

October 16, 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 Timothy Heinrich of Crossroads Baptist Church.

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

Mayor Ives and Police Chief Hampton swore In Lieutenant Mark Duxbury.

Mayor Ives presented a proclamation to Fire Chief Nero and Isaac Terry of Sow A Seed Foundation in recognition of Carbon Monoxide Awareness Month.

Mayor Pro Tem Maciel presented Mayor Ives with the San Joaquin Valley Blueprint Award of Excellence for the 2012 Downtown Revitalization Project.

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 June 19, 2012, were approved.
 - B. Authorize Federal Fiscal Year 2013 Grant Application for Section 5307 U.S. Department of Transportation Federal Transportation Administration Funds in the Amount of \$1,296,554 for Tracer Public Transportation Services and for Replacement Fixed Route Buses; Certification of Application Assurances; and the City Manager or Designee to Execute the Grant Documents – Resolution 2012-207 authorized the funds.
 - C. Approval of 4 Resolutions to Reflect the New Employer Paid Member Contribution Rate (Including Reporting the Value) to PERS as Recently Negotiated in Labor Contracts and Employment Resolutions and Agreements – Resolution 2012-208 approved the value of employer paid member contributions for City Manager and City Attorney. Resolution 2012-209 approved the value of employer paid member contributions for Tracy Mid-Managers Bargaining Unit, Confidential Management Unit, Technical and Support Unit and Department Heads (except the Police Chief, Fire Chief, City Manager and City Attorney). Resolution 2012-210 approved the value of employer paid member contributions for Tracy Police Officers Association, Tracy Police Managers Association, and the Chief of Police. Resolution 2012-211 approved the value of employer paid member contributions for Tracy Fire Union, Fire Division Chiefs and the Fire Chief.

- D. Authorization to Enter into Discussion and Negotiations for a New Agreement between the City of Tracy and Tracy Material Recovery and Solid Waste Transfer Inc. and Approve a Supplemental Appropriation of \$50,000 from The Solid Waste Fund for a Financial Consultant – Resolution 2012-212 authorized the negotiations.
- E. Adopt a Resolution Authorizing a Specialized Aeronautical Services Operator and Leased Facility Agreement With Skyview Aviation, LLC, at Tracy Municipal Airport and Authorizing the Mayor to Execute the Agreement – Resolution 2012-213 authorized the Mayor to execute the agreement.
2. ITEMS FROM THE AUDIENCE – A resident addressed Council regarding speeding problems on Summer Lane. The resident asked that the sign be removed and speed humps installed.
3. RECEIVE PUBLIC TESTIMONY FROM PUBLIC HEARING FOR ANNUAL UNMET TRANSIT NEEDS, CITY OF TRACY, FISCAL YEAR 2012-13 - Ed Lovell, Management Analyst, presented the staff report. Mr. Lovell stated that under provisions of the State of California Transportation Development Act (TDA), local public hearings must be held annually to review any unmet transit needs prior to the allocation of TDA funds. The hearings were held on October 16, 2012, at 1:30 p.m. in the Tracy Transit Station Conference Room 105, and again at 7:00 p.m. in City Hall Council Chambers during the regularly scheduled City Council meeting.

The City requested TDA funds for Fiscal Year 2011-12 for the following purposes:

1. Public Transportation Operating Costs	\$ 726,690
2. Public Transportation Capital Costs	\$ 524,967
3. Roads and Streets Projects	\$1,546,636
4. Pedestrian and Bicycle Projects	\$ 44,364
5. TDA Administration	<u>\$ 66,076</u>
TOTAL 2011-12 CLAIM	\$2,908,733

The TRACER Public Transit System provides Fixed Route and Paratransit Bus services Monday through Friday from 7:00 a.m. until 7:00 p.m., and Saturdays from 9:00 a.m. to 5:00 p.m. The Paratransit Subsidized Taxi service operates during the days and hours that the Paratransit Bus service is not in operation.

The purpose of the public hearing is for the Council to receive public testimony concerning any unmet transportation needs which may exist for the Tracy community. No decision as to the sufficiency of local transit services is requested from the Council. Staff members from SJCOG will attend the Tracy public hearings to witness the community responses and to answer specific questions concerning the TDA process.

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

Mayor Pro Tem Maciel asked if this was an annual process. Mr. Lovell stated yes.

Mayor Pro Tem Maciel asked if staff was proactive in addressing transit needs throughout the year. Mr. Lovell indicated staff and individuals can be proactive in asking for certain routes and/or alternate timing for transit needs.

Council Member Elliott asked if the Council has the ability to provide input after the SJCOG has determined whether the City has unmet transit needs. Mr. Lovell stated no.

4. ADOPTION OF A RESOLUTION REVISING THE IMPLEMENTATION GUIDELINES OF THE RESIDENTIAL GROWTH MANAGEMENT ORDINANCE (GMO) - Bill Dean, Assistant Director of Development Services, presented the staff report. Mr. Dean stated that the GMO, established in 1987, has been amended several times in response to General Plan updates, new and amended Specific Plans, changing demands for residential housing units, and Measure A. The GMO Guidelines were developed to provide implementation direction to the development community, staff and the Growth Management Board (GMB) in administering the GMO, as amended by Measure A. The most recent amendment to the GMO Guidelines was completed in 2009, but very little building has occurred in accordance with those regulations since that time due to decreased demand for new homes resulting from the recession.

On June 19, 2012, Council directed staff to prepare options to amend the GMO Guidelines. On October 1, 2012, Council conducted a workshop on the GMO Guidelines, and evaluated various options to prioritize growth areas and directed staff to implement a methodology that would sequence residential growth for specific projects, recognizing that not all projects would have the ability to develop concurrently given the limitations of Measure A and the expense associated with funding infrastructure. The proposed changes to the GMO Guidelines are consistent with the concepts discussed with the public at that workshop and the direction from Council.

The proposed amendments to the GMO Guidelines mainly address the provisions for RGA issuance, including (1) the sequencing of projects within the City limits and Sphere of Influence, (2) the initial timing of RGA allocations, and (3) their potential re-allocation each year should an RGA not be used to obtain a Building Permit by October 1, of each year. The main changes to the GMO Guidelines are enumerated below.

RGAs/BPs will be issued in accordance with the following priority system:

Prioritization by Area:

- First, RGAs shall be allocated to Primary Areas (infill) projects as shown below
- Second, RGAs shall be allocated to projects with approved Development Agreements
- Third, RGAs shall be allocated to projects located within the “Ellis” and “Tracy Hills” projects as shown below
- Fourth, RGAs shall be allocated to the Kagehiro Phase III project, (and next to successor projects upon its completion)
- Fifth, should any RGAs not be requested by the projects as shown below, they shall be available to any other project that meets the minimum RGA eligibility requirements as identified in the GMO Guidelines

Years of 750

Tracy Hills 406
 Ellis 194
 Kagehiro III/Sequenced Project 50
 Primary Areas (Infill) 100

Years of 600

Tracy Hills 325
 Ellis 155
 Kagehiro III/Sequenced Project 40
 Primary Areas (Infill) 80

The GMO (as amended by Measure A) allows an average of up to 600 RGAs or BPs per year, and up to a maximum of 750 RGAs or BPs per year. Therefore, the two categories, “Years of 750” and “Years of 600” are identified. The proportionate number of RGAs and BPs available in each of these two categories is identical.

In the event that RGAs are available in amounts other than 600 and 750 annually, they will be generally shared proportionately (in accordance with the numeric splits shown above) across these four identified areas.

The current GMO Guidelines (approved in 2009) set the application due date for RGAs as the first Thursday of September of each year. Staff recommends retaining that timeframe, with additional deadlines to be added to ensure all RGAs that are allocated each year can either be used by the initial recipient or re-allocated to another project that is ready for building permits.

The timelines for RGA applications and allocations is proposed as follows:

- September—Application deadline for RGAs
- October/November—Allocation of RGAs by the GMB
- December—Appeals (if any) heard by the City Council
- No later than March 31st —GMB to compare the number of RGAs allocated with the number of lots (or units) shown on the projects’ final maps (Tracy Hills and Ellis have the first right of refusal on any RGAs that are not to be used on other projects)
- September 30th —All RGAs allocated must be used for the issuance of a Building Permit, or they become available to other projects
- October 1st —Any unused RGAs are made available to other projects for the issuance of Building Permits that calendar year

At the workshop on October 1, 2012, Council requested that staff provide future options related to the sequencing of a development area identified in the General Plan as Urban Reserve 9 (UR9). UR9 is approximately 130 acres located within San Joaquin County on the south side of Valpico Road, immediately east of a collection of large lot residential homes fronting the east side of Corral Hollow Road. The area is identified in the General Plan for future residential development and is identified on the General Plan *Secondary Residential Growth Areas Map*, meaning it is identified to develop with residential land uses. Due to the numeric limitations of permits, this project area was not given the same priority status at the October 1st workshop as other projects mentioned above. Nonetheless, below are several options for Council and the property owner to consider related to developing.

- 1) Make no changes to the proposed GMO Guidelines at this time: The project could begin entitlement processing, and develop when other projects conclude or if other projects do not progress to the tentative subdivision mapping stage;

- 2) Local Ballot Initiative: Pursue a ballot initiative (election of registered Tracy voters) to exempt the project from the limitations of the GMO (Measure A), which could be done either by a generic exemption or an exemption specific to this project. The limitations of the GMO can only be modified by ballot initiative because the GMO was the subject of a ballot initiative in the year 2000 (Measure A);
- 3) Adjust proposed numbers in the Draft GMO Guidelines: City Council could re-direct staff to adjust the RGA numbers of any of the development areas staff was directed to pursue on October 1st (Primary/Infill, Kagehiro Phase III/Others in Sequence, Tracy Hills, and or Ellis). This option would require additional discussions with the development community and may not be feasible due to staff's understanding of the financing requirements of the larger projects to fund necessary infrastructure.

Staff recommended Option 1.

Pursuant to Section 15183 of the California Environmental Quality Act Guidelines, adoption of the amendment to the GMO Guidelines is exempt because there will be no significant on or off-site impacts as a result of the amended GMO Guidelines, (CEQA Guidelines, 14 Cal. Code of Regs. §15061(b)(3).) All development projects are required to comply with CEQA as a part of their project approvals, and all potential environmental impacts are studied and mitigated through the development process, not through the administration of the GMO. These GMO Guidelines simply provide procedures related to future land use applications, which must first undergo CEQA review.

Furthermore, in accordance with CEQA Guidelines Section 15162, no further environmental assessment is required. An analysis of the project shows that no substantial changes are proposed that would require major changes to any existing environmental documentation, including the General Plan EIR SCH #2008092006, or cause any increase in severity of previously identified significant effects or any new significant effects. The GMO Guidelines add no new development areas, remove no development areas, or modify any development areas. The GMO Guidelines provide procedures for future land use applications.

There will be no fiscal impact as a result of the proposed revisions to the GMO Guidelines, aside from significant staff time associated with its development, drafting, and implementation. The City charges \$1,719 per application for RGAs. The revisions to the GMO Guidelines will assist in the implementation of the City's program for issuing RGAs and Building Permits, but will not alter the income generated or expenses incurred as a result of that implementation.

Staff recommended that Council adopt the proposed amendments to the GMO Guidelines.

Mr. Dean indicated Council had been given a revised resolution for consideration.

Council Member Abercrombie asked how long it would take for UR9 to get going if limits were kept in place. Mr. Dean stated it depended on assumptions but outlined a scenario that would allow them to build in 4-5 years.

Council Member Abercrombie asked what it would cost for Council to put an item on the ballot for 2014. Mr. Dean stated the cost of a special election would be approximately \$150,000.

Council Member Abercrombie asked if it would be legal for the developer to pay those costs. Mr. Sodergren stated it would be possible through a cost recovery agreement.

Council Member Abercrombie asked if it mattered if the property was in the City limits. Mr. Dean indicated any city legislative act can be placed on the ballot.

Council Member Elliott asked how close UR9 was to developing and how it compared to other projects. Mr. Dean stated UR9 has been identified for potential growth and would take about two years for UR9 to proceed. Mr. Dean added that the Ellis project is a lot closer than that.

Council Member Rickman stated it seemed like we were rushing something that we don't know a whole lot about.

Council Member Elliott asked staff to provide an example of "ready" projects. Mr. Dean explained ready projects include: 1) any prior Council approvals; 2) whether there has been interaction with consultants who have been working on infrastructure studies; and 3) does it have a tentative map.

Mayor Ives opened the public hearing.

A letter dated October 16, 2012, addressed to Andrew Malik, Director of Development & Engineering Services, was received via email from Jeff Smith, Horizon Planet, San Francisco. The letter states that Horizon Planet's position on Agenda Item 4 is as follows:

- The project should have a complete Environmental Impact Report since it allows ill-conceived urban-sprawl development, and is a poster child for poor planning.
- The proposed Growth Management Ordinance Guideline redirects growth patterns and promotes leapfrog development. It discourages concentric growth patterns, and affordable housing.
- The preservation of agricultural land should be precedence for cities like Tracy; nevertheless these development areas are being identified with consideration to impacts on the environment.
- California towns need Smart Growth that promotes livable communities and reduces California's greenhouse gas emissions.
- The proposed changes direct growth without studying or identifying adequate mitigation measures.

Jeff Schrader, Ponderosa Homes, addressed Council regarding their proposal. Mr. Schrader indicated they have submitted an application which includes a six acre lake and community center for residents 55 and older. Mr. Schrader added that residents can have individuals 40 years and older living with them.

Dave Helm referred to the Growth Management Ordinance Guidelines, page 2, section 2, "Application and Eligibility Requirements" which indicates a project must be within the

city limits and documents how they are able to receive RGAs, and page 3, "Timeframes for RGA allocations" section d3 which relates to expirations. Mr. Dean stated part of the process includes annexation if the project is not within the City limits. Mr. Dean explained that Ellis was part of a project and, therefore, eligible for RGAs. Mr. Dean stated no one has received RGAs under these Guidelines, and added that in order to receive a building permit the project has to be in the City limits.

Mr. Helm stated he believed the guidelines were written with ambiguity and suggested using clearer language to avoid any potential problems.

As there was no one further wishing to address Council, the public hearing was closed.

Council Member Abercrombie asked for City Attorney, Dan Sodergren's opinion regarding Mr. Helm's comments. Mr. Sodergren stated the Ellis project has an existing development agreement even though it is currently in litigation it is still in effect. Mr. Sodergren indicated a new development agreement has been submitted for Ellis and would be subject to the new GMO Guidelines.

Council Member Elliott referred to paragraph F1 of the Growth Management Ordinance Guidelines and asked if there were any other vested projects. Mr. Dean stated there are several projects that have vested rights. Victoria Lombardo, Senior Planner, indicated 211 units (5 projects) have vested rights with RGAs that do not expire.

Council Member Elliott asked what effect projects with vested rights have on RGAs and allocations. Ms. Lombardo stated the projects with RGAs already have priority, so they would compete for building permits. Mr. Dean explained those situations have been explained to the development community.

Council Member Elliott asked given the discussion, do you see any problem with the way the language is written. Mr. Sodergren stated he did not and added that staff has worked through these issues with the development community.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2012-214 approving the revised Growth Management Ordinance Guidelines and Notice of Intent to periodically revise the guidelines. Voice vote found all in favor; passed and so ordered.

5. PROVIDE DIRECTION ON TRACY BALL PARK PROPERTY - Maria Hurtado, Assistant City Manager, presented the staff report. Ms. Hurtado stated that at the September 18, 2012 Council meeting, staff presented Council with three real estate options, one of which was the Tracy Ballpark. At that meeting, staff presented options of exploring ways to revitalize that neighborhood; the possibility of relocating the fields from Tracy Ballpark to Holly sugar, other uses for the Tracy Ballpark. Council directed staff to cease any further community outreach and bring back additional information. Staff presented information relative to: (1) results of the title search for the Tracy Ballpark property, (2) an explanation of the process for disposition of parkland under State law, and (3) a summary of the community meetings presented to Council at the September 18th Council meeting.

The primary piece of property that makes up Tracy Ball Park (10.83 acres) was acquired in 1944 from C.E. and Margaret Ritter for \$10.00. This conveyance does not specify any

particular use of the property or any limitations on use. According to a preliminary title report, the property is subject to Exceptions, including in particular:

- 1963 Agreement of Lease, whereby the City leased 154 acres to Sunray DX Oil Company. (Recorded July 16, 1963 in Book 2711 Page 21 Official Records.) which has since expired; and
- 1990 Redevelopment Plan.

Although there are no restrictions on the property, a member of the Ritter family has expressed a desire that the City continue to use the Tracy Ballpark as a park, as that was the original vision of the family in 1944.

If the City were to consider disposing of the Tracy Ballpark property for a use other than a park, there are State law requirements relative to conveyance of park land that would have to be followed if the property were to be sold. This includes a CEQA review, Planning Commission confirmation that the proposed action is consistent with the General Plan; special election procedures; offers to other public agencies; and sale through a competitive bidding process (unless the City Council by resolution determines other procedures are in the best interest of the City.)

In preparation for the September 18 staff report, and in an effort to glean community sentiment regarding revitalizing the Tracy Ballpark neighborhood and possibly relocating the fields at Tracy Ballpark, staff held two community meetings. The purpose of the meetings was to begin a dialogue with interested residents and sports leagues to gauge the sports leagues' perspectives regarding relocating the fields, and from residents regarding revitalizing their neighborhood.

The first meeting was held at the Tracy Transit Center on Thursday, September 13th. Fifteen persons were present representing various sports leagues that currently utilize the Tracy Ballpark. A brief presentation of the analysis of the existing site was given, including discussion of the shortcomings of the location of a sports facility in close proximity to neighborhood residential such as noise, lighting, parking and heavy use issues. A discussion exercise was facilitated with the group, where four questions were asked. A summary of the feedback is listed below:

1. What are your top "likes" about the existing park?

The top four things the group liked about the Tracy Ballpark were:

- that the Tracy Ballpark is lighted;
- that the Tracy Ballpark is in a convenient location;
- that the Tracy Ballpark provides opportunities for multi-sports and different age ranges, and
- that the Tracy Ballpark is open later in the fall/winter season after many fields are not playable.

2. What are your major "dislikes" of the existing park?

The top three major things the group disliked about the park were:

- the low maintenance level,
- the inadequate parking and bathrooms, and
- that the Tracy Ballpark is not usable for tournaments.

3. What are your major issues in redeveloping the park and moving fields to Holly Sugar?

The top five issues the group had with redeveloping the park and moving the fields to Holly Sugar were:

- the timing: the group did not want to lose fields for a season,
- any potential cost overruns impacting commitment to replace field for field and acre for acre,
- the travel distance to Holly Sugar site,
- the potential for increase in use fees at the new site, and
- compatibility of the new development with neighbors.

4. What are your perceived needs/desires for field replacement?

The top five perceived needs/desires for field replacement were:

- lighting for the entire site,
- on-site storage and scoreboards,
- ample parking and bathrooms in central location,
- multi-use overlays with baseball/softball/soccer/practice football/cricket,
- ample shade trees & structures, and
- a wind block.

A second meeting was held at the Tracy Community Center on September 17th. An introduction of the process was given, along with a presentation of site information and planning criteria, as well as existing issues with the active lighted sports fields adjacent to the residential neighborhood. The group was divided into two tables of six persons each and the following four questions were asked of each person individually and then discussed at each table to form a consensus list. These lists were then compared between the two tables to see where the overall consensus was agreed. The following is the consensus of this community meeting.

1. What are the major characteristics the group “likes” about the existing park?

The top three major characteristics identified by the group are:

- the historic location and legacy of the site,
- the multi-sport & recreation uses; and
- the central location.

2. What are the major “dislikes” about the park?

The top three major dislikes identified by the group are:

- the lack of maintenance,
- the dated, shabby appearance and lack of trees, and
- the parking issues with the one-way circulation pattern on 23rd Street.

3. What are the consensus “issues for potential redevelopment” perceived by the group?

The top two issues for potential redevelopment perceived by the group are:

- increased traffic congestion; and
- the potential sense of community outrage over selling land that was donated for park use.

4. What are the consensus “priorities” for redevelopment?

The top two priorities for redevelopment identified by the group are:

- to memorialize the Ritter family’s donation; and
- that the integrity of the City be maintained by continuing the debate over the highest and best use for the public.

Additionally, on October 4, at the regularly scheduled Parks and Community Services Commission meeting, under Items from the Audience, a number of residents and community members addressed the Commission, where there was clear and unanimous opposition to the concept of moving the fields and re-purposing the property. Some of the main points stated by the public include the following:

- the Holly sugar Sports Complex should be additive to the City’s system and it was not intended to replace any parks;
- once open space is gone, it’s gone;
- older neighborhoods aren’t like new ones where park land is required as development occurs, and this neighborhood would have less open space than newer ones if the park was taken away;
- the park is used for open space enjoyment (even contemplative enjoyment) as much as for active sports;
- the park has incredible historical roots and serves as a statement of the City’s commitment to its citizens;
- the park has been used by generations for sports and is important as a cultural icon;
- changes in land use will likely increase neighborhood concerns related to parking.

Staff presented two immediate options, but indicated there may be more:

1. Maintain the status quo - Continue to maintain the Tracy Ball Park as is and compete with other Capital Improvement Projects (CIP) for field renovation/ improvements at Tracy Ballpark as funds become available.
2. Continue Community Outreach & Explore Neighborhood Revitalization Options and/or Relocation of the fields from Tracy Ballpark - Continue to have a dialogue with the neighbors and sports leagues to ascertain if there is interest in moving forward with the idea of relocating the fields at Tracy Ball Park and continue exploring options on potential re-uses for the Tracy Ballpark to revitalize the neighborhood.

Given the overwhelming response from the community expressing their concerns about redeveloping the Tracy Ballpark, staff recommended that Council consider Option 1 and requested Council direction.

Council Member Rickman stated the person that needs to be held accountable is the person in charge, Mr. Churchill. Council Member Rickman indicated he was not pleased with the way initial efforts were conducted and believed it was an attempt to make an end run around Council and the Parks Commission to push a proposal down the throats of residents and the Council. Council Member Rickman stated he was embarrassed that residents knew more about the proposal than Council. Council Member Rickman asked who approved the consultant and proposals. Maria Hurtado, Assistant City Manager, stated she and Rod Buchanan, Director of Parks and Recreation, worked with the consultant, and a team of staff. Ms. Hurtado stated the consultant used visual tools that gave residents the impression that the project was a done deal which was not the intent.

Council Member Rickman asked how much the proposal cost. Ms. Hurtado stated the City paid the consultant \$4,500.

Council Member Rickman asked if this type of situation would occur again. Ms. Hurtado stated staff would love to hear the Council's preference. Ms. Hurtado added staff wanted to go through a process that respects everyone's involvement, including the residents.

Mayor Ives stated the issue is not process; the situation is because of process which needs a separate agenda item. Mayor Ives stated the discussion item is what to do with the Ballpark.

Mayor Ives indicated one of the options is to maintain the status quo and place the project into the CIP process. Mayor Ives asked what that the CIP process looks like regarding timing. Ms. Hurtado indicated the annual discussion at the CIP workshops was a great time to discuss it and prioritize it. Mayor Ives asked if there was an amount for renovation of the Ballpark. Ms. Hurtado stated approximately \$3 million.

Mayor Ives invited members of the public to address Council.

Ray Morelos, 1801 Foxwood Drive, addressed Council regarding the park's historical presence.

Melissa Sucrese, 474 W. Twenty-Second Street, asked what football teams were brought into the discussions. Mr. Buchanan indicated all ball teams were included. Ms. Sucrese stated the ballpark needs to stay.

Mr. Nunez, Resident, asked that the historic park be preserved.

Star Hoffman indicated closing the park was not a good option. Ms. Hoffman stated fewer fields meant fewer options for children.

Steve Nicolaou, 1068 Atherton Drive, indicated the same action was attempted in December 1977. Mr. Nicolaou recommended putting a restriction on the deed so that this type of event can't be repeated.

Jay Gonzales Jr., 252 W. Twentieth Street, urged Council to keep the park.

Dave Helm indicated it didn't seem like the park was surplus. Mr. Helm asked Council to maintain the status quo and recommended that the park be used as a park in perpetuity.

Greg Welks, 360 W. Whittier, indicated he had 2,151 signatures, 523 are residents within one-half mile from the park who oppose the project. Mr. Welks asked that the Tracy Ballpark be saved forever.

Philip Treat, 1825 Bessie Avenue, stated the park kept the kids in the neighborhood out of trouble years ago and is still doing the same job today.

Tina Coleman, 1921 Alcot Place, stated the Tracy Adult Soccer league struggles every year to find fields. Ms. Coleman asked Council to please save the Ballpark.

Jonathon Blackwell, 2853 Clover Hill, on behalf of the parents and Tracy Raiders, indicated their position was unanimous; save the Ballpark.

Mary Carr, 414 W. Twenty-Second Street, stated if residents complained about the park, it wasn't because they don't want to get rid of the park, they want police enforcement during times of heavy use.

Robert Tanner, 1321 Rusher Street, asked that Council place this item back on the CIP list.

Joe Vierra, 1821 Alcot, indicated he has been playing soccer player for 20 years. Mr. Vierra added he would be happy to play on a level field anywhere.

Council Member Abercrombie asked what the process would be regarding the proposal that the Ballpark remain a park in perpetuity. Daniel Sodergren, City Attorney, stated it would be possible, since a number of existing state laws deal with park abandonment. Mr. Sodergren stated in this instance, even though the property is not deed restricted, the Council would have to set a public hearing and if anyone filed a protest, the Council could override it but it would have to be sent to a vote.

Council Member Rickman asked if there was a procedure in place to make it more difficult rather than going through a special election.

Council Member Elliott indicated the Council needed to consider all stakeholders and that if it was understood that the property was given to be used as a park it should remain as a park. Council Member Elliott stated the Council needed to find CIP funds to make improvements at the park.

Council Member Rickman asked about creating the park as a historical landmark. Mr. Sodergren stated there was no local procedure in place and that he would have to check at the state or federal level.

Council Member Rickman indicated he would like to find a way to make sure the property stays a park, whether it's a deed restriction or as a historical landmark.

Mayor Pro Tem Maciel thanked everyone who got involved with this issue. Mayor Pro Tem Maciel commended staff for reaching out to the community but suggested that the process seemed to have backfired. Mayor Pro Tem Maciel indicated he appreciated the significance and history of the property. Mayor Pro Tem Maciel stated he supported keeping it as a park but added Council may need to reconsider when and if the fields become underutilized whether it is because of lack of demand or because the facilities are inadequate.

Council Member Rickman stated the site is a park and there has been a demand for it for 68 years. Council Member Rickman asked what the Council could do to have the park remain a park. Mr. Sodergren indicated Council could direct staff to explore a deed restriction or outline the process to make it a historical landmark.

Council Member Abercrombie indicated Council has told staff to turn over every rock for economic development. Council Member Abercrombie further indicated it was obvious that the residents want it to remain a park.

Mayor Ives stated what is important is that Council never had an opportunity to vet the proposal before it was presented to the community. Mayor Ives stated he could not fault staff. Mayor Ives indicated the area needs to remain a park.

Mayor Pro Tem Maciel added that consideration to sell any City property is part of the process of managing City assets and resources and that Council should not fault staff for floating the project as an option.

It was moved by Council Member Abercrombie and seconded by Council Member Rickman to keep the park in perpetuity and direct staff to look at ways to retain the ballpark in perpetuity.

Council Member Elliott asked if a future Council could reverse the decision. Mr. Sodergren, stated then the process he had outlined previously regarding a historical landmark would have to be undertaken which would include a vote of the entire city.

Voice vote found all in favor; passed and so ordered.

Mayor Ives called for a recess at 9:35 p.m. The meeting was reconvened at 9:44 p.m.

6. RECEIVE UPDATE AND PROVIDE INPUT ON AIRPORT IMPROVEMENT OPTIONS
Ed Lovell, Management Analyst, presented the staff report. On October 18, 2011, the City Council and Transportation Advisory Commission held a joint meeting to discuss future improvements for the Tracy Municipal Airport. During that meeting, a list of items was presented to address various issues at the airport. Many Airport Improvement Options on the Short Term list were presented with the Airport Fund as the potential funding source, although in its present state, the Fund would not be able to support any of the options listed without having a negative impact on the operating budget.

S-1: Install T-hangars: On Hold – Design Completed

Working with the Federal Aviation Administration (FAA), staff has been able to complete the design work for the hangar project using funds in an existing grant. Since the pavement at the airport is a high priority, construction of this project will be put on hold until after the pavement project is complete and additional funding is secured. Concurrently, staff will continue to seek alternative funding options for construction.

S-12: Construction of a Restaurant/Café: Lease Negotiation in Progress

Staff has met with Tracy Air Center (TAC), the current fuel operator, and discussed a preliminary design concept for a restaurant at the Tracy Municipal Airport. Staff is currently negotiating with TAC to develop a suitable lease agreement which will require Council approval.

S-14: Runway Repairs and Fencing at New Jerusalem Airport: Under Construction

Construction for this project is currently underway and nearing completion. The runway has been patched and slurried, and the markings have been repainted. The final phase of the project is to install the fencing around the perimeter of the property.

S-15: FAA to Survey Runway Ends on Runway 8/26: Complete

Runway 8/26 has relocated thresholds at both ends of the runway. The City asked the FAA for clarification as to why the runway ends must be marked as relocated. On May 15, 2012, staff received a letter from the FAA stating that the relocated runway thresholds were needed to meet FAA design standards for the Runway Safety Area due to the close proximity of the Delta Mendota Canal and Tracy Blvd. This item is now complete.

S-17: Seal Coat on Runways and Taxiways

On June 28, 2012, staff issued a Request for Qualifications (RFQ) for an airport consultant. Council approved, R.W. Brandley, Consulting Airport Engineer as the City's airport consultant. On October 2, 2012, the Council approved Task Order 1 to a Professional Services Agreement with R.W. Brandley, to create a Pavement Maintenance/Management Plan (PMMP). This will include a detailed geotechnical study, a pavement condition survey, and a deep-seated distress fatigue analysis. This is necessary so that there is a complete understanding of any underlying issues with the pavement and is an important first step to determine the best approach to improve the pavement condition at the Tracy Airport. The PMMP will recommend immediate treatment options and costs. The recommendations for the pavement will then be added to the FAA's Airport Capital Improvement Program (ACIP) for Tracy. Funds can then be applied for in a grant to perform the necessary pavement treatment. The timeframe for the project will depend on the scope, costs, and ability to obtain funding. Creating a PMMP will give the City the best chance to obtain funding by putting the City in a better position to obtain competitive grants. The following is a very tentative schedule for the pavement repair. A more expedited schedule may be available if recommended by the PMMP. This schedule is subject to FAA funding, however, the PMMP will allow the City to be more competitive as funds become available.

Additionally, staff has repaired and remarked the runway ends restoring it to its proper length of 4,000 feet and removed the previous NOTAM regarding the runway length.

S-22: Balance Airport Operating Budget by FY15/16

This item is key to realizing any future growth and sustainability at the airport. When this item was first presented at the January 17th, 2012 Council meeting, Council gave approval to move forward with a five step financial strategy to help the airport achieve financial stability. Updates to each of the five strategies are outlined below.

STEP 1: Debt Service Reconciliation: Completed

At the January 17, 2012 City Council meeting, Council approved the consolidation of four loans from the Water Fund to the Airport Fund. This action allows the Water Fund to be made whole and for the Airport Fund to make reasonable payments in order to do so.

STEP 2: FTE Evaluation: Ongoing

The Airport Operating Budget consists of the following positions: Airport Coordinator (1 FTE), Senior Maintenance Worker (0.5 FTE), Management Analyst II (0.1 FTE), and Transportation Commissioners (0.12 FTE). A total of 1.72 FTEs are included in the Airport Operating Budget. This is down from 1.92 FTEs in FY11/12. An analysis of FTEs in the Airport Operating Budget will occur annually during budget preparation.

STEP 3: Hangar Development: On Hold

Construction of 42 new T-hangars will be temporarily postponed. Once the pavement issues are addressed, the Airport can utilize saved entitlement funds to assist with the construction of the T-hangars.

STEP 4: Capital Improvements: In Progress

Staff is currently working with Tracy Air Center on negotiating a ground lease for the construction of a restaurant. Tracy Air Center is also interested in building corporate hangars at the airport. Once construction is underway on the restaurant, staff will explore options for a corporate hangar ground lease.

STEP 5: Future Planning: Not Started

The medium term items M-1 and M-2 (as described on page 5) are being considered to be combined to conduct a comprehensive study that will identify the optimal runway length that will maximize economic opportunities for the Airport as well as locations that could accommodate an airport with such a runway length. Subsequent actions may include evaluating the feasibility of airport development opportunities and creating a business plan for the airport.

FBO Repairs: Under Construction

Roof repairs on the FBO building have been completed. The drainage issues along the office side of the FBO building have also been addressed. An RFP is currently being prepared to address the drainage issues in front of the hangar doors of the FBO building.

The following projects are scheduled to be worked on by staff during FY 12/13. Completion of these items will be dependent on the availability of funding.

S-5: Install Taxiway reflectors or lights

During the latest inspection by Caltrans, it was suggested to install either reflectors or lights on the taxiways in order to increase visibility at night. The estimated cost for this item is \$6,000 and the potential funding source is Caltrans.

S-7: Investigate LED Test Beacon

Determine if there is an LED manufacturer who would be willing to provide an airport beacon which utilizes LED lights for testing purposes at the Tracy Airport. This would be funded by the private company should one be found who would be willing to design such a beacon.

S-8: Remote Control to Open the Gates

Install a device which would allow the airport gate to open from inside the airport. This would allow pilots who land after business hours to open the gates and allow those who may be meeting them to get into the airport. Estimated cost is \$750 and the potential funding source is the Airport Fund.

S-9: Shorten 3 and Remove 1 Obstruction Light

As part of the latest inspection by Caltrans, it was suggested to shorten 3 and remove one of the obstruction lights in the south hangar area. Estimated cost is \$2,000 and the potential funding source is Caltrans.

S-10: Investigate Advertising on Hangars

As a means of generating revenue for the airport, staff will investigate options to solicit advertising space on the hangars. There is no cost for staff to investigate this item.

S-13: Install a Speaker to Listen to Pilots Over the Radio

Install a device to allow visitors to listen to what pilots say over their radios. The estimated cost is approximately \$300. The Tracy Airport Association (TAA) has agreed to pay for the installation.

S-16: Relocate Taxiway Adjacent to Fuel Farm

Caltrans recommendation. This would give larger aircraft a wider taxiway around the fuel farm. Estimated cost is \$3,000 and the potential funding source is Caltrans.

S-18: Additional Security Fencing North of Runway 26

There is a gap of approximately 600 feet in the fencing which needs to be closed off for security purposes. Estimated cost is \$9,000 and the potential funding source is Caltrans.

S-19: Removal of Aligned Taxiway

The FAA has required that the aligned taxiways at both ends of runway 08/26 be eliminated. The estimated cost is \$100,000 and the potential funding source is the FAA.

S-25: Investigate Installation of a Water Connection from the Water Treatment Plant to the South Side of the Airport

Currently there is no water access to the south side of the airport. It is recommended that staff investigate the cost to install a water connection from the Water Treatment Plant to provide water to the area. There is no cost to investigate this item.

M-1: Update Airport Master Plan (including a Business Plan and Minimum Standards Document)

City Council approved the Airport Master Plan in 1998. The Airport Master Plan projects aviation activities and facility requirements through 2016. This would result in hiring a consultant to update the Airport Master Plan, including a Business Plan for future airport investment strategies. Additionally, adoption of standards for design, rates, and private and general ground lease structure, would assist in setting standards for future development at the airport. The estimated cost for this item is \$400,000 and the potential funding source is from an FAA grant, State grant and the Airport Enterprise Fund.

M-2: Airport Site Study

See Step 5 under item S-22 above. The current airport is limited in its growth due to the surrounding development. A site study would take into consideration an ideal location for a new airport which could grow much larger and accommodate larger airplanes than the current one. The estimated cost for this item is \$200,000 and the potential funding source is the FAA.

There are no impacts to the General Fund for this item. Any project that has the Airport Fund identified as the funding source will be carefully evaluated to determine the fiscal impact it may have on that fund.

Staff recommended that Council provide input on Airport Improvement Options.

Mayor Pro Tem Maciel asked what the estimated timeline on the pavement was based on. Mr. Lovell indicated the timeline was provided by the consultant who has extensive experience with the FAA and moving these projects forward.

Council Member Elliott asked if the restored runway length has been corrected forever. Mr. Lovell stated yes, and that it has been qualified by Caltrans as a medium airport. Mr. Lovell indicated the ALUP designates the airport as a small-medium airport.

Mayor Ives invited members of the public to address Council.

Steve Stumer, Tracy Air, thanked staff and the Council for getting the runway back to 4,000 feet. Mr. Stumer indicated it was critical for the airport and for future development.

George Riddle, 1850 Harvest Landing Lane, referred to removal of the line on the taxiway asking if it was required or recommended by the FAA. Mr. Lovell indicated staff was in receipt of a letter from the FAA, dated May 15, 2012, stating the relocate runway thresholds were needed to meet FAA airport design standards for the runway safety area due to the close proximity of canals and roads.

Mr. Riddle asked if that meant shorten the taxiways. Mr. Lovell stated the taxiways would have to be realigned with the current relocated thresholds.

Council Member Elliott referred to the realigned taxiway and asked if it would need to be fixed. Mr. Lovell indicated just the taxiway would be shortened, not the runway.

Council accepted the report.

7. SECOND READING AND ADOPTION OF ORDINANCE 1175 AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTIONS 2.08.060(c) AND 2.08.070(b) OF CHAPTER 2.08 OF TITLE 2 OF THE TRACY MUNICIPAL CODE VESTING IN THE CITY MANAGER THE AUTHORITY TO APPOINT THE CITY CLERK AND ADDING A NEW SECTION 2.12.125 TO ARTICLE 2 OF CHAPTER 2.12 OF TITLE 2 OF THE TRACY MUNICIPAL CODE TRANSFERRING CERTAIN DUTIES OF THE CITY CLERK TO THE ADMINISTRATIVE SERVICES DIRECTOR

The Clerk read the title of proposed Ordinance 1175.

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 1175. Roll call vote found Council Members Abercrombie, Elliott, Rickman, Mayor Pro Tem Maciel and Mayor Ives in favor. Motion carried 5:0.

8. STAFF ITEMS

- A. Introduction of an Ordinance Amending Sections 9.02.050, 9.06.050 and Chapter 9.44 entitled Board of Appeals, and Deleting Section 9.44.050, of the Tracy Municipal Code to Provide that the Building Board of Appeals Will be Appointed and Convene Only When Necessary Due to the Filing of an Appeal - Maria Hurtado, Assistant City Manager, presented the staff report. Ms. Hurtado stated

that long ago the City established a Building Board of Appeals, as required by the California Building Codes and Fire Code. The purpose is to hear appeals by anyone aggrieved by any administrative decision in the application of the California Housing, Building, Mechanical, Electrical, Plumbing, Abatement of Dangerous Buildings, Residential, Green Building Standards, Historical Building, Energy, Existing Building and Fire Codes.

Even though it is established, and members appointed, the Board of Appeals has never had a matter appealed to it. There is some administrative burden for both City staff and Board members in maintaining an ongoing board, with required re-appointments and annual disclosure statements.

Staff recommended that the ordinance establishing this Board be revised so that the Board is formally appointed *only* if there is an appeal. The "term" of the Board would only be for the duration of the matter appealed. Under the proposed change, the City Clerk would maintain a list of potentially interested and qualified candidates, so that the Mayor and Council could make a prompt appointment if necessary. Rather than having specific, numerical qualifications (two contractors, two lay members, one engineer or architect), the proposed ordinance would require more generally that members be "qualified by experience and training to pass on matters pertaining to building construction (such as licensed contractors, engineers and architects)." Other qualifications would apply if the matter appealed involved the Fire Code or access for disabled persons.

Section 9.44.050, Bylaws, is proposed to be deleted, as bylaws are not normally a part of the Municipal Code and, in this case, appear to have been placed in the Code inadvertently.

Finally, the name is proposed to be changed from Building Board of Appeals to Board of Appeals.

Staff recommended that Council introduce an ordinance amending Sections 9.02.050, 9.06.050 and Chapter 9.44, entitled Board of Appeals, and Delete Section 9.44.050, of the Tracy Municipal Code to provide that the Building Board of Appeals will be appointed and convene only when necessary to hear an appeal.

Council Member Elliott referred to the paragraph on general qualifications and asked if there would still be a certain requirement for the number of persons on the board. Mr. Sodergren indicated the Board contains five members appointed from a list of candidates.

The Clerk read the title of proposed Ordinance 1176.

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 introduce Ordinance 1176. Voice vote found all in favor; passed and so ordered.

- 9. ITEMS FROM THE AUDIENCE - None
- 10. COUNCIL ITEMS – Council directed staff to bring back an item regarding a land acquisition and/or disposition process for review and discussion.

Council Member Rickman reminded everyone that Friday, October 19th, 2012, is Tracy High's Homecoming.

Council Member Abercrombie asked if the City was planning an event on November 12, 2012, for Veteran's Day. Ms. Hurtado indicated she was unsure but would look into whether the City has a Veteran's Day program.

- 11. ADJOURNMENT - Council Member Abercrombie moved to adjourn the meeting. Council Member Rickman seconded the motion. Voice vote found all in favor; passed and so ordered. Time 10:05 p.m.

The above agenda was posted at the Tracy City Hall on October 11, 2012. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk