

September 18, 2012, 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 offered by Pastor Kal Waetzig, St. Paul's Lutheran Church.

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

Mayor Ives presented a Certificate of Recognition to Larry Hite, President, Tracy D.A.R.E. in recognition of the "DARE To Love Tracy Event".

Mayor Ives presented a proclamation to Candy Kebe, Law Enforcement Officer, Women's Center, in recognition of Domestic Violence Awareness Month.

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 May 1, 2012, and May 15, 2012, and special meeting minutes of May 15, 2012, were approved
 - B. Award a Construction Contract to Knife River Construction of Stockton, California, for Construction of the East Paradise Road Extension Project – CIP 73128 & 75046, Authorize an Appropriation of \$170,305.25 from the North East Industrial (NEI) Phase II for CIP 73128, and Authorize the Mayor to Execute the Construction Contract – Resolution 2012-191 awarded the contract in the amount of \$610,275.25, and authorized the appropriation.
 - C. Acceptance of the Playground Renovation Project – CIPs 78127, 78122, 78118, 78106 & 78063, Completed by McNabb Construction, Inc., of Lafayette, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2012-192 accepted the project.
2. ITEMS FROM THE AUDIENCE – Paul Miles, 1397 Mansfield Street, informed the community of the lawsuit he has filed against the City of Tracy.

Steve Nicolaou, 1068 Atherton Drive, addressed Council regarding a Public Records Act request he had submitted related to work completed at the Tracy Airport. Mr. Nicolaou requested an agenda item to address the sub-standard work completed at the Airport.
3. PUBLIC HEARING AND ALLOCATION TO REVIEW THE POLICE DEPARTMENT'S RECOMMENDATION TO APPROPRIATE \$100,000 FROM CITIZENS OPTIONS FOR PUBLIC SAFETY "COPS" GRANT PROGRAM TO THE POLICE DEPARTMENT

BUDGET TO PURCHASE A BALLISTIC ENGINEERED ARMORED RESPONSE ALL PURPOSE VEHICLE – Lani Smith, Support Operations Division Manager, presented the staff report. The Citizens' Option for Public Safety (COPS) program provides grants to cities and counties that provide law enforcement services in proportion to population which is allocated to county Supplemental Law Enforcement Services Funds (SLESF).

Government Code 30061 specifies in order to utilize these funds, under California Government Code Section 30061(c)(2), "...the city council shall appropriate existing and anticipated moneys exclusively to fund frontline municipal police services, in accordance with the written requests submitted by the chief of police..." These written requests shall be acted upon by the city council at a public hearing.

The Police Department will utilize the funds towards the purchase of a ballistic engineered armored all purpose vehicle. The vehicle's primary purpose is to enhance officer and community safety while deploying tactical officers to and from hostile situations. In addition, the vehicle will serve the general public during community outreach events such as parades, National Night Out and the Annual Bean Festival.

The City will receive \$100,000 from the State COPS Grant for Fiscal Year 2012- 2013. There is no immediate impact to the current fiscal budget.

Staff recommended that following the public hearing Council approve the request to appropriate and expend the COPS Grant funds for the aforementioned purchase.

Mayor Ives opened the public hearing.

George Riddle, 1850 Harvest Landing Lane, addressed Council regarding the use of such a vehicle indicating he did not believe Tracy needed this type of vehicle.

Council Member Abercrombie referred to a recent incident where a resident was barricaded and asked if the Tracy Police Department had been unable to respond because it did not have this type of vehicle. Chief Hampton explained that Tracy was not able to respond to a request for SWAT from the City of Modesto because it did not have such a vehicle. Chief Hampton indicated in his 13 month tenure he has asked for 10 armored ballistic vehicles from other agencies and that Tracy Police regularly deploys the SWAT team for high-risk search warrants. Chief Hampton outlined various high risk incidents where this type of vehicle is needed.

Council Member Elliott asked how often the City could have used this type of vehicle. Chief Hampton stated more often than it has been requested. The vehicle is not used to breach homes, but it does include technology that allows law enforcement to know if it is safe to enter a home.

Council Member Rickman asked what the ETA was when borrowing this type of vehicle from another jurisdiction. Chief Hampton stated the request is made 3-5 days in advance when officers plan to serve high-risk warrants. The City's biggest problem is late at night when it could take 3-4 hours for a back up vehicle to arrive. Chief Hampton outlined various situations that could occur while law enforcement was waiting for a vehicle to arrive on scene.

Mayor Pro Tem Maciel stated he was biased because of his service on the Tracy Police Department, and added the City has attempted to obtain this type of vehicle for many years. The Police Department was being creative in obtaining funds which did not include the General Fund. Mayor Pro Tem Maciel stated a vehicle of this type was long overdue and added he supported the purchase.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2012-193 approving the Police Department's recommendation to appropriate \$100,000 from the State "COPS" Grant Program to the Police Department budget to purchase a Ballistic Engineered Armored Response All Purpose Vehicle. Voice vote found all in favor; passed and so ordered.

4. APPROVAL OF APPROPRIATION OF \$1,105,250 FROM THE RESIDENTIAL AREAS SPECIFIC PLAN (RSP) FUND FOR COSTS ASSOCIATED WITH REMOVAL OF USE RESTRICTIONS AND FEDERAL REVERSIONARY RIGHTS ON THE 150-ACRE SCHULTE ROAD PARCEL AND AUTHORIZE THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS TO COMPLETE THE TRANSFER; DIRECT STAFF TO PROCEED WITH SALE OF CHRISMAN ROAD PROPERTY AND USE SALE PROCEEDS TO REPLENISH THE RESIDENTIAL AREAS SPECIFIC PLAN (RSP) FUND; AND RECEIVE UPDATE ON TRACY BALL PARK PROPERTY OUTREACH
Rod Buchanan, Parks and Community Services Director, presented the staff report. The Schulte Road property is approximately 200-acres in total and is located on the south side of Schulte Road, west of Lammers Road. The United States Congress authorized the General Services Administration ("GSA") to convey 200 acres to the City via special legislation originally enacted in 1998. The special legislation conveyed 50-acres to the City at fair market value for "economic development" purposes and the remaining 150-acres at no cost to the City, but specifically for recreational and/or educational "public benefit" purposes.

The City proceeded to purchase the 50-acres with no restrictions and has land banked the 50 acres for the past 14 years. The City explored several projects over the years, which focused on recreational and educational activities on the remaining 150 acres, but no viable project emerged from those efforts.

On October 7, 2008, through Council direction, staff began to work with Congressional Delegates to amend the existing property conveyance legislation and began exploring a City project that involved renewable and/or alternative energy uses. Consequently, over the next two years, the City began negotiations to sell or lease the site to GWF for a private project that involved renewable and/or alternative energy uses.

On November 16, 2010, a Purchase and Lease Option Agreement with GWF to develop the 200-acre site as a solar farm was executed and included the option for GWF to acquire the property. On June 27, 2012, GWF informed the City that after an exhaustive and expensive effort to secure a mutually acceptable Power Purchase Agreement with a utility provider, they were unable to obtain the agreement.

On May 15, 2012, Congress enacted Public Law 112-119 authorizing GSA to offer the City the option to acquire the 150-acres at appraised fair market value, thereby releasing any reversionary interest retained by the United States on the property. The June 27, 2012 letter from GSA requested that the City consider acquiring the property for

\$1,115,250. GSA also informed the City that delaying acquisition of the property could result in an increase to the appraised value amount as well as additional administrative fees. If the Council determined it did not want to acquire the 150 acre property or develop it for recreation or educational purposes, the property would revert to GSA.

Because the City has committed to the Federal government to explore renewable energy projects on the site and because doing so is congruent with the City's sustainability and economic development goals, staff recommended continued pursuit of viable renewable energy project options and moving forward with the acquisition of the 150 acre site. Following Council's decision to move forward with the acquisition, staff will issue a Request for Proposal for a solar consultant to assist the City in assessing the feasibility and best options for development of renewable energy on the site.

Staff recommended that Council approve an appropriation of \$1,105,250 from the RSP Fund to cover the costs associated with acquiring the property thereby removing restrictions and Federal reversionary rights on the 150 acre Schulte Road parcel.

Council Member Rickman asked if the City purchased the property would it remove the restrictions. Mr. Buchanan stated yes. Council Member Rickman asked for clarification regarding a solar project. Mr. Buchanan stated the project staff believes could go on this property is between 25-30 megawatts.

Council Member Rickman asked why the City was pursuing renewable energy if there would be no restrictions on the land. Mr. Buchanan stated because the City asked the Federal Government to release the land for that type of use. Mr. Buchanan stated the deed has no restrictions.

Leon Churchill, City Manager, added that there was no legal requirement to develop alternative energy on the site. However, efforts by the City made the argument that the property could be developed as an alternative energy site since it has always been the intent to develop that site for alternative energy. Mr. Churchill further stated it would be disingenuous to obtain approval from the Federal Government in May and then change plans. Mr. Churchill recommended that the City pursue the recommended path.

Council Member Rickman asked if the City had looked at any other uses for the site that could improve sales tax or boost the City's economy. Mr. Buchanan stated the current effort has been to explore alternative energy.

Council Member Elliott asked if the City had explored any other uses for the site. Mr. Buchanan stated not at this time. The property came to the City with an educational or alternative energy use pursuit and that is what staff has pursued.

Andrew Malik, Director of Development Services, added the property was located directly across the street from the Cordes Ranch property which will provide opportunities for future industrial development.

Council Member Elliott asked if any solar companies had expressed interest in the property. Mr. Buchanan stated yes, approximately 50 companies. Council Member Elliott asked if they were viable companies. Mr. Buchanan indicated it seemed that most of the developers have had successful projects; all indications point to that fact.

Council Member Elliott asked if the City would not be asked to subsidize the project. Mr. Buchanan stated that was not the City's goal.

Council Member Elliott asked if that was the best use of RSP funds. Mr. Churchill stated it was a judgment call and a decision for the Council.

Council Member Rickman asked if the City was buying the property and the restrictions were removed, and if 50 companies were interested in the property, why was the City considering buying it. Mr. Churchill stated removing the restrictions allows the City to move forward unfettered.

Mayor Pro Tem Maciel asked if it was the City's intention to sell the property or to lease it. Mr. Buchanan stated there were several options including entering into an agreement with PG&E, lease it, or be a partner in the sale of power. Mr. Buchanan added that all indicators point to a very successful operation.

Mayor Ives asked how long the process was if the City purchased the property. Mr. Buchanan stated a project could be underway within a year.

Mayor Ives stated he had a problem committing that amount of money on one project that doesn't have a tangible return

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

Calvin Weitzig, 1460 Devine Lane, asked if additional funding would be needed to bring a solar company onto the property. Mr. Buchanan stated no additional funds were expected to be expended.

Mr. Tanner, 1371 Rusher Street, asked if this was the same area where the PG&E gas lines are underground. Mayor Ives stated yes. Mr. Tanner asked why, if GWF feels it isn't viable, are the other 50 companies sure that it could be viable for them. Mr. Buchanan stated GWF has given the City documents which are highly technical and have found two scenarios for putting solar on the property. Mr. Buchanan stated one scenario included moving the gas lines and another included leaving the gas lines. Mr. Malik added that phasing the project was considered by GWF.

Mayor Ives asked if solar was such a great opportunity, why isn't the City considering putting it on the Chrisman property. Mr. Malik indicated the Chrisman Road property is now surrounded by infrastructure which makes it more valuable for development.

George Riddle stated a huge reflective mirror which will be in line with the Airport and solar rays are low efficient devices at this time.

Mayor Ives asked if there was a way to go out and get a formal expression of interest before the City invests in the property. Mr. Buchanan stated the City could publish a RFP for developable property. Mayor Ives stated he would feel more comfortable with solid proposals.

Council Member Abercrombie asked if staff had considered other uses for this land. Mr. Malik stated a longer term possibility could include industrial which hasn't been explored.

Mayor Ives asked Council to consider asking staff to request the GSA to give the City a couple more months while the City does due diligence on the property.

Mayor Pro Tem Maciel stated he was not opposed to purchasing the property with the sale of the Chrisman Road property replenishing the RSP fund. Mayor Pro Tem Maciel added if GSA could work with the City that would be great.

It was Council consensus to direct staff to ask GSA to work with the City and provide more time.

Chrisman Road Property - The Chrisman Road property is approximately 108-acres located on the north side of Eleventh Street, east of Chrisman Road. The site is currently leased for farming through December 31, 2013. The City collects approximately \$23,000 annually from a farming lease agreement.

The City purchased the Chrisman property in 1988 for \$2,000,000 for a large regional park using Certificate of Participation Funds. Over the years the City has attempted to market this property for various uses including educational purposes. The City has owned the Chrisman site for 24 years, and has exhausted all potential public uses.

The City reviewed the various use options for this property, including (1) holding the property for a future public purpose, (2) holding the property for a better financial return in the future, (3) continuing to lease the property and generate \$23,000 annually, and (4) whether to sell the property. Because over the past 24 years the City has explored a number of potential public and public/private partnerships for the site with no viable development project emerging, staff recommended that Council consider selling the site to create cash infusion for a different public purpose and create a taxable property opportunity while eliminating maintenance responsibilities and transferring liability.

Staff recommended that Council direct staff to proceed with the sale of the Chrisman property and use sales proceeds to replenish the RSP Fund.

Mayor Ives invited members of the public to address Council regarding the Chrisman Road property. There was no one wishing to address Council.

Mayor Ives stated he was happy to put the property on the market and wanted to make sure that the RSP funds be used for education and an investment in another location. Council Member Elliott asked for clarification regarding earmarking it for a particular use. Mayor Ives stated education was included in the description for the use of RSP funds.

Council Member Elliott asked if the Chrisman Road property was sold, could it result in a viable option with Tracy Learning Center. Mr. Malik indicated the Learning Center has been looking at 20 acres of the site for some time.

Mayor Pro Tem Maciel asked what the property was currently zoned, and if it would have to be rezoned. Mr. Malik stated it is currently zoned agriculture and would take a General Plan Amendment to re-zone the site.

Council Member Rickman asked if the City had gone out recently to see what it could get. Mr. Malik stated no.

Council Member Rickman asked if the City could use this property as an incentive, such as a lease to own, to attract businesses there. Mr Malik stated there was still an amount of environmental review that would be necessary and the fronting of infrastructure costs would have to be paid.

Council Member Rickman stated if the City did sell the property, the market is at its lowest; if we hold onto it couldn't we get more money. Mr. Malik stated the industrial/manufacturing market was doing fairly well.

Council Member Rickman indicated he would like the City to go out and see what kind of businesses it could attract to the site.

It was moved by Council Member Abercrombie and seconded by Mayor Pro Tem Maciel to adopt Resolution 2012-194 directing staff to proceed with the sale of the Chrisman Road property and use sales proceeds to replenish the Residential Areas Specific Plan Fund. Voice vote found Council Member Abercrombie, Elliott, Mayor Pro Tem Maciel and Mayor Ives in favor; Council Member Rickman opposed. Motion carried 4:1.

Tracy Ball Park - Mr. Buchanan stated the Tracy Ball Park is an 11.27-acre sports field located on the east side of Tracy Boulevard just south of Grant Line Road. The property has been used as a ball park for decades.

Given that the City has, over the last several years developed and/or planned strategic sports fields in key areas of the City, this is an opportunity to re-evaluate the use of and/or potential relocation of the ball fields on the Tracy Ball Park. With the addition of the Youth Sports Fields on the Holly Sugar Property, the City now has a central sports complex on the West side of the City with the Tracy Sports Complex and Plasencia Fields located on Eleventh Street, and a central new Sports Field complex planned at the Holly Sugar site north of the City.

Over the years neighborhoods have emerged around the Tracy Ball park, and the increased demand for sport fields has resulted in complaints from neighbors when the fields are in use during evenings and on weekends. The complaints range from lack of available parking for residents and users, excessive noise levels, and bright lights at night. In addition, due to a lack of funding and other City Capital Improvement priorities, needed field renovations at Tracy Ballpark, although a priority, have not been completed. Staff has begun a community discussion with the sports leagues on the possibility of relocating the ball fields from Tracy Ball Park to the Holly Sugar property which would help to maximize practice and tournament play. The proceeds from selling the Tracy Ballpark property could fund replacement fields at Holly Sugar.

The Tracy Ball Park site could be evaluated for a new use that would add to the economic development and neighborhood vitality of the surrounding residential and commercial area, while also addressing neighborhood concerns related to noise level, traffic and parking issues.

Mr. Buchanan stated that during neighborhood discussions residents liked the park for sports, walking pets, and exercise. The reasons residents disliked the park were because it was not maintained or upgraded, missing greenery, dated and shabby appearance and parking on Bessie Avenue.

When the residents were asked their thoughts on redeveloping the site from park to residential they indicated crime and unemployment would increase, it could meet a need for senior housing, and community impacts during construction.

Residents indicated their top priorities to be considered in redeveloping the site were neighborhood impact, consider and explore alternative locations, and too many homes on the market.

Council Member Rickman asked if when staff talked to the neighbors they were told exactly what the property could be used for. Mr. Buchanan stated a few conceptual ideas of what the property could look like were provided, since staff wanted to understand residents' concerns.

Council Member Rickman indicated the ballpark has been there for decades and added he did not want that side of town to become apartment centered. Council Member Rickman indicated staff needed to be more forthcoming with what could be done at the site and added he was strongly opposed to apartments at the site.

Council Member Elliott stated a concern was expressed to him about the original intent when the property was given to the City or purchased for almost nothing. Council Member Elliott stated he had been told that the family who gave the land was extremely desirous of the site being used as a sports field. Mr. Buchanan stated staff has ordered a full title report and is checking the City archives. Mr. Buchanan indicated the deed doesn't have restrictions, but he was searching for more information on what transpired in the 1940's.

Council Member Elliott stated if the park goes away, that part of the City is without a park. Council Member Elliott asked what the feedback was from the sports leagues of not having a park at that location and the sports leagues relocating. Mr. Buchanan stated the feedback was mostly negative about doing anything different to the park, and that they were still looking for more fields.

Mayor Pro Tem Maciel suggested that as discussions are held, sentimental attachment notwithstanding, the City would be well served by selling the property and developing it provided the City obtains input from the community and can meet the needs of current users. Mayor Pro Tem Maciel also suggested a small community park, not a sports field, would be a good addition to whatever is developed. Mayor Pro Tem Maciel added that while developing the property would breathe life into the existing retail there were still a lot of questions to be answered.

Mr. Churchill stated discussions have been rich within the community and there was value in continuing that dialogue. Mr. Churchill stated there may be other interested parties that could shape the discussion and suggested that staff continue the discourse with the residents, shops nearby, or anyone who has interest in the property.

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

Paul Ridder addressed Council indicating his family had donated the property to the City of Tracy. Tracy was good to his family and the family was honored to grant the property to the City for \$10 to be used by families and children.

Gregg Weltzer, 360 W. Whittier, indicated he saw Harmon Park go away when the hospital was built and that he didn't want to see this park go away.

Mr. Tanner learned that the Tracy Ball Park was the only place where the junior football leagues can practice.

Council Member Abercrombie asked for clarification regarding the fields that are being constructed at the Holly Sugar site. Mr. Buchanan stated football fields are planned for a future phase.

Mayor Ives proposed placing community discussions on hold until it is determined if there are viable options available.

Mr. Churchill asked if it was the Council's desire for staff to obtain formal proposals for the site to know what the options are. Mayor Ives stated the Council didn't have to turn down unsolicited proposals. Council Members Rickman and Abercrombie agreed.

It was Council direction that staff will not conduct any further public outreach before returning to Council at the next meeting.

5. ITEMS FROM THE AUDIENCE – None.
6. COUNCIL ITEMS
 - A. League of California Cities 2012 Annual Conference - Mayor Pro Tem Maciel offered a verbal report on his attendance at the League's Annual Conference.
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: 8:59 p.m.

The above agenda was posted at the Tracy City Hall on September 13, 2012. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk