

City of Tracy Unmet Transit Needs
Public Hearing held at 1:30 PM October 15, 2013
At Tracy Transit Station, Room # 105

Attachment to Item 3

Present: Ed Lovell, City of Tracy, Management Analyst II
Jayne Pramod, City of Tracy, Transit Coordinator

Public: Citizen Frank Lucero, 1551 Riverview Ave, Tracy, CA
Citizen Susan Knight, 130 Yosemite Tracy, CA
Citizen Eduardo Ramirez, 130 Yosemite, Tracy, CA

- 1) Frank Lucero, 1551 Riverview Ave, Tracy, CA
Mr. Lucero requested the existing C Route to provide service to the mall. He also requested TRACER Fixed Route weekday service to be extended to 8:00pm and 7:00pm on weekends.
- 2) Susan Knight, 130 Yosemite, Tracy, CA
Ms. Knight requested Commuter D Route to provide frequent service like the regular fixed routes and additional bus service to be provided for residents residing in the South side of Tracy. She also requested ACE train have mid-day and weekend service.
- 3) Eduardo Ramirez, 130 Yosemite, Tracy, CA
Mr. Ramirez requested C Route to provide peak hour service and D Route to provide mid-day service. He also requested additional transportation service to Bay area from Tracy. He requested ACE to provide mid-day and weekend service.

The following suggestions were dropped off, emailed or mailed in to the Tracy Transit Station

Request in person

Raymond, 1220 Diamond Ct, Tracy, CA 10/15/2013

- Requested additional midday service and frequent bus service from Tracy to Livermore.

Angelina Green 10/10/2013

- Need frequent buses from Tracy Transit Station to Manteca & Stockton

Mary Thomas, 2284 Palm Circle, Tracy, CA 10/7/2013

- TRACER Commuter D Route to provide frequent all day service to the George Kelly School area.

Request via Govt. Outreach

William Estrada 1/30/2013

MrUmunhum@cruzio.com

- Need options (buses or trains) for travelling from San Jose to Tracy on weekends.

Anonymous 6/26/2013

- A route from Tracy mall to Brentwood park and ride is needed, Tracy mall to Livermore, just like San Rafael. Tri valley to east county area this route is need for shopping, living, travel, entertainment, and will be a benefit. Talk with tri delta it needs to be operated by your service just like the Tracy to Stockton route, will be needed once the Bart extensions get closer to reality and especially if high speed rail is built in the future. There needs to be better ways of getting to from Tracy just like San Rafael. You will hear more. You can be between Tracy and Brentwood in 40 to 45 min, it is needed and the demand is there you need a bus express from your Tracy mall to Brentwood, park & ride, because there are people out in east county that enjoy your mall and there need to be better transit from that area to your area just like the Stockton to Tracy bus, you need these buses in the future. I enjoy visiting Tracy it does need to be easier getting to and from your city from Livermore, Brentwood, area just as much as Stockton. I will be bringing this up in the future and will hear more. I will be using the Livermore Bart bus when need to go beyond Greenville. There needs to be a Tracy express bus when I need to go to and from your city that is a great wonderful mall and I enjoy your city besides the transportation you do have.

Kim A 8/20/2013

kimmy2012kim@gmail.com

- I was wondering why your buses don't run very early (6am) and really late(9pm). I'm just wondering because what if people need to take the bus for their jobs.

Unmet Transit Request received at the Transportation Commission Meeting:

July 11, 2013

Diana Ross, Tracy Care Givers, requested for Paratransit Service to be provided to the seniors, ADA and public residing at the Moorehead Park, Tracy. She asked that TRACER Paratransit service to be continued to these residents like it used to prior the RTD agreement cancellation with City of Tracy. She requested TRACER should look into extending at least one existing Fixed Route service close to these areas, to assist with their daily transportation needs.

Cindy Gustafson, Tracy Senior Advocacy Association, requested that TRACER provide transportation service to the seniors who reside in the Tracy unincorporated areas. Many seniors depend on public transportation to attend the Lolly Hansen Senior Center, get to their medical appointments and grocery shopping. Seniors depend on public transportation for their daily activities.

October 10, 2013

Commissioner Bruce George, City of Tracy Transportation Advisory Commission, on behalf of the Moorehead Park residents, requested transportation service to be provided to the residents residing in that area. He requested reorganizing the existing TRACER Fixed Routes to accommodate County residents, Route F from Valpico via Chrisman to the Transit Station.

Commissioner Daniel Ramey, City of Tracy Transportation Advisory Commission, requested bus service to be provided to the seniors residing in the unincorporated areas of Tracy like prior to the RTD cancellation of agreement with City of Tracy.

Commissioner Christina Frankel, City of Tracy Transportation Advisory Commission, requested TRACER Fixed Route service to be extended to the new Amazon Warehouse located on Chrisman Rd. Another request is to bring Tracy's operational system to connect to Google's 511.org software, which is an infrastructure based solution. Tracy residents are in a disadvantage because currently they cannot connect with other Regional transportation service that use that software,

Commissioner Shane O'Neill, City of Tracy Transportation Advisory Commission, requested for bike lanes on South Lammers from South of Kimball High School to Redbridge.

Following Requests are walk in petitions.

REQUEST FOR TRACY AMTRAK AT ACE STATION

Pursuant to Section 54953.3 of the Government Code of the State of California, signing, registering, or completion of this document is voluntary.

N.B. This is a public document.

DATE	NAME	ADDRESS	PHONE#	E-MAIL ADDRESS
2/11/13	Danielle Curran	1178 Name Anderson Ln Tracy CA 95371	909 368 9594	—
2/11/2013	Monica Rayatney	410 S Tracy Bl Tracy CA 95370	(209) 346-3545	mraya12-69@yahoo.com
2/15/2013	James Candenas	221 King Arthur Ct Tracy	(209) 836-4274	james.a.candenas@gmail.com
2/22/13	Wendy Madsen	204 N Holly St Tracy, Calif.	—	—
3-5-13	R. Schmitt	1320 Brighton Dr Tracy	209 603 5165	—
6-19-13	Rich Bennett	PO Box 1590 Manteca CA 95336	209-923-0345	—
6-19-13	Josely Cunningham	511 Renaissance, Manteca	209-640-6216	—
6-21-13	Victoria Wulff	234 E. Carlton Way	—	—
6/21/13	TOM ALFORD	234 E. CARLTON WAY	209 221 9683	TOMALFORD7421@ATT.NET
6-22-13	LYNETTE SANCHEZ	P.O. BOX TRACY CA	—	—
6-22-13	JOIE ALGREN	- DO -	—	—
6-22-13	CARMIE BULLINS	CAMELIA DR TRACY	—	—
6-22-13	AMADEO BULLINS	- DO -	—	—
06-24-13	Andra Taylor	andrajace@msn.com	209 808 3597	—
	CARLOS	—	—	—

REQUEST FOR TRACY AMTRAK AT ACE STATION

Pursuant to Section 54953.3 of the Government Code of the State of California, signing, registering, or completion of this document is voluntary.
N.B. This is a public document.

DATE	NAME	ADDRESS	PHONE#	E-MAIL ADDRESS
10-18-13	ROMANISHAGOSIAN	50 EST WTH ST	(510) 949 6825	romanishagosian@gmail
	Tommaso Libre		510-228-2192	Loboo.Tommaso@gmail
	Charles Picchetti		209-909-7107	
	C. Hall			
7/11/13	Joseph Journeaux	26 W Emerson	N/A	
7/19/13	LUIS CRICK	10913 W ARCH RD.	209 407 9538	luis.crick@yahoo.com
7/22/13	Monica Lopez	1168 Michael Dr.	209 914 7603	momaly@hotmail.
7/22/13	Birgit Stadelman	1325 Tom Foulter Dr.	209-839-9715	
7-23-13	Edna Paz	130 Yosemite	530 718 6392	esramirez@prodigy.net
7-31-12	A.J. SINGH	1240 WHISPERING WIND DR	925-998-1513	AmmisT-28@yahoo.com
8/1/13	J Buelna	Tracy Ca	209-941-1554	
8/1/13	Alycia Dominguez	1655 Tanager Circle	209-633-3995	alyciadominguez@yahoo.com
8/2/13	Donald Waller	345 E 6 th St Tracy	209 748 1554	
8/2/13	Samantha	2350 Meadow Brook La Tracy	209 555 6278	facias2024@gmail.com
8/5/13	Maria Mendisla		(209) 226 0142	
8/ /13	Benji Zachariah	7777 Baker Rd Tracy, CA	209 627-7400	Benji Zachariah@gmail.com

[print](#)

Mayor warned for conflict of interest

by Eric Firpo/ TP staff

09.04.09 - 10:48 pm



The state Fair Political Practices Commission found that Tracy Mayor Brent Ives violated conflict-of-interest laws in 2002 when he voted on a project proposed by a company with which he did private business, ending its investigation with a letter of warning.

In December 2002, Ives, then a councilman, voted to allow Tracy Toyota to expand its parking lot at the same time the company was a client of Ives' private consulting business, BHI Management Consulting. The business helps train people to manage others.

"At the time of the vote and discussion, Tracy Toyota was an economic interest of yours," the commission wrote to Ives on Tuesday. "This was a violation of government code section 87100."

The commission also said Ives failed to correctly report his income on the forms public officials fill out to detail their "economic interests." The mayor corrected those errors after he met with commissioners in 2006.

How much Tracy Toyota paid to Ives is unclear. The mayor did not return a phone message seeking comment.

The commission acted after a conflict-of-interest complaint was filed in 2004 by Mark Connolly, whose wife, Celeste Garamendi, has lost the mayor's race to Ives in the past two elections.

"He was doing business with entities that had business with the City Council," Connolly said. "It's clear there were violations — there's no doubt about that.

"He played them off as minor reporting corrections that needed to be made. That just wasn't true. I think the penalty should've been greater. A warning wasn't strong enough."

Ives once listed several Tracy companies as clients on BHI's Web site, including The Surland Cos., whose subdivision Ives voted for last year. The Tracy companies were excised in 2006 from the Web site list, which now shows mostly public entities.

Ives has said those Tracy companies qualified as clients only because their representatives once attended a single seminar he presented.

The commission decided to warn Ives, it told him, because he has “taken steps to assure you no longer have clients within the jurisdiction in order to avoid future conflicts of interest.”

It also said future violations could result in “monetary penalties of up to \$5,000 for each violation.”

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FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

September 1, 2009

Brent Ives

REDACTED

Re: Warning Letter
FPPC Case No. 07/002; Brent Ives

Dear Mr. Ives:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act")¹. As you may be aware, in addition to your self-reporting to the Commission, we also received a complaint against you alleging violations of the conflict of interest provisions of the Act. Specifically, the complaint alleges that you made and participated in making governmental decisions that had a reasonably foreseeable material financial effect on the clients of your business, BHI Management Consulting ("BHI"), while serving as the Mayor of Tracy from 2000 through 2006. The Commission has decided to close this case with this warning letter.

Under the Act, no public official at any level of state or local government may make, participate in making, or in any way use or attempt to use her official position to influence a governmental decision in which she knows or has reason to know she has a disqualifying conflict of interest. (Section 87100.) To determine whether an individual has a disqualifying conflict of interest, the Commission generally employs the following sequenced analysis: (1) is the individual a public official; (2) did the official make, participate in making, or use or attempt to use the official position to influence a governmental decision; (3) what are the official's economic interests, (4) are the official's economic interests directly or indirectly involved in the governmental decision; (5) what is the applicable materiality standard for each economic interest involved; and (6) is it reasonably foreseeable that the governmental decision will have a material financial effect on the official's economic interest.² (See Regulation 18700.)

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² The additional two steps of the analysis - whether the public generally exception applies and whether the individual is legally required to participate in the governmental decision - are inapplicable to this matter.

As the Mayor of Tracy during this time, you were a public official under the Act. (Sections 82048 and 87200.) By voting and participating in discussions during city council meetings, you made and participated in making governmental decisions. According to our investigation, you had economic interests in several companies doing business in Tracy through BHI. However, many businesses, including some of those listed in the complaint, appeared to be economic interests of yours because you listed them as clients on BHI's website, even though they did not in fact meet the threshold to qualify as an economic interest under the Act.

In this matter, the allegations in the complaint and the testimony you provided to the Commission, depict a conflict of interest you had when you voted and participated in discussions to allow Tracy Auto Land LLC to expand the Tracy Toyota parking lot in exchange for making improvements to the public portions of the property in December 2002. At the time of the vote and discussion, Tracy Toyota was an economic interest of yours. This was a violation of Government Code Section 87100. Additionally, as you discovered during your meeting with the Commission in December 2006, you had incorrectly reported the income received through your business in violation of Government Code Section 87203. Immediately following that meeting, you amended your Statements of Economic Interests to correctly report your income. Additionally, since 2004, you have taken steps to assure that you no longer have clients within the jurisdiction in order to avoid future conflicts of interest. Taking into consideration many factors, including those listed above and the fact that you do not have a history of violating the Act, we are closing this matter with a warning letter.

This letter serves as a written warning. You are advised that failure to comply with the provisions of the Act in the future could result in an enforcement action. Additionally, the information in this case will be retained, and may be used should an enforcement action later become necessary based on future conduct and/or newly discovered information. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act and provides guidance regarding filing obligations over the telephone and through written advice. If you need forms or manuals, or guidance regarding your obligations, please call the Commission's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov. If you have any questions regarding this matter, please feel free to contact me at 916-322-5660.

Sincerely, 

REDACTED

Galena West
Senior Commission Counsel
Enforcement Division

SWORN COMPLAINT FORM
(Form May Be Subject to Public Disclosure)*

AS REQUIRED BY GOVERNMENT CODE SECTION 83115, please complete the form below to file a sworn complaint with the Fair Political Practices Commission. This form must be completed in its entirety and all pertinent information must be stated on this form, not as an attachment.

Mail the complaint to: Enforcement Division
 Fair Political Practices Commission
 428 J Street, Suite 620
 Sacramento, California 95814

Person Making Complaint

Last name: Nicolaou

First Name: Steve

Street Address:
445 W. 11th Street, Suite C

City: Tracy State: CA

Zip: 95376 - _____

Telephone: (209) 832 - 2501

Fax: (209) 832 - 0085

E-mail: stevenicolaou@yahoo.com

***IMPORTANT NOTICE**

Under the California Public Records Act (Gov. Code Section 6250 and following), this sworn complaint and your identity as the complainant may be subject to public disclosure. Unless the Chief of Enforcement deems otherwise, within three business days of receiving your sworn complaint we will send a copy of it to the persons(s) you allege violated the law.

In some circumstances, the FPPC may claim your identity is confidential, and therefore not subject to disclosure. A court of law could ultimately make the determination of confidentiality. If you wish the FPPC to consider your identity confidential, do not file the complaint before you contact the FPPC (916-322-5660 or toll free at 866-ASK-FPPC) and discuss the complaint with an Enforcement Division attorney.

Complaint

Person or Persons who Allegedly Violated the Political Reform Act: (If there are multiple parties involved, attach additional pages as necessary.)

Last Name: Ives

First Name: Brent H.

Street Address:
333 Civic Center Drive

City: Tracy State: CA

Zip: 95376 - _____

Telephone: (209) 831 - 6100

Fax: () _____ - _____

E-mail: _____

Provision or Provisions of the Political Reform Act Allegedly Violated: (If specific sections are not known, please provide a brief summary of the nature of the violation(s), and when it (they) occurred.) **You must state the suspected violation(s) on this form.**

Potential non-compliance with Government Code Section 87203. Failure to disclose as a source of income the management consulting firm Mr. Ives operates as a sole proprietorship known as BHI Management Consulting with respect to the following California Forms 700 he filed with the City of Tracy: (i) Form 700 filed on or about April 16, 2013; (ii) Form 700 filed on or about August 2, 2012; (iii) Form 700 filed on or about March 2, 2010; (iv) Form 700 filed on or about March 26, 2009; (v) Form 700 filed on or about March 2, 2008. This is especially telling since BHI Management Consulting was disclosed in the Form 700 filed on or about March 17, 2011.

Mr. Ives was previously the subject of a complaint (FFPC Case No. 07/002) where a warning letter dated September 1, 2009 from Galena West, Senior Commission Counsel, Enforcement Division warned Mr. Ives of his need to comply, inter alia, with Govt. Code Section 87203.

Copies of the above-referenced documents are enclosed herewith for review and reference.

The enclosed documents were obtained by the undersigned from the City of Tracy pursuant to a California Public Records Act request.

Description, With as Much Particularity as Possible, of Facts Constituting Alleged Violation and how you have personal knowledge that it occurred**

**Please attach copies of any available documentation that is evidence of the violation, (for example, checks, campaign materials, etc., if applicable to the complaint). Note that a newspaper article is NOT considered evidence of a violation.

Name and Addresses of Potential Witnesses, in addition to yourself, if Known:

Last Name: Sodergren

First Name: Daniel

Street Address:
333 Civic Center Drive

City: Tracy State: CA

Zip: 95376 -

Telephone: (209) 831 - 6100

Fax: () -

E-mail: _____

Last Name: Edwards

First Name: Sandra

Street Address:
333 Civic Center Drive

City: Tracy State: CA

Zip: 95376 - _____

Telephone: (209) 831 - 6100

Fax: (_____) _____ - _____

E-mail: _____

Last Name: _____

First Name: _____

Street Address:

City: _____ State: _____


Zip: _____ - _____

Telephone: (_____) _____ - _____

Fax: (_____) _____ - _____

E-mail: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



(Signature)

09/30/2013

(Date)

Steve Nicolaou

(Please print your name)



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

October 1, 2013

Mr. Brent H. Ives
333 Civic Center Drive
Tracy, CA 95376


Dear Mr. Ives:

The Fair Political Practices Commission has received the enclosed complaint against you. It appears the complainant is alleging you have violated the Political Reform Act's statement of economic interests disclosure provisions. At this time, we have not made any determination about the allegation(s) made in the complaint. The complainant will be informed within 14 days if we intend to:

- investigate the allegations of the complaint;
- refer the complaint to another governmental agency;
- take no action on the complaint because, on the basis of the information provided, the Commission does not appear to have jurisdiction to investigate; or
- take no action on the complaint because the allegations of the complaint do not warrant the Commission's further action.

A copy of that letter will be forwarded to you. You have the opportunity to respond to the allegations in the complaint before a final determination is made. Should you have any comments on the allegation(s), your comments *must* be submitted in writing.

Sincerely,


for Gary S. Winuk
Chief, Enforcement Division

GSW/jt

cc: Mr. Steve Nicolaou

¹ Please note that under the Act, you are required to retain accounts, records, bills, receipts and other original source documentation. These records should be readily available for any audit or investigation conducted by the Fair Political Practices Commission. (§§ 84104, 86110 and 90003; Regulations 18401, 18401.1.)

EXCISE 5008
NO 1342



STATEMENT OF ECONOMIC INTERESTS COVER PAGE

Date Received
MAR 2 2008

A Public Document

Please type or print name

NAME	LAST	FIRST	MIDDLE	DAYTIME TELEPHONE NUMBER
	<u>Ives</u>	<u>Brent</u>	<u>H.</u>	<u>209 8355380</u>
MAILING ADDRESS	STREET			CITY, STATE, ZIP CODE
<u>2459 Neptune Ct</u>				

1. Office, Agency, or Court

Name of Office, Agency, or Court
City Council

Division, Board, District, if applicable
City of Tracy

Your Position
Mayor

If filing for multiple positions (list additional agencies/positions. Attach a separate sheet if necessary).

Agency: _____

Position: _____

2. Jurisdiction of Office (Check at least one box)

State

County of _____

City of _____

Multi-County _____

Other _____

3. Type of Statement (Check at least one box)

Assuming Office/Initial Date _____

Annual: The period covered is January 1, 2007 through December 31, 2007

-OR-

The period covered is _____ through December 31, 2007.

Leaving Office: Date Left _____ (Check one)

The period covered is January 1, 2007 through the date of leaving office

-OR-

The period covered is _____ through the date of leaving office

Candidate

4. Schedule Summary

Total number of pages including this cover page: _____

Check applicable schedules or "No reportable interests."

have disclosed interests on one or more of the attached schedules

Schedule A-1 Yes - schedule attached
Investments (not for the Dowdies)

Schedule A-2 Yes - schedule attached
Investments (not for the Dowdies)

Schedule B Yes - schedule attached
Rep. Payment

Schedule C Yes - schedule attached
Income, Assets & Business Positions (Income Other than Job and Rep. Payments)

Schedule D Yes - schedule attached
Income - Gift

Schedule E Yes - schedule attached
Income - Travel Payments

-OR-

No reportable interests on any schedule

5. Verification

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained here and in any attached schedules is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed 3/26/08

Signature Brent Ives

171004H 2009
NO BIKI



STATEMENT OF ECONOMIC INTERESTS

Date Received
Official Use Only

COVER PAGE

RECEIVED
CITY CLERK'S OFFICE

A Public Document

2009 MAR 26 AM 10:30

Please type or print in ink

NAME - LAST	FIRST	MIDDLE	CITY AND ZIP CODE	PHONE NUMBER
Ives	Brent	H	Tracy, CA	(209) 740-6779
MAILING ADDRESS - STREET		CITY	STATE	ZIP CODE
2459 Neptuna Ct.		Tracy	CA	95304
OPTIONAL FAX / E-MAIL ADDRESS				

1. Office, Agency, or Court

Name of Office, Agency, or Court:
City of Tracy

Division, Board, District, if applicable:
City Council

Your Position:
Mayor

if filing for multiple positions, list additional agency/board positions (Attach a separate sheet if necessary)

Agency: San Joaquin Council of Governments

Position: Director/Chairman

2. Jurisdiction of Office (Check at least one box)

State

County of: San Joaquin

City of: Tracy

Multi-County

Other

3. Type of Statement (Check at least one box)

Assuming Office/Initial Date

Annual. The period covered is January 1, 2008, through December 31, 2008.

-OR-

The period covered is _____, through December 31, 2008

Leaving Office Date Left: _____ (Check one)

The period covered is January 1, 2008, through the date of leaving office.

-OR-

The period covered is _____ through the date of leaving office.

Candidate Election Year _____

4. Schedule Summary

Total number of pages including this cover page: 1

Check applicable schedules or "No reportable interests."

I have disclosed interests on one or more of the attached schedules

Schedule A-1 Yes - schedule attached
Investments (Less than 10% Ownership)

Schedule A-2 Yes - schedule attached
Investments (10% or greater Ownership)

Schedule B Yes - schedule attached
Real Property

Schedule C Yes - schedule attached
Income Loans & Business Positions, other than 100% and 50% Ownership

Schedule D Yes - schedule attached
Income - Gifts

Schedule E Yes - schedule attached
Income - Gifts - Travel Payments

-OR-

No reportable interests on any schedule

5. Verification

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

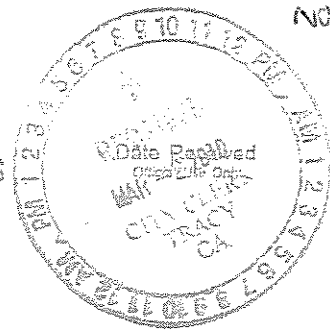
Date Signed: March 12/2009
month/day/year

Signature: [Handwritten Signature]
(Print the official name of the person who signed.)

NO 13/12



STATEMENT OF ECONOMIC INTERESTS COVER PAGE



A Public Document

Please type or print in ink

NAME (LAST)	(FIRST)	(MIDDLE)	DAYTIME TELEPHONE NUMBER		
LIVES	BRENT	H.	209,740-6779		
MAILING ADDRESS (Business Address Acceptable)	STREET	CITY	STATE	ZIP CODE	OPTIONAL E-MAIL ADDRESS
2459 Newport	Tracy	CA	90304		

1. Office, Agency, or Court

Name of Office, Agency, or Court:
City Council

Division, Board, District, if applicable:
City of Tracy

Your Position:
Member

> If filing for multiple positions, list additional agency(ies)/ position(s) (Attach a separate sheet if necessary.)

Agency: _____

Position: _____

2. Jurisdiction of Office (Check at least one box)

State

County of _____

City of Tracy

Multi-County _____

Other _____

3. Type of Statement (Check at least one box)

Assuming Office/Initial Date: _____

Annual: The period covered is January 1, 2009, through December 31, 2009.

-OR-

The period covered is _____ through December 31, 2009.

Leaving Office Date Left: _____ (Check one)

The period covered is January 1, 2009, through the date of leaving office.

-OR-

The period covered is _____ through the date of leaving office.

Candidate Election Year _____

4. Schedule Summary

> Total number of pages including this cover page: _____

> Check applicable schedules or "No reportable interests."

I have disclosed interests on one or more of the attached schedules:

Schedule A-1 Yes - schedule attached
Investments (Less than 10% Ownership)

Schedule A-2 Yes - schedule attached
Investments (10% or Greater Ownership)

Schedule B Yes - schedule attached
Real Property

Schedule C Yes - schedule attached
Income, Loans, & Business Positions (Income Over: Plan Gifts and Travel Payments)

Schedule D Yes - schedule attached
Income - Gifts

Schedule E Yes - schedule attached
Income - Gifts - Travel Payments

-OR-

No reportable interests on any schedule

5. Verification

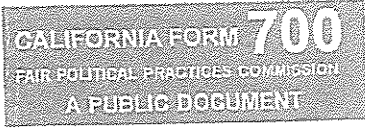
I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed 3/2/10

Signature Brent H. Lives

(Print or originally signed statement with your filing official)



STATEMENT OF ECONOMIC INTERESTS COVER PAGE

FILE RECEIVED MAY 7 2011

Please type or print in ink.

NAME OF FILER (LAST) IVEZ (FIRST) BRETT (MIDDLE) H.

1. Office, Agency, or Court

Agency Name: City of Torrey Pines
Division, Board, Department, District, if applicable: City Council
Your Position: Mayor

If filing for multiple positions (list below or on an attachment):

Agency: Position:

2. Jurisdiction of Office (Check at least one box)

- State
Multi-County
City of
Judge (Statewide Jurisdiction)
County of
Other: San Francisco County

3. Type of Statement (Check at least one box)

- Annual: The period covered is January 1, 2010, through December 31, 2010.
Leaving Office: Date Left
Assuming Office: Date
Candidate: Election Year

4. Schedule Summary

- Schedule A-1 - Investments
Schedule A-2 - Investments
Schedule B - Real Property
Schedule C - Income, Loans, & Business Positions
Schedule D - Income - Gifts
Schedule E - Income - Gifts - Travel Payments
None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS: 2425 Amphlett Parkway, Torrey Pines, CA 95304

DAYTIME TELEPHONE NUMBER: (760) 746-1759
E-MAIL ADDRESS: Brett.Ivez@torrey-pines.org

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date Signed: 3/17/11
Signature: Brett Ivez

SCHEDULE A-1 Investments

Stocks, Bonds, and Other Interests

(Ownership Interest is Less Than 10%)

Do not attach brokerage or financial statements.

CALIFORNIA FORM 700
PARTNERSHIP FINANCIAL STATEMENT

Name: Bruce H. Tves

6 NAME OF BUSINESS ENTITY
SHI MANAGEMENT CONSULTING

GENERAL DESCRIPTION OF BUSINESS ACTIVITY
MANAGEMENT CONSULTING

FAIR MARKET VALUE
 \$0.000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other: Sole Proprietorship
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE
 _____ / ____ / 11 _____ / ____ / 11
 ACQUIRED DISPOSED

7 NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE
 \$0.000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE
 _____ / ____ / 11 _____ / ____ / 11
 ACQUIRED DISPOSED

8 NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE
 \$0.000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE
 _____ / ____ / 11 _____ / ____ / 11
 ACQUIRED DISPOSED

9 NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE
 \$0.000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE
 _____ / ____ / 11 _____ / ____ / 11
 ACQUIRED DISPOSED

10 NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE
 \$0.000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE
 _____ / ____ / 11 _____ / ____ / 11
 ACQUIRED DISPOSED

11 NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

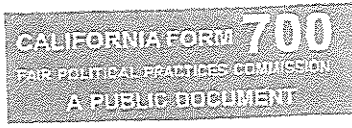
FAIR MARKET VALUE
 \$0.000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT
 Stock Other _____
(Describe)
 Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE
 _____ / ____ / 11 _____ / ____ / 11
 ACQUIRED DISPOSED

Comments:

5-2012
NO BIZ



STATEMENT OF ECONOMIC INTERESTS
COVER PAGE

Date Received
CIVIL SERVICE
EX-100-10000

Please type or print in ink.

NAME OF FILER (LAST) EVES (FIRST) PRENT (MIDDLE) H

1. Office, Agency, or Court
Agency Name: City of Tracy
Division, Board, Department, District, if applicable: _____
Your Position: Mayor

> If filing for multiple positions, list below or on an attachment.

Agency: _____ Position: _____

2. Jurisdiction of Office (Check at least one box)
 State
 Multi-County _____
 City of Tracy
 Judge or Court Commissioner (Statewide Jurisdiction)
 County of _____
 Other _____

3. Type of Statement (Check at least one box)
 Annual: The period covered is January 1, 2011, through December 31, 2011.
-OR-
 Leaving Office: Date Left _____ (Check one)
 The period covered is January 1, 2011, through the date of leaving office.
 The period covered is _____ through the date of leaving office.
 Assuming Office: Date assumed _____
 Candidate: Election Year 2012 Office sought, if differs from Part 1: _____

4. Schedule Summary
Check applicable schedules or "None."
Schedule A-1 - Investments - schedule attached
Schedule A-2 - Investments - schedule attached
Schedule B - Real Property - schedule attached
Schedule C - Income, Loans, & Business Positions - schedule attached
Schedule D - Income - Gifts - schedule attached
Schedule E - Income - Gifts - Travel Payments - schedule attached
-OR-
 None - No reportable interests on any schedule
> Total number of pages including this cover page: _____

5. Verification
MAILING ADDRESS (Business or Regular Address Recommended - Not a Requirement)
CITY STATE ZIP CODE
2459 W. Hillside Ct. Tracy CA 95304
DAYTIME TELEPHONE NUMBER (209) 835-5396

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed 2/2/12 Signature [Signature]

4-13-13
NO BKE



STATEMENT OF ECONOMIC INTERESTS
COVER PAGE

Please type or print in ink.

NAME OF FILER (LAST) LIVES (FIRST) BRENT (MIDDLE) H

1. Office, Agency, or Court
Agency Name CITY OF TRACY
Division, Board, Department, District, if applicable
Your Position Mayor

> If filing for multiple positions, list below on an attachment

Agency _____ Position _____

2. Jurisdiction of Office (Check at least one box)
 State
 Multi-County
 City of TRACY, CA 95376
 Judge or Court Commissioner (Statewide Jurisdiction)
 County of _____
 Other _____

3. Type of Statement (Check at least one box)
 Annual: The period covered is January 1, 2012 through December 31, 2012.
-or-
The period covered is _____ through December 31, 2012.
 Assuming Office: Date assumed _____
 Leaving Office: Date Left _____ (Check one)
The period covered is January 1, 2012, through the date of leaving office.
The period covered is _____ through the date of leaving office.
 Candidate: Election year _____ and office sought if different than Part 1 _____

4. Schedule Summary
Check applicable schedules or "None."
Schedule A-1 - Investments - schedule attached
Schedule A-2 - Investments - schedule attached
Schedule B - Real Property - schedule attached
Schedule C - Income, Loans & Business Positions - schedule attached
Schedule D - Income - Gifts - schedule attached
Schedule E - Income - Gifts - Travel Payments - schedule attached
-or-
 None - No material interests on any schedule
Total number of pages including this cover page: 1

5. Verification
MAILING ADDRESS (Print or Agency/Office/Board/Department/District/County)
333 Civic Center Dr. Tracy, CA 95376
PHONE TELEPHONE NUMBER
(208) 831-1400

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I so acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed Brent Lives 4/16/13 Signature Brent Lives
The file expires 90 days after filing with your filing official.



KTCY
Tracy Airport,
An Important Community Asset
That Needs Protection

David Anderson
President
Tracy Airport Association
A Chapter of California Pilots Association
October 15, 2013

\$50,000? WHY?

SURLAND COMMUNITIES, LLC
1024 EYE STREET, N.W., SUITE 206
WASHINGTON, DC 20008

05 225/660 1083
DATE June 19 2013

PAY TO THE ORDER OF City of Tracy \$ 50,000.00
David Anderson DOLLARS


EAGLEBANK BETHESDA, MD 20814
ALUCP 2009 AUTHORIZED SIGNATURE [Signature]

Surland-Turlock Air
Fuel Flowage Fee
Jan 1 - Dec 31 2013
30-0403-024-05801
RTP

Transmittal

DATE: July 2, 2013

TO: Jenny Haruyama
Director of Finance and Administrative Services
City of Tracy Finance Department
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

FROM: Chris Long 
Suriland Companies

RE: Fuel Sales Operator and Fuel Facility Lease Agreement
between the City of Tracy and Turlock Air Center

THE FOLLOWING DOCUMENT(S) ARE ENCLOSED:

Enclosed is a check for \$50,000 (Fifty Thousand Dollars) to the City of Tracy, as payment for the Minimum Annual Payment Guarantee for calendar year 2013, per the Fuel Sales Operator and Fuel Facility Lease Agreement between the City of Tracy and Turlock Air Center.

HAND DELIVERED

July 1, 2013

Daniel G. Sodergren
City Attorney
City of Tracy
333 Civic Center Plaza
Tracy, CA. 95376

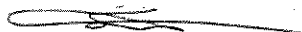
Re: Fuel Sales Operator and Fuel Facility Lease Agreement between the City of Tracy and Turlock Air Center, LLC doing business as Tracy Air Center

Dear Mr. Sodergren,

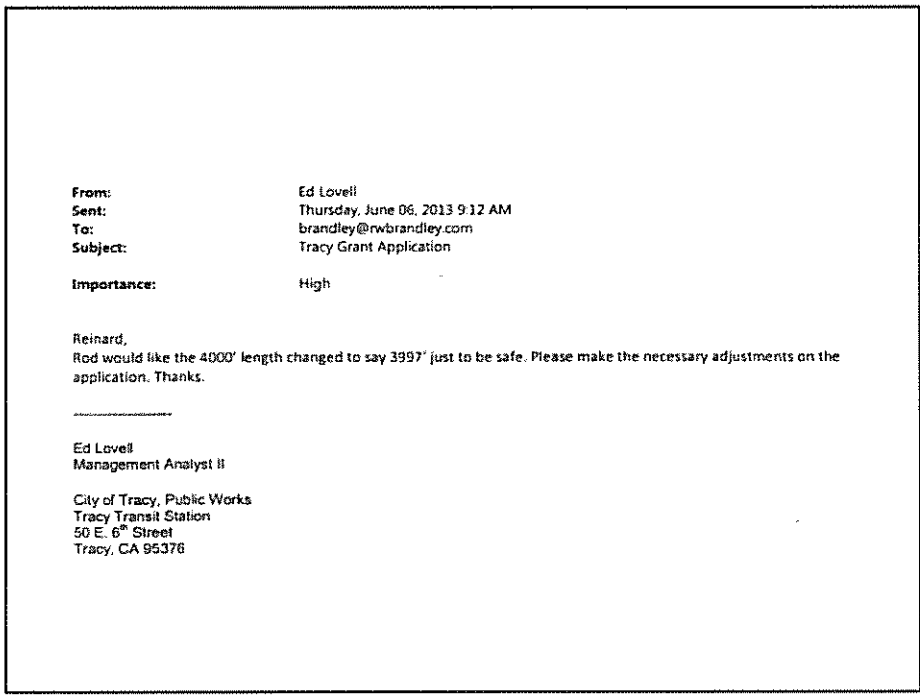
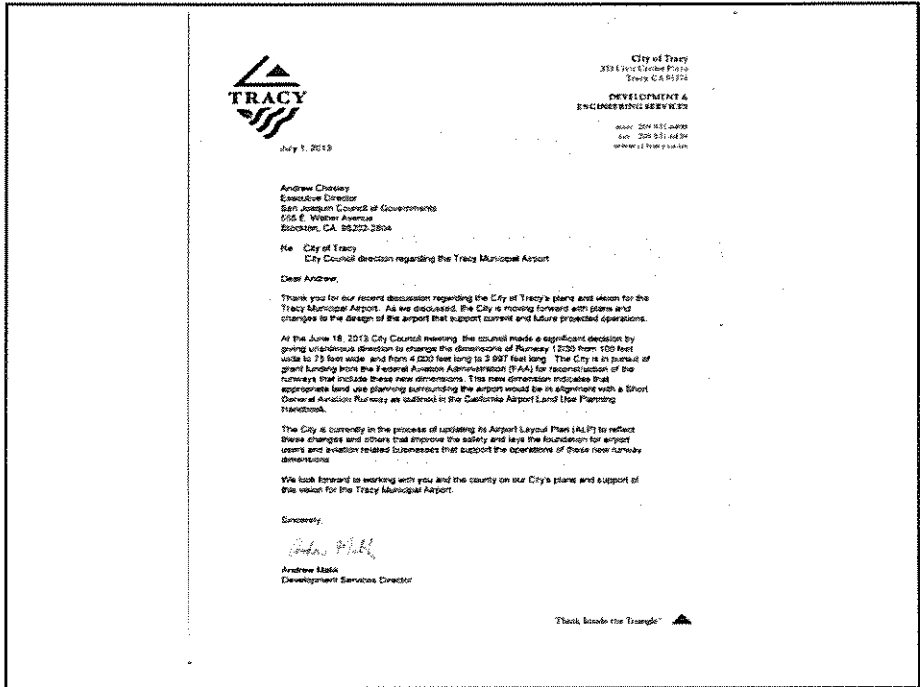
With this letter and attached check, and according to the terms of Section 20.1 of Amendment No. 1 to the Fuel Sales Operator and Fuel Facility Lease Agreement between the City of Tracy and Turlock Air Center, LLC doing business as Tracy Air Center, payment of the Minimum Annual Payment Guarantee in the amount of \$50,000 (Fifty Thousand Dollars) for calendar year 2013, is hereby remitted and delivered to the City of Tracy.

Please contact me if you have any questions.

Sincerely,



Stephen S. Stuhmer
Turlock Air Center, LLC
Title: Managing Member



From: Reinard W. Brandley <Brandley@rvbrandley.com>
Sent: Thursday, June 06, 2013 9:59 AM
To: Rod Buchanan
Cc: Ed Lovell, Bruce Ludeman
Subject: Project Application - Tracy Municipal Airport - Revised Dimensions
Attachments: Tracy Airport - 2013 Application Rev.pdf; aip_st424_2010_-_Tracy Develop_2013 Rev.pdf

Rod:

As requested, we have revised the project application for the Tracy Municipal Airport to reflect runway length & widths and taxiway widths that the F.A.A. will actually fund. This revised application is attached.

Please sign the Application in the following locations and then forward three copies to Mr. Howard Chang, F.A.A. (Airports District Office, 1000 Marina Boulevard, Suite 220, Brisbane, California 94005) for review and approval as soon as possible. (Note: The sketch map is in color and is 11" x 17")

- Form 424, Page 1 - Subsection 18d & e
- Attachment No. 1 - Title VI Assurances
- Attachment No. 2 - Statements
- Attachment No. 5 - Certification Regarding Lobbying
- Attachment No. 6 - Certification Regarding Drug-Free Workplace

We have also included a separate copy of Standard Form 424. This needs to be mailed to the State Clearinghouse, P.O. Box 3044, Sacramento, California 95812-3044 or faxed to them at (916) 323-3018.

Reinard W. Brandley
 Consulting Airport Engineer
 6125 King Road, Suite 201
 Loomis, CA 95650
 (916) 652-4725
 Fax (916) 652-9029
 brandley@rvbrandley.com

5/8/13
 Wde
 1:00pm

AIRPORT AGREEMENT MEMORANDUM

TO: ROD BUCHANAN
FROM: LES SERPA
SUBJECT: SURLAND AIRPORT ADVANCE FUNDING AGREEMENT
DATE: APRIL 26, 2013
CC:

Rod,

We initially committed to funding an Airport shortfall for 5 years; however we have adjusted that commitment based on recent negotiations with the parties. There are a few important aspects that need to be addressed in the agreement between the City and Surland.

\$425,000 ???

First:

Surland would submit amounts to the City on the following dates:

Year	2013	June 1 st :	\$50,000
Years	2014-2017	Jan 1 st :	\$50,000 (each year)
Year	2018	Jan 1 st :	\$45,000
Year	2019	Jan 1 st :	\$40,000
Year	2020	Jan 1 st :	\$35,000
Year	2021	Jan 1 st :	\$30,000
Year	2022	Jan 1 st :	\$25,000

Second:






The Fuel Flowage Fee shall be 7 cents per gallon of all fuel pumped and or sold at TCY.

The gross Fuel Flowage Fee shall be paid directly to Surland, without any offset, credit or administrative fee, monthly as a reimbursement.

