD, since vehicle miles traveled that could occur under the General Plan would exceed that projected by SJCOG, which are used in projections for air quality planning. The projected growth could lead to an increase in the region's VMT, beyond that anticipated in the SJCOG and SJVAPCD's clean air planning efforts. Development in Tracy and the SOI would contribute to the on-going air quality issues in the San Joaquin Valley Air Basin.

Mitigation Measure AIR-1: The City of Tracy will facilitate development applicants' participation in the San Joaquin Valley Air Pollution Control District's Indirect Source Review program. The Indirect Source Review program requires developers of larger projects to reduce emissions and provides on-site mitigation measures to help developers reduce air impacts. However, the mitigation measure identified above may not completely mitigate this impact.

(Draft Supplemental EIR, page 4.15-44.)

Cumulative Impact (Impact AIR-3): Buildout under the proposed General Plan and Sustainability Action Plan is projected to lead to substantial increases in vehicle miles traveled and contribute to existing air quality issues in the San Joaquin Valley Air Basin. These air quality impacts associated with increases in regional traffic are anticipated to occur after 2030, constituting a cumulatively significant impact.

Mitigation Measure: No additional mitigation is available.

(Draft Supplemental EIR, page 6-18 to 6-19.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in AIR-1 and the cumulative impacts related to air quality. Specifically, see for example: Policies and Actions under Objectives AQ-1.1 through AQ-1.4 (pages 10-22 through 10-28) [relating to improving air quality through land use planning decisions; promoting development that minimizes air pollutant and greenhouse gas emissions and their impact on sensitive receptors; providing a transportation system that minimizes air pollutant emissions and supporting local and regional air quality improvement efforts]. However, these policies will not reduce the impacts referenced above to a less than significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

5. Greenhouse Gas Emissions

a. Impact and Mitigation

Impact GHG-1: Implementation of the proposed General Plan and Sustainability Action Plan would reduce GHG emissions from 2020 projected BAU conditions by between 22 and

28 percent. Therefore, the project would not meet the San Joaquin Valley Air Pollution Control District's threshold of reducing GHG emissions by 29 percent.

Mitigation Measure: While the proposed General Plan and Sustainability Action Plan do not meet the GHG threshold, the documents include all measures that are considered to be feasible at this time. The process to develop the Sustainability Action Plan and General Plan included a comprehensive review of other climate-related plans and policies, including the California Air Pollution Control Officers Association's (CAPCOA) *Model Policies for Greenhouse Gases in General Plans* and Green Cities California's *Best Practices*, and recommendations from the consultant team in order to identify a wide array of potential measures. All measures that were considered feasible were included in the General Plan and Sustainability Action Plan. In addition, in response to comments provided in Letter ORG-4 in the Final Supplemental EIR (pages 5-63 through 5-106), the City carefully considered additional measures suggested by the Center for Biological Diversity, and subsequently revised and added General Plan policies and Sustainability Action Plan measures based on this review. Furthermore, in response to the comments in Letter ORG-4, the City re-examined the policies and measures in the General Plan and Sustainability Action Plan to determine whether any could be added or strengthened to reduce GHG emissions, and the City consulted a new document entitled *Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures*, which had been published by CAPCOA after publication of the Draft Supplemental EIR. Given this exhaustive review of potential mitigation measures, the City Council finds that all feasible mitigation known to the City at this time has been incorporated into the General Plan and Sustainability Action Plan. Mitigation measures that are considered to be infeasible are identified and discussed in the Supplemental EIR.

(Draft Supplemental EIR, pages 4.16-18 to 4.16-19.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan and Sustainability Action Plan to substantially lessen the significant environmental effects identified in Impact GHG-1 and the cumulative impacts related to noise. Specifically, see for example: policies under Objective LU-1.4 [related to promoting increased densities and efficient land uses]; objectives, policies and actions under Goal AQ-1 [related to reducing GHG emissions]; and Sustainability Action Plan measures, including Measures SW-2, T-14 and E-4, which would together reduce the city's GHG emissions by over 137,500 metric tons of carbon dioxide equivalent, as shown in Table 5-1 of the Sustainability Action Plan. However, these policies and measures will not reduce the impacts referenced above to a less-than-significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

EXHIBIT B (February 1, 2011)

FINDINGS RELATED TO ALTERNATIVES

The EIR describes and evaluates four alternatives to the proposed project. While all of the alternatives have the ability to reduce environmental impacts, none of the alternatives can completely reduce all of the environmental impacts to a level of insignificance.

The Supplemental EIR considers the same alternatives that were evaluated in the 2006 General Plan EIR. The alternatives evaluation in the Supplemental EIR only considers alternatives in light of significant impacts that are the result of the General Plan Amendment and Sustainability Action Plan; it does not address significant impacts that were found in the 2006 General Plan Draft EIR. The only new or modified impacts as a result of the General Plan Amendment and Sustainability Action Plan are Impacts AIR-3 and GHG-1, which are related to cumulative air quality issues and greenhouse gas (GHG) emissions, respectively. In regards to Impact AIR-3, the Draft Supplemental EIR finds that although all four alternatives would result in reductions in vehicle miles traveled (VMT) and regional traffic relative to the proposed project, they would still increase VMT relative to existing conditions and result in the same significant and unavoidable cumulative air quality impact as the project. In regards to Impact GHG-1, the Draft Supplemental EIR finds that reductions in vehicle trips would significantly reduce GHG emissions under all four alternatives, representing a substantial improvement over the proposed project.

Because the Supplemental EIR evaluates the same alternatives that were considered in the 2006 General Plan EIR, the findings related to alternatives that were adopted by the City Council for the 2006 General Plan EIR are still applicable. As explained below, the City Council finds the various alternatives to be infeasible. Whether an alternative is considered to be feasible involves a determination of whether it is capable of being successfully accomplished within a reasonable period of time, taking into account environmental, economic, legal, social, technological and/or other relevant factors. A key factor is the degree to which the project and alternatives to the Project will implement relevant City goals and policies.

Under CEQA, feasibility also encompasses “desirability” to the extent desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.

The City Council finds that when looked at as a whole, and considering the benefits presented by the project together with its potential environmental impacts, the project offers a reasonable and desirable means for achieving important City goals, policies and objectives including, among others, to increase land supply for industrial, office and employment-generating uses in key opportunity areas and balance this with the development of new housing, the preservation and enhancement of community character and the protection of open space and agricultural lands. The project comprises a feasible and reasonable method of achieving these City goals, policies and objectives while offering benefits to the public that would not otherwise occur in the absence of the Project. As explained in more detail below, the City Council finds that the alternatives to the Project will not achieve these important City objectives to the same

degree as the proposed Project, and are therefore less desirable. Further, as explained in the findings for each alternative below, unlike the project, some of the alternatives would impede achievement of City policies and objectives.

