

**September 16, 2014, 7:00 p.m.**

City Council Chambers, 333 Civic Center Plaza

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Mayor Ives called the meeting to order at 7:00 p.m., and led the Pledge of Allegiance.

The invocation was offered by Reverend Edward Dondi, Church of the Resurrection

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

1. CONSENT CALENDAR – Following the removal of agenda items 1.H and 1.L it was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt the consent calendar. Roll call vote found Council Members Rickman and Young, Mayor Pro Tem Maciel and Mayor Ives in favor; Council Member Manne absent.
  - A. Approval of Minutes – Joint City Council/Successor Agency to the Community Development Agency closed session minutes of September 2, 2014, were approved
  - B. Approve a Professional Services Agreement With Dakota Press, Inc. for the Printing of the City of Tracy Recreation Activity Guide and Authorize the Mayor to Execute the Agreement – Resolution 2014-148 approved the agreement with Dakota Press, Inc.
  - C. Authorization to Enter Into a Professional Services Agreement With World Events, Inc. to Perform Youth Basketball League Services for the City of Tracy and for the Mayor to Sign the Agreement – Resolution 2014-149 authorized entering into an agreement with World Events, Inc.
  - D. Declare and Approve the List of Surplus Equipment for Sale at Public Auction to the Highest Bidder – Resolution 2014-150 approved the list of surplus equipment for sale at public auction.
  - E. Authorize Amendment of the Position Control Roster by Approving the Reallocation of Two Full Time Recreation Specialist Positions to One Recreation Program Coordinator I Position and One Part Time Recreation Leader III Position – Resolution 2014-151 approved the amendment to the position control roster.
  - F. Approve the Union Pacific Railroad (UPRR) Company Public Highway At-Grade Crossing Improvement Agreement and Supplemental Agreement to Provide Intersection Improvements at the Intersection of Eleventh Street and MacArthur Drive (Western) at Mile Post 83.15 – Eleventh Street (DOT No. 753058M) and Authorize the Mayor to Execute the Agreements – Resolution 2014-152 – Approved the agreement with Union Pacific Railroad Company.

- G. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Trinity Lane, Tract 3820, Authorize the Mayor to Execute the Agreement, and Authorize the City Clerk to File the Agreement With the San Joaquin County Recorder – Resolution 2014-153 approved the Final Subdivision Map and Subdivision Improvement Agreement for Trinity Lane.
- H. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Primrose - Phase 1, Tract 3772, Authorize the Mayor to Execute the Agreement, and Authorize the City Clerk to File the Subdivision Improvement Agreement With the San Joaquin County Recorder – Item continued to October 7, 2014 meeting.
- I. Authorization of Professional Services Agreement With West Yost Associates for the 2014 Aquifer Storage and Recovery Program and Authorization for the Mayor to Execute the Agreement – Resolution 2014-154 authorized the agreement with West Yost Associates.
- J. Approve Amendment Number 1 to the Master Professional Services Agreement With SNG & Associates, Inc. for Staff Support and Plan/Map Review Services – Resolution 2014-155 approved Amendment Number 1 to the Master Professional Services Agreement with SNG & Associates.
- K. Authorization of Laboratory Services for Fiscal Year 2014 – 2015 – Resolution 2014-156 authorized Laboratory Services for Fiscal Year 2014-2015.
- L. Adopt Resolution Authorizing the Mayor to Sign Terms and Conditions of Accepting Airport Improvement Program Grants; Execute Grant Agreement AIP #3-06-0259-016-2014 in the Amount of \$7,126,261 With Federal Aviation Administration for Reimbursement for Engineering and Design Work on the Airport Pavement Project, Reconstruction of Runways 12-30 and 8-26, and Reconstruction of Taxiways A, B, D, and E Including Runway/Taxiway Intersections – Ed Lovell, Management Analyst, presented the staff report. The Federal Aviation Administration (FAA) classifies the City as the “sponsor” of the Tracy Municipal Airport. As an airport sponsor, the City applies for and administers airport grants and contracts. Council has already approved the City’s airport consultant to complete a Pavement Maintenance and Management Plan (PMMP), engineering and design work on the airport pavement project, and an updated Airport Layout Plan (ALP). The PMMP has been completed as well as the updated ALP. The pavement project has been designed, bid, and sent to FAA for review. The next phase in this project is to begin construction.

The FAA Airport Improvement Entitlement Program (AIP), currently funds approved projects at ninety percent (90%). The City is pursuing the funding in the amount of \$7,126,261 to fund a reimbursement for reimbursement for engineering and design work on the airport pavement project, reconstruction of runways 12-30 and 8-26, and reconstruction of taxiways A, B, D and E including runway/taxiway intersections.

Originally, this City was only anticipating receiving funding for the first phase of the project which was to reconstruct runway 12-30 and taxiways B, D, and E with an anticipated cost of \$5,687,297. In late July, FAA informed the City of the potential for additional funding that was available. This funding would allow the City to also construct the second phase of the project which was to reconstruct runway 8-26 and taxiway A. Doing both phases at the same time would allow for significant cost savings to the overall project, and ensure quality rehabilitation. The new total for both phases of the project is now \$7,126,261.

Council has previously approved \$513,900 toward design and engineering costs as well as construction of the first phase of the project. A total match amount of \$712,626 is needed to complete both the first and second phases of the project leaving a total of approximately \$198,726 in matching funds to be identified. This amount does not need to be identified at this time in order to execute the grant. It is anticipated that the construction of this project will not begin until Spring of 2015. Staff will bring back a proposal for the remaining matching funds as part of the mid-year budget adjustment.

On April 2, 2013, Council approved a matching amount of \$65,900 toward the design and engineering of the reconstruction of the pavement at the airport. Additionally, \$448,000 of matching funds was appropriated by Council for the Airport Pavement Project as part of the FY13/14 budget. As part of the mid-year budget adjustment process in February 2015, staff will bring forward a General Fund supplemental appropriation of \$198,726 for the remaining matching funds. Where available the City will also seek additional 5% matching funds from Caltrans Division of Aeronautics. This will help to lower the overall matching requirement from the City.

Staff recommended that Council adopt a resolution authorizing the Mayor to sign Terms and Conditions of Accepting Airport Improvement Program Grants; execute grant agreements AIP No. 3-06-0259-016-2014 in the amount of \$7,126,261 with Federal Aviation Administration for reimbursement for engineering and design work on the airport pavement project, reconstruction of runways 12-30 and 8-26, and reconstruction of taxiways A, B, D and E including runway/taxiway intersections.

Dave Anderson, President, Tracy Airport Association, thanked staff and Council for moving it forward. Mr. Anderson added the report did not talk about the ramp areas that were covered with messy slurry in Phase three or four and he would like to make sure those areas do not get forgotten.

Mayor Ives asked staff for an update on the apron areas. Mr. Lovell responded the project was originally broken up into three or four phases. There are two phases being combined into one which will move other areas up a year.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-157 authorizing the Mayor to sign terms, and conditions of accepting Airport Improvement Program Grants; and execute Grant Agreement AIP #3-06-0259-016-2014. Council Members Rickman and Young, Mayor Pro Tem Maciel and Mayor Ives all in favor; Council Member Manne absent.

2. ITEMS FROM THE AUDIENCE - Alena Contreras, Donovan, and Kyle, members of a Teen Empowerment Group addressed Council regarding their goal to create positive events by youth and for youth in the community. The Teen Empowerment Group members invited Council to an Open House event at 729 Central Avenue, from 4:30 p.m. to 6:30 p.m. on Thursday, September 18, 2014.

Brent Riddle addressed Council requesting a member of the Council to instruct staff to include on a future agenda whether to form a Senior Advisory Commission.

Steve Nicolaou addressed Council asking for the status on a hate crime involving Council Member Young. Mr. Nicolaou called upon Council Member Young to request the findings in the case be released, and to ask that an item for discussion be included on the next Council agenda.

Paul Miles addressed City Manager Troy Brown regarding alleged criminal violations by Police Chief Hampton and Assistant City Manager Maria Hurtado's refusal to investigate the violations. Mr. Miles requested an investigation in accordance with California law.

3. PUBLIC HEARING TO AUTHORIZE, BY IMPLEMENTING RESOLUTION, THE ADOPTION OF THE PUBLIC SAFETY AB1600 DEVELOPMENT IMPACT FEE STUDY AND UPDATED PUBLIC SAFETY FEES FOR THE CITYWIDE MASTER PLANS, NORTHEAST INDUSTRIAL PHASE 1, NORTHEAST INDUSTRIAL PHASE 2, INFILL, GATEWAY PHASE 1, ISP SOUTH, PLAN C, ELLIS, SOUTH MACARTHUR PLANNING AREA AND I-205 – Andrew Malik, Development Services Director, provided the staff report. On April 16, 2013, the City adopted a Citywide Public Safety Master Plan (Resolution 2013-56). The Master Plan outlines the Public Safety improvements needed to serve the City at build-out of its sphere of influence. The Master Plan points out that, as topography of new development areas change with the addition of buildings and population, there will be an additional need for emergency radio coverage for public safety in these areas. The Radio Tower also serves to update and improve existing communication coverage throughout the City.

On January 7, 2014, the City adopted the *Public Safety AB1600 Development Impact Fee Technical Memo* (Resolution 2014-10) that provides the basis for the Public Safety fees for all new development in the City not previously covered under an existing finance plan. These fees were established to fund the facilities identified in the Public Safety Master Plan.

Staff researched options to address communications coverage into new developments and has been working with the County as part of the Master Radio Communications Plan to facilitate the joint use of radio communications services for the San Joaquin Operational Area. As part of the Plan, there are goals to establish a county wide public safety digital simulcast infrastructure to serve as the building block for interoperability.

Because this new communications system will serve all existing residents and businesses as well as all new developments, the cost of this new system must be shared by both developments covered in the new master plan as well as new developments that will occur under existing finance plans. In addition, the City

will provide funding through Grants and other City funding sources to cover the cost that is associated with existing residents and businesses.

The City worked with program manager, Harris and Associates, to develop the appropriate cost share for the tower and related equipment based on this refined understanding. The following fees were developed for all new development.

**Communication Tower And Related Equipment Fee**

<b>Residential</b>	<b>Fee per EDU</b>
Low-Density	\$ 67.81
Medium-Density (attached 2-4)	\$ 55.48
High-Density (attached 4+)	\$ 45.21
<b>Commercial</b>	<b>Fee per 1000 SF</b>
Office	\$ 34.25
Retail	\$ 20.55
Industrial	\$ 6.85

The City of Tracy has historically adopted a Finance and Implementation Plan (FIP) for each new specific plan area or development in the City. These finance plans are based on technical studies that were completed at the time the project comes forward and identifies the infrastructure needed to mitigate the impacts of that development. Over time the infrastructure needs change and periodically it is necessary to review and update those FIP's as regulations and requirements change.

On April 16, 2013, the "Citywide Public Safety Master Plan" was adopted by City Council. The public safety master plan evaluated current conditions; space standards and function flow; staff and space need projections; alternative facility plans and comparative cost estimates. The Public Safety Master Plan is a guideline document for the identification of public health and safety facilities needed to serve the City at build-out of the City's Sphere of Influence. The Public Safety Master Plan is also a guideline document for the identification of public health and safety upgrades needed to adapt existing spaces to new or expanded uses.

On January 7, 2014, the "Public Safety AB1600 Development Impact Fee Technical Memo" was adopted by City Council (Resolution 2014-010). The Public Safety fee established the cost per capita for new development needed to pay their fair share of necessary police and fire facilities.

As the City of Tracy expands with new developments, the current communications system does not adequately cover these new developments and in fact, there are areas in the existing City limits where communication is limited or non-existent. This leads to concerns of public health and safety for emergency service responders such as police, fire and ambulance during service calls to those areas. Staff has been researching options to address the communications coverage into the new developments. Public health and safety officers during patrol or emergency response to these areas and responsiveness to citizen calls for service will be improved.

The City and County have been working collaboratively as part of the Master Radio Communications Plan to facilitate the joint use of radio communications services for the San Joaquin Operational Area. As part of the Plan, there are goals set forth to establish a county wide public safety digital simulcast infrastructure to serve as the building block for interoperability. This infrastructure allows agencies to have public safety emergency communications in a disaster situation, and daily tactical activities to communicate on a single countywide interoperability channel.

As part of the City Wide Public Safety Master Plan adopted in 2013, estimates were provided for the cost of radio communications tower and equipment at \$2,797,000. All of this cost was listed as the responsibility of new developments. This project includes, but was not limited to, a 180-foot tower, 30-foot x 10-foot equipment shelter with connections, fencing, and a 70-foot x 34-foot foundation pad, microwave, conventional simulcast system; 2 sites, 2 channels.

Based on information now available, the estimated cost of the tower is \$3,905,000 including all associated equipment, mark-ups and land acquisition. Further analysis also indicates that since the new communication system will replace/improve the present systems, the existing residents/City must pay the fair share cost. The City asked their program manager, Harris and Associates, to develop an AB1600 fee to cover this anticipated cost and to integrate this fee into the existing master plan fees as well as the various FIP's. Harris and Associates completed the *Public Safety AB1600 Development Impact Fee Update Technical Memorandum* dated July 28, 2014. Because this system is being built in part to replace and improve the City's existing communication system as well as to expand the coverage area to include new development areas, the City must cover the fair share of the existing residents and businesses which is estimated to be \$1,274,074. Action was taken on September 2, 2014, to fund this requirement.

All new developments in the City are expected to provide their fair share of funding to cover the new tower and remaining costs of the system through the payment of development impact fees.

**Citywide Public Safety Fees** - The fees that were adopted on January 7, 2014, as part of the Citywide Public Safety Master Plan for new developments are decreasing by \$4.35 per single family unit due to the fact that the City will be responsible for the fair share payment of the existing residents and businesses. However, fees for existing development areas i.e., NEI, South MacArthur, etc., are increasing. Because the new system is replacing parts of the old system, the entire cost cannot be spread to new development as previously done.

The Citywide Public Safety fees apply to all new developments that are not covered under an existing finance plan.

**Developments with Existing FIP's** - Developments that have existing finance plans will pay their fair share of the communication tower costs as shown in the table above. These new fees have been incorporated into the fee schedules for each specific plan or development area. This includes: North East Industrial Phase 1, North East Industrial Phase II, Infill, Gateway Phase 1, ISP South, Plan C, Ellis, South MacArthur Planning Area, and I-205.

**Development Impact Fees** - In preparing the development impact fees, the City has been consistent with the procedural and substantive requirements of the Mitigation Fee Act (also known as AB1600) as set forth in each of the above mentioned technical reports.

These fees will be updated on an annual basis on January 1<sup>st</sup> of each year by the Director of Development Services using the Engineering News Record (ENR) Construction Cost Index. The fees will also be subject to periodic review and update based on a review of recently completed project costs and industry trends, subject to City Council approval.

Development Impact Fees are paid by the developer to fund the infrastructure improvements. The City will be required to fund their fair share of these improvements.

Staff recommended that Council adopt and approve, by resolution, the Public Safety AB1600 Development Impact Fee Update and the Development Impact Fees.

Mayor Ives opened the public hearing. There was no one wishing to address Council. Mayor Ives closed the public hearing.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-158 authorizing the adoption of the Public Safety AB1600 Development Impact Fee Study and updated Public Safety Fees for the Citywide Master Plans, North East Industrial Area Phase 1, North East Industrial Area Phase 2, Plan C, Gateway Phase 1, Infill, Ellis, 1-205, ISP South, and South MacArthur Planning Area Developments. Voice vote found Council Members Rickman and Young, Mayor Pro Tem Maciel and Mayor Ives in favor; Council Member Manne absent.

## DEVIATION

6. ACCEPT CITY TREASURER ANNUAL REVIEW AND UPDATE OF CITY INVESTMENT POLICY – Ray McCray, City Treasurer, presented the staff report. There are no recommended changes to the City Investment Policy since the last annual review. The City and its investment advisor regularly discuss the status of the performance of its managed assets and compliance with City policy. The City's advisor and auditor have confirmed that the City is in compliance with its investment policy per policy provisions of California Government Code Section 53600 and the Tracy Municipal Code.

Mr. McCray recommended that the City Council, by resolution, accept the existing City Investment Policy (Council Policy B-6) with no changes.

Mr. McCray introduced Ted Piorkowski, Chandler Asset Management, who provided a brief overview of its investment advisory services and the City's investment for a period ending June 30, 2014.

Mayor Pro Tem Maciel asked for an explanation on basis points. Mr. Piorkowski responded a basis point is one 100th of a percent. One percent has 100 basis points.

Mr. McCray stated the City has some short term money to guarantee there is a minimum of 6 months liquidity at all times.

Mayor Ives stated he appreciated the detail of disciplined program. Mayor Ives added Tracy is well served by our professional accretions on investments by the City's Treasurer and City Manager.

Council Member Rickman thanked Mr. McCray for his hard work and Mr. Piorkowski for his presentation.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-159 adopting the annual review and update of City Investment Policy. Voice vote found Council Members Rickman and Young, Mayor Pro Tem Maciel and Mayor Ives in favor; Council Member Manne absent.

4. RECEIVE UPDATE AND PROVIDE INPUT ON CURRENT AND FUTURE SENIOR NEEDS OF SENIOR CITIZENS IN TRACY BASED ON THE RESULTS FROM THE COMMUNITY CONVERSATIONS – Kim Scarlata, Division Manager II, presented the staff report and a powerpoint presentation. On May 7, 2013, Council directed staff to explore the potential formation of a Senior Advisory Commission with the goal of providing seniors with an opportunity to advise City Council on senior programming and/or issues affecting the senior population. Staff then went to the Parks and Community Services, Tracy Arts and Youth Advisory Commissions and presented the idea of forming a Senior Advisory Commission. The consensus among all three Commissions was not to form a Senior Advisory Commission. The Commission determined that the Parks and Community Services Commission's current role is to serve seniors in the Tracy community and each established Commission has senior representation.

On July 2, 2013, staff presented to Council the results from the Commission presentations and various considerations in the formation of a Senior Advisory Commission including staffing needs and costs associated with establishing a new Commission. The operating expenses associated with creating a Senior Advisory Commission are estimated at \$27,650 annually. Staff also presented Council with alternatives that may accomplish the goal of increased senior engagement for Council discussion. Based on the report, Council directed staff to facilitate a Community Conversation meeting with the public for the purpose of identifying current and future needs of seniors in the Tracy community. This meeting would be facilitated by an outside consultant with assistance from a City Council appointed Ad Hoc Senior Steering Committee.

On December 9, 2013, the City hosted the Community Conversation meetings with the assistance of a management consultant and the Senior Steering Committee. The forum provided the opportunity for the 43 seniors and community stakeholders in attendance to discuss the current strengths and opportunities for senior services in Tracy as well as discuss the current limitations and issues affecting senior services and future needs.

On February 4, 2014, City Council and the Parks and Community Services Commission held a joint meeting to accept and discuss the report on the current and future needs of senior citizens. The report included results gathered from the Community Conversation meetings. Council accepted the report and requested staff to categorize the findings, direct them to the appropriate agency or City department, and provide Council with an update on the status of addressing senior needs and concerns that were gathered from the Community Conversations. In addition, Council directed these issues to be followed



up by the Parks and Community Services Commission because it falls under its purview. The Parks and Community Services Commission agreed and indicated that it would take the feedback from the report and see how the Commission can better serve seniors.

On March 20, 2014, staff from Code Enforcement, Recreation, Fire, Police and the Transportation Divisions met to discuss the findings from the Community Conversation meetings and assigned them to the appropriate City department or agency that would best address the senior issue or concern. Based on the findings, staff categorized the senior needs and concerns into eight areas: City Manager's Office/Recreation Division, City Manager's Office/Public Information Officer, Development Services, Public Works, Police Department, Administrative Services, San Joaquin Department of Aging and General Comments. Recommendations to address each senior concern or need with a target due date were established.

On May 1, 2014, staff presented to the Parks and Community Services Commission the results from the February 4, 2014, joint City Council and Parks and Community Services Commission workshop and provided recommendations to address the findings from the Community Conversations. The Commission discussed and reviewed each senior concern by category and approved staff recommendations. Additionally, the Commission requested staff to provide an update at its November monthly meeting. Staff will continue to report to the Parks and Community Services Commission on a quarterly basis on current and future needs for seniors in the Tracy community and will continue to inform the community on how to connect with the following Commissions: Parks and Community Services, Planning, Tracy Arts and Transportation as it relates to seniors' needs. Additionally, staff will host annual Community Conversation meetings in May of each year beginning in 2015 and report back to City Council and the Parks and Community Services Commission at a joint meeting on the findings.

Staff recommended City Council accept the report and provide input on the current and future needs of senior citizens in Tracy based on the results from the Community Conversations.

Council Member Young stated it is not the job of the commission's to determine whether a Senior Commission is warranted. Council Member Young added it does not state anywhere that the Senior Commission is not needed. It was previously asked if the City will have a Senior Commission and the response was that it was a process. The beginning of the process was to form a Senior Steering Committee. Council Member Young stated the public was only given five days' notice for the Community Conversations. Council Member Young further stated if Council can determine a Youth Commission is necessary to serve the needs of the young, a Senior Commission is needed to serve seniors. Lolly Hansen Senior Center is a place seniors can go also to place their concerns. Council Member Young wanted to know how the process works. The senior community needs a place that is safe to talk about their issues.

Council Member Rickman asked if Council was discussing forming a commission or providing input. Troy Brown, City Manager, responded the purpose is to provide updated information to Council. A Senior Commission will not be formed at the meeting. Council Member Young suggested the City Manager review the item originally brought to Council in 2013.

Council Member Rickman asked Dan Sodergren, City Attorney, if an item related to an up and down vote on a Senior Committee could be brought back to Council. Mr. Sodergren responded yes.

Cindy Gustafson, Senior Steering Committee, stated formation of a Senior Commission was not discussed. Out of 40 people that attended the Community Conversation half was aged between 61-70 years of age. Ms. Gustafson added seniors of this age group will be looking for activities and places to voice concerns.

Mayor Ives asked Ms. Gustafson if the Community Conversation was well rounded. Ms. Gustafson responded yes conversation was well rounded. There were many issues that had more weight than others. Communication between seniors and the Senior Center and what services were available was a big issue.

Janice Johnson, Parks and Community Services Commissioner, stated in September 2014, the Parks and Community Services Commission approved a goal to increase involvement in senior programming. On September 7, 2014 the Parks and Community Services Commission formed subcommittees to better serve seniors in the community. Parks and Community Service Commission meetings received updates from staff on services to the community and how they can better reach the community.

Linda Jimenez, stated she respectfully disagreed with Council Member Young's statement that seniors would not come out and talk to commissions or address Council. There are seniors who will go out and address their needs. Ms. Jimenez provided facts taken from a report from Recreation Department dated September 4, 2014, including: Aquatic programs for City swim lessons averages 120 participants daily; over 20 seniors participated in senior water exercise; in June approximately 2,654 seniors participated in programs; and in July 2014, 2,566 more attended the Senior Center; January 1, 2014 to July 31, 2014, 141 new registered seniors participated in programs; June 2014, senior fitness had 618 participants and increased to 678 in July; 308 hot lunches were served to seniors in June, 2014; Meals on Wheels delivered 600 meals to homebound seniors; Recreation Department has offered free flu clinics and trips to Winchester Mystery House. Ms. Jimenez stated she continually sees staff addressing senior needs through the Recreational Department. Ms. Jimenez asked staff if there is a comment box at the Senior Center. Ms. Scarlata confirmed there was a comment box at the Senior Center and if the seniors are not comfortable talking to staff directly, they may use the comment box. Ms. Jimenez asked about the comment box process.

Jolene Jauregui-Correll, Recreation Coordinator, stated comments are addressed with supervisors within a week. If the request is a bigger item it is brought to staff and Parks Commission for approval. Typically seniors are comfortable with staff and also address staff on site with comments or concerns.

Ms. Jimenez stated she was pleased to see the Recreation Department addressing issues, setting timelines and goals, and continually doing outreach. Ms. Jimenez referred to goals and accomplishments included in the staff report. Ms. Jimenez added as a senior she is impressed with what the Recreation Department provides.

Robert Tanner stated he was happy with classes provided for seniors, and also liked the resource brochure. Mr. Tanner did not believe a Senior Commission was needed. Mr.

Tanner added the seniors in attendance at the Community Conversation were very vocal on what they needed and he felt seniors were being heard.

Brent Riddle stated he had questions regarding integrity of the report. Mr. Riddle added the Steering Committee was prohibited from assisting in the Community Conversation. Mr. Riddle stated the Community Conversation was worthwhile and well rounded, but was simply a list of items which could be considered. Mr. Riddle's concern with the report was that it failed to weigh a list of concerns and there was no order or priority. Mr. Riddle added City staff and commissions were asked whether they want a Senior Commission and they have said no, but do not know if the residents of Tracy would like a Senior Advisory Commission. Mr. Riddle wanted to hear from Council whether they wanted a commission.

Mayor Ives asked Mr. Riddle to explain Tracy Seniors Association. Mr. Riddle responded the organization has 50 members which include 20-30 businesses and organizations that support seniors and tries to address their issues quickly. Mr. Riddle stated he is the President of Tracy Seniors Association and is representing group at the Council meeting.

Council Member Rickman asked Mr. Riddle how many members are in the Tracy Seniors Association. Mr. Riddle responded 20-30 members. Mayor asked the members consisted of non-profits. Mr. Riddle responded the organization consisted non-profits and businesses.

Mayor Pro Tem Maciel stated the focus needed to be whether the City is meeting the needs of the senior community. Mayor Pro Tem Maciel stated the response has been unanimous that the commissions are responsive to needs of seniors. Mayor Pro Tem Maciel added the direction has been clear that a stand-alone Senior Commission is not needed, and if there was any suggestion that the needs of seniors were not being met he would support a separate commission. Mayor Pro Tem Maciel stated no commission had operational control of any departments.

Council Member Young asked about the process for seniors if they have an issue. Ms. Scarlata responded typically the seniors would go to staff, or to the City Manager, which is an open door for the community to voice concerns. The City Manager will then direct the concern to staff. Ms. Scarlata further stated whether the seniors put it in a comment box, or approach staff directly, their requests and concerns are taken care of.

Council Member Young stated the senior community did not know where to call so they contact the City Manager's office. Council Member Young asked if a senior tells staff about a concern, how is it addressed. Ms. Scarlata responded if there is a need or interest in a program, staff has leeway to create programs in the current budget. It is not always a concern or complaint, and may be something new. Ms. Scarlata added there are focus groups at senior center.

Council Member Young commended the Recreation Department on programming and being responsive and stated that has never been the issue. Council Member Young stated the concern is not just programming. Council Member Young stated she feared Council would be redefining what the Parks and Community Services Commission was supposed to do. A senior commission would be able to go to different areas and seek out issues which might fall between the cracks. There is that need to fill in the gap and

not to make it a part of another commission. Council Member Young further stated she had thought all information would be brought forth by the Steering Committee so Council can see if a Senior Commission is warranted. Council Member Young stated the process has been railroaded off task and taken on by others whose decision it should not have been.

Mayor Ives asked Council Member Young if she felt there is an unrepresented voice which is not being heard. Council Member Young responded she was concerned the Steering Committee was underutilized. Instead of being participants they were observers.

Mayor Ives stated Council commissioned a process and a meeting was held. At least 44 needs were listed, and of the 44, 70 percent will be completed by the end of the year. The process the Parks and Community Services Commission used has dealt with the new focus on seniors and the list will be dealt with. Parks and Community Services Commission has three people designated to address seniors needs. Mayor Ives added staff needs to come up with a process to obtain the broad set of input from the community and have a process for focus groups to address the needs of all seniors, not just those who attend the Senior Center. Mayor Ives further stated so far the needs of the seniors are being addressed. Senior needs were collected, and the needs were delegated to commissions/departments. Mayor Ives stated he is not seeing the need for a Senior Commission. Mayor Ives complimented staff on an excellent job.

Ms. Scarlata stated on July 2, 2013, Terry Sonnefeld, City of Tracy appointee to the San Joaquin County Aging Commission, who was unable to attend the meeting, suggested looking at broader senior issues not under a city's purview and making efforts to connect with other organizations that can help seniors. Ms. Scarlata stated Ms. Jauregui-Correll would like to be invited to the Tracy Senior Association meetings and hear the feedback from business owners and non-profits.

Mayor Pro Tem Maciel suggested naming an ombudsman who seniors could contact with any needs or concerns.

Council Member Rickman suggested staff inform of any events and programs.

Council Member Young asked who is responsible for this report. The report is solely for covering the issues brought up from the meetings. Ms. Scarlata responded that was correct. Staff was asked to gather information, come up with a plan and bring it back to Council which is the report and also a summary of prior meetings.

Council Member Young asked if quarterly reports were being prepared by the City based on information that is gathered and given to Parks and Recreation to handle. Ms. Scarlata responded quarterly reports will be brought to the Parks Commission to discuss any issues or suggestions unless staff feels it is relevant to the Parks Commission before the next quarter. Ms. Scarlata added staff would like to do an annual workshop with Council and the Parks Commission to discuss senior needs on an ongoing basis. Council Member Young asked if the information presented quarterly would be just on programming. Ms. Scarlata responded no monthly reports are on attendance and programming. Quarterly reports will talk about issues that are broader.

Council Member Young asked if the quarterly report related to broader issues will be brought to commission and then an annual discussion with Council. Ms. Scarlata responded there will be joint annual Council meetings so there can be dialogue with the Parks Commission and City Council.

Council accepted the report.

Mayor Ives asked if staff had an action item on the list to deal with anything more other than exercising the process that is in place. Mr. Brown responded Council likes the concept of broader discussion to happen quarterly and an opportunity on annual basis to engage in that dialogue with the Parks Commission.

Mayor Ives stated it would behoove staff to clarify the process so Council will know what to expect during the year. Mayor Ives added when the Parks Commission has the process clarified it would be a usual tool for Council to weigh in and endorse or not.

Ms. Scarlata stated Council would like staff to work closer with the Parks Commission to identify what the process is going to be regarding their goals that have been established for the next two years relating to seniors. Ms. Scarlata added the recommendation is to have quarterly reports with Parks Commission and the yearly workshop with Council.

Mayor Ives asked for a date for staff to bring the process back to Council. Ms. Scarlata responded she would like to talk to the Parks Commission at their next meeting in October and come up with a date in the next three months.

Council Member Young stated when the Parks Commission returns with their goals and process for the seniors, Council should receive all the information needed to determine whether a commission is warranted or not. Council Member Young read a comment from Council Member Manne recorded in the July 2, 2013 City Council Minutes – *Council Member Manne pointed out that the growing trend of baby boomers turning 60 has not been addressed and that the alternatives suggested go in the opposition direction. Council Member Manne indicated the senior population is growing and will require additional attention. Council Member Manne suggested consolidating the commissions would further deteriorate services of those commissions. Council Member Manne stated he believes Parks and Community Services has done a good job with the time and funding provided. Council Member Manne stated he supported a commission or group that individually addresses seniors.* Council Member Young stated she wanted all five Council members present to discuss the item.

Mr. Brown summarized the direction by Council - 1) how does the City address a broader range of senior needs – the report addresses that and highlights some of the areas. Some senior needs may fall under purview of the Parks Commission. It may not be a commission, but be in another form. Suggested staff discuss with the Parks Commission what their role would be in that.

Mayor Ives stated over the next two or three months staff will be putting together the process for addressing the broad set of senior needs and Council can help staff determine how they are going to be able to do it.

Council Member Rickman stated throwing more government into it does not mean it will work any better. Council Member Rickman stated the City is proactive and wanted to

see that continue. Mr. Brown responded staff does not have a lot of resources to throw at these issues. Staff can look at the resources we have and continue the dialogue.

8. APPROVE AMENDMENT NO. 1 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TRACY AND THE GRAND FOUNDATION AND AUTHORIZE THE MAYOR TO EXECUTE THE AMENDMENT – Kim Scarlata, Division Manager II, presented the staff report. Staff recommends that the City Council consider amending the Grand Foundation Memorandum of Understanding (MOU) to include concession management responsibilities, including the purchase and sale of food and alcoholic and non-alcoholic beverages and other concession items. Revenue from the concessions would be divided equally between the City of Tracy and Grand Foundation by June 1st of each fiscal year. The Grand Foundation would keep all financial records associated with the concession sales and provide City staff with a quarterly report listing expenditures and revenues associated with the Grand concessions. Using the Grand Foundation's Alcohol Beverage Control (ABC) License, the City's past practice was to purchase alcohol for resale at the Grand Theater for special events and performances. The City and Grand Foundation would cooperatively sell various concession items, including alcohol. Amending the Grand Foundation's MOU would allow City staff to remove themselves from the practice of purchasing and selling alcohol.

Additionally, one of the general responsibilities of the Grand Foundation under the 2012 MOU Agreement included volunteer management. Staff and the Grand Foundation Board have collectively evaluated the area of volunteer management and determined that it is more appropriate to have City staff recruit and manage volunteers. Given staff's knowledge and understanding of theater operations and presentations, it is recommended that the Grand Foundation no longer be responsible for volunteer management.

Approval of this Amendment to the MOU will minimally impact the General Fund. Currently, all concession revenue goes to the City's General Fund. Under the proposed amendment, revenue from concession sales will be shared equally between the City and the Grand Foundation. The Fiscal Year 2014/15 budget assumes approximately \$8,000 in concession revenue.

Staff recommended that the Council, by resolution approve Amendment 1 to the Memorandum of Understanding between the City of Tracy and the Grand Foundation and authorize the Mayor to execute the agreement.

Mayor Ives asked for confirmation that this item removes City staff from the practice of purchasing and selling alcohol. Ms. Scarlata responded that was correct.

It was moved Mayor Pro Tem Maciel and seconded by Council Member Young to adopt Resolution 2014-160 approving Amendment No. 1 to the Memorandum of Understanding between the City of Tracy and the Grand Foundation and authorizing the Mayor to execute the amendment. Roll call vote found Council Member Young, Mayor Pro Tem and Mayor Ives in favor. Council Members Manne and Rickman absent.

9. RECEIVE AND DISCUSS THE GRAND THEATRE CENTER FOR THE ARTS ANNUAL REPORT AND ACCEPT THE GRAND FOUNDATION'S FISCAL YEAR 2014/15 ANNUAL UNDERWRITING SUPPORT AND APPROVE A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$25,000 FOR PROGRAMMING AND

TECHNICAL SUPPORT AT THE GRAND THEATRE CENTER FOR THE ARTS – Kim Scarlata, Division Manager II, presented the staff report and powerpoint presentation. The Grand Theatre Center for the Arts is entering its eighth year of programming and operations. September 2013 kicked off a new season of programming and presentations. Over the past year, the Grand Theatre Center for the Arts has increased performance attendance and visibility in Tracy and surrounding communities. The Grand Foundation has played a significant role in bringing in new guests to the Theatre through their newly launched Membership Program that began in August 2013. There have been significant changes in staff reorganization, increased and diversified marketing efforts and an increased and strengthened collaboration with the Grand Foundation, which has resulted in greater efficiencies, streamlining processes and increased revenue for the Theatre Presentations and Rentals.

The year 2013/2014 Presenting Season kicked off on September 13, 2013, with stand-up comedian, actor and producer, Drew Carey. The season continued with five Grammy Award Winner and rock blues icon Robert Cray, which was close to a sell-out on Tuesday, September 24, 2013, with 503 tickets sold. The success continued with solo country artist, Uncle Kracker and NBC's "The Voice" semifinalists, the Swon Brothers.

Community co-presents included Mariachi Sol De Mexico on October 19, presented by the City of Tracy and the Tracy Chamber of Commerce which was a complete sell-out at 545 tickets. Happy Diwali, Festival of Lights October 26, 2013, was also a highly attended performance that celebrated cultural and traditional Indian music and dance, with a touch of Bollywood. Jazz Nights, presented with Main Street Music, which are held the 4th Friday of each month in the Lobby of the Grand Theatre have become so increasingly popular, patrons are sometimes left with standing room only as an option to attend the event. Holidays at the Grand in December were very exciting with Cirque Du Noel leading the holiday season and the Nutcracker Ballet presented by The Children's Dance Theatre of Tracy and the City of Tracy which sold over 1,200 tickets. January 11, 2014, began the new year with Blues and Brews Night featuring Chris Cain and the Daniel Castro Band. February was a busy month at the Grand Theatre with the Brubeck Institute and Jazz Reach, Charlotte's Web, the Sun Kings, the Freedom Riders Play and Antsy McClain and the Trailer Park Troubadours.

During the months of March-April, there was something going on for everyone. The movie "Under the Tuscan Sun" was shown with a pre-party which included wine tastings from local wineries and wine shops and appetizers. Alice in Wonderland was sold out both for the performance and the Mad Hatter's Tea Party. The Grand Foundation hosted their fundraiser, Dancing with the Tracy Stars, which was a huge success. This event brought the community together for a wonderful show at the same time, dancers were able to not only fundraise for the Grand Foundation, but were able to donate half of their donations to their favorite local charity. The Foundation will be hosting this event again on May 9, 2015. Country Artist Jon Pardi wrapped up the Presenting Season with a complete sell-out. The Presenting Season concluded with almost 8,000 tickets sold and \$181,419 in gross revenue. Community Rentals for Fiscal Year 2013/14 included 26 non-profit rentals and 8 commercial rentals and generated \$50,000 in net revenue. Commercial rentals brought in 55% of the revenue and the remaining 45% was brought in by non-profit rentals.

The year 2014/2015 Presenting Season kicked off on August 23, 2014 with legendary vocalist and two-time Grammy Award Winner Peabo Bryson. The 2014/15 Presenting

Season has a well-rounded lineup that should provide entertainment for everyone. From a number one country artist to an Off Broadway Musical, this season is expected to break annual attendance records.

Staff anticipates commercial rentals to increase for the 2014/15 year with the implementation of a new marketing strategy to entice event planners and corporate planners to rent the Grand Theatre Center for the Arts for their corporate conferences and company events, which typically happen during the day on weekdays when the Grand Theatre is currently underutilized. The goal of the strategy is to increase commercial rentals by at least 25% for the next fiscal year.

In 2013/14, the Arts Education (AEP) served 1,715 students through classes, workshops, camps and special events to participants of all ages in Dance, Drama, Music, and Visual Arts (including Ceramics). The AEP generated \$104,170 in General Fund revenues and received \$16,750 of underwriting support from the Grand Foundation. There were 37 instructors active in 2013/14, and 15 of those were new to the Grand during that period. The decline in class offerings seen in 2012/13 continued into 2013/14 with the departure of additional contract instructors. Meanwhile the numbers of Dance, Music, and Workshops/Camps increased. These enrollments were boosted through the recruitment of new instructors to replace those lost, strategic underwriting of classes with GF support and increased electronic promotions to patrons. In October 2013, the AEP, in collaboration with the South Side Community Association, presented the second annual commemoration of the Day of the Dead, a traditional Mexican and Mexican-American holiday coinciding with Halloween. The programming consisted of several free hands-on workshops for children and adults, as well as altars dedicated to the community.

In June 2014, the Grand Foundation's Arts Education Advisory Committee provided valuable feedback to the Arts Education Program in its consideration of new classes and other activities proposed by new and continuing instructors. The AEP maintained the monthly e-newsletter and increased use in the resources of social media and website content. These efforts provide deeper and more engaging access for the public to be aware of news and events, staff support, current instructors and class information. Across 2013/14, the AEP maintained collaborative relationships with Main Street Music, Young Rembrandts, Tracy Art League, Tracy Camera Club, Music First, Music Together of Tracy, Rueda de Ritmo and developed a new collaboration with Tracy Academy of Performing Arts.

In 2014/15, the AEP will benefit from the expansion of staff and re-development of program offerings. The AEP expects to serve a greater amount of patrons and increase revenue in 2014/15, as new contract instructors are recruited and additional classes are offered. These increases should be seen in Winter/Spring semester and continue forward across 2015.

In the summer of 2014, the AEP offered Professional Development Workshops as well as a Summer Theatre Camp for Youth and a Special Needs Musical Theatre Camp; both with public performances. In the fall of 2014, the AEP will expand Saturday hours from 10am to 2pm to 9am to 4pm weekly, as weekend demand has grown. The AEP will join with the Exhibitions Program in support of workshops and the return of the Artist-In-Residence program in the summer of 2015. The AEP is working to expand enrollments on several fronts, including an increase in the number of culturally relevant offerings such as bilingual classes and workshops. In 2015, the AEP expects to offer new and additional



Spring Break and Summer Camp opportunities for children and teens. New collaborators, such as Tracy Performing Arts Foundation (TPAF), are being cultivated, and on-going analysis of Grand Foundation (GF) underwriting is identifying community interest in new programming. In addition, the Artists-Teaching-Artists – Professional Development Workshop Series for teens and adults continues, and a new DIY/hands-on Maker Series is being introduced in the fall semester, with a family musical instrument-making class.

The year 2013/2014 Exhibitions Program (EP) presented five feature exhibitions in the Souza and GWF Energy Galleries collaborating with 54 artists and lenders. In addition, the EP managed Art Co-Opted, a curated sales cooperative, in the Matthews Gallery working with over 40 artists. While Gallery attendance decreased from the 2012/13 season with 5,672 visitors, averaging 37.8 daily and 189 weekly, forecasted economic growth was actualized with revenues exceeding projections by 8%. The EP recorded \$6,494 in sales; the third highest sales total and the second highest total of number of artwork/objects sold at 213 since the Co-Op opened in 2009/10. The season opened in September with a unique retrospective of calligraphy and letterform by celebrated artist and educator, Jim Lewis. Visitors from across the western United States including California, Oregon, Washington, Colorado, and Nevada traveled to experience the profound work, and to reconnect with Emeritus Professor Lewis. As part of the annual Holidays at the Grand programming, over 40 artists participated in seasonal Co-Op exhibition in November and December with 90 works selling across four weeks. In February, the EP presented a body of collage and assemblage works by Angela Johal of Livermore, entitled *Beyond Consumerism: The Body Speaks*. Ms. Johal offered a series of special events including an insightful Gallery Talk, as well as popular family and adult hands-on workshops. The 5th offering of Expressions! Selections, presented in collaboration with the Tracy Art League, opened in March featuring 25 works by 22 area artists. An annual highlight of this successful partnership is the Artist Panel Discussion offered in April exploring the roles of living/working artists in our community.

The season closed with *Personal Abstractions – Paintings* by Matt Rhoades, the first exhibit of large format abstract painting in the Galleries. Mr. Rhoades also was honored as Artist-In-Residence. The public was invited to meet and interact with Matt as he worked in the studios at the Center. The residency culminated with an abstract painting workshop. This special summer programming received recognition with feature articles by the Tracy Press and Stockton Record and resulted in highest June (832 visitors) attendance in the history of the Exhibitions Program.

The 2014/15 Exhibition Season will expand and present at least six feature exhibitions in the Souza and GWF Energy Galleries and continue on-going operations of Art Co-Opted in the Matthews Gallery. The season opened on September 6th, in conjunction with the Taste of the Valley Art & Food Festival and annual open house at the Center, with a dynamic thematic exhibition. *Transforming the Written Word* features five northern Californian artists of regional, national and international acclaim, and curated by Tracy artist and arts educator, Susan Richardson. As part of the annual Holidays at the Grand programming, over 40 local and regional artists will participate in Co-Op exhibition spanning all three galleries in November and December. Patrons from across the region and beyond particularly enjoy shopping for unique gifts at this time of the year. In January, the EP presents the work of two Tracy Photographers, one documenting a foreign Peace Corp experience in traditional print photography and the other exploring automotive and architectural themes working in digitally enhanced media. March brings the 6th offering of Expressions! Selections in collaboration with the Tracy Art League, and

the summer of 2015 will feature the return of the Artists-In-Residence programming with Bay Area artists working in our community to create educational and fun experiences. With the redesign of the Chamber of Commerce's festival, expansion of public hours across six days a week, and an increase in cross-collaborative events in the upcoming Season at the Grand, it is anticipated that the 2014/15 Exhibition Season will experience growth in visitation and continue to see stable and favorable trends in revenue.

Acceptance of programming and technical underwriting support from the Grand Foundation to the Cultural Arts Division, for the 2014/2015 Fiscal Year will result in a General Fund appropriation of \$25,000 to the Cultural Arts Division.

Staff recommended that Council accept the Grand Theatre Center for the Arts Annual Report and accept the Grand Foundation's Fiscal Year 2014/2015 Annual Underwriting support and approves supplemental appropriation of \$25,000 in proceeds for programming and technical support at the Grand Theatre Center for the Arts.

Ms. Scarlata introduced Mike Souza, President, Grand Foundation, who presented the Grand Foundation 2013/2014 annual report to the City of Tracy. Mr. Souza described the role, goals and activities of the Grand Foundation. Mr. Souza also described the roles of the Grand Theatre committees. The Membership Committee spearheads the membership campaign and special events for the Grand Foundation Members. The Special Events/Fund raising committee is in the planning stages for a seat campaign to be launched in 2015. Mr. Souza indicated the Grand Foundation has established an endowment through the Community Foundation of San Joaquin with an initial investment of \$5,000. In the 2013/2014 fiscal year, the endowment pledge will be \$20,000. Five thousand will be deposited in September 2014 and the balance committed through the seat campaign. City staff has presented the Grand Foundation with an estimated and prioritized set of funding requests. The Grand Foundation will underwrite \$10,000 towards programming support for a Spring Concert as a co-presenter and 25 to 30 arts education programs. The total underwriting donation by the Grand Foundation for the 2013/2014 fiscal year will be \$25,000.

Mr. Souza presented the City with a check on behalf of the Grand Foundation in the amount of \$25,000.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-161 approving the Grand Theatre Center for the Arts Annual Report and accepting the Grand Foundation's Fiscal Year 2014/15 annual underwriting support and approving a supplemental appropriation of \$25,000 in proceeds for programming and technical support at the Grand Theatre Center for the Arts. Voice vote found Council Members Rickman, and Young, Mayor Pro Tem Maciel and Mayor Ives in favor. Council Member Manne absent.

4. RECEIVE AND DISCUSS UPDATE REGARDING THE TRACY UNIFIED SCHOOL DISTRICT (TUSD) BOARD OF TRUSTEES DECISION TO TERMINATE THE WEST HIGH SCHOOL POOL JOINT USE AGREEMENT – Ed Lovell, Management Analyst II, presented the staff report and powerpoint presentaion. On November 21, 2006, the City Council discussed and approved moving forward with entering into an agreement with Tracy Unified School District (TUSD) to share the costs of building and operating a 52-meter competition pool at West High School. An Memorandum of Understanding (MOU) was approved by Council on February 6, 2007 for the development and operation of a swimming pool at West High School for a period of thirty years. The MOU outlined both TUSD and the City's contribution towards the capital and ongoing maintenance cost to build and operate the competition pool. The City's contribution for the construction of the pool was 25% of the total cost and 25% of the design and construction management related cost, and all of the cost associated with the construction of the community buildings at the pool. The City also agreed to pay 25% of the ongoing operation and maintenance costs for the pool as well as contribute to a capital maintenance fund used to pay for capital costs over the life of the agreement. The City's capital contribution totaled \$1,556,196, the City's share of operating and maintenance cost has been approximately \$49,000 per year, and the current balance the City has deposited in the capital maintenance fund is \$206,145.

The MOU also states that after a period of five years, either party may elect to terminate the agreement without cause. In doing so, the funds used by either party toward construction of the pool would be returned on a pro-rated basis according to the schedule outlined in the MOU. Because TUSD has elected to exercise this termination option, it is estimated that the City will receive \$1,381,124 from TUSD for the City's contribution towards the construction of the pool.

The City anticipates using the budgeted \$49,000 previously allocated for annual maintenance and operations and re-allocating it to rent the West High Pool for the summer of 2015 to continue the various classes and recreation swim. Staff anticipates that, at current rates, it will cost approximately \$24,420 to rent the pool for the summer which will require no additional general fund allocation.

The City and TUSD representatives are currently negotiating a transition plan to ensure the planned programs and classes scheduled for summer 2015 continue with minimal impact to the community.

Key transition points to be discussed are the TUSD swim teams' use of the pool, City programming use, and community swim teams' use. On September 10, 2014, the City and TUSD representatives met to discuss various community and City programmatic needs and interest in renting West High pool at the current TUSD hourly rental rate. The rental would cover approximately 641 hours for 2015 summer swim programming to ensure a smooth transition while the Joe Wilson pool is reconstructed. The proposed programming hours include the following days and times:

- Lifeguard Training during Spring Break: April 6 to 10, 2015 from 8am to 4pm
- Programming run June 1 to August 7, 2015 (includes Classes & Rec Swim)
- Additional Rec Swim (Weekends Only):
  - August 8 & 9
  - August 15 & 16

- August 22 & 23
- August 29 & 30

The TUSD Superintendent and the TUSD facilities subcommittee will discuss the City's proposed schedule in the following weeks. After a transition plan is finalized and negotiated, the City will inform the users, YMCA, and other community stakeholders.

Update on Wild Rivers Negotiation and Next Steps: City staff continues to work with representatives from both Wild Rivers and Surland Communities on preliminary site layouts for a twenty acre water park facility to be included as part of the planned Ellis project, located generally along Corral Hollow Road. Staff is discussing terms of acquiring an additional four acres with Surland; the detail of which could be included in an upcoming Development Agreement Amendment. All parties have been very focused on balancing the characteristics of a water park (ride heights, architecture, noise etc.) with the surrounding planned Ellis residential neighborhoods.

Equally important regarding the site layout has been the concept of maximizing site amenities as well as the preservation of a portion of the twenty acre site for City competition/ recreational needs. Wild Rivers earlier this year indicated that it would require twenty acres to develop its typical regional serving water park. Staff and Wild Rivers have come to a mutual understanding relative to reserving two acres of the proposed twenty acre water park for a City competition or recreational swimming pool facility. This will provide the City with flexibility in locating future competition or recreational aquatic facilities.

Wild Rivers has recently added a new financial partner to assist with the development of its Southern California locations. This new financial partner is currently looking at the Northern California/Tracy development opportunity. Staff has had several meetings with the new financial partner in an effort to familiarize it with the Northern California/Tracy market. Additional market feasibility analyses are currently being completed by Wild Rivers in an effort to fine tune pro forma financials associated with the water park, which will directly relate to maintenance and other lease terms being negotiated.

Staff will come back to Council on November 5, 2014, to preview conceptual site layouts of the twenty acre water park facilities at Ellis (including the two acre set aside land), and to review preliminary financial options related to development of the water park. Financial options may include terms related to maintenance/operations, insurance, long-term lease details, and percentage rent. It is expected that on November 5th, 2014, a final transition plan for summer aquatics programming will be negotiated with the school district as well and can be shared with the Council and the public.

TUSD's decision to terminate the West High School Pool Joint Use Agreement will result in a payment of \$1,381,124 to the City from TUSD. Additionally, remaining funds (\$206,145) in the established capital fund for capital maintenance will be available for reprogramming. A total of \$1,587,269 will be returned to the general fund.

It is proposed that the available pool maintenance funds be reallocated to support temporary West High School pool rental expenses estimated at \$24,420 for summer 2015. Any unanticipated expenses related to the transition plan can be offset within the existing budget and remaining funds will go back to the General Fund.

Staff recommended that City Council receive and discuss the update regarding the Tracy Unified School District's decision to terminate the West High Pool agreement.

Mayor Pro Tem Maciel asked if the financial terms of the buyout were predetermined by the MOU. Mr. Lovell responded that was correct. There was a schedule in the MOU that outlined how much the City would get back.

Council Member Rickman asked if Dr. Powers Park could be completed earlier than the summer of 2015. Mr. Lovell responded the estimated construction time will be nine months. Staff is anticipating completion of construction to be spring of 2016.

Council Member Rickman asked when the design for Dr. Power's Park is coming before the public. Mr. Lovell responded he was not sure of the date, but there will be public input prior to the February date.

Mayor Ives asked if the school is asking for the City's position relative to transition or are they going to tell us what the transition is. Mr. Lovell responded staff is suggesting what the City's needs are. There has already been discussion with City staff and the Superintendent, which will continue.

Mayor Ives stated the City desires to be a part of that transition plan in terms of timing. Mr. Lovell responded that was correct. Staff wants minimal impact to our programming for next summer.

Mayor Ives asked if staff would be bringing back the conceptual site layouts for Wild River on November 5, 2014. Andrew Malik, Development Services Director, responded staff is aiming for that date. Staff is working with Surland and Wild Rivers to show a conceptual plan.

Council Member Young asked how often the School District and the City meet. Staff responded on a quarterly basis. Council Member Young asked if this has come up already or is the pool a new issue.

Council Member Rickman stated they talked on an informal basis.

Mayor Pro Tem Maciel stated it was not negotiated. The committee was advised this was the way the School District was headed.

Council Member Rickman stated the committee talked about the mutual beneficial aspect of cooperating with the pool and fields.

Council Member Young stated it was new news to the community. Council Member Young stated it is almost like the City is at the mercy of the School District. Council Member Young stated it leaves the community with a void next summer.

Council Member Rickman stated that he and Mayor Pro Tem Maciel did not have any forewarning before the board meetings.

Mollie Lowe addressed Council stating she wanted the money coming back from MOU to be allocated to the aquatic center. Ms. Lowe wanted to see specific details on the transition plan. As a stake holder she felt she should have input regarding her needs.

Ms. Lowe further stated she has had no conversations with City staff. The pool at West High cannot accommodate recreational swim teams and there is not enough parking. Ms. Lowe added she appreciated Council's efforts, but was frustrated because of time it has taken to make any changes. Ms. Lowe stated her focus is to meet the aquatic needs of the community.

Mayor Ives asked Ms. Lowe if she was taking her message to the School Board also as they are representatives as well. Ms. Lowe responded yes although she was unable to attend the School District meeting, Marsha McCray read a letter on her behalf.

Marsha McCray addressed Council stating she attend the TUSD meeting and read Ms. Lowe's letter. Ms. McCray stated school facilities should not have been relied upon to provide for the City. Ms. McCray asked how the number of hours for planning programming compares in 2014 and previous years and is the City providing less service to the community. Ms. McCray asked what contingency plan the City is putting in place if Dr. Power's Park is not completed in 2016. Ms. McCray stated Dr. Power's Park will be an extra facility but cannot be the only facility. Ms. McCray referred to other cities in the area which are building facilities that would attract regional and national events. Tracy is a city of 80,000 and the City needs to plan forward.

Robert Tanner addressed Council and suggested the City should forget the commercial and focus on the competition pools.

Chris Martin addressed Council regarding the lack of progress in the aquatics program. Mr. Martin commented on swimming statistics for the young and minority children. Dr. Power's will not fulfill needs for aquatics programs and the City will be sinking money into a pool that will not service an aquatics program. Mr. Martin stated if the City had an aquatics program with a competition pool, larger meets could be hosted and tax dollars provided. Building a year round aquatics program to underserved and minorities in the City of Tracy is something that should be a motivator. Mr. Martin referred to the City of Commerce who has made a commitment to have a city funded city aquatic program. Mr. Martin suggested the City needs to fund a City sponsored aquatics program and not just kick the can down the road.

Mayor Ives stated up until now he thought the swim community understood but now sees their message was that they always wanted a 50 meter pool. Staff is working with Wild Rivers to put in a 50 meter pool. Mayor Ives stated he hoped the public process can work and things can move ahead at reasonable pace and the money comes and the City builds what we need to build. Mayor Ives stated now we know we are just going to build a 50 meter pool and let Wild Rivers build the rest.

Council Member Young stated there has been progress and deliberation working towards pool facilities which includes recreational swimming and not just competition swimming. Council Member Young stated she fought at the last discussion for Dr. Power's as a solution because prior discussions geared toward a 50 meter pool. Council Member Young stated she had pointed out that in Phase one a 50 meter pool was not included, just recreation. If the City is looking at an aquatic solution that supports the needs of community, it should include recreational and not just competition. Council Member Young stated on November 5, 2014, both items will be brought back to Council and the community will have another opportunity to weigh in on what they want.

Council Member Rickman stated he supported Dr. Power's pool. Council Member Rickman supported Wild Rivers because it is a public private partnership and will bring people and businesses to town. Discussions with Wild Rivers always included a 50 meter pool, which the City would build and they would take care of the upkeep.

Mayor Pro Tem Maciel stated the City needs to find out if Wild Rivers is going to bring something to the table financially and if not the City needs to look at moving forward without them. Mayor Pro Tem Maciel stated the swimming community should have never envisioned the 50 meter for youth swim only. There has to be a community facility. Mayor Pro Tem Maciel added if the City moves forward on its own, it should be marketed as a fitness facility with pool and running and biking tracks. Wild Rivers and the 50 meter pool were always part of the concept. The commercial side would help to offset the competitive side of the swim. Wild Rivers has to be a community event for everyone. Mayor Pro Tem Maciel stated it is time to make a decision and move forward. Mayor Pro Tem Maciel further stated Dr. Power's pool should not be confused with Wild Rivers.

Council Member Rickman asked staff what information will be brought back on November 5, 2014. Andrew Malik, Development Services Director, responded the conceptual plan and general financial options will be brought back on November 5, 2014. Mr. Malik stated a new financial planner added is unfamiliar with the Northern California market so is doing feasibility.

Council accepted the report.

7. AUTHORIZE AND DIRECT THE CITY MANAGER TO SIGN THE PETITION OF SUPPORT AND CAST A BALLOT IN SUPPORT OF THE RENEWAL OF THE DOWNTOWN TRACY COMMUNITY BENEFIT DISTRICT AND ADOPT A RESOLUTION OF INTENT – Amie Mendes, Economic Development Analyst, provided the staff report. The California State legislature enacted the Property and Business Improvement District Law of 1994 (California Streets and Highways Code – Sections 36600 to 36671), which authorizes cities to levy assessments within a business improvement area. In December 2009, property owners in Downtown Tracy voted overwhelmingly to fund special benefit services through a self-assessment, with the goal of jumpstarting and expediting the revitalization of Downtown Tracy. At the time, the economy was experiencing one of the most severe recessions in 70 years and Tracy was one of the few cities statewide to take on such an initiative.

Pursuant to State Law, these new Property Improvement Districts, called Community Benefit Districts, have a maximum first term of just five years. The Downtown Tracy Community Benefit District (the "CBD") was approved in December 2009 and subsequently the Tracy City Center Association (TCCA) was formed to oversee the operations of the CBD. TCCA has done an excellent job at highlighting and activating the great assets of Downtown Tracy and has successfully attracted a number of new restaurants and retailers to the downtown area.

With the Downtown Tracy Community Benefit District set to expire in 2015, TCCA contracted with New City America, a consulting company that has formed over 70 similar districts nationwide, to initiate the steps for renewal of the CBD. Without renewal of the CBD, the momentum and achievements of TCCA come to an abrupt halt.

TCCA is proposing to renew the CBD for a ten-year term, as allowed under the Property and Business Improvement District Law of 1994 (California Streets and Highways Code – Section 36600 et seq.), and to expand the boundaries of the renewed district to include the portion of Central Avenue between 11th Street and Grunauer Alley. The assessments, costs and methodology will remain exactly the same as originally adopted in 2009.

The City of Tracy is the fee owner of Assessor's Parcel Numbers 235-056-15, 235-067-01, 235-067-02, 235-068-06, 235-068-09, 235-068-17, 235-150-28, located within the proposed CBD renewal area. The Property and Business Improvement District Law of 1994 requires that potentially affected property owners in the proposed district, who will collectively pay more than 50 percent of the assessments proposed to be levied, sign a petition to renew the district pursuant to Section 36621 of the California Streets and Highways Code.

New City America representatives sent petitions to all potentially affected property owners, including the City, around July 28, 2014. The petitions were sent consistent with the requirements outlined in Section 36621 of the California Streets and Highways Code

Section 36622 of the Streets and Highway Code requires that a management district plan be created as part of the formation of a district. The Downtown Tracy Community Benefit District Management District Plan contains all of the required information.

The collective amount of the proposed assessments to be levied on City-owned properties is \$24,359.30. The collective total amount of the assessments for the entire proposed Downtown Tracy Community Benefit District is \$148,064. The City's weighted portion is approximately 16% of the total. Three factors are considered to determine the weighted vote which include; lot square footage, building square footage, and linear frontage.

The Downtown Tracy Community Benefit District Management District Plan, as agreed to by the TCCA Board of Directors, includes the following categories and corresponding percentage of funds allocated to the identified categories:

- District Identity & Business Attraction (46%)
- Sidewalk Operations and Beautification (20%)
- Administration/Corporate Operations (30%)
- Contingency – Parking Lot Maintenance (4%)

The City cannot revitalize Downtown Tracy on its own. The engagement of property owners and merchants is critical to the success of Downtown Tracy. Over the past five years, the TCCA has made an immense impact on the revitalization of the downtown area. Property owners, who were once non-participatory, are now Board Members and play an active role in the revitalization taking place in downtown. The proposed \$148,064 annual budget will allow for the continuation of improvements and activities which confer special benefits in favor of the downtown property owners and businesses.

Staff recommends that the City Council support the renewal of the Downtown Tracy Community Benefit District.



Pursuant to Section 36621 of the Streets and Highway Code, upon submission of written petitions, signed by the property owners in the proposed district who will pay more than fifty percent of the assessments proposed to be levied, the City Council may initiate proceedings to renew a district by the adoption of a resolution expressing its intention to renew a district. With the City's support, the 50 percent threshold has been met. The resolution of intention shall contain all of the following:

- (1) A brief description of the proposed activities and improvements, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements and activities and the location and extent of the proposed district.
- (2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623 which requires that the notice, protest, and hearing procedure shall comply with Section 53753 of the Government Code.

A resolution of intention has been prepared pursuant to Section 36621 of the Streets and Highway Code. Further, upon adoption of the resolution of intent, staff will comply with Section 36623 of the Street and Highway Code and Section 53753 of the Government Code regarding the notice, protest, and hearing procedure.

The recommended action does not result in a fiscal impact at this time. If the Downtown Tracy Community Benefit District does get renewed, it will result in a fiscal impact of \$24,359.30 to the General Fund for FY2015-16.

Staff recommended Council authorize and direct the City Manager to sign the City Petition and cast a ballot in support of the CBD Renewal on behalf of the City owned properties and adopt the Resolution of Intention.

Mayor Ives stated the City in partnership with TCCA has made a world of difference to the downtown and suggested the City vote in favor.

Council Member Rickman commented on the new facilities which are opening up downtown. In last 4 years the downtown has grown dramatically. Council Member Rickman thanked TCCA for what their efforts.

Mayor Pro Tem Maciel stated the downtown is evolving. TCCA has been instrumental in making progress downtown. Mayor Pro Tem Maciel believed the City should support voting to extend the renewal for the next 10 years.

Council Member Young stated she was glad to see the expansion on to Eleventh Street. The City and TCCA partnership is great and the downtown is headed in a good direction.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-162 authorizing the City Manager to sign the petition of support to renew the Downtown Tracy Community Benefit District. Voice vote found Council Members Rickman and Young, Mayor Pro Tem Maciel and Mayor Ives in favor; Council Member Manne absent.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-163 approving the Resolution of Intent to renew a Property and Business Improvement District known as the "Downtown Tracy Community Benefit District". Voice vote found Council Members Rickman and Young, Mayor Pro Tem Maciel and Mayor Ives in favor; Council Member Manne absent.

10. AUTHORIZE A BUDGET ADJUSTMENT TO HIRE PART-TIME LIMITED SERVICE STAFF TO SUPPORT A TEMPORARY RENTAL OF THE GRAND THEATRE CENTER FOR THE ARTS – Kim Scarlata, Division Manager II, presented the staff report. In May 2014, representatives from Grace Church requested to temporarily rent the Grand Theatre Center for the Arts for Sunday worship services while the church undergoes a building renovation beginning January 2015. The rental request is for approximately one year and includes using the ETK Theatre and several other rooms in the Center. Representatives from the church indicated that they underwent an extensive search for rental alternatives; however, none of the facilities, with the exception of the Grand, met the requirements needed to conduct services. It is important to note that that current performance bookings and annual events/rentals will have priority over church's Sunday rental requests. This exception has been communicated to Grace Church and, if approved, will be reflected in the rental schedule and agreement.

Typically, the Grand Theatre Center for the Arts is closed on Sundays, with the exception of an occasional event or play. Staff availability and budget constraints have limited the City's ability to rent the Grand Theatre regularly on Sundays. Given the increase in rental requests and performances throughout the year, there is very little capacity to support facility usage on Sundays. As a result, the City needs additional part-time limited service staff to accommodate the temporary rental request by Grace Church.

Staff anticipates 24 weeks of rentals between January 2015 and June 2015. During this six month period, the total projected revenue is estimated to be \$44,856. Required expenses are approximately \$36,986, which include two part time limited service staff and custodial services. The remaining six months (July 2015-January 2016) of rental revenue and expenditures would be addressed through the FY2015/16 budget process.

Fiscal Impact: To provide rental services, an expenditure budget adjustment in the amount of \$36,986 is required; however, these expenses will be offset by incoming rental revenue. Projected revenue is anticipated to be \$44,856. The estimated net positive impact to the General Fund is \$7,870.

Staff recommended that City Council, by resolution, authorizes a budget adjustment in the amount of \$36,986 to hire part-time limited service staff to support a temporary rental of the Grand Theatre Center for the Arts.

John Field, Lead Pastor, Grace Church, stated no one knows the weight that goes into decisions from organizations thanked Council and staff.

Mayor Ives asked if Grace Church is requesting the temporary rental due to renovation to their building which indicates growing church.

Mayor Pro Tem Maciel stated it is a wonderful opportunity and welcomed Grace Church.

Council Member Young stated Grace Church is a benefit to the community.

Council Member Rickman thanked Grace Church for serving the residents in Tracy.

Jenny Haruyama, Administrative Services Director stated there was a minor clarification on the resolution to be adopted. An amended resolution should include that City Council authorizes an expenditure budget adjustment in the amount of \$36,986 and a revenue adjustment in the amount of \$44,856. Ms. Haruyama added when there is an expenditure there should be offsetting revenue. It was left out of the resolution but adequately explained in the staff report.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-164 as amended authorizing a budget adjustment to hire part-time limited service staff to support a temporary rental of the Grand Theatre Center for the Arts. Voice vote found Council Members Rickman, and Young, Mayor Pro Tem Maciel and Mayor Ives in favor. Council Member Manne absent.

11. ITEMS FROM THE AUDIENCE - Trina Anderson, addressed Council asking if a scheduled payment of \$2 million had been received from Surland. Jenny Haruyama, Administrative Services Director, confirmed the funds had been received.

12. STAFF ITEMS

- A. City Manager's Report – The City Manager provided Council with an informational report on various items, including upcoming special events, status on key projects, or other items of interest in an effort to keep Council, staff, and residents abreast of newsworthy events.

Council accepted the City Manager's informational update.

13. COUNCIL ITEMS – Council Member Rickman announced a number of activities in Tracy scheduled for September 27<sup>th</sup> including the Tracy Hospital Health Fair, the Wine Stroll and a fund raiser for Tracy non-profits.

Council Member Young referred to comments made by Steve Nicolaou under Items from the Audience, related to a hate crime against herself and her family. Council Member Young stated the actions were not reflective of the entire Tracy Community and she would not be requesting an item to discuss this issue on the next Council agenda. There is nothing staff can do or Council needs to discuss. Council Member Young stated it has been dealt with, and hoped the community can continue to work together and be concerned about one another.

14. ADJOURNMENT – It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adjourn. Council Members Rickman and Young, Mayor Pro Tem Maciel and Mayor Ives all in favor. Council Member Manne absent. Time: 11:01 p.m.

The above agenda was posted at the Tracy City Hall on September 11, 2014. The above are summary minutes. A recording is available at the office of the City Clerk.

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Mayor

ATTEST:

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City Clerk