Third:

The following language shall be part of the agreement between Surland and the City:

Comments:

- I. The obligations contained in this agreement are contingent upon the following events occurring on or before August 1, 2013
- A.  The City of Tracy shall on or before June 30th 2013 revise the ALP and submit this ALP to the FAA showing runway 12/30 to be a maximum length of 3,996 feet, and shall physically re-mark the runway to conform to the new ALP depicting a runway 12/30 to be a maximum length of 3,996 feet.
- B.  The City of Tracy shall reflect runway 12/30 designated as a Safety Compatible Zone consistent with the 2011 California Transportation Safety Compatibility Zone for a Short General Aviation Runway (Short Runway) as attached when adopting/updating the Tracy Airport Master plan.
- C.  The City of Tracy shall notify the San Joaquin County ALUC on or before July 15, 2013 of the new information (revised ALP, reflecting change in 12/30 runway length) and request for Economic rationale or other rationale as agreed to amend the ALLUP to reflect runway 12/30 designated as a Safety Compatible Zone consistent with the 2011 California Transportation Safety Compatibility Zone for a Short General Aviation Runway (Short Runway), in conformance with the City of Tracy newly adopted ALP. The ALUC shall amend the 2009 ALLUCP on or before November 30th, 2013. If the ALUC does not amend the 2009 ALLUCP on or before November 30th, 2013, at the request of Surland, the City agrees it will notify the ALUC of the City's intent to override any ALLUCP that does not reflect a Safety Compatible Zone consistent with the 2011 California Transportation Safety Compatibility Zone for a Short General Aviation Runway (Short Runway), and City will then proceed with override hearings per State Law.
- D.  The Fuel Flowage Fee shall not be less than \$0.07 per gallon reimbursed to Surland for all fuel pumped or sold at the Tracy Municipal Airport.
- E.  The City of Tracy agrees to generate and process amendments to the EIR/Specific Plan and City of Tracy General Plan to reflect a Safety Compatible Zone consistent with the 2011 California Transportation



Safety Compatibility Zone for a Short General Aviation Runway (Short Runway), and changes in zoning to TR Ellis in the General Plan from Commercial, and from Limited Use in the Ellis Specific Plan that are no longer in the Safety Compatibility Zone noted above, and to Zone any property that is in the Outer Approach/Departure Compatibility Zone to Commercial in the General Plan, and Limited Use in the Ellis Specific Plan that is not already zoned such, and schedule for hearing dates in December 2013.

2. Cessation of fuel operation. Should the current fuel service operator cease operation, or sell the business or assign the contract with the City of Tracy then Surland's obligation to assist in funding the shortfall shall terminate immediately without any prior notice.

FAA

Date: Thursday, October 10, 2013 4:16 PM

Dear Dave and Tina Anderson:

I am responding for Robin Hunt regarding your prior email(s) to her.

Thank you for notifying our office and providing information of the possibility that Tracy Municipal Airport's Runway 12/30 may be shortened from its current length.

The Federal Aviation Administration (FAA) does not support the shortening of Runway 12/30. The runway cannot be shortened without proper justification and without FAA approval. As of today, our office have not received any notification from Tracy regarding this project.

The FAA San Francisco Airports District Office provides grant funding to the City of Tracy (City), sponsor of the Tracy Municipal Airport, for qualified airport improvement projects. On the airport sponsor's acceptance of FAA Airport Improvement Program (AIP) funding, the sponsor has a binding legal obligation to comply with the grant assurances set forth in the AIP grants and to the project scope of work as agreed in the grant agreement. Violation of the grant assurances may put at risk receiving federal funding for airport projects.

Our office had emailed/advised the City Manager that the City cannot shorten the runway length from 4,082 feet to 1,997 feet or shortened the runway from its current length without the necessary support and justification for our review and approval. As previously stated the FAA will not support the City's shortening of the runway because there is no justification to do so. The length of the runway should remain at the stated 4,082 ft. or its current length. Adjusting and shortening of Runway 12/30 without justification and without FAA approval may violate the grant assurances. Among others, Grant Assurance 5, Preserving Powers and Rights, Grant Assurance 19, Operations and Maintenance, and Grant Assurance 21, Compatible Land Use may be violated.

Our office had also conveyed to the City that overruling the ALSC, and allowing incompatible development near the airport would be a violation of sponsor Grant Assurance 21, Compatible Land Use. Grant Assurance 21 states that the sponsor "will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft."

Also in reaching decisions, please contact the Tracy Planning Committee for its views.

Please contact me if you have any further questions or information regarding this matter.

Regards,

Robert Lee
 Airports Compliance Specialist
 Federal Aviation Administration
 San Francisco Airports District Office

Title 49, US Code, subtitle VII Grant Assurances

- Upon accepting federal airport grants, the City assured the federal government under Title 49, United States Code that it agreed to several grant assurances. The most important for the operation of the airport require the City to:
 - **B. Duration and Applicability. 1.**
 - Continue to operate the facility as a public-use airport.
 - **C. 20. Hazard Removal and Mitigation.**
 - It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.
 - **C. 21. Compatible Land Use.**
 - It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.

The Deed

INSTRUMENT OF TRANSFER

B. W. Pendergast
Clerk
Legal Justice

KNOW ALL MEN BY THESE PRESENTS:

That, THE UNITED STATES OF AMERICA, acting by and through the

21 * (1) That the aforesaid leased premises and all property described Order 9609, dated
 22 in Parcel One above which together shall hereinafter be called the "airport", the provisions
 23 shall be used for public airport purposes, and only for such purposes, on able rules,
 24 regulations and orders, party of the first part, in consideration of the
 25 assumption by th * (1) That upon a breach of any of the aforesaid reservations or
 26 restrictions by the party of the second part, or any subsequent transferee,
 27 (1) That insofar as is within its powers and reasonably possible, legal liability of said party of the second part or
 28 the party of the second part, and all subsequent transferees, shall prevent to perform any of the obligations herein set out, or
 29 any use of land either within or outside the boundaries of the airport, right of possession and all other rights transferred
 30 including the construction, erection, alteration, or growth of any structure the first part, or any portion thereof, shall at the
 31 or other object thereon, which use would be a hazard to the landing, taking-off, the first part revert to the party of the first part
 32 or maneuvering of aircraft at the airport, or otherwise limit its usefulness ing by the War Assets Administration or its successor
 as an airport. e, right of possession and other rights transferred, or
 provided, that, as to installations or structures which
 are title to or use of the same at the then fair
 market value of the rights therein to be acquired by the Government.

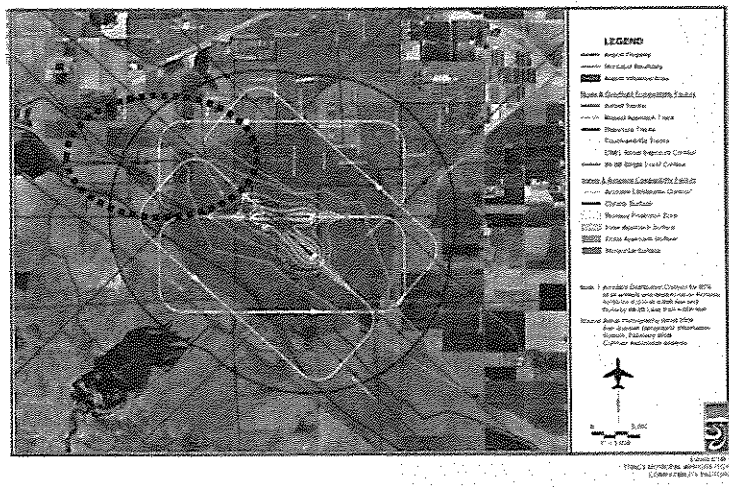
Airport Deed Requirements

- The City of Tracy “operate the airport property as an airport in perpetuity” (forever).
- *“The prevention of any land use either within or outside the boundaries of the airport that will pose a hazard to landing, taking-off, or maneuvering of aircraft at the airport or otherwise limit its usefulness as an airport.”*
- Breach of these deed restrictions allows the Federal Government to take title of the airport upon demand.
- Government can reactivate
 - Defense Depot < 3 miles away

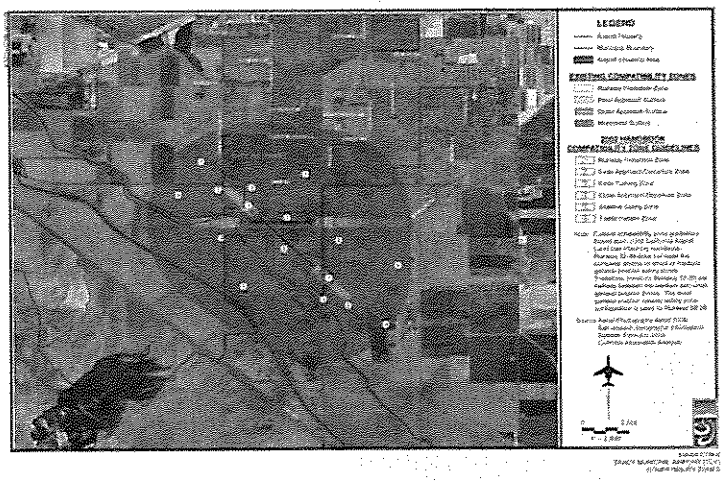
Public Utilities Code

- State Aeronautics Act. - Airport Hazard - **Public Utilities Code 21017.**
 - “Airport hazard” means any structure, object of natural growth, or use of land, which obstructs the air space required for flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to the landing or taking off.
- ✓ SJCOG planners are **REQUIRED** by California Law, Public Utilities Code 21674.7, to use the Caltrans Airport Land Use Planning Handbook when updating an ALUP.
 - How should this requirement of the Aeronautics Act be interpreted?
 - “To be guided by this *Handbook* in the preparation or modification of airport land use compatibility plans, ALUCs must at least have examined and duly considered the material contained herein. Furthermore, the burden is presumed to be on ALUCs to demonstrate their reasons for deviating greatly from the guidance which this *Handbook* provides.” - Caltrans
- ✓ City must use most current safety and noise data from updated 2009 Airport Handbook/COG ALUC analysis as required.
 - City of Watsonville vs. Watsonville Pilots Association
 - City of Tracy/Surland vs. TRAQC

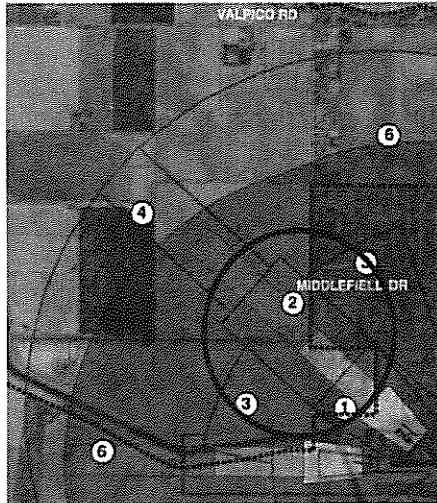
KTCY Traffic Area



Tracy Airport Protection Zones 2009 San Joaquin ALUCP

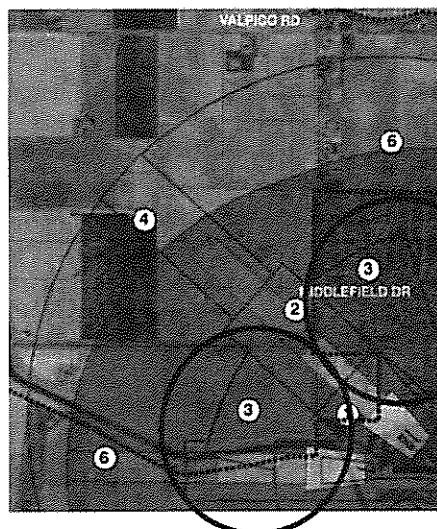


Zone 2: Inner Approach/Departure Zone



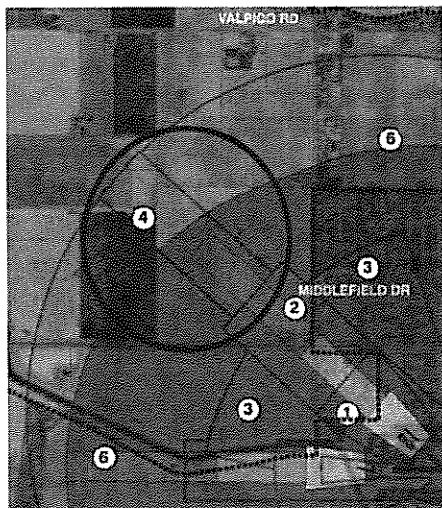
- **Risk Factors**
 - Substantial risk: together with RPZ encompass 30% to 50% of near-airport accidents
 - Overflown at low altitudes — typically only 200 to 400 feet above runway elevation
- **Basic Compatibility**
 - Prohibit residential uses except on large, agricultural parcels
 - Limit nonresidential uses to activities which attract few people (uses such as shopping centers, most eating establishments, theaters, meeting halls, multi-story office buildings, and labor-intensive manufacturing plants unacceptable)
 - Prohibit children's schools, day care centers, hospitals, nursing homes

Zone 3: Inner Turning Zone



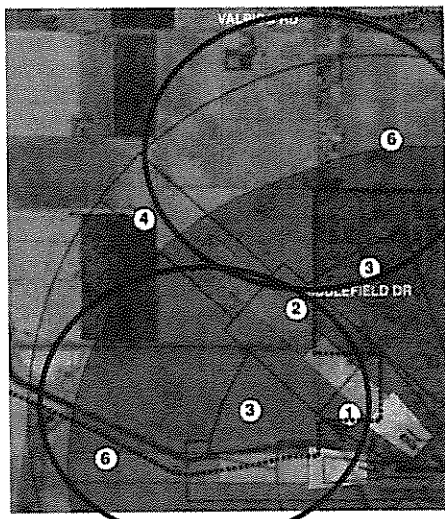
- **Risk Factors**
 - Aircraft turning from the base to final - descending from TPA
 - Departing aircraft transition from takeoff power and flap settings to a climb mode
 - Overflown at low altitudes — typically only 200 to 400 feet above runway elevation
- **Compatibility**
 - Limit residential uses to very low densities (if not deemed unacceptable because of noise)
 - Avoid nonresidential uses having moderate or higher usage intensities (e.g., major shopping centers, fast food restaurants, theaters, meeting halls — NO WATER PARK)
 - Prohibit children's schools, large day care centers, hospitals, nursing homes

Zone 4: Outer Approach/Departure Zone



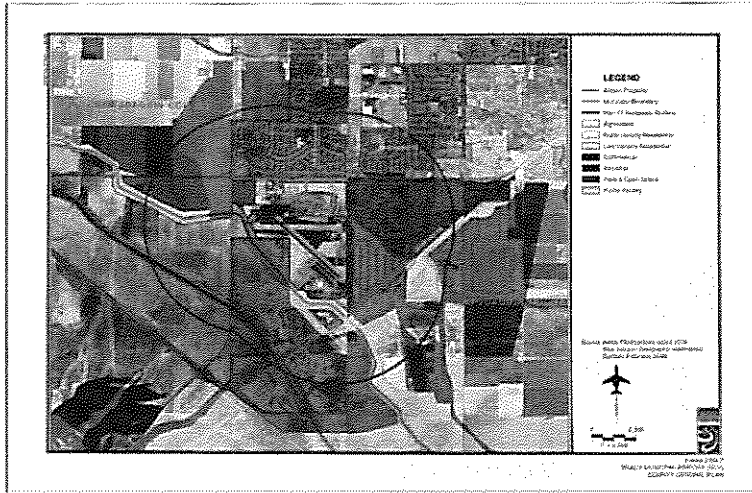
- **Risk Factors**
 - Approaching aircraft usually at less than traffic pattern altitude
 - instrument approach procedures (as low as 255 ft AGL)
 - Straight-in or straight-out flight paths
- **Compatibility**
 - Limit residential uses to very low densities (*if not deemed unacceptable because of noise*);
 - Limit nonresidential uses as in Zone 3 – NO WATER PARK
 - Prohibit children's schools, large day care centers, hospitals etc.

Zone 6: Traffic Pattern Zone

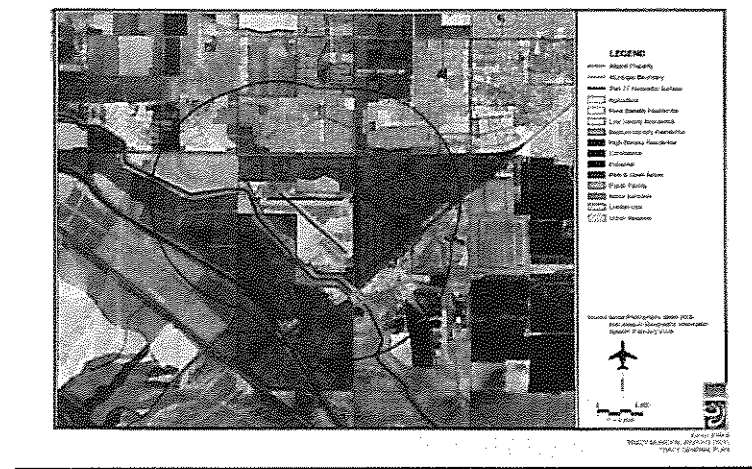


- **Risk Factors**
 - Generally low likelihood of accident occurrence at most airports
 - Risk concern primarily is with uses for which potential consequences are severe
- **Compatibility**
 - Allow residential uses (*if not deemed unacceptable because of noise*)
 - Allow most nonresidential uses; prohibit outdoor stadiums and similar uses with very high intensities – NO WATER PARK
 - Avoid children's schools, large day care centers, hospitals, etc.

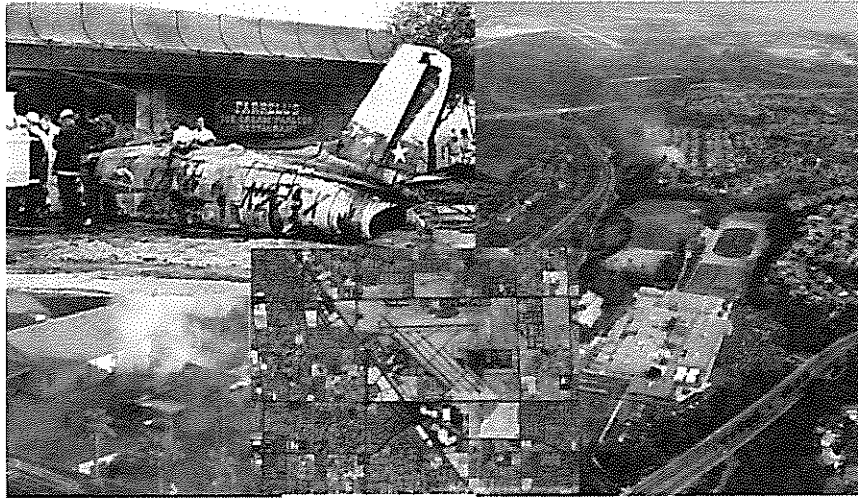
Land Use (County General Plan)



Land Use (Tracy General Plan)



Why Are There Safety Zones?

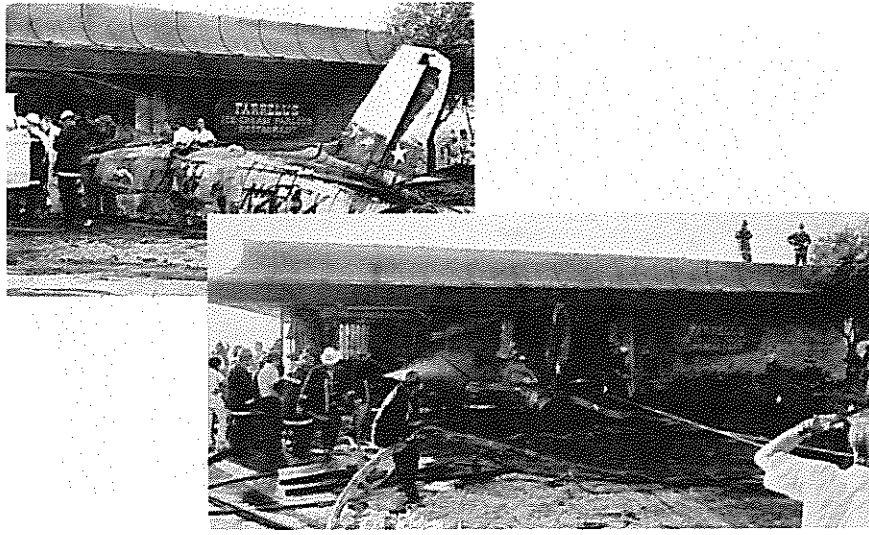


Alabama, Sept 2013

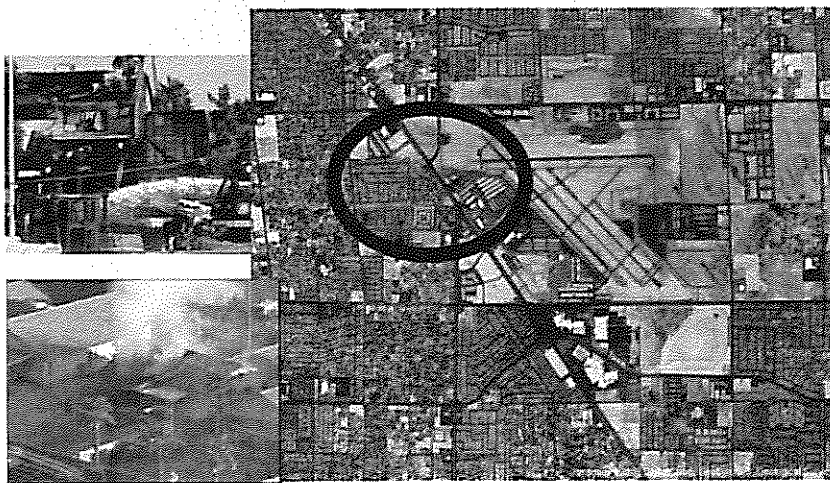


No injuries on the ground ...Why? Safety zones!

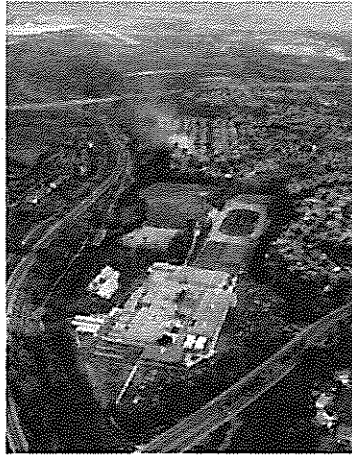
Sacramento, Sept. 1972



North Las Vegas 2008



Miramar F/A-18 crash 2008

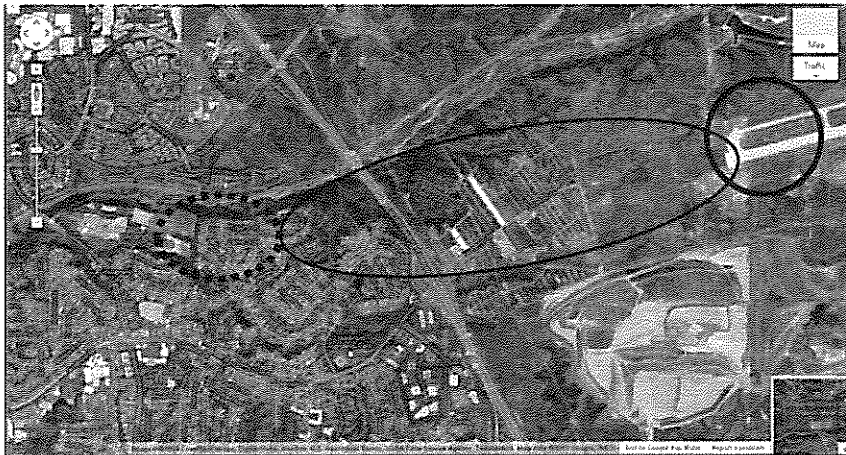


F/A-18 Hornet crash in a residential area of San Diego, California December 8, 2008. The pilot was the only crewmember on board the two-seat aircraft; he ejected successfully.

The jet crashed into the University City residential area, destroying two houses and damaging a third.

A total of 4 residents in one house, two women and two children, were killed.

Miramar F/A-18 crash 2008



New Haven Crash 2013

NTSB Identification: ERA13FA358

14 CFR Part 91: General Aviation

Accident occurred Friday, August 09, 2013 in New Haven, CT

Aircraft: ROCKWELL INTERNATIONAL 690B, registration: N13622

Injuries: 4 Fatal.

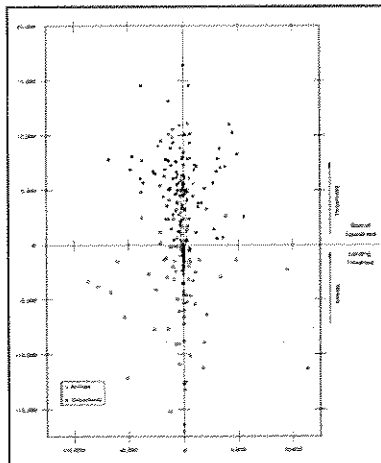
Rockwell International 690B destroyed after impacting two homes while maneuvering for landing.

The commercial pilot, one passenger, and two people on the ground were fatally injured.

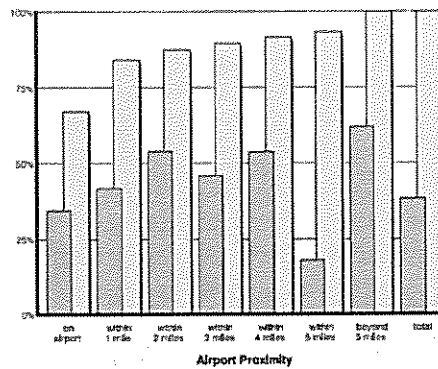
The last recorded radar target was about .7 miles north of the runway 20 threshold indicating an altitude of 800 feet mean seal level.



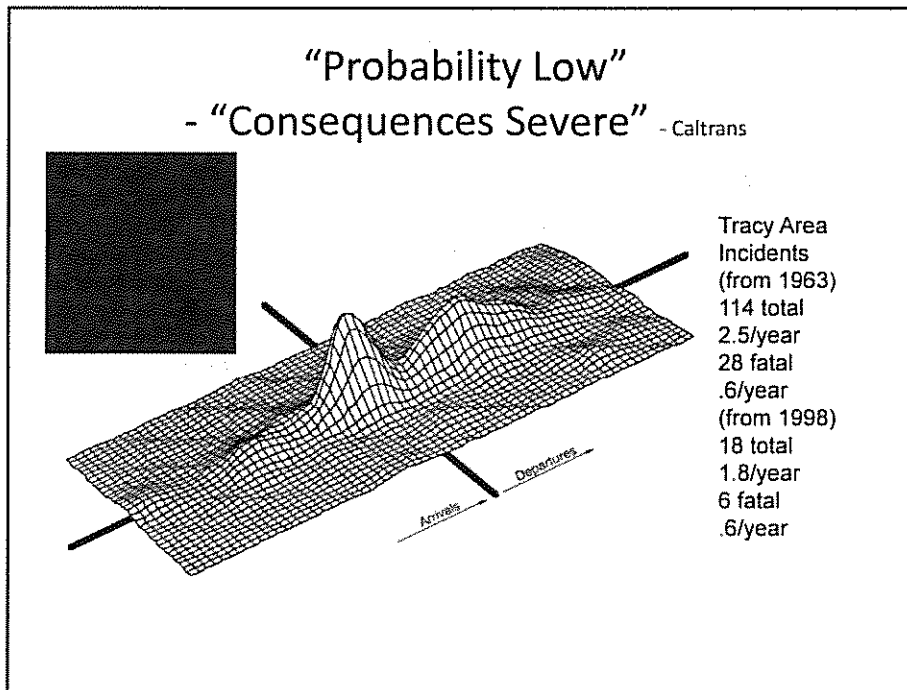
If There Is a Problem?



Accidents on Runways of 4,000 to 5,999 Feet



NOTE: 850 total accidents and 251 total or serious injury accidents.
 Source: Data compiled from NTSB Aviation Accident Database. Air Calendar-Calendar years 1980-2009



North Las Vegas Investigation

- 10. The Clark County Department of Aviation should be encouraged to purchase available vacant land adjacent to North Las Vegas Airport, particularly in or near any Runway Protection Zone (RPZ), to ensure that remaining open area is preserved in the immediate vicinity of the airport. This will provide an expanded area for aircraft to land during emergencies.

North Las Vegas Investigation

- 11. The cities of North Las Vegas and Las Vegas should be encouraged to enact legislation to prohibit the construction of new buildings, communication towers or other obstructions above a safe height in the immediate vicinity of North Las Vegas Airport. Existing structures that may be determined to pose a hazard to air navigation near the airport should be evaluated using a cost and benefit analysis for alteration or removal. This will help eliminate the possibility of aircraft striking tall structures within the immediate vicinity of the airport.

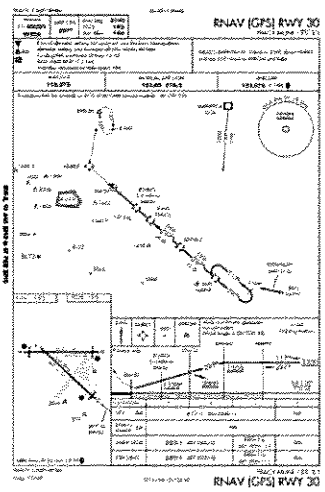
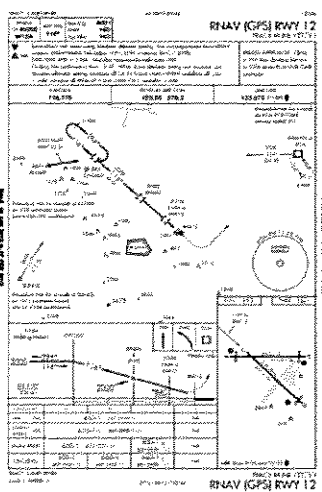
North Las Vegas Investigation

- 12. The cities of North Las Vegas and Las Vegas should be encouraged to enact legislation to prohibit the further construction of residential housing or other non-compatible land uses within the immediate vicinity of North Las Vegas Airport. The City of North Las Vegas is addressing this issue in the current revision of its Zoning Ordinance (Title 17). As part of this process, North Las Vegas has also submitted its draft Air Terminal Environs Ordinances to the Clark County Department of Aviation for review and comment. This reduces the possibility of non-compatible development near the airport and aids in future community planning.

Houses & Airports Don't Mix

- It's been clearly demonstrated that housing and airports are incompatible land use.
- Aircraft are maneuvering at low altitudes in this area.
 - 260 feet AGL (Above Ground Level)
- Pilots require maneuvering room in the area of the airport
- Pilots require open space for emergency landings.
 - Pilots need a place to go when things go wrong.
- Additionally, neither do gas pipelines and train tracks

Approaches directly over Ellis At 260 feet AGL



Failures To Implement Proper and Effective Safety Protection:

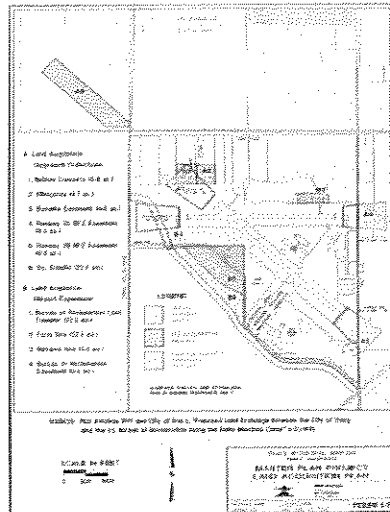
- Failure of the City of Tracy to exercise due diligence
- Act of gross negligence should an accident occur
- Possibly result in unnecessary injury or loss of life
- Expose the City to tens or hundreds of millions of dollars in liability and injury claims
- Possible personal liability



Risk/Noise Mitigation

- Transfer the 24 acres S. Schulte Safety area to the City to hold as open space.**
 - FAA funding available to cover most of the cost.
- Declare Basalite, Nelson, Ellisigary non-conforming use.**
- Relocate Basalite plant. Transfer the 30 acres to the City to hold as open space.**
 - FAA funding available to cover most of the cost.
- Pro-Airport Noise (Complaint) Policy**
 - You new about the airport next door
 - You bought it knowing the airport is next door
 - You deal with it: **put up or move out!**
 - Not our problem: **We're not going to change anything**
- Reinstate the VOR- Alpha approach**

Land Buys



The area in the Southeast corner of Ellis has been on the master plan land acquisition list prior to 1998

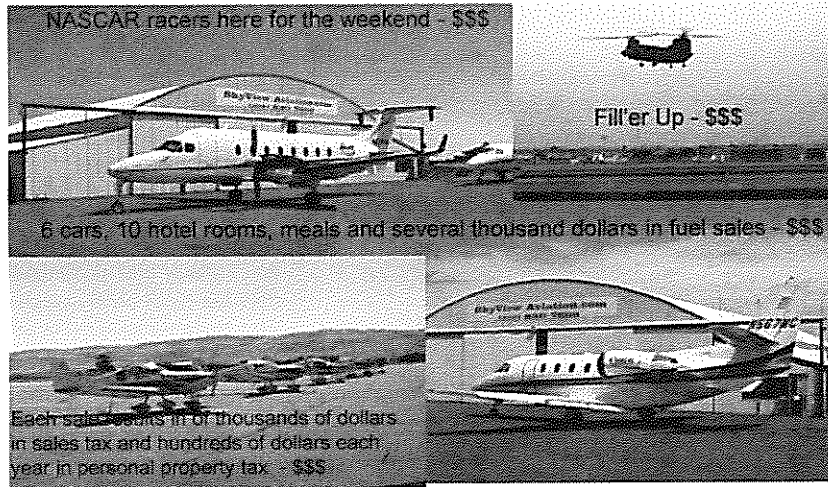
Now is the time to acquire these lands and significantly mitigate most safety issues. And protest the airports future.

Noise ...



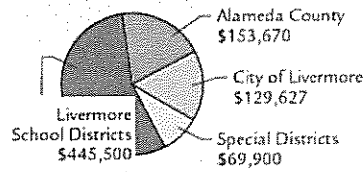
Do you really think these folks will be happy with this?

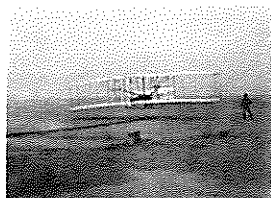
Growth & Benefits Are Here...



The Future

- Livermore Airport Economic Benefits
- Recent studies show:
 - Livermore airport contributed over **\$57 million** to the local economy through direct & indirect spending
 - Supported approximately **577 jobs**.
 - One in seven jobs in the Bay Area is indirectly tied to aviation
 - Taxes paid by aircraft owners and LVK tenants resulted in nearly **\$800,000** in direct payments to the Livermore School District, the City of Livermore, Alameda County and various countywide special districts as shown in the pie chart.
- *Tracy can go here...*

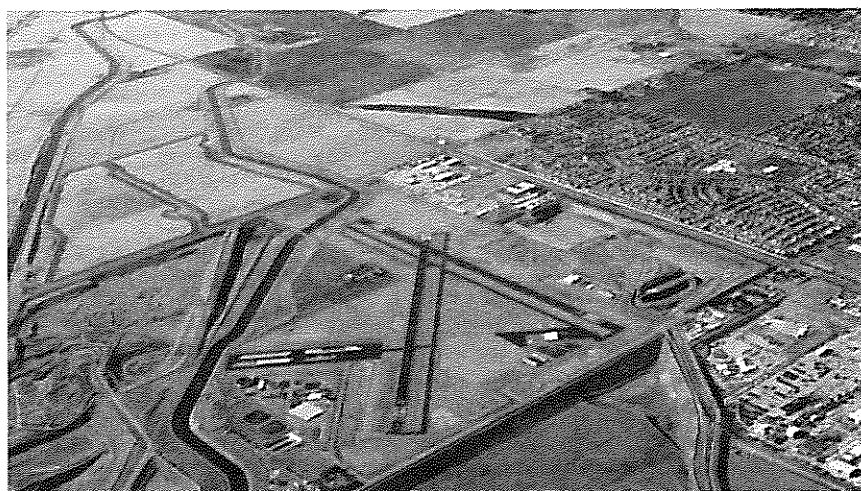
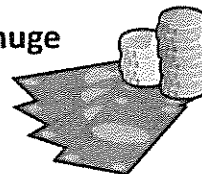




Conclusion



- Manned flight has been around for 100 years.
- Tracy Airport has been in operation for 84 of those years.
- Tracy Airport is a valuable local, county, state and national resource that must be protected.
- Tracy Airport, if protected, could be a **huge economic driver for the City**



Subject: Fw: Tracy Airport
From: Robert.Y.Lee@faa.gov (Robert.Y.Lee@faa.gov)
To: dntanderson@yahoo.com;
Cc: stevenicolaou@yahoo.com; Robin.K.Hunt@faa.gov;
Date: Thursday, October 10, 2013 4:16 PM

Dear Dave and Tina Anderson:

I am responding for Robin Hunt regarding your prior email(s) to her.

Thank you for notifying our office and providing information of the possibility that Tracy Municipal Airport's Runway 12/30 may be shortened from its current length.

The Federal Aviation Administration (FAA) does not support the shortening of Runway 12/30. The runway cannot be shorten without proper justification and without FAA approval. As of today, our office have not received any notification from Tracy regarding this project.

The FAA San Francisco Airports District Office provides grant funding to the City of Tracy (City), sponsor of the Tracy Municipal Airport, for qualified airport improvement projects. On the airport sponsor's acceptance of FAA Airport Improvement Program (AIP) funding, the sponsor has a binding legal obligation to comply with the grant assurances set forth in the AIP grants and to the project scope of work as agreed in the grant agreement. Violation of the grant assurances may put at risk receiving federal funding for airport projects.

Our office had emailed/advised the City Manager that the City cannot shorten the runway length from 4,002 feet to 3,997 feet or shortened the runway from its current length without the necessary support and justification for our review and approval. As previously stated the FAA will not support the City's shortening of the runway because there is no justification to do so. The length of the runway should remain at the stated 4,002 ft. or its current length. Adjusting and shortening of Runway 12/30 without justification and without FAA approval may violate the grant assurances. Among others, Grant Assurance 5, *Preserving Powers and Rights*, Grant Assurance 19, *Operations and Maintenance*, and Grant Assurance 21, *Compatible Land Use* may be violated.

Our office had also conveyed to the City that overruling the ALUC, and allowing incompatible development near the airport would be a violation of sponsor Grant Assurance 21, *Compatible Land Use*. Grant Assurance 21 states that the sponsor "will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft."

Also in rezoning decisions, please contact the Tracy Planning Committee for its views.

Please contact me if you have any further questions or information regarding this matter.

Regards,
Robert Lee
Airports Compliance Specialist



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

421 Aviation Way • Frederick, MD 21701-4798
Telephone (301) 695-2000 • Fax (301) 695-2375
www.aopa.org

June 18, 2013

The Honorable Brent H. Ives
Mayor
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Re: City Council June 18, 2013 Meeting Agenda Item 1.D – Receive Update on the Tracy Municipal Airport Pavement Project and Confirm Staff Direction on Runway Design

Dear Mayor Ives:

The Aircraft Owners and Pilots Association (AOPA) represents the general aviation interests of almost 400,000 members, including 41,844 of our members in the state of California. On behalf of our membership, AOPA is committed to ensuring the future viability and development of general aviation airports and their facilities as part of a national transportation system.

We are writing to the City Council to express our concerns with the airport pavement project and its impact on the associated compatible land uses around the Tracy Municipal Airport.

It is our understanding that the City determined that the appropriate length for Runway 2/20 is 3,997 feet by 75 feet. This meets the Federal Aviation Administration's airport and runway design criteria. Because the length of the runway is less than 4,000 feet under the guidance provided by the California Airport Land Use Planning Handbook (2011 edition) the related airport compatible land use zones surrounding Tracy are much smaller than those for an airport with a runway length of 4,000 feet or greater. AOPA is concerned that the smaller compatible land use zones will allow more residential development closer to the airport underneath the traffic patterns and approach and departure paths than previously allowed under the Airport Compatible Land Use Plan for Tracy.

We see this as a detriment to normal airport and aircraft operations because it will create more noise complaints from residents in newer developments who might not otherwise be affected by aircraft overflights. It will then fall to the City to deal with those complaints and by extension deal with the airport. Based on decades of experience in dealing with airport concerns both in California and nationwide, AOPA is extremely concerned that steps would be taken that restrict or reduce the access to and the viability of the airport. Frankly, it appears to us that the City is playing games with public safety over a difference of three feet when an airport of this size deserves the added protection afforded by the larger safety areas. This is in direct conflict with the May 27, 1947 transfer document stipulations that the City:

The Honorable Brent H. Ives

Page 2

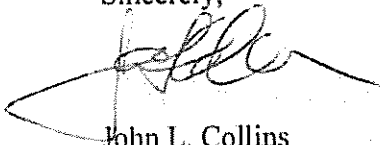
June 18, 2013

“insofar as within its powers and reasonably possible,...shall prevent any use of land either within or outside the boundaries of the airport, including the construction, erection, alteration, or growth of any structure or other object thereon, which use would be a hazard to the landing, taking-off, or maneuvering of aircraft at the airport, *or otherwise limit its usefulness as an airport.*” (Emphasis added)

AOPA strongly recommends and requests that the City maintain the 4,000-foot runway length and the associated compatible land use zones as a matter of prudent public policy.

Thank you for your consideration of our views on this subject. If we can be of further assistance, please contact our staff at 301-695-2200.

Sincerely,



John L. Collins
Manager
Airport Policy

cc:

Tracy City Council Members
Rod Buchanan, Manager, Tracy Municipal Airport
David Anderson, Vice President, Tracy Airport Association
Denny Pressley, AOPA ASN Volunteer Tracy Municipal Airport

TURLOCK AIR CENTER, LLC
PO BOX 797
TURLOCK CA 95381

1037
11-35/1210 CA
70832

9-23-13 Date

Pay to the
Order of

City of Tracy \$ 25.
Twenty Five and no/100 Dollars

Bank of America

ACH R/T 121000358

¹¹⁵² For Land Rent 2013

⑆ 121000358⑆ 164100345514⑆ 1037

State of California
Secretary of State

CERTIFICATE OF STATUS

ENTITY NAME: TURLOCK AIR CENTER, LLC

FILE NUMBER: 200905610180
FORMATION DATE: 02/25/2009
TYPE: DOMESTIC LIMITED LIABILITY COMPANY
JURISDICTION: CALIFORNIA
STATUS: SUSPENDED

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

The records of this office indicate the California Franchise Tax Board suspended the entity's powers, rights and privileges on March 1, 2013, pursuant to the provisions of the California Revenue and Taxation Code, and the entity's powers, rights and privileges remain suspended.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of October 11, 2013.

Debra Bowen

DEBRA BOWEN
Secretary of State

MAR

Business Entity Detail

Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Friday, October 11, 2013. Please refer to [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

Entity Name:	TURLOCK AIR CENTER, LLC
Entity Number:	200905610180
Date Filed:	02/25/2009
Status:	SUSPENDED
Jurisdiction:	CALIFORNIA
Entity Address:	P O BOX 6035
Entity City, State, Zip:	SCOTTSDALE AZ 85261
Agent for Service of Process:	STEPHEN S STUHMER
Agent Address:	13604 NEWPORT RD
Agent City, State, Zip:	BALLICO CA 95303

* Indicates the information is not contained in the California Secretary of State's database.

* **Note:** If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report.

- For information on checking or reserving a name, refer to [Name Availability](#).
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Field Descriptions and Status Definitions](#).

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**Handout - Agenda Item 6
October 15, 2013, Council Meeting**

Sandra Edwards

From: Sharon Davis on behalf of Council
Sent: Tuesday, October 15, 2013 8:07 AM
To: Council
Cc: Leon Churchill; Daniel Sodergren; Maria Hurtado; Sandra Edwards; David Ferguson
Subject: FW: Tracy Airport

From: Dave & Trina Anderson [mailto:dntanderson@yahoo.com]
Sent: Tuesday, October 15, 2013 1:21 AM
To: Council
Cc: David Ferguson; brandley@rwbrandley.com; Collins AOPA John; andy.wilson@calpilots.org
Subject: Fw: Tracy Airport

Dear Mayor & Council Members,

I am forwarding this e-mail from the Federal Aviation Administration (FAA) to you concerning Tracy Airport and its inclusion as Agenda Item 6 for the October 15th 2013 City Council meeting.

The FAA has provided this information to Mr. Churchill as City Manager. In the likely event that staff has not provided you all with this information, I am forwarding an email from Mr. Robert Lee on behalf of Ms. Robin Hunt, Manager, San Francisco Airports District Office of the Federal Aviation Administration for your consideration.

In his e-mail, Mr. Lee makes it perfectly clear, on behalf of the Federal Government, that runway 12/30 cannot be shortened without the authorization of the FAA and specifically states that the City is not authorized to do so. This may be why staff is now reversing its position and is now recommending to the Council that it keep runway 12/30 at 4,002 feet. Contrary to information provided by staff, there should be no question that the City has no authorization or authority to shorten runway 12/30.

Additionally, Mr. Lee also indicates that an over-ride of the ALUC to allow increased dwelling densities to be built in the safety zones would impede the safe operation of the airport and negatively impact safe landing and take-off operations. Additionally, he explains how doing so would be a violation of the City's requirements under the contractual grant assurances between the City and the Federal Government, just as we have repeatedly communicated to Council and staff.

The position of the FAA, TAA, and California Pilots Association should be clear. We ask that Council set aside any arm twisting and do the right thing on October 15th and keeps runway 12/30 at 4002 feet as staff is recommending and the FAA requires. We also ask that Council follows guidance from the FAA and act against any path of an over ride of COG's decision as the ALUC.

We would also like to clear up something else:
IF $a=b$ AND $b=c$ THEN $a=c$ is in fact ALWAYS true.

That fact simply does not change if Council members find themselves in a situation where the answer seems unbelievable. Now that Council has had some time to take into consideration the information presented at the last City Council meeting, we would hope that once again Council members believe that

IF a=b AND b=c THEN in fact a=c and while the answer may be disconcerting it is in fact true.

Most of our members are residents of the City of Tracy and are very disturbed that staff is allowed to continue providing non-factual and/or fraudulent information to Council and others. This behavior needs to stop immediately.

Sincerely,
Dave Anderson
President Tracy Airport Association

----- Forwarded Message -----

From: "Robert.Y.Lee@faa.gov" <Robert.Y.Lee@faa.gov>

To: MauiLvr77-taa@yahoo.com

Cc: Robin.K.Hunt@faa.gov

Sent: Thursday, October 10, 2013 4:16 PM

Subject: Fw: Tracy Airport

Dear Dave and Tina Anderson:

I am responding for Robin Hunt regarding your prior email(s) to her.

Thank you for notifying our office and providing information of the possibility that Tracy Municipal Airport's Runway 12/30 may be shortened from its current length.

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Our office had also conveyed to the City that overruling the ALUC, and allowing incompatible development near the airport would be a violation of sponsor Grant Assurance 21, *Compatible Land Use*. Grant Assurance 21 states that the sponsor "will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft."

Also in rezoning decisions, please contact the Tracy Planning Committee for its views.

Please contact me if you have any further questions or information regarding this matter.

Regards,
Robert Lee
Airports Compliance Specialist

Federal Aviation Administration
San Francisco Airports District Office
1000 Marina Boulevard, CA 94005
(650) 827-7629

----- Forwarded by Robert Y Lee/AWP/FAA on 10/10/2013 01:44 PM -----

From: Robin K Hunt/AWP/FAA
To: Robert Y Lee/AWP/FAA@FAA, Howard Chang/AWP/FAA@FAA, Fernando Yanez/AWP/FAA@FAA
Cc: Arlene Draper/AWP/FAA@FAA
Date: 09/24/2013 07:15 AM
Subject: Fw: Tracy Airport

Robin K. Hunt
Manager, San Francisco Airports District Office
FAA Western Pacific Region
650-827-7601

Handout - Agenda Item 6
October 15, 2013, Council Meeting



MILLER STARR
REGALIA

1331 N. California Blvd.
Fifth Floor
Walnut Creek, CA 94596

T 925 935 9400
F 925 933 4126
www.msrllegal.com

Arthur F. Coon
Direct Dial: 925 941 3233
arthur.coon@msrllegal.com

October 15, 2013

VIA E-MAIL AND HAND DELIVERY

Mayor Brent H. Ives and
Members of the City Council
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376
E-Mail: council@ci.tracy.ca.us

Re: Surland Communities LLC; Response to Recent and
False and Scurrilous Attacks Regarding Tracy Airport

Honorable Mayor Ives and Members of the Tracy City Council:

Our office represents Surland Communities LLC and their managing member, Les Serpa, the developers of the Ellis project. In January, amended entitlements for the Ellis project were approved by the Council, allowing the development of up to 2,250 units on the Ellis property and committing Surland to a dedication of up to 16 acres of real property and the payment of \$10,000,000 toward the design and construction of a highly regarded and publicly supported Tracy Family Swim Center recreational facility for the community.

For more than a quarter of a century, Les Serpa and his Surland Companies have been among the most respected, civically conscious real estate developers and corporate citizens in the City of Tracy. Your City Hall as well as the Tracy Transit Station were designed and constructed with the pro bono help of Surland.

At the October 1 City Council meeting, Mark Connolly, an opponent of the Ellis project and Tracy Family Swim Center, made a series of false, fraudulent and defamatory allegations, about the Surland Companies. Mr. Connolly is well-known to the Council as the founder and legal representative of TRAQC, a no-growth activist group that has for years tried to frustrate the economic betterment of Tracy and deny the children, parents and seniors of the community the benefits of a family swim center and recreational facility. His false statements of alleged wrongdoing at the Tracy Airport both by City Staff and by Surland Companies are nothing short of scurrilous.

SURL48727916396.1

The purpose of this letter is to refute these defamatory, fraudulent and irresponsible statements, which attempt to impugn the integrity not only of Tracy's premier corporate citizen, but also Tracy's high-quality and dedicated City staff.

Mr. Connolly's last minute "dump" of documents on the City Council at its Oct. 1 meeting included a draft Airport Agreement Memorandum, dated April 26, 2013, sent from Les Serpa to the then airport manager. Mr. Connolly characterizes this draft memorandum as an "agreement" with the City in which the City agrees to shorten runway 12/30, process a specific plan amendment for Ellis and pay Surland a flowage fee for gas revenues at the airport. This charge is false, ludicrous and unsupported by his documentation and description. The memorandum references negotiations concerning a potential agreement to financially stabilize the fiscally-troubled Tracy Airport which never even was reduced to a draft agreement let alone submitted to Council for approval. Mr. Connolly states that the very existence of this draft memo violates the Tracy Municipal Code, constitutes a Brown Act violation, and violates the provisions of the California Environmental Quality Act. But there never has been such an agreement which is why it was never presented to the City Council for discussion and approval.

In short, Mr. Connolly has employed a classic propaganda technique to misdirect and mislead. This type of deception should have no place in the Tracy community.

The memorandum in question came about in early 2013 after the airport's fuel service operator approached Surland with suggestions for stabilizing the airport financially, and at the same time, allowing managed growth of the airport in harmony with surrounding land owners. Surland, along with any rational developer and property owner in the City, desires a stable, and smoothly operating airport. The fuel service operator was seeking a solution to the airport financial issues that would preserve the fuel service operator's business, benefit the airport in the long term, and accommodate the needs of land owners seeking to develop neighboring property. Surland offered the fuel provider assistance because it made sense for all parties to work towards a common goal – a stable airport. Surland recognized the benefit to the Ellis project of having all parties in harmony. This was a solution that would preserve the airport long term as a boutique airport focused on the quality of the infrastructure and services, rather than the length of the runway as a small group of individuals opposing the Ellis project seem to be. To suggest this was some sort of subversive collaboration to deceive the public is simply irresponsible on the part of Mr. Connolly and the people that hired him. Their objective is transparent and self serving, a smoke screen intended to delay approval of the Ellis project's development to further their own interests.

What the memorandum in question actually points out is that Surland was willing to subsidize the Airport's shortfall in revenue if six conditions relative to the operation of the airport were satisfied. These discussions were nothing more than objectives Surland hoped to achieve if it helped sustain airport operations. There was never any indication or determination that these objectives could be achieved, and they

certainly were not agreed upon by staff or the City Council in advance or outside the context of a duly-noticed formal public meeting. It became apparent after further discussions with staff that an agreement along these lines was not something the City could entertain, and any agreement would need to be between the private parties, Surland and the fuel provider. There was no agreement between the City and Surland.

Mr. Connolly attaches to his volume of duplicative and misleading material a transmittal from the Surland Companies to the City transmitting a check for \$50,000 "as payment for the minimum annual payment guaranty for calendar year 2013, for the fuel sales operator and fuel facility lease agreement between the City of Tracy and Turlock Air Center." This notation in and of itself makes clear that this check was sent on behalf of the fuel service operator and was not paid as a part of any agreement between the City and Surland. Why was this payment made? It was made because the fuel service operator approached Surland and told them that if the City was not willing to eliminate the minimum guarantee from the fuel service agreement, he could not continue to operate and provide fuel service at the airport. The fuel service operator had plans to develop additional services on the airport that include building a restaurant, hangars and other services that would improve the airport and help make it self-sufficient. The funds paid to the City by Surland were assistance to the fuel operator, a company Surland believes is a positive influence at the airport that needs to be preserved; this was not part of any supposed illegal agreement. What it is, is an example of Surland's continuing commitment to the City of Tracy, and an effort to ensure a viable, properly functioning airport.

Conclusion:

The allegations by Mr. Connolly are false and knowingly attempt to cast City Staff, the City itself, and Surland in a false light with the intent to deceive the public, the press and the citizens of Tracy. We hope this letter has answered any questions that were raised by this misleading, false and fraudulent effort to malign Surland and City Staff.

If you have any questions, Surland would value the opportunity to answer them.

Thank you.

Very truly yours,

MILLER STARR REGALIA



Arthur F. Coon

AFC/klw

cc: Les Serpa
Chris Long
Leon Churchill, City Manager
Dan Sodergren, City Attorney
William Dean
Andrew Malik
Wilson F. Wendt, Esq.

**Handout - Agenda Item 6
October 15, 2013, Council Meeting**

Sharon Davis

From: Steve Nicolaou <stevenicolaou@yahoo.com>
Sent: Saturday, October 12, 2013 10:47 AM
To: Council
Cc: Daniel Sodergren; Leon Churchill
Subject: Tracy Airport
Attachments: E-mail from Robert Lee - FAA dated 10-10-2013.pdf

Dear Mayor & Council Members:

I am submitting this e-mail to you with respect to Agenda Item 6 concerning the Tracy Airport in your upcoming City Council meeting of October 15, 2013 at 7:00 p.m.

I have attached for your review and information an e-mail sent from Robert Lee of the Federal Aviation Administration to Dave Anderson, the president of the Tracy Airport Association and on which I was copied on as well, dated October 10, 2013. It is in response to prior communications the airport folks and I have had with the Feds, who were also furnished copies of the relevant documents I was able to find as part of my most recent Public Records Act request, including the memo from Mr. Serpa to Mr. Buchanan concerning the proposed shortening of runway 12/30 and Mr. Serpa's proposal to have the City pay over to Surland 7 cents for every gallon of fuel sold at the airport. If you read his e-mail, I think Mr. Lee makes it pretty clear, on behalf of the federal government, that Runway 12/30 cannot be shortened from its current length. This appears to be the reason why in the Staff report for Tuesday's council meeting, Staff is recommending to the Council that it keep the runway at 4,002 feet as it appears that Mr. Churchill received a similar communication from Mr. Lee when the attached e-mail was received by me. Based on prior communications that I and the Tracy Airport Association have had with the FAA, it is my understanding that the Feds are keeping a very close eye on what is going on here in Tracy concerning the airport as evidenced by Mr. Lee's e-mail, and I have been asked to let them know how things turn out at the October 15th meeting.

In reading Mr. Lee's email, it becomes quite clear that two messages are being clearly conveyed to the City of Tracy- (1) runway 12/30 stays where it is at, no shortening of the runway, and (2), no over-ride of the ALUC (i.e. the COG decision from a few weeks ago) to allow houses to be built in the safety zone approach as that would impede the safe operation of the airport and the safe landing and take-off of planes, as that would be a violation of your grant requirements with the FAA.

In closing, I would ask you to take heed of the federal government's position as evidenced by Mr. Lee's email concerning the runway length and permissible land uses around the airport. This is something that you never had the benefit of before, including when you started going down the path of shortening runway 12/30 to 3996 feet in your June 18th regular meeting. If you had this raw, unfiltered information on where the Feds stood in this matter, I believe that you would have not voted to begin reducing the runway length at your June 18th council meeting and everything that has emanated from that course of action since then, including San Joaquin COG's decision as the designated Airport Land Use Commission vote a few weeks ago to deny Surland's request to amend the ALUCP to allow homes to be built within the outer safety zone approach that currently applies given runway 12/30's current length of 4000 feet. Now that you do know where the Feds stand on the matter, all I ask is that you do the right thing on October 15th- keep runway 12/30 at its current length, or as Staff is recommending, have it re-set to 4002 feet, and secondly, come out against proceeding

down the path of an over ride of COG's decision a few weeks ago.

I look forward to seeing you all at the meeting on October 15th.

Sincerely,

Steve Nicolaou
Attorney at Law
445 W. 11th Street, Suite C
Tracy, California 95376
Office: (209) 832-2501
Fax: (209) 832-0085
E-mail: stevenicolaou@yahoo.com

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TAX ADVICE DISCLOSURE

To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

Subject: Fw Fw Tracy Airport
From: Steve Nicolaou (stevencolaou@yahoo.com)
To: stevenicolaou@yahoo.com
Date: Friday, October 11, 2013 8:50 AM

On Thursday, October 10, 2013 4:17 PM, "Robert.Y.Lee@faa.gov" <Robert.Y.Lee@faa.gov> wrote:

Dear Dave and Tina Anderson:

I am responding for Robin Hunt regarding your prior email(s) to her.

Thank you for notifying our office and providing information of the possibility that Tracy Municipal Airport's Runway 12/30 may be shortened from its current length.

The Federal Aviation Administration (FAA) does not support the shortening of Runway 12/30. The runway cannot be shorten without proper justification and without FAA approval. As of today, our office have not received any notification from Tracy regarding this project. ★

The FAA San Francisco Airports District Office provides grant funding to the City of Tracy (City), sponsor of the Tracy Municipal Airport, for qualified airport improvement projects. On the airport sponsor's acceptance of FAA Airport Improvement Program (AIP) funding, the sponsor has a binding legal obligation to comply with the grant assurances set forth in the AIP grants and to the project scope of work as agreed in the grant agreement. Violation of the grant assurances may put at risk receiving federal funding for airport projects.

Our office had emailed/advised the City Manager that the City cannot shorten the runway length from 4,002 feet to 3,997 feet or shortened the runway from its current length without the necessary support and justification for our review and approval. As previously stated the FAA will not support the City's shortening of the runway because there is no justification to do so. The length of the runway should remain at the stated 4,002 ft. or its current length. Adjusting and shortening of Runway 12/30 without justification and without FAA approval may violate the grant assurances. Among others, Grant Assurance 5, Preserving Powers and Rights, Grant Assurance 19, Operations and Maintenance, and Grant Assurance 21, Compatible Land Use may be violated. ★

Our office had also conveyed to the City that overruling the ALUC, and allowing incompatible development near the airport would be a violation of sponsor Grant Assurance 21, Compatible Land Use. Grant Assurance 21 states that the sponsor "will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to

← KEY WORD.

★

activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft."

Also in rezoning decisions, please contact the Tracy Planning Committee for its views.

Please contact me if you have any further questions or information regarding this matter.

Regards,
Robert Lee
Airports Compliance Specialist
Federal Aviation Administration
San Francisco Airports District Office
1000 Marina Boulevard, CA 94005
(650) 827-7629

CC



Handout – Agenda Item 8-A
October 15, 2013, Council Meeting

City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

CITY MANAGER'S OFFICE

MAIN 209.831.6000
FAX 209.831.6120
www.ci.tracy.ca.us

Memorandum

Date: October 15, 2013
To: Mayor & Council Members
From: Leon Churchill, Jr., City Manager
Subject: Agenda Item 8A: City Manager Informational Update

The intent of this Informational Memorandum is to provide Council and the public with information on various items, including upcoming special events, status on key projects and other items of interest in an effort to keep Council, residents and staff abreast of newsworthy events.

ECONOMIC DEVELOPMENT



The City welcomes several additions to the wide range of choices to dine here in Tracy. **Five Guys Burger and Fries** will soon be locating in the Tracy Marketplace Shopping Center, adjacent to Burger King on Grant Line Road. The site will be modified to accommodate outdoor dining. Anticipated opening is December, 2013.

McDonald's has almost completed construction on their 11th Street location and anticipate opening within the next 30 days.

HomeGoods is conducting an open house this week for hiring purposes. We anticipate the location to open by the Holiday Shopping season.



The City property next to Texas Roadhouse & Park and Ride is currently being marketed to prospective restaurant tenants. The City is working with (3) prospective restaurant/food related potential tenants, who have expressed interested in that location. One of the prospects is a large national sit-down restaurant that will be a regional draw similar to Texas Roadhouse. We anticipate that we may close on the properties by spring 2014.

The West Valley Mall is finalizing negotiations with a national sit-down restaurant to occupy the vacant Chevy's location. The prospective sit-down restaurant will be a welcome addition to the Mall.

PAY NEAR ME

Six months ago, the City initiated the “Pay Near Me” option for residents to pay their utility bill at local 7-11 stores. Since the program started, the number of payments per month increased from 8 to 138, with the majority of payments occurring at the Gantline 7-11 location. Approximately 276 people are now using the service, and to date we have received a total of 488 payments. The “Pay Near Me” payment option is not only convenient for residents as they don’t have to wait in line to pay their bill, but also reduces the handling of cash, and frees up City employees to complete other critical duties.



ANTI-BULLYING MONTH

In support of National Anti-Bullying Month, the Mayor’s Community Youth Support Network purchased twenty tool kits from ‘The Bully Project’. These were distributed to all middle and high schools in Tracy. Each tool kit includes the award winning film, BULLY along with a curriculum and instructor training. These resources were created to help prepare educators to lead a discussion with their students that focuses on developing empathy and taking action. The kit and materials are designed to ignite honest, meaningful dialogue about this social problem. Additionally, Tracy Unified School District is hosting an Anti-Bullying celebration on Nov.14 at Kimball High 6 p.m. Interested residents may contact the school district for more information.

LIGHT’S ON AFTER SCHOOL

This Thursday, City Hall will be fully lit from 6 p.m. to 10 p.m. in support of the 14th Annual Light’s On Afterschool National event. This event draws attention to the many ways afterschool programs support students by offering them a safe place to stay after school while learning new skills and receiving homework assistance. There are sixteen City Halls throughout the Central Valley who are participating. In Tracy we have ten programs administered by different providers like the City of Tracy, Boys and Girls Club, Give Every Child A Chance and Child Development Centers, Inc.

UPCOMING EVENTS

**Mariachi Sol de Mexico
Grand Theatre Center for the Arts**

October 19, 2013 @ 7:00 p.m.

Mariachi Sol de Mexico will be performing at the Grand Theatre as a Chamber of Commerce fundraiser. Grammy Award Nominees Sol de Mexico is a cohesive, dynamic team who performed for the last five U.S. Presidents and recorded with some of the most recognized names in the music industry. They are the Nation’s Premier Mariachi band. Doors open at 5:00 p.m.



**Movie: Just for Teens: Big Fat Liar, Rated PG
Grand Theatre Center for the Arts**

October 21, 2013 @ 1:00 p.m.



Teens ages 11-14 years old are invited to an afternoon at the movies during the TUSD In-Service Day to see BIG FAT LIAR. Concession stand opens at 12:00 p.m. for food and snack purchases.

**Girls Night Out, Witches and Broomstick
Downtown Plaza at 6th & Central Ave**

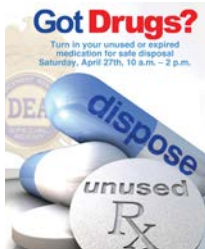
October 25, 2013 @ 6:00 p.m.

Downtown Tracy will be filled again with hundreds of ladies dressed to impress and sporting their extravagant Witches hats for a night of fun. Attendees will stroll down to downtown boutiques like Bellissima, Elaines', Vita Dolce' and My Best Friend's Closet. There will also be over 35 "girls only" vendors at the event. This event is sold out.



**Prescription Drug Take Back Event
Police Department 1000 Civic Center, Lobby**

October 26, 2013 @ 10:00 a.m. to 2 p.m.



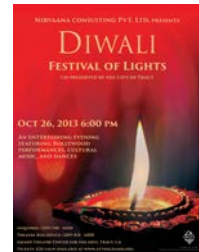
Tracy Police Department will participate in the "Take Back Initiative." Residents may drop off unwanted or expired prescription drugs in a container in the Police Department lobby between the hours of 10 a.m. and 2 p.m. No questions or efforts will be made to identify the persons dropping off the drugs, which may include controlled, non-controlled and over the counter substances.

During an August City Council meeting, a resident suggested the City of Tracy install a pharmaceutical drug disposal Kiosk at the police department. For clarification purposes, I would like to take this opportunity to share with the City Council and community that the Tracy Police Department accepts, at no charge, any unwanted pharmaceutical drugs from residents year round. Not just during heavily advertised special events Members of the community may drop-off unwanted pharmaceuticals at the lobby of the Police Department, Monday through Friday 8 a.m. to 4 p.m. Police staff will accept the pharmaceutical drugs (with no questions asked) and dispose of them through existing contracted resources utilized by the department. At this point the police department receives little demand for the service, thus a Kiosk is not necessary at this time.

**Happy Diwali, Festival of Lights
Grand Theatre Center for the Arts**

October 26, 2013 @ 6:00 p.m.

Happy Diwali Festival of Lights event offers an entertainment filled evening with cultural and traditional Indian music and dance, with a touch of Bollywood. This event also features a fashion show that will showcase modern and traditional cultural outfits.



Friday Night Jazz, Brubeck Institute Jazz Quintet

October 25, 2013 @ 7:00 p.m.



The Brubeck Institute & Jazz Reach Concert will be playing in Tracy twice this year. First on October 25th. Together with the Jazz Reach, the Brubeck Institute will provide a day of outreach to local schools and end with a special live concert for all ages at the Grand. Jazz Reach's Metta Quintet and the Brubeck Institute Jazz Quintet are both award winning groups that represent the future of jazz performance and education.

**Uncle Kracker
Grand Theatre Center for the Arts**

November 15, 2013, 8:00 p.m.

Initially known for his role as DJ in Kid Rock's legendary Twisted Brown Trucker band, Uncle Kracker has made a recent breakthrough with his sole success in Country music. Uncle Kracker scored the #1 hit with "When the Sun Goes Down", his collaboration with Kenny Chesney. He also co-wrote Kid Rock's multi-format smash "All Summer Long." Tracy will be a stop on his nationwide tour releasing his newest album "Midnight Special."



For further information on any of these events or to purchase your tickets go to the Grand Theatre's website at www.atthegrand.org

Lastly, the Chamber of Commerce is holding a Progressive Leadership Speaker Series and the first kicks off at the Grand on October 16, 2013 from 9:00 a.m. to 12:00 p.m. at the Grand Theatre Center for the Arts located at 715 Central Avenue in Downtown Tracy.

This new event is the first of a series the Chamber will host in the fall of 2013 and spring of 2014 to promote business education and leadership in the Tracy community. The first of the series, Progressive Leaders, will bring in experts in thought and practice to challenge and grow businesses and community leaders. The theme, *Think Differently*, is intended to provide a new outlook for businesses by educating them on how to multiply their impact and expand their possibilities to reach their maximum potential.

October 15, 2013

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Tickets for the Progressive Leader event are available for purchase at the Grand Theatre at the box office or online www.athtegrand.org for \$35. Discount tickets are available to Chamber members for \$30 by using a discount code that can be requested by calling 209-835-2131 or emailing info@tracychamber.org. Doors open at 8:00 a.m. for a breakfast bar and networking opportunities.

The Progressive Leader Event is sponsored by City of Tracy, San Joaquin County, San Joaquin Partnership and West Valley Mall.