A. No-Project Alternative

This alternative is required by CEQA, and assumes that the General Plan would not be adopted, new uses proposed in the General Plan would not occur, and new policies would not be implemented. The purpose of describing and analyzing a No Project alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project. Under this alternative, the proposed General Plan would not be adopted and the existing General Plan for the City of Tracy, including the existing Sphere of Influence (SOI), would remain in effect. This alternative includes development projected in both the Tracy Hills Specific Plan and Tracy Gateway Planned Unit Development areas, since these areas have adopted plans. The City Council finds that this alternative is less desirable than the proposed project and is infeasible, and therefore rejects this alternative for the following reasons:

1. One of the City's long-term goals is to increase its land supply for industrial, office and employment-generating uses in targeted areas, which will provide a balance with the development of new housing. This goal is emphasized a number of times throughout the proposed Plan, including in the opening Vision Statement (pages 1-1 and 1-2), and in the Land Use Element where an expansion of the Sphere of Influence is key to the creation of expanded opportunities for flex-office uses, industrial and office development (see General Plan Figure 2-2, page 2-15; Goal LU-2, pages 2-39 through 2-42; and Urban Reserve 6 of the Land Use Element, pages 2-72 and 2-73). Because the No Project Alternative does not include an expansion of the Sphere of Influence, it does not as effectively further this goal.
2. The General Plan includes a new Economic Development Element, which was based on the City's adopted Economic Development Strategy (Resolution #2003-094, adopted April 2003). The Economic Development Element will serve to promote a diversified and sustainable local economy, a supportive business environment, job and workforce development, and an adequate and balanced land supply (see Goals ED-1 through ED-9, pages 4-7 through 4-19). This Alternative would not include an Economic Development Element; and therefore would not as effectively further these goals and the City's Economic Development Strategy.
3. Major public infrastructure projects, such as the widening of I-205 (in which the City is a participant) and the construction of the Mountain House Parkway interchange, are in progress. Developing and being able to effectively utilize such infrastructure projects are an important objective of the new Economic Development Element (see Objective ED-5.3, page 4-11). The No Project Alternative does not include an expansion of the Sphere of Influence, and therefore does not include Urban Reserve 6, which lies along I-205. The City would not as effectively be able to

benefit from these improvements under the No Project Alternative, and the City would lose the opportunity in planning for the most appropriate job-generating uses for these areas.

4. It is a goal of the City that the Holly Sugar property remains as open space, including the potential for public access. This goal has been incorporated into the proposed General Plan (see Land Use Element, pages 2-56 and 2-57; and Open Space and Conservation Element Objective OSC 4-4, page 6-28). The No Project does not include an expansion of the Sphere of Influence, and does not include the majority of Holly Sugar property. Therefore, the No Project alternative would not further this goal.
5. The Land Use Element (see Goal LU-5, page 2-44; and Area of Special Consideration [The Bowtie], pages 2-51 and 2-53), the Community Character Element (Goal CC-8, page 3-31), and Economic Development Element (Objective ED-6.1, page 4-12) of the proposed General Plan include policy direction to enhance downtown, preserve historic structures, and revitalize neighborhoods adjacent to downtown. The No Project Alternative would not as effectively further these goals because it does not include the specific policies to attract anchor uses, increase residential densities, continue a street grid pattern into the Bowtie, orient buildings towards the pedestrian network, enhance the pedestrian environment, and require architecture that preserves downtown's historic integrity. New development, including development in the Tracy Hills Specific Plan area, would not be subject to these improved design principals.
6. It is a goal of the City to promote connectivity between modes of transit, a high level of street connectivity, a balanced transportation system and protection from truck traffic and for bicycle users (see Goal CIR-1, pages 5-19 through 5-28; Goal CIR-3, pages 5-30 through 5-32; and Goal CIR-4, pages 5-32 through 5-35). The No Project Alternative would not as effectively further this goal because is would not contain policies to implement a Level of Service policy to provide for movement of goods and people at the same time as developing a hierarchical street system that is sensitive to the land uses served that provide a high-level of connectivity, and emphasizes multi-mode transportation.
7. Growth Management goals would be weakened under this alternative because no specific policy direction would be in place to guide the next increment of residential growth (see Goal LU-1, Objective LU-1.4, page 2-35; and General Plan Figure 2-3, page 2-36).
8. Conservation goals would be weakened under this alternative because specific policy language related to energy conservation would not be in place (see Goal OSC-5, page 6-30).
9. When compared to the proposed Plan, the No Project Alternative does not have the same level of comprehensive policy direction in many areas, including land use, economic development, orderly growth management,

energy, community character, noise and air quality as the proposed General Plan.

B. Concentrated Growth Alternative

Under this alternative, the General Plan would include policy direction to ensure that new growth would be concentrated near the existing urbanized area (both within and outside the City limits). This alternative would include development of all available land within the existing City limits, except for the Tracy Hills Specific Plan area. It would also include development in areas identified as "Secondary Residential Growth Areas" in Figure 2-3 of the proposed General Plan. Under this alternative, the City's Sphere of Influence would be contracted to encompass only these areas identified for development. The same General Plan land use designations as under the proposed General Plan would be applied to these areas. All other policies proposed for the General Plan would be included. The City Council finds that this alternative is infeasible and less desirable than the proposed Project and rejects this alternative for the following reasons:

1. One of the City's long-term goals is to increase its land supply for industrial, office and employment-generating uses in targeted areas, which will provide a balance with the development of new housing. This goal is emphasized a number of times throughout the proposed General Plan, including in the opening Vision Statement (see pages 1-1 to 1-2), and in the Land Use Element where an expansion of the Sphere of Influence is key to the creation of expanded opportunities for flex-office uses, industrial and office development (see General Plan Figure 2-2, page 2-15; Goal LU-2, pages 2-39 through 2-42; and Urban Reserve 6 of the Land Use Element, pages 2-72 and 2-73). Under the Concentrated Growth Alternative, the only areas for flex-office development would be the areas along Tracy Boulevard, south of Valpico Road, that are part of the Industrial Areas Specific Plan, and a small number of infill sites along Mariani Court and Larch Road. This does not provide for land to accommodate an expansion of flex office uses as stated above and as established in the policy direction contained in the Economic Development Element (see Goal ED-6, Objectives ED-6.6 and ED-6.7, pages 4-15 through 4-17).
2. In addition to a smaller land supply, the Concentrated Growth Alternative would not include specific areas that have been identified as important economic development opportunities in the City's Economic Development Strategy (Resolution #2003-094, adopted April 2003), the policies and recommendations of which have been carried over into the proposed Plan's Economic Development Element. This alternative would be inconsistent with the City's vision for the Sphere of Influence that could be considered for future development to meet growth needs. Specifically, the City's land use and economic development goals target specific areas along the City's entryways, such as I-205, I-580 and I-5, to attract new higher-end office and office-flex uses (see Goal LU-2, page 2-39; Urban Reserve 6 description and policies, pages 2-72 and 2-73; and Goal ED-5, page 4-10). Major public roadway improvement projects, such as widening of I-205 (in which the City is a participant) and construction of

the Mountain House Parkway interchange support economic development opportunities in these areas. The Concentrated Growth Alternative does not include areas such as Urban Reserve 6 (along I-205) and the Tracy Hills Specific Plan area (along I-580), which would preclude the City from being able to plan for the most appropriate job-generating uses for these areas, as called for under Land Use Element Goals (see Objective LU-2.3, Policy P3, page 2-41).

