

**August 7, 2012, 7:00 p.m.**

City Council Chambers, 333 Civic Center Plaza

Web Site: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

Mayor Ives called the meeting to order at 7:02 p.m. and led the Pledge of Allegiance.

The invocation was offered by Pastor Jim Bush, Market Place Chaplains USA.

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

Leon Churchill, Jr., City Manager, presented the Employee of the Month award for August 2012, to Binh Nguyen, Development Services.

Mayor Ives presented a Certificate of Appointment to the Building Board of Appeals to James Caling, and a Certificate of Reappointment to Jerry Yerian.

Mayor Ives presented Certificates of Appointment to the Youth Advisory Commission to Rebecca Fuller and Panoor Khinda.

Mayor Ives presented Certificates of Achievement to the Tracy Babe Ruth Baseball League – U9 State Championship Winners.

1. CONSENT CALENDAR - Following the removal of item 1-B by a member of the audience, it was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt the Consent Calendar. Roll call vote found Council Members Abercrombie, Elliott, Rickman, Mayor Pro Tem Maciel and Mayor Ives in favor. Motion carried 5:0.
  - A. Minutes Approval – Special meeting minutes of April 3, 2012, and April 30, 2012, and closed session minutes of July 17, 2012, were approved.
  - C. Adopt Resolution Authorizing the City Manager to Execute Grant Contracts Necessary for the Purpose of Obtaining Proposition 63 Funds in the Amount of \$200,000 for the Mayor’s Community Youth Support Network Grant Program and Appropriating \$200,000 from the San Joaquin County Behavioral Health Services Community Service Agreement – Resolution 2012-155 authorized the City Manager to execute the contracts.
  - D. Appropriate \$70,000 of Funds from Mariposa Energy, LLC into the Fire Department Budget for the Purchase of Emergency Equipment to Mitigate Service Impacts to the Fire Department – Resolution 2012-156 approved the appropriation.

- E. Find that it is in the Best Interest of the City to Forego the Formal Request for Proposal Process and Approve a Professional Services Agreement with GIS Data Resources, Inc. (GDR) to Improve the Accuracy and Completeness of the Geographic Information System (GIS) Database and the Master Street Address Guide (MSAG) Database and Ensure the Data Complies with the National Emergency Number Association (NENA) Guidelines and Appropriate the Receipt of a \$75,000 Grant – Resolution 2012-157 approved a PSA with GIS Data Resources.
- F. Authorization of Amendments to the Landscape Maintenance Agreements (Amendment No. 12 to Agreement for Fully-Funded Zones to Remove Zones 3, 15, and 18; Amendment No. 8 to Agreement for Under-Funded Zones to Add Zones 3, 15, and 18) – Resolution 2012-158 authorized the amendments.
- B. Authorization to Purchase the Ballistic Engineered Armored Response All Purpose Vehicle from the California Emergency Management Agency Public Safety Procurement Program and Approve the Loan from the Equipment Replacement Fund for a Total Not to Exceed \$282,000 – Robert Tanner, 1371 Rusher Street, asked for clarification regarding approval of a loan not to exceed \$282,000, when the fiscal impact section of the staff report only mentioned approval of a loan for \$110,000. Chief Hampton clarified that the loan was for \$110,000 from the equipment replacement fund.

Paul Miles, 1397 Mansfield Street, asked if there were restrictions on where the money is used. Chief Hampton replied that money received from seizures could not supplant monies for the General Fund.

Mr. Miles stated a loan is to be paid back if there were assets from seizures and if no money was obtained through seizures, it would come from the General Fund. Chief Hampton provided some background on seizure funds.

It was moved by Council Member Abercrombie and seconded by Council Member Rickman to adopt Resolution 2012-159 approving purchase of a ballistic engineered armored response all purpose vehicle from the California Emergency Management Agency Public Safety Procurement Program and approve a loan from the Equipment Replacement Fund for a total not to exceed \$282,000. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE - A moment of silence was observed in remembrance of those who lost their lives or were injured during an attack on a Sikh Temple in Wisconsin.

Paul Miles, 1397 Mansfield Street, provided Council with a handout, and reiterated his complaints against Police Chief Hampton and prior Police Chief Thiessen, City Manager, Leon Churchill and City Attorney, Dan Sodergren.

Jass Sangha thanked the Council and community for their support regarding the tragedy that occurred in the Sikh temple in Wisconsin over the weekend. Ms. Sangha invited Council and staff to their temple.

A member of the Sikh community thanked Council and the community for their support and concern during this time.

#### DEVIATION IN AGENDA

4. RECEIVE SEMI-ANNUAL REPORT ON THE 5TH GRADE DRUG ABUSE RESISTANCE EDUCATION (DARE) PROGRAM SERVICES RENDERED DURING FISCAL YEAR 2011-2012 AND PROVIDE ASSESSMENT OF HOW TRACY POLICE PERSONNEL WERE USED TO ASSIST IN THE DARE CLASSROOM - Council Member Abercrombie stepped down during presentation of the report.

Captain Espinoza presented the staff report. On July 5, 2011, the City Council approved the Professional Services Agreement with the Tracy Unified School District (TUSD) for the provision of DARE services with allowable expenses up to a maximum amount of \$45,000 for Fiscal Year (FY) 2011-2012 payable to the TUSD. The submitted receipts have been reviewed, verified for compliance with council objectives, and reimbursed in the amount of \$45,000.

In 2011, the Tracy City Council also stated that it wanted more Tracy Police Department involvement in the DARE program, beyond supporting it through attending DARE graduations. The Kiwanis DARE advisory board welcomed the involvement of Tracy PD staff in presenting some aspects of the curriculum. Working collaboratively with the Kiwanis DARE advisory board, Police management developed a supplemental program named Tracy Against Gangs (TAG) to support the DARE curriculum. Two Tracy PD School Resource Officers took the lead and created a 4- lesson curriculum with supporting instruction handbook for this supplemental TAG program. The TAG program lessons were well received and were seen as a natural continuation of the overarching community stance against gangs and violence.

The DARE program is taught to 5<sup>th</sup> grade students in and around the Tracy. Specifically, the DARE program is taught in classes within the Tracy Unified, Jefferson, Banta, New Jerusalem, and Lammersville School Districts, as well as three private schools. While it costs about \$105,000 per year to teach in all the aforementioned schools, the \$45,000 appropriated by the City Council is specifically paid to the Tracy Unified School District (TUSD) for DARE classes taught in public schools within Tracy City limits.

There is no immediate impact to the City's FY 2012-2013 Budget as \$45,000 has already been approved through for the DARE program. The funds are currently in the Police Department's Operating Budget for payment to the Tracy Unified School District.

Staff recommended that Council accept the accounting of the \$45,000 funding expenses for FY 2011-2012 as appropriate, including the Police Department's use of its police officers to develop the TAG program which met the Council's objective of placing Tracy police officers back into the classrooms and that Council offer feedback on how it wishes to implement the TAG program.

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 Mayor Pro Tem Maciel and seconded by Council Member Rickman to accept the Semi-Annual Report on the 5<sup>th</sup> Grade Drug Abuse Resistance Education

program services rendered during FY 2011-2012, and provide direction on the implementation of the Tracy Against Gangs program. Voice vote found Council Member Elliott, Rickman, Mayor Pro Tem Maciel and Mayor Ives in favor; Council Member Abercrombie abstained.

3. APPROVAL OF PROPERTY DEVELOPMENT AND LEASE AGREEMENTS WITH TRACY LITTLE LEAGUE; TRACY BABE RUTH; AND TRACY FUTBOL CLUB FOR CONSTRUCTION AND MAINTENANCE OF SPORTS FIELDS AND RELATED AMENITIES WITHIN THE HOLLY SUGAR SPORTS COMPLEX AND AUTHORIZATION FOR THE MAYOR TO EXECUTE THE AGREEMENTS - Rod Buchanan, Parks and Community Services Director presented the staff report. The City has completed a master plan for the Holly Sugar Sports Complex (Sports Complex) layout, environmental work, improvement plans, specifications and construction documents for Phase 1 on approximately 70.2 acres of the 166-acre site.

The City has also begun certain infrastructure improvements for Phase 1 which would allow eligible sports organizations to proceed with facility improvements to their individual areas. The Sports Complex first phase includes a total of 12 baseball fields, 8 soccer fields and four parking lots to accommodate facility users.

On March 1, 2011 the Council approved Memoranda of Understanding with Tracy Little League, Tracy Babe Ruth, Tracy Youth Soccer League and Tracy Futbol Club for the purpose of indicating commitment of all parties to negotiate a Property Development and Lease Agreement (Agreement) for construction of fields and ongoing maintenance and operations of fields. Agreements have been signed by Tracy Little League, Tracy Babe Ruth and Tracy Futbol Club. Tracy Youth Soccer League has not yet signed an agreement. The Agreements are similar and the following is a summary of the Agreements being presented for Council consideration:

**Leased Area:**

- o Tracy Little League: 20.32 acres
- o Tracy Babe Ruth: 14.65 acres
- o Tracy Futbol Club: 9.55 acres

**Term:**

Commences on the date that the Tracy City Council approves a Notice of Completion for the Holly Sugar Sports Complex infrastructure development project (CIP #78115) and continues for a period of approximately fifteen years ending December 31, 2027. At the end of the lease term, upon the League's request and satisfactory fulfillment of all terms of the lease, the City Council shall, in writing, renew this agreement for an additional ten-year period.

**Lease Payment:**

A fixed rate, annual lump sum of \$150.00 annually times the number of acres. Starting in the fifth year and annually thereafter, the lease payment shall be adjusted to the lesser of either (1) the annual cumulative change in Consumer Price Index since December 31, 2012, or (2) a three-percent per year increase. Hereinafter, "CPI" shall mean the Consumer Price Index for all Urban Consumers, All Items, for the San Francisco-Oakland-San Jose Metropolitan Area (1982-84 = 100), as published by the Bureau of

Labor Statistics of the U.S. Department of Labor, or its successor. The initial payment for each league will be:

- o Tracy Little League: 20.32 acres= \$3,048.00
- o Tracy Babe Ruth: 14.65 acres= \$2,197.50
- o Tracy Futbol Club: 9.55 acres= \$1,432.50

Total Annual Rent = \$6,678

**Use:**

Exclusively for the purposes of conducting youth sports practices, games and tournaments, all at the League's own cost and expense.

**Rentals:**

- o Tracy youth sports organizations: Leagues shall make their fields available to other Tracy youth sports organizations for rates within 10% of City non-profit fees for field rentals as identified in the annual City Operating Budget (subject to annual change by City Council).
- o Use by other youth sports organizations. Leagues may rent any portion of the Property to youth sports organizations from outside the City for the purpose of hosting youth sports functions. Leagues need not obtain prior written permission by City, and may charge a fee for the rental, all at the Leagues sole discretion.
- o Fees. The leagues are authorized to charge a reasonable fee to the public or any individual to enter onto the Property for a sports league event. Persons not associated with viewing the game shall be allowed to pass without any fee. Leagues may not charge parking fees. The City reserves the right to rent parking lots and charge/collect parking fees at events run by the City.

**Naming rights:**

Each league shall have the right to temporarily name its Facility Improvements located within its Property during the term of this Agreement, and to collect any naming right fees associated with the naming of Facilities. The City reserves the right to name the Sports Complex (as a whole) including collecting any naming right fees associated with the naming of the Sports Complex.

**City Use:**

The City will be able to use the Property a maximum of up to 10 full days each year provided that City requests the use on or before December 15<sup>th</sup> of the year prior to the City's intended use, and when the use does not unduly interfere with the league's planned activities. City may request the use after December 15<sup>th</sup> and leagues will allow this if the requested days are available.

**Utilities:**

Leagues are responsible for the payment of any connection, service and monthly fees associated with utilities at the Property, except for irrigation water which will be paid by the City.

**Taxes:**

Leagues will pay any real property taxes levied against the leased Property as a result of any possessory interest taxes which may be imposed on the Property.

**Timetable:**

It is anticipated that Leagues will complete the development of the Facility Improvements in phases. All sports fields in the leased area shall be constructed suitable for league play within five years after the City issues its notice of completion for the Infrastructure Improvements. Leagues will substantially complete fields and related facilities within the term of the agreement (approximately fifteen years).

**Phased Development Plan:**

A Phased Development Plan will be submitted to the City by October 1, 2012 that outlines how and when each League intends to complete the improvements. Phased Development Plan updates will be completed and provided to the City on a quarterly basis.

**Maintenance:**

City shall maintain: the Infrastructure Improvements such as internal roads, parking areas and all landscape areas associated with them; utilities to the stubbed area; retention areas; and open spaces outside the Leagues' Property. Leagues shall maintain and operate the Property to the Maintenance Standards as specified in Exhibit C of the Agreements.

**Temporary facilities:**

Leagues will be able to install and use temporary facilities (i.e. storage sheds, portable restrooms and/or concessions).

**Concessions:**

Leagues will be able to sell concession items on the Property during events, subject to applicable laws and regulations. The sale and possession of alcoholic beverages are prohibited on the Property as well as anywhere within the Sports Complex.

**Licenses and permits:**

Leagues shall obtain and pay for any required permits and licenses required for construction of the Facility Improvements and any inspection of the construction. However, the City shall waive the costs for any City permits and licenses that may be required. (This waiver does not include utility connection fees and/or County permit fees.)

**Right of First Refusal:**

Tracy Babe Ruth shall have the first right of refusal to enter into a separate lease agreement for property adjacent to their respective property if City is interested in leasing the other property and if the league has completed construction on its initial five-field complex within the parameters of Section 7.2 (Timetable) of the agreement.

Staff anticipates that the City-built infrastructure improvements will be completed and accepted by Council in January 2013.

The total estimated costs of this project is \$11,728,229 which includes Construction cost, Design Cost (Consultant) Including utility permits, EIR Cost, Design Cost City staff , Design support during construction, Construction Management, COG Habitat Fee and City-wide Project management charges. There is an impact to the General Fund for this item. It is estimated that the additional cost for maintenance and operations of the City's

area of responsibilities will be approximately \$10,000 for the remainder of FY 2012/2013. The final estimate will be brought to Council for a supplemental appropriation to the FY 2012/2013 Public Works budget. Annual operating costs for future years will be approximately \$20,000. The total rent amount from all three leagues in the amount of \$6,678 will be credited to the Waste Water Treatment Fund, which is more than the fund currently receives in agricultural lease revenue for the property.

Staff recommended that City Council:

1. Approve a Property Development and Lease Agreement with Tracy Little League relating to the lease of property within the complex and construction of sports fields and related amenities; and
2. Approve a Property Development and Lease Agreement with Tracy Babe Ruth relating to the lease of property within the complex and construction of sports fields and related amenities; and
3. Approve a Property Development and Lease Agreement with Tracy Futbol Club relating to the lease of property within the complex and construction of sports fields and related amenities; and authorize the Mayor to execute the Agreements.

Council Member Elliott asked how much the Council of Governments habitat fee would be. Mr. Sharma indicated approximately \$14,000 per acre.

Council Member Elliott asked if staff had any indication when the Tracy Youth Soccer League would come to an agreement. Mr. Buchanan stated his understanding was that the contract was still under review by their attorney. Council Member Elliott asked if the group did have a problem, does staff have other leagues lined up to take their place. Mr. Buchanan stated a number of leagues were interested.

Mayor Ives invited members of the public to address Council.

Troy Comacho, President of Tracy Babe Ruth, thanked Council for providing this opportunity to the youth of the community.

A Tracy resident and president of a non-profit soccer organization stated they would love to have an opportunity to join in if the other group was not interested.

Mayor Pro Tem Maciel thanked staff and the members who operate the youth leagues, for finally providing this opportunity for the youth.

Council Member Rickman thanked Mr. Buchanan for his efforts and welcomed the three sports leagues who have signed agreements.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2012-160 approving a property development and lease agreement between the City of Tracy and Tracy Little League, Inc. – for construction and maintenance of sport fields and related amenities within the Holly Sugar Sports Complex and authorization for the Mayor to execute the agreement. 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 2012-161 approving property Development and Lease Agreement

between the City of Tracy and Tracy Babe Ruth, Inc. for construction and maintenance of sport fields and related amenities within the Holly Sugar Sports Complex and authorization for the Mayor to execute the agreement. 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 2012-162 approving the Property Development and Lease Agreement between the City of Tracy and Tracy Futbol Club, Inc. for construction and maintenance of sports fields and related amenities within the Holly Sugar Sports Complex and authorization for the Mayor to execute the agreement. Voice vote found all in favor; passed and so ordered.

5. AUTHORIZE AN EXPENDITURE OF \$8,000 FROM THE FY 12/13 WATER FUND BUDGET TO PAY FOR DELTA COALITION LOBBYING SERVICES RELATED TO THE BAY DELTA CONSERVATION PLAN AND THE DELTA PLAN - Andrew Malik, Development Services Director, presented the staff report. In November 2009, the California Legislature enacted Senate Bill X7 1 (The Delta Reform Act). It established the Delta Stewardship Council (DSC) an independent State agency, and requires that the DSC develop, adopt, and implement by January 1, 2012, the Delta Plan, a legally enforceable, comprehensive, long-term management plan for the Sacramento-San Joaquin Delta and the Suisun March (Delta) that achieves the "coequal goals" as specified in California Water Code Section 85300(a). The coequal goals are the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource and agricultural values of the Delta as an evolving place" (Water Code section 85054).

The Final Staff Draft Delta Plan generally covers five topic areas and goals: increased water supply reliability, restoration of the Delta ecosystem, improved water quality, reduced risks of flooding in the Delta, and protection and enhancement of the Delta as an evolving place. Although the DSC, through the Delta plan, does not propose or contemplate constructing, owning, or operating any facilities related to these five topic areas, the Delta Plan sets regulatory policies, and recommendations, that seek to influence the actions, activities and projects of cities, counties, State, Federal, regional and other local agencies toward meeting the goals in the five topic areas. Local public agencies such as the Tracy will be required to conform their actions to the policies in the Delta plan and the regulatory and appeal procedures established to implement the Plan.

City staff has monitored the development of the draft Delta Plan and provided comments and coordinated with San Joaquin and other affected parties. The City and other agencies are concerned with the scope and extent of the proposed regulatory and review authority that the DSC is considering for adoption. The City continues to encourage the DSC to create a Delta Plan that helps achieve California's coequal goals of providing reliable water supplies and restoring the Delta habitat while recognizing and protecting the Delta as a place where people work and live. The proposed Delta plan, in its current form, continues to threaten the ability of local communities to grow and prosper, takes away local decision making, and provides an appointed body with the authority to veto local land use and other decisions based upon subjective criteria.

City staff has attended periodic coordination meetings with representatives of San Joaquin County and the City of Stockton in the establishment and coordination of



stakeholder meetings to facilitate a collaborative and uniform effort to address our mutual concerns with the proposed adoption and implementation of the Delta Plan, the Program EIR, and with related Delta plans and programs such as the Bay Delta Conservation Plan (BDCP). Presently, the stakeholder group is preliminary known as the "San Joaquin County Delta Initiative Coalition Stakeholders".

At its January 17<sup>th</sup> meeting, the Council adopted a joint resolution of San Joaquin County Stakeholders in support of an initiative for joint action, advocacy, and mutual interests on issues concerning the Sacramento-San Joaquin River Delta (Delta). The Delta Coalition stakeholder group has been working with the lobbying firm Sacramento Advocates, Inc. Funding is currently being requested by all stakeholders for lobbying efforts. The City's share of the lobbying effort is \$8,000 .

The purpose of this request is to facilitate a coordinated and collaborative response, with other affected stakeholders in opposition to the Delta Stewardship Council's proposed Draft Delta Plan and corresponding DPEIR, the BDCP, and other related Delta plans or programs that may adversely affect economic development and sustainability in the City of Tracy and San Joaquin County.

The Final Staff Draft of the Delta Plan was released by the Delta Stewardship Council on May 14, 2012. According to the Delta Stewardship Council, the Environmental Impact Report (EIR) for the Delta Plan is expected to be approved later this year. Delta Coalition Stakeholders continue to provide comments on the Final Delta Plan as well as to lobby for mutual interests related to Delta issues in our region.

There is no fiscal impact to the City's General Fund resulting from this item. The \$8,000 funding will come from the Water Enterprise Fund as this lobby effort will serve to protect the City's interest with regard to land use, water supplies and other Delta related issues. The FY 12/13 Water Fund budget has sufficient funds to cover the \$8,000 lobbying expense.

Staff recommended that City Council authorize an expenditure of \$8,000 from the FY 12/13 Water Fund budget to pay for Delta Coalition lobbying services related to the Bay Delta Conservation Plan and the Delta Plan.

Mayor Pro Tem Maciel asked if there was any possibility that there would be additional funds needed from the City for this project. Mr. Malik indicated these funds would cover the City through the end of the year, but if the coalition continues to lobby, there could be additional expenses in subsequent years.

Council Member Elliott asked if the scope of the lobbying effort included services of the Bay Delta Conservation Plan which includes tunnels under the Delta. Mr. Malik stated in the Delta Plan there is a lot of detail regarding the reliability of the water and the focus for the remainder of the year will be toward the Delta plan and the impact from the primary and secondary zone.

Mike Niblock, on behalf of the Mayor of Stockton and the Coalition, thanked Council for the opportunity to present this item. Mr. Niblock stated the expense was for efforts that have already taken place on bills at the State level.

Mayor Ives asked how the Coalition arrived at the \$8,000 for Tracy. Mr. Niblock stated it was based on a pro rata share of population.

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

Rhodesia Ransom encouraged Council to approve the request. Ms. Ransom indicated she had attended meetings with the Coalition and supported the work they were doing. Ms. Ransom also suggested the City take on an educational effort to inform citizens.

Mayor Pro Tem Maciel stated he believed it was a wise investment in protecting the City's land use decisions.

Council Member Elliott voiced his support indicating it protects local sovereignty, and keeps the DSC from adding another layer to the bureaucracy to the detriment of our economy.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2012-163 authorizing an expenditure of \$8,000 from the FY 12/13 Water Fund Budget to pay for Delta Coalition lobbying services related to the Bay Delta Conservation Plan and the Delta Plan. Voice vote found all in favor; passed and so ordered.

6. **DISCUSSION AND DIRECTION RELATED TO THE CORDES RANCH PROJECT**  
Leon Churchill, City Manager, provided an introduction to the staff report. Bill Dean, Assistant Development Services Director, presented the staff report. Mr. Dean stated that the Cordes Ranch project represents many significant opportunities for the future of Tracy. Identified in the City's General Plan as Urban Reserve 6 this area has been envisioned since 2006 for industrial, office, and retail growth for the City. The Cordes Ranch site is uniquely positioned to provide a wide range of business location opportunities that are in scarce supply county-wide. Cordes Ranch has the potential to allow large scale developments the opportunity to locate in Tracy and is being planned to capture current and emerging opportunities, including manufacturing, distribution, retail, and flex office user types.

This item follows City Council's recent discussion of economic development and zoning, specifically along I-205. That discussion, which occurred on July 17, 2012, concluded with City Council affirming the dual goals of high identity businesses and land uses along the I-205 corridor throughout the City, as well as flexibility in zoning to capture current market opportunities.

The Cordes Ranch Specific Plan is being drafted to be highly flexible and includes provisions for a wide range of land uses. The principal methods of limiting land uses within Cordes Ranch have been to design portions of the site with smaller street block lengths, which will limit the size of buildings that can locate within certain portions of the site. Additionally, the draft plan seeks to locate larger-scale retail at the I-205/Mt. House interchange and locate the majority of large scale users toward the southern portions of the project. The storm drain and natural drainage areas central on the site provide an opportunity to create a focal point within the project, bordered by more restrictive zoning calling for a predominance of office and flex/office uses. The owner's group currently requests that the I-205 fronting properties have a combination of three zoning districts, allowing retail, office and large scale industrial development along the freeway.

Within the draft Specific Plan are development and design standards. The Cordes Ranch project has been divided into three “design districts,” each with a distinct set of design guidelines. Proposed are the I-205 design district, the Central Core design district, and the Schulte design district. Any development within the I-205 design district would be required to increase the level of design features, and treatments, including landscaping requirements.

Under current zoning in Tracy there are two general processes for obtaining an approval prior to applying for a building permit. First, there are areas within the City that are zoned to require both Planning Commission review and City Council approval for their developments prior to applying for a building permit. These areas are mainly zoned Planned Unit Development (PUD) and include the I-205 Corridor Specific Plan and a large portion of the more recent residential areas. The Northeast Industrial Area also falls into this category; however, the Council recently approved staff level reviews for the remaining areas within that planning area. The second general approval process is a staff level review process. This approach is used throughout the City, primarily in older areas, where approvals are accomplished at the staff level after properly notice public hearings (conducted at the Development and Engineering Services Department), which are subject to appeals.

Cordes Ranch is proposing staff level reviews for all future developments within the project area. In order for staff reviews to result in high-quality development, it is helpful to have detailed design guidelines. For the Cordes Ranch project, staff has indicated to the owners group that for development within the I-205 design district, the approval process could require Planning Commission review and City Council approval to help ensure a high quality I-205 frontage.

Since the initial application staff has continuously emphasized the importance of the I-205 corridor to the owners group. Staff has been pursuing a high-identity image for Tracy, and special attention has been placed on planning the I-205 frontage.

Discussions with the owners group on proposed land uses and design standards along I-205 have been focused on a high-identity image. Staff believes that design standards can be successful in ensuring high-quality development, although they are also limited. If the zoning permits warehouse and distribution uses, which typically require very large buildings, the design standards result in larger setbacks, increased landscaping, and higher quality materials and design; the outcome is a nice looking warehouse where truck docks are screened behind walls and landscaping and buildings are designed to look less like typical distribution and warehousing facilities. The owners group has been firm in approaching the look of I-205 from the perspective of a design exercise as opposed to pursuing land use limitations in the form of more restrictive zoning.

Following Council input on the Cordes Ranch project, the development team including City staff will complete a Draft Specific Plan which will be reviewed for additional public input with the Planning Commission. The Specific Plan will form the basis for environmental review under the California Environmental Quality Act (CEQA); a Draft EIR is currently being completed which will be published once the Draft Specific Plan and development agreement terms have been finalized. City staff and the project owners are currently negotiating a development agreement (DA) and anticipate returning to Council on August 21, 2012 to discuss DA terms and receive additional direction. The

EIR is scheduled to be published in September, pending the outcome of DA negotiations and completion of the Specific Plan with Council direction.

The City entered into a Cost Recovery Agreement with the Cordes Ranch owners group in March 2011, providing for the City to recover all staff and consultant costs associated with the project applications, including the Specific Plan, Environmental Impact Report (EIR), and DA.

Staff recommended that the Council discuss the Cordes Ranch project and provide direction to City staff.

Dave Babcock, on behalf of the Cordes Ranch land owners, provided a power point presentation outlining the proposed project.

Mayor Ives invited members of the public to address Council.

Council Member Abercrombie asked if Caltrans had any plans to install a soundwall similar to the one they installed near the outlet center. Mr. Dean indicated Caltrans usually placed soundwalls near residential areas.

Mr. Babcock indicated they have had conversations with Caltrans on how they can help control the "no mans land".

Mayor Pro Tem Maciel asked for clarification regarding the list of permitted uses within the districts. Mr. Babcock stated he believed a lot of those uses were to provide flexibility with interim land uses.

Mayor Pro Tem Maciel stated he was concerned about the outdoor storage of vehicles and equipment indicating that would be something that he would like to avoid. Mr. Babcock indicated they would be using screening and the position of buildings to hide those items.

Council Member Elliott expressed concern with off-site parking areas, truck stops, warehouse and distribution indicating he was not sure he wanted a truck stop in that location. Mr. Babcock indicated they want the specific plan to address the aesthetics.

Council Member Elliott referred to a slide that showed a birds-eye view with several large warehouse type buildings. Mr. Babcock stated it was meant to show massing vs. aesthetics. Mr. Babcock stated they were asking for flexibility so they could address changes in the market. Mr. Babcock added they want it to be attractive, but have to document it and define it which places safeguards for the City and the developer.

Mr. Dean added that there were a number of tools to plan for the corridor, two of which are permitted uses and design standards.

Mayor Ives asked if there was any gradation of standards between the districts. Mr. Dean stated yes, with the idea of having an identity along the freeway.

Mayor Ives asked if staff anticipated variation in the amount of oversight between the various districts. Mr. Dean stated they have had those discussions as well.

Mayor Ives indicated the I-205 district is of primary concern to the Council. Mr. Babcock indicated they meant to focus on the I-205 corridor with a higher level of architecture. Mr. Babcock stated they were trying to incorporate signage, setback, etc., as a complete package so that a lot of the discussion that has already taken place and the projects can move forward. Mr. Babcock stated they want certainty and understanding regarding what can be done and what cannot.

Mayor Ives asked what changes if all of the permitted uses turn to conditionally permitted uses. Mr. Dean stated it would be the requirement to obtain a conditional use permit, all done in a public process at the Planning Commission to mitigate against some aspect of the project.

Mayor Ives stated the Council was safeguarding the I-205 corridor. Mayor Ives asked if there was a way to allow a handshake on each project rather than allowing full flexibility. Mr. Dean stated it could be done through a review of the landscaping and architecture. Mr. Dean stated what gets difficult is the actual land use. Mr. Dean stated the most basic entitlement the ownership will be seeking is vesting. Mr. Dean stated it would be difficult to do on a case by case basis.

Council Member Rickman stated he has an issue with flexible zoning. Mr. Babcock stated the flexibility comes in the economics of the business. Mr. Babcock stated there should be an understanding whether a business is permitted to go in the project and if so, in what district. Mr. Babcock stated the standards to be put in place would match up with the safeguards in the specific plan.

Council Member Rickman stated the Council was safeguarding I-205 corridor. Council Member Rickman indicated he had a problem with staff level reviews and wants Council to consider applications.

Dana Perry of Reynolds & Brown, stated they understand the gateway to the City and they have a plan that is very optimistic for retail totaling over 30 acres.

Council Member Rickman asked Mr. Perry to put it into proportion. Mr. Perry stated 45 acres of retail and 150 acres of BPI. Mr. Babcock stated it's a combination of land use, aesthetics, and market conditions to accommodate a lot of possibilities.

Council Member Abercrombie asked staff what their comfort level was on what the Council wanted and what was being proposed. Mr. Churchill stated he has heard over the months that the I-205 corridor is unique and should be treated accordingly. Mr. Churchill added that part of our economic growth calls for diversification – moving from distribution to manufacturing. Mr. Churchill further stated it was easier to say what we desire and Council has pointed out what it doesn't want. The most positive aspect is having manufacturing as a role in the community. Mr. Churchill stated it is possible for the land use to be placed in the I-205 area with a heightened approval process to achieve that goal. Mr. Churchill stated the City needed to make room for the possibility that distribution facilities will have a campus-like setting.

Mayor Ives stated it was fair to say that the City doesn't want any big box distribution center along the freeway.

Mr. Babcock stated they were focused on the design and that they would come back to Council with more clarity.

Tim Murphy, managing member of TWI, stated he owns 100 acres that fronts I-205 and shared his vision. Mr. Murphy stated he believes there is a place within the industrial market for Tracy that will want freeway exposure and will pay for it through significant setbacks and landscaping. Mr. Murphy stated he was totally committed to protecting Tracy's freeway frontage.

Council Member Elliott asked if the 45 acres of general commercial around Mountain House Parkway was the maximum that could be considered. Mr. Babcock stated that through market analysis the 45 acres was a stretch. Mr. Babcock stated the focus has been on keeping retail near the mall. Mr. Perry stated fees and expedited permits were one of the challenges in today's market and carrying more land subject to greater fees was uneconomic.

Mayor Pro Tem Maciel stated flexibility was key. Mayor Pro Tem Maciel suggested one approach along the I-205 area would be to have the BPI sections turned into a conditional use permit. Mayor Pro Tem Maciel stated if this was a high rent district, a lot of those uses would not be willing to locate on that corridor.

Council Member Rickman stated this was important to him because it will shape how the City looks and the quality of life for its residents for the next 20 years. Council Member Rickman stated the City wants head of household jobs and a town to be proud of.

Council Member Rickman asked staff what they need. Mr. Dean summarized what they have heard is no big box distribution along the freeway.

Mayor Pro Tem Maciel stated big box was not desirable but he did not want to give it an absolute no. Mayor Ives stated it would have to be very compelling.

Council Member Rickman stated no to big box distribution; Council Member Elliott stated undesirable and should be avoided, and Mayor Pro Tem Maciel said, never say never.

Council Member Abercrombie stated it was obvious that Council did not want to give free reign; that Council wanted to be able to look at it and evaluate it since the corridor is their biggest concern.

Mr. Sodergren provided a distinction on conditional uses stating staff would have to come up with another type of process. Mr. Dean indicated staff could work on that.

Mr. Dean stated no matter what fronts the freeway, it would come back to Council for review.

Council Member Rickman asked if Council was removing staff level review along the corridors. Mr. Dean stated staff would work with the project team to come up with a specific distance from the freeway.

Council Member Rickman asked Mr. Dean and Mr. Malik if they were clear on what Council wanted. They both answered yes.

Robert Tanner asked for clarification regarding temporary uses permitted by TMC code. Mr. Bell outlined some of the types of temporary uses including seasonal uses that do not extend past 30 days.

Mayor Ives called for a recess at 9:41 p.m. reconvening at 9:50 p.m.

7. RECEIVE REPORT AND APPROVE A DESIGN FOR THE LOLLY HANSEN SENIOR CENTER OUTDOOR RECREATION AREA PROJECT, CIP 78136 - Jolene Jauregui Recreation Coordination, presented the staff report. Over the years the Lolly Hansen Senior Center has become heavily used on a daily basis for recreation activities, health and wellness programs and special events. On a yearly basis over 950 seniors in the Tracy community utilize the Senior Center. Participants generally have limited or no access to recreation activities and fall into the low or very low income category. The Center lacks a secure, accessible outdoor area where seniors can relax, socialize, and participate in a variety of fitness and recreational activities.

The Lolly Hansen Senior Center Outdoor Recreation Area project, CIP 78136, involves construction of an ADA accessible outdoor recreation area, fencing, shade structure, tables, seating area, fitness equipment, two raised planting beds, and a horseshoe pit.

On January 13, 2011 staff submitted an application grant for \$70,000 of CDBG funding to construct an Outdoor Recreation Area behind the Lolly Hansen Senior Center. On March 15, 2011, the Council approved the CDBG grant allocations. The actual final allocation for the Senior Center project was \$52,606 for FY 2011-2012. A second grant for an additional \$90,000 of CDBG funding was requested for FY 2012-2013 and approved by Council on March 6, 2012.

During the month of August 2011 staff led focus group meetings, surveyed seniors from the Lolly Hansen Senior Center and throughout the community for input regarding the design of the Lolly Hansen Senior Center Outdoor Recreation Area. Seniors were asked to provide input regarding design, outdoor amenities, and programming and to prioritize their recommendations. During the process seniors also expressed that they wanted the outdoor area safe, secure, and that it should be fenced in. Based on the results, the seniors wanted following top five amenities: permanent tables, outdoor lighting, outdoor patio and benches, wheelchair ADA and permanent shade structure in the recreational area. In addition, the seniors wanted recreational programs such as horseshoes, backyard games, board games, picnics and gardening classes. Other self-directed activities could include outdoor painting, bird watching and reading.

The project improvement plans include all the above facilities as recommended by the seniors. The location of each facility is so adjusted that it ensures compliance with ADA requirements. Staff is working to finalize the design of the perimeter wall to ensure that it does not impede the neighboring Civic Center park environment. The perimeter wall will be consistent with the architecture of the surrounding buildings. The final design of the wall will be approved jointly by all departments. The pavers and planter blocks are of a type similar to materials used at the obelisk in front of city hall.

The project will be funded through CDBG funds. No additional operational funds are needed over FY 2012-13 budget.

Staff recommended that Council receive the report and approve the design for the Lolly Hansen Senior Center Outdoor Recreation Area Project, CIP 78136.

Mr. Sharma provided an overview of the design.

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 approve the design of the Lolly Hansen Senior Center Outdoor Recreation Area. Voice vote found all in favor; passed and so ordered.

8. SECOND READING AND ADOPTION OF ORDINANCE 1174 AN ORDINANCE OF THE CITY OF TRACY ADOPTING THE NORTHEAST INDUSTRIAL SPECIFIC PLAN, AMENDING SECTION 10.08.980, NAMES OF ZONES, AND ADDING SECTIONS 10.08.3022, NORTHEAST INDUSTRIAL SPECIFIC PLAN ZONE AND 10.08.3023,

The Clerk read the title of proposed Ordinance 1174.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to waive the reading of the text. 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 Ordinance 1174. Roll call vote found Council Members Abercrombie, Elliott, Rickman, Mayor Pro Tem Maciel and Mayor Ives in favor. Motion carried 5:0.

9. ITEMS FROM THE AUDIENCE – None.

10. COUNCIL ITEMS

A. The Regular City Council Meeting Scheduled for Tuesday, November 6, 2012, be Rescheduled for Wednesday, November 7, 2012. Due to the General Municipal Election - It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2012-164 approving the City Council meeting date change from Tuesday, November 6, 2012, to Wednesday, November 7, 2012, due to the General Municipal Election. Voice vote found all in favor; passed and so ordered.

B. That the City Council Makes a Determination of Their Position on Five Resolutions to be Considered at the 2012 Annual Business Meeting of the League of California Cities Annual Conference - There was no staff report given and no members of the public voiced an interest in speaking on the item.

The City Council gave Mayor Pro Tem Maciel direction on how to vote on the following resolutions being considered at the Annual Business Meeting of the League of California Cities Annual Conference as follows:

1. Resolution encouraging California cities to oppose the California Desert protection Act of 2011 - Opposed.



2. Resolution requesting consideration of suspension of implementation or revision of the California Global Warming Solutions Act (AB 32 of 2006) - In favor.
  3. Resolution calling upon the Governor and Legislature to enact legislation that would correct inefficiencies in the Audit System, Distribution System and inequities in the formulas for distributing Court ordered arrest and citation fines, fees and assessments generated by local government - In favor.
  4. Resolution of the League of California Cities raising public awareness and supporting tougher laws related to internet crimes against children - In favor.
  5. Resolution calling for an Emergency Management Mission for California cities – In favor
11. ADJOURNMENT - It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adjourn to closed session. Voice vote found all in favor passed and so ordered. Time 10:03 p.m.

The above agenda was posted at the Tracy City Hall on August 2, 2012. The above are summary minutes. A recording is available at the office of the City Clerk.

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Mayor

ATTEST:

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City Clerk