

**February 19, 2013, 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 Rob Krenik, Calvary Chapel of Tracy.

Roll call found Council Members Manne, Rickman, Young, Mayor Pro Tem Maciel and Mayor Ives present.

Mayor Ives and Police Chief Hampton swore In Police Officers Scott Criswell, Lucas Sims, and Michael Roehlk.

Mayor Ives recognized D.A.R.E. Graduates from Art Freiler and George Kelly Elementary Schools.

Mayor Ives presented a Certificate of Reappointment to Commissioner Chet Miller, Tracy representative to the San Joaquin County Mosquito Abatement District Board.

1. CONSENT CALENDAR - It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
  - A. Approval of Minutes – Regular meeting minutes of December 18, 2012, and closed session minutes of February 5, 2013, were approved.
  - B. Acceptance of the Sludge Drying Beds Improvement Project - Phase 2 - CIP 74004, Completed by Desilva Gates Construction of Dublin, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2013-017 accepted the project.
  - C. Award a Construction Contract to Knife River Construction of Stockton, California, for the Water & Wastewater Improvements (Walnut Street, King Alley, & Larsen Alley) - CIPs 74092 and 75114, Authorize Transfer of \$16,785 from CIP 74099 To CIP 74092, and Authorize the Mayor to Execute the Construction Contract – Resolution 2013-018 awarded the construction contract.
  - D. Acceptance of the New Jerusalem Airport Repaint Runway Markings - CIP 77033D (CAAP#SJ 3-08-1), Completed by Pacific Striping of Whittier, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2013-019 accepted the project.
  - E. Acceptance of the New Jerusalem Airport Perimeter Fencing Phases 1 and 2 - CIP 77033A, CAAP#SJ 3-08-3 and CIP 77033B, CAAP#SJ 3-08-4) Project, Completed by Arrow Fencing of Calpella, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2013-020 accepted the project.

- F. Acceptance of The New Jerusalem Runway Asphalt Repair - CIP 77033C (Caap#Sj-3-08-2), Completed by Graham Contractors of San Jose, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2013-021 accepted the project.
  - G. Authorization of Amendment No. 21 to Professional Services Agreement No. CH8 With CH2M Hill for Preparation of Wastewater Treatment Plant 2012 NPDES Permit Studies and Authorization for the Mayor to Execute the Amendment – Resolution 2013-022 authorized the amendment.
  - H. Authorization to Amend Section B, Roles And Responsibilities, of the Measure E Residents' Oversight Committee Bylaws to Change the Date of the Annual Written Report Presentation to Council from February to June – Resolution 2013-023 authorized the amendment.
  - I. Authorization of Contract Laboratory Services from Eurofins Eaton Analytical for Fiscal Year 2012-2013 – Resolution 2013-024 authorized the contract.
  - J. Approve an Exclusive Negotiating Rights Agreement by and Between the City of Tracy and Becker Commercial Properties for City-Owned Property Located Near the Northeast Corner of Naglee Road and Grant Line Road and Authorize the Mayor to sign the Agreement – Resolution 2013-025 approved the agreement.
  - K. Support of The Enterprise Zone Program – Resolution 2013-026 was adopted in support of the Enterprise Zone Program.
2. ITEMS FROM THE AUDIENCE - Paul Miles, 1397 Mansfield Street, addressed Council regarding a previous Police complaint. Mr. Miles stated the documents provided at the February 5, 2013, Council meeting have not been provided on the City's website as requested.
3. PUBLIC HEARING TO CONSIDER THE MID-YEAR ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR FISCAL YEAR 2012-2013 - Council Member Young indicated she serves on the board of one of the agencies receiving funds and would therefore excuse herself from consideration of the item.

Scott Claar, Associate Planner, provided the staff report. Mr. Claar stated Community Development Block Grant (CDBG) funds are allocated to cities and counties by the United States Department of Housing and Urban Development (HUD) for use in projects, programs, and services that demonstrate a benefit to low and moderate income persons by providing "decent housing, a suitable living environment, and for expanding economic opportunities." Applicants must meet one of HUD's National objectives and criteria for eligibility.

During FY 2008-2009, Council directed staff to revise the CDBG process so that those eligible applications that best address the local needs of the Tracy community would receive priority for funding. On October 5, 2010, Council approved the following local priorities: 1) economic development/job creation, 2) emergency food and shelter, 3) domestic violence services, and 4) senior/adult services. In order to encourage meaningful citizen involvement, public examination and appraisal of the process, as well as enhance program accountability, a subcommittee of the Parks

and Community Services Commission was established to evaluate the CDBG applications and make funding allocation recommendations.

The City has \$444,183 of CDBG funds available for a mid-year allocation. These CDBG funds are the result of: (1) the City's application for a Small Business Incubator project (FY 2012-2013) being withdrawn because it would not be accepted by HUD and (2) remaining funds from past years Downtown Sidewalk and Alley projects. These CDBG funds are available only to projects in the Public Facilities category, not the Public Services category.

Applications for this mid-year allocation were available beginning September 12, 2012, with a submittal deadline of September 26, 2012. Staff held a public meeting on September 19, 2012, to answer questions regarding the application requirements.

The CDBG subcommittee conducted a meeting on November 7, 2012, to discuss the applications and make funding allocation recommendations. Three applications were received and evaluated. The McHenry House Tracy Family Shelter submitted an application for funding to paint their buildings and complete their shelter retrofit. The Boys and Girls Club of Tracy submitted an application for funding to construct an outdoor classroom with a shade structure and solar panels. The City submitted an application for funding for sidewalk repairs, ADA ramps, and storm drain improvements. The McHenry House and Boys and Girls Club projects were recommended for funding. The subcommittee wanted more detailed information on the sidewalk repairs/ADA ramps and storm drain improvements before recommending funds for that application. Staff has since reapplied for this project through the CDBG funding cycle for FY 2013-2014, and provided further details.

The CDBG subcommittee made the following recommendations for this mid-year allocation of funds:

<b>Organization Name</b>	<b>Project Title</b>	<b>Requested Funding</b>	<b>Recommended Funding</b>
McHenry House	Shelter Retrofit / Painting	\$107,864	\$107,864
Boys & Girls Club	Outdoor Classroom / Solar Panel Shade Structure	\$374,573	\$336,319
City of Tracy	Sidewalk repairs / ADA ramps / Storm Drain Improvements	\$350,000	\$0
<b>TOTAL AMOUNTS</b>		<b>\$832,437</b>	<b>\$444,183</b>

On December 6, 2012, the Parks and Community Services Commission conducted a public meeting to consider the applications and received support of the CDBG subcommittee's recommendations.

There will be no impact to the General Fund. The City of Tracy has \$444,183 of CDBG funds available for this mid-year allocation.

Staff recommended that Council allocate \$444,183 in Community Development Block Grant funds for FY 2012-2013 pursuant to the recommendations and authorize and direct the Development Services Director to execute the Form Agreements on behalf of the City.

Mayor Ives opened the public hearing.

Robert Tanner, 1371 Rusher Street, asked if the City was leaving itself open to lawsuits since funds were not available for sidewalk repairs. Andrew Malik, Development Services Director, stated gas tax funds may be available and that the next agenda item for discussion may address that need.

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

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2013-027 approving the mid-year allocations of Community Development Block Grant Funds for FY 2012-2013. Voice vote found Council Members Manne, Rickman, Mayor Pro Tem Maciel and Mayor Ives in favor; Council Member Young abstained.

4. PUBLIC HEARING TO CONSIDER THE ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME FUNDS FOR FISCAL YEAR 2013-2014 - Mayor Pro Tem Maciel indicated his wife serves on the Board of one of the groups potentially receiving funding and therefore excused himself from consideration of the item. Council Member Young indicated she served on the Board of one of the groups that may benefit from receiving funds and she also excused herself from consideration of the item.

Scott Claar, Associate Planner, provided the staff report. Mr. Claar stated that Community Development Block Grant (CDBG) funds are allocated to cities and counties by the United States Department of Housing and Urban Development (HUD) for use in projects, programs, and services that demonstrate a benefit to low and moderate income persons by providing "decent housing, a suitable living environment, and for expanding economic opportunities." Applicants must meet one of HUD's National objectives and criteria for eligibility.

The estimated amount of CDBG funds allocated to the City of Tracy, as a sub-recipient of San Joaquin County, is \$417,761 for FY 2013-2014. Additionally, the City is also estimated to receive \$62,144 in Federal HOME Investment Partnership Program (HOME) funds, which are intended for general housing activity types to include: homeowner and rental construction and/or rehabilitation, and first-time homebuyer assistance. These estimates are based on historical allocations. It is anticipated that HUD may reduce the CDBG and HOME allocations for FY 2013-2014 because of a reduction in entitlement appropriations and an increase in jurisdictional participation in the programs.

CDBG and HOME applications for FY 2013-2014 were available beginning December 4, 2012, with a submittal deadline of January 8, 2013. Staff held a public meeting on December 19, 2012, to answer questions regarding the application requirements.

CDBG regulations list several categories for proposal requests, and in some cases, specify spending limitations. For FY 2013-2014, ten applications were received in the CDBG Public Services category, five applications in the CDBG Public Facilities category, and two applications in the HOME funds category. HUD regulations state that funding for activities in the Public Services category cannot exceed 15% of the City's annual CDBG allocation. Therefore, the Public Services category is limited to an estimated maximum of \$62,664 for FY 2013-2014.

The CDBG subcommittee conducted a public meeting on January 17, 2013, to consider the applications and make funding allocation recommendations.

The Parks and Community Services Commission conducted a public meeting on January 31, 2013, to consider the recommendations made by the CDBG subcommittee. Following a discussion by the Commissioners and comments by the public, the Commission modified the recommendations made by the subcommittee, adding funds to the Home Delivered Meals Program (San Joaquin County Department of Aging), Domestic Violence Counseling Program (VBR Foster Family Agency and Children Services), Solar Panels Project (Tracy Interfaith Ministries), and Renovations to Homeless Shelter Project (Coalition of Tracy Citizens to Assist the Homeless).

Regarding the HOME funds, the County informed City staff that the Neighbor Works application would be a duplicate to the services already provided by Visionary Home Builders in a program administered by the County. The County informed staff that HUD is very strict with regard to not providing duplicate services. Staff will continue dialogue with Neighbor Works and the County to determine the potential for modifying the Neighbor Works application for use of the remaining HOME funds (\$12,144). Each applicant that is awarded funds is required to sign an agreement with the City to ensure that the funds are spent in the manner described in the applications.

There will be no impact to the General Fund. The City of Tracy, as a sub-recipient of San Joaquin County, will be allocated an estimated \$417,761 in CDBG funds for FY 2013-2014. The City will also be allocated an estimated \$62,144 in HOME funds.

Staff recommended Council allocate \$417,761 in Community Development Block Grant funds and \$62,144 in HOME funds for FY 2013-2014 pursuant to the recommendations presented at the meeting and authorize the Development Services Director to execute the Form Agreements on behalf of the City.

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

It was moved by Council Member Rickman and seconded by Council Member Manne to adopt Resolution 2013-028 allocating Community Development Block Grant and Home Funds for Fiscal Year 2013-2014. Voice vote found Council Members Manne, Rickman, and Mayor Ives in favor; Council Member Young and Mayor Pro Tem Maciel abstained.

5. PUBLIC HEARING TO CONSIDER A 300-UNIT RESIDENTIAL APARTMENT PROJECT (TRACY SIERRA DEVELOPMENT), ON APPROXIMATELY 10.8 ACRES LOCATED ON THE NORTH SIDE OF PAVILION PARKWAY, NORTHWEST OF THE INTERSECTION OF PAVILION PARKWAY AND ROBERTSON DRIVE, ASSESSOR'S

PARCEL NUMBERS 212-280-02 AND 15. THE PROJECT INCLUDES A GENERAL PLAN DESIGNATION AMENDMENT FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA12-0002), AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN DESIGNATION FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL AND MAXIMUM DENSITY ALLOWED IN THE HIGH DENSITY RESIDENTIAL DESIGNATION (SPA12-0004), A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (PUD12-0001) FOR THE PROJECT, AND AN ADDENDUM TO THE WINCO ENVIRONMENTAL IMPACT REPORT. THE APPLICANT IS CYNTHIA ERB AND ASSOCIATES FOR SIERRA HILLS DEVELOPMENT - Alan Bell, Senior Planner, provided the staff report. Mr. Bell stated that demand for new residential development over the past 25 years in Tracy has been predominantly single-family homes. While Tracy has seen over 700 multifamily units constructed, this represents under five percent of Tracy's residential development since 1988.

Changes in demand are a result of multiple factors, such as land costs and other changes in the economy; the duration of time people hold the same job in the same place; lifestyle preferences; and efficiency/cost issues related to transportation, heating and cooling, and others. Apartments provide rental opportunities (no yard maintenance, common recreational or social opportunities, proximity to public transit or commercial services) that may not be available by renting single-family detached homes. Tracy will be well positioned to accommodate growth demands and ensure that new development is of high quality to create vibrant, active neighborhoods.

Impacts of Multi-Family Development - Findings from recent data in Tracy are consistent with conclusions reached by studies conducted elsewhere in the country: multi-family development does not necessarily cause a negative effect on property values of nearby residential neighborhoods.

While the proposed 300-unit apartment project on Pavilion Parkway is not adjacent to single-family home neighborhoods, this general background is considered informative as the City considers multi-family development projects.

The proposal is to construct a 300-unit, residential apartment project on 10.8 (net) acres at the northeast corner of Pavilion Parkway and Power Road. The vacant parcel is directly across Pavilion Parkway (to the north) from the Winco grocery store.

The project's seven residential buildings contain three stories plus a loft on approximately one-third of the units. The units range in size from 800 square feet to 1,400 square feet; and from one bedroom, one bathroom to two bedrooms and three bathrooms plus a loft. The proposal includes a clubhouse containing an office and meeting/recreation room, a swimming pool, and other on-site amenities such as a tot lot, fire pits, gazebos, active recreation areas, and open lawn areas.

The architecture is a modern design featuring exterior materials of plaster, cement composite board, and standing seam metal. Interest and variety is created with vertical and horizontal relief at the stairway entrances, balconies and first-floor patios, and at third floor units with lofts projecting outward from the building face. The architecture is further enhanced with abundant, symmetrical windows and awnings at the ends of the buildings.

The main driveway entrance, centrally located along Pavilion Parkway, is a primary focal point of the project. The entrance occurs between Buildings B-1 and B-2, which are placed near the Pavilion Parkway right-of-way. The buildings help frame the main

entrance to the site from Pavilion Parkway into the on-site roundabout and clubhouse area. The buildings' location on the site is consistent with City design goals to locate the buildings close to the street to create an inviting, pedestrian-oriented environment where people may be more comfortable and the streetscape more attractive than where the street is adjacent only to automobile parking lots.

Off-street parking standards require that one-bedroom units are provided with 1.7 parking spaces per unit and units with two or more bedrooms have 2.2 parking spaces each. One parking space for each unit is required to be covered. The project contains 228 one-bedroom units and 72 units with two or more bedrooms. Therefore, the entire 300-unit project requires 546 off-street parking spaces, 300 of which must be covered. The site plan demonstrates compliance with these standards.

The applicant is proposing a wrought iron or other, decorative fence, integrated with the landscaping, along the site's street frontages, with gates at the project entrances for security purposes. Mr. Bell illustrated the site's commercial neighborhood with the Winco grocery store to the south, auto dealerships (with sales and service) to the east and north, and vacant property and commercial services adjacent to the north. The agricultural land adjacent to the west, currently in unincorporated San Joaquin County, is designated Commercial by the City's General Plan, and may one day be annexed to the City for commercial, office, or high density residential development.

The site's proximity to commercial land uses could have potentially negative effects on the proposed residential project such as noise or traffic. However, the nearby commercial land uses can also benefit the proposed project by providing, for the residents, retail and commercial services, recreational opportunities, or employment within walking distance. The West Valley Mall, with its movie theaters and restaurants, is approximately one-quarter mile east of the site. The site's location also benefits from relatively close freeway access for residents seeking shorter commute distances to I-205.

In order to help mitigate noise and visual effects from less compatible, adjacent land uses, the project will include an eight-foot tall masonry wall adjacent to the car sales and service land uses adjacent to the north and east. Additionally, the buildings will be separated from the north and east property lines by landscaping and the on-site, two-way drive aisle.

Based on the site's location, away from public parks and schools, it may attract fewer families with school-age children. Nevertheless, the site will contain significant on-site recreational amenities and access to public schools, albeit no schools within a convenient walking distance. The project site is within the attendance boundary areas of Jacobson Elementary School, Monte Vista Middle School, and West High School. Tracy Unified School District representatives indicate they will receive the standard capital school facilities fees from the project and space is available in the public school system for students who may live in the new apartments.

The project consists of four separate development application requests: (1) General Plan designation amendment from Commercial to Residential High; (2) I-205 Corridor Specific Plan amendment from General Commercial to High Density Residential; (3) Amendment to the I-205 Specific Plan allowable density within the High Density Residential designation; and (4) Planned Unit Development Preliminary and Final Development Plan approval for the proposed apartment project.

In 2007, Council approved the Winco project General Plan amendment which covered approximately 21 acres on the east side of Power Road, bisected by Pavilion Parkway, to change the designation from Industrial to Commercial. The Winco store was proposed on the southern half of the site (and subsequently constructed) and no specific development proposal was submitted for the northern half at that time – on which this 300-unit apartment project is now proposed. And although the Commercial General Plan designation provides for high density residential development (in addition to a variety of commercial uses), the General Plan amendment is included with the project in order for the General Plan map to more specifically reflect the proposed residential land use of the site.

The second application is to amend the I-205 Corridor Specific Plan designation from General Commercial to High Density Residential (HDR). The General Commercial designation was approved in 2007 as part of the Winco project, in anticipation of potential commercial development, consistent with surrounding properties. The Specific Plan amendment is necessary to accommodate the proposed high density residential development of this site.

The third request relates to the allowable density in the I-205 Specific Plan's HDR designation. The maximum density allowed in the Specific Plan is 19 dwelling units per acre. The Specific Plan, adopted in 1990, anticipated a more suburban, lower density for residential development in the vicinity of the freeway than elsewhere in the City's High Density Residential zone districts. The request is to increase the allowable density to 25 dwelling units per acre, to be consistent with the maximum density allowed by the City's General Plan and HDR Zone District of the Tracy Municipal Code. The I-205 Specific Plan contains the only HDR area in the City that limits the density to less than 25 units per acre.

The amendment would only affect the subject property because all other residential areas of the I-205 Specific Plan have been built out. The gross size of the subject property is approximately 12.7 acres (including adjacent public rights-of-way dedicated from this site), resulting in a density for this project of approximately 23.6 units per gross acre.

The project includes a request to approve the project Planned Unit Development Preliminary and Final Development Plan, which serves as the permit for the City's approval of the 300-unit apartment project.

On January 23, 2013, the Planning Commission conducted a public hearing to review the project. The project applicant spoke in favor of the project. No speakers addressed the Commission in opposition to the project. Following a discussion, the Planning Commission voted 4-0 recommending that Council approve the project.

In 2007, Council certified the Winco Environmental Impact Report (EIR) prior to approving the Winco project. The Winco EIR evaluated potential impacts associated with construction and operation of the Winco grocery store (which was subsequently constructed) on approximately ten acres on the south side of Pavilion Parkway and development of the subject 10.8-acre site on the north side of Pavilion Parkway. No specific development application for the 10.8-acre subject property was proposed when the EIR was certified. The Winco EIR, therefore, evaluated potential impacts of the type of retail development that would be allowed under the proposed General Plan and Specific Plan amendments. Since certification of the EIR and approval of the Winco project in 2007, revisions have been proposed affecting the land use (namely, the



proposed 300-unit apartment project) on the northern 10.8-acre parcel covered by the EIR.

When a proposed project is changed after approval and certification of an EIR, a determination must be made by the Lead Agency (in this case, the City) as to whether an Addendum or a Subsequent EIR is prepared. Criteria, as set forth in CEQA Guidelines, are used to assess which environmental document is appropriate. The criteria for determining whether an Addendum or Subsequent EIR is prepared are outlined below. If the criteria below are true and applicable to the project, then an Addendum is the appropriate environmental document.

1. No new significant impacts will result from the project or from new mitigation measures.
2. No substantial increase in the severity of an environmental impact will occur.
3. No new feasible alternatives or mitigation measures that would reduce impacts previously found not to be feasible have, in fact, been found to be feasible.

Based upon the information provided in the proposed Addendum, the proposed revisions to the previously approved project will not result in new significant impacts or substantially increase the severity of impacts previously identified in the EIR, and there are no previously infeasible alternatives that are now feasible. Therefore, an Addendum is appropriate, and has been prepared to address the environmental effects of the revisions to the project.

There will be no specific expenditure from the General Fund. Staff and consultant costs to process the applications are recovered through a Cost Recovery Agreement with the developer executed by the City Manager on October 31, 2012.

Staff and the Planning Commission recommended that Council:

1. Approve the Addendum to the Winco Environmental Impact Report.
2. Approve the General Plan designation amendment from Commercial to Residential High.
3. Approve the I-205 Corridor Specific Plan designation amendment from General Commercial to High Density Residential.
4. Approve the I-205 Corridor Specific Plan amendment establishing a maximum density of 25 units per gross acre within the High Density Residential designation.
5. Approve the Planned Unit Development Preliminary and Final Development Plan for the Tracy Sierra Development Apartment Project.

Mayor Ives asked if staff had reached out to the neighboring businesses notifying them of the change in the project. Mr. Bell indicated staff did not anticipate significant controversy that a multi-family project might expect. Mr. Bell added that public hearing notices were sent to required property owners, in excess of the required 300 foot radius. Mr. Bell stated the owners of the project also knocked on doors of neighboring businesses and that only one property owner called the City regarding the project.

Mayor Ives asked if any objections to the project were received. Mr. Bell indicated staff had not received any negative feedback. Mayor Ives asked if the owners of the undeveloped surrounding properties had any objectives. Mr. Bell stated no.

Mayor Ives asked if there was going to be wording in the rental agreements that will make the apartment dwellers aware of the approved neighboring uses. Mayor Ives

asked about a neighboring business - Cooks Collision, and their operations. Mr. Bell stated that particular site included a multi-tenant, non-residential service commercial land designation that could include service type uses. Mr. Bell explained that the boundary on the north and northeast sides of the project includes items to mitigate those possible occurrences.

Mayor Ives stated he was concerned about the children that may live in the apartment complex and the lack of access to destinations within walking distance. John Tomasello, Sierra Hills Development, indicated a number of amenities were planned on site including a tot lot and pool for kids. Mr. Tomasello added that the Conditions of Approval require mitigations for sound, installation of the crosswalks, and additional landscaping.

Mayor Ives expressed concerns regarding how children would be brought to the site before and after school. Mayor Ives asked if they could anticipate the number of children. Mr. Tomasello indicated he could not say; however, the units are designed for commuters and single adults.

Mayor Ives asked about traffic impacts. Mr. Bell indicated it was well documented that a residential use would create less traffic than a commercial site. Mr. Bell added that TJKM Transportation Consultants did provide a traffic analysis.

Mayor Ives asked if the change in the I-205 Corridor Plan had any effect on vacant property owners' ability to develop. Mr. Bell indicated the only code requirement will be noise level limits between residential and commercial uses.

Mayor Pro Tem Macial asked if the project met any of the City's sustainability action plan objectives. Mr. Bell stated yes.

Mayor Ives opened the public hearing.

Cynthia Erb, Cynthia Erb & Associates, provided a presentation outlining the projects' features and how it fits into the community.

Mayor Pro Tem Maciel asked if there were three entrances to the site. Ms. Erb stated yes.

Mayor Ives stated he agreed there needed to be a statement at the entry, but was concerned what was visible is a parking lot. Ms. Erb indicated by changing the topography, introducing additional landscaping, as well as the addition of loft space and larger windows, would lessen the impact surrounding the garage.

Mayor Ives asked if a water feature was planned at the corners of the project. Ms. Erb stated there would probably not be a water feature, but there would be some type of signature piece that depicts Tracy's history.

Mayor Ives asked how the team was going to integrate the residents of this project to the Tracy community. Mayor Ives provided several suggestions on how to accomplish that. Ms. Erb indicated the fountain had not been ruled out, but suggestions were given that it might become problematic.

Council Member Rickman asked if any market studies were done regarding the need for apartments in Tracy. Ms. Erb indicated additional data was available that was not

included in the staff report. Mr. Tomasello discussed vacancy rates and his visits to other large multi-family sites. Mr. Tomasello indicated there was a need for multi-family housing in Tracy, especially with Amazon coming to the City.

Council Member Rickman indicated he is not convinced that there is a need for additional apartments in Tracy.

Council Member Young asked what type of units were planned at the site. Mr. Tomasello stated high end units with their competition being the Waterstone Apartments. Mr. Tomasello added a majority of the residents would be commuters with different amenity needs.

Council Member Young asked if the car dealerships expressed any concern with car break-ins. Mr. Tomasello stated their staff met with the various dealerships, and that they did not express any concerns and welcomed them to community.

Council Member Manne stated he did not see a need for a market study; that the market changes quickly. Council Member Manne further stated he appreciated the amenities and architecture. Council Member Manne echoed concerns with connectivity to the City. Council Member Manne indicated the project could be very attractive to those professionals in their 30's who commute. Council Member Manne suggested the roundabout be configured to accommodate short buses.