3. The mix of uses proposed as part of the adopted Tracy Hills Specific Plan area would provide important job-generating office and industrial uses in close proximity to housing at a mix of intensities, which supports the City's policies of expanding economic development in the Tracy Hills Specific Plan Area (see Objective ED-6.9, Policy P1, page 4-17; Objective LU-2.3, Policy P3, page 2-41; and Objective LU-2.4, Policy P3, page 2-42). The Tracy Hills Specific Plan would help the City retain high-quality employment opportunities for its residents, reduce jobs-housing imbalance, and reduce the numbers of commuters. As a result, the economic and cultural base of the City would be strengthened. In support of these goals, a great deal of effort has been given to moving this project forward and many City approvals are already in place (City Council resolution 98-001 Certifying the Tracy Hills Specific Plan EIR, City Council resolution 98-002 approving annexation of the Tracy Hills Specific Plan area, City Council resolution 98-003 approving the Tracy Hills Specific Plan). This alternative would not include Tracy Hills, and would be inconsistent with the residential growth management policies of the General Plan including the Secondary Residential Growth Areas map (see Objective LU-1.4, page 2-35; and General Plan Figure 2-3, page 2-37). Under this alternative, the Tracy Hills Specific Plan area, which is a comprehensively planned development, would require de-annexation from the City limits. To pursue a de-annexation at this late stage of the planning process is undesirable.
4. It is a goal of the City that the Holly Sugar property be included within the City's Sphere of Influence. The General Plan creates special policy direction, which is called out in the General Plan as an Area of Special Consideration, to ensure that the property will remain as open space, including the potential for a publicly accessible open space area (see page 2-51). Specifically, the City desires to comprehensively plan for the Holly Sugar property to provide both public infrastructure benefits to the Tracy Community through environmentally sensitive re-use of treated wastewater, but also to incorporate accessible open space planning into the long-range future for use of the property (see Land Use Element, Areas of Special Consideration, page 2-51; Objective PF-6.5, Policy P3, page 7-29; Objective PF-7.2, Policy P1, page 7-34; Objective PF-7.4, Policy P2, page 7-35; and Objective OSC-4.4, Action A1, pages 6-29 and 6-30). The Concentrated Growth Alternative excludes this area from the Sphere of Influence and fails to provide the policy direction to realize these City goals, objectives, policies, and actions.
5. It is a goal of the City that urbanization not occur in unincorporated County areas outside the Sphere of Influence (see Objective LU-8.1,

Policies P1, P2 and P3, pages 2-49 and 2-50). Under this alternative, the proposed expansion of the Sphere of Influence would not occur, the Sphere of Influence would be contracted, and the City would lose influence over potential development and the ability to plan comprehensively in the best interests of the City in areas that would otherwise be exclusively subject to San Joaquin County development processes. Therefore, in such areas, the City would lose its ability to ensure the most appropriate comprehensive planning and the policy guidance related to air quality, energy conservation, circulation, and public facilities contained within the General Plan would not be required (see Objectives CIR-1.1 through CIR-1.7, pages 5-19 through 5-28; Objective CIR 3-1, pages 5-30 through 5-32; Objectives CIR-4.1 and CIR 4.2, pages 5-32 through 5-35; Objectives OSC-5.1 and OSC-5.2, pages 6-30 through 6-32; Objective PF-6.3, page 7-27; Objective PF-6.5, Policies P1 through P4, page 7-29; Objective PF-7.3, page 7-34; Objectives AQ-1.1 and AQ-1.2, pages 10-22 through 10-26). Additionally, a goal of the City is to ensure outstanding urban design. Development within San Joaquin County would not be subject to the City's design standards (see Objectives CC-1.1 through CC-1.5, pages 3-14 through 3-17; Objectives CC-2.1 and CC 2.2, pages 3-17 through 3-19; Objective CC-4.1, pages 3-20 through 3-22; Objectives CC-11.1 through CC-11.3, pages 3-39 through 3-42).

6. It is a goal of the City to have mixes of residential types in close proximity within neighborhoods, and that land use and housing product types not be isolated from one-another. Achieving the urban design objectives that create architecturally, socially, and economically diverse neighborhoods, as discussed in the General Plan, would not be achieved under the Concentrated Growth Alternative. Significant policy direction in the General Plan related to land use planning, community character, and urban design would not be feasible to implement under the Concentrated Growth Alternative. Specifically, the mix of housing types would be limited because the Concentrated Growth Alternative would result in much more development of medium density (5.9 to 12 units per acre) and high density (12.1 to 25 units per acre) projects in close proximity to one another than is desirable (See Objective CC-6.1, Policies P1 through P8, pages 3-25 and 3-26; Objective CC-6.2, Policies P1 through P7 and Action A1, pages 3-26 through 3-27). Numerous workshops throughout the General Plan update process focused on the desire to mix densities and achieve a greater housing type variety in close proximity to one another throughout all areas planned for future residential growth (see Draft Supplemental EIR, pages 3-7 and 3-8). Additional policies related to mixes of housing types that would not be feasible under this alternative include: Objective LU-2.1, Policy P1, pages 2-39 and 2-40; Objective LU-4.1, Policy P1, page 2-43; and Objective CC-6.1, Policies P2 and P3, page 3-25. Overbuilding multifamily units under the Concentrated Growth Alternative would adversely impact the City's ability to ensure mixes of residential housing types in new development areas and new neighborhoods. Also included in the mix of residential uses are low-density land use designations to accommodate estate developments. This type of housing development is important to attract business

professionals to Tracy, thereby increasing the opportunity to expand the diversity of businesses, and establish a locally based high-skilled workforce.

C. City Limits Alternative

Under this alternative, the proposed General Plan land use designations would be applied to all land within the existing City limits. The SOI would be contracted to become coterminous with the existing City limits. All other policies proposed for the General Plan would be included. The City Council finds that this alternative is infeasible and less desirable than the proposed Project and rejects this alternative for the following reasons:

1. One of the City's long-term goals is to increase its land supply for industrial, office and employment-generating uses in targeted areas, which will provide a balance with the development of new housing. This goal is emphasized a number of times throughout the proposed Plan, including in the opening Vision Statement (pages 1-1 and 1-2), and in the Land Use Element where an expansion of the Sphere of Influence is key to the creation of expanded opportunities for flex-office uses, industrial and office development see General Plan Figure 2-2, page 2-15; Goal LU-2, pages 2-39 through 2-42; and Urban Reserve 6 of the Land Use Element, pages 2-72 and 2-73). Because the City Limits Alternative does not include an expansion of the Sphere of Influence, and would require that the Sphere of Influence be contracted to exclude areas immediately adjacent to the City limits, it does not further this goal. The City Limits Alternative includes a considerably smaller land supply and would not meet the City's vision to increase its land supply for industrial, office and employment-generating uses and balancing this with the development of new housing, as effectively as the proposed General Plan (see Goal ED-4, page 4-10).
2. It is a goal of the City to expand the I-205 Corridor Specific Plan Area, as this area is viewed as a key component of the General Plan to achieve an expanded retail base for the City. This alternative would not promote an expansion of the I-205 Corridor Specific Plan area as well as the General Plan (see Objective LU-2.2, page 2-40; and Objective ED-6.6, page 4-15).
3. While it would allow for development along I-580 in the Tracy Hills Specific Plan area, overall, the City Limits alternative would exclude specific areas that have been identified as important economic development opportunities in the City's Economic Development Strategy (Resolution #2003-094, adopted April 2003), the policies and recommendations of which have been carried over into the proposed Plan's Economic Development Element. The specific areas targeted as economic development opportunities excluded under this alternative include areas along the City's entryways, such as I-205, I-580 and I-5, for attracting new higher-end office and office-flex uses. Major public roadway improvement projects, such as widening of I-205 (in which the City is a participant) and construction of the Mountain House Parkway

interchange, both of which are under construction, support economic development opportunities in these areas. The City Limits Alternative would preclude the City from being able to plan for the most appropriate job-generating uses for these areas, as called for in the City's adopted Economic Development Strategy and stated in Land Use Element and Economic Development Goals (see Goal LU-2, page 2-39; Urban Reserve 6 description and policies, pages 2-72 and 2-73; and Goal ED-5, page 4-10).

4. It is a goal of the City that the Holly Sugar property be included within the City's Sphere of Influence. The General Plan creates special policy direction, which is called out in the General Plan as an Area of Special Consideration, to ensure that the property will remain as open space, including the potential for a publicly accessible open space area. Specifically, the City desires to comprehensively plan for the Holly Sugar property to provide both public infrastructure benefits to the Tracy Community through environmentally sensitive re-use of treated wastewater, but also to incorporate accessible open space planning into the long-range future for use of the property (see Land Use Element: Areas of Special Consideration, page 2-51; Objective PF-6.5, Policy P3 page 7-29; Objective PF-7.2, Policy P1, page 7-34; Objective PF-7.4, Policy P2, page 7-35; and Objective OSC-4.4, Action A1, pages 6-29 and 6-30). The City Limits Alternative excludes this area from the Sphere of Influence and fails to provide the policy direction to realize these City goals, objectives, policies, and actions. This alternative excludes this area from the Sphere of Influence and fails to provide the policy direction to realize these City goals and objectives.
5. It is a goal of the City that urbanization not occur in unincorporated County areas outside the Sphere of Influence (see Objective LU-8.1, Policies P1 through P3, pages 2-49). Under this alternative, the proposed expansion of the Sphere of Influence would not occur, the Sphere of Influence would be contracted, and the City would lose influence over potential development and the ability to plan comprehensively in the best interests of the City in areas that would otherwise be exclusively subject to San Joaquin County development processes. Therefore, in such areas, the City would lose its ability to ensure the most appropriate comprehensive planning and the policy guidance related to air quality, energy conservation, circulation, and public facilities contained within the General Plan would not be required (see Objectives CIR-1.1 through CIR-1.7, pages 5-19 through 5-28; Objective CIR 3-1, pages 5-30 through 5-32; Objectives CIR-4.1 and CIR 4.2, pages 5-32 through 5-35; Objectives OSC-5.1 and OSC-5.2, pages 6-30 through 6-32; Objective PF-6.3, page 7-27; Objective PF-6.5, Policies P1 through P4, page 7-29; Objective PF-7.3, page 7-34; Objectives AQ-1.1 and AQ-1.2, pages 10-22 through 10-26). By effectively eliminating the City's Sphere of Influence, this Alternative would be contrary to sound planning principals. Spheres of influence serve as an important tool to facilitate planning, shape logical and orderly development, and foster coordination between local government agencies. (See Government Code, sections 56001 and 56425.) Additionally, a goal of the City is to ensure outstanding urban

design. Development within San Joaquin County would not be subject to the City's design standards (see Objectives CC-1.1 through CC-1.5, pages 3-14 through 3-17; Objectives CC-2.1 and CC 2.2, pages 3-17 through 3-19; Objective CC-4.1, pages 3-20 through 3-22; Objectives CC-11.1 through CC-11.3, pages 3-39 through 3-42).

D. Existing Sphere of Influence Alternative

Under this alternative, the proposed General Plan land use designations would be applied to all land within both the existing City limits and the existing Sphere of Influence (SOI). However, no new development-oriented General Plan designations or development would occur outside of the existing SOI. All other policies proposed for the General Plan would be included. The City Council finds that this alternative is infeasible and less desirable than the proposed Project and rejects this alternative for the following reasons:

1. While it encompasses a similar extent of area, it does not meet the City's long-term goals and objectives of the proposed Plan since it would exclude key economic development and targeted open space areas from the SOI, thereby precluding the City from having any influence regarding planning decisions and leaving planning control exclusively under the County. The Existing Sphere of Influence Alternative would not include Urban Reserve 6, which represents a key economic development opportunity for the City, particularly in light of major public infrastructure projects that are underway, such as widening I-205 (in which the City is a participant) and construction of the Mountain House Parkway interchange. Adoption of this alternative would preclude the City from having the ability to plan for the most appropriate job-generating uses for these areas, as called for in the City's adopted Economic Development Strategy, and as stated in the Land Use and Economic Development Elements see Goal LU-2, page 2-39; Urban Reserve 6 description and policies, pages 2-72 and 2-73; and Goal ED-5, page 4-10).
2. The majority of the Holly Sugar property would not be included within the City's SOI in the Existing Sphere of Influence Alternative, which is called out in the proposed Plan as an Area of Special Consideration with policies to ensure that the property will remain as open space, including the potential for a publicly accessible open space area. Specifically, the City desires to comprehensively plan for the Holly Sugar property to provide both public infrastructure benefits to the Tracy Community through environmentally sensitive re-use of treated wastewater (see Objective PF-6.5, Policy P3, pages 7-29; Objective PF-7.2, Policy P1, page 7-34; and Objective PF-7.4, Policy P2, page 7-35), but also to incorporate accessible open space planning into the long-range future for use of the property (Objective OSC-4.4, Action 1, pages 6-29 and 6-30). This alternative excludes the majority of this area from the Sphere of Influence, thereby failing to provide the policy direction to realize these City goals and objectives.

EXHIBIT C (February 1, 2011)

FINDINGS RELATED TO STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council adopts and makes this Statement of Overriding Considerations concerning the project's unavoidable significant impacts to explain why the project's benefits override and outweigh its unavoidable impacts.

The project represents the best possible balance between the City's goals, objectives, and policies relating to on-going residential growth, development of employment areas, and open space and agricultural preservation. As more fully described below, the project will bring substantial benefits to the City, including: increasing the City's ability to plan for key areas for economic development; augmenting policy guidance to preserve and enhance community character; incorporating policy guidance to protect agricultural land and other open space areas; supporting provision of a diversity of housing types; and providing a policy framework for orderly expansion and systematic, continual upgrade of transportation and utility infrastructure and services.

The City Council finds that the project's unavoidable significant impacts are acceptable in light of the project's benefits. Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, despite each and every unavoidable impact. This Exhibit C also incorporates the findings contained in Exhibit B (relating to Alternatives), and the substantial evidence upon which they are based.

1. The project provides the most comprehensive and balanced approach for economic development, and serves an important role in implementing the City's adopted Economic Development Strategy (Resolution #2003-094, adopted April 2003). This comprehensive approach consists of promoting and revitalizing key economic development centers, including the Downtown and other commercial infill areas within in the City limits. It also recognizes that the City's ability to compete with other jurisdictions, in attracting higher-wage and higher-skilled office and technology employment opportunities, depends upon having a land supply in locations that best serve these economic sectors.
2. The project will allow the City to increase its land supply and plan for new industrial, office and retail uses in key opportunity areas, such as along the City's entryways (e.g. I-205, I-580 and I-5). The project includes large, contiguous parcels of undeveloped land designated for industrial, office and retail uses along key regional corridors that will help attract economic development in sectors of industry with long-term growth and income potential, such as management, financial and business services and technology.
3. The project will allow the City to better take advantage of certain public infrastructure projects that are occurring in and around Tracy, such as the widening of I-205 (in which the City is a participant) and construction of the Mountain House Parkway interchange.
4. The project would allow the City, rather than San Joaquin County, to plan for the most appropriate job generating uses in areas located along key regional

corridors. Leaving future planning of these areas to the County may adversely affect the City's ability to attract higher-income jobs and higher tax revenues, and thus, affect the City's ability to meet its long-term economic development objectives.

