

# NOTICE OF SPECIAL MEETING

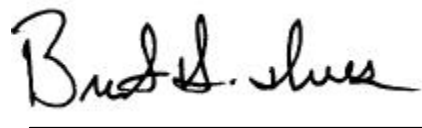
Pursuant to Section 54956 of the Government Code of the State of California, a Special meeting of the **Tracy City Council** is hereby called for:

**Date/Time:** **Tuesday, December 4, 2012, 6:00 p.m.**  
(or as soon thereafter as possible)

**Location:** **City Hall, Council Chambers**  
**333 Civic Center Plaza, Tracy**

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Tracy City Council on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

1. Call to Order
2. Roll Call
3. Items from the Audience - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2008-140 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Council Member to sponsor the item for discussion at a future meeting.*
4. Approval of Minutes
5. ADOPT A RESOLUTION DECLARING THE RESULTS OF THE NOVEMBER 6, 2012, CITY OF TRACY MUNICIPAL ELECTION
6. Presentation to Outgoing Council Members
7. Adjournment



Mayor

## **November 29, 2012**

The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in public meetings. Persons requiring assistance or auxiliary aids in order to participate should call City Hall (209-831-6105), at least 24 hours prior to the meeting.

Any materials distributed to the majority of the Tracy City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's office located at 333 Civic Center Plaza, Tracy, during normal business hours.

**September 18, 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 7:00 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

**October 1, 2012, 6:00 p.m.**

Tracy Transit Station, 50 E. Sixth Street

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

Mayor Ives called the meeting to order at 6:00 p.m.

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

Bill Dean, Assistant Director of Development Services, provided a presentation regarding the Growth Management Guidelines including:

- Options
- Recent Council Action
- Policy Changes
- New Information
- GMO Limitations
- Criteria for establishing Sequencing
- Sequence based on previous Council action

Council Member Abercrombie asked for clarification regarding the infill area. Ms. Lombardo stated there were 70 units of high density development in the Southgate project and the remaining were single family dwellings in the infill area. Council Member Abercrombie asked about the lots by George Kelly School. Ms. Lombardo stated the project has infrastructure, a final map, pulled permits 4-5 years ago, and all but one have expired. Council Member Abercrombie asked how many of those would be able to get up and running. Ms. Lombardo indicated she did not enough information to answer, but stated there was a lot of interest.

Council Member Elliott stated historically the City has allocated about 100 units per year for infill and asked how many have actually been built. Mr. Dean stated it varies widely year to year, but over the past 12 years roughly 300 permits were issued.

Council Member Elliott asked if the City allocated 100 for infill and not that many applications come in, what is the plan for the unused ones. Mr. Dean stated it would go to the ones that asked for them.

Mayor Ives invited members of the public to address Council regarding the GMO guidelines.

Jeff Schrader, 6130 Stoneridge Mall Road, Pleasanton, on behalf of Ponderosa Homes, stated he has ventured into an agreement with Keenan Land Development on the Cheng property. Mr. Schrader indicated they have proposed an adult community with amenities which he believes is an infill project. Mr. Schrader indicated all the homes in the proposed project were single story, single family dwellings. Mr. Schrader further indicated they were ready to move forward with their application and would like to be considered for allocations.

Erik Taylor, Valpico Apartments, indicated he had spent time talking to staff about how the allocation system might work for a multi-family project and wanted to hear how the process would work. Mr. Taylor stated a multi-family project is not phased and all are put in at once.

Larry Gamino, a Tracy resident, suggested Council do nothing at the moment. Mr. Gamino encouraged Council to hold the course and not let the developers have their way.

Rhodesia Ransom asked for clarification regarding concurrent projects and infrastructure, and the re-allocation of RGAs, and if they were transferable.

Mr. Dean stated the infill sites were largely already served with infrastructure. Some constraints exist such as storm drainage and sewer lines. Mr. Dean also stated capacity at the Wastewater Treatment Plant has been considered. Regarding re-allocation of RGAs, Mr. Dean stated the process needs to be efficient and that RGAs would be awarded to projects that were ready. Mr. Dean added that RGAs could not be transferred; that they go back into the pool.

Ms. Ransom asked staff to define project readiness. Mr. Dean stated project readiness means those developers have invested and have participated in the Infrastructure Master Plan process.

Council Member Abercrombie asked is there was any kind of prevention legal or otherwise that would prevent Council from indicating which project they believed should move forward. Mr. Sodergren stated it is within the Council's authority as long as infrastructure was considered.

Council Member Abercrombie asked staff where they believe the Ponderosa Development would fall. Mr. Dean stated based on the criteria, the project could build but won't go now; if another project wasn't ready, then they may be able to move forward.

Council Member Abercrombie asked staff to explain why Ponderosa wasn't considered infill. Mr. Dean stated because it is in the County and not annexed into the City.

Mayor Ives asked regarding Ponderosa Properties, and within the constraints of Measure A, was there any other way the project could move forward. Mr. Dean suggested it would take going to the voters and asking them if they want the project.

Council Member Abercrombie asked if it would be beneficial for Ponderosa to participate. Mr. Dean stated yes, but no matter what project goes forward, it would pay for improvements to the roads.

Council Member Elliott asked if the four projects (Tracy Hills, Ellis, Infill and Kagehiro Phase III) identified as being in the first phase were considered to be the most project-ready and if they had met the criteria. Mr. Dean stated yes, and that is why they were on the list.

Mayor Pro Tem Maciel stated the presentation was a great effort by City staff and the development community on how this can be done. Mayor Pro Tem Maciel suggested moving forward with Option 2 because it addresses the needs of many in the community.

Mayor Ives stated the presentation shows how the City can move forward. Mayor Ives stated he was also in support of Option 2.

Council Member Abercrombie stated he favored Option 2, but would like to see the Ponderosa project to be considered.

Council Member Rickman indicated he preferred Option 2 because it seems most fair. Council Member Rickman asked for clarification regarding the allocations and what would happen if RGAs were not used by a certain date. Mr. Dean stated staff would come back with a very simple ordinance that plainly states who gets what.

Council Member Elliott indicated a process needs to be in place where multiple projects can move forward with a certain expectancy to continue and be completed. Council Member Elliott stated Option 2 seemed flexible and fair.

Mayor Ives asked if Council would be amenable to considering Council Member Abercrombie's request regarding the Ponderosa project. Mr. Dean stated it would take some time to consider, along with discussions with the property owners.

Mr. Schrader stated they would be willing to meet with staff and that he would like a little more detail about project readiness.

Mr. Dean suggested that staff bring back option 2 and that staff would work with the applicants on the Ponderosa project.

Mayor Ives stated he liked the project too, but the City was under certain constraints and it would take longer than he would like to take and didn't want any delays.

Council Member Rickman asked if the four projects meet the development criteria. Mr. Dean stated yes. Mr. Malik added that more numbers would be available at the next meeting and that further discussions would take place regarding other options.

Andrew Malik, Development Services Director, provided a presentation outlining funding options for an Aquatic Center including:

- Existing CIP funds
- General Obligation Bonds
- A new funding source
- Continue to pursue the DA with Ellis
- Land based financing – CFD with all residential development
- Surland DA plus other DA's

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

Mayor Ives stated the best thing staff can do is present the options, the impacts, and provide a recommendation.

Council Member Elliott asked if the discussion was specifically about the aquatic center or generally about public amenities. Mr. Malik stated the discussion is on funding options for a public amenity; however the Surland Development Agreement (DA) includes a swim center.

Council Member Elliott asked for clarification regarding option 2, and the public facility fee due at permit. Mr. Malik explained that when a master plan is identified, a fee is established (a nexus fee) which is paid over time that would fund some amenity which Council would earmark for some facility.

Council Member Abercrombie asked if staff was still working on a modified DA with Surland. Mr. Malik stated staff would be coming back to Council with deal points on a modified DA with Surland.

Council Member Abercrombie asked if staff had an idea of what the trade off would be with other developers. Mr. Malik stated staff would begin negotiations with the four groups that were identified in the previous discussion item.

Council Member Abercrombie asked which one of the options would get us a pool for the kids and not necessarily a lazy river. Mr. Malik indicated option 5 at \$18 million over a 3-5 year period.

Council Member Abercrombie asked about the possibility of using funds from the sale of the Chrisman Road property to fund a swim center and than redirecting the funds from development back into economic development. Mr. Malik indicated he did not know the value of the Chrisman Road property.

Council Member Rickman asked when staff would know the options for Option 5. Mr. Malik stated within the next few weeks.

Mayor Pro Tem Maciel indicated Option 5 was the only choice that gives the City the option to build it for this generation.

Council Member Elliott stated option 5 was consistent.

Council Member Abercrombie asked if option 5 could go toward the sports fields. Mr. Malik stated staff would need clear direction from Council on what the public amenity would be.

Rod Buchanan introduced the consultant, John Courtney, who provided an aquatic feasibility update which included:

- Phase 1 Amenities
- Phase 1 Swimming Programs
- Attendance Expectations & Methodology
- Operating Costs (Phase 1)
- Revenue Projections (Phase 1)

Council Member Abercrombie asked for the cost of phase 1. Mr. Courtney stated \$15.7 million for the base bid. Council Member Abercrombie asked what the cost was for the 50 meter pool. Mr. Courtney stated as a stand alone project the cost was \$7.5 million.

Council Member Abercrombie stated if phase 1 was done at \$15.7 million, then the City wouldn't have funds for the 50-meter pool.

Mayor Ives asked for clarification regarding operating costs and cost per employee. Mr. Buchanan stated those employees were City seasonal employees and part-time employees. Mayor Ives indicated he was concerned about the numbers. Mr. Buchanan stated according to Mr. Johnston it equaled 11 FTE's. Mayor Ives asked if there was a line item for chemicals. Mr. Buchanan stated it was listed under utilities.

Council Member Rickman asked if the location could change. Mr. Buchanan stated the assumptions presented were based on the Ellis location. Council Member Rickman asked if staff had considered a public-private partnership. Mr. Buchanan stated not at this point. Council Member Rickman indicated looking at a private-public partnership would be worthwhile.

Council Member Elliott asked if the Council plan for phase 1 was the intent to use revenue from that option to fund future phases. Mr. Buchanan stated staff wanted to make sure the City was able to meet its obligations, and the idea was that as more amenities were added, the price of the ticket would have to increase.

Council Member Elliott asked if in considering a public-private partnership, staff looked at recruiting a private developer. Mr. Churchill stated up to this point all assumptions have been that the City would own and operate the facility. Mr. Churchill indicated staff was aware that it was a possibility and would ask the Council for their blessing to pursue those options.

Council Member Elliott indicated he believed it would be a good idea to pursue a private developer and operator.

Council Member Abercrombie asked what the operational costs were for a 50-meter pool. Mr. Buchanan stated \$50,000 per year to maintain and heat the pool, but didn't include any programming.

Council Member Rickman asked if there would be a revenue stream from a 50-meter pool. Mr. Courtney indicated he could follow up and cautioned Council that the cost recovery for a 50-meter pool would be less than 50%.

Mayor Ives indicated it seemed like there were still some big questions out there, but the fact remains that we see a snapshot of what it could look like.

Mayor Pro Tem Maciel indicated he would hate to push the 50-meter pool out indefinitely.

Mayor Ives adjourned the meeting at 8:30 p.m. and stated the discussion would continue tomorrow, October 2, 2012 at 6:00 p.m. in the Council Chambers.

The above agenda was posted at the Tracy City Hall on September 27, 2012. The above are summary minutes. A recording is available at the office of the City Clerk.

---

Mayor

ATTEST:

---

City Clerk

**Monday, October 2, 2012, 6:00 p.m.**

Council Chambers, 333 Civic Center Drive

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

Mayor Ives called the meeting to order at 6:00 p.m.

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

Rod Buchanan provided a recap of the discussion from October 1, 2012.

Mayor Ives invited members of the public to address Council.

Steve Nicolau, 1068 Atherton Drive, addressed Council regarding a couple of cost items that should have been included in the study including insurance and security costs.

Robert Tanner, 1371 Rusher Street, emphasized that the cost for the aquatic center was for five months, but general maintenance occurred all year. Mr. Tanner suggested non-residents should have a higher cost, and the center should be open longer since Tracy experiences high temperatures later in the year. Mr. Tanner proposed that the City should repair Dr. Powers Park, repair the Tracy Ball Park and only take eight acres from Surland.

Sandy Taylor, 8721 Julie Lind Circle, reminded Council that it has been committed to an aquatic center and even organized an aquatic group to study sites which was still good today. Ms. Taylor stated the swim center would serve more residents than any other amenity in Tracy. Ms. Taylor asked that Council stay the course and not consider anything different than what the Council and the community has been working on for over seven years.

Mayor Ives asked if Ms. Taylor's group supported the Phase 1 list. Ms. Taylor stated the community provided a list of amenities they wanted and she would support what the community wanted.

Molly Lowe, 2590 Atherton Court, addressed Council regarding the lack of swimming facilities in Tracy. Ms. Lowe stated the aquatic center phasing is what the community wants.

Dave Helm indicated the conditions in 2005 are vastly different from today and what the residents want and what the City can afford are different as well. Mr. Helm stated he was concerned that if Phase 1 was built, that there would be no money to build Phase 2 or Phase 3. Mr. Helm indicated Surland has offered \$10 million which is more than enough to build a 52 meter pool. Mr. Helm urged Council to build something that will be operated for more than five months per year.

Michele Bazinet, 1005 Mabel Josephine, reminded Council that one of the reasons for selecting the specific amenities was the bang for the buck. Mr. Bazinet outlined the rationale for the Phase 1 amenities which would create an income stream. Mr. Bazinet indicated it should be looked at as a long term proposition.



Roy Hawkins, 1524 E Street, addressed Council suggesting a private operator should run the swim center. Mr. Hawkins stated a private operator only wants to make money and wouldn't be interested in offering classes.

Marsha McCray, 560 W. Schulte, stated if the City returns to the status quo for swimming facilities, it would spend money on a facility that we know does not meet the needs of the community. Ms. McCray indicated the people in the community have stated they want a facility that is fun, while the City has to consider what will serve the greatest number of people. Ms. McCray stated she supported getting a pool for Tracy. Ms. McCray suggested getting creative with funding for a pool and mentioned getting a large name company like Amazon to have naming rights.

Sue Rainey, 1328 Hamlet Court, stated the City needs a pool that can be used to teach swimming lessons.

Council Member Elliott stated that when talking about the success of a swim center it bears looking at the location. Council Member Elliott indicated more people would be attracted if the center was located closer to the freeway or by the mall. Council Member Elliott added we don't want to be a city that cannot afford to run what has been built.

Mayor Pro Tem Maciel indicated changing locations would add to the time it would take to build a swim center. Mayor Pro Tem Maciel stated he was concerned about Phase 1 and the competition pool. Mayor Pro Tem Maciel indicated he was interested in looking at the amenities for Phase 1 to see if the 52 meter pool could be added. Mayor Pro Tem Maciel stated he did not want this to be a burden on the City, but that there should be a reasonable amount of general fund support.

Council Member Rickman asked how many private operators run City swim facilities and if they have performed well from a City's perspective. Council Member Rickman stated ticket prices also needed to be considered.

Council Member Abercrombie stated a competition pool needs to move up on the list of priorities and then whatever is left over can be used for other amenities.

Council Member Elliott stated it was important to have a public pool but the City has to find the most cost efficient way to run it.

Mayor Ives summarized the meetings indicating the Growth Management Ordinance was taken care of; the City was constantly trying to build a pool complex and do it in the most optimal fashion to provide the most bang for the buck. Mayor Ives stated Council may need to take another look at operation costs and the potential that exists for other ways to operate it. Mayor Ives stated if there are other locations for a swim center, the City needs to make sure that is out of the way. Mayor Ives stated the amenity list may need to be reviewed.

Mr. Churchill outlined Council's direction including:

- Not to forego anything that has been said or done over the years bringing us to this particular point
- A swim center to re-establish community swimming facilities in Tracy
- Staff would research other community facilities
- What is the optimal location
- Research to see if there are other means to deliver a swim center

Mayor Ives adjourned the meeting at 6:50 p.m.

The above agenda was posted at the Tracy City Hall on September 27, 2012. The above are summary minutes. A tape recording is available at the office of the City Clerk.

\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

**November 20, 2012, 6:45 p.m.**

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Ives called the meeting to order at 6:45 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Abercrombie, Rickman, Mayor Pro Tem Maciel and Mayor Ives present; Council Member Elliott absent. Council Member Elliott arrived at 6:48 p.m.
3. ITEMS FROM THE AUDIENCE – None
4. CLOSED SESSION -
  - A. Initiation of Litigation (Gov. Code, section 54956.9(c))
    - One potential case.
5. MOTION TO RECESS TO CLOSED SESSION – Council Member Abercrombie motioned to recess the meeting to closed session at 6:46 p.m. Council Member Rickman seconded the motion. Voice vote found all in favor; passed and so ordered.
6. RECONVENE TO OPEN SESSION – Mayor Ives reconvened the meeting into open session at 6:55 p.m.
7. REPORT OF FINAL ACTION – Council Member Abercrombie moved to authorize the initiation of litigation. The defendant and other particulars shall, once formally commenced, be disclosed to any person upon inquiry. Mayor Pro Tem Maciel seconded the motion. Voice vote found all in favor; passed and so ordered.
8. 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: 6:56 p.m.

The agenda was posted at City Hall on November 15, 2012. The above are action minutes.

\_\_\_\_\_  
Mayor Ives

ATTEST:

\_\_\_\_\_  
City Clerk

AGENDA ITEM 5

REQUEST

**ADOPT A RESOLUTION DECLARING THE RESULTS OF THE NOVEMBER 6, 2012,  
CITY OF TRACY MUNICIPAL ELECTION**

EXECUTIVE SUMMARY

A Municipal Election was held in the City on November 6, 2012. The Registrar of Voters Office is in the process of certifying the results. The results of the election and other matters as provided by law need to be adopted by resolution. The certified results and the resolution will be presented at the meeting.

DISCUSSION

A Municipal Election was held in the City on Tuesday, November 6, 2012. Pursuant to Resolution 2012-104 (Exhibit A), adopted by Council on June 5, 2012, the Registrar of Voters for San Joaquin County has canvassed the returns of the election and is in the process of certifying the results (per Elections Code section 10264):

- The name of the person voted for at the election for Mayor was Brent H. Ives
- The names of the persons voted for at the election for Member of the City Council were, Roger Birdsall, Mike Maciel, Charles Manne, Ray Morelos, and Nancy Young.
- The name of the person voted for at the election for City Treasurer was Raymond McCray.

The number of precincts and the number of votes given in the City to each of the persons named above for the respective offices for which the persons were candidates, will be included in the certified results.

FISCAL IMPACT

The cost for the election was budgeted in FY 2012/13 budget.

RECOMMENDATION

That the City Council, pursuant to Elections Code section 10262, adopts a resolution reciting the facts of the General Municipal Election held on November 6, 2012, declaring the results and other matters as provided by law.

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

Attachments: Exhibit A – Tracy City Council Resolution 2012-104

RESOLUTION 2012-104

CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY STATE LAW RELATING TO GENERAL LAW CITIES

WHEREAS, Under the provisions of state law relating to general law cities, a General Municipal Election shall be held on November 6, 2012, for the election of municipal officers.

NOW, THEREFORE, the City Council of the City of Tracy, California, does resolve, declare, determine, and order as follows:

Section 1: Pursuant to the requirements of the laws of the State of California relating to general law cities there is called and ordered to be held in the City of Tracy, California, on Tuesday, November 6, 2012, a General Municipal Election for the purpose of electing a Mayor for the full term of two years, two members of the City Council for full terms of four years, and a City Treasurer for the full term of four years.

Section 2: The ballots to be used at the election shall be in form and content as required by law.

Section 3: The polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 10242, except as provided in Section 14401, of the Elections Code of the State of California.

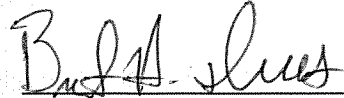
Section 4: In all particulars not recited in this resolution, the elections shall be held and conducted as provided by law for holding municipal elections.

Section 5: Notice of the time and place of holding the election is given and the County Elections Department is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

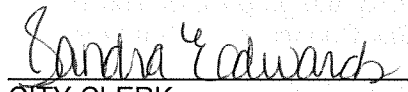
\*\*\*\*\*

The foregoing Resolution 2012-104 was passed and adopted by the Tracy City Council on the 5th day of June 2012, by the following vote:

AYES: COUNCIL MEMBERS: ABERCROMBIE, ELLIOTT, MACIEL, RICKMAN, IVES  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: NONE  
ABSTAIN: COUNCIL MEMBERS: NONE

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK