

February 1, 2011, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

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

Mayor Ives called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance.

The invocation was given by Pastor Zacchaeus Dunham, Jr., of Agape Baptist Church.

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

Mike Souza presented a check on behalf of the Grand Foundation to Mayor Ives for the Grand Theatre Centre for the Arts.

1. CONSENT CALENDAR - Following the removal of item 1-D by Council Member Elliott, it was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - A. Minutes Approval – Closed session minutes of December 21, 2010, regular meeting minutes of December 21, 2010, special meeting minutes of January 17, 2011, and closed session minutes of January 18, 2011, were approved.
 - 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 – Resolution 2011-021 authorized establishment of the No Parking zones.
 - 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 – Resolution 2011-022 authorized establishment of the No Parking zone.
 - E. Approval of Amendments to Professional Services Agreements with Various Consultants for Additional Services Required to Complete the City's Infrastructure Master Plans – Resolution 2011-023 approved amendments to the Professional Services Agreements.
 - 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 – Resolution 2011-024 authorized the amendment to the lease agreement.

- G. Approving the 2011 Calendar Year Budget for the Operation of the Tracy Material Recovery Facility and Solid Waste Transfer Station – Resolution 2011-025 approved the 2011 calendar year budget.
- 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 – Resolution 2011-026 accepted the annual underwriting support for the Grand Theatre Center for the Arts.
- 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 - Council Member Elliott asked for clarification regarding specific language in the contract that stated award of the contract on the basis of the base bid only. Dan Sodergren, City Attorney, stated it was a procedure outlined in the Public Contracts Code and was reflected in the contract documents. Mr. Sodergren added there was nothing that required the City to award the additive. Kuldeep Sharma, City Engineer, added that the item would have to be re-advertised for the separate bid additives. Council Member Elliott encouraged staff to mitigate the affect caused by a low base bid and contractors making up any costs in the additives.

Mayor Pro Tem Maciel asked about subcontractors. Mr. Sharma stated there was one major contractor who would employ sub-contractors. Mayor Pro Tem Maciel asked if the City was trying to get the lowest price, wouldn't it be better to bid the items separately. Mr. Sharma stated it is difficult to weigh, and does cause difficulty with bidding and construction documents.

Mayor Ives invited members of the public to address Council on the item. There was no one wishing to address Council on the item.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2011-027 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. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE - Barry Koenig, California Highway Patrol Commander, invited Council and staff to tour their offices. Mr. Koenig asked Council for support of plans that will be presented for their new building and communications towers.

DEVIATION IN SCHEDULE (MOVED TO ITEM 4)

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 - Ursula Luna-Reynosa, Economic Development Director, presented the staff report. Ms. Luna-Reynosa stated that 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 used by law enforcement agencies and corporations primarily during 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.

Staff requested 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.

There is no impact to the General Fund. Staff recommended the Council authorize 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 of an agreement for Council consideration.

Council Member Abercrombie reiterated that Black Ops had approached the City and staff is asking for authorization to negotiate with the company. Ms. Luna-Reynosa stated yes.

Council Member Elliott asked how much staff time would be invested in this negotiation. Council Member Elliott stated he was skeptical about how big a draw this type of facility would represent. Ms. Luna-Reynosa stated staff has requested a business plan, a financial proforma and financial statements from the partners. Ms. Luna-Reynosa added much of that information would be provided prior to staff spending a lot of time on the proposal.

Mayor Pro Tem Maciel asked if there was someone from 9 Gates present at the meeting.

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

Mayor Pro Tem Maciel asked if Airsoft had become an acceptable training tool for police officers or if it was mostly a recreational endeavor. Debbie Morales, co-owner of Black Ops Airsoft stated it was both, and outlined the agencies they currently support and provide with supplies. Ms. Morales added the facility should draw approximately 200 people per day for play.

Council Member Elliott asked if there were other Airsoft facilities that see similar numbers. Ms. Morales stated the closest facility was in Stockton and brought in between 200 to 250 people per day. Ms. Morales further stated the closest project similar to what they want to build was within 500 miles of Tracy.

Linda Jiminez, P.O. Box 1065, addressed Council in support of any activities that would draw youth to the community. Ms. Jiminez indicated she would like information regarding this project to be available to the public and looked forward to hearing as much information as possible. Mayor Ives indicated the request was to allow staff to begin discussions with this group.

Mayor Pro Tem Maciel stated it was worthwhile to begin discussions.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to direct 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. Voice vote found all in favor; passed and so ordered.

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 - Bill Dean, Development and Engineering Services Assistant Director, presented the staff report. Mr. Dean stated that the City's General Plan is the principal policy and planning document for guiding future development. The Plan 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. Comprehensive updates to General Plans typically occur every 10 years.

On July 20, 2006, the 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. Spheres of Influence are proposed by cities and approved by Local Agency Formation Commissions, or LAFCos. 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. 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.

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 from that proposed in the General Plan approved in 2006. The majority of properties 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.

On April 15, 2008, the 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. 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, 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 for public review and comment in June 2010, July 2010, and in December 2010.

The SAP is a comprehensive, citywide strategy through the year 2020 and contains 20 targets and 84 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 2006 and a forecast for 2020 were conducted. Because not all the sustainability measures are quantifiable, the SAP focuses on the reduction of GHG emissions by 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 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 10 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 and other resources. Staff intends to pursue grant opportunities to fund SAP implementation.

The development of the SAP resulted in proposed additions and changes to goals, objectives and policies within several elements of the General Plan. Some examples 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 revisions to 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.

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. 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.

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

On December 15, 2010, the Planning Commission met and discussed the General Plan Amendment, SEIR, and SAP. 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, the Planning Commission voted unanimously to recommend the Council certify the SEIR and approve the General Plan Amendment and the SAP.

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 on 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. 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 SAP have addressed that comment letter. Due to the

number and nature of the comments received on the SEIR, staff re-circulated a revised SEIR on July 22, 2010. The comment period for the revised SEIR closed on September 2, 2010. A number of comments were received. Those comments were addressed in the Final EIR (FEIR) in the responses to comments, and through edits/changes to the proposed General Plan and SAP.

Council Member Rickman asked how much of the Tracy commuter population contributed to I-205 air quality, and under the SAP, is it possible that the index may still go up. Mr. Dean stated the City took credit for half of the trips on I-205. Moving forward, particular projects will create a different picture for Tracy and the City will be able to have a commuter population that has less distance to travel. This is reflected in the SAP.

Council Member Abercrombie asked if the City is aware of any other cities being scrutinized by the Attorney General and their SAP. Mr. Dean stated the City of Stockton was sued by the Attorney General because they did not include a green house gas reduction effort.

Council Member Abercrombie asked for clarification on whether the City was following State law to get this done. Mr. Dean stated that was correct; LAFCO changed the rules and the State created three new significant pieces of legislation.

Mayor Pro Tem Maciel indicated he knew one of the programs was to coordinate traffic signals and would like the public to have an update at some point. Mayor Pro Tem Maciel referred to walkability standards stating he was concerned there was a disconnect between these principles and living in Tracy.

David Early, Design Community Environment, indicated the City needs to develop more opportunities for walking; if the facilities are in place, people will walk. Mr. Early stated that was why the standards exist.

Mayor Pro Tem Maciel stated he understood the standards are to encourage residents to walk, but was concerned that the City have a document that someone can point to and say there is no opportunity to shop within one-half mile and then be held responsible. Mr. Dean stated it can't be punitive, has to be incentive based, and has to maximize the value of the City's infrastructure.

Mayor Pro Tem Maciel stated he was looking for flexibility and didn't want to create a burden on the private sector.

Council Member Elliott referred to targets and measures in the SAP and stated he wanted reassurance there was wording that would provide for a balance. Council Member Elliott asked if the City would stack these requirements on every development. Mr. Dean stated the way to demonstrate compliance with State law requires the City to say this is what we will do as a community and to provide mitigation measures.

Council Member Elliott wanted to go on record that the City will have a balance that allows economic development and environment responsibility.

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

Dana Hooper, on behalf of PG&E, addressed Council in support of the SAP. Ms. Hooper stated there is a sustainability team through PG&E that will help with LED street lights, wastewater treatment plant, rate analysis, programs assisting businesses with energy efficient measures, assisting residents with smart air compressors and the management of air conditioning units. Ms. Hooper stated a team is working with the City to introduce different methods to contribute to the overall climate action plan.

Christine Frankel, 175 Victoria Street, addressed Council congratulating the City on getting this far in the process. Ms. Frankel suggested staff be careful about discouraging comments from the public. Ms. Frankel indicated she has pushed for the SAP and that the City can't get there if it continues to do what it has always done. Ms. Frankel further indicated this had to be a partnership. Ms. Frankel stated this was the best opportunity for the City to influence change.

Council Member Rickman, referring to existing development, stated he was concerned that there would be an ordinance stating before you sell a house you have to do such and such to comply with the SAP. Mr. Dean stated there was nothing in this plan like that.

Mayor Pro Tem Maciel thanked staff for their excellent work and stated he was comfortable that this plan provided a good balance.

Council Member Elliott referred to recruitment of firms to match skills. Mr. Malik stated the object was showing employers that we have residents with the necessary skill sets to employ, along with a job/skills balance.

Mayor Ives indicated this was a big improvement over an earlier draft. Mayor Ives further indicated the plan was State mandated and was a good thing to do if we can find reasonable ways to save the environment.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2011-028 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. Voice vote found all in favor; passed and so ordered.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2011-029 approving the General Plan Amendment of 2011 with the exception of the Housing Element. Voice vote found all in favor; passed and so ordered.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2011-030 approving the Sustainability Action Plan. Voice vote found all in favor; passed and so ordered.

5. ITEMS FROM THE AUDIENCE – None.
6. COUNCIL ITEMS - Council Member Abercrombie suggested Council receive materials via e-mail rather than being delivered or printed.

Council Member Elliott indicated he had an opportunity to tour a building that achieved the LEED Gold certification.

7. 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: 8:22 p.m.

The above agenda was posted at the Tracy City Hall on January 28, 2011. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk