

Tuesday, April 5, 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

PRESENTATION – Employee of the Month

- Proclamation - Sexual Assault Awareness Month
- DMV/Donate Life CA Month
- National Volunteer Month
- National D.A.R.E Day

1. CONSENT CALENDAR

- A. Minutes Approval
- B. Award a Construction Contract for the Street Patch & Overlay (FY 2010-11) – CIP 73121, Traffic Signal Loop Detectors and Controllers Replacement at Various Locations in the City – CIP 72070, & 72075, to Desilva Gates Construction of Dublin, California, and Authorize the Mayor to Execute the Contract
- C. Authorize a Professional Services Agreement with BKF Engineers of Pleasanton, CA, for a Not to Exceed Amount of \$58,800 to Provide Professional Engineering Services for the Preparation of Environmental Documents, Plans, Specifications and Cost Estimates for the Traffic Signal at Lammers Road and Schulte Road (West) Project - CIP 72068, and Authorize the Mayor to Execute the Agreement
- D. Acceptance of the Bessie Avenue Reconstruction Phase 1 (Eleventh Street to Carlton Way) Project - CIPs 73101, 74076, 74082, 74086, 75095, 75101, 76027 (Federal Project Number ESPL 5192(028)), Completed by Desilva Gates Construction of Dublin, California, and Authorization for the City Clerk to File the Notice of Completion
- E. Authorize Establishment of Stop Signs to Replace Existing Yield Signs at Various Locations Throughout the City
- F. Approve the Second Amendment to the Offsite Improvement Agreement with Winco Holdings, Inc. of Boise, Idaho, to Extend Time for Completion of Work and Authorize the Mayor to Execute the Amendment
- G. Acceptance of the Additional Parking for the Civic Center Area Project – CIP 71065, Completed by Rodgers Construction & Engineering Company, Inc., of Stockton, California, and Authorization for the City Clerk to File the Notice of Completion
- H. Award a Construction Contract to Coastside Concrete of Santa Rosa, California, for the Lowell Avenue Bikeway Improvement Project - CIP 78113, and Authorize the Mayor to Execute the Contract
- I. Approving Consent of an Assignment and Assumption Agreement for the Existing Development Agreement of Bank of America Properties with the New Buyer, Authorizing the Mayor to Execute the Agreement, and Authorizing the City Clerk to File the Agreement with the San Joaquin County Recorder

- J. Award a Construction Contract to Knife River Construction of Stockton, California, for Construction of the Kavanagh Avenue Extension West of Corral Hollow Road Project - CIP 73097, and Authorize the Mayor to Execute the Contract
- 2. ITEMS FROM THE AUDIENCE
- 3. APPOINT SIX APPLICANTS TO THE TRANSPORTATION ADVISORY COMMISSION
ITEMS FROM THE AUDIENCE
- 4. SECOND READING AND ADOPTION OF ORDINANCE 1157 AN ORDINANCE OF THE CITY OF TRACY ADOPTING THE 2010 CALIFORNIA BUILDING CODE, 2010 CALIFORNIA ELECTRICAL CODE, 2010 CALIFORNIA PLUMBING CODE, 2010 CALIFORNIA RESIDENTIAL CODE, 2010 CALIFORNIA MECHANICAL CODE, 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 CALIFORNIA HISTORICAL BUILDING CODE, 2010 CALIFORNIA EXISTING BUILDING CODE, AND 2010 CALIFORNIA ENERGY CODE, ADOPTING ADMINISTRATIVE AND PENALTY PROVISIONS, ADOPTING CERTAIN CODE APPENDICES, ADOPTING MINIMUM DESIGN STANDARDS FOR CONCRETE SLABS, REPEALING SECTIONS TO ELIMINATE ANTIQUATED OR REPETITIVE LANGUAGE, CODIFYING BYLAWS FOR THE BUILDING BOARD OF APPEALS AND ADDING CHAPTER 9.62 TO THE TRACY MUNICIPAL CODE TO REQUIRE PLACARDING FOR POST-DISASTER SAFETY ASSESSMENTS
- 5. ITEMS FROM THE AUDIENCE
- 6. COUNCIL ITEMS
 - A. Consider an Item for Discussion on a Future City Council Agenda Regarding the Adoption of a Resolution Recommending the California Citizens Redistricting Commission Place San Joaquin County in One Congressional, Assembly, and State Senate District
- 7. ADJOURNMENT

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

City Council Chambers, 333 Civic Center Plaza

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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

February 15, 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 7:00 p.m. and led the Pledge of Allegiance.

The invocation was given by Pastor Rob Krenik of Calvary Chapel of Tracy.

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

Mayor Ives and Council Member Abercrombie presented Certificates of Recognition to D.A.R.E. graduates from Wanda Hirsh and George Kelly Elementary Schools.

1. CONSENT CALENDAR – 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 – Regular meeting minutes of January 4, 2011, and closed session minutes of February 1, 2011, were approved.
 - B. Award of a Construction Contract to Premier Cathodic Protection, Inc. of Langley, Washington, for Construction of the John Jones Water Treatment Plant (JJWTP) Buried Piping Corrosion Protection Project - CIP 75103, Approve an Appropriation of Funds in the Amount of \$200,000 from the Water Capital Fund (F513), and Authorize the Mayor to Execute the Construction Contract – Resolution 2011-031 awarded the construction contract and approved the appropriation.
 - C. Approve Amendment 1 to the Professional Services Agreement (PSA) with Shah Kawasaki Architects to Provide Additional Services for the Phased Design of Fire Stations 96 and 92 - CIPs 71061 & 71062, and Authorization for the Mayor to Execute the Agreement – Resolution 2011-032 approved Amendment 1 for a not to exceed amount of \$24,700.
 - D. Support of the Enterprise Zone Program – Resolution 2011-033 was adopted in support of the Enterprise Zone program.
 - E. Finding that it is in the Best Interest of the City to Forego the Formal Request for Proposal Process and Approval of an Amendment to the Agreement with CH2M Hill for Calendar Year 2011 Work for the Geographic Information System (GIS) for Public Works Utility System and Citywide GIS and Authorization for the Mayor to Sign the Agreement for a Not to Exceed Amount of \$997,500 – Resolution 2011-034 found that it was in the best interest of the City to forego the formal request for proposal process and approved the amendment to the agreement with CH2M Hill.

2. ITEMS FROM THE AUDIENCE - Paul Miles, 1397 Mansfield Street, addressed Council regarding his complaint alleging police misconduct. Mr. Miles presented material in support of his complaint, including a letter from Chief Thiessen dated December 10, 2009, a letter from Leon Churchill Jr., dated February 1, 2011, a recording of witness statements, and Sergeant Sheneman's report and notes. Mr. Miles requested that all documents be entered into the record.
3. DECLARE THE CITY OWNED PROPERTY ON VALPICO ROAD ADJACENT TO THE RED MAPLE VILLAGE CENTER APN 246-130-15 SURPLUS AND PROVIDE DIRECTION TO STAFF TO NEGOTIATE A PURCHASE AGREEMENT WITH KITCHELL FOR A PROPOSED MULTI-FAMILY PROJECT - Andrew Malik, Director of Development and Engineering Services, presented the staff report. The City owns two acres of property on Valpico Road, just east of the Red Maple Shopping Center on the northeast corner of Tracy Boulevard and Valpico Road. The site was identified as a location for a new fire station to replace the fire station located at the corner of Central Avenue and Tracy Boulevard (Station 97). Since there are alternative sites available in the area, the City wishes to sell the site on Valpico Road and use the proceeds of the sale to secure property to accommodate the future relocation of Fire Station 97.

Kitchell Development, the owner/developer of the Red Maple Shopping Center, has plans to develop multi-family residential immediately east of the Raley's grocery store in the shopping center. The shopping center and surrounding area was designated as "Village Center" as part of the General Plan, which promoted the development of residential uses near shopping opportunities to encourage pedestrian connections and walkable developments.

Residential uses fronting Valpico Road will alleviate previous Council concerns that all residential uses would be hidden behind the Raley's building. As shown on the conceptual plan, Kitchell proposes to utilize the City's property and portions of the existing Red Maple Village property to develop a high amenity fully integrated residential project with the grocery and retail shops nearby. This type of integrated residential and retail development would further the City's General Plan Policies relative to promoting mixed use developments to encourage multiple modes of connectivity such as bike, pedestrian, automobile etc.

Council considered several options regarding the sale of this property including:

1. Do not declare the property surplus. Do not sell the property.
2. Declare the property surplus and direct staff to negotiate the sale with the adjacent property owner, Kitchell Development, for multi-family residential.
3. Declare the property surplus and send out a Request-for-Proposals (RFP) for interest in the property for residential or other commercial uses.

Execution of a purchase agreement with Kitchell Development will result in a positive impact to the General Fund which could be used to address additional fire resource needs in the area.

Staff recommended that the Council direct staff to begin negotiations with Kitchell Development for the sale of the City owned two acre site adjacent to the Red Maple

Shopping Center on Valpico Road for development of an integrated multi-family residential project and use the proceeds of the sale to purchase a suitable site in the general area for future construction of a fire station.

Council Member Abercrombie asked when was the last time the City talked to anyone about purchasing a specific piece of property. Mr. Malik stated approximately one year ago. Council Member Abercrombie asked if there was any desire to go back to those individuals. Mr. Malik indicated that could be discussed with Kitchell Development or the owners of the multi-family sites.

Council Member Elliott asked staff to enumerate the benefits of option 2 vs. option 3. Mr. Malik explained that Kitchell was the neighboring property owner. Council Member Elliott asked if there was any expressed interest in that property from other parties. Mr. Malik stated no.

Mayor Pro Tem Maciel asked if the property had to compete for RGA's. Mr. Malik stated this property would be considered part of the priority growth center of the City.

Council Member Rickman asked if the property was offered to other developers. Mr. Malik stated Kitchell has been the property owner for the neighboring properties and up until now the City has been following the path for a fire station. Mr. Malik further stated it was a two acre piece surrounded by residential.

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

A representative of Kitchell Development stated the most recently constructed multi-family project similar to this plan would be Waterstone. Council Member Rickman asked how many units would be on the two acre site. The representative stated approximately 25 to 30 units per acre.

Mr. Malik added that all the approvals for the architecture and design would come before Council for consideration.

Robert Tanner, 1371 Rusher Street, asked about a reference to \$700,000 in Kitchell's letter to the City. Mr. Malik explained the reimbursement process and added there was a reimbursement through the City for improvements Kitchell made on Valpico Road.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2011-035 declaring the City owned property on Valpico Road adjacent to the Red Maple Village Center, APN 246-130-15, surplus and directed staff to negotiate a purchase agreement with Kitchell for a proposed multi-family project. Voice vote found all in favor; passed and so ordered.

4. **APPOINT FIVE APPLICANTS TO THE MEASURE E RESIDENTS' OVERSIGHT COMMITTEE** - Council Member Abercrombie indicated he and Council Member Rickman had interviewed 26 applicants for five vacancies on the newly created committee. It was moved by Council Member Abercrombie and seconded by Council Member Rickman to appoint Arch Bakerink, Robert Tanner, and George Riddle to serve three year terms, which will expire on March 1, 2014. Larry Hite and David Ciesco were appointed to two year terms, which will expire on March 1, 2013. Voice vote found all in favor; passed and so ordered.

5. ITEMS FROM THE AUDIENCE – None.

6. COUNCIL ITEMS

- A. Appointment of City Council Subcommittee to Interview Applicants for Vacancies on the Transportation Advisory Commission - There are six vacancies on the Transportation Advisory Commission due to three term expirations, and three mid-term resignations. The vacancies are being advertised and the recruitment will close on February 22, 2011. In accordance with Resolution 2004-152, a two-member subcommittee needs to be appointed to interview the applicants and make a recommendation to the full Council.

Council Member Abercrombie and Mayor Pro Tem Maciel volunteered.

- B. Consider a Request from Council Member Abercrombie to Place an Item for Discussion on a Future City Council Agenda Regarding an Agreement Between the County of San Joaquin and AMR-West for Emergency Ambulance Service in San Joaquin County - Council Member Abercrombie stated he requested consideration of the item because Council has had no previous voice in the agreement, which impacts the Fire Department and Tracy residents. Council Member Abercrombie stated his concerns included response time standards, ambulance providing 504 unit hours per week in Tracy, base rate for advanced life support, the rate of the increase, supplies and dispatch.

Council Member Abercrombie asked if it would be possible for Council to discuss their concerns to staff and preclude any action. Dan Sodergren, City Attorney, indicated it would involve direction from Council.

Council Member Rickman stated he was concerned with the response times and asked who determined what injury received a particular code, 2, 3, etc.

Mayor Pro Tem Maciel asked how the agreement pertained to Council when the Council was not a party to it. Mayor Pro Tem Maciel added he was looking for a more objective report, possibly from the Fire Department.

Council Member Elliott referred to dispatch and asked if the City was prohibited from having input into what it dispatched. Council Member Elliott indicated he wanted to make sure that Tracy is getting the coverage it requires.

Mr. Churchill stated he had been notified that Fire Administration has several concerns and that follow up would occur between Chief Nero, himself and the County.

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

Dave Helm, 1000 Central Avenue, asked for clarification regarding code 2 and code 3. Mayor Ives responded he did not believe Council had that information. Council Member Abercrombie provided an excerpt from the agreement regarding coded calls. Mr. Helm asked why calls could not be dispatched to Tracy Fire and the EMR.

George Riddle, 1850 Harvest Landing Lane, stated he expected one responder to arrive in an appropriate time frame with the necessary tools, and not have to pay for multiple responders.

Mayor Ives indicated Council would leave it up to Council Member Abercrombie and staff to pursue.

Mayor Pro Tem Maciel indicated there must be some involvement between the City and the overall process. Mr. Churchill responded there are operational implications in the proposed contract that impact Tracy and other communities, and indirectly, the Council. Mr. Churchill stated Chief Nero planned to respond directly.

Chief Nero provided some background information.

Mayor Ives indicated it might be helpful for the Council and the public to receive an update on March 1, 2011.

Mayor Pro Tem Maciel requested staff provide Council with issues and options and the cost.

Mayor Ives stated he was in Washington D.C. and met with representatives regarding the Altamont Corridor Express, and language to a bill pertaining to the Schulte Road property. Mayor Ives also represented the City on funding for the MacArthur Road overpass.

Mayor Ives indicated he visited the Governor's office yesterday to discuss the impacts to the City of Tracy if redevelopment funds and enterprise zones were eliminated.

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 8:12 p.m.

The above agenda was posted at the Tracy City Hall on February 3, 2011. The above are summary minutes. A tape recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk

TRACY CITY COUNCIL

SPECIAL MEETING MINUTES

February 28, 2011, 5:00 p.m.

Room 203, 333 Civic Center Plaza

Web site: <http://www.ci.tracy.ca.us>

Call to Order - Mayor Ives called the special meeting to order at 5:05 p.m.

Roll Call - Roll call found Council Members Abercrombie, Elliott, Mayor Pro Tem Maciel, and Mayor Ives present; Council Member Rickman absent. Council Member Rickman arrived at 5:19 p.m.

Items from the Audience – None.

Discuss Council Relations, Practices, and Norms – Mayor Ives stated the purpose of the retreat was to engage in an informal discussion which would set direction for the City. Mayor Ives requested open communication between Council and staff and added the Council's role is to be clear, to plot outcomes and get clarity on the major issues and the expected outcomes. Clarity is the most important issue. Mayor Ives added Council also would need to support staff in their attempts to carry out the Council's wishes.

Leon Churchill, Jr., City Manager, introduced the facilitator, Kathleen Novak. Ms. Novak is the former Mayor of Northglenn and recent past President of the National League of Cities. She is highly regarded as a trainer and a facilitator who has worked with many local governments throughout Colorado. Since 1993 she has been director of the Rocky Mountain Program and is now co-director of the Colorado-CPM program. Ms. Novak teaches in the Business School and the School of Public Affairs at the University of Colorado Denver, and holds a Master's in Business Administration.

Ms. Novak thanked Mr. Churchill and stated the three characteristics common to effective councils are a willingness to address difficult issues, the ability of a council to deal with those issues, and an effective relationship with staff. Staff needs to understand Council's aspirations and where the City wants to go. Capturing the hearts, minds and aspirations of the community is important. Obstacles that are often underestimated by councils and staff include big-picture issues that raise questions of competing values. Governing bodies operate under conditions that impede the hard work it takes to focus on the big picture. Many times the inclination is to avoid issues because of the potential conflict involved. It is often easier to be effective helping residents deal with individual problems, than it is to build and maintain a sense of community by addressing big-picture issues. There are also natural incentives to avoid conflict, especially when smaller, more manageable issues need attention. Ms. Novak added that the art of politics involves recognizing and balancing legitimate, conflicting values.

In response to a request for comments from the Council Mayor Pro Tem Maciel suggested a discussion on the roles of Council Members, and the best way to address issues which are sent to the Council or to individual Council Members. Council Member Maciel stated he believed consistency was the key. Council Member Rickman wanted clarity from staff, not simply having staff state what they think the Council wants to hear. Council Member Elliott referred to the Council's eight priorities and suggested they be reduced to a more manageable number with firmer agreement from the Council.

Ms. Novak discussed the unique characteristics of the Town Board or Council Group which included membership and group formation, terms of office and council life-cycle, political-administrative relationships, authority and power relationships, operating procedures and problem solving environments.

Ms. Novak stated setting Council direction is the most important thing a Council does, and how a Council does its work is more important than what it actually does. Working together in agreement with the Council's priorities is very important. Team building is about roles, goals, expectations and agreements and takes place when Council is having important conversations about what it does. Highly effective Councils have a willingness to address difficult issues first, the ability or capacity to deal with difficult issues second, and the ability to deal with staff third. Conversations are difficult to have in public because they deal with conflict and competing values often get in the way. Effective Councils are willing to have discussion and debate on the important issues. Often Councils spend too much time on the smaller issues and not enough time on the bigger issues.

Councils also work under a set of conditions including terms of office and Council lifecycles which makes it harder to focus on decisions. Council members have approximately 13 months of working productively, followed by a less productive stage while gearing up for elections. Council Members are elected to solve problems, which is easier if the goal is kept in sight. Another obstacle is under-estimating the abilities of staff. Staff relies on reports and information; the community relies on stories; Council relies on what it hears while the City Manager acts as translator. Elected officials and professional staff bring fundamentally different perspectives to their work, which if not understood, can foster distrust.

Ms. Novak stated a Councils' job description includes acting on behalf of the constituents; directing the aim of the community; setting outcomes and results; identifying risks – economic, political and social; delegating the work, including roles, relationships and expectations; assessing performance; practicing discipline – governance vs. customer service, and communicating with the community – report back on accomplishments.

The keys to a successful Council include vision and strategic thinking, clarifying roles and expectations, developing and holding to protocols and practices, establishing and maintaining trust, helping to build capacity and communication.

Ms. Novak suggested the Council discuss What's working, What we do well, What's not working, What could we do better, What's missing, What needs action, Where are we now, 2010 accomplishments and finally determining the Council's highest priorities. Ms. Novak inquired in terms of roles and expectations what does the Council do well. Responses included listening to citizens; consideration of budget; open to suggestions; inclusive of the community; fiscally responsive; forward thinking; communicating what the Council is doing; getting along with each other; practical, realistic, good staff – not overly formal.

In response to the question, "What could you be doing better/what's missing?" Council responses included constantly trying to be clear with intentions; accepting conflict and being comfortable with it; sometimes roles are unclear - should not be telling staff what to do; struggling to build consensus in the City; and reaching consensus on how to approach certain issues.

Mayor Pro Tem Maciel suggested the Council's role should be governance; staff's role is customer service. Mayor Pro Tem Maciel added he refers citizens to staff then steps back. Council Member Rickman prefers to follow up. Council Member Elliott refers issues to the City Manager. Mayor Ives never calls staff, always calls the City Manager. Mayor Ives suggested doing what is within your authority and then bringing the issue back to Council for direction. Mayor Ives added Council Members need to be aware that they lose some of the rights they had as citizens when they become members of the Council.

Ms. Novak asked Mr. Churchill for his perspective on the issue. Mr. Churchill stated he has delegated responsibility to his Executive Assistant to get the message out, but added he needs to be kept informed of any decisions. Mayor Ives stated that Council should be clear on what can be requested of staff. Mr. Churchill added he has purposefully blurred the lines for the sake of relationship building, but added specific requests that need resources should be brought to his attention.

Council Member Abercrombie stated he is seen as the community advocate and appreciates the City Manager allowing him to contact staff to resolve issues. However, all major issues are discussed with the City Manager. Mayor Pro Tem Maciel stated staff and the community have varying expectations, and Council has to be careful not to become advocates for the community since it could make staffs' job more difficult. Council Member Elliott referred to a resident's issue which had been resolved, yet was resurrected. Mayor Ives suggested that when issues which have been resolved come back, it's hard to know if the issue is ever resolved. Dan Sodergren, City Attorney, referred to the City's adopted Policies and Procedures and added that when Council wants to change direction, the expectation is that the issue will go back to Council before giving staff direction. Mayor Pro Tem Maciel agreed with the process going forward. Council agreed the process had worked the way it should work.

With regard to personnel issues, Mr. Churchill stated responses to personnel issues come from the City Manager's office. If there is a deadline, the Department Head can be contacted, and the City Manager copied. Mayor Ives reminded the Council that individual Council Members cannot direct the City Manager. Rod Buchanan, Director of Parks and Community Services, indicated his frustration with commissions and how they want to interact more with the Council.

Mayor Ives called for a recess at 7:00 p.m. The meeting was reconvened at 7:10 p.m.

Ms. Novak referred to the Council's role in setting priorities and asked for one or two things the Council was proud of. Council's responses included economic development, especially bringing a Macy's to town; progress in attracting development; being a fiscally responsive city; progress on the Holly Sugar sports park; Gateway; master plans almost complete which will lead to an enhanced quality of life for the community; GIS; the Grand Theatre, and compassion shown during the rightsizing efforts.

Ms. Novak referred to the City's seven strategic priorities - economic development, public safety, communication/marketing, environmental sustainability, traffic mobility and connectivity, community amenities, and organizational efficiencies - and asked Council what they want to see happen in the future and what success would look like to them.

Mayor Ives responded public safety, youth activities, and a higher education institution. In response to what success would look like Mayor Ives responded economic development, public safety, budget and the economy. Mayor Pro Tem Maciel stated community amenities/maintenance, and added organizational effectiveness will be different as we look to cut more in the future. Council Member Rickman suggested economic development and public safety, and suggested sustainability can adversely undermine economic development. Council Member Elliott suggested communication/marketing and sustainability should be a subset of economic development.

In response to a question from Ms. Novak regarding performance measures for economic development, Council Member Elliott responded buildings at Gateway. Council Member Rickman asked what kind of businesses the City wants, and what should Tracy look like 20 years from now. Council Member Rickman added he did not want to drag businesses to Tracy just for the property taxes. Mayor Ives responded an understanding that economic development can press forward in this economy with a program that Council can support. Council Member Rickman suggested that an institute of higher learning would generate mostly low paying jobs, and added he did not want to sell the future for something less today. Council Member Rickman also inquired whether the City wants warehouses scattered all over town. Mayor Ives indicated the City should create an environment for different industries, and referred to the North East Industrial area. Mayor Ives suggested the next challenge would be west Tracy.

Ms. Novak asked what success would look like – what the Council wants Tracy to look like in the future. Mayor Pro Tem Maciel suggested high tech manufacturing jobs, maintaining a positive image, and offering incentives. Council Member Elliott stated recruiting businesses to bring high tech jobs to the City. Ursula Luna-Reynosa, Director of Economic Development, stated the reason Tracy has so many distribution facilities is because of its location. Real estate is cheaper than in the Bay Area, and all west coast locations can be reached within one day. Since a high percentage of residents work in the Bay Area, Tracy needs to be more strategic in targeting high tech businesses. Ms. Luna-Reynosa suggested economic development should include both long term and short term plans. The City also needs to grow businesses already in Tracy since 80 per cent of job growth is through existing businesses.

Ms. Novak asked Council for their idea of strategies or outcomes for staff. Council suggestions included job creation, infrastructure and a deep labor pool.

Mr. Churchill stated some things will happen on their own, although the Council is expending some effort into diversifying the City's job base. Mayor Pro Tem Maciel suggested one strategy would be trying to be the most business friendly city in a state that is not known for being business friendly.

Communication/marketing, sustainability outcomes included projecting Tracy as a place where businesses want to locate; changing the face of Tracy; projecting the City in everything it does; hand painted sign on the water towers; communication marketing cannot be undersold; the City needs to push its image and fix the things that we don't want; projecting the City's image - Eleventh Street, the Grand Theatre, City Hall, and the Transit Station. Council Member Elliott inquired how does the City measure when we've done a good job – through a Trader Joe's or an IKEA. Mayor Pro Tem Maciel suggested the Council needs to be cognizant of what it communicates to staff. Mayor Pro Tem Maciel added he had recently exchanged ideas with a

local newspaper that had understated the City's safety level. Mayor Pro Tem Maciel added Tracy is a well run city, and other cities are envious of us. Council Member Abercrombie's suggestions included when businesses start coming to town and Gateway starts to develop. Mayor Ives added one indicator will be when the fruits of our labor are tangible. Council Member Elliott stated when we have more viable projects than we can handle and need to allocate more resources. Ms. Luna Reynosa stated communication/marketing is used as a tool to tell the economic development story, but it could also be a public safety story. Mayor Ives suggested an important element of economic development is getting staff to rethink how Council wants to do it, and how much we want to spend. Economic development is number one for a while, but we can't lose sight of the goal. Ms. Novak suggested resources, staff capacity, and other people's money, are areas where you can leverage additional resources. However, there are still economy and budget constraints, and it will be 18 months to 2 years before municipalities start seeing improvements in their budget. Sustainability is valued but the City doesn't want to become so sustainable it drives business away. Council Member Elliott stated sustainability will cost a lot of money, so the City needs to prioritize.

Ms. Novak asked what success means, what are the elements with regard to Public Safety. Council Member Elliott stated when the gang problem is under control. Council Member Rickman stated improved community perceptions. Mayor Pro Tem Maciel stated understanding the realities of what the City's gang problems are; what we base our measure on; overstating the level of crime in the City and the ability of the Police Department to deal with the problem. Council Member Rickman suggested the City look at documented gang members and statistics. Council Member Rickman stated one of the mistakes the City made was in not recognizing the problem and added perception is huge in terms of safety.

Ms. Novak asked what a safe community looks like. Mayor Ives stated it would be if residents can safely walk downtown at 10 p.m. at night. Mayor Ives added perception is fickle and can change rapidly. The Council needs to know if it is doing the right thing to improve the situation. Data collection and how incidents are collected is important. Ms. Novak suggested that an increase in the number of gang contacts can indicate more gang activity, or simply the fact that more contacts are being made. Mayor Ives asked Council Member Rickman for the real problem and the perception. Ms. Novak asked if the reality matters if citizens perceive something different. Council Member Rickman stated the City has a problem, which can go either way. The effect gangs have on the City needs to be controlled. If the City does not get a hold on it right now, it will cost more in the long run. Council Member Rickman suggested identifying gang members, and using police methods to control them. Council Member Abercrombie commented on the increase in violence between two groups of rival gang members. Mayor Pro Tem Maciel stated no one is in denial regarding the gang issue and added other cities have experienced similar problems. Council Member Rickman stated the reality of what has happened in Tracy is that the number of documented gang members has increased from 275 to more than double that number. Mayor Ives stated his concern was that perception is out of control and does not match reality. Council Member Rickman stated that two shootings in one night is huge for a city the size of Tracy. The City has to be aware of the problem and take control. Mr. Churchill stated the problem will take some resources and will be institutionalized. Mayor Ives indicated a reduction in gang violence without quantifying it would indicate a safe community. Zane Johnston, Director of Finance and Administrative Services suggested the City needs to be aware of how much money it is spending on the problem.

Mayor Ives suggested \$250,000 to reduce the number of gang members. Council Member Rickman questioned if that was the most efficient way.

Ms. Novak suggested that while it is difficult to measure perceptions Council needs to give staff parameters. Mayor Ives suggested a reduction in gang crime. Council Member Rickman suggested gang activity could be cut in half by being proactive, and added if staff keeps doing their jobs eventually gang members will move on. Mayor Pro Tem Maciel suggested appropriating money to fund a local prosecutor. Council Member Rickman added that money isn't always the answer – moral issues also come into play. Mayor Pro Tem Maciel suggested maybe things have changed and Police Officers in Tracy are looking to take care of business. Council Member Rickman stated leadership comes from the top – if the leadership focuses on traffic issues then the rest of the department follows. From the top down the target should be focused on gangs. Mayor Pro Tem Maciel stated gangs are only part of the public safety picture and their numbers pale in comparison to traffic accidents. If the City focused as much on traffic accidents as it does on gangs Council would be asked for more traffic cops. Mr. Johnston inquired whether public discussion adds to the perception. Mayor Pro Tem Maciel responded yes; perception might be based on the last person you talked to. Ms. Novak stated perception drives behavior, and what the reality is doesn't matter.

Robert Tanner, 1371 Rusher Street, suggested the Police Department put out a quarterly report on crime in the City, similar to what the Fire Department publishes. Mr. Churchill stated the City has the information and it could be made public. Council Member Elliott stated the City should frame the issues to show it has made progress in keeping gangs under control.

Council consensus was that the current efforts should be sustained to get the gang problem under control. There was some dispute over what to do and how much it would cost. Council requested staff bring suggestions forward for dealing with the issue.

With regard to organizational efficiencies, Ms. Novak asked Council to prioritize what they would like to see happen. Council Member Abercrombie responded at a recent meeting the Council agreed on when it wanted a balanced budget. Council Member Abercrombie added the Council needs to understand what is realistic, and what the fund balance should be. Ms. Novak asked what changes should be made. Council Member Maciel suggested reductions in service, consolidation of services, and other labor solutions. Mr. Johnston stated the challenge to staff is to continue self-evaluation to make sure things that have been done in the past need to be continued. Council Member Elliott suggested contracting out services. Council Member Rickman suggested leasing City property to increase revenue and finding different ways of doing things. Council consensus was on contracting, consolidating, and leasing. Mayor Ives stated the budget should be balanced by fiscal year 12/13, and the City should have a reserve of 25% by fiscal year 13/14.

Ms. Novak concluded by stating the Council's top three priorities were economic development, public safety and organizational efficiencies.

Council consensus was to have staff bring back some measures of how Council can reach its goals.

Mayor Ives adjourned the meeting at 9:07 p.m.

The above agenda was posted at the Tracy Community Center on February 24, 2011. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

March 15, 2011, 5:00 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Ives called the meeting to order at 5:00 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Member Abercrombie, Mayor Pro Tem Maciel and Mayor Ives present; Council Members Elliott and Rickman absent. Council Member Elliot arrived at 5:02 p.m.
3. ITEMS FROM THE AUDIENCE - None
4. CLOSED SESSION –
 - A. Personnel Matter (Gov. Code section 54957)
 - Public Employee Appointment, Employment, Evaluation of Performance, Discipline, or Dismissal

Position Titles: City Attorney and City Manager
 - B. Initiation of Litigation (Gov. Code section 54956.9(c))
 - Number of Cases - one
 - C. Labor Negotiations (Gov. Code section 54957.6)
 - Employee Organizations:

Tracy Firefighters' Association
Teamsters Local 439, IBT
Tracy Mid-Manager's Bargaining Unit
Confidential Mid-Manager's
Technical and Support Services Unit
 - City's designated representatives: R. Leon Churchill, Jr., City Manager; Maria Olvera, Director of Human Resources; and Zane Johnston, Finance and Administrative Services Director
5. MOTION TO RECESS TO CLOSED SESSION – Council Member Abercrombie motioned to recess the meeting to closed session at 5:01 p.m. Mayor Pro Tem Maciel 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 6:18 p.m.

7. REPORT OF FINAL ACTION – Council Member Abercrombie motioned to authorize the City Attorney to enter into a fifth tolling agreement with Armadillo Realty, LLC, pursuant to the terms set forth in Closed Session. Mayor Pro Tem Maciel seconded the motion. Voice vote found Council Members Abercrombie, Elliott, Mayor Pro Tem Maciel and Mayor Ives in favor; Council Member Rickman absent. Motion carried 4:0:1.
8. ADJOURNMENT – It was moved by Mayor Pro Tem Maciel and seconded by Mayor Ives to adjourn. Voice vote found Council Members Abercrombie, Elliott, Mayor Pro Tem Maciel and Mayor Ives in favor; Council Member Rickman absent. Motion carried 4:0:1. Time: 6:19 p.m.

The agenda was posted at City Hall on March 10, 2011. The above are summary minutes.

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.B

REQUEST

AWARD A CONSTRUCTION CONTRACT FOR THE STREET PATCH & OVERLAY (FY 2010-11) – CIP 73121, TRAFFIC SIGNAL LOOP DETECTORS AND CONTROLLERS REPLACEMENT AT VARIOUS LOCATIONS IN THE CITY – CIP 72070, & 72075, TO DESILVA GATES CONSTRUCTION OF DUBLIN, CALIFORNIA, AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT

EXECUTIVE SUMMARY

As part of the City's on going commitment to maintain and improve its roadway network and traffic signal program, City Council is requested to award a construction contract for street patch and overlay work for various streets and enhancement of certain traffic signals. In order to achieve cost savings, three separate roadway projects have been combined into one contract document and specifications. The first project involves asphalt overlays (CIP 73121) and two other projects involving signal loop replacements and traffic controller replacements (CIPs 72070 and 72075).

DISCUSSION

The asphalt overlay project consists of the application of a rubberized asphalt concrete overlay on deteriorated streets located throughout the City. Two candidate streets were selected based on recommendations from the City's Pavement Management System, which performs a life-cycle and cost-benefit analysis to identify the highest-ranked streets for improvement listed as follows:

1. Schulte Road (MacArthur Drive to Central Ave)
2. Central Avenue (Schulte Road to north of Fourth Street)

The scope of work for this project also includes grinding, patching of ruts and depressions before resurfacing, and adjustment of existing manholes, water valves, and survey monuments to grade.

This project is combined with other small projects for efficiency and coordination of overlay activities and includes the replacement of two aged traffic signal controllers at the intersections of Grant Line Road and Lincoln Boulevard, Eleventh Street and Lincoln Boulevard - CIP 72075, and installation of traffic signal loop detectors at locations with damaged loops - CIP 72070. These damaged loops are located at the following intersections.

1. Schulte Road and Central Avenue
2. MacArthur Dr. and Schulte Avenue
3. Lammers Road and Eleventh Street
4. Pescadero Avenue and MacArthur Drive

The traffic signal work eliminates repeated maintenance problems, enhances traffic circulation, and reduces potential hazardous conditions at signalized intersections.

The project plans and specifications were prepared in-house by engineering staff. The project was advertised for competitive bids on February 3, and February 10, 2011, and the following 4 bids were received and publicly opened at 2:00 p.m., on March 3, 2011, with the following results:

<u>Contractor</u>	<u>Base Bid</u>
DeSilva Gates Construction, Dublin	\$520,774
Granite Construction Company, Watsonville	\$520,985
Teichert Construction, Stockton	\$564,573
Knife River Construction, Stockton	\$575,787

DeSilva Gates Construction of Dublin, California, is the lowest monetary bidder. The bid analysis indicates their bid is "responsive" and the bidder is "responsible". DeSilva Gates Construction has the appropriate contractor's license in current and active standing with the State of California, and has completed numerous similar projects for the City of Tracy and other public agencies.

The total estimated cost of this project if awarded to DeSilva Gates Construction is as follows:

<u>Construction Cost</u>	<u>Base Bid</u>
Contractor's Bid for Construction	\$520,774
Contingency @ 15%	\$ 78,116
Design	\$ 25,000
Design Support During Construction	\$ 10,500
Inspection (5%)	\$ 26,100
City Wide Program Management	<u>\$ 76,650</u>
Total Construction Cost	\$737,140

Total available funding is as follows:

<u>CIP</u>	<u>Available Funding</u>
73121	\$660,000
72070	\$135,000
72075	<u>\$ 50,000</u>
Total Available Funding	\$845,000

If the project is awarded to DeSilva Gates Construction, construction of the project will commence in April 2011, with completion expected by July 2011. This project is expected to generate approximately 16 jobs for the duration of the construction project.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no impact to the General Fund. The three projects listed in this agenda item are approved Capital Improvement Projects with total available funding of \$845,000 from Transportation Sales Tax and Gas Tax.

RECOMMENDATION

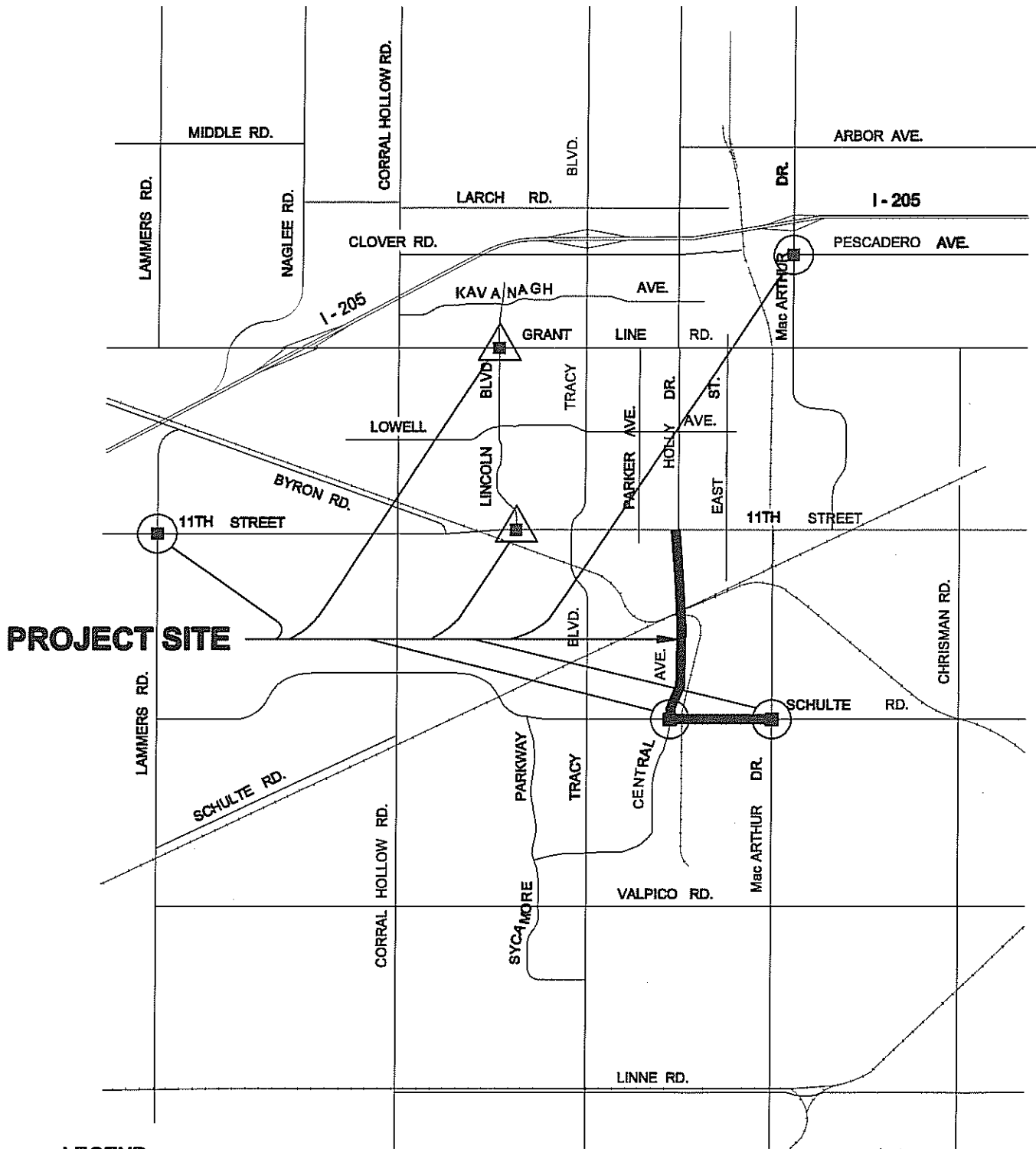
That City Council, by resolution, award a construction contract for the Street Patch & Overlay (FY 2010-2011) Project – CIP 73121, and Traffic Signal Loop Detectors and Controller Replacement at various locations in the City - CIP 72070, & 72075, to DeSilva Gates Construction of Dublin, California, in the amount of \$520,774 and authorize the Mayor to execute the construction contract.

Prepared by: Dan Pangilinan, Assistant Civil Engineer
Ripon Bhatia, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

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

Attachment: Location Map



PROJECT SITE

LEGEND:



TRAFFIC LOOP REPLACEMENT



STREET OVERLAY



TRAFFIC SIGNAL CONTROLLER REPLACEMENT

LOCATION MAP

(CITY OF TRACY)



NOT TO SCALE

RESOLUTION _____

AWARDING A CONSTRUCTION CONTRACT FOR THE STREET PATCH & OVERLAY (FY 2010-11) – CIP 73121, TRAFFIC SIGNAL LOOP DETECTORS AND CONTROLLERS REPLACEMENT AT VARIOUS LOCATIONS IN THE CITY – CIP 72070, & 72075, TO DESILVA GATES CONSTRUCTION OF DUBLIN, CALIFORNIA, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT

WHEREAS, The asphalt overlay project consists of the application of a rubberized asphalt concrete overlay on deteriorated streets located throughout the City, and

WHEREAS, This project is combined with other small projects for efficiency and coordination of overlay activities and includes the replacement of two aged traffic signal controllers - CIP 72075, and installation of traffic signal loop detectors at locations with damaged loops - CIP 72070, and

WHEREAS, The project was advertised for competitive bids on February 3, and February 10, 2011, and four bids were received and publicly opened at 2:00 p.m., on March 3, 2011, and

WHEREAS, DeSilva Gates Construction of Dublin, California, is the lowest monetary bidder. The bid analysis indicates their bid is “responsive” and the bidder is “responsible”, and

WHEREAS, The total estimated cost of this project if awarded to DeSilva Gates Construction is as follows:

<u>Construction Cost</u>	<u>Base Bid</u>
Contractor’s Bid for Construction	\$520,774
Contingency @ 15%	\$ 78,116
Design	\$ 25,000
Design Support During Construction	\$ 10,500
<i>Inspection (5%)</i>	\$ 26,100
City Wide Program Management	<u>\$ 76,650</u>
Total Construction Cost	\$737,140

WHEREAS, Total available funding is as follows:

<u>CIP</u>	<u>Available Funding</u>
73121	\$660,000
72070	\$135,000
72075	<u>\$ 50,000</u>
Total Available Funding	\$845,000

WHEREAS, There is no impact to the General Fund. The three projects listed in this agenda item are approved Capital Improvement Projects with total available funding of \$845,000;

NOW THEREFORE, BE IT RESOLVED, that City Council awards a construction contract for the Street Patch & Overlay (FY 2010-2011) Project – CIP 73121, and Traffic Signal Loop Detectors and Controller Replacement at various locations in the City - CIP 72070, & 72075, to DeSilva Gates Construction of Dublin, California, in the amount of \$520,774 and authorizes the Mayor to execute the construction contract.

The foregoing Resolution _____ was adopted by City Council on the 5th day of April 2011, by the following vote:

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

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.C

REQUEST

AUTHORIZE A PROFESSIONAL SERVICES AGREEMENT WITH BKF ENGINEERS OF PLEASANTON, CA, FOR A NOT TO EXCEED AMOUNT OF \$58,800 TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE PREPARATION OF ENVIRONMENTAL DOCUMENTS, PLANS, SPECIFICATIONS AND COST ESTIMATES FOR THE TRAFFIC SIGNAL AT LAMMERS ROAD AND SCHULTE ROAD (WEST) PROJECT - CIP 72068, AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT

EXECUTIVE SUMMARY

The Traffic Signal at Lammers Road and Schulte Road (West) Project is an approved Capital Improvement project. This project involves widening Lammers Road to accommodate a northbound left turn movement on to west bound Schulte Road and installation of a traffic signal at the intersection. Ultimately, with the widening of Lammers Road to six lanes per the City's Roadway Master Plan, the configuration of intersection lanes will change and a new signal will be installed. This phase of the project provides installation of a signal up to that time to mitigate the existing conditions.

This agenda item requests approval of a Professional Services Agreement with a qualified consultant to provide services for preparing environmental documents, plans, specifications, cost estimates and assistance in the preparation of legal plats for right-of-way acquisition.

DISCUSSION

The scope of work for CIP 72068 includes widening Lammers Road to construct a northbound left turn lane on to west bound Schulte Road and installation of a traffic signal at the intersection of Lammers Road and Schulte Road. The existing intersection is controlled by three way stop signs. Two sides are located within San Joaquin County and one side is within the City of Tracy. The project is funded partly from Plan C Development Impact Fees and partly from Kimball High School for the ultimate six lane Lammers Road signal as part of their traffic mitigation measure.

Since Lammers Road is presently a two lane street, the proposed signal will operate until Lammers Road is widened to six lanes in accordance with the City's Roadway Master Plan. It is estimated that out of the available funding of \$705,840 for this project. Approximately \$350,000 will be left over for use to improve the signal when Lammers Road will be widened to six lanes (second phase of CIP 72068).

Due to the existing work load and staffing levels within the Engineering Division, the services of a consultant are needed to complete the plans, specifications and cost estimates for this project in a timely manner.

On October 10, 2010 , the City issued a Request for Proposals (RFP) to various consultants to provide professional engineering services related to the preparation of

environmental documentation, plans, specifications, cost estimates, and support for right of way acquisition for the Traffic Signal on Lammers Road and Schulte Road (West) Project.

On December 6, 2010 ten proposals were received as follows:

1. BKF Engineers, Pleasanton
2. Hatch Matt & MacDonald, Sacramento
3. Kimley Horn & Associates
4. Mark Thomas & Company, Sacramento
5. Nolte Associates, San Jose
6. Omni-Means, Roseville
7. Schack and Company, Tracy
8. Sigfried Engineering, Stockton
9. Wood Rogers, Sacramento
10. Yamabe & Horn Engineering Inc, Fresno

Since part of the signal will be located within San Joaquin County, staff coordinated the design development of this project with San Joaquin County staff. Both City and County staff evaluated the proposals and found BKF Engineers of Pleasanton, California, to be the most qualified consultant to complete this work. BKF Engineers has successfully completed similar projects for the City of Tracy and other public agencies in the past.

Staff negotiated with BKF Engineers to provide engineering design services for this project on a time and material basis, for an amount not to exceed \$58,800, which is reasonable and competitive. Staff recommends that City Council approve this Professional Services Agreement.

FISCAL IMPACT

There will be no fiscal impact to the General Fund. A total of \$705,840 is budgeted for the Traffic Signal at Lammers Road and Schulte Road (West) Project - CIP 72068. The design and construction of this phase of the project is estimated at \$350,000. The remaining funding will be used to improve this traffic signal when Lammers Road is widened to six lanes.

RECOMMENDATION

That City Council, by resolution, authorize a Professional Services Agreement with BKF Engineers of Pleasanton, California, for a not to exceed amount of \$58,800, for the preparation of environmental documents, plans, specifications, cost estimates, and required right-of-way documents for the Traffic Signal at Lammers Road and Schulte Road (West) Project - CIP 72068, and authorize the Mayor to execute the Agreement.

Agenda Item 1.C

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April 5, 2011

Prepared by: Ripon Bhatia, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

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

CITY OF TRACY
PROFESSIONAL SERVICES AGREEMENT
FOR DESIGN PROFESSIONALS
TRAFFIC SIGNAL AT LAMMERS ROAD AND SCHULTE ROAD (WEST)
CIP 72068

THIS PROFESSIONAL SERVICES AGREEMENT (hereinafter "Agreement") is made and entered into by and between the CITY OF TRACY, a municipal corporation (hereinafter "CITY"), and **BKF ENGINEERS** (hereinafter "CONSULTANT").

RECITALS

- A. CONSULTANT is a registered professional engineer.
- B. CONSULTANT services are needed to prepare documents for environmental clearance, plans, specifications, and cost estimates for intersection improvements to add northbound left turn lane and traffic signal at the intersection of Lammers Road and Schulte Road (West) CIP 72068 (herein after "Project").
- C. On October 28, 2010 the City issued a Request For Proposals for design services of Project. At the request of CITY, on December 6, 2010, CONSULTANT submitted its proposal to perform the services described by this Agreement. After negotiations between CITY and CONSULTANT, the parties have reached an agreement for the performance of services in accordance with the terms set forth in this Agreement. On April 5, 2011, the City Council authorized the execution of this Agreement, pursuant to Resolution No. 2011-_____.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

- 1. **SCOPE OF SERVICES.** Consultant shall perform the services described in Exhibit "A" attached hereto and incorporated herein by reference. The services shall be performed by, or under the direct supervision of, CONSULTANT's Authorized Representative: **Natalina V. Bernardi, PE.** CONSULTANT shall not replace its Authorized Representative, nor shall CONSULTANT replace any of the personnel listed in Exhibit "A," nor shall CONSULTANT use any subcontractors or subconsultants, without the prior written consent of the CITY.
- 2. **TIME OF PERFORMANCE.** Time is of the essence in the performance of services under this Agreement and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. CONSULTANT shall commence performance, and shall complete all required services no later than the dates set forth in Exhibit "A." Any services for which times for performance are not specified in this Agreement shall be commenced and completed by CONSULTANT in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the CONSULTANT.

**CITY OF TRACY -- PROFESSIONAL SERVICES AGREEMENT
TRAFFIC SIGNAL AT LAMMERS ROAD AND SCHULTE ROAD (WEST) CIP 72068**

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CONSULTANT shall submit all requests for extensions of time to the CITY in writing no later than ten (10) days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. CITY shall grant or deny such requests at its sole discretion.

3. **INDEPENDENT CONTRACTOR STATUS.** CONSULTANT is an independent contractor and is solely responsible for all acts of its employees, agents, or subconsultants, including any negligent acts or omissions. CONSULTANT is not CITY's employee and CONSULTANT shall have no authority, express or implied, to act on behalf of the CITY as an agent, or to bind the CITY to any obligation whatsoever, unless the CITY provides prior written authorization to CONSULTANT. Contractors and CONSULTANTS are free to work for other entities while under contract with the CITY. Contractors and CONSULTANTS are not entitled to CITY benefits.
4. **CONFLICTS OF INTEREST.** CONSULTANT (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. In the event that CONSULTANT maintains or acquires such a conflicting interest, any contract (including this Agreement) involving CONSULTANT's conflicting interest may be terminated by the CITY.
5. **COMPENSATION.**
 - 5.1. For services performed by CONSULTANT in accordance with this Agreement, CITY shall pay CONSULTANT on a time and expense basis, at the billing rates set forth in Exhibit "B," attached hereto and incorporated herein by reference. CONSULTANT's fee for this Agreement is Not To Exceed **FIFTY EIGHT THOUSAND EIGHT HUNDRED DOLLARS (\$58,800)**. CONSULTANT's billing rates shall cover all costs and expenses of every kind and nature for CONSULTANT's performance of this Agreement. No work shall be performed by CONSULTANT in excess of the Not To Exceed amount without the prior written approval of the CITY.
 - 5.2. CONSULTANT shall submit monthly invoices to the CITY describing the services performed, including times, dates, and names of persons performing the service.
 - 5.3. Within thirty (30) days after the CITY's receipt of invoice, CITY shall make payment to the CONSULTANT based upon the services described on the invoice and approved by the CITY.
6. **TERMINATION.** The CITY may terminate this Agreement by giving ten (10) days written notice to CONSULTANT. Upon termination, CONSULTANT shall give the CITY all original documents, including preliminary drafts and supporting documents, prepared by CONSULTANT for this Agreement. The CITY shall pay CONSULTANT for all services satisfactorily performed in accordance with this Agreement; up to the date notice is given.

CITY OF TRACY -- PROFESSIONAL SERVICES AGREEMENT
TRAFFIC SIGNAL AT LAMMERS ROAD AND SCHULTE ROAD (WEST) CIP 72068
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7. **OWNERSHIP OF WORK.** All original documents prepared by CONSULTANT for this Agreement, whether complete or in progress, are the property of the CITY, and shall be given to the CITY at the completion of CONSULTANT's services, or upon demand from the CITY. No such documents shall be revealed or made available by CONSULTANT to any third party without the prior written consent of the City.
8. **ATTORNEY'S FEES.** In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.
9. **INDEMNIFICATION.** CONSULTANT shall indemnify, defend, and hold harmless the CITY (including its elected officials, officers, agents, volunteers, and employees) from and against any and all claims, demands, damages, liabilities, costs, and expenses (including court costs and attorney's fees) arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of CONSULTANT in the performance of services under this Agreement.
10. **BUSINESS LICENSE.** Prior to the commencement of any work under this Agreement, CONSULTANT shall obtain a City of Tracy Business License.
11. **INSURANCE.**
- 11.1. **General.** CONSULTANT shall, throughout the duration of this Agreement, maintain insurance to cover CONSULTANT, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.
- 11.2. **Commercial General Liability** (with coverage at least as broad as ISO form CG 00 01 01 96) "per occurrence" coverage shall be maintained in an amount not less than \$2,000,000 general aggregate and \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
- 11.3. **Automobile Liability** (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") "claims made" coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.
- 11.4. **Workers' Compensation** coverage shall be maintained as required by the State of California.
- 11.5. **Professional Liability** "claims made" coverage shall be maintained to cover damages that may be the result of errors, omissions, or negligent acts of CONSULTANT in an amount not less than \$1,000,000 per claim.
- 11.6. **Endorsements.** CONSULTANT shall obtain endorsements to the automobile and commercial general liability with the following provisions:
- 11.6.1 The CITY (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."

**CITY OF TRACY -- PROFESSIONAL SERVICES AGREEMENT
TRAFFIC SIGNAL AT LAMMERS ROAD AND SCHULTE ROAD (WEST) CIP 72068**

Page 4 of 16

- 11.6.2 For any claims related to this Agreement, CONSULTANT's coverage shall be primary insurance with respect to the CITY. Any insurance maintained by the CITY shall be excess of the CONSULTANT's insurance and shall not contribute with it.
- 11.7. **Notice of Cancellation.** CONSULTANT shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the CITY should the policy be canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.
- 11.8. **Authorized Insurers.** All insurance companies providing coverage to CONSULTANT shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.
- 11.9. **Insurance Certificate.** CONSULTANT shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City, no later than five (5) days after the execution of this Agreement.
- 11.10. **Substitute Certificates.** No later than thirty (30) days prior to the policy expiration date of any insurance policy required by this Agreement, CONSULTANT shall provide a substitute certificate of insurance.
- 11.11. **CONSULTANT's Obligation.** Maintenance of insurance by the CONSULTANT as specified in this Agreement shall in no way be interpreted as relieving the CONSULTANT of any responsibility whatsoever (including indemnity obligations under this Agreement), and the CONSULTANT may carry, at its own expense, such additional insurance as it deems necessary.
12. **ASSIGNMENT AND DELEGATION.** This Agreement and any portion thereof shall not be assigned or transferred, nor shall any of the CONSULTANT's duties be delegated, without the written consent of the CITY. Any attempt to assign or delegate this Agreement without the written consent of the CITY shall be void and of no force and effect. A consent by the CITY to one assignment shall not be deemed to be a consent to any subsequent assignment.
13. **NOTICES.**
- 13.1 All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the respective party as follows:

To CITY:
Ripon Bhatia
City of Tracy, DES
333 Civic Center Plaza
Tracy, CA 95376

To CONSULTANT:
Natalina V. Bernardi, PE
BKF Engineers
4670 Willow Road, Ste 250
Pleasanton, CA 94588

- 13.2 Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) three working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.
14. **MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.
15. **WAIVERS.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.
16. **SEVERABILITY.** In the event any term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect.
17. **JURISDICTION AND VENUE.** The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.
18. **ENTIRE AGREEMENT.** This Agreement comprises the entire integrated understanding between the parties concerning the services to be performed for this project. This Agreement supersedes all prior negotiations, representations, or agreements.
19. **COMPLIANCE WITH THE LAW.** CONSULTANT shall comply with all local, state, and federal laws, whether or not said laws are expressly stated in this Agreement.
20. **STANDARD OF CARE.** Unless otherwise specified in this Agreement, the standard of care applicable to CONSULTANT's services will be the degree of skill and diligence ordinarily used by reputable professionals performing in the same or similar time and locality, and under the same or similar circumstances.

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CITY OF TRACY -- PROFESSIONAL SERVICES AGREEMENT
TRAFFIC SIGNAL AT LAMMERS ROAD AND SCHULTE ROAD (WEST) CIP 72068
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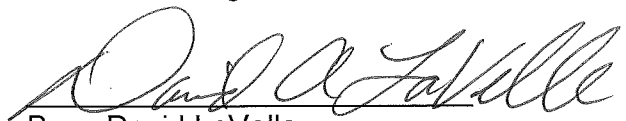
21. **SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the CONSULTANT and the CITY. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

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

CITY OF TRACY


CONSULTANT
BKF Engineers

By: Brent H. Ives
Title: MAYOR
Date: _____


By: David LaVelle
Title: President/Chief Executive Officer
Date: 3-10-11
Fed. Employer ID No. 94-1729773

Attest:

By: Sandra Edwards
Title: CITY CLERK
Date: _____


By: Linda Schmid
Title: Chief Financial Officer
Date: 3-10-11

Approved As To Form:

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

EXHIBIT A
SCOPE OF SERVICES

The CITY's primary objective is to construct a fully functional traffic signal and widening of Lammers Road to add a northbound left turn lane at the intersection of Lammers Road and Schulte Road. The intersection is located within the jurisdiction of San Joaquin County and is currently controlled with a three way stop sign. There is an existing irrigation canal that runs parallel to Schulte Road and culvert crossing Lammers Road at this intersection.

The project scope of services shall include, but is not limited to the following:

- I. CITY'S AUTHORIZED REPRESENTATIVES. CONSULTANT shall be required to coordinate with various City Engineering Division staff. CONSULTANT shall take all direction from CITY through the CITY's Authorized Representative, the Project Manager, with the City Engineer as an alternate, unless otherwise designated by the City Manager.

- II. OVERVIEW OF SCOPE OF SERVICES. As specified in this Agreement, CONSULTANT shall prepare environmental documents, plans, specifications, and cost estimates. In the event right of way is required for the PROJECT, CONSULTANT shall prepare legal documents for right of way acquisition. The components of the design for the PROJECT includes the following:
 - A. Civil improvement to add northbound left turn lane at the intersection.
 - B. Traffic Signal at the intersection of Lammers Road and Schulte Road.
 - C. Interconnect mechanism to connect to one of the adjacent traffic signal to communicate with the traffic control center.
 - D. Advanced flasher, if required in accordance with current regulations
 - E. Pedestrian crossing and ramps as required meeting current regulations.
 - F. Signing and striping as required to accommodate traffic signals.
 - G. Prepare a cost estimate and progress schedule for the project.
 - H. Right of way documents if required to accommodate improvements

Task 1: KICK OFF MEETING & PROJECT MANAGEMENT

An initial meeting between the CITY and CONSULTANT shall be held to discuss specifics of design philosophy, design criteria, standard plans, specifications schedule and timetable to be used.

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TRAFFIC SIGNAL AT LAMMERS ROAD AND SCHULTE ROAD (WEST) CIP 72068

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CONSULTANT shall maintain project schedule and shall act as strategic counsel by flagging issues and providing recommended solutions for discussion to implement the acceptable action.

CONSULTANT shall be responsible for supervising, coordinating and monitoring the design for conformance to the City and County Standards and policies.

CONSULTANT shall implement the quality control procedure for design activities, perform in-house quality control reviews for each task and submit project documents to the City.

CONSULTANT shall coordinate with sub-consultants and involved agencies to assure timely flow of information for each task activity.

CONSULTANT shall attend a monthly progress meeting with City. CONSULTANT shall discuss the project progress, issues affecting project schedule and budget and any other items the city may request for discussion.

CONSULTANT shall prepare the agenda, submittal logs; action logs updated project schedule and meeting minutes.

CONSULTANT shall attend and coordinate design meeting, comment/review meetings with the City, County, utility owners and agencies for coordination and to resolve issues.

CONSULTANT shall prepare detailed Critical Path Method (CPM) scheduled for the entire project. The schedule should be updated on monthly basis and submitted at each monthly meeting.

CONSULTANT shall prepare and submit budget reports, monthly progress reports and invoices.

NOT TO EXCEED COST FOR THIS TASK:\$3,505

Task 2: PRELIMINARY ENGINEERING

CONSULTANT shall review proposed project and perform field review of the project site, review traffic counts and develop base plan and perform coordination with utility companies.

Task 2.1. Field Review: CONSULTANT shall complete field investigations and review all available documentation, conduct preliminary investigations and verify right of way and utility locations or adjustments. This task will also include compiling and reviewing existing data pertinent to the project and performing investigations and studies necessary to verify the project criteria and scope. The

CITY OF TRACY -- PROFESSIONAL SERVICES AGREEMENT
TRAFFIC SIGNAL AT LAMMERS ROAD AND SCHULTE ROAD (WEST) CIP 72068
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data shall be obtained from the City, County, Utility Companies and other organizations.

Data to be reviewed includes the following items.

- Previous report or documents related to the proposed project area.
- As built Plans
- Utility Information
- Survey Control Data
- Right of way information
- Material reports if available
- Traffic studies conducted in the area.

Task 2.2: Conceptual Plans: Upon completion of the field survey and review of available documents, CONSULTANT shall determine the design parameters for the improvements to maximize traffic efficiency, addressing the vehicular movements, impacts on utility, grading, and right of way requirements.

CONSULTANT shall verify the truck turning movements, proposed layout of the traffic signal elements, overhead and utilities, access to various properties, culvert location and right of way prior to preparation of the conceptual plans.

CONSULTANT shall develop at least two conceptual plans showing geometric design with sufficient detail to describe the existing and proposed project elements. The concept plans shall include typical cross-section, pavement elevations, signal layout, signing and striping and layout drawings of the proposed design. The conceptual plans shall also show the roadway, grading limits, location of the above ground relocated facilities and right of way boundaries. The plans will also show the location, in plan and elevation of the all utilities to conform in accordance with City and San Joaquin County Standards.

CONSULTANT shall provide stage construction and traffic handling concepts and shall verify roadway widths to accommodate traffic circulation through all phases of construction.

CONSULTANT shall recommend signal phasing and other improvements needed to provide traffic and pedestrian movements at traffic signal.

NOT TO EXCEED COST FOR THIS TASK: \$1,866

Task 3: ENVIRONMENTAL ANALYSIS

CONSULTANT shall conduct environmental analysis and prepare environmental documents for environmental clearance as required to clear California Environmental Quality Act (CEQA) for the project.

During the project design process, CONSULTANT shall assess the extent of the environmental analysis required for this project. This project may qualify for Categorical Exemption (CE) or may require CEQA Initial Study/Mitigated Negative Declaration. CONSULTANT shall complete all documentation and file all required notices on behalf of City/gain approval for environmental clearance of the project.

**NOT TO EXCEED COST FOR THIS TASK, IF
CATEGORICAL EXEMPTION: \$1,500**

**NOT TO EXCEED COST FOR THIS TASK,
IF INTIAL STUDY/MITIGATED NEGATIVE
DECLARATION IS REQUIRED: \$8,996**

Task 4: PERMITTING

CONSULTANT shall prepare all applicable applications and coordinate with the regulatory and resource agencies on behalf and in the CONSULTANT of the City. CONSULTANT shall make all efforts to minimize impacts that may trigger permit and mitigations required for the project from these agencies.

- The CONSULTANT shall identify all agencies with permitting authority over any aspects of the project and shall maintain communication and coordination efforts with such agencies throughout all phases of the work. CONSULTANT shall identify permitting requirements and, in conjunction with City staff, establish how these requirements will be implemented. The incorporation of all permitting requirements in PS&E shall be accomplished.
- The CONSULTANT shall prepare, and assist City in preparing permit applications for the permits and listed above. The CONSULTANT, in close coordination with the City Project Manager shall serve as the liaison between CITY and other concerned agencies.
- CONSULTANT shall coordinate with San Joaquin County for necessary review and approvals for the review of the project plans and specifications and obtain encroachment permit on behalf of the City

**NOT TO EXCEED COST FOR THIS TASK
IF CATEGORICAL EXEMPTION: \$2,046**

**NOT TO EXCEED COST FOR THIS TASK,
IF INTIAL STUDY/MITIGATED NEGATIVE
DECLARATION IS REQUIRED: \$4,526**

Task 5: COORDINATION

CONSULTANT shall provide coordination with all parties affected by the project such as: utility companies, City staff, Irrigation District, San Joaquin County Specifically, tasks shall include, but not limited to, the following:

- CONSULTANT shall send preliminary plans to all utility companies for marking their lines, manholes, valves, cleanouts, and vaults. Existing utilities are to be shown on the project plans.
- CONSULTANT shall provide all correspondences, letters, memos, maps, drawings, plans, and other data pertinent to the project to the City.
- CONSULTANT shall coordinate with utility companies (PG&E) to provide the services to the traffic signal and shall show the service point and its connection to the traffic signal controller. Also any relocation of utility services required to accommodate project shall be performed by the CONSULTANT.
- Since this intersection lies within the jurisdiction of San Joaquin County, CONSULTANT shall coordinate design and obtain encroachment permit form the County. In addition CONSULTANT shall assist city in negotiating an agreement for maintenance and operation of the traffic signal.

NOT TO EXCEED COST FOR THIS TASK:\$2,372

TASK 6 : RECONNAISSANCE AND FIELD SURVEYS

CONSULTANT shall perform the following activities to collect field data for project design.

- Perform field reconnaissance and prepare a record of site conditions.
- Obtain and review available information relevant to this project from the City, utility base maps pertinent to project and adjacent areas and as-built plans.
- Perform topographic survey and collect field data to obtain the location of utilities and other structures visible from the surface, electric poles, sidewalks, curb and gutter, fire hydrants, trees and landscaping improvements along the project edges.
- Prepare plans and base mapping in AutoCAD format.
- Coordinate with City staff and utility agencies during the surveying.

**CITY OF TRACY -- PROFESSIONAL SERVICES AGREEMENT
TRAFFIC SIGNAL AT LAMMERS ROAD AND SCHULTE ROAD (WEST) CIP 72068**

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- Maintain coordination with utility agencies throughout the project.
- Perform potholing as needed to verify the exact location and depth of existing utilities so as to avoid conflicts with all proposed improvements.

NOT TO EXCEED COST FOR THIS TASK:\$11,141

TASK 7 : RIGHT OF WAY (OPTIONAL – IF REQUIRED)

- Based on the concept plans developed by the CONSULTANT if there is a need of additional right of way, there will be an additional task for assistance in obtaining right of way. If right of way is necessary, CONSULTANT shall prepare acquisition maps. Acquisitions maps shall be at 1' = 100' and shall clearly identify the gross parcel area and amount of right-of-way take.
- All easements shall be clearly marked and identified. Property take descriptions shall be clear and checked for closure.
- Plats and Legal's shall conform to the Caltrans Manuals.
- CONSULTANT shall coordinate with City's CONSULTANT for appraisal and acquisition of right of way required for the project.

***NOT TO EXCEED COST FOR THIS TASK
(ASSUMING 3 PARCLELS):***

\$ 7,500

TASK 8 : CONSTRUCTION DOCUMENTS

CONSULTANT shall prepare contract plans, technical specifications, and cost estimates (P.S.& E.) associated with the project. These documents shall be suitable for public bidding.

CONSULTANT shall prepare all plans using AutoCAD 2007 format with 1"=20' scale for plan and 1"=10' scale for details. Finished drawings will be delivered to the City on 4 mil Mylar, 24" x 36" using City border and title block.

City staff will prepare the "Boiler Plate" portion of the specifications and incorporate the Consultant's technical specification into the final bid package to be reproduced (along with the project plans) by the City. The CONSULTANT shall submit three (3) sets of plans, technical specifications, and cost estimates at 60%, 90%, 100%, and at the Final completion stage of the project for City review. The CONSULTANT shall incorporate the comments received after the reviews and should plan on a meeting with the City staff at each submittal level to review the City's comments. Final submittal requires originals, mylars, and computer files of the P.S.& E.

CITY OF TRACY -- PROFESSIONAL SERVICES AGREEMENT
TRAFFIC SIGNAL AT LAMMERS ROAD AND SCHULTE ROAD (WEST) CIP 72068

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At the completion of construction, CONSULTANT shall prepare Record (as-constructed) Drawings of the final project and submit those to the City in AutoCAD electronic format (on CD) and as a mylar. These mylar shall be a full size 24" x 36", 4 mil thick, mylar set with City Of Tracy title blocks. These record drawings will be prepared using the AutoCAD construction drawings and the contractor's marked up set of as-constructed drawings and creating a "conform" set of drawings, which is turned off to produce the final as-constructed mylars.

Plans and specifications for the project shall comply with the latest editions of the City of Tracy Design Standards, Standard Plans, Parks and Streetscape Standard Plans, Standard Specifications, and other reference standards such as the State Standard Plans and Specifications and the Standard Specification for Public Works Construction (Greenbook).

All work shall be performed under the supervision of the Registered Engineer in the State of California

The title sheet of the specifications, reports, and each sheet of the project plans shall bear the professional seal, certificate number, registration classification, expiration date of the certificate, and signature of the professional engineer responsible for their preparation.

PREPARE 60% PS&E

CONSULTANT shall prepare 60% design plans, specifications, and estimates for the project. The design plan shall include preliminary engineering and plans refined and developed to 60% design level. The intent of the design is to finalize the project supplemental information that forms basis of the design for the entire project.

- ◆ Existing intersection layout
- ◆ Property lines & right-of-way lines
- ◆ The proposed controller location
- ◆ Proposed signal pole locations
- ◆ Striping plan
- ◆ Civil Plan to show required improvements
- ◆ Vertical design including pavement elevations
- ◆ Pavement conforms
- ◆ Drainage plans, profiles and details
- ◆ Grading sheets
- ◆ Crossection details
- ◆ Phasing Diagram
- ◆ Conductor & Conduit Schedule
- ◆ Pole & Equipment
- ◆ Other Design details.
- ◆ Coordinate with the San Joaquin County or approval
- ◆ Prepare right of way plat maps

**CITY OF TRACY -- PROFESSIONAL SERVICES AGREEMENT
TRAFFIC SIGNAL AT LAMMERS ROAD AND SCHULTE ROAD (WEST) CIP 72068**

Page 14 of 16

PREPARE 90% PS&E

Based on the comments from the CITY, COUNTY, and other utility companies, CONSULTANT shall prepare plan, specifications and estimates to the 90% level. CONSULTANT shall have obtained all necessary permits including encroachment and environmental CEQA clearance. CONSULTANT shall complete coordination with any required utility relocation required for design and construction of the improvements.

In the event any right of way is required, CONSULTANT shall complete all necessary legal plats and legal for right of way acquisition and coordinate with City's CONSULTANT for acquisition.

PREPARE 100% PS&E

Based on the comments from the CITY, CONSULTANT shall prepare plan, specifications and estimates to the 100% level. The 100% package shall be submitted to the CITY for advertisement and construction.

NOT TO EXCEED COST FOR THIS TASK:\$ 16,245

TASK 9 : CONSTRUCTION ADMINISTRATION SERVICES

CONSULTANT shall assist City staff during bidding and construction process for design support during construction.

- CONSULTANT shall attend prebid meeting and prepare meeting minutes.
- CONSULTANT shall respond to contractor questions during the bidding period. Provide interpretation of the plans and specifications and assist with issuance of addendum (if needed).
- CONSULTANT shall provide conform drawings with incorporation of all addendum, into plans and specifications before pre-construction conference.
- CONSULTANT shall assist in the review of contractor change order requests and assist in any redesign efforts leading up to change order preparation for the construction contract.
- CONSULTANT shall answer questions, review submittals, shop drawings, and schedules required to be submitted by the construction documents, for conformance with the design plans and specifications. CONSULTANT shall review and respond to contractor's request for information (RFI) and clarifications during construction within five calendar days.
- CONSULTANT shall resolve any errors in the design identified during construction at no additional cost to the City in a timely manner to ensure avoid or minimize construction delay.

NOT TO EXCEED COST FOR THIS TASK: \$2,649

III. COMPLETION OF THE SCOPE OF SERVICES. CONSULTANT shall complete the design within the following timeline & budget :

CONSULTANT shall complete all design in the period of Forty Two (42) weeks.

CONSULTANT not to exceed cost to complete all design is \$58,800

EXHIBIT "B"

BILLING RATE SCHEDULE
BKF Engineers

<u>Position (Classification)</u>	<u>Billing Rate</u> <u>(dollars per hour)</u>
Principal In Charge	\$193.00
Survey/ROW Manager	\$167.00
Quality Assurance Engineer	\$167.00
Utility Coordinator	\$158.00
Project Engineer/Manager	\$158.00
Engineer/Surveyor IV	\$146.00
Engineer/Surveyor III	\$136.00
Engineer/Surveyor II	\$119.00
Engineer/Surveyor I	\$104.00
Technician	\$ 116.00
Survey Crew (2 Man)	\$ 234.00
Clerical	\$ 67.00

RESOLUTION _____

AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH BKF ENGINEERS OF PLEASANTON, CA, FOR A NOT TO EXCEED AMOUNT OF \$58,800 TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE PREPARATION OF ENVIRONMENTAL DOCUMENTS, PLANS, SPECIFICATIONS AND COST ESTIMATES FOR THE TRAFFIC SIGNAL AT LAMMERS ROAD AND SCHULTE ROAD (WEST) PROJECT - CIP 72068, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

WHEREAS, The scope of work for CIP 72068 includes widening Lammers Road to construct a northbound left turn lane on to west bound Schulte Road and installation of a traffic signal at the intersection of Lammers Road and Schulte Road, and

WHEREAS, The project is funded partly from Plan C Development Impact Fees and partly from Kimball High School for the ultimate six lane Lammers Road signal as part of their traffic mitigation measure, and

WHEREAS, Due to the existing work load and staffing levels within the Engineering Division, the services of a consultant are needed to complete the plans, specifications and cost estimates for this project in a timely manner, and

WHEREAS, On October 10, 2010 , the City issued a Request for Proposals to various consultants to provide professional engineering services related to the preparation of environmental documentation, plans, specifications, cost estimates, and support for right of way acquisition for the Traffic Signal on Lammers Road and Schulte Road (West) Project, and

WHEREAS, On December 6, 2010 ten proposals were received, and

WHEREAS, Both City and County staff evaluated the proposals and found BKF Engineers of Pleasanton, California, to be the most qualified consultant to complete this work, and

WHEREAS, Staff negotiated with BKF Engineers to provide engineering design services for this project on a time and material basis, for an amount not to exceed \$58,800, and

WHEREAS, There will be no fiscal impact to the General Fund. A total of \$705,840 is budgeted for the Traffic Signal at Lammers Road and Schulte Road (West) Project - CIP 72068. The design and construction of this phase of the project is estimated at \$350,000. The remaining funding will be used to improve this traffic signal when Lammers Road is widened to six lanes;

NOW THEREFORE, BE IT RESOLVED, That City Council authorizes a Professional Services Agreement with BKF Engineers of Pleasanton, California, for a not to exceed amount of \$58,800, for the preparation of environmental documents, plans, specifications, cost estimates, and required right-of-way documents for the Traffic Signal at Lammers Road and Schulte Road (West) Project - CIP 72068, and authorizes the Mayor to execute the Agreement.

Resolution _____

Page 2

The foregoing Resolution _____ was adopted by City Council on the 5th day of April 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

ACCEPTANCE OF THE BESSIE AVENUE RECONSTRUCTION PHASE 1 (ELEVENTH STREET TO CARLTON WAY) PROJECT - CIPs 73101, 74076, 74082, 74086, 75095, 75101, 76027 (FEDERAL PROJECT NUMBER ESPL 5192(028)), COMPLETED BY DESILVA GATES CONSTRUCTION OF DUBLIN, CALIFORNIA, AND AUTHORIZATION FOR THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

EXECUTIVE SUMMARY

The contractor has completed construction of Bessie Avenue from Eleventh Street to Carlton Way, in accordance with plans, specifications, and contract documents. Project costs are within the available budget. The project includes replacement of the pavement, all underground utilities, streetlights, curb, gutter, sidewalk, ADA ramps, and street trees. This is the first American Recovery and Reinvestment Act (ARRA) funded project constructed in San Joaquin County. Staff recommends Council accept the project to enable the City to release the contractor's bonds and retention.

DISCUSSION

On September 15, 2009, City Council awarded a construction contract to DeSilva Gates Construction, of Dublin California, in the amount of \$2,606,200, for the Bessie Avenue Reconstruction Phase 1 (Eleventh Street to Carlton Way) Project - CIPs 73101, 74076, 74082, 74086, 75095, 75101, 76027, Federal Project Number ESPL 5192(028).

The scope of work included reconstruction of approximately one-half mile of new street segment. The work included new pavement structural section, curb, gutter, sidewalk, streetlights, sewer, water, and storm drains. The scope of work also included accessible ramps and curb bulb-outs for traffic calming measures. The bulb-outs included brick pavers similar to those constructed in the Downtown. The asphalt surface was Rubberized Asphalt Concrete. This was a "green" design in that it uses recycled tires that would otherwise end up in a landfill.

Eight change orders were issued in the amount of \$419,428.87 for this project which consisted of the repair of existing water and sewer laterals, pot hole existing utilities to determine the depth, stabilize the trench excavation due to the unsuitable material encountered during construction, repair and replace the existing West Side Irrigation (WSID) culvert to provide space for installation of a new sewer main, removal of an existing concrete base encountered during construction. These were unforeseen conditions and were not part of the original plans and specifications.

The project construction contract unit prices are based on estimated engineering quantities. Actual payment is based on field measured quantities installed by the contractor. According to the City's inspection records, actual field measurement quantities exceeded the contract quantities in the amount of \$55,853.70. These quantities were added in accordance with the bid unit prices listed in the contract and are listed as over run quantities.

Status of budget and project costs is as follows:

A. Construction Contract Amount	\$2,606,200.00
B. Approved Change orders	\$ 419,428.87
C. Over run of Quantities	\$ 57,853.70
D. Design, construction management, inspection, Testing, & miscellaneous expenses	\$ 510,452.26
E. Project Management Charges	<u>\$ 511,467.73</u>
 Total Project Costs	 \$4,105,402.56
 Budgeted Amount	 \$6,414,306.00

The project has been completed within the available budget, on schedule, per plans, specifications, and City of Tracy standards. The project created approximately 108 jobs. Out of the total project costs, funding of \$1,614,306 is coming from AARA. The remaining unused funds from this project comprising the City's Gas Tax, Water and Wastewater Enterprise fund, will be used for completion of Phase 2 of this project from Carlton Way to Grant Line Road.

STRATEGIC PLAN

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

FISCAL IMPACT

CIPs 73101, 74076, 74082, 74086, 75095, 75101, 76027 are approved Capital Improvement Projects with sufficient funding and there will be no fiscal impact to the General Fund.

RECOMMENDATION

That City Council, by resolution, accept the Bessie Avenue Reconstruction Phase 1 (Eleventh Street to Carlton Way) Project - CIPs 73101, 74076, 74082, 74086, 75095, 75101, 76027, Federal Project Number ESPL 5192(028), as completed by DeSilva Gates Construction, of Dublin, California, and authorize the City Clerk to record the Notice of Completion with the San Joaquin County Recorder. The City Engineer, in accordance with the terms of the construction contract, will release the bonds and retention payment.

Prepared by: Paul Verma, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

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

RESOLUTION _____

ACCEPTING THE BESSIE AVENUE RECONSTRUCTION PHASE 1 (ELEVENTH STREET TO CARLTON WAY) PROJECT - CIPs 73101, 74076, 74082, 74086, 75095, 75101, 76027 (FEDERAL PROJECT NUMBER ESPL 5192(028)), COMPLETED BY DESILVA GATES CONSTRUCTION OF DUBLIN, CALIFORNIA, AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, On September 15, 2009, City Council awarded a construction contract to DeSilva Gates Construction, of Dublin California, in the amount of \$2,606,200, for the Bessie Avenue Reconstruction Phase 1 (Eleventh Street to Carlton Way) Project - CIPs 73101, 74076, 74082, 74086, 75095, 75101, 76027, Federal Project Number ESPL 5192(028), and

WHEREAS, Eight change orders were issued in the amount of \$419,428.87 for this project, and

WHEREAS, According to the City’s inspection records, actual field measurement quantities exceeded the contract quantities in the amount of \$55,853.70, and

WHEREAS, Status of budget and project costs is as follows:

A. Construction Contract Amount	\$2,606,200.00
B. Approved Change orders	\$ 419,428.87
C. Over run of Quantities	\$ 57,853.70
D. Design, construction management, inspection, Testing, & miscellaneous expenses	\$ 510,452.26
E. Project Management Charges	<u>\$ 511,467.73</u>
 Total Project Costs	 \$4,105,402.56
 Budgeted Amount	 \$6,414,306.00

WHEREAS, The project has been completed within the available budget, on schedule, per plans, specifications, and City of Tracy standards. The project created approximately 108 jobs. Out of the total project costs, funding of \$1,614,306 is coming from AARA. The remaining unused funds from this project comprising the City’s Gas Tax, Water and Wastewater Enterprise fund, will be used for completion of Phase 2 of this project from Carlton Way to Grant Line Road, and

WHEREAS, CIPs 73101, 74076, 74082, 74086, 75095, 75101, 76027 are approved Capital Improvement Projects with sufficient funding and there will be no fiscal impact to the General Fund;

NOW THEREFORE, BE IT RESOLVED, That City Council accepts the Bessie Avenue Reconstruction Phase 1 (Eleventh Street to Carlton Way) Project - CIPs 73101, 74076, 74082, 74086, 75095, 75101, 76027, Federal Project Number ESPL 5192(028), as completed by DeSilva Gates Construction, of Dublin, California, and authorizes the City Clerk to record the Notice of Completion with the San Joaquin County Recorder. The City Engineer, in accordance with the terms of the construction contract, will release the bonds and retention payment.

Resolution _____

Page 2

The foregoing Resolution _____ was adopted by City Council on the 5th day of April 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

AUTHORIZE ESTABLISHMENT OF STOP SIGNS TO REPLACE EXISTING YIELD SIGNS AT VARIOUS LOCATIONS THROUGHOUT THE CITY

EXECUTIVE SUMMARY

There are nine existing intersections within the City that are currently controlled by yield signs. These yield signs are present in older areas of town. Motorists sometimes do not yield to traffic coming from the other streets and creates point of conflict. The City's current practice is to install stop signs as intersection controls. Therefore, staff recommends replacing existing yield signs with stop signs for intersection control at these nine intersections.

DISCUSSION

The Development and Engineering Services Department has received comments from a concerned resident regarding existing yield signs at the intersection of Twelfth Street and Adam Street. Twelfth Street is an east-west two-lane residential collector street and Adam Street is a north-south two-lane residential street. Currently the intersection is controlled by a two-way yield sign on Adam Street. Traffic on Adam Street sometimes does not yield to Twelfth Street traffic and creates traffic conflict points at the intersection.

The current City practice is to use stop signs for intersection control. Stop signs provide a greater right of way control and enforceability at an intersection compared to yield signs.

To be consistent and uniform throughout the City, staff completed a city wide survey of intersections controlled with yield signs and identified a total of nine intersections listed below that are currently controlled by yield signs.

No.	Intersection	Type of Intersection	Street with Yield Sign
1.	Twelfth Street & Adam Street	Four Way	Adam Street
2.	Twelfth Street & Wall Street	Four Way	Wall Street
3	Twelfth Street & Roosevelt Ave	Four Way	Roosevelt Ave
4	Twelfth Street & El Portal Street	Four Way	El Portal Street
5	Twelfth Street & E Street	Three way	E Street
6	Twelfth Street & F Street	Three Way	F Street
7	Mae Ave & Hollywood Ave	Four Way	Mae Avenue
8	Highland Ave & Roosevelt Ave	Three Way	Highland Ave
9	Standridge Road & Vallerand Road	Four way	Standridge Road

To provide uniformity and consistency of traffic control devices at intersections, staff recommends converting the existing yield controlled intersections with stop signs.

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

City crews will perform the installation of the necessary signs during the spring and summer of this year.

FISCAL IMPACT

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

RECOMMENDATION

That City Council, by resolution, authorize establishment of stop signs to replace existing yield signs at various locations throughout the City.

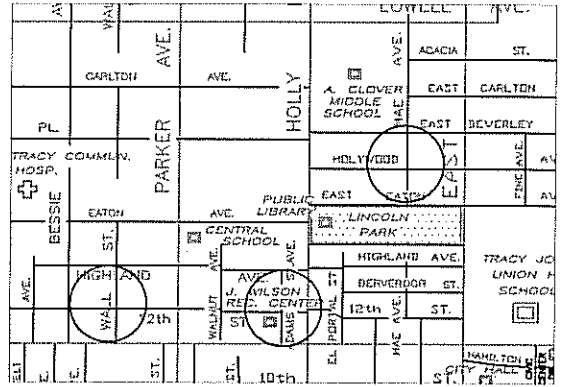
Prepared by: Ripon Bhatia, Senior Civil Engineer

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

Exhibit A – Intersection Locations

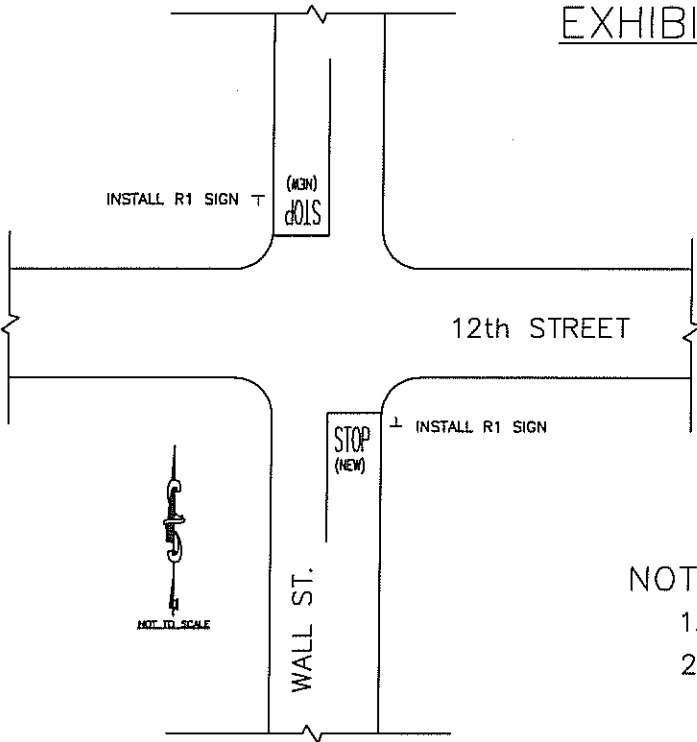
EXHIBIT A



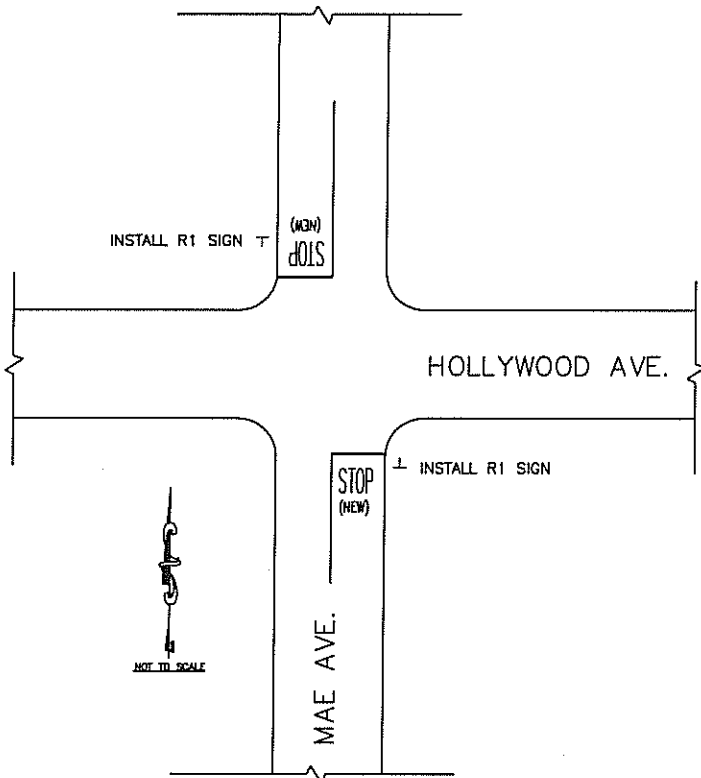
PROJECT LOCATIONS

NOTE:

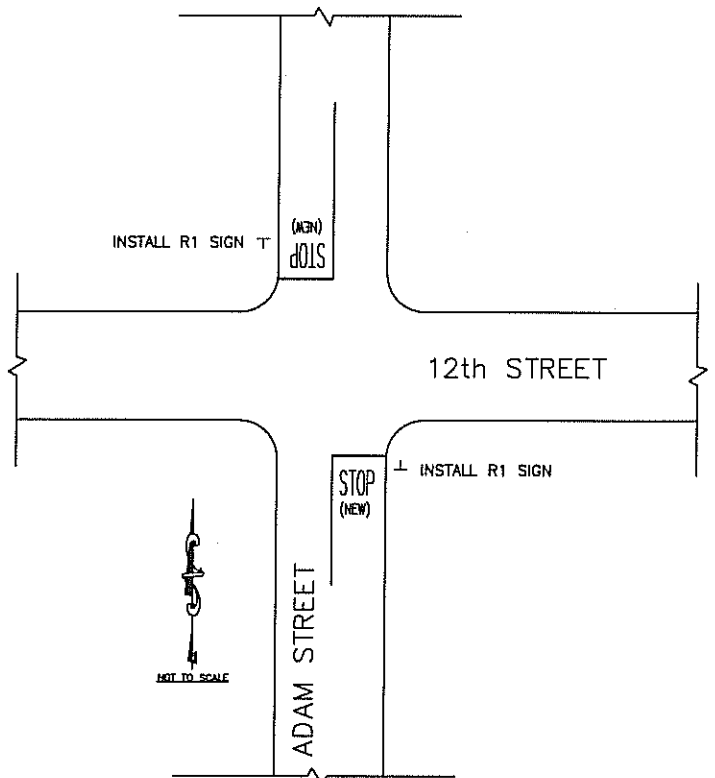
1. REMOVE EXISTING YIELD SIGNS AND MARKINGS
2. INSTALL STOP SIGNS PER CITY OF TRACY STANDARD PLAN 150.



STOP SIGNS AT THE INTERSECTION OF 12TH STREET AND WALL STREET



STOP SIGNS AT THE INTERSECTION OF HOLLYWOOD AVENUE AND MAE AVENUE



STOP SIGNS AT THE INTERSECTION OF 12th STREET AND ADAM STREET

STOP SIGNS AT VARIOUS LOCATIONS

REVISED BY	REVISIONS		
	DATE	DESCRIPTION	APPROVED
DM			
DM			
RB			
N.T.S.			

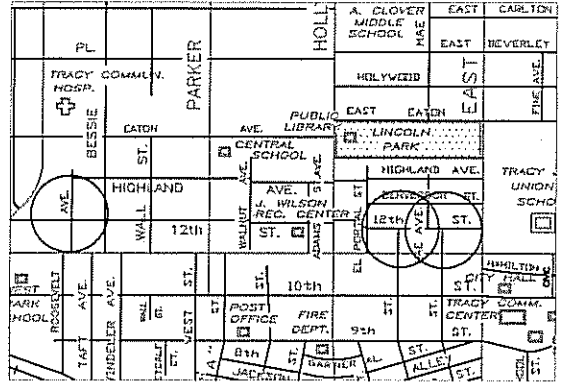
SHEET 1
OF 3 SHEETS

CITY OF TRACY

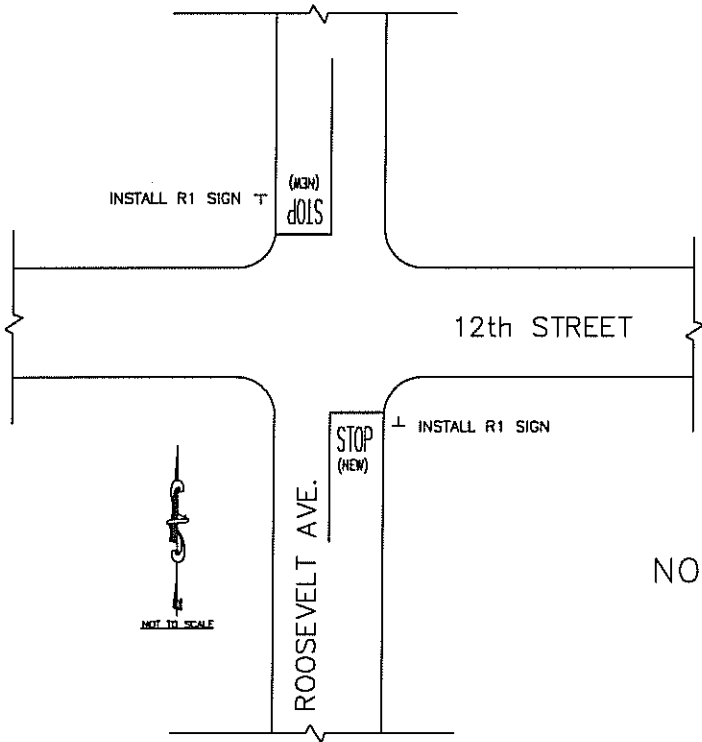
APPROVED FOR CONSTRUCTION SUBJECT TO THE DATA SHOWN. CITY OF TRACY AND THE UNDERSIGNED ARE NOT RESPONSIBLE FOR ERRORS AND/OR OMISSIONS THAT MAY BE PRESENT ON THESE PLANS.

CITY ENGINEER

EXHIBIT A



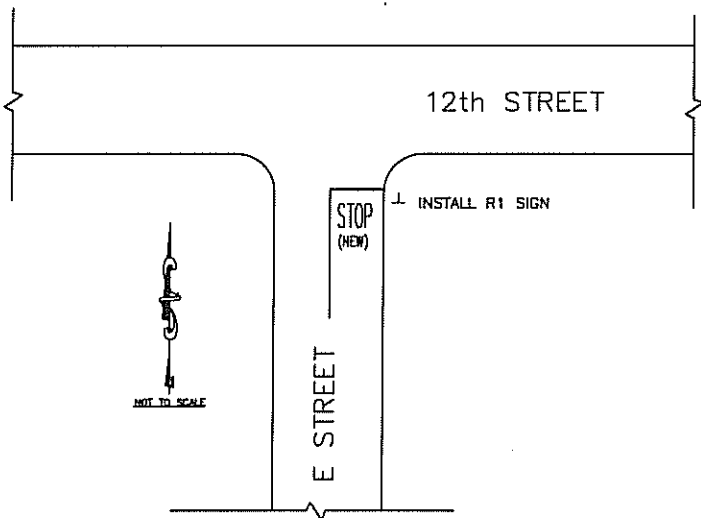
PROJECT LOCATIONS



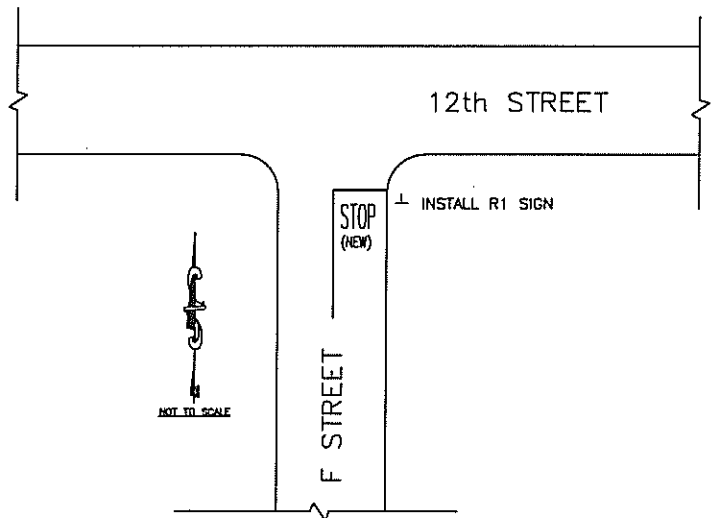
STOP SIGNS AT THE INTERSECTION OF 12TH STREET AND ROOSEVELT AVENUE

NOTE:

1. REMOVE EXISTING YIELD SIGNS AND MARKINGS.
2. INSTALL STOP SIGNS PER CITY OF TRACY STANDARD PLAN 150.



STOP SIGN AT THE INTERSECTION OF 12th STREET AND E STREET



STOP SIGN AT THE INTERSECTION OF 12th STREET AND F STREET

STOP SIGNS AT VARIOUS LOCATIONS

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

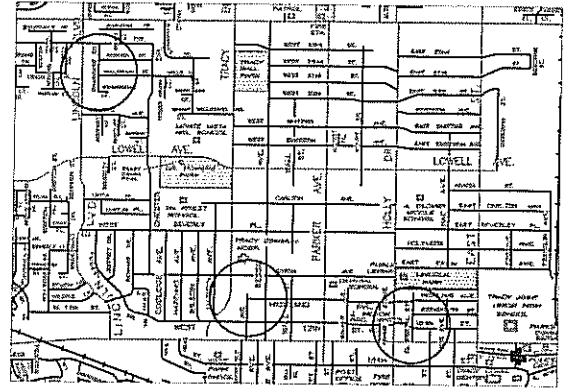
SHEET 2
OF 3 SHEETS

CITY OF TRACY

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

KULDEEP SHARMA CITY ENGINEER BMD

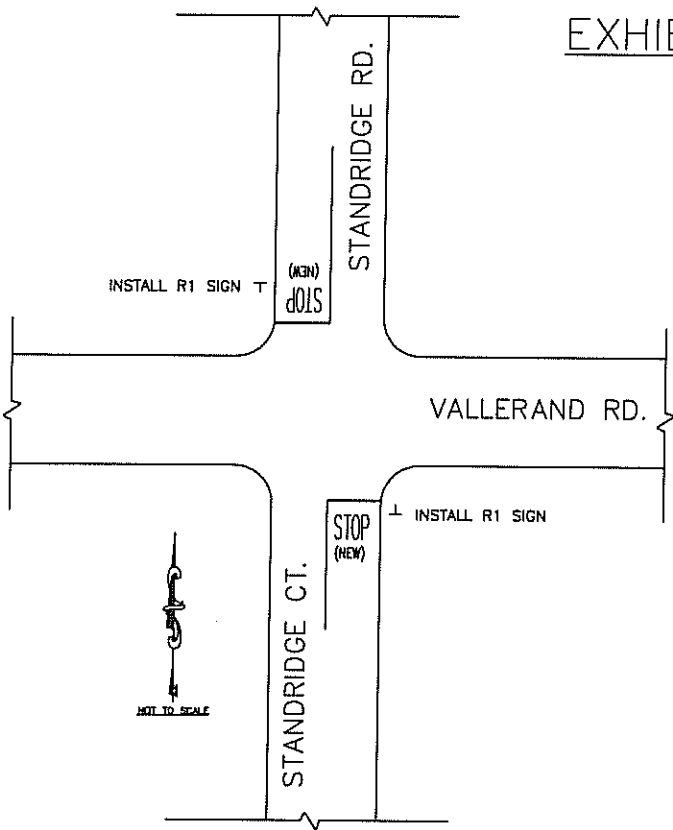
EXHIBIT A



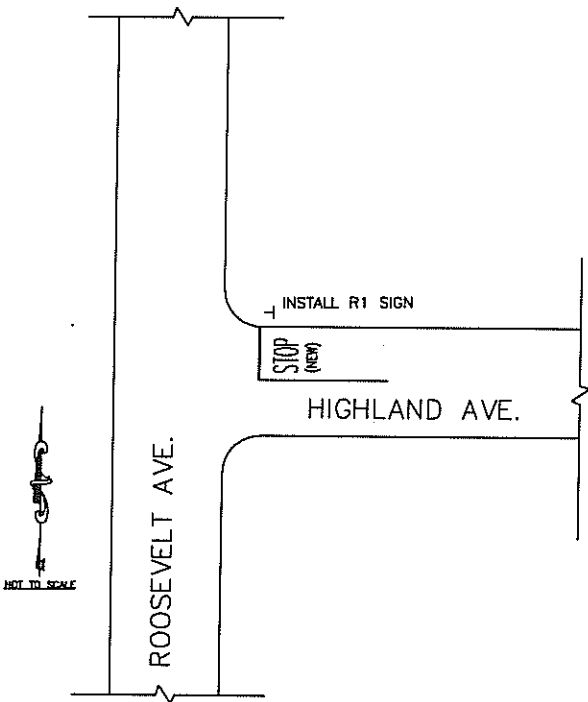
PROJECT LOCATIONS

NOTE:

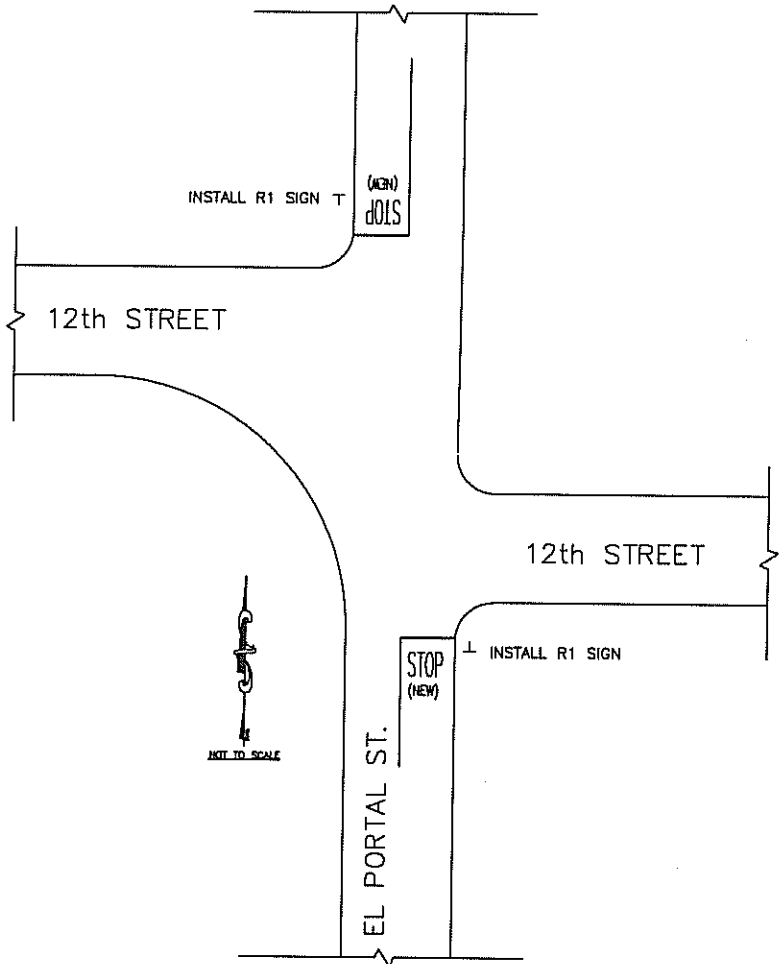
1. REMOVE EXISTING YIELD SIGNS AND MARKINGS.
2. INSTALL STOP SIGNS PER CITY OF TRACY STANDARD PLAN 150.



STOP SIGNS AT THE INTERSECTION OF STANDRIDGE ROAD AND VALLERAND ROAD



STOP SIGN AT THE INTERSECTION OF HIGHLAND AVENUE AND ROOSEVELT AVENUE



STOP SIGNS AT THE INTERSECTION OF 12th STREET AND EL PORTAL STREET

STOP SIGNS AT VARIOUS LOCATIONS

REVISIONS	REVISIONS		
	DATE	DESCRIPTION	APPROVED

SHEET 3
OF 3 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 OMISSIONS THAT MAY BE PRESENT ON THESE PLANS.

KULDEEP SHARMA CITY ENGINEER DATE

RESOLUTION _____

AUTHORIZING ESTABLISHMENT OF STOP SIGNS TO REPLACE EXISTING YIELD SIGNS AT VARIOUS LOCATIONS THROUGHOUT THE CITY

WHEREAS, The current City practice is to use stop signs for intersection control, and

WHEREAS, To be consistent and uniform throughout the City, staff completed a city wide survey of intersections and identified a total of nine intersections that are currently controlled by yield signs, and

WHEREAS, To provide uniformity and consistency of traffic control devices at intersections, staff recommends converting the existing yield controlled intersections with stop signs, and

WHEREAS, Police Department staff has reviewed the proposed change and concur with the recommendation, and

WHEREAS, Funding for the maintenance of City streets, which includes striping and installation stop signs, is a budgeted item included in the Public Works Department operating budget;

NOW THEREFORE, BE IT RESOLVED, That City Council authorizes establishment of stop signs to replace existing yield signs at various locations throughout the City.

The foregoing Resolution _____ was adopted by City Council on the 5th day of April 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

APPROVE THE SECOND AMENDMENT TO THE OFFSITE IMPROVEMENT AGREEMENT WITH WINCO HOLDINGS, INC. OF BOISE, IDAHO, TO EXTEND TIME FOR COMPLETION OF WORK AND AUTHORIZE THE MAYOR TO EXECUTE THE AMENDMENT

EXECUTIVE SUMMARY

Approval of the Second Amendment to the Offsite Improvement Agreement with Winco Holdings, Inc., (Developer) will extend the time for completion of the off-site work by the Developer at the intersection of Corral Hollow Road and Grant Line Road.

DISCUSSION

On April 3, 2007, City Council approved the Preliminary/Final Development Plan for a retail food store at the southeast corner of Pavilion Parkway and Power Road known as the WinCo Foods Facility. Approval of this project was subject to specified development conditions of approval. Among other things, the Developer was required to design and construct certain offsite improvements at the intersection of Pavillion Parkway and Naglee Road, and at the Corral Hollow Road and Grant Line Road intersection. Pavillion Parkway and Grant Line Road improvements have been completed and the work at the intersection of Corral Hollow Road and Grant Line Road is in progress. This work involved additional lanes at the signal with modification to the traffic signal.

On April 20, 2010, City Council authorized an Offsite Improvement Agreement (OIA) with the Developer to complete the offsite improvements by April 19, 2011. City Council approved an amendment to the OIA on October 19, 2010, by Resolution 2010-168 to allow completion of these improvements by the end of December 2010 to facilitate the early opening of Winco.

The Developer has now requested amending the OIA to provide and extension up to July 17, 2011 to complete all the work listed in the OIA. This request is made due to delays in construction of the AT&T facility within the right-of-way adjacent to the Grant Line/Corral Hollow Road Interchange. AT&T must be completed before the Developer can resume construction work at the northwest corner of Corral Hollow Road and Grant Line Road. AT&T's work is anticipated to be completed sometime in April 2011. The remaining work on Corral Hollow Road and Grant Line Road is estimated to be completed within 60 calendar days from the date AT&T completes its work:

Staff has reviewed the written request from the Developer for extension and recommends amending the OIA, to adjust the timing of completion of the offsite improvements to June 17, 2011.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no fiscal impact to the General Fund. The Developer has paid the cost of processing the amendment.

RECOMMENDATION

Staff recommends that City Council approve the Second Amendment to the Offsite Improvement Agreement with Winco Holdings, Inc., of Boise, Idaho, and authorize the Mayor to execute the Amendment.

Prepared by: Ranchhod Pandya, Assistant Civil Engineer
Cris Mina, Senior Civil Engineer

Reviewed by: Kul Sharma, City Engineer

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

RESOLUTION _____

APPROVING THE SECOND AMENDMENT TO THE OFFSITE IMPROVEMENT AGREEMENT WITH WINCO HOLDINGS, INC. OF BOISE, IDAHO, TO EXTEND TIME FOR COMPLETION OF WORK AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT

WHEREAS, On April 3, 2007, City Council approved the Preliminary/Final Development Plan for a retail food store at the southeast corner of Pavilion Parkway and Power Road known as the WinCo Foods Facility, and

WHEREAS, On April 20, 2010, City Council authorized an Offsite Improvement Agreement (OIA) with the Developer to complete the offsite improvements by April 19, 2011, and

WHEREAS, City Council approved an amendment to the OIA on October 19, 2010, by Resolution 2010-168 to allow completion of these improvements by the end of December 2010 to facilitate the early opening of Winco, and

WHEREAS, The Developer has now requested amending the OIA to provide and extension up to July 17, 2011 to complete all the work listed in the OIA, and

WHEREAS, Staff has reviewed the written request from the Developer for extension and recommends amending the OIA, to adjust the timing of completion of the offsite improvements to June 17, 2011, and

WHEREAS, There is no fiscal impact to the General Fund. The Developer has paid the cost of processing the amendment;

NOW THEREFORE, BE IT RESOLVED, that City Council approves the Second Amendment to the Offsite Improvement Agreement with Winco Holdings, Inc., of Boise, Idaho, and authorizes the Mayor to execute the Amendment.

The foregoing Resolution _____ was adopted by City Council on the 5th day of April 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

ACCEPTANCE OF THE ADDITIONAL PARKING FOR THE CIVIC CENTER AREA PROJECT – CIP 71065, COMPLETED BY RODGERS CONSTRUCTION & ENGINEERING COMPANY, INC., OF STOCKTON, CALIFORNIA, AND AUTHORIZATION FOR THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

EXECUTIVE SUMMARY

The contractor has completed construction of the additional parking for the Civic Center area in accordance with plans, specifications, and contract documents. Project costs are within the available budget. Staff recommends Council accept the project to enable the City to release the contractor's bonds and retention.

DISCUSSION

On January 19, 2010, City Council awarded a construction contract to Rodgers Construction & Engineering Company Inc., of Stockton, California, for construction of the Additional Parking for the Civic Center Area Project - CIP 71065, in the amount of \$266,538.

The project included improvements of two parking lots in the vicinity of the Civic Center as shown in Exhibit A. The first improvement included expansion of the existing north parking lot into the parking area previously used by the Department of Motor Vehicles (DMV). The second improvement is a new parking lot east of the Parks and Community Services building.

The north parking lot was extended west into the city-owned parking area previously used by the Department of Motor Vehicles (DMV). The city completed the existing north parking lot simultaneously with the new City Hall. Improvements to this area were deferred to avoid interruption of the day-to-day operations of the DMV until the DMV office was relocated. Improvements at this location included demolition of the existing driveway, median island, installation of new decorative lights, overlay of pavement and landscaped islands, and storm drainage. A total of 80 parking spaces are now available in the north parking lot after removal of the existing fence separating the DMV parking lot and completion of improvements in that area.

The second parking lot is located at the southeast corner of Civic Center Drive and Ninth Street, east of the existing Parks & Community Services (PCS) building. This parking lot is fenced and gated to provide 24 secured parking spaces for city vehicles during nights and weekends. An additional parking area also created 9 parking spaces outside this fenced parking lot for customers accessing the PCS building from Civic Center Drive. Improvements at this location included tree removals, grading, paving, storm drainage, irrigation, landscaping, fences, decorative lights, metal fence, electric gate, signing and striping.

Three change orders were issued in the amount of \$19,982.25 for this project which consisted of adding reinforced steel for street light foundations and additional grading and striping to comply with ADA requirements.

The project construction contract unit prices are based on estimated engineering quantities. Actual payment is based on field measured quantities installed by the contractor. According to the City's inspection records, actual field measurement quantities exceeded the contract quantities in the amount of \$21,164.50. These quantities were paid in accordance with the bid unit prices listed in the contract and are listed as overrun quantities.

Status of budget and project costs is as follows:

A. Construction Contract Amount	\$266,538.00
B. Change orders	\$ 19,982.25
C. Over run of Quantities	\$ 21,164.50
D. Design, construction management, inspection, Testing, & miscellaneous expenses	\$ 38,796.04
E. Project Management Charges	<u>\$ 23,737.73</u>
 Total Project Costs	 \$370,218.52
 Budgeted Amount	 \$415,000.00

The project has been completed within the available budget for the project, on schedule, per plans, specifications, and City of Tracy standards.

STRATEGIC PLAN

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

FISCAL IMPACT

CIP 71065 is an approved Capital Improvement Project with sufficient funding and there will be no fiscal impact to the General Fund.

RECOMMENDATION

That City Council by resolution accept The Additional Parking Civic Center Area Project – CIP 71065, completed by Rodgers Construction & Engineering Company Inc., of Stockton, California, and authorize the City Clerk to record the Notice of Completion with the San Joaquin County Recorder. The City Engineer, in accordance with the terms of the construction contract, will release the bonds and retention payment.

Prepared by: Paul Verma, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

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

ADDITIONAL PARKING
CIVIC CENTER AREA
CIP 71065

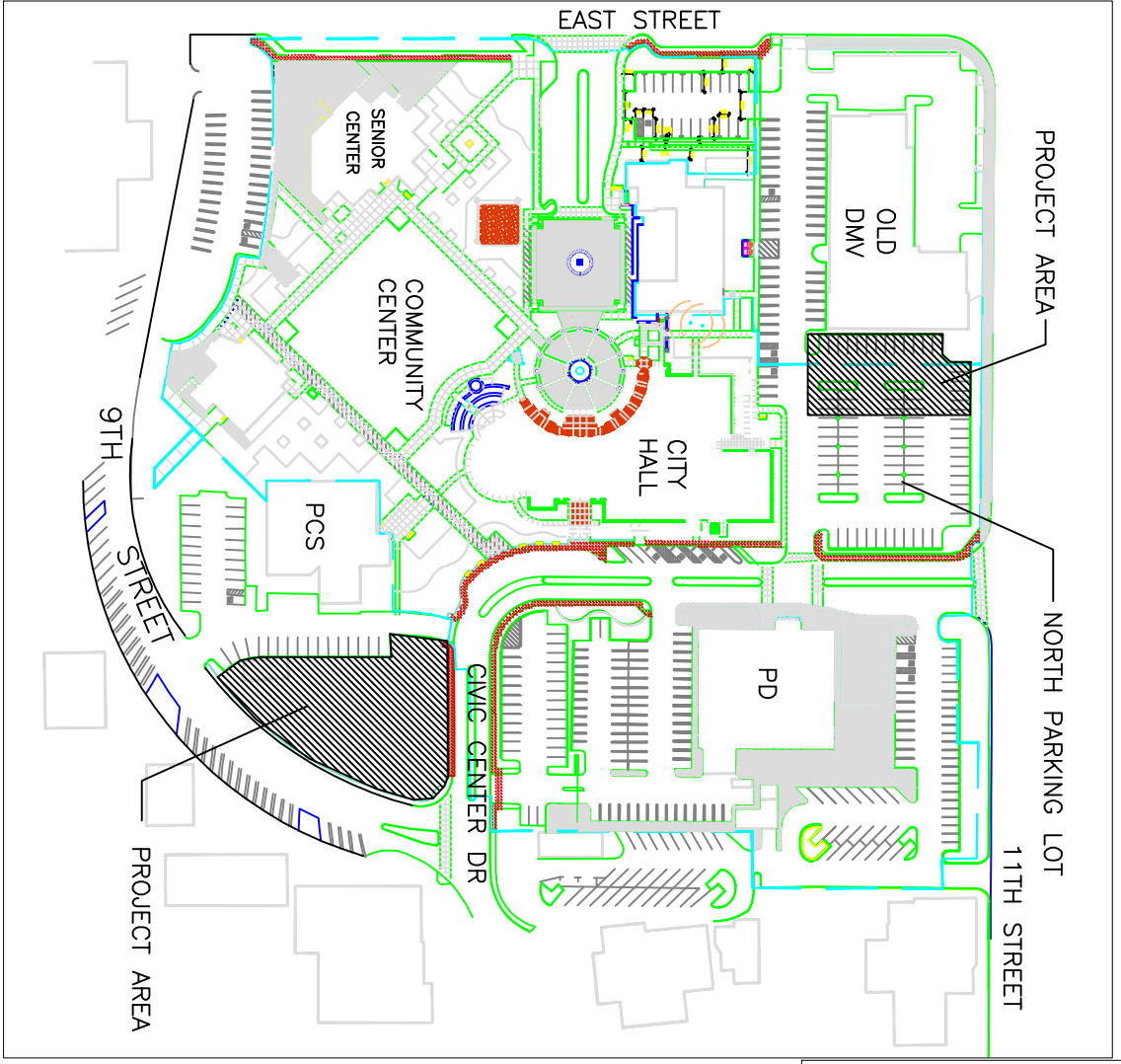
REVISIONS	NO.	DATE	DESCRIPTION

OF	1
SHEETS	1

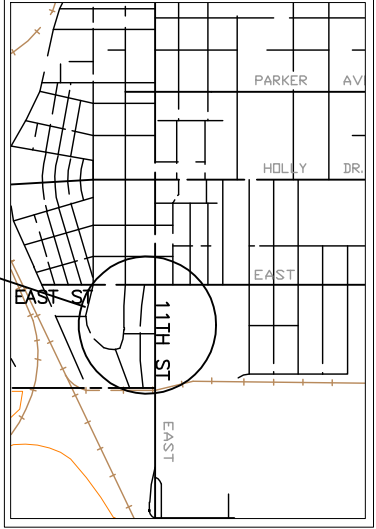
CITY OF TRACY

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

KALEP SWANA CITY ENGINEER



ADDITIONAL PARKING, CIVIC CENTER AREA
CIP 71065



NOT TO SCALE

RESOLUTION _____

ACCEPTING THE ADDITIONAL PARKING FOR THE CIVIC CENTER AREA PROJECT – CIP 71065, COMPLETED BY RODGERS CONSTRUCTION & ENGINEERING COMPANY, INC., OF STOCKTON, CALIFORNIA, AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, On January 19, 2010, City Council awarded a construction contract to Rodgers Construction & Engineering Company Inc., of Stockton, California, for construction of the Additional Parking for the Civic Center Area Project - CIP 71065, in the amount of \$266,538. and

WHEREAS, The project included improvements of two parking lots in the vicinity of the Civic Center, and

WHEREAS, Three change orders were issued in the amount of \$19,982.25 for this project, and

WHEREAS, According to the City's inspection records, actual field measurement quantities exceeded the contract quantities in the amount of \$21,164.50, and

WHEREAS, Status of budget and project costs is as follows:

Construction Contract Amount	\$266,538.00
Change orders	\$ 19,982.25
Over run of Quantities	\$ 21,164.50
Design, construction management, inspection, Testing, & miscellaneous expenses	\$ 38,796.04
Project Management Charges	<u>\$ 23,737.73</u>
Total Project Costs	\$370,218.52
Budgeted Amount	\$415,000.00

WHEREAS, CIP 71065 is an approved Capital Improvement Project with sufficient funding and there will be no fiscal impact to the General Fund;

NOW THEREFORE, BE IT RESOLVED, That City Council accepts the Additional Parking Civic Center Area Project – CIP 71065, completed by Rodgers Construction & Engineering Company Inc., of Stockton, California, and authorize the City Clerk to record the Notice of Completion with the San Joaquin County Recorder. The City Engineer, in accordance with the terms of the construction contract, will release the bonds and retention payment.

* * * * *

Resolution _____

Page 2

The foregoing Resolution _____ was adopted by City Council on the 5th day of April 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

AWARD A CONSTRUCTION CONTRACT TO COASTSIDE CONCRETE OF SANTA ROSA, CALIFORNIA, FOR THE LOWELL AVENUE BIKEWAY IMPROVEMENT PROJECT - CIP 78113, AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT

EXECUTIVE SUMMARY

Award of this construction contract will initiate replacement of an existing 5 foot sidewalk with a 12 foot wide combination of Class 1 bike path and sidewalk along Lowell Avenue in front of Dorlane Thrasher Park. Completion of this portion of bike path will provide continuity of a bike path from Grant Line Road along Orchard Parkway and Lowell Avenue east to the north/south storm drainage channel crossing Lowell Avenue.

DISCUSSION

The scope of work for this project involves installation of approximately 2,500 square feet of concrete sidewalk and bike path combination, 1,700 square feet of AC pavement, 3,500 square feet of landscaping and irrigation, metal picket fencing, curb ramp, and crosswalk. The project is funded from a Measure K Bikeway grant.

Plans and specifications were prepared in-house by engineering staff. The project was advertised for competitive bids on February 17 and 24, 2011. Nine bids were received and publicly opened at 2:00 p.m. on March 10, 2011, with the following results:

Contractor	Bid Amount
Coastside Concrete, Santa Rosa	\$44,671
J.J.R. Construction, San Mateo	\$67,375
Rodgers Construction, Stockton	\$67,818
Robert Burns Construction, Inc., Stockton	\$83,434
Martin General Engineering, Inc., Rancho Cordova	\$81,340
Stephens Construction, Co., Inc., Lodi	\$70,700
RB Construction, Modesto	\$75,000
HHEC Engineering & Const. Services, Knights Ferry	\$90,918
MCI Engineering, Inc., Stockton	\$71,985

Coastside Concrete is the lowest monetary bidder. Bid analysis indicates that their bid is “responsive” and the bidder is “responsible”. Coastside Concrete has good references and has completed similar projects for other public agencies. Based on available funds, it is recommended that the bid be awarded to Coastside Concrete for \$44,671. Due to recent cost fluctuations in the current construction market, the lowest bid is 25% lower than the engineer’s estimate and is within the available budget for the project.

The total construction cost of this project, if awarded, is as follows:

Construction Bid	\$ 44,671
Planning and Design	\$ 7,000
Construction management, inspection and design support during construction	\$ 4,000
Contingency (15%)	\$ 6,700
City wide project management	\$ 12,000
Total Construction Cost	\$ 74,371
Total Current Available Project Budget	\$200,196

If the project is awarded to Coastside Concrete, construction of the project will commence in May 2011, with completion expected by June 2011. The project will create approximately seven construction related jobs during the construction period.

STRATEGIC PLAN

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

FISCAL IMPACT

This is an approved CIP project funded by a Measure K Bikeway grant. Funds have been appropriated and there will be no impact to the General Fund.

RECOMMENDATION

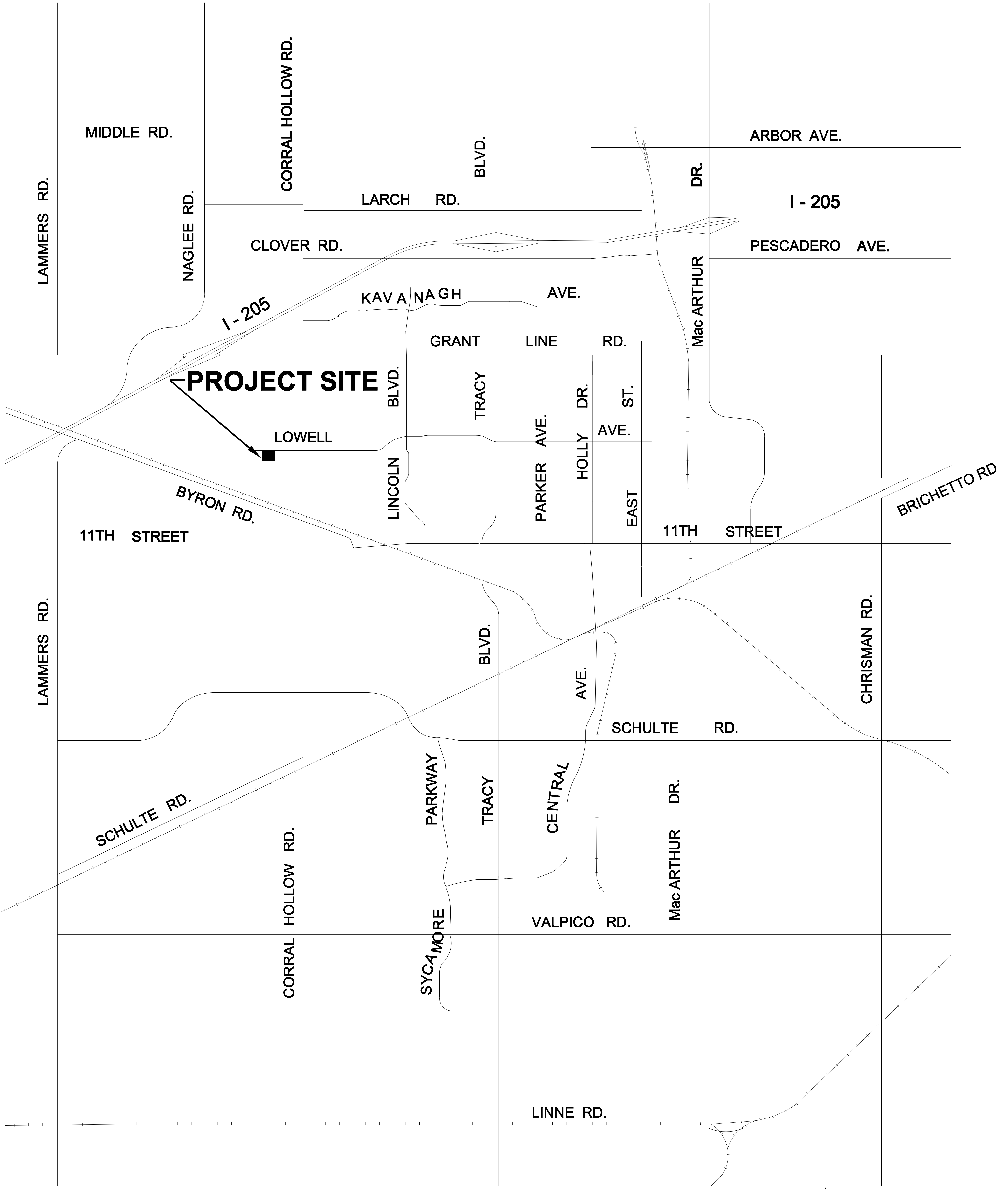
That City Council award a construction contract for the Lowell Avenue Bikeway Project Project - CIP 78113, to Coastside Concrete in the amount of \$44,671 and authorize the Mayor to execute the construction contract.

Prepared by: Binh Nguyen, Associate Civil Engineer

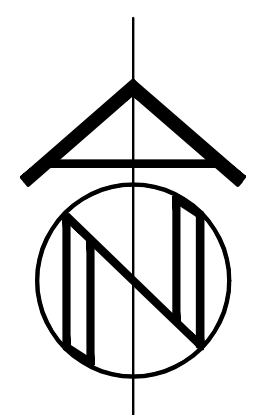
Reviewed by: Kuldeep Sharma, City Engineer

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

Attachment: Location Map



CITY OF TRACY



NOT TO SCALE

RESOLUTION _____

AWARDING A CONSTRUCTION CONTRACT TO COASTSIDE CONCRETE OF SANTA ROSA, CALIFORNIA, FOR THE LOWELL AVENUE BIKEWAY IMPROVEMENT PROJECT - CIP 78113, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT

WHEREAS, Award of this construction contract will initiate replacement of an existing 5 foot sidewalk with a 12 foot wide combination of Class 1 bike path and sidewalk along Lowell Avenue in front of Dorlane Thrasher Park, and

WHEREAS, The scope of work for this project involves installation of approximately 2,500 square feet of concrete sidewalk and bike path combination, 1,700 square feet of AC pavement, 3,500 square feet of landscaping and irrigation, metal picket fencing, curb ramp, and crosswalk, and

WHEREAS, The project was advertised for competitive bids on February 17 and 24, 2011, and nine bids were received and publicly opened at 2:00 p.m. on March 10, 2011, and

WHEREAS, Coastside Concrete is the lowest monetary bidder. Bid analysis indicates that their bid is “responsive” and the bidder is “responsible”, and

WHEREAS, The total estimated cost of this project is as follows:

Construction Bid	\$ 44,671
Planning and Design	\$ 7,000
Construction management, inspection and design support during construction	\$ 4,000
Contingency (15%)	\$ 6,700
City wide project management	\$ 12,000
Total Construction Cost	\$ 74,371
Total Current Available Project Budget	\$200,196

WHEREAS, This is an approved CIP project funded by a Measure K Bikeway grant. Funds have been appropriated and there will be no impact to the General Fund;

NOW THEREFORE, BE IT RESOLVED, That City Council awards a construction contract for the Lowell Avenue Bikeway Project - CIP 78113, to Coastside Concrete in the amount of \$44,671 and authorizes the Mayor to execute the construction contract.

Resolution _____

Page 2

The foregoing Resolution _____ was adopted by City Council on the 5th day of April 2011, by the following vote:

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

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.I

REQUEST

APPROVING CONSENT OF AN ASSIGNMENT AND ASSUMPTION AGREEMENT FOR THE EXISTING DEVELOPMENT AGREEMENT OF BANK OF AMERICA PROPERTIES WITH THE NEW BUYER, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT, AND AUTHORIZING THE CITY CLERK TO FILE THE AGREEMENT WITH THE SAN JOAQUIN COUNTY RECORDER

EXECUTIVE SUMMARY

STIP SPE II, LLC, the developer of the South Tracy Industrial Park Subdivision, Tract 3027 (Assigner/Developer) has requested the City's consent of the assignment of their rights and obligations covered under the Development Agreement to a new entity. In order to transfer all the rights and outstanding obligations under this agreement, a new Assignment and Assumption Agreement must be signed by both the Developer and the Assignee.

DISCUSSION

The Developer's predecessor in interest, BA Properties Inc., a Delaware corporation (BAPI) entered into a Development Agreement dated July 20, 1999, with the City. The Development Agreement was recorded in the Official Records of San Joaquin County on August 20, 1999, as Document number 99106319.

BAPI assigned all its interests and obligations under the Development Agreement to Shea Homes Limited Partnership, a California limited partnership (SHLP) pursuant to an Assignment and Assumption Agreement that was recorded on October 1, 1999 as Document number 99124396 of the San Joaquin County Records.

Pursuant to that certain Assignment and Assumption Agreement, recorded on the Official Records of San Joaquin County on May 3, 2001, as Document number 01083735, SHLP assigned all its interests under the Development Agreement to South Tracy Industrial Park, LLC.

As the first step of a complex financial transaction, the City Council recently approved an Assignment and Assumption Agreement, recorded on the Official Records of San Joaquin County on March 23, 2011, as Document number 2011-035445, whereby South Tracy Industrial Park, LLC, assigned all its interests under the Development Agreement to STIP SPE II, LLC, the developer of the South Tracy Industrial Park Subdivision (Developer).

To complete the financial transaction, the Developer now desires to assign its respective interests under the Development Agreement to HOF Financial I, LLC, a Delaware limited liability company (Assignee) to that portion of the property shown on the attached map. City staff reviewed the request to approve an assignment and found it to be consistent with the Development Agreement. Pursuant to the Development Agreement, the City had to consent to an assignment of developer's rights, interests, and obligations in the Development Agreement.

The Assignee has acknowledged and understands that any outstanding obligations of the Developer under the Development Agreement will be assumed by the Assignee. The new Assignment and Assumption Agreement have been executed by both the Developer and the Assignee. The Assignment and Assumption Agreement is on file with the City Engineer and is available for review upon request.

FISCAL IMPACT

There will be no impact to the General Fund.

RECOMMENDATION

That City Council, by resolution, approve the Assignment and Assumption Agreement for STIP SPE II, LLC, a California limited liability company, for the South Tracy Industrial Park Subdivision, Tract 3027, to HOF Financial I, LLC, a Delaware limited liability company, authorize the Mayor to sign the Assignment and Assumption Agreement, and further authorize the City Clerk to file the Agreement with the San Joaquin County Recorder.

Prepared by: Ranchhod Pandya, Assistant Civil Engineer
Cris Mina, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

Approved by: Andrew Malik, Director of Development and Engineering Services

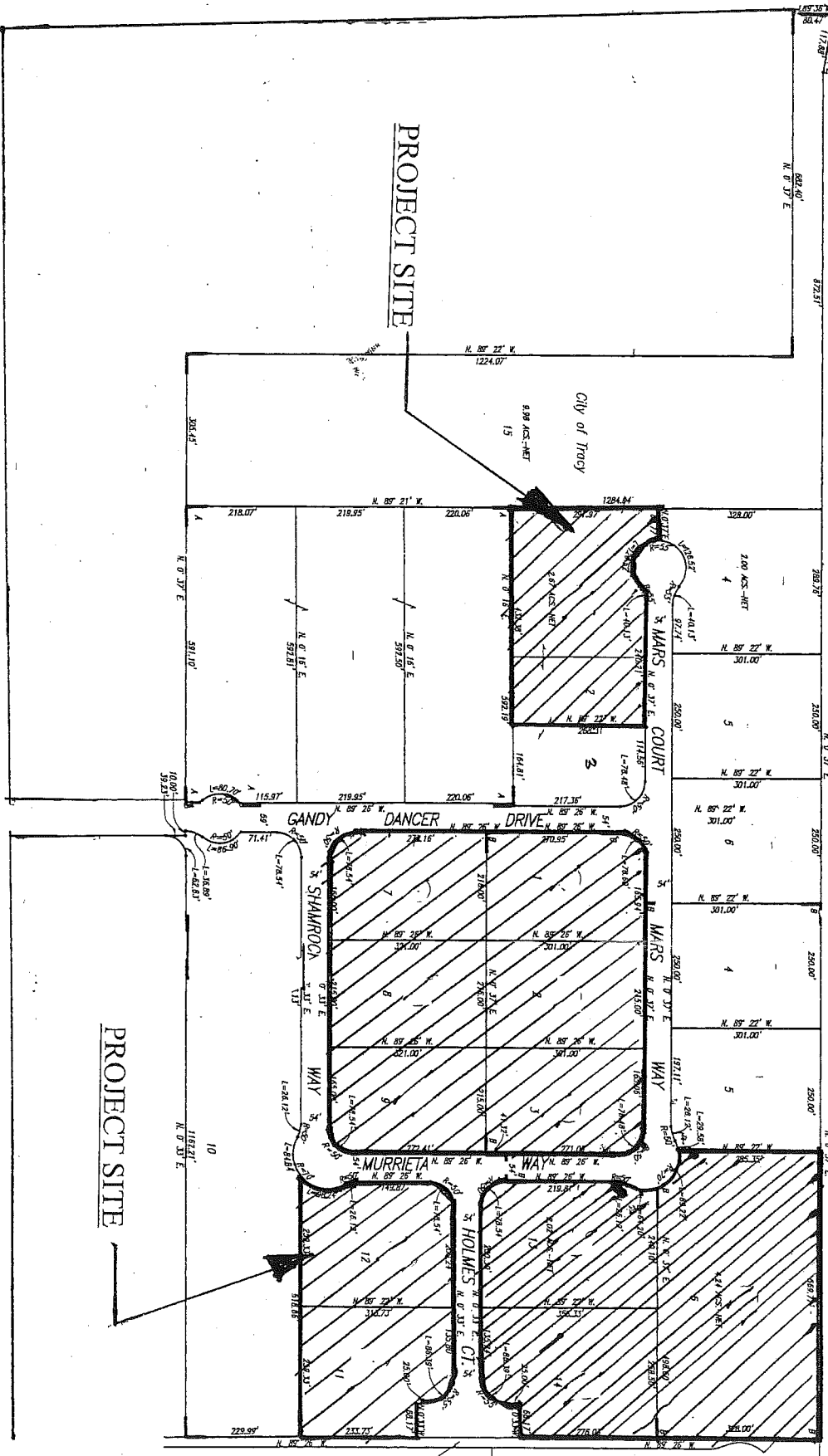
Attachment – Exhibit 'A' – Location Map

VALPICO ROAD



NORTH
NOT TO SCALE

TRACY BOULEVARD



LOCATION MAP

RESOLUTION _____

APPROVING CONSENT OF AN ASSIGNMENT AND ASSUMPTION AGREEMENT
FOR THE EXISTING DEVELOPMENT AGREEMENT OF BANK OF AMERICA
PROPERTIES WITH THE NEW BUYER, AUTHORIZING THE MAYOR TO EXECUTE
THE AGREEMENT, AND AUTHORIZING THE CITY CLERK TO FILE THE
AGREEMENT WITH THE SAN JOAQUIN COUNTY RECORDER

WHEREAS, The Developer's predecessor in interest, BA Properties Inc., a Delaware corporation (BAPI), entered into a Development Agreement dated July 20, 1999, with the City, and

WHEREAS, BAPI assigned all its interests and obligations under the Development Agreement to Shea Homes Limited Partnership, a California limited partnership (SHLP) pursuant to an Assignment and Assumption Agreement, and

WHEREAS, City Council recently approved an Assignment and Assumption Agreement, recorded on the Official Records of San Joaquin County on March 23, 2011, as Document number 2011-035445, whereby South Tracy Industrial Park, LLC, assigned all its interests under the Development Agreement to STIP SPE II, LLC, the developer of the South Tracy Industrial Park Subdivision (Developer), and

WHEREAS, To complete the financial transaction, the Developer now desires to assign its respective interests under the Development Agreement to HOF Financial I, LLC, a Delaware limited liability company (Assignee) to that portion of the property shown on the attached map, and

WHEREAS, The Assignee has acknowledged and understands that any outstanding obligations of the Developer under the Development Agreement will be assumed by the Assignee, and

WHEREAS, There will be no impact to the General Fund;

NOW THEREFORE, BE IT RESOLVED, That City Council, approves the Assignment and Assumption Agreement for STIP SPE II, LLC, a California limited liability company, for the South Tracy Industrial Park Subdivision, Tract 3027, to HOF Financial I, LLC, a Delaware limited liability company, authorize the Mayor to sign the Assignment and Assumption Agreement, and further authorizes the City Clerk to file the Agreement with the San Joaquin County Recorder.

Resolution _____

Page 2

The foregoing Resolution _____ was adopted by City Council on the 5th day of April 2011, by the following vote:

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

MAYOR

ATTEST:

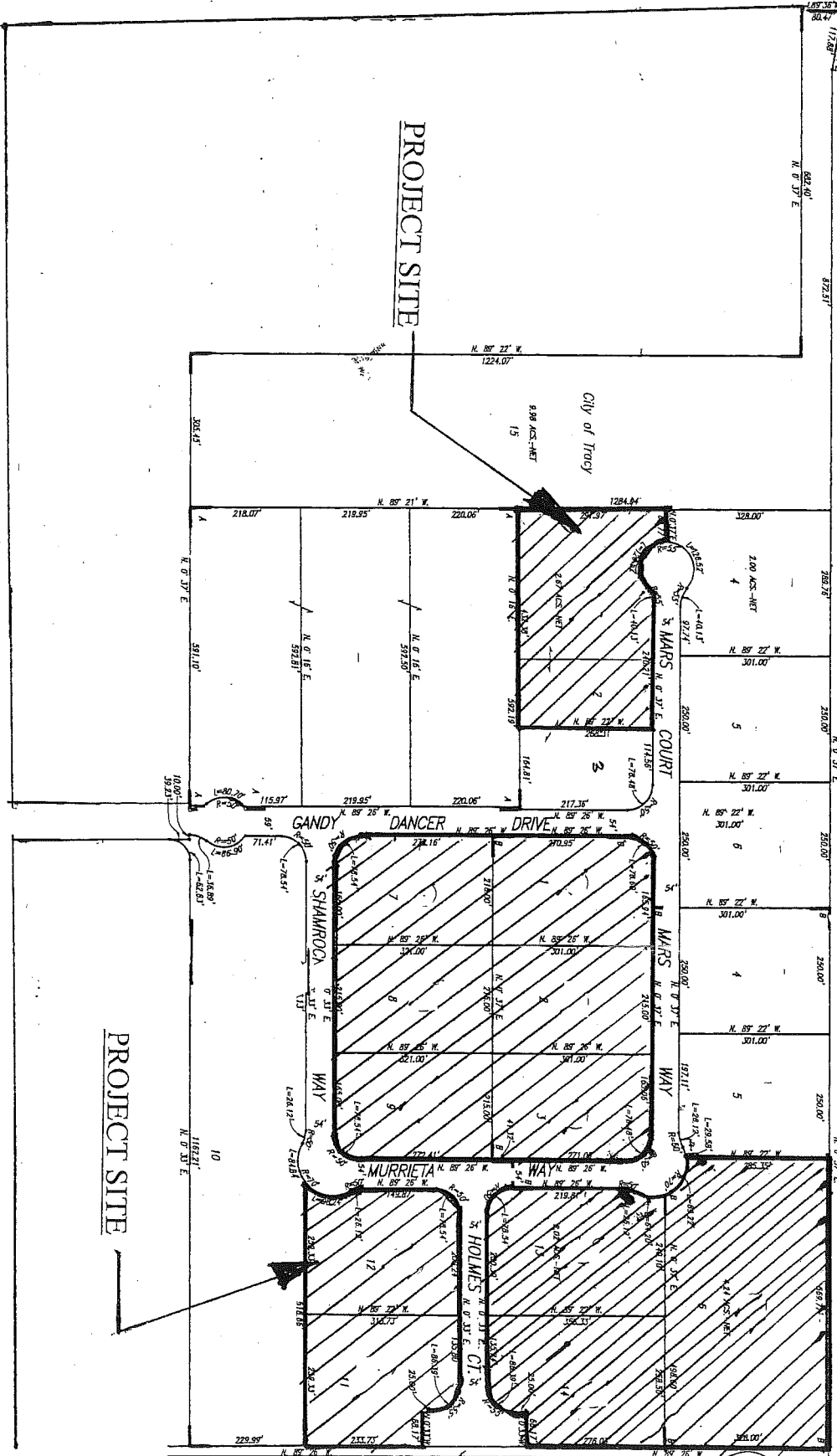
City Clerk

VALPICO ROAD



NORTH
NOT TO SCALE

TRACY BOULEVARD



LOCATION MAP

AGENDA ITEM 1.J

REQUEST

AWARD A CONSTRUCTION CONTRACT TO KNIFE RIVER CONSTRUCTION OF STOCKTON, CALIFORNIA, FOR CONSTRUCTION OF THE KAVANAGH AVENUE EXTENSION WEST OF CORRAL HOLLOW ROAD PROJECT - CIP 73097, AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT

EXECUTIVE SUMMARY

Award of this construction contract will initiate construction of Kavanagh Avenue west of Corral Hollow Road (CIP 93097) which is necessary for traffic circulation and development of properties located on the west side of Corral Hollow Road between Grant Line Road and I-205. The project is partly funded from Proposition 1B and the Transportation Sales Tax.

DISCUSSION

The scope of work for this project involves construction of new road including installation of street lights and a storm drain system west of Corral Hollow Road. The necessary rights-of-ways for the project have been purchased.

The project plans and specifications were prepared in-house by engineering staff.

On March 15, City Council rejected construction bids for this project which were received on March 9, 2011, and authorized staff to re-advertise for bids.

The project was re-advertised for competitive construction bids on March 17 and March 22, 2011. Six bids were received and publicly opened at 2:00 pm on March 28, 2011, with the following results:

<u>Contractor</u>	<u>Bid Amount</u>
Knife River Construction, Stockton	\$430,982.50
Martin General Engineers,	\$441,093.00
Granite Construction Company, Stockton	\$451,885.00
MCI Engineering, Stockton	\$452,136.00
Teichert Construction, Stockton	\$473,397.00
Tri Valley Excavating, Sunol	\$503,011.83

Knife River Construction is the lowest monetary bidder for the project. The bid analysis indicates Knife River Construction's bid is responsive and the bidder is responsible.

The total cost of this project, if awarded to the lowest bidder, Knife River, is as follows:

Construction Bid	\$ 430,982.50
Planning and design	\$ 35,000.00
Construction management, permits, inspection	\$ 51,000.00
Design support during construction	\$ 6,000.00

Contingency (15%)	\$ 65,000.00
Project management	\$ 138,000.00
Right of Way	\$ 984,239.00
Total Construction Cost	\$1,710,221.50
Total Budgeted amount of the project	\$2,700,000.00

If the project is awarded to Knife River Construction, construction will commence in April 2011, with completion expected by May 30, 2011. The project will create approximately 17 jobs during construction of the project. A portion of the project budget includes funding from Proposition 1B in the amount of \$900,000. This funding needs to be expended by June 30, 2011.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no impact to the General Fund. This is an approved CIP project, and a total of \$2,700,000 is available from F-242 (Transportation Sales Tax) and F-244 (California Proposition 1B Grant). The remaining unused funding after completion of this project will be available for use on other roadway projects funded from Transportation Sales Tax.

RECOMMENDATION

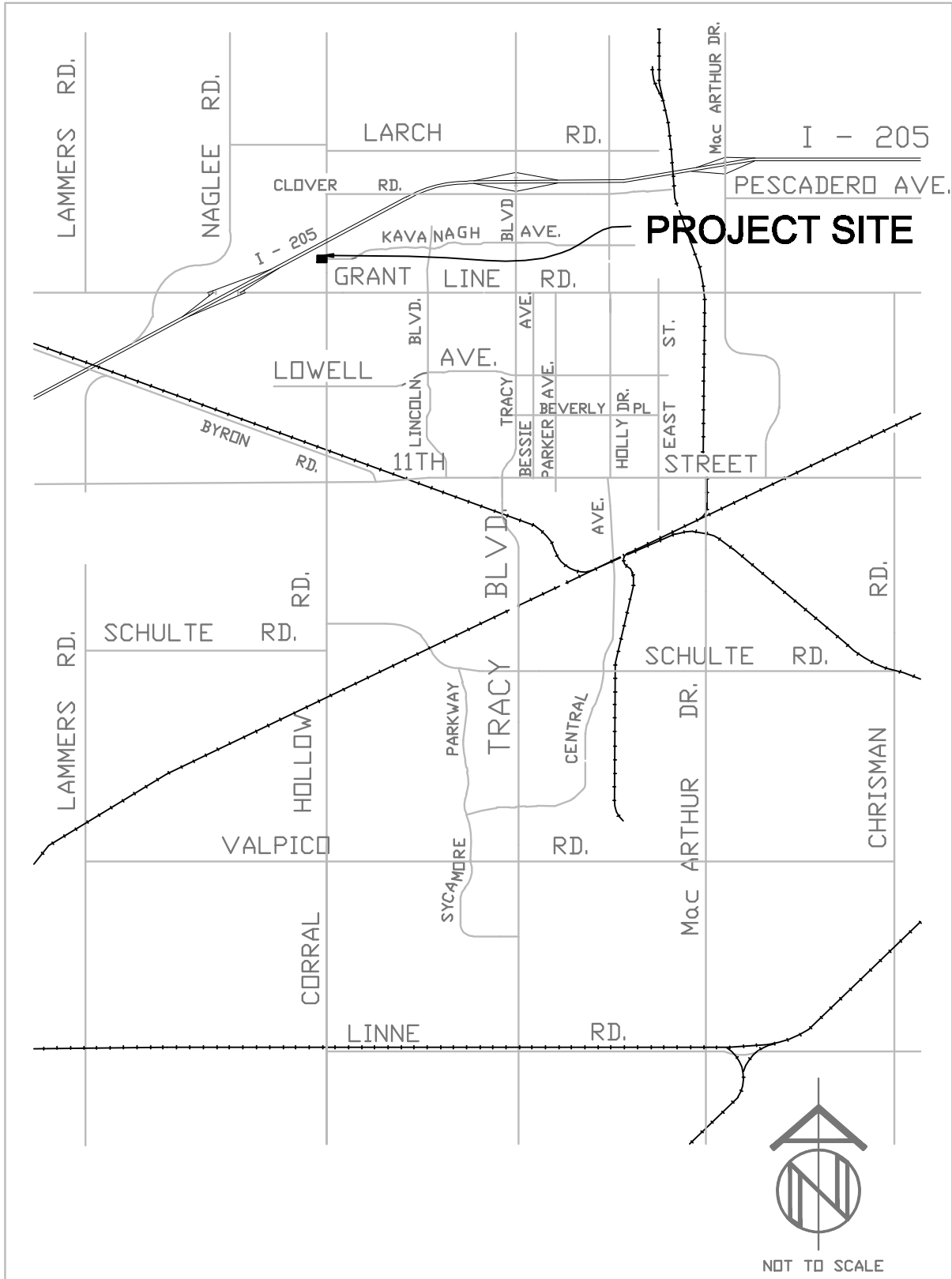
That City Council, award a construction contract for the Kavanagh Extension Avenue west of Corral Hollow Road Project - CIP 73097, to Knife River Construction of Stockton, California, in the amount of \$430,982.50, and authorize the Mayor to execute the construction contract.

Prepared by: Zabih Zaca, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

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

Attachment: Location Map



RESOLUTION _____

AWARDING A CONSTRUCTION CONTRACT TO KNIFE RIVER CONSTRUCTION OF STOCKTON, CALIFORNIA, FOR CONSTRUCTION OF THE KAVANAGH AVENUE EXTENSION WEST OF CORRAL HOLLOW ROAD PROJECT - CIP 73097, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT

WHEREAS, The scope of work for this project involves construction of new road including installation of street lights and a storm drain system west of Corral Hollow Road, and

WHEREAS, The project was re-advertised for competitive construction bids on March 17 and March 22, 2011, and five bids were received and publicly opened at 2:00 pm on March 28, 2011, and

WHEREAS, Knife River Construction is the lowest monetary bidder for the project, and

WHEREAS, The total cost of this project, if awarded to the lowest bidder, Knife River, is as follows:

Construction Bid	\$ 430,982.50
Planning and design	\$ 35,000.00
Construction management, permits, inspection	\$ 51,000.00
Design support during construction	\$ 6,000.00
	\$ 65,000.00
Contingency (15%)	
Project management	\$ 138,000.00
Right of Way	\$ 984,239.00
Total Construction Cost	\$1,710,221.50
Total Budgeted amount of the project	\$2,700,000.00

WHEREAS, There is no impact to the General Fund. This is an approved CIP project, and a total of \$2,700,000 is available from F-242 (Transportation Sales Tax) and F-244 (California Proposition 1B Grant);

NOW THEREFORE, BE IT RESOLVED, That City Council awards a construction contract for the Kavanagh Extension Avenue west of Corral Hollow Road Project - CIP 73097, to Knife River Construction of Stockton, California, in the amount of \$430,982.50, and authorizes the Mayor to execute the construction contract.

Resolution _____

Page 2

The foregoing Resolution _____ was adopted by City Council on the 5th day of April 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

APPOINT SIX APPLICANTS TO THE TRANSPORTATION ADVISORY COMMISSION

EXECUTIVE SUMMARY

There are six vacancies on the Transportation Advisory Commission due to term expirations and mid-term resignations. A recruitment was conducted and appointments need to be made.

DISCUSSION

There are six vacancies on the Transportation Advisory Commission due to term expirations and mid-term resignations. To fill the vacancies the City Clerk's office conducted a recruitment which opened on February 1, 2011, and closed on March 2, 2011. Eight applications were received.

On March 17, 2011, a Council subcommittee consisting of Council Member Abercrombie and Mayor Pro Tem Maciel interviewed the applicants. In accordance with Resolution 2004-152, the Council subcommittee will recommend six applicants for appointment. Three appointees will serve four year terms, 2 appointees will serve terms of three years and one month, and one appointee will serve a term of two years and one month.

The subcommittee can recommend the Council establish an eligibility list that can be used to fill vacancies that occur in the following 12 months.

FISCAL IMPACT

None.

STRATEGIC PLAN

This is a routine operational item and is not related to the City's seven strategic plans.

RECOMMENDATION

That Council approves the subcommittee's recommendations and appoints three applicants to serve four year terms (May 1, 2011 to April 30, 2015); 2 applicants to serve terms of three years and one month (April 5, 2011 to April 30, 2014); and 1 applicant to serve a term of two years and one month, (April 5, 2011 to April 30, 2013).

Prepared by: Carole Fleischmann, Assistant City Clerk
Reviewed by: Maria Hurtado, Assistant City Manager
Approved by: Leon Churchill, Jr., City Manager

REQUEST

SECOND READING AND ADOPTION OF ORDINANCE 1157 AN ORDINANCE OF THE CITY OF TRACY ADOPTING THE 2010 CALIFORNIA BUILDING CODE, 2010 CALIFORNIA ELECTRICAL CODE, 2010 CALIFORNIA PLUMBING CODE, 2010 CALIFORNIA RESIDENTIAL CODE, 2010 CALIFORNIA MECHANICAL CODE, 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 CALIFORNIA HISTORICAL BUILDING CODE, 2010 CALIFORNIA EXISTING BUILDING CODE, AND 2010 CALIFORNIA ENERGY CODE, ADOPTING ADMINISTRATIVE AND PENALTY PROVISIONS, ADOPTING CERTAIN CODE APPENDICES, ADOPTING MINIMUM DESIGN STANDARDS FOR CONCRETE SLABS, REPEALING SECTIONS TO ELIMINATE ANTIQUATED OR REPETITIVE LANGUAGE, CODIFYING BYLAWS FOR THE BUILDING BOARD OF APPEALS AND ADDING CHAPTER 9.62 TO THE TRACY MUNICIPAL CODE TO REQUIRE PLACARDING FOR POST-DISASTER SAFETY ASSESSMENTS

EXECUTIVE SUMMARY

Ordinance 1157 was introduced at the Council meeting held on March 15, 2011. Ordinance 1157 is before Council for a second reading and adoption

DISCUSSION

New versions of the various California codes related to building design and construction are adopted by the State of California every three years. Ordinance 1157 was introduced at the Council meeting held on March 15, 2011, to consider the 2010 California Codes that will replace the 2007 versions of the same and such codes are set forth in Title 24 of the California Code of Regulations. In addition to the updated versions of codes, three new codes to the City will be added. The new codes are the California Residential Code (CRC), California Existing Building Code (CEBC) and the California Green Building Standards Code (CGBSC) to the City. Ordinance 1157 repeals, amends, and adds various sections of Title 9 of the Tracy Municipal Code.

Ordinance 1157 is before Council for a second reading and adoption

STRATEGIC PLAN

This agenda item supports the environmental sustainability strategic plan in relation to the adoption of the 2010 California Green Building Standards Code and specifically implements the following goals and objectives:

- Goal 2: Consumption and Waste Reduction
- Goal 3: Design a Sustainability Action Plan

Objectives: Contributes to reduction in water consumption and greenhouse gas emissions and increases recycling opportunities

FISCAL IMPACT

None.

RECOMMENDATION

That Council adopts Ordinance 1157 following its second reading.

Attachment

Prepared by: Adrienne Richardson, Deputy City Clerk
Reviewed by: Carole Fleischmann, Assistant City Clerk

Approved by: Leon Churchill, Jr., City Manager

ORDINANCE 1157

AN ORDINANCE OF THE CITY OF TRACY ADOPTING THE 2010 CALIFORNIA BUILDING CODE, 2010 CALIFORNIA ELECTRICAL CODE, 2010 CALIFORNIA PLUMBING CODE, 2010 CALIFORNIA RESIDENTIAL CODE, 2010 CALIFORNIA MECHANICAL CODE, 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 CALIFORNIA HISTORICAL BUILDING CODE, 2010 CALIFORNIA EXISTING BUILDING CODE, AND 2010 CALIFORNIA ENERGY CODE, ADOPTING ADMINISTRATIVE AND PENALTY PROVISIONS, ADOPTING CERTAIN CODE APPENDICES, ADOPTING MINIMUM DESIGN STANDARDS FOR CONCRETE SLABS, REPEALING SECTIONS TO ELIMINATE ANTIQUATED OR REPETITIVE LANGUAGE, CODIFYING BYLAWS FOR THE BUILDING BOARD OF APPEALS AND ADDING CHAPTER 9.62 TO THE TRACY MUNICIPAL CODE TO REQUIRE PLACARDING FOR POST-DISASTER SAFETY ASSESSMENTS

WHEREAS, New versions of the various codes related to building design and construction are adopted by the State of California every three years, and

WHEREAS, There are three new codes that are new to the City; the California Residential Code (CRC), California Existing Building Code (CEBC) and the California Green Building Standards Code (CGBSC), and

WHEREAS, Ferrous rod, pipe and plate electrodes can corrode in the City of Tracy's soils; the proposed ordinance includes requirements for the protection of such materials or the use of appropriate corrosion-resistant material, and

WHEREAS, Slabs-on-grade installed in conjunction with foundations in the City of Tracy can fail by experiencing differential volume changes in soil that lead to horizontal and/or vertical displacement of the slab, and

WHEREAS, The City of Tracy's Building Board of Appeals met on May 25, 2010, and adopted bylaws in order to be able to conduct its business appropriately, and

WHEREAS, Adoption of the Ordinance will have a fiscal impact. Although the fees collected at permit issuance will not change, the addition of three new codes will create additional work load;

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

SECTION 1: Repealed and amended sections. Tracy Municipal Code sections 9.04.030 through 9.04.070 are hereby repealed and the following text is added to read as follows:

"9.04.030 Adoption by reference of the California Building Code.

The City hereby adopts by reference the code entitled "2010 California Building Code," Volumes 1 and 2, including appendices F, H and K, copyrighted by the International Code Council and the California Building Standards Commission (hereinafter "California Building Code"), as amended by this chapter. The California Building Code is on file with the City Clerk, and is available for inspection and copying in accordance with

Government Code section 50022.6.

9.04.040 Penalty provisions.

California Building Code subsection 114.4, Violation penalties, is amended by deleting the existing text and replacing it to read as follows:

(a) Violations of this chapter shall be enforced by the City in accordance with Tracy Municipal Code section 9.02.040.

9.04.050 Slab Design for Expansive Soils

California Building Code section 1808.6.1, Foundations, is amended by adding the following text to the end of the section:

3. Slabs-on-grade installed in conjunction with foundations shall also be designed to resist differential volume changes and to prevent horizontal and vertical displacement of the slab.

9.04.060 Referenced Codes

California Building Code section 101.4.1 through 101.4.5, Referenced codes, is amended by deleting the existing text and replacing it with the following:

101.4.1 Gas. The provisions of the California Plumbing Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.2 Mechanical. The provisions of the California Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.3 Plumbing. The provisions of the California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.4 Property Maintenance. The provisions of the Uniform Housing Code and the Uniform Code for the Abatement of Dangerous Buildings shall apply to existing structures and premises; equipment and facilities; light, ventilation space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

101.4.5 Fire Prevention. The provisions of the California Fire Code shall apply to matter affecting or relating to structures, processes and premises from the

hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

9.04.070 Expiration of Application for Plan Review and Permit

California Building Code section 105.3.2, Time limitation of application, is amended by deleting its text and adding the following text in its place:

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. However, at the discretion of the building official, an application shall not be extended more than two times if this code or any other pertinent code, law or ordinance has been adopted subsequent to the date of application. A new permit shall be obtained and corresponding fees shall be paid when a permit has expired.

California Building Code section 105.5, Expiration, is amended by deleting its text and adding the following text in its place:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. However, at the discretion of the building official, a permit shall not be extended more than two times if this code or any other pertinent code, law or ordinance has been adopted subsequent to the date of application. A new permit shall be obtained and corresponding fees shall be paid when a permit has expired."

SECTION 2: Repealed sections. Tracy Municipal Code sections 9.04.080 through 9.04.260 are hereby repealed.

SECTION 3: Repealed and amended sections. Tracy Municipal Code sections 9.08.030 through 9.08.070 are hereby repealed and the following text is added to read as follows:

"9.08.030 Adoption by reference of the California Electrical Code.

The City hereby adopts by reference the code entitled "2010 California Electrical Code," copyrighted by the National Fire Protection Association and approved by the California Building Standards Commission (hereinafter "California Electrical Code"), as amended by this chapter. The California Electrical Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section

50022.6.

9.08.040 Penalty Provisions.

Violations of this chapter shall be enforced by the City in accordance with Tracy Municipal Code section 9.02.040.

9.08.050 Rod and pipe and plate electrodes.

California Electrical Code subsection 250.52(A)(5), Rod and Pipe Electrodes and 250.52(A)(7), Plate Electrodes, are amended by deleting the existing text of subsection 250.52(A)(5) and 250.52(A)(7), and replacing it with the following:

(5) Rod and pipe electrodes. Rod and pipe electrodes shall not be less than 8 feet in length and shall consist of the following materials.

(a) Grounding electrodes of pipe or conduit shall not be smaller than metric designator 21 (trade size 3/4) and any piping subject to undue corrosive action, electrolysis, erosion or mechanical damage shall be protected in a manner suitable for the purpose and subject to the approval of the Building Official.

(b) Grounding electrodes of rods of stainless steel and copper coated steel shall be at least 15.87 mm (5/8 inch) in diameter, unless listed for use in corrosive soils and not less than 12.70 mm (1/2 inch) in diameter.

(7) Plate Electrodes. Each plate electrode shall expose not less than 0.186 m² (2 ft²) of surface to exterior soil. Electrodes of iron or steel plates shall not be permitted. Electrodes of nonferrous metal shall be at least 1.5 mm (0.06 in.) in thickness.

9.08.060 Administrative Provisions to the California Electrical Code

Administrative provisions to the California Electrical Code shall be enforced by the City in accordance with Division II requirements found in sections 101-116 of the California Building Code or sections R101-R114 of the California Residential Code, whichever applies.

9.08.070 Amendments to California Electrical Code.

The California Electrical Code as adopted by Section 9.08.030 of the Tracy Municipal Code is amended as set forth in Sections 9.08.040, 9.08.050, 9.08.060, 9.08.140 and 9.08.150."

SECTION 4: Repealed sections. Tracy Municipal Code sections 9.08.080 through 9.08.130 and section 9.08.160 are hereby repealed.

SECTION 5: Added chapter. Tracy Municipal Code chapter 9.10 is hereby added to read as follows:

“Residential Code

9.10.010 Reference to chapter.

This chapter 9.10 of the Tracy Municipal Code may be referred to as the "City Residential Code," and is adopted pursuant to Government Code section 50022.2. For purpose of clarity, the term "Code," when used alone, shall refer to the Tracy Municipal Code.

9.10.020 Purpose of chapter.

The purpose of this chapter is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations. The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

9.10.030 Adoption by reference of the California Residential Code

The City hereby adopts by reference the code entitled "2010 California Residential Code" and appendices H and R copyrighted by the International Code Council and the California Building Standards Commission (hereinafter "California Residential Code"), as amended by this chapter. The California Residential Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section 50022.6.

9.10.040 Penalty Provisions

California Residential Code subsection R113.4, Violation Penalties, is amended by adding the following text to the end of the subsection:

(a) Violations of this chapter shall be enforced by the City in accordance with Tracy Municipal Code section 9.02.040.”

SECTION 6: Repealed and amended sections. Tracy Municipal Code sections 9.12.030 and 9.12.050 are hereby repealed and the following is added to read as follows:

“9.12.030 Adoption by reference of the California Plumbing Code.

The City hereby adopts by reference the code entitled "2010 California Plumbing Code," including all appendices attached thereto, copyrighted by the International Association of Plumbing and Mechanical Officials and the California Building Standards Commission (hereinafter "California Plumbing Code"), as amended by this chapter. The California Plumbing Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section 50022.6.

9.12.050 Expiration of Application for Plan Review and Permit

California Plumbing Code section 103.4.3, Expiration of Plan Review, is amended by deleting its text and adding the following text in its place:

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. However, at the discretion of the building official, an application shall not be extended more than two times if this code or any other pertinent code, law or ordinance has been adopted subsequent to the date of application. A new permit shall be obtained and corresponding fees shall be paid when a permit has expired.

California Plumbing Code section 103.3.4, Expiration, is amended by deleting its text and adding the following text in its place:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. However, at the discretion of the building official, a permit shall not be extended more than two times if this code or any other pertinent code, law or ordinance has been adopted subsequent to the date of application. A new permit shall be obtained and corresponding fees shall be paid when a permit has expired.”

SECTION 7: Added chapter. Tracy Municipal Code chapter 9.14 is hereby added to read as follows:

“Green Building Standards Code

9.14.010 Reference to chapter.

This chapter 9.14 of the Tracy Municipal Code may be referred to as the "City Green Building Standards Code," and is adopted pursuant to Government Code section 50022.2. For purpose of clarity, the term "Code," when used alone, shall refer to the Tracy Municipal Code.

9.14.020 Purpose of chapter.

The purpose of this chapter is to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories:

1. Planning and design
2. Energy efficiency
3. Water efficiency and conservation

4. Material conservation and resource efficiency
5. Environmental quality

The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

9.14.030 Adoption by reference of the California Green Building Standards Code

The City hereby adopts by reference the code entitled "2010 California Green Building Standards Code" without appendices and copyrighted by the California Building Standards Commission (hereinafter "California Green Building Standards Code"), as amended by this chapter. The California Green Building Standards Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section 50022.6.

9.14.040 Penalty Provisions

California Green Building Standards Code subsection 101.5, Reference codes and standards, is amended by adding the following text to the end of the subsection:

(a) Violations of this chapter shall be enforced by the City in accordance with Tracy Municipal Code section 9.02.040."

SECTION 8: Repealed and amended section. Tracy Municipal Code section 9.16.030 is hereby repealed and the following is added to read as follows:

"9.16.030 Adoption by reference of the California Mechanical Code.

The City hereby adopts by reference the code entitled "2010 California Mechanical Code," without appendices attached thereto, copyrighted by the International Association of Plumbing and Mechanical Officials and the California Building Standards Commission (hereinafter "California Mechanical Code"), as amended by this chapter. The California Mechanical Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section 50022.6."

SECTION 9: Added section. Tracy Municipal Code section 9.16.050 is hereby added to read as follows:

"9.16.050 Expiration of Application for Plan Review and Permit

California Mechanical Code section 115.4, Expiration of Plan Review, is amended by deleting its text and adding the following text in its place:

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. However, at the discretion of the building official, an application shall not be extended

more than two times if this code or any other pertinent code, law or ordinance has been adopted subsequent to the date of application. A new permit shall be obtained and corresponding fees shall be paid when a permit has expired.

California Mechanical Code section 114.4, Expiration, is amended by deleting its text and adding the following text in its place:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. However, at the discretion of the building official, a permit shall not be extended more than two times if this code or any other pertinent code, law or ordinance has been adopted subsequent to the date of application. A new permit shall be obtained and corresponding fees shall be paid when a permit has expired.”

SECTION 10: Repealed and amended section. Tracy Municipal Code section 9.40.080 is hereby repealed and the following text is added to read as follows:

“9.40.080 Entrance numbers.

All buildings and enclosures with main entrances on the public streets of the City shall be numbered in the manner set forth in this section, and all changes from the existing entrance number to a new entrance number where such changes are shown to be required by the block number revisions shown on said Plan shall be made at the earliest possible date, and in any event within a period of six months, unless such date is extended by resolution of the Council.

The duty of obtaining an assignment or reassignment of the appropriate entrance number is imposed upon the owner and also upon the occupant of the building or enclosure to which any such entrance belong or pertains. All such numbers or revised numbers shall be assigned by an official or department of the City designated to perform such duty, and such official or department shall cause to be prepared and maintained such block maps or other documents as may be necessary and adequate for the purpose of keeping an accurate record of entrance numbers.

After such assignment, all existing entrance numbers which are replaced and all numbers on such buildings and enclosures completed after July 1, 1989, shall be placed in figures not less than four inches (nominal) high on illuminated background and a minimum of ½-inch stroke width, or not less than six inches (nominal) high on a nonilluminated background. Such numbers shall contrast with their background and shall be placed on a portion of the building that is both legible and visible from the street fronting the property a minimum of six feet above the grade. Entrance numbers shall not be placed on any moveable door and shall be unobstructed from the view of such numbers from the street. Additionally, where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure.”

SECTION 11: Repealed and amended section. Tracy Municipal Code section 9.44.010 is hereby repealed and the following text is added to read as follows:

“9.44.010 The Building Board of Appeals is created in order to hear appeals by persons aggrieved by any administrative decisions in the application of the Uniform Housing, Building, Mechanical, Electrical, Plumbing, Abatement of Dangerous Buildings, Residential, Green Building Standards and Fire Codes, or regulations adopted pursuant thereto, of the City.”

SECTION 12: Added section. Tracy Municipal Code section 9.44.050 is hereby added to read as follows:

“9.44.050 Bylaws

WHEREAS, Pursuant to Tracy Municipal Code Chapter 9.44, the City Council has established a Building Board of Appeals for the purpose of hearing appeals by persons aggrieved by any administrative decisions in the application of the Uniform Housing, Building, Mechanical, Electrical, Plumbing, Abatement of Dangerous Buildings, and Fire Codes, or regulations adopted pursuant thereto; and

WHEREAS, Administrative appeal hearing procedures, adopted by the Building Board of Appeals pursuant to Tracy Municipal Code section 9.44.040, shall prevail over any inconsistency with these Bylaws.

NOW, THEREFORE, unless otherwise provided in the Building Board of Appeals adopted hearing procedures, these Bylaws govern the conduct of the meetings and the transaction of its affairs.

A. PURPOSE

Pursuant to Tracy Municipal Code Chapter 9.44, the City Council has established a Building Board of Appeals for the purpose of hearing appeals by persons aggrieved by any administrative decisions in the application of the Uniform Housing, Building, Mechanical, Electrical, Plumbing, Abatement of Dangerous Buildings, and Fire Codes, or regulations adopted pursuant thereto.

B. ROLE AND RESPONSIBILITIES

The role of the Building Board of Appeals is set forth in Tracy Municipal Code Chapter 9.44.

C. MEMBERSHIP GUIDELINES

1. Membership. The Building Board of Appeals shall consist of five members with qualifications established in the Tracy Municipal Code.
2. Term. Each member shall serve a four-year term.

3. Attendance. If a member of Building Board of Appeals fails to attend four regular meetings in any calendar year, his or her position on the Board shall automatically become vacant and the staff liaison shall so inform the City Clerk. Absences may not be excused; however, a Board member may request a leave of absence as outlined in these bylaws.

For quorum confirmation, a member who needs to miss a meeting shall inform the staff liaison designated by the relevant City Department at least 48 hours before the next meeting.

4. Leave of Absence. A member may submit a written request to the City Council, for a leave of absence of up to six-months, which may be approved in its discretion.

D. QUORUM

A quorum of the Building Board of Appeals shall consist of a majority of the members (including any vacancies). A quorum must be present in order for the Building Board of Appeals to hold a meeting.

E. OFFICERS AND DUTIES

1. The officers shall be:
 - a. The Chairperson and
 - b. The Vice-Chairperson.
2. The Chairperson shall:
 - a. Preside at all regular and special meetings.
 - b. Rule on all points of order and procedure during the meetings.
 - c. Provide recommendations to staff liaison regarding agenda items.
3. The Vice Chairperson shall assume all duties of the Chairperson in his or her absence or disability.
4. In case of the absence of both the Chairperson and Vice Chairperson from any meeting, an Acting Chairperson shall be elected from among the members present.

F. TERMS AND VACANCIES

The officers will be selected by the membership for a one-year term. The election of officers shall take place each year at annual meeting to be held within the first quarter of the calendar year. The terms of officers shall commence as of the date of that meeting and shall continue until the annual meeting in the following year.

G. MEETINGS

1. Other than the annual meeting, meetings of the Building Board of Appeals shall be as needed to hear appeals filed pursuant to Tracy Municipal Code Chapter 9.44.
2. All meetings are subject to the Brown Act as set forth in Government Code sections 54950 and following. Accordingly, all meetings shall be noticed and agendas for all meetings shall be prepared and posted in accordance with the current City Council meeting procedures. All agendas shall be prepared and distributed in accordance with City Council meeting procedures and the Brown Act.
3. Except as otherwise provided in the Building Board of Appeals adopted hearing procedures, all meetings shall be conducted in accordance with the current City Council meeting procedures.

H. STATEMENTS OF ECONOMIC INTEREST (Form 700)

1. The City Clerk's Office will monitor compliance with state and City Form 700 filing requirements.
2. If a member of a City board, commission, or committee, who is required to file a Form 700, does not do so in a timely manner, the City Clerk's Office will send two written notices at least 10 days apart to the member.
3. If the member does not file a Form 700 with the City Clerk's Office within 30 days of receiving the second written notice, his or her appointment will automatically terminate.

I. FUNDING

Any funding necessary for operation of the Building Board of Appeals shall be included in the City of Tracy budget, which shall be approved by the City Council.

J. ADMINISTRATIVE PROCEDURES AND POLICIES

City Boards and Commissions shall follow all applicable City fiscal administrative policies and procedures.

K. STAFF LIAISON

The Building Board of Appeals shall have a staff liaison designated by the relevant City Department. The staff liaison shall:

1. Receive and record all exhibits, petitions, documents, or other material presented to the Board in support of, or in opposition to, any question before the Board.

2. Sign all meetings minutes and resolutions upon approval.
3. Prepare and distribute agendas and agenda packets.

L. ADOPTION

This document, as adopted and amended by City Council resolution, shall serve as the Bylaws for the Building Board of Appeals.”

SECTION 13: Repealed and amended section. Tracy Municipal Code section 9.48.030 is hereby repealed and the following text is added to read as follows:

“9.48.030 Adoption by reference of the California Historical Building Code.

The City hereby adopts by reference the code entitled "2010 California Historical Building Code" including all appendices attached thereto and copyrighted by the California Building Standards Commission (hereinafter "California Historical Building Code"), as amended by this chapter. The California Historical Building Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section 50022.6.

SECTION 14: Added chapter. Tracy Municipal Code chapter 9.50 is hereby added to read as follows:

“Existing Building Code

9.50.010 Reference to chapter.

This chapter 9.50 of the Tracy Municipal Code may be referred to as the "City Existing Building Code," and is adopted pursuant to Government Code section 50022.2. For purpose of clarity, the term "Code," when used alone, shall refer to the Tracy Municipal Code.

9.50.020 Purpose of chapter.

The purpose of this chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings. The provisions of this chapter are intended as minimum standards for structural seismic resistance, and are established primarily to reduce the risk of life loss or injury. Compliance with these provisions will not necessarily prevent loss of life or injury, or prevent earthquake damage to rehabilitated buildings. The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

9.50.030 Adoption by reference of the California Existing Building Code

The City hereby adopts by reference the code entitled "2010 California Existing Building Code" and all appendices attached thereto, copyrighted by the

International Code Council and the California Building Standards Commission (hereinafter "California Existing Building Code"), as amended by this chapter. The California Existing Building Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section 50022.6.

9.50.040 Penalty Provisions

California Existing Building Code section A102, Scope, is amended by adding the following text to the end of the section:

(a) Violations of this chapter shall be enforced by the City in accordance with Tracy Municipal Code section 9.02.040."

SECTION 15: Repealed chapter. Tracy Municipal Code chapter 9.56 is hereby repealed.

SECTION 16: Added chapter. Tracy Municipal Code chapter 9.62 is hereby added to read as

follows:

"Safety Assessment Placards

9.62.010 Intent

This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy. The chapter further authorizes the Building Official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

9.62.020 Application of Provisions

The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the City of Tracy. The City Council may extend the provisions as necessary.

9.62.030 Definitions

Safety Assessment is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

9.50.040 Penalty Provisions

Violations of this chapter shall be enforced by the City in accordance with Tracy Municipal Code section 9.02.040.

9.62.050 Placards

The following are verbal descriptions of the official jurisdiction placards to be

used to designate the condition for continued occupancy of buildings or structures. Copies of actual placards are attached.

- (1) **INSPECTED – Lawful Occupancy Permitted** is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.
- (2) **RESTRICTED USE** is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.
- (3) **UNSAFE – Do Not Enter or Occupy** is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the Building Official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

The ordinance number, City Hall address and phone number shall be permanently affixed to each placard. Once the placard has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

SECTION 17: Repealed and amended section. Tracy Municipal Code section 9.64.030 is hereby repealed and the following is added to read as follows:

"9.64.030 Adoption by reference of the California Energy Code.

The City hereby adopts by reference the code entitled "2010 California Energy Code," including all appendices attached thereto, published by the International Code Council and copyrighted by the California Building Standards Commission (hereinafter "California Energy Code"), as amended by this chapter. The California Energy Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section 50022.6."

SECTION 18: Title, chapter and section headings. Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, or section hereof.

SECTION 19: Constitutionality. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional,

such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 20: Effective date. This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 21: Publication. A summary of this ordinance shall be published and a certified copy of the full text posted in the office of the City Clerk at least five days before the City Council meeting at which the proposed ordinance is to be adopted. Within 15 days after adoption, the City Clerk shall publish a summary, and shall post in her office a certified copy, of the ordinance with the names of those Council Members voting for and against the ordinance. (Government Code section 36933(c)(1).)

* * * * *

The foregoing Ordinance 1157 was introduced at a regular meeting of the Tracy City Council on the 15th day of March, 2011, and finally adopted 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



INSPECTED

LAWFUL OCCUPANCY PERMITTED

This structure has been inspected (as indicated below) and no apparent structural hazard has been found.

Date: _____

Time: _____

- Inspected Exterior Only**
- Inspected Exterior and Interior**

(Caution: Aftershocks since inspection may increase damage and risk)

Report any unsafe condition to local authorities; reinspection may be required.

This facility was inspected under emergency conditions by:

Inspector comments:

City of Tracy
333 Civic Center Plaza
209-831-6400

Facility Name and Address:

Inspector ID/Agency

**Do Not Remove, Alter or Cover this Placard until Authorized by the Building Official
(Tracy Municipal Code Chapter 9.62)**

RESTRICTED USE

Caution: This structure has been inspected and found to be damaged as described below:

Entry, occupancy and lawful use are restricted as indicated below:

Facility Name and Address:

Date: _____

Time: _____

(Caution: Aftershocks since inspection may increase damage and risk.)

This facility was inspected under emergency conditions by:

City of Tracy
333 Civic Center Plaza
209-831-6400

Inspector ID/Agency

**Do not Remove, Alter or Cover this Placard until Authorized by the Building Official
(Tracy Municipal Code Chapter 9.62)**

UNSAFE

**DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)**

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

Date: _____

Time:

This facility was inspected under emergency conditions by:

City of Tracy
333 Civic Center Plaza
209-831-6400

Inspector ID/Agency

**Do Not Remove, Alter or Cover this Placard until Authorized by the Building Official
(Tracy Municipal Code Chapter 9.62)**

April 5, 2011

AGENDA ITEM 6.A

REQUEST

CONSIDER AN ITEM FOR DISCUSSION ON A FUTURE CITY COUNCIL AGENDA REGARDING THE ADOPTION OF A RESOLUTION RECOMMENDING THE CALIFORNIA CITIZENS REDISTRICTING COMMISSION PLACE SAN JOAQUIN COUNTY IN ONE CONGRESSIONAL, ASSEMBLY, AND STATE SENATE DISTRICT

EXECUTIVE SUMMARY

Determine whether a discussion item should be placed on a future Council agenda recommending the California Citizens Redistricting Commission place San Joaquin County in one Congressional, Assembly, and State Senate District.

DISCUSSION

Council Member Elliott has requested that Council consider placing an item on a future City Council agenda to discuss adopting a resolution recommending the California Citizens Redistricting Commission place San Joaquin County in one Congressional, Assembly, and State Senate District.

The purpose of this agenda item is to provide an opportunity for Council to discuss whether staff time and city resources should be devoted to researching the issue and to determine whether the item should be placed on a future agenda. An agenda item in the future would enable the City Council to discuss the merits of such a proposal and adopt a resolution if appropriate.

RECOMMENDATION

It is recommended that the City Council discuss and determine whether an item for discussion should be placed on a future City Council Agenda regarding adoption of a resolution recommending the California Citizens Redistricting Commission place San Joaquin County in one Congressional, Assembly, and State Senate District.

Prepared by: Carole Fleischmann, Assistant City Clerk
Reviewed by: Maria Hurtado, Assistant City Manager
Approved by: Leon Churchill, Jr., City Manager