5. Currently many of Tracy's employed residents commute outside of Tracy—many as far as the Bay Area—for higher-wage and higher-skilled job opportunities. A more diversified local economy, with expanded higher-wage job opportunities and a full range of shopping and entertainment options would enhance residents' overall quality of life. The commercial and industrial land uses identified in the proposed General Plan will allow the City to provide additional employment opportunities for residents. The General Plan and Sustainability Action Plan contain policies and measures to improve the match between housing options and Tracy workers' housing needs, as well as the match between employment options and Tracy residents' employment needs. This would reduce the need for residents to travel outside the community, and improve the City's jobs-housing balance and match.
6. The project would improve the tax base of the community by expanding the retail base, and thus, provide increased funding for services and facilities for Tracy residents.
7. The project would provide a more diverse range of housing opportunities. The Land Use Element includes policies that support the types of new residential development that best serve a diverse workforce. This includes goals and policies to: promote an increased supply of housing affordable to all economic segments of the community, which includes improving and preserving existing stock of affordable housing (see Objective LU-4.1, Policies P1 through P3, page 2-43); promote infill development, affordable housing, senior housing (see Objective LU-1.4, Policies P2, P4, and Action A1, pages 2-35 and 2-38); and provide for lower density, residential estate housing, that will attract business professionals in the management, financial services and technology sectors of the economy.
8. The Sphere of Influence under the project includes the Holly Sugar property, which is called out in the proposed General Plan as an Area of Special Consideration with policies to ensure that the property will remain as open space, with the potential for public access.
9. The General Plan and Sustainability Action Plan contain policies and measures to reduce the city's greenhouse (GHG) emissions. The proposed General Plan Land Use Element includes new policies to encourage Downtown sites to be developed at the highest densities possible. In the Community Character Element, proposed policies encourage the development of urban green spaces, promote the incorporation of pedestrian and bicycle access into site design, and discourage new strip commercial development. The Economic Development Element includes proposed policies encouraging green businesses, local procurement of green products, and employment opportunities that reduce the need for vehicle trips. The Circulation Element proposes additional policies to encourage alternatives modes of transportation and use sustainable materials in road construction and repair projects. Proposed policies in the Open Space and

Conservation Element incorporate resource conservation. The proposed Public Facilities Element calls for rehabilitating and reusing municipal buildings whenever feasible. In the Air Quality Element, proposed policies would develop a green building standard for new development, encourage solar panels on new development, encourage use of light emitting diodes (LED) for outdoor lighting, and reduce GHG emissions from municipal operations and new development.

The proposed Sustainability Action Plan includes 39 measures in the energy, transportation and land use, solid waste and water sectors that would reduce GHG emissions. In total, it is estimated that measures in the General Plan and Sustainability Action Plan would reduce 2020 BAU GHG emissions by between 382,422 and 486,115 metric tons of carbon dioxide equivalent.

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CITY OF TRACY GENERAL PLAN AND SUSTAINABILITY ACTION PLAN

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/ Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p><u>Mitigation Measure NOI-2:</u> In addition to the time-of-day restriction in Objective N-1.2, P4, the following standard construction noise control measures should be included as requirements at construction sites to minimize construction noise impacts:</p> <ul style="list-style-type: none"> ◆ When necessary, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected. ◆ Foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. The pre-drilling of foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. ◆ All construction projects shall comply with the Article 9 of the City of Tracy Municipal Code, the City’s Noise Control Ordinance. 	Development & Engineering Services	Modify text prior to approval of General Plan Update	Development & Engineering Services	Verify text is modified	Once
<p><u>Mitigation Measure AIR-1:</u> The City of Tracy will facilitate development applicants’ participation in the San Joaquin Valley Air Pollution Control District’s Indirect Source Review program. The Indirect Source Review program requires developers of larger projects to reduce emissions and provides on-site mitigation measures to help developers reduce air impacts. However, the mitigation measure identified above may not completely mitigate this impact. Therefore, it is considered a significant and unavoidable impact.</p>	Development & Engineering Services	Revise building permit application materials within 30 days	Development & Engineering Services	Verify materials have been updated	Once
<p><u>Mitigation Measure AIR-2:</u> Add a new Action under Objective AQ-1.2 as follows: “Require supplemental project studies in accordance with CARB and SJVAPCD recommendations to evaluate air quality health risks for proposed developments with sensitive receptors proximate to Interstate 205, Interstate 580, or large truck warehousing facilities or truck facilities where trucks with transportation refrigeration units operate almost continuously. Mitigation measures to reduce significant health risks shall be included in final project designs.”</p>	Development & Engineering Services	Modify text prior to approval of General Plan update	Development & Engineering Services	Verify text is modified	Once

RESOLUTION _____

ADOPTING THE GENERAL PLAN AMENDMENT OF 2011 WITH THE EXCEPTION OF THE HOUSING ELEMENT

WHEREAS, On July 20, 2006, the City Council adopted the City of Tracy General Plan of 2006, and

WHEREAS, In 2007, the City of Tracy began the process of petitioning for approval of the Sphere of Influence from the Local Agency Formation Commission (LAFCo), and

WHEREAS, LAFCo had adopted revised policies regarding Spheres of Influence, thus requiring the City to revise the proposed Sphere within the General Plan, and

WHEREAS, The City held workshops and public hearings on December 2, 2007, January 15, 2008, February 5, 2008, April 1, 2008, June 3, 2008, and July 15, 2008 to discuss revisions to the Sphere of Influence, and

WHEREAS, These revisions, along with work related to strengthening policies related to sustainability and creation of a Sustainability Action Plan (SAP) resulted in the General Plan Amendment, titled Tracy General Plan Amendment of 2011, and

WHEREAS, The City of Tracy General Plan consists of the following ten elements: the Land Use Element, the Community Character Element, the Economic Development Element, the Circulation Element, the Open Space and Conservation Element, the Public Facilities and Services Element, the Safety Element, the Noise Element, the Air Quality Element, and the Housing Element, and

WHEREAS, The City's Housing Element is being updated separately from the other elements of the General Plan given the unique timing and other requirements that are contained in the State housing element law (Government Code Sections 65580-65589.8), and

WHEREAS, Pursuant to the California Environmental Quality Act ("CEQA"), the Planning Commission recommended that the City Council: certify a Final Supplemental Environment Impact Report (SEIR) for the General Plan; make findings related to significant impacts, alternatives, and Statement of Overriding Considerations; and adopt a Mitigation Monitoring and Reporting Program, and

WHEREAS, The Planning Commission met to discuss the General Plan Amendment on June 23, July 14, August 25, and October 27, 2010, and

WHEREAS, The Planning Commission conducted a public hearing to consider the General Plan on December 15, 2010, and by adoption of a resolution recommended that the City Council approve the General Plan Amendment, and

WHEREAS, The City Council conducted a public hearing to consider the General Plan Amendment on February 1, 2011;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby adopt the General Plan Amendment of 2011 as set forth in Exhibit A, based on the following:

- a. The General Plan constitutes a comprehensive, long term document capable of guiding the future development of the City.
- b. The General Plan meets all of the requirements for such plans as contained in the Planning and Zoning Law (Government Code Sections 65300-65303.4) and other laws.
- c. The General Plan contains all seven elements mandatory by section 65303 of the Government Code. These are the Land Use Element, the Circulation Element, the Housing Element, the Conservation Element, the Open Space Element, the Noise Element, and the Safety Element. The Conservation and Open Space Elements are combined in the General Plan as the Open Space and Conservation Element. The General Plan also contains two optional elements: The Community Character Economic Development Elements. As stated above, the Housing Element is being considered separately.
- d. The General Plan has been prepared and adopted in accordance with the requirements of the Planning and Zoning Laws.

* * * * *

The foregoing Resolution is hereby passed and adopted by the Tracy City Council on the 1st day of February, 2011, by the following vote:

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

Mayor

ATTEST:

City Clerk

Exhibit A—General Plan (distributed January 21, 2011)

RESOLUTION _____

ADOPTING THE SUSTAINABILITY ACTION PLAN

WHEREAS, On July 20, 2006, the City Council adopted the City of Tracy General Plan of 2006, and

WHEREAS, On April 15, 2008, the City Council identified sustainability as a priority and directed staff to develop a Citywide Sustainability Strategy, and

WHEREAS, The City held a workshop with the public on February 17, 2010, to discuss the targets and measures to be included within the Sustainability Action Plan, and

WHEREAS, A Draft Sustainability Action Plan was published for public review on July 22, 2010, and

WHEREAS, At the close of the public comment period, the City had received four comment letters on the July Draft Sustainability Action Plan, and

WHEREAS, The City responded to all comments received within the attachment to the Staff Report presented to the Planning Commission for review on December 15, 2010, and presented to the City Council for review with the General Plan and the General Plan SEIR on February 1, 2011, and

WHEREAS, The Planning Commission conducted a public hearing to consider the General Plan on December 15, 2010, with the Sustainability Action Plan to be used as an part implementation tool of the General Plan and recommended, by adoption of a resolution that the Sustainability Action Plan be adopted, and

WHEREAS, Pursuant to the California Environmental Quality Act ("CEQA"), the Planning Commission recommended that the City Council: certify a Final Supplemental Environment Impact Report (SEIR) for the General Plan and Sustainability Action Plan; make findings related to significant impacts, alternatives, and Statement of Overriding Considerations; and adopt a Mitigation Monitoring and Reporting Program, and

WHEREAS, The City Council conducted a public hearing to consider the Sustainability Action Plan on February 1, 2011;

NOW, THEREFORE, BE IT RESOLVED that the Tracy City Council adopts the Sustainability Action Plan as set forth in Exhibit A, based on the following:

- a. The Sustainability Action Plan contains targets and measures that will assist in the implementation of the Goals, objectives and policies of the General Plan.
- b. The Sustainability Action Plan contains an Implementation and Monitoring Plan that assists in the implementation and tracking of the progress of the Plan in reducing greenhouse gas emissions.

* * * * *

The foregoing Resolution is hereby passed and adopted by the Tracy City Council on the 1st day of February, 2011, by the following vote:

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

Mayor

ATTEST:

City Clerk

Exhibit A—Sustainability Action Plan (distributed on January 21, 2011)

AGENDA ITEM 4

REQUEST

AUTHORIZE NEGOTIATIONS WITH BLACK OPS AIRSOFT, INC. dba 9 GATES AIRSOFT FOR POTENTIAL USE OF CITY PROPERTY FOR THE DEVELOPMENT OF A TACTICAL AIRSOFT PLAYING FACILITY

EXECUTIVE SUMMARY

On November 30, 2010, the City received a letter from Black Ops Airsoft, Inc dba 9 Gates Airsoft requesting that the City consider the development of a tactical Airsoft playing facility on City-owned property (Holly Sugar property). Staff requests that Council consider the proposal and authorize staff to begin negotiations with the 9 Gates for the lease of property for the proposed development.

DISCUSSION

9 Gates has proposed the development of a tactical Airsoft playing facility for the general public and law enforcement agencies on approximately 50 acres of the City-owned Holly Sugar property. The project will consist of four themed phases. It is envisioned that the facility will be primarily used by law enforcement agencies and corporations during the week days and will be open to the general public as a recreation facility on week nights and weekends. 9 Gates projects demand for tournament play on weekends which will bring people into town to patronize restaurants and hospitality facilities. A copy of 9 Gates' letter is attached (Exhibit "A"). An aerial imaging showing the approximate location of the proposed 50 acres is attached (Exhibit "B"). A conceptual layout of the project is attached (Exhibit "C").

Staff is requesting authorization from the City Council to negotiate with 9 Gates for the lease of City-owned property. During negotiations, the project's compatibility with the City's General Plan, surrounding uses and other potential uses will be determined.

STRATEGIC PLAN

This agenda item relates to the Economic Development strategic plan to increase the employment opportunities and sales tax base in Tracy.

FISCAL IMPACT

There is no impact to the General Fund.

RECOMMENDATION

Staff recommends the City Council authorize City staff to begin negotiations with 9 Gates for use of City-owned property for the development of a tactical Airsoft playing facility and return to Council with terms for an agreement for Council consideration.

Prepared by: Ursula Luna-Reynosa, Economic Development Director

Approved by: R. Leon Churchill, Jr., City Manager

Attachments: Exhibit "A" – Letter of Interest
Exhibit "B" – Aerial Map
Exhibit "C" – Conceptual Project Layout



WILLBANKS & WOOD
A Professional Law Corporation
1047 South Tracy Boulevard
Tracy, California 95376

GLENN A. WILLBANKS
CHAD J. WOOD

Tel. (209)830-9191
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December 2, 2010

Via Facsimile & U.S. Mail (209) 831-6218

Rod L. Buchanan
Parks & Community Services- City of Tracy
400 East 10th Street
Tracy, CA 95376

Re: Black Ops Airsoft, Inc. dba 9 Gates Airsoft

Dear Mr. Buchanan:

Please consider this letter a supplement to Black Ops Airsoft, Inc dba 9 Gates Airsoft letter of proposal dated December 1, 2010.

With much anticipation and excitement, Black Ops Airsoft, Inc. opened in the City of Tracy in May of 2010. With the ever growing popularity of Airsoft, Black Ops Airsoft, Inc. dba 9 Gates Airsoft (9 Gates) intends to fill the needs of local and non-local Airsoft enthusiasts. Black Ops Airsoft, Inc. has already established a strong loyal customer base with both the general public and Law Enforcement. Currently is draws customers from as far away as Marin, Monterey, and Sacramento. Recently Black Ops Airsoft, Inc. was showcased along with others on The TODAY SHOW with Anchor Lester Holt.

In working with our customers and Law Enforcement, Black Ops Airsoft, Inc. quickly saw the need for fields to play and train upon. Black Ops Airsoft, Inc. dba 9 Gates will fill that need.

9 Gates proposes to build out 5 different villages for tactical training and recreational use in four phases. The first phase will include the American Tactical Field. This field will devise a realistic city environment for law enforcement training, as well as recreational play, in which an entire town "Trotterville" will be constructed. It will include a supermarket lay out, bank, restaurant, school, hospital and typical urban housing development. It is anticipated to take 2 months for the entire build out of the American Tactical Field.

Phase two will include the build out of the Middle Eastern Township. It is anticipated that the field will replicate the modern warfare faced in today's world. The build out will follow the completion of the American Tactical Field and is envisioned to be completed in 2 months time.

December 2, 2010

Re: Black Ops Airsoft, Inc. dba 9 Gates Airsoft

Page 2 of 2

Phase three will include the build out of the American Cartel Field and African Shanty. The American Cartel Field will include a mockup of an airport with hangers, air tower and airplane hull. It is anticipated that law enforcement will be able to use the field for practical training surrounding airport facilities. The African Shanty will provide a rural setting with sparse huts, replicated farm, fox holes and road way. The build out should be completed within 2 month of completion of the Middle Eastern Field.

Phase four will be the final build out of fields to include the CQB Village. The CQB Village will be for the Airsoft enthusiast, as well as law enforcement, offering replicated buses, cars, helicopter, planes and other transportation vehicles that have been used in years past to hold hostages. It is envisioned that this field will be used for role playing events by the general public and as tactical hostage training for law enforcement. The total time for build out is 2 months.

9 Gates will have completed the build out of the different phases within 9 months of breaking ground on the first phase.

9 Gates envisions the use of the fields by law enforcement and corporate clients during the week days. Many Corporations have taken to the role playing that encompasses Airsoft play as a team building retreat. In addition, 9 Gates will run league nights for the general public, in a format similar to recreational softball teams, have open play on the weekends and hold weekend tournaments throughout the year.

9 Gates will be centrally located inside the triangle with virtually no competition within a 75 mile radius, making it a draw to the Tri-Valley, Bay Area, and Central Valley. 9 Gates is confident that it will be the anchor for development in the area. With the general population of the City of Tracy, league play by regional population, and tournament play from various populations, the City of Tracy will benefit from the increase revenues to the hotels, restaurants and other general business in the area.

9 Gates looks forward to sharing it vision with the City of Tracy and if you should have any questions, please do not hesitate to call.

Yours Truly

WILLBANKS & WOOD, PLC



CHAD J. WOOD

CC: Black Ops Airsoft, Inc.



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Tel. (209)830-9191
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December 1, 2010

Via Facsimile & U.S. Mail (209) 831-6218

Rod L. Buchanan
Parks & Community Services- City of Tracy
400 East 10th Street
Tracy, CA 95376

Re: Black Ops Airsoft, Inc. dba 9 Gates Airsoft

Dear Mr. Buchanan:

As we have previously discussed, Black Ops Airsoft, Inc. dba 9 Gates Airsoft(9 Gates) wishes to engage in the lease of some 50 acres of the City of Tracy's(City) entitled property for the development of Airsoft facilities that will be used recreationally by the general public and as a training facility for law enforcement agencies. This letter will provide a brief overview of 9 Gates desires.

9 Gates will work with the City in the negotiation of obtaining some 50 Acres of land located adjacent to the North West section of the City's entitled land the area commonly known as the Holly Sugar Sports Park area for the creation of 5 tactical fields designed for Airsoft fantasy playing and tactical training for law enforcement. Each field will represent a different type of tactical terrain faced in modern law enforcement. 9 Gates intends to work with the City in developing a city state concept sufficient to meet local law enforcements needs for tactical training. The concept of fields will be environmental friendly to include reclaimed water use, solar energy and eco friendly equipment.

With the aforementioned in mind, 9 Gates is seeking the City's participation in some of the development aspects of the American Tactical Field and associated common area. To offset the participation, 9 Gates suggests in kind services that would allow the City exclusive use of the American Tactical Field for City law enforcement agencies during designated increments and times to be determined.

December 1, 2010

Re: Black Ops Airsoft, Inc. dba 9 Gates Airsoft

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9 Gates request the following:

- 1) The City participation in the application process for building and use permits for San Joaquin County by signing the applications;
- 2) Bringing utilities hook ups to the property (anticipated costs \$25,000.00);
- 3) The City bare some costs of the building of the American Tactical Field. (Total field anticipated field cost \$50,000.00; the City's anticipated costs \$20,000.00);
- 4) The City to provide local law enforcement officers for input on American Tactical Field design. (No anticipated costs);
- 5) The City to allow for the use of a Gravel Parking lot;
- 6) The lease of the 50 Acres of land located adjacent to the North West section of the City's entitled land in the area commonly known as the Holly Sugar Sports Park area at \$35.00 per acre for a five (5) year period with an option for an additional five (5) years lease;
- 7) No rents to be charged during the build out of field number 1, the American Tactical Field. (Anticipated costs \$5,250.00);
- 8) No restrictions for hours of operation;
- 9) The City's law enforcement use equipment purchased at 9 Gates (i.e. air, pellets etc.)
- 10) The City commits to the use of the facilities by law enforcement at least once a quarter outside of the in kind time stated below. (Anticipated cost \$1,500.00 per quarter)

9 Gates will provide:

- 1) The City with exclusive use of the 9 Gates facilities for its designated law enforcement agencies two (2) days out of each calendar month for a 36 month period of time; each day consisting of 9 hours of use. (Value of use is equal to \$108,000.00)
- 2) Allow City and its representatives to participate in the design of the American Tactical Field;
- 3) 9 Gates will hold four (4) weekend tournaments per calendar. (Anticipated attendees for tournament 50 five man teams.)

December 1, 2010

Re: Black Ops Airsoft, Inc. dba 9 Gates Airsoft

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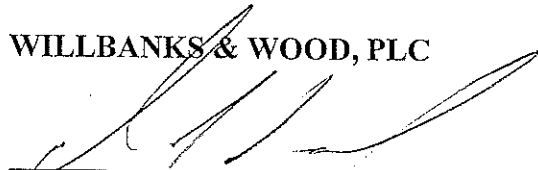
- 4) Allow one (1) City team to participate in two (2) team tournaments each year, during the term of the lease. (Estimated value \$7,500.00)

In addition to the above, 9 Gates will continue to bring national exposure to the City of Tracy with reality television appearances, talk shows, local radio stations and national magazines.

9 Gates is pleased to start this process with the City of Tracy and is looking forward to bringing this mutually beneficial business to our town. If you should have any questions, please do not hesitate to call.

Yours Truly

WILLBANKS & WOOD, PLC

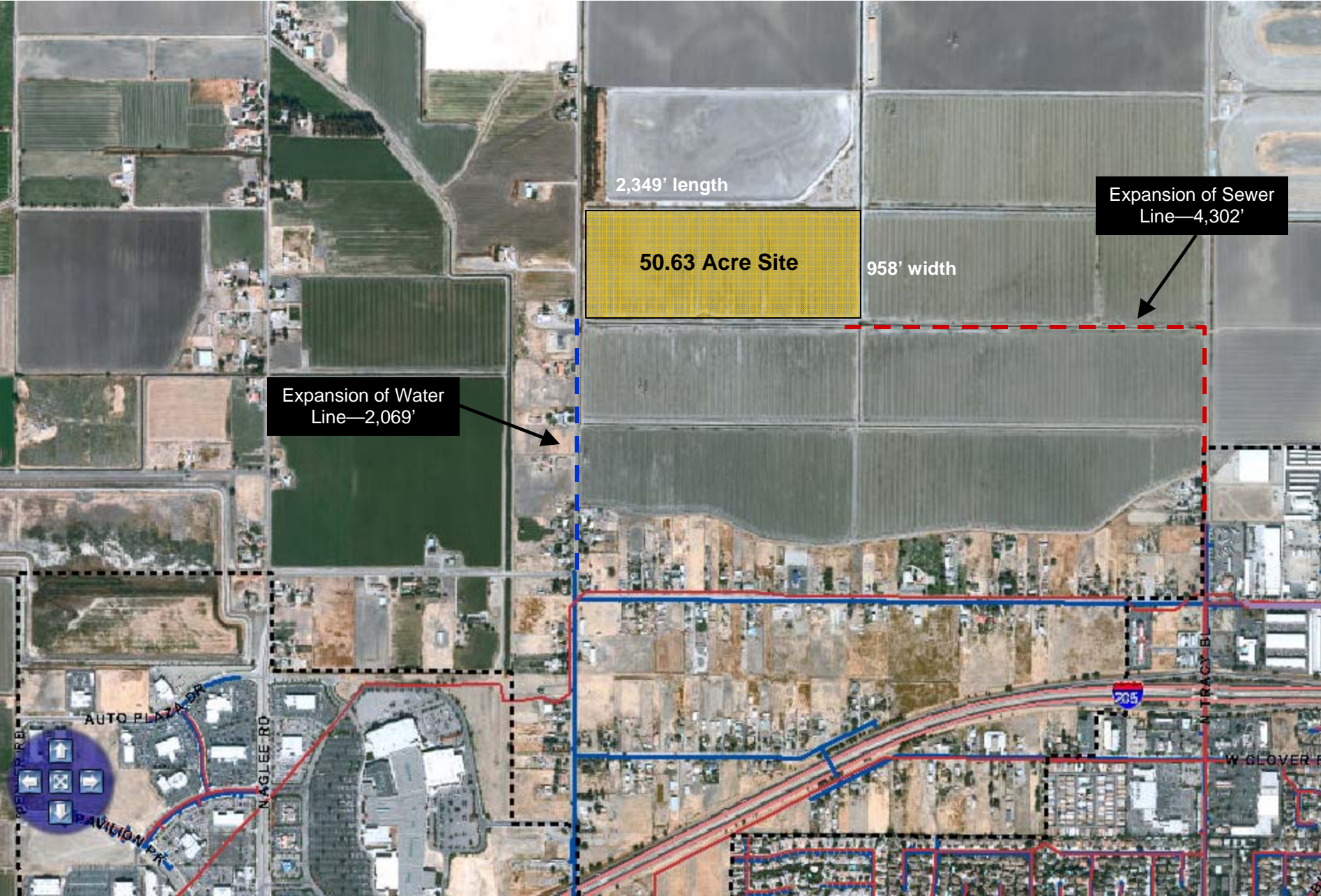


CHAD J. WOOD

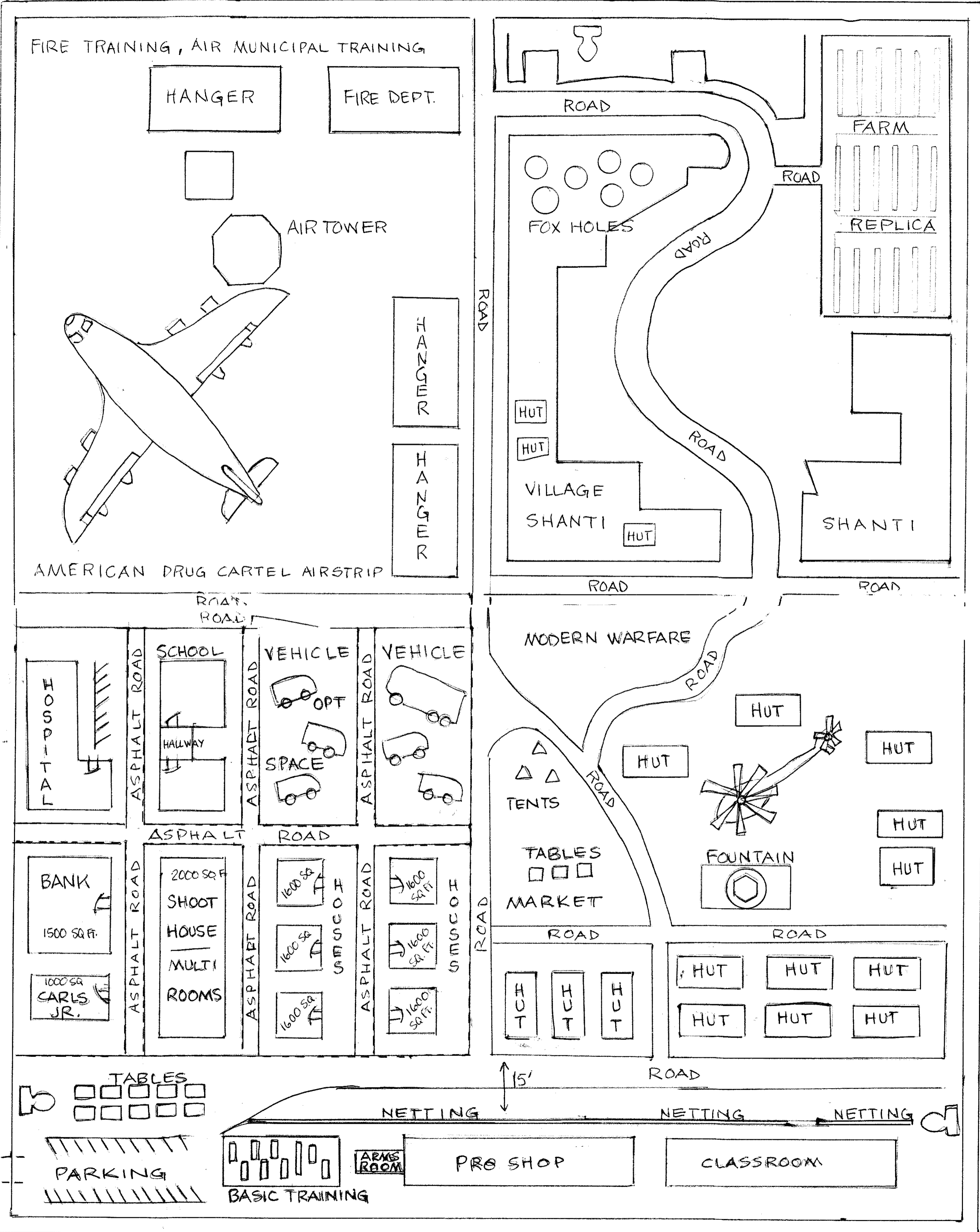
CC: Black Ops Airsoft, Inc.




Holly Sugar Property

EXHIBIT B



Sewer Line ————
Water Line ————



-  PORTA POTS
-  TABLES
-  DOORWAYS