Mr. Bell stated the corner locations were a subject of significant conversations and included ideas such as fountains, sculptures, etc. Mr. Bell added that the developer was clearly interested in introducing something significant in those areas. Mr. Bell further stated that Condition of Approval B.11 speaks to the features required for the project.

Marvin Rothchild, 1652 Waverly Court, wondered if the Tracy Arts Commission might be able to offer assistance with art features. Mr. Rothchild stated there was indeed a need for apartments in Tracy.

Mayor Ives suggested staff provide the developer with a contact name for the Tracy Arts Commission.

Mayor Ives closed the public hearing.

Mayor Ives suggested a bus shelter or place where transit could stop at the site was needed.

Council Member Rickman indicated he was not sold on the project design and had concerns regarding location, proximity to schools and parks, and sustainability. Council Member Rickman stated Winco was supposed to be an anchor to draw other businesses to the area.

Council Member Manne indicated he would like to see a completed project and stated he believed there is a need for multi-family housing.

Mayor Ives stated there was a definite gap in this housing type.

Council Member Young asked what the time frame was for completion. Mr. Tomasello indicated the goal was to be under construction this year with a 14 month construction schedule.

Council Member Rickman indicated his main concern centered on economic development.

Bill Dean, Assistant Development Services Director, identified areas that could receive growth allotments and other areas that contemplate high density development. Regarding market studies, Mr. Dean stated it was not unusual for staff to request a copy of the developer's market studies.

Council Member Rickman asked Mr. Dean to discuss Infill and Residential Growth Allotments. A discussion ensued regarding potential residential development.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2013-029 approving an Addendum to the Winco Environmental Impact Report for the Tracy Sierra Development 300-Unit Apartment Project. Roll call vote found Council Members Manne, Young, Mayor Pro Tem Maciel and Mayor Ives in favor; Council Member Rickman opposed.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2013-030 approving a General Plan Map Amendment from Commercial to Residential High for approximately 10.8 acres located on the north side of Pavilion Parkway, at the northwest corner of Pavilion Parkway and Robertson Drive, Assessor's Parcel Numbers 212-280-02 and 15, Application Number GPA12-0002. Roll call vote found Council Members Manne, Young, Mayor Pro Tem Maciel and Mayor Ives in favor; Council Member Rickman opposed.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2013-031 approving two Amendments to the I-205 Corridor Specific Plan: Amend the Land Use Designation from General Commercial to High Density Residential for approximately 10.8 acres located on the north side of Pavilion Parkway, at the northwest corner of Pavilion Parkway and Robertson Drive, Assessor's Parcel Numbers 212-280-02 and 15; and amend Section 4.1.1.3.B.2 to change the maximum density in the High Density Residential Designation from 19 units per acre to 25 units per acre, Application Number SPA12-0004. Roll call vote found Council Members Manne, Young, Mayor Pro Tem Maciel and Mayor Ives in favor; Council Member Rickman opposed.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2013-032 approving a Planned Unit Development Preliminary and Final Development Plan for a 300-unit Residential Apartment Project (Tracy Sierra Development) on approximately 10.8 acres located on the north side of Pavilion Parkway, at the northwest corner of Pavilion Parkway and Robertson Drive, Assessor's Parcel Numbers 212-280-02 and 15, Application Number PUD12-0001. Roll call vote found Council Members Manne, Young, Mayor Pro Tem Maciel and Mayor Ives in favor; Council Member Rickman opposed.

Mayor Ives called for a recess at 9:13 p.m., reconvening at 9:23 p.m.

6. ACCEPT RESULTS OF 2012 RESIDENT SURVEY - Maria Hurtado, Assistant City Manager, provided the staff report. Ms. Hurtado indicated the resident survey focused on obtaining responses on residents' experience with six City service areas which include (1) Parks and Community Services, (2) Fire/Emergency Medical Services, (3) Street and Road Maintenance, (4) Police Services, (5) Code Enforcement and (6)

Refuse and Recycling Services. Below are the findings for each of these six service areas.

*Parks and Community Services* - Less than half of the respondents had experience with the Parks and Community Services (PCS) in the last 12 months (48% in 2009 and 44% in 2012). This is not surprising in that the demographics of the survey respondents show that 83% are between the ages of 25 and 64 (48% ages 45 to 64, and 35% ages 25 to 44 respectively) and many of the programs offered target preschool age, youth, and teen sports and enrichment programs, as well as senior activities. However, in both the 2009 and 2012 resident survey, 68% of residents rated their overall satisfaction with Parks and Recreation facilities between "excellent" and "good".

In 2012, of the 56% respondents that had experience with PCS in the last 12 months, 73% rated the *range* of Parks and Recreation facilities/activities as "excellent" to "good", as compared to 78% in 2009, with only a 5% decline from the 2009 ratings. Sixty-four percent of respondents rated the *programs offered* by the City as "excellent" to "good", as compared to 73% in 2009, which reflects a 9% decline from 2009. Sixty-nine percent of respondents rated the *appearance* of the City's Parks and Recreation facilities as "excellent" to "good" in 2009 and 68% in 2012. When asked to rate their experience with the *safety* of public parks and recreation facilities, 62% thought it was "excellent" to "good" in 2009 as compared to 65% in 2012.

The range of parks and community service facilities/activities, programs offered, and appearance of the parks and recreation facilities were considered "excellent" to "good" with ratings ranging from 62% to 78% depending on the area being rated.

*Fire/Emergency Medical Services* - Of the 18% survey respondents, the majority (over 85%) had not had experience with Fire/EMS in the last 12 months. Only 12% of respondents had experience with fire and/or Emergency Medical Services in the past 12 months in 2009 and 15% in 2012.

Of the 12% in 2009 and 15% in 2012 who had experience with Fire and/or Emergency Medical Services in the past 12 months, 92% rated their experience related to the *quality* of the services offered by the Fire Department as "excellent/good" in 2009 and 94% in 2012. Ninety-one percent thought the *timeliness* of the services offered by the Fire department was "excellent/good" in 2009 and 90% in 2012. With regard to the Emergency Medical Services, in 2009, 96% of respondents thought the *quality* of the EMS services offered by Tracy was "excellent/good" as compared to 92% in 2012. Ninety-two percent of respondents rated the *timeliness* of the services offered by Tracy's Emergency Medical Services in 2009 as "excellent/good" as compared to 91% in 2012.

In short, of the 12% in 2009 and 15% in 2012 who had experience with fire and/or Emergency Medical Services in the past 12 months, there were significant high ratings in the *quality* and *timeliness* of the services offered by the *Fire Department* and equal high ratings in the *quality* and *timeliness* of the *Emergency Medical Services* offered by Tracy.

*Street and Road Maintenance* - Sixty-five percent of residents rated the *street sweeping* services in their neighborhood as "excellent/good" in 2009, as compared to 69% in 2012. When asked how they would rate the *condition* of streets and roads in their neighborhood, 88% of the respondents rated the condition of streets and roads as "excellent/good" in 2009 as compared to 87% in 2012.

*Police Services* - Of the 18% survey respondents, less than half (40% in 2009 and 37% in 2012) had contact with the City's Police Department in the past 12 months in 2009. For those who had contact with the Police Department, 90% felt "very safe" to "somewhat safe" walking alone in their *neighborhood in general* with 10% feeling "somewhat unsafe" to "very unsafe" in both 2009 and 2012. When asked how safe they felt walking alone in their *neighborhood during the day*, 96% felt "very safe" to "somewhat safe" in 2009 as compared to 95% in 2012 and 4% responded feeling "somewhat unsafe" to "very unsafe" in 2009 as compared to 5% in 2012. When asked how safe they felt walking alone in their *neighborhood after dark*, 67% felt "very safe" to "somewhat safe" in 2009 as compared to 66% in 2012. When asked how safe the respondent felt walking alone in their *business areas during the day*, 94% stated they felt "very safe" to "somewhat safe" in 2009 as compared to 92% in 2012 and 6% feeling "somewhat unsafe" to "very unsafe" in 2009 as compared to 8% in 2012. When asked how safe the respondent felt walking alone in their *business areas after dark*, 57% felt "very safe" to "somewhat safe" in 2009 as compared to 56% in 2012 and 43% felt "somewhat unsafe" to "very unsafe" in 2009 as compared to 44% in 2012.

Respondents were asked in the *past 3 months*, whether they or anyone in their household were a victim of any crime(s) in Tracy. Eighty-eight percent stated neither they nor anyone in their household had been a victim of a crime in the past three months in 2009 and 90% in 2012 stated the same thing. Of the 11% in 2009 and 8% in 2012 who responded that they or someone in their household had been a *victim of a crime in the past 3 months*, 59% stated *they reported the crime* to the police department in 2009 and 58% in 2012.

When asked whether in the *past 12 months* the respondent or anyone in their household had been a *victim of a crime*, 81% stated neither they nor anyone in their household had been a victim of a crime in 2009 and 82% in 2012. Of the 19% in 2009 and 18% in 2012 who responded that they or someone in their household had been a victim of a crime in the past 12 months, 68% *reported the crime* to the police department in 2009 and 76% in 2012.

*Code Enforcement* - Sixty-two percent of respondents in 2009 felt that weeds in lots, abandoned vehicles, graffiti, and dilapidated buildings currently were "not a problem" or "only a small problem" in their neighborhoods as compared to 69% in 2012. Of the 9% in 2009 and 8% in 2012 that identified code enforcement issues as a "Major Problem" in their neighborhood, respondents were referring to aesthetic issues surrounding vacant /foreclosed homes.

*Public Safety (Police Services, Fire/EMS, Code Enforcement)* - In both 2009 and 2012, the respondents consistently identified the same top four public safety items they feel should receive the most emphasis from City leaders over the next two years. Respondents rated the interaction between public safety personnel and teens, adults, seniors and businesses as mostly "excellent" to "good". In contrast, 52% of respondents felt that public safety personnel's interaction with bilingual populations was "fair" to "poor" in 2012 as compared to 55% in 2009 and 53% of respondents felt the interaction between public safety personnel and young adults ages 19 to 24 was "fair/poor" in 2012 as compared to 54% in 2009.

Mayor Ives asked Leon Churchill, City Manager, how he judged the voracity of the instrument. Mr. Churchill stated it was statistically valid and reliable with a margin of error of 3%. Mr. Churchill further stated that recreation wise the City was facility poor

and relies on the School District. Mr. Churchill added that the number of recreational offerings actually increased since 2009.

Mayor Ives asked if the implementation or mitigation for those items above 6% create some degree of strategy and could become a point of decision for Council.

Mayor Ives invited members of the public to address Council on the item. There was no one wishing to address Council.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to accept the results of the 2012 Resident Survey. Voice vote found all in favor; passed and so ordered.

7. ACCEPT A PRESENTATION OF THE TRACY POLICE DEPARTMENT'S ANNUAL REPORT FOR 2012 – Police Chief Gary Hampton provided the staff report. Chief Hampton indicated the report provides an overview operationally, of the department's new organizational structure adopted in 2012 that was designed to more efficiently and effectively serve the community.

Chief Hampton provided analysis regarding crimes, outlined staffing and recruitment efforts, calls for service, response times, traffic enforcement, expansion of the canine unit, crime prevention, Volunteer in Police Service (VIPS) hours, and professional standards.

Staff recommended Council accept the presentation of the Tracy Police Department's Annual Report for 2012.

Mayor Ives asked if VIPs were included in the staffing numbers. Chief Hampton stated no. Mayor Ives asked if VIPs respond to priority 3 and 4 calls. Chief Hampton stated very rarely. Mayor Ives asked if the VIPs were displacing sworn officers. Chief Hampton indicated sworn officers were not being used unless needed for quality of life events such as parades.

Mayor Ives asked that Mr. Churchill advise the Council on how to see that the VIPS are rewarded.

Council Member Rickman asked if Chief Hampton needed anything from Council to keep the City safe. Chief Hampton stated he would never decline resources, but staffing is adequate and believed that if additional resources were needed, the City Manager would be open to his requests.

Mayor Ives invited members of the public to address Council. There was no one wishing to address Council on the item.

Chief Hampton recognized Alicia Carson, Records Supervisor and Tanika Zuniga, Records Assistant, for compiling the report.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to accept the Police Department's 2012 Annual Report. Voice vote found all in favor; passed and so ordered.

8. APPOINT APPLICANTS TO THE MEASURE E RESIDENTS' OVERSIGHT COMMITTEE - Council Member Young and Mayor Pro Tem Maciel interviewed

candidates on February 13, 2013, and recommended Michel Bazinet and Veronica Vargas to serve on the Measure E Resident's Oversight Committee.

It was moved by Council Member Young and seconded by Mayor Pro Tem Maciel to approve the subcommittee's recommendation and appoint Michel Bazinet and Veronica Vargas to the Measure E Residents' Oversight Committee to serve three year terms, which will expire on March 1, 2016. Voice vote found all in favor; passed and so ordered.

9. APPOINT APPLICANT TO THE PLANNING COMMISSION - Council Member Manne and Council Member Rickman interviewed nine candidates on February 11, 2013, and recommended Joseph Orcutt to serve on the Planning Commission.

It was motioned by Council Member Manne and seconded by Council Member Rickman to approve the subcommittee's recommendation and appoint Joseph Orcutt to the Planning Commission to serve the remainder of a vacated term, which will expire on March 31, 2014. Voice vote found all in favor; passed and so ordered.

10. ITEMS FROM THE AUDIENCE – None.

11. COUNCIL ITEMS

- A. CONSIDER AN ITEM FOR DISCUSSION ON A FUTURE CITY COUNCIL AGENDA RELATED TO A REQUEST TO HAVE THE CITY FUND CERTAIN INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH A PROPOSED NEW MONTESSORI SCHOOL IN THE CITY OF TRACY - Maria Hurtado, Assistant City Manager, indicated Mayor Pro Tem Maciel agreed to sponsor the item.

Mayor Pro Tem Maciel indicated he agreed to sponsor the item, not because he was in favor or opposed, but because the Montessori School needed an answer to move forward.

Council Member Rickman and Council Member Manne stated they agreed with Mayor Pro Tem Maciel.

Mayor Ives asked how much staff time was needed on this item. Leon Churchill, Jr., City Manager, stated very little.

Mayor Ives invited members of the public to address Council. There was no one wishing to address Council on the item.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to request an agenda item to discuss infrastructure improvements associated with a proposed new Montessori School in the City. Voice vote found all in favor; passed and so ordered.

Council Member Rickman requested an agenda item regarding development impact fees be brought back to Council for discussion. Mr. Churchill stated the item would return to Council for discussion no later than April 2013.

Mayor Ives reminded Council of the upcoming retreat on February 21, and 22, 2013.



Council Member Young invited everyone to an event being held at West High School on February 22, 2013, at 6:30 p.m., in honor of Black History Month.

12. ADJOURNMENT - It was moved by Council Member Rickman and seconded by Council Member Manne to adjourn. Voice vote found all in favor; passed and so ordered. Time: 10:17 p.m.

The above agenda was posted at the Tracy City Hall on February 14, 2013. The above are summary minutes. A recording is available at the office of the City Clerk.

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Mayor

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City Clerk