

**Tuesday, October 21, 2014, 7:00 p.m.**

City Council Chambers, 333 Civic Center Plaza

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

**Americans With Disabilities Act** - The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6000) 24 hours prior to the meeting.

**Addressing the Council on Items on the Agenda** - The Brown Act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council's consideration of the item, provided no action shall be taken on any item not on the agenda. Each citizen will be allowed a maximum of five minutes for input or testimony. At the Mayor's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

**Consent Calendar** - All items listed on the Consent Calendar are considered routine and/or consistent with previous Council direction. A motion and roll call vote may enact the entire Consent Calendar. No separate discussion of Consent Calendar items will occur unless members of the City Council, City staff or the public request discussion on a specific item at the beginning of the meeting.

**Addressing the Council on Items not on the Agenda** - The Brown Act prohibits discussion or action on items not on the posted agenda. Members of the public addressing the Council should state their names and addresses for the record, and for contact information. The City Council's Procedures for the Conduct of Public Meetings provide that "Items from the Audience" following the Consent Calendar will be limited to 15 minutes. "Items from the Audience" listed near the end of the agenda will not have a maximum time limit. Each member of the public will be allowed a maximum of five minutes for public input or testimony. However, a maximum time limit of less than five minutes for public input or testimony may be set for "Items from the Audience" depending upon the number of members of the public wishing to provide public input or testimony. The five minute maximum time limit for each member of the public applies to all "Items from the Audience." Any item not on the agenda, brought up by a member of the public shall automatically be referred to staff. In accordance with Council policy, if staff is not able to resolve the matter satisfactorily, the member of the public may request a Council Member to sponsor the item for discussion at a future meeting. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

**Presentations to Council** - Persons who wish to make presentations which may exceed the time limits are encouraged to submit comments in writing at the earliest possible time to ensure distribution to Council and other interested parties. Requests for letters to be read into the record will be granted only upon approval of the majority of the Council. Power Point (or similar) presentations need to be provided to the City Clerk's office at least 24 hours prior to the meeting. All presentations must comply with the applicable time limits. Prior to the presentation, a hard copy of the Power Point (or similar) presentation will be provided to the City Clerk's office for inclusion in the record of the meeting and copies shall be provided to the Council. Failure to comply will result in the presentation being rejected. Any materials distributed, including those distributed within 72 hours of a regular City Council meeting, to a majority of the Council regarding an item on the agenda shall be made available for public inspection at the City Clerk's office (address above) during regular business hours.

**Notice** - A 90 day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90 day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a City Council action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the City Council prior to or at the public hearing.

CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
INVOCATION  
ROLL CALL  
PRESENTATIONS – Proclamations – Anti Bullying Month

1. CONSENT CALENDAR

- A. Approval of Minutes
- B. Authorization for Submitting Assessment Ballots for the Proposed Assessment for Reclamation District 2058
- C. Acceptance of the Bessie Avenue Building Demolition Project – CIP 78142, Completed by Modesto Sand & Gravel Inc., of Modesto, California, and Authorization for the City Clerk to File the Notice of Completion
- D. Authorize an Appropriation of Funds for Replacement of Water Filter Media at the John Jones Water Treatment Plant – CIP T5pp-105, from Water Fund F105 in FY 2014-15 and FY 2015-16, and Authorize Construction of the Project
- E. Approve an Offsite Improvement Agreement for the Cordes Ranch Offsite Waterline Improvements on Old Schulte Road, Hansen Road, and Road “E”, and Authorization for the Mayor to Execute the Agreement
- F. Adopt a Resolution Authorizing Amendment No. 2 to the Professional Services Agreement and Software License Agreement With Spillman Technologies, Inc. for the Computer Aided Dispatch / Records Management System to Discontinue Further Work and Obtain a Partial Refund for Completed Work and Authorize the Mayor to Execute the Amendment
- G. Adopt a City Council Policy for Filling City Council Vacancies and Vacancies Occurring in the Office Of Mayor
- 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

2. ITEMS FROM THE AUDIENCE

- 3. THAT COUNCIL CONDUCT A PUBLIC HEARING DECLARING THE EXISTENCE OF WEEDS, RUBBISH, REFUSE AND FLAMMABLE MATERIAL ON EACH OF THE PARCELS LISTED IN EXHIBIT “A” TO THIS AGENDA ITEM A NUISANCE; CONSIDER OBJECTIONS TO ABATEMENT OF SAID NUISANCE, AND ADOPT A RESOLUTION AUTHORIZING FIRE DEPARTMENT STAFF TO ORDER CONTRACTOR TO ABATE SAID NUISANCES
- 4. PUBLIC HEARING TO CONSIDER APPROVING AN AMENDMENT TO THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN (SJMSCP) DEVELOPMENT FEE, RESULTING IN AN INCREASE IN FEES FOR 2015

5. RECEIVE PUBLIC TESTIMONY FROM PUBLIC HEARING FOR ANNUAL UNMET TRANSIT NEEDS, CITY OF TRACY, FISCAL YEAR 2014-15
6. PUBLIC HEARING TO CONSIDER AN APPLICATION TO AMEND THE GENERAL PLAN, APPROVE A VESTING TENTATIVE SUBDIVISION MAP ON A 10.15-ACRE SITE TO CREATE 51 LOTS AND AN AMENDMENT TO THE CONCEPT DEVELOPMENT PLAN FOR THE STERLING PARK AND SAN MARCO PLANNED UNIT DEVELOPMENTS FROM A SCHOOL SITE TO A 51 LOT RESIDENTIAL SUBDIVISION KNOWN AS BARCELONA INFILL, AND APPROVAL OF THE CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLANS FOR THE BARCELONA INFILL PLANNED UNIT DEVELOPMENT; THE PROJECT IS LOCATED AT THE NORTHWEST CORNER OF BARCELONA DRIVE AND TENNIS LANE, ASSESSOR'S PARCEL NUMBERS 252-520-44 AND 240-390-33; THE APPLICANT AND PROPERTY OWNER IS TVC TRACY HOLDCO, LLC; APPLICATION NUMBERS GPA14-0003, PUD14-0002 AND TSM14-0002
7. COUNCIL DISCUSSION AND DIRECTION REGARDING THE TRANSFER OF FEDERAL USE RESTRICTIONS AND REVERSIONARY RIGHTS FROM THE SCHULTE ROAD PROPERTY, APN 209-230-29 AND 30, TO THE UNDEVELOPED 300 ACRES OF LEGACY FIELDS APN 212-150-04
8. APPOINT AN APPLICANT TO THE TRANSPORTATION ADVISORY COMMISSION FROM THE COMMISSION'S ELIGIBILITY LIST
9. ITEMS FROM THE AUDIENCE
10. STAFF ITEMS
  - A. City Manager's Report
11. COUNCIL ITEMS
12. ADJOURNMENT

**June 17, 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 provided by Pastor Tim Heinrich, Crossroads Baptist Church.

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

Mayor Ives presented a Proclamation regarding "Cardio Pulmonary Resuscitation (CPR) – Automated External Defibrillator (AED) Awareness" to Shannon Enos, Owner of Enos CPR Services.

1. CONSENT CALENDAR – Following the removal of item 1.B by Council Member Young, 1.I by Mayor Pro Tem Maciel, and 1.L by Interim City Manager, Maria Hurtado, it was moved by Mayor Pro Tem Maciel to adopt the consent calendar. For resolutions pertaining to Item 1.C, Mayor Ives voted on all Zones other than Zone 24 and abstained from voting on Zone 24; Council Member Young voted on all Zones other than Zone 3 and abstained from voting on Zone 3; Council Member Manne voted on all Zones other than Zone 18 and abstained from voting on Zone 18. Council Member Rickman seconded the motion. Roll call vote found all in favor; passed and so ordered.
  - A. Approval of Minutes – Closed session minutes of March 4, and March 5, 2014, joint TRFPD and City Council meeting of March 18, 2014, special meeting minutes of March 18, 2014, and regular meeting minutes of March 18, 2014, were approved.
  - C. Approval of Resolutions: (1) Initiating Proceedings for the Annual Levy for Tracy Consolidated Landscape Maintenance District, (2) Preliminarily Approving the Engineer's Report for the Tracy Consolidated Landscape Maintenance District, (3) Declaring the Intention to Levy Annual Assessments, and (4) Setting the Date for the Public Hearing – Resolution 2014-093 initiated proceedings for the annual levy and collection of assessments. Resolution 2014-094 preliminarily approved the Engineer's Report. Resolution 2014-095 declared the intention to levy annual assessments and set the date for the public hearing as July 1, 2014. Mayor Ives abstained from voting on Zone 24; Council Member Young abstained from voting on Zone 3; Council Member Manne abstained from voting on Zone 18.
  - D. Approve a Professional Services Agreement for the Printing of the Grand Theatre Center for the Arts Season Brochure and Arts Education Catalog and Authorize the Mayor to Execute the Agreement – Resolution 2014-096 approved the agreement
  - E. Authorization to Award Chemical Bids for Water and Wastewater Treatment for Fiscal Year 2014-15 – Resolution 2014-097 authorized the award.

- F. Accept Travel Report from City Attorney Regarding Attendance at League of California Cities City Attorneys' Conference – Report accepted
- G. Approve Amendment 1 to the Memorandum of Understanding Between the City of Tracy and the Tracy Chamber Of Commerce to Allow Free Use of the Transit Station for the Taste of the Valley Art and Food Festival and Authorize the Mayor to Execute the Amendment – Resolution 2014-098 approved the amendment.
- H. Grant Request from Mizuno Farms for the City of Tracy to Waive the 2014 Rent Payment of \$22,575 for City Owned Property at the Corner of Eleventh Street and Chrisman Road – Resolution 2014-099 waived the 2014 rent payment.
- J. Accept a Monetary Donation from Tracy Resident, Arlene Robbins, for the New Animal Shelter and Authorize a Budget Adjustment and Approve the Appropriation for the Purchase of Equipment in the Amount of \$10,000 – Resolution 2014-100 accepted the donation and approved the appropriation.
- K. Adopt Resolution Authorizing the Interim City Manager to Execute Contracts Necessary for the Purpose of Obtaining Proposition 63 Funds in the Amount of \$200,000 for the Mayor's Community Youth Support Network Grant Program and Appropriating \$200,000 from the San Joaquin County Behavioral Health Services Community Service Agreement – Resolution 2014-101 authorized the Interim City Manager to execute contracts.
- B. Award a Construction Contract to the Lowest Responsive and Responsible Bidder for El Pescadero and McDonald Park Renovation Project CIP 78141, 78143, 78144, 78146 and Authorize the Mayor to Execute the Contract - Vicki Dion, City Engineer, presented the staff report. In December 2011, the City of Tracy Parks Commission ranked El Pescadero Park a high priority due to its location and popularity. The park provides the only skateboard facility and dog park in the City, which contributes to its greater usage. The project scope at El Pescadero Park involves the construction of a restroom facility and a basketball court, and the installation of street lights within the park's perimeter. The facilities at McDonald Park need renovation to prolong their life span and reduce the cost of long-term maintenance. Due to the deteriorating conditions of the existing restroom facility within the park and the need to provide an ADA accessible restroom structure staff has opted to replace it with a new restroom facility that meets current standards. The project scope at McDonald Park involves replacement of the existing restroom building, resurfacing the existing handball and basketball courts, the installation of a shade structure, including concrete walkways, concrete pad and picnic tables, and the installation of a memorial monument stone.

The project was advertised for competitive bids on May 15, 22, and 29, 2014. Four bids were publicly opened at 2:00 p.m. on Tuesday, June 10, 2014. The contract will be compared on the basis of the total base bid amount without regard to the amounts of the additive bid items. Hobbs Construction of Fresno, California is the lowest monetary bidder. A1 through A5 represent Additive Bid Items as follows: A1 Concrete Pad at McDonald Park, A2 Splash Pad Water Spray System, A3 Splash Pad Recirculation System, A4 Basketball Court Resurfacing at McDonald Park, and A5 Streetlights at El Pescadero Park. A bid

analysis indicates the lowest monetary bid is responsive and the bidder is responsible.

Hobbs Construction has the appropriate contractor's license in active standing with the State of California, and has completed similar projects for other public agencies. Based on available funds, staff recommended awarding additive bid items A1, A4 and A5 only. The total estimated cost of this project, including base bid and additive bid items A1, A4 and A5, is \$921,060.00.

Council Member Young remarked that she was glad to see the basketball court at El Pescadero Park would soon be built.

Ray Morales, 1801 Foxwood Drive, Board Member Southside Community Organization, commented on MacDonald Park and stated the residents were looking forward to the renovation.

Mayor Ives suggested if any funding remains upon completion of this project, the unfunded items should receive primary consideration.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-102, Awarding a Construction Contract to the Lowest Responsive and Responsible Bidder for El Pescadero and McDonald Park Renovation Project. Voice vote found all in favor; passed and so ordered.

- I. Adopt a Resolution Authorizing the Public Works Director to Terminate the Professional Services Agreement with Sycamore Landscaping Corporation for Landscape, Parks, and Channelways Maintenance – David Ferguson, Director of Public Works, presented the staff report. On June 18, 2013, the City entered into an agreement with Sycamore Landscaping Corporation to provide landscaping maintenance services for the City.

The work performed has not satisfactorily conformed to all of the Agreement's requirements. On April 23, 2014 based on disagreements regarding the requirements of the Agreement, Sycamore Landscaping Corporation stopped work. Staff has determined that it is in the best interest of the City to terminate the Agreement and the Agreement allows the City to do so. The City will continue to provide landscape services until a long-term solution is implemented, which could be as early as July.

The City has temporarily mobilized its Public Works staff to assist in maintaining various landscape medians, streetscapes, storm channels and mini parks in the community.

Mr. Ferguson stated there will be a bid process in August and a staff report brought back for Council to approve a permanent contract in September.

Mayor Pro Tem Maciel stated he had been contacted by a number of residents concerned about the state of the landscaping. Mayor Pro Tem Maciel added he had reassured the residents that the City was aware of the issue and was taking action to improve the landscaping. One of the reasons the process is not moving more quickly is because there are legal reasons which have to be considered and because the City is looking at a long term solution. Council Member Manne

stated he had noticed considerable improvement in his neighborhood since City Public Works crews had begun working in the area.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2014-103 terminating the Professional Services Agreement with Sycamore Landscaping Corporation. Voice vote found all in favor; passed and so ordered.

- L. Authorize a Roadway Reconstruction Agreement with Pacific Gas and Electric (PG&E) for the Asphalt Concrete Pavement Reconstruction of the Northern Half of Grant Line Road from Holly Drive to Approximately 600 Feet East of MacArthur Drive, and Authorize the Mayor to Sign the Agreement – Item rescheduled to July 1, 2014
  
2. ITEMS FROM THE AUDIENCE – Three Youth Organizers from the Community Partnership for Families of San Joaquin invited Council to attend a farewell dinner at The Playhouse, Central Avenue on Friday, June 27, from 6:00 to 8:30 p.m. The event commemorates the first Teen Empowerment Group's final day.  
  
Ray Morales, 1801 Foxwood Drive, Steve Nicolaou, 1068 Atherton Drive, and Dave Helm commented on the San Joaquin County Civil Grand Jury report regarding issues with the length of one of the runways at the Tracy Municipal Airport and the City's interactions with a local developer.  
  
Mayor Pro Tem Maciel stated the Grand Jury report found no inappropriate conduct on behalf of the City. However, Mayor Pro Tem Maciel encouraged staff to do an in depth review and to aggressively investigate the findings made by the Grand Jury.  
  
In response to a question from Council Member Rickman as to when the response to the Grand Jury would be brought back to Council, Interim City Manager, Maria Hurtado responded September 2.
  
3. PUBLIC HEARING OF THE CITY COUNCIL TO CONSIDER ADOPTION OF THE CITY OF TRACY PROPOSED FISCAL YEAR 2014/15 ANNUAL CITY BUDGET AND AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2014/15 – Jenny Haruyama, Administrative Services Director, presented the staff report and used a power point in her presentation. The proposed FY 2014/15 City Budget is approximately \$227,938,400 and is comprised of three parts, the Operating Budget, Capital Improvement Budget, and Debt Service Budget. The sections below reflect the proposed operating, capital and debt service budgets and reflect changes directed by Council at the June 3, 2014 Budget Workshop. Also included is an overview of the FY 2014/15 Budget Resolution, which must be authorized by the Council as part of the budget adoption process.  
  
The proposed FY 2014/15 Operating Budget was presented to Council at a Budget Workshop on June 3, 2014. The operating budget is identical to that presented at the workshop as Council did not request any changes to the proposed budget. The proposed City operating budget for FY 2014/15 for all funds is \$126,270,560 including the General Fund.  
  
The General Fund expenditure budget was \$56,402,850. A correction involving a personnel position and reassignment between Development Services and the Utilities

Departments was made, increasing the General Fund by \$19,800 and slightly reducing the Enterprise Funds (Water and Wastewater). Including this change, the proposed FY 2014/15 General Fund expenditure budget is \$56,422,650. Revenues are sufficient to cover expenses, and excess revenue of \$674,090 is anticipated.

The proposed FY 2014/15 Capital Budget was presented to the Council at the April 15, 2014 CIP Workshop, and June 3, 2014 Budget Workshop. The proposed capital budget is now \$73,116,210. At the June 3, 2014 Budget Workshop, Council directed staff to include the following CIP items:

1. Approximately \$3,522,880 has been included for the demolition, design, and reconstruction of Joe Wilson Pool. Staff recommended redirecting General Projects Fund 301 funding (\$1,909,000) from the Aquatics Center CIP 78054 and using approximately \$1,614,000 of the \$4.7 million from FY 2013/14 estimated year-end revenue. The project is anticipated to be completed by March 2016.
2. Approximately \$75,000 has been included for the repainting of the water tower located at the Civic Center. The funding source is General Projects Fund 301. Staff recommended this item be included in the adopted FY 2014/15 Capital Budget. Council would also have the opportunity to consider this item again when the project contract is brought forward upon the receipt of bids.

The proposed FY 2014/15 City Debt Service Budget for all funds is \$26,937,630. Interfund transfers for FY 2014/15 are \$3,934,970. These include, but are not limited to, transfers from the General Fund to pay debt service and excess revenue to the Economic Uncertainty Reserve.

The text of the proposed budget resolution authorizes the appropriations and interfund transfers for FY 2014/15 in Sections 1 and 2. Section 3 provides for all investment earnings and gains in FY 2013/14 and FY 2014/ 15 for funds with General Fund derived cash balances and the City's internal services funds will be allocated to the General Fund 101. Section 4 appropriates any unappropriated proceeds of taxes to contingency reserves, although none are anticipated. This section provides for a formal statement of the practice as policy for purposes of Gann Limit compliance. Also, it sets a targeted fund balance of \$18,985,100 for the City's General Fund 101, and authorizes staff to maintain this fund balance at fiscal year-end, by transferring monies in or out of the General Fund 101 with the Economic Uncertainty Fund 299. Section 5 specifies there is no uncommitted development impact fee monies held by the City from prior fiscal years. All fees collected to date have either been spent on capital projects or are committed to projects scheduled in the City's CIP. Section 6 provides that any over expenditures in the current FY 2013/14 operating budget as amended at the fund and department level may be offset by an equal reduction for the same fund and department in the adopted budget for FY 2014/15. Section 7 deals with fee revenues that are projected to cover program costs. If actual revenues are less than projected, actual program expenses should also decrease by an equal amount. This section provides that any expenditure of unrealized revenues may also be offset by an equal amount if over by 5%.

Ms. Haruyama closed her presentation by thanking Alan Borwick, Budget Officer for putting the budget together and recommended that Council adopt the budget and appropriate items included in the budget.



Mayor Pro Tem Maciel stated Council's direction was to move forward with the Joe Wilson pool but added he was concerned with taking money from the Swim Center. Mayor Pro Tem Maciel inquired if monies could be reallocated to the Swim Center if, and when they become available. Ms. Haruyama responded yes, with Council approval. Mayor Pro Tem Maciel was concerned with the size of the Joe Wilson pool and a lack of parking at the site.

In response to a question from Council Member Rickman as to when the item would be brought back to Council, Ms. Haruyama responded August 19.

Mayor Ives opened the public hearing.

Marsha McCray, 560 West Schulte, commented on the large number of people using the West High pool and suggested the same number of people could not be accommodated at the Joe Wilson pool. Ms. McCray stated the community would benefit from having a larger pool, but was concerned that money taken from the Swim Center would not be reimbursed.

Mayor Ives closed the public hearing.

Mayor Pro Tem Maciel stated he was concerned with a lack of funding for the Landscape Maintenance District. Ms. Haruyama stated some zones are underfunded. They do have reserve amounts, but it would require a vote of the community to increase the amount.

Council Member Young asked if alternative funding could be used for the Joe Wilson pool other than the funding for the swim center. Maria Hurtado, Interim City Manager, stated other sources were considered but what is before you is what staff has recommended. Money from Cordes Ranch will come in phases. If Council wants to replenish the fund for the Swim Center, Council will need to make that decision at an upcoming meeting. In response to a question from Council Member Young regarding what makes up the Council budget, Ms. Haruyama stated a variety of costs including trips, training, healthcare and the Council stipend.

Council Member Rickman stated he did not feel painting the water tower at a cost of \$75,000 was a necessity, and suggested using the funds on the Tracy Ballpark which would provide more of an economic benefit for the City. Ms. Haruyama stated staff will have a better idea of the cost after bids have been received and the item is brought back for Council approval. Mr. Rickman added he was not in favor of getting rid of the water tower, but was in favor of leaving the tower the way it is now.

Mayor Ives stated he believed the water tower needed to be cleaned up and preserved.

Council Member Manne stated the water tower was an asset to the City and it was important to preserve it and to consider the safety issues.

Mayor Pro Tem Maciel stated the water tower is part of the City complex campus and added the City should be proud of the complex. The \$75,000 will be well spent if it preserves the tower and improves the overall appearance.

Council Member Young stated she felt it was important to preserve the City's image and didn't see anything competing for the \$75,000 at this point.

Ms. Hurtado stated staff will have a breakdown of costs after the bids come in and Council will have another opportunity to review the costs.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Council Member Manne to adopt Resolution 2014-104, Approving the Annual Budget and Appropriation for the City of Tracy for Fiscal Year 2014-15, as amended to reflect corrected amount of \$117,160 under General Fund 101 – Equipment Acquisition Program. Voice vote found all in favor; passed and so ordered.

4. COUNCIL DISCUSSION AND DIRECTION REGARDING OPTIONS FOR A CITY INFRASTRUCTURE FUNDING PROGRAM AND AN UPDATE ON NEIGHBORHOOD DISCUSSIONS WITH RESIDENTS OF THE MOUNT OSO, MOUNT DIABLO AND C STREET AREA (MOUNT OSO AREA) REGARDING INFRASTRUCTURE NEEDS – Andrew Malik, Development Services Director presented the staff report and used a power point in his presentations. On May 7, 2013, City Council discussed a request from Montessori School representatives to have the City fund certain infrastructure improvements associated with development of a proposed new Montessori school in the Mount Oso Area of the City. Council directed staff to defer consideration of a City-funded infrastructure program until after the 2013 legislative session to see if there were any bills that would provide funding. As way of an update, SB 33 (Wolk) was placed as an inactive bill by Assembly Member Atkins. However, there are a number of new bills similar to SB 33 being introduced this year which, if passed, may provide funding for the infrastructure needs in the Mount Oso Area.

On March 4, 2014, in response to a request for Code Enforcement and infrastructure assistance in the Mount Oso Area, Council directed staff to work with the property owners in that area on various neighborhood issues. In addition, Council asked that staff to bring back options relative to a potential city-wide infrastructure program in an effort to assist with infrastructure needs in the Mount Oso area and other similar areas of the City. Code Enforcement items related to weed abatement and other general cleanup have been addressed with the neighbors, and staff's main focus has been on the infrastructure items.

Several neighborhood meetings have been held with area residents to discuss potential options related to a citywide infrastructure approach to addressing their concerns.

Staff provided the following draft Public Infrastructure Funding Program description for Council's consideration.

The purpose of the Public Infrastructure Funding Program is to encourage development in blighted areas of the City and to leverage private investment by expediting the construction of public infrastructure including water, sewer, storm drainage, and roadway improvements including frontage improvements such as curb, gutter, sidewalk and one lane of travel in specific areas of the City.

Direct public benefit means benefits to the City and community which justify the expedited construction of public infrastructure. Such benefits may include, but are not limited to: (1) the creation of jobs; (2) the amount of net new sales tax (if appropriate) to

be received by the City over a fixed period of time; and (3) capital investment by the property owners in the area; and (4) elimination of blight in certain areas of the City. Qualifying Geographic Area means the area is coterminous with the boundary of the City's former Redevelopment Area.

Any person may request that the City Council expedite the construction of public infrastructure. In determining whether to consider or grant such requests, City Council may take into account the following:

1. The area must be within the City and have development potential; and
2. The development planned for the area must create a minimum of five new jobs in the City or solve neighborhood infrastructure / safety issues; and
3. The improvements must be located within the identified program area
4. The area property owners and residents have demonstrated all three criteria listed below:
  - i. A willingness to work collectively (majority of neighbors) at solving their neighborhood infrastructure issue, and
  - ii. A willingness to raise / commit some level of private funding to solve their neighborhood infrastructure issue (CFD, Assessment or other funding types), and
  - iii. Designation of a point-of-contact / representative with whom staff will interact.

No construction contract for public infrastructure under this program would be considered by the City unless it has collected private funding and secured applicable (Council appropriated) public funding to complete the infrastructure project. Should Council wish to proceed to establish an Infrastructure Funding Program, some level of on-going funding will be required in order to leverage the private funding raised by individual development areas.

California, cities have very few funding options at their disposal to address these types of neighborhood issues. The City of Tracy, although in better shape than many other cities, also has limited funding available. The following represents potential funding options for the proposed program.

**One-time Funding:** One particular funding source discussed during previous Council meetings was to use any remaining portion of the Residential Specific Plan, Economic Development Fund. After accounting for previous Council commitments, there is a remaining fund balance of \$89,899. This money could be used for the initial funding source for the Public Infrastructure Program but would not be considered an on-going funding source.

**On-Going (Limited Use) Community Development Block Grant (CDBG) Funds:** Every year the City receives Federal CDBG funds that are to be used for low and moderate income programs to either: 1) provide operational funding for local service organizations; and 2) provide capital funding in support of service organizations or census tract areas that qualify under the low and moderate income categories.

In past years, the City has used CDBG funds to construct alley improvements and ADA improvements primarily in the downtown area. CDBG funds can be used for water and

sewer lines within those two designated areas because they meet HUD standards for low and moderate income criteria. While the Mount Oso Area is not eligible to receive CDBG funding for public infrastructure improvements, staff is pursuing an approach where individual qualifying property owners throughout the City may be eligible to receive grants to cover certain on-site infrastructure costs. More specifically, property owners who meet certain income requirements may be able to receive CDBG funds to pay for their on-site water or sewer conveyance connections and corresponding fees. Staff will bring this potential CDBG program back for Council consideration and adoption later this summer.

**One-Time Private Funding: Community Facilities District (CFD) Funds** CFDs are a common funding mechanism to construct various infrastructures needed for development. CFDs have been widely used in Tracy to fund infrastructure in mostly vacant undeveloped areas such as NEI, ISP, and various residential projects. A CFD is a land based financing method where tax exempt bonds are issued and the source of repayment is an annual assessment on the lands within the District. This approach has been successfully used in the Berg / Byron area as well as other development areas of the City. An important step is to get district property owners to buy into the concept of developing their property. Staff has been working with the property owners of the Mount Oso Area to identify infrastructure costs as well as the potential for forming a CFD to fund the improvements they deem important.

**On-Going SB 33 (Wolk) – Infrastructure Financing Districts (IFDs) Bills** - Senator Lois Wolk's proposed legislation, Senate Bill 33 and more recent bills related to IFDs, would allow cities and counties to borrow money for economic development projects through infrastructure financing districts. Similar to Redevelopment funding, IFDs would capture tax increment funding over a certain tax base that could be used to fund infrastructure improvements within the specific IFD area over a certain period of time.

**Ongoing Funds – Annual Gas Tax Street Repair / Overlay Program** - The City receives approximately \$600,000 annually from the Countywide Gas Tax to maintain repair and improve the street pavements throughout the City by completing slurry seals, overlays and reconstruction projects. These improvements are provided to streets identified by the City's Pavement Management Systems Program for such repairs. While leaving the majority of this program intact, Council could use a portion of these funds each year to fund the proposed Infrastructure Funding Program with regard to improving streets, curb gutter sidewalks, etc. The amount would be limited to \$50,000 annually so as not to impact the maintenance and repair of the existing roadway network.

Staff held a meeting with the Mount Oso Area residents in April to solicit input and assess the infrastructure needs in that area. The residents wanted full improvement to their frontage streets including storm water, wastewater, street lights, curb and gutter. Separate cost estimates for completion of utilities were made to provide options. After completing preliminary designs, staff prepared infrastructure cost estimates and met with the residents in May to share the information:

Total Cost of full improvements including streets and utilities (water and sewer), storm drainage, curb, gutter and sidewalk	\$3,100,000
Cost of Utilities (water and sewer) only	\$ 670,000

At the conclusion of the May meeting it was agreed that the neighbors would review the infrastructure information and reach out to other residents in the area who did not attend the meeting. The next steps were for residents to review the infrastructure improvements for priorities and or concerns regarding the scope of construction, and to reach out to other residents of the area in an effort to have more property owners participate in the funding of the infrastructure. To date we have not yet heard from the property owners regarding this next step. Based on staff's current interactions with the Mount Oso Area neighbors, the following are the options for consideration.

Option 1 - Defer consideration of the Public Infrastructure Program until more information is known about the private funding commitment from the Mount Oso area property owners. This will assist staff in better understanding the level of public funding requested for this area as well as how that funding request would work in the context of a citywide program. After conducting two Mount Oso Area neighborhood meetings, the property owners are now working to identify and prioritize the type of improvements as well as their private funding commitment should Council move forward with a citywide program. Under this option, staff would continue to work with representatives of the Mount Oso area to better understand their infrastructure needs and funding commitment. This additional time would also allow staff to monitor if IFD Bills look like they may be passed this legislative year.

Option 2 - Adopt the program and use the remaining \$89,899 RSP Economic Development Funds as well as \$50,000 annually from the Gas Tax fund to support this program. This option would commit the last remaining RSP Economic Development Funds to this new program and \$50,000 annually from the City's Gas Tax fund. As stated in Option 1, staff does not know the level of funding commitment coming from the Mount Oso Area, nor the corresponding public funding request. In addition, it is not known how many other projects would qualify or be interested in this program. From preliminary cost estimates for the infrastructure in the Mount Oso Area, staff does not believe this amount of funding will be sufficient to cover a majority of the infrastructure costs, without spreading the funding out over multiple years.

Option 3 - Pursue the creation of a Community Facilities District (CFD) for key areas of the City. This option would involve staff working proactively with developers and property owners in key development areas of the City to solve infrastructure needs. This approach was employed in the Berg / Byron and Larch / Clover areas over the years. This approach is staff intensive in that it involves staff reaching out to vacant property owners to gauge their interest in developing or placing an assessment on their property in anticipation of developing.

In response to a question from Council Member Young regarding funding for Safe Routes to School, Mr. Malik responded an application is pending with the state and staff should know something by September. Council Member Young asked what was being done to make sure all the residents in the area have a voice. Mr. Malik stated a gentleman has stepped up to represent the community. The goal is to do as much outreach as possible. Council Member Young asked what is included in Option 2. Mr. Malik responded it is a funding mechanism which could be a pilot program. The amount needed to fund everything for that area is \$3.1m. Mr. Malik added staff is looking for funding options which do not impact the General Fund and that could be phased in, or done block by block over a number of years. Council Member Young stated she appreciated the work that staff had done and added she was in favor of Option 1.

In response to a question from Mayor Pro Tem Maciel regarding who would foot the bill, Mr. Malik responded if an assessment district was formed it would be the property owners. Mayor Pro Tem Maciel asked if the primary reason the area is undeveloped is because of a lack of development, could the City front the costs and be reimbursed. Mr. Malik responded that if the City fronted the costs the City could be reimbursed when development occurs.

Mayor Ives stated the Byron/Berg Avenue area initiated a CFD to raise funds for improvements. These infrastructure improvements do raise property values. Other areas in the City are in need of improvements, but to complete all of them would cost close to \$100m. Mr. Malik stated there is a difference among residents as to whether they want sidewalks and/or sewer hookups.

Mayor Ives invited public comment.

Ray Morelos, 1801 Foxwood Drive, thanked staff for attending the meeting. A lot of information was made available to the property owners. Before the area was annexed into the City residents were promised improvements, which have not materialized. Mr. Morales felt it would be advantageous to continue the discussion between the property owners and the City regarding financing.

A resident of C Street, thanked staff and stated the neighborhood is looking better. The resident suggested moving forward with a small group of committed residents who are interested in contributing to the cost. The resident implored staff to contact the county for any available funding.

Mayor Pro Tem Maciel stated he was in favor of Option 1 with some modifications.

In response to a question from Council Member Young regarding how many property owners there were in the area, Mr. Malik stated approximately 38 parcels and another 20-25 parcels.

Council opted for Option 1 and directed staff to continue outreach to homeowners and property owners, and to apply for funding from the state for the Safe Routes to School program.

5. REVIEW AND ACCEPT CHANGES TO THE TRACER FIXED ROUTE BUS SYSTEM EFFECTIVE AUGUST 1, 2014 – Ed Lovell, Management Analyst II, Public Works Department, presented the staff report and used a power point in his presentation. In December of 2009, the Council approved a Short Range Transit Plan (SRTP) for the City's TRACER bus system. Since approval of the SRTP, some recommendations have been implemented including a fare increase and extension of service to the Kimball High School area.

The Council approved a contract with MV Transportation in July of 2011 to operate the TRACER bus system which contains an annual increase in the number of service hours available to provide bus service. In July 2012, the City Council approved changes to the fixed route including limited increased frequency and the extension of service to new areas that were previously not served by TRACER. Those changes have been well received by transit users and an increase in ridership came as a result.

### SUMMARY OF CHANGES

- Extended service hours: 7am – 8pm Monday through Friday, and 9am – 7pm on Saturdays on A, B, C, and D routes
- 30-minute service all day on Routes A and B (currently service is every 30 minutes from 11am – 3pm)
- Convert D Route to a regular fixed route with 2 additional peak hour trips at 5:30am and 7:00am
- Expand E route service to the Outlet Mall and add a second loop in the morning
- Eliminate A Route service to the Outlet Mall
- Eliminate 2 peak hours of service on the C Route
- Extend F Route to the ACE Station and the Library

Staff will monitor the changes over the course of the year and will make any minor adjustments to the service as necessary to make the best use of the funds. Staff presented the changes to the Transportation Advisory Commission on May 8th and received feedback. The changes were well received by the Commission.

In an effort to market the changes, the month of August will be a free ride month. This will allow passengers to try the service for free to see how it can help them reach their destinations. Information will be in all of the buses as well posters in various bus shelters throughout the city. A press release will also be issued notifying the public of the changes and the opportunity to ride for free. A major push will also be geared toward getting the information out to students. Staff is working with TUSD to be able to disseminate information during school registration periods and at back to school nights.

While it is difficult to predict the actual ridership increase that can be attained by these changes, the SRTP identifies that there is a significant increase in willingness to ride the TRACER Fixed Route services if greater frequency were offered. As experienced from the most recent changes that were approved by Council in 2012, staff anticipates an increase in ridership due to the increased frequency and increase in areas served. The year after the 2012 changes were implemented, the fixed route had a ridership increase of approximately 25%. Ridership is continuing to grow on the fixed route and is currently up 16% over the same time period the previous year. Implementing these changes will not affect the ability of the City to meet their established performance measures from the San Joaquin Council of Governments.

The FY14/15 contract with MV Transportation has a not to exceed amount of \$1,353,317. It is anticipated that the cost for operation under these new service levels will be \$1,232,000.

Council Member Rickman commented on the free rides during the month of August. Mr. Lovell stated free rides for students are offered during August, but whenever the City has major changes such as these free rides are offered to everyone.

In response to a question from Mayor Pro Tem Maciel regarding which areas showed increased ridership, Mr. Lovell responded students, seniors and ADA passengers.

Robert Tanner, 1371 Rusher Street, commented on the lack of service on Sundays and asked if Sunday service had been considered, particularly for seniors. Mr. Lovell responded not at this time since staff does not feel there is the ridership to sustain Sunday service.

In response to a question from Council Member Young regarding when paratransit is available, Mr. Lovell responded Monday through Saturday, but the City does offer subsidized taxi fares for paratransit riders which can be used on Sundays.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-105, Accepting changes to the Tracer Fixed Route Bus System effective August 1, 2014, as outlined in the staff report. Voice vote found all in favor; passed and so ordered.

6. DISCUSS WHETHER TO CANCEL THE REGULAR CITY COUNCIL MEETINGS SCHEDULED FOR TUESDAY JULY 1 AND JULY 15, 2014 AND SCHEDULE A SPECIAL MEETING ON JULY 1, 2014 – Gary Hampton, Interim Assistant City Manager presented the staff report. Due to the recruitment schedule for a new City Manager, Council will schedule a minimum of three closed session meetings during the month of July in order to interview candidates. The proposed closed session dates and times are as follows:

July 1, 2014 5:00 p.m. Closed Session (directly following the special meeting)  
July 18, 2014 8:00 a.m. – 6:00 p.m. Closed Session  
July 19, 2014 8:00 a.m. – 2:00 p.m. Closed Session

Staff requested a special Council meeting be held on July 1, 2014, in order to review consent and regular agenda items. Closed session will immediately follow the special meeting. Staff also requests that the Council consider cancelling the July 15, 2014, regularly scheduled Council meeting.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to cancel the regular City Council meetings scheduled for July 1 and July 15, 2014, and schedule a special meeting on July 1, July 18 and July 19, 2014. Voice vote found all in favor; passed and so ordered.

7. ITEMS FROM THE AUDIENCE – Marsha McCray, 560 West Schulte, commented on the Grand Jury findings and stated she did not always agree with every decision the Council made, but appreciated the hard work and dedication the Council put into making Tracy a better place to live.

James Young, 1517 Arigotti Lane, personally thanked the Mayor and Council for helping to make the Juneteenth celebration a success.

8. STAFF ITEMS

- A. Interim City Manager's Report – Interim City Manager Maria Hurtado stated the former Chevy's building has been demolished to make way for the new Red Robin restaurant which is expected to open in November 2014. Origins Books will open on June 21st at 33 W. 10th Street in downtown Tracy. Grant Bar & Lounge received Planning Commission approval for a nightclub and restaurant at 2706 Pavilion Parkway, just behind Extended Stay America.

Staff recently received notification that Mi Pueblo Food Center will close their location at 3225 N. Tracy Blvd. The local WorkNet office has been in contact with Mi Pueblo to assist the displaced employees. Staff is working with the property



owner and commercial broker on outreach efforts for new tenants for the 42,000 sf space.

Oak Valley Community Bank will occupy a portion of the former Ward Real Estate building, at the southeast corner of Central Avenue and 11th Street in downtown Tracy. Harbor Freight Tools is expected to open their new location at 3077 N. Tracy Blvd. on June 24th. The Commons Restaurant opened their new downtown location at 49 W. 10th Street today.

Glassfab Tempering is finalizing improvements on a 67,000 square-foot expansion. The glass fabricator currently employs approximately 150 people and is expected to add 25-30 more positions by the end of the year.

The Commons, a downtown restaurant, opened their doors earlier today at 49 West 10<sup>th</sup> Street, Tracy.

Aspire Apartments near the I-205 business park on Pavilion Parkway will be completed this summer and will feature 301 units. Yosemite Vista, Phase II, off MacArthur Drive will produce 166 single family units by the end of the year. Grading and construction work is also taking place off of South MacArthur Drive near Valpico Road for the Tiburon Village development which is expected to produce 105 units. Lastly, Murfield/Phase 4 located off of Starflower Drive has begun construction and models are available for viewing and sale.

As part of the City's efforts to enhance public engagement and communication, the City has launched an online E-Newsletter which delivers electronic information on various City news and advisories to subscribers. To enroll visit the City's website at [www.thinkinsidethetriangle.com](http://www.thinkinsidethetriangle.com), click on the "Join E-Subscriptions" link on any department page. You will then be prompted to a webpage where you can select which informational areas you'd like to receive updates on. Electronic newsletters are sent to the subscriber's email on a recurrent basis.

In April, Governor Gerry Brown called on California residents to reduce water use as the State battles the drought. The City requested residents to do their part to conserve water as much as possible.

With the hot summer temperatures comes a need to cool off in swimming pools. The Tracy Fire Department is continuing their endeavor to prevent childhood drowning's in the community by educating the public on pool safety. All members of the household are encouraged to take swim classes and individuals over the age of 12 are recommended to have CPR and First Aid training. Swim classes are available through the City. More information can be found on the City's website, or by calling the City Hall at (209) 831-6200.

The City is currently in the process of transitioning its contractor for Landscape Maintenance District services. Public Works staff is assisting in maintaining various landscape medians, streetscapes, storm channels and mini parks during the transition. The City anticipates having a new contractor in place by September.

The City and the Tracy Chamber of Commerce will host one of San Joaquin County's largest Fourth of July events in Lincoln Park. The event starts at 6 a.m. with a hot air balloon lift and Pancake Breakfast hosted by the Tracy Breakfast Lion's Club. A parade through downtown begins 10:00 a.m., ending up at Lincoln Park for the opening ceremonies at 11:30 a.m. Mayor Brent Ives will welcome the public. Vendors, live music and family activities take place throughout the day. At 8:00 p.m. the Tracy High Football Stadium will open for a fireworks show which begins at 9:30 p.m.

To ensure that the community enjoys a safe Fourth of July holiday, the Tracy Fire Department has reminded the community that Safe and Sane fireworks are only legal within Tracy's City limits from June 28th through July 4th. All fireworks are illegal in unincorporated San Joaquin County and Mountain House. Safe and Sane fireworks are available from local non-profits in town.

Several fun events are lined up for this summer's Block Party series at the Downtown Plaza. Upcoming themes and entertainment include Rhythm & Blues – Nathan Owens Soul Band; Rock & Roll – Audioboxx; Totally Tubular 80's – Fast Times; Boots & Buckles – Chris Garder Band; and Party Band – Take 2.

Movies on the Plaza are shown in Tracy's Civic Center Plaza. The movies will begin at sunset and include Frozen, Despicable Me2 and the Hunger Games – Catching Fire.

The 2014 Music in the Park Series, kicks off on June 12th. These family-friendly concerts start at 7 p.m. at Lincoln Park. Musical acts range from Rock, Latin, Big Band, and R&B.

National Night Out is one of the biggest Crime Prevention events in Tracy. This year, the event will be held on Tuesday, August 5th. The event raises community awareness on crime prevention programs, such as Neighborhood Watch, and promotes public safety and community partnerships. Participants host events such as block parties or park cook-outs to strengthen neighborhood connections, and become better acquainted with local law enforcement officials. The Tracy Police Department and City Council members will make their way around the community that evening to support National Night Out activities.

The application period for the City Manager recruitment closed on Monday, June 16th. Preliminary interviews with first round candidates will take place from June 23rd – 27th. Finalist recommendations will then be made to Council on July 1st, with second round interviews taking place on July 18th and 19th, during Council closed session. A candidate selection is anticipated by August 1st.

Tracy Police Chief Gary Hampton will complete his three month rotation as Interim Assistant City Manager on July 1st. Jenny Haruyama, Administrative Services Director, has agreed to assist as the interim Assistant City Manager from July 1st through September 30th.

Independent auditors Chavan and Associates have completed their final evaluation and review of the City's credit card purchases and practices, and a community meeting will be held on Wednesday, June 25, 2014 at 7:00 p.m., at the Tracy

Transit Station, 50 E. 6th Street, Room 104, to discuss the findings and obtain community feedback prior to the completion of the final audit report. The final report will be presented to Council on September 2nd. Community members who are unable to attend the meeting, but would like to share their comments and/or suggestions, may contact the City at [manager@ci.tracy.ca.us](mailto:manager@ci.tracy.ca.us) or (209) 831-6000.

9. COUNCIL ITEMS

- A. Council Designation of Voting Delegate and up to Two Voting Alternates for the League of California Cities 2014 Annual Conference Business Meeting – Gary Hampton, Interim Assistant City Manager, stated the League of California Cities Annual Conference is scheduled for Wednesday, September 3, 2014, through Friday, September 5, 2014, in Los Angeles, California.

An important part of the Annual Conference is the League of California Cities' Annual Business Meeting, held on September 5, 2014. At this meeting, the League membership takes action on resolutions that establish League policy. In order to expedite the conduct of business at this policy-making meeting, each City Council should designate a voting delegate and up to two alternates who will be registered at the conference and present at the Business Meeting.

The League of California Cities has requested the names of the designated delegates be forwarded to them no later than Friday, June 20, 2014. Resolution 2014-106 designated Mayor Pro Tem Maciel as voting delegate and Council Members Young and Manne as voting alternates.

Council Member Rickman stated on June 21<sup>st</sup> the annual Portuguese festival will take place in Tracy. This year is the festival's 90<sup>th</sup> anniversary.

Mayor Pro Tem Maciel stated a Police Explorers event would be held in Ripon in the near future.

10. ADJOURNMENT – It was moved by Council Member Rickman and seconded by Council Member Manne to adjourn. Voice vote found all in favor; passed and so ordered. Time 9:43 p.m.

The above agenda was posted at the Tracy City Hall on June 12, 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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Interim City Clerk

**August 19, 2014, 7:00 p.m.**

City Council Chambers, 333 Civic Center Plaza

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

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

The invocation was provided by Pastor Tim Heinrich, Crossroads Baptist Church.

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

Maria Hurtado, Interim City Manager, presented the Employee of the Month Awards for July 2014, to Thomas Baldochi, Fire Department, and for August 2014, to Bill Cathey, Public Works Department.

Mayor Ives and Interim Police Chief Jeremy Watney presented a Certificate of Recognition to Daniel Romas for risking his own health and well-being to assist in removing an unresponsive driver from his vehicle following an accident in Tracy on June 18, 2014.

Mayor Ives and Fire Chief Nero administered the Oath of Office to Jared Bryant who was promoted to Engineer and Scott Byers and Larry Vickers who were promoted to Captain.

1. CONSENT CALENDAR – Following the removal of Item 1.D by Council Member Young it was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt the consent calendar. Roll call vote found all in favor; passed and so ordered.
  - A. Approval of Minutes – Regular meeting minutes of May 6, 2014, closed session minutes of June 17, 2014, July 18, 2014, July 19, 2014, and August 5, 2014, and special meeting minutes of July 1, 2014, and August 5, 2014, were approved.
  - B. Authorize the Appointment of Four Youth Commissioners to the Youth Advisory Commission – Resolution 2014-118 authorized the appointments.
  - C. Approval of Out-of-State Travel Request for Interim City Manager Maria Hurtado to Attend the International City/County Management Association (ICMA) Annual Conference on September 14-17, 2014 in Charlotte, North Carolina – Resolution 2014-119 approved the request.
  - E. Approval of a Four Year General Services Agreement With Stockton Petroleum Company, Inc. for Gasoline and Diesel Fuel Supply Services and Authorization for the Mayor to Execute the Agreement – Resolution 2014-120 approved the agreement.
  - F. Find it is in the Best Interest of the City to Forego the Formal Request for Proposal Process and Authorize an Amendment to Increase the Not to Exceed Contract Amount by \$100,000 for the Professional Services Agreement With XL Landscape Development for Temporary Landscape Maintenance of Street Medians, Streetscapes, Parks, and Channelways Maintenance Until a Long Term

Contract is Executed and Authorize the Mayor to Sign the Amendment – Resolution 2014-121 approved the increase to the contract amount.

- G. Approve the Purchase of Geographic Information System (GIS) Software Licenses Through the Environmental Systems Research Institute, Inc. (ESRI) Small Government Enterprise Licensing Agreement and Authorize the Mayor to Sign the Agreement – Resolution 2014-122 approved the purchase.
- H. Authorization to Amend Section B, Roles and Responsibilities, of the Measure E Residents' Oversight Committee Bylaws to Change the Date of the Annual Written Report Presentation to Council from June to August – Resolution 2014-123 authorized the amendment.
- I. Authorize Amendment of the Position Control Roster by Approving the Reclassification and Reallocation of a Recreation Program Coordinator II to the Position of Recreation Services Supervisor – Resolution 2014-124 authorized the amendment.
- J. Authorize Amendment of the City's Classification Plan and Position Control Roster by Approving the New Classification of Division Manager I/ Division Manager II; and Reallocation of the Senior Human Resources Analyst in the Administrative Services Department, Human Resources Division; and the Recreation Services Program Manager in the City Manager's Office, Recreation and Cultural Arts Division; to Division Manager II, and Reclassification of Incumbents – Resolution 2014-125 authorized the amendment.
- K. The City Council of the City of Tracy Acting as the Governing Body of the Successor Agency for the Community Development Agency of the City of Tracy Approving the Recognized Obligation Payment Schedule (ROPS) – Resolution 2014-126 approved the ROPS.
- L. That Council, by Resolution, Transfer \$500,000 from the Schulte Road Property Acquisition CIP 79367, to the Residential Specific Plan (RSP) Economic Development Fund and Adopt a Resolution Authorizing the City Manager to Sign Task Orders With Various Consultants for Work Related to Environmental and or Other Entitlement Work Where the Entitlement Process is Either City- Initiated or Related to City-Owned Property in Order to Streamline our Processes and be Prepared to Respond Quickly to Job Generating Economic Development Opportunities – Resolution 2014-127 approved the transfer and authorization.
- M. Approval of Permits for the Consumption of Alcoholic Beverages on City Streets for the Chamber of Commerce "Taste of the Valley Art And Food Festival" on September 6 & 7, 2014 – Resolution 2014-128 approved the permits.
- D. Acceptance of the Valpico Road Sidewalk Improvement Project – CIP 73133, Completed by Dunton Construction of Anderson, California, and Authorization for the City Clerk to File the Notice of Completion – Council Member Young stated she had pulled the item for information. Victoria Dion, City Engineer, presented the staff report. On December 17, 2013, the Council awarded a construction contract in the amount of \$115,501.50 to Dunton Construction of Anderson, California, for construction of the Valpico Road Sidewalk Improvement Project.

The scope of work involved installation of approximately 3,409 square feet of new sidewalk and the removal of plants, trees, barricades, and lawns. The new sidewalk connects to existing sidewalks on both ends of the project and will comply with the Americans with Disabilities Act (ADA).

One change order was issued in the amount of \$11,425.43, which included installation of an 18" storm drain pipe, installation of additional signs and paving existing drives to comply with ADA requirements. The project construction contract unit prices are based on estimated engineering quantities. Actual payment is based on field measured quantities installed by the contractor. According to the City's inspection records, actual field measurement quantities exceeded the contract quantities in the amount of \$10,192.50. These quantities were paid in accordance with the bid unit prices of the contract and are listed as over run quantities.

Estimated budget and project costs are as follows:

A. Construction Contract Amount	\$115,501.50
B. Change Orders	\$ 11,425.43
C. Over Run of Quantities	\$ 10,192.50
D. Design, Construction Management, Inspection, Testing & Miscellaneous Expenses	\$ 13,496.00
E. Project Management Charges	\$ 9,140.00
Total Project Costs	\$ 159,755.43
Budgeted Amount	\$ 170,000.00

The project has been completed within the available budget, on schedule, per plans, specifications, and City of Tracy standards.

Council Member Young stated it was good to see different projects completed.

Ken Silver, 435 West Lowell, asked if anything was being done on the north side where there is a vacant field.

Kul Sharma, Director of Utilities, stated the sidewalk on the north side will be completed either when development occurs or when MacArthur is widened from the west.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-129, Accepting the Valpico Road Sidewalk Improvement Project, CIP 73133, Completed by Dunton Construction of Anderson, California, and Authorizing the City Clerk to File the Notice of Completion. Voice vote found all in favor; passed and so ordered.

- ITEMS FROM THE AUDIENCE – Mollie Lowe, 2590 Atherton Court, commented on a proposal by Tracy Unified School District to buy out the City's MOU with West High School related to pool access, and asked how the City would meet the needs of the swimmers. Ms. Lowe requested an agenda item to discuss the issue.

A representative from the Tracy Camera Club and a representative from the Tracy Friends of the Library invited the public to participate in a "For the Love of Reading Photography Contest," which runs from September 6 – 25, 2014. The public was also invited to attend a discussion and awards ceremony with Robert Dawson at the Tracy Library on September 13, 2014.

Steve Nicolaou, 1068 Atherton Court, commented on TUSD's proposal to buy out the City's MOU with West High School related to pool access and suggested a number of options for the City to consider.

3. THAT COUNCIL CONDUCT A PUBLIC HEARING DECLARING THE EXISTENCE OF WEEDS, RUBBISH, REFUSE AND FLAMMABLE MATERIAL ON EACH OF THE PARCELS LISTED IN EXHIBIT "A" TO THIS AGENDA ITEM A NUISANCE; CONSIDER OBJECTIONS TO ABATEMENT OF SAID NUISANCE, AND ADOPT A RESOLUTION AUTHORIZING FIRE DEPARTMENT STAFF TO ORDER CONTRACTOR TO ABATE SAID NUISANCES – Dave Bramell, Division Chief, presented the staff report. The Fire Department performs inspections on its own, and after complaints are received from residents regarding the existence of weeds, rubbish, refuse and flammable material on residential and commercial parcels. Abatement notices are sent to the owners of parcels deemed by Fire Department staff to be a public nuisance and dangerous to the public health and safety. The notice states the time and date the Public Hearing will be held to address any and all objections to the proposed abatement and, as necessary, authorize Fire Department staff to direct the City's contractor to abate parcels Council finds to be a nuisance.

On June 26, 2014, July 10, 2014, July 21, 2014 and July 24, 2014, pursuant to Tracy Municipal Code, Section 4.12.280, the Fire Department sent a notice to the property owner(s) listed in Exhibit "A" to the staff report. That notice required the said owner to abate weeds, rubbish, refuse and flammable material on his/her parcel within twenty days, and informed the property owner(s) that a Public Hearing would be conducted on August 19, 2014, where any protests regarding the notice to abate would be heard. The Tracy Municipal Code provides that upon failure of the owner, or authorized agent, to abate within 20 days from the date of notice, the City will perform the necessary work by private contractor and the cost of such work will be made a personal obligation of the owner, or become a tax lien against the property.

Under the provisions of Tracy Municipal Code, Section 4.12.290, the Fire Department will proceed at Council's direction to instruct the City's contractor to perform weed, rubbish, refuse and flammable material abatement on the parcels listed in Exhibit "A" to the staff report. Per the Tracy Municipal Code, property owners are liable for the cost of abatement and will be billed for the actual cost of the City contractor's services, plus a twenty-five percent administrative charge. All unpaid assessments will be filed with the San Joaquin County Auditor Controller's office to establish a lien on the property.

Since there is \$12,100 budgeted for Fiscal Year 2014-2015, Grounds and Maintenance account, there are sufficient funds at this time to accomplish abatement services.

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

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-130, Declaring the existence of weeds, rubbish, refuse and flammable material on the parcels listed in Exhibit "A" a nuisance and authorizing the Fire Department staff to order contractor to abate. Voice vote found all in favor; passed and so ordered.

4. PUBLIC HEARING TO CONSIDER IMPLEMENTATION OF PHASE II WATER RESTRICTIONS – Stephanie Reyna Hiestand, Water Resources Analyst, presented the staff report. In response to the ongoing severe drought, the State Water Resources Control Board enacted emergency regulations to ensure increased water conservation in urban settings, primarily through reduction in outdoor urban water use. The regulations are to help implement the Governor's requested goal of a 20% reduction. For the year, Tracy has achieved a 13% reduction; however the community achieved a 25% water reduction for the month of July.

Based upon the above numbers, the City's water conservation efforts are working effectively. This past spring, the City engaged the community through educational utility bill inserts and conservation advertisements in local movie theaters, and by tracking and responding to questions, inquiries and complaints through the City's Government Outreach program and mobile app. The City has strategically reduced watering in local parks and landscaped medians, and implemented water patrol resources.

Water conservation concerns and/or complaints are referred to the City's Water Patrol or Water Conservation Coordinator. Staff will investigate the issue and provide customers with educational materials about conservation and ways to manage/ monitor water usage. Should the customer refuse to comply, a letter would be issued encouraging compliance to avoid penalties. If the problem continues, a citation in accordance with City's Municipal Code could be issued. Fines would range from \$100 for a first violation to \$500 for a third violation, and up to \$500 for a first violation if imposed by a State agency. However, staff's past practice is to defer to education and outreach before taking punitive action to achieve water conservation goals.

Phase II water restrictions include the following:

No flagrant water waste or excessive runoff of water at any time.

Proper maintenance of all plumbing and irrigation systems.

Use of a hose with a self-closing "trigger" handle for all outdoor uses.

Washing of non-commercial sidewalks, driveways, porches, or other outdoor surfaces is prohibited.

Washing of commercial sidewalks, driveways, parking lots or other outdoor surfaces is prohibited (by State regulation).

Car washing is allowed only with the use of a self-closing "trigger" spray nozzle.

Landscapes may be irrigated:

- At any time provided that the person irrigating the landscape is present outdoors and remains in full control of the water usage.
- Unattended between the hours of 7:00 p.m. through 9:00 a.m. (May 1 through September 30)
- Unattended between 4:00 p.m. through 10:00 a.m. (October 1 through April 30)

These restrictions will continue until the drought is alleviated. In the event the drought continues, additional water conservation may be required.



There is no fiscal impact to the City's General Fund. Decreased water usage will result in decreased revenue to the Water Fund. Monthly revenue from utility billing, along with the Water Fund Balance, will be monitored to ensure prudent fiscal management.

In response to a question from Council Member Rickman, regarding the City's water supply, Kul Sharma, Director of Utilities, stated the City has nine wells, water from SSJID and surface water which provide sufficient water for the existing city as well as new development. Council Member Rickman asked how long the water would last. Mr. Sharma responded whenever a new project is developed the City ensures the project either brings a water source with it, or staff looks to other entities to provide water.

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

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Young to adopt Resolution 2014-131, Authorizing the Implementation of Phase II Water Restrictions. Voice vote found all in favor; passed and so ordered.

5. APPROVAL OF AN EMPLOYMENT AGREEMENT WITH TROY BROWN FOR THE POSITION OF CITY MANAGER – Dan Sodergren, City Attorney, presented the staff report. The recruiting firm of Peckham & McKenney was retained to conduct a recruitment and selection process for the City Manager position. After an extensive search and recruitment effort, Troy Brown was selected as the preferred candidate from a pool of 42 candidates to be Tracy's new City Manager.

Currently, Mr. Brown is the Assistant City Manager in Livermore, CA. His previous employment included Assistant to the City Manager in Elk Grove, CA, and Assistant to the City Manager in the City of Riverside, CA. Mr. Brown has over 20 years of municipal experience and holds a Master of Public Administration from California State University in San Bernardino, CA and a Bachelor of Political Science from Northridge, CA. He is currently the West Coast Regional Vice President of the International City/County Management Association (ICMA).

Proposed employment terms between the City and Mr. Brown are set forth in the employment agreement. The agreement specifies an annual salary of \$205,000. Mr. Brown will begin his duties at the City of Tracy on Tuesday, September 2, 2014. He will become Tracy's ninth City Manager since 1954, when voters approved the CityCouncil/CityManager form of government.

Pastor Kal Waetzig, St. Paul's Church, and Steve Nicolaou, 1068 Atherton Court, joined the City Council in welcoming Mr. Brown to the City.

Steven Kiefer, Economic Development Director, Livermore congratulated the City Council on the selection of Troy Brown, as the City Manager.

Council Member Young complimented Maria Hurtado, Jenny Haruyama and Gary Hampton for the excellent work they did during the recruitment process as Interim City Manager and Interim Assistant City Managers.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2014-132, Approving the Employment Agreement as amended between the City of Tracy and Troy Brown for the position of City Manager. Voice vote found all in favor; passed and so ordered.

Mr. Brown introduced himself to the community and thanked staff for the warm welcome. Mr. Brown also offered special thanks to his wife and children.

Mayor Ives recessed the meeting at 8:04 p.m. The meeting was reconvened at 8:13 p.m.

6. RECEIVE A REPORT ON A POTENTIAL CITY/SAN JOAQUIN COUNTY PARTNERSHIP FOR THE DEVELOPMENT OF A SOUTH COUNTY REGIONAL PARK AND PROVIDE STAFF DIRECTION WHETHER OR NOT TO PROCEED WITH NEGOTIATIONS WITH SAN JOAQUIN COUNTY – Kul Sharma, Director, Utility Department, presented the staff report. Mayor Ives welcomed Bob Elliott, Chairman of the San Joaquin County Board of Supervisors.

On November 9, 2010, the County of San Joaquin expressed interest in purchasing 105 acres at the northeast portion of City-owned property located at Holly Sugar, with the future goal of developing a County park. On December 14, 2010 the County of San Joaquin Board of Supervisors approved the purchase of the property. The City Council subsequently approved the sale of the land to the County on December 21, 2010. The purchase was completed on March 31, 2011, at a cost of \$662,470.

During the County's June 25, 2013 budget hearing, the Board of Supervisors discussed future growth in the South County area and options to provide regional park services through collaborative efforts. Last year, the City expressed interest to the County regarding swapping City-owned property adjacent to the Legacy Sports Complex for the County-owned parcel, and exploring a shared investment of resources to develop a regional park. The land swap would involve the County trading 105 acres for similar acreage adjacent to the Legacy Sports Complex. The opportunity to establish a regional park in this area would provide contiguous park facilities north of Larch Road, between Tracy Boulevard and Corral Hollow Road, and expand park services for both City and County residents. While the cost of ongoing maintenance still has not been determined, a previous idea suggested by the City involved the County developing the park and the City assuming all annual park maintenance expenses.

County staff indicated that it must obtain approval from the California Department of Parks and Recreation, Office of Grants and Local Services, and Federal National Park Service before entering into a land swap agreement with the City. The approval process requires several action items, including but not limited to:

- Conducting an appraisal of both properties that meets Uniform Appraisal Standards for Federal Land Acquisitions;
- Providing a Willing Seller letter from the City;
- Developing a Parcel Map, Legal Description and Conceptual Site Plan with a description of the public input process used to select the park site; and
- Ensuring the completion of required contamination analyses, environmental clearance in accordance with CEQA, Section 106 compliance evaluation and clear title research.

Staff requested Council direction on whether to begin negotiations with the County for the land swap, and if appropriate, the potential development and future maintenance of a South County Regional Park. As part of its FY 2014/15 budget development process, the County has allocated \$160,000 to develop a conceptual design and initial cost estimates, including land-related fees and environmental reviews for the South County Park.

Mr. Sharma concluded by recommending that Council direct staff to proceed with negotiations and provide a status report to Council regarding initial costs associated with the land swap and future park maintenance.

Mayor Ives invited public comment.

Ken Silver, 435 West Lowell, stated he had been promised a disc golf course would be included in the plans for the park when it was first proposed, and built in the second phase of the project. Mr. Silver stated his goal is to bring a state of the art disc golf course to Tracy.

Mary Souza Mitracos, 363 W. Eaton Avenue, District 5 Representative to the San Joaquin County Parks and Recreation Commission stated the Commission has been working on getting a South County Regional Park for some time. Ms. Mitracos stated this was an exciting project since the County's two regional parks, Mickey Grove and Oak Grove, are situated in the far north of San Joaquin County. Ms. Mitracos stated Mickey Grove and Oak Grove Regional Parks have disc golf courses, and suggested it should not be a problem to include a disc golf course in the 100 acres.

Council Member Young asked what the land had been reserved for previously. Maria Hurtado, Interim City Manager, stated the County does not have a park concept plan at this time. If the Council is interested in the potential partnership between the City and the County to explore the development of a South County Regional Park the Council should direct staff to continue negotiations with the County. Staff will then get more detail on the requirements and bring key negotiation points back to Council. After that community input would be solicited with regard to what form the park should take and what uses would be incorporated.

In response to a question from Council Member Manne regarding the Spirit of California, Ms. Hurtado stated the City no longer has an exclusive negotiating rights agreement with Spirit of California and there are no ongoing negotiations.

Mayor Ives stated the 103 acre property belongs to the County and the onus on development is with the County, but because it is close to the City it provides the opportunity for a joint use project.

Mayor Pro Tem Maciel thanked Supervisor Elliot and former Supervisor Ornellos for their work on this project and added he hoped the details could be worked out in favor of both parties.

Mayor Pro Tem Maciel motioned to accept the report and directed staff to proceed with negotiations with San Joaquin County, to pursue a land swap to potentially develop a regional park and to provide a status report in November 2014 regarding initial costs

associated with the land swap and future park maintenance. Council Member Manne seconded the motion. Voice vote found all in favor; passed and so ordered.

7. ACCEPT ANNUAL REPORT OF THE MEASURE E RESIDENTS' OVERSIGHT COMMITTEE – Ann Bell, Management Analyst II, Administrative Services Department, offered a brief introduction stating the role of the Measure E Committee is to review Measure E and to present an annual report. Ms. Bell introduced Michel Bazinet, Chairperson, Measure E Committee, who presented the report.

Mr. Bazinet used a power point in his presentation which included an overview of the Roles and Responsibilities of the Committee, the activities conducted during the prior year and the current year, FY 2012/13 actuals and four year forecast with and without Measure E revenues, and the City's Income Statement. Mr. Bazinet commented on the continuing structural deficit, including the current City forecast and the cost containment measures which have been initiated. Mr. Bazinet stated the projected fiscal outlook, excluding Measure E, projects a \$6.4m increase in expenditures in FY 2015.

The Committee's conclusions include projected revenues of \$54.7m and expenditures of \$50m resulting in a projected surplus of \$4.7m for this fiscal year. The City is also projecting a structural General Fund deficit of \$4.10m in FY 2016/17 and in subsequent years after the expiration of Measure E. Mr. Bazinet added the Tracy electorate voted for Measure E sales tax increase based on stipulations it expires in 2016 and the City had no intentions of renewing it. The Committee's recommendations included reserving General Fund surplus in a special fund and using the special fund to finance one-time operating or capital projects that reduce the General Fund expenditures. However, Measure E surplus should not be used to fund ongoing operations or to shore up General Fund reserves. Supplemental income statements and forecasts showing results excluding Measure E sales tax revenues should be prepared, and financial documents highlighting progress the City is making towards alignment of General Fund expenditures and non-Measure E revenues should be restated. Finally, the Committee is concerned that the City is not on a path to close projected structural General Fund budget deficits by 2016 when Measure E expires; the Committee strongly recommends that the City Council and staff continue to explore additional cost reduction and revenue enhancement strategies to align General Fund revenue and expenditure levels in anticipation of the expiration of Measure E; and the City should explore opportunities to diversify revenue sources to include event based revenues such as those generated by local, regional and national sports league competitions and events.

Mr. Bazinet concluded by stating the City has a high dependency on sales and property tax and diversifying into events which generate tax revenues would be good for the City.

Mayor Ives invited public comment.

Robert Tanner, 1371 Rusher Street, questioned why there was \$1.5 m forecast in Measure E tax revenue in 2017. Mr. Tanner also suggested an increase in expenses in 2015 was probably due to labor contracts becoming due in fiscal year 2015/16, and CALPERS. Jenny Haruyama, Interim Assistant City Manager, stated the increase in budget year 2014/15 is related to development expenses not labor negotiation expenses, and all development expenses have an offsetting revenue.

Ms. Haruyama stated Measure E expires on March 30, 2016, so there will be a full month of revenue coming in. The revenue projections were provided by Muni Services, and there is always an adjustment to be made in the subsequent year. There is a complex methodology used to come up with the numbers, so the \$1m will change either up or down in the coming quarters.

Steve Nicolaou, 1038 Atherton Court, stated the City needs to be aware that CALPERS Pension and Health Benefits Committee approved 99 additional items, which will bring added costs to the City in the future in the form of increased pensions if CALPERS approves those additional "spike" items.

Mr. Nicolaou stated if the drought continues through next year that also would be an additional expense for the City.

Ms. Haruyama stated the City does actuarial updates which take into consideration what the impact will be to the City's unfunded liabilities. These impacts will be considered as staff moves forward with the City's budget. The City will have to monitor water issues year by year, but if there are concerns with water costs infringing onto the General Fund staff will come back to the Council with a report.

Kul Sharma, Director, Utilities, stated the City has enough water under existing contracts through next year. If the drought goes beyond a couple more years it could be a problem.

David Helm asked why the city was spending more money than it takes in. Ms. Haruyama stated the adopted budget is a balanced budget. Revenues are coming in slightly lower, expenditures are higher. However, the expenditures are development expenses which have offsetting revenues which makes them cost neutral. Also, additional expenses have been adopted, but the budget is balanced. Ms. Haruyama admitted there is a lack of clarity on this and offered to meet with Mr. Helm to explain.

Dave Helm stated he thought the City had retained a new auditor and inquired how Moss Levy and Hartzheim had certified the budget. Ms. Haruyama stated this is the last year for the current auditor since they are under contract. The City will go out with an RFP for auditing services in 2015/16.

Ann Bell, Management Analyst II, Administrative Services Department, stated the letter from the auditor is based on the fiscal year 2012/13 review and data. The City hasn't yet closed out fiscal year 2013/14.

Council Member Young asked when Council would discuss the recommendations included in the Measure E report. Ms. Haruyama stated staff works with the Measure E Committee and takes the recommendations as suggestions. If some of the suggestions seem fruitful, staff will incorporate them as recommendations into the budget development process.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to accept the report for the Measure E Residents Oversight Committee. Voice vote found all in favor; passed and so ordered.

Mayor Ives thanked the Measure E Committee members for the time they had devoted to putting together the annual report.

8. ACCEPT STATUS REPORT ON THE YOUTH SPORTS LEAGUES LEGACY FIELDS PROJECT, PROVIDE DIRECTION ON POSSIBLE CITY ASSISTANCE TO THE LEAGUES, AND AUTHORIZE TERMINATION OF THE LEASE WITH THE TRACY FUTBOL CLUB – Brian MacDonald, Management Analyst II, presented the staff report and used a power point in his presentation. On August 7, 2012 and September 4, 2012, the City Council approved Property Development and Lease Agreements with Tracy Little League (TLL), Tracy Babe Ruth (TBR), Tracy Youth Soccer League (TYSL), and Tracy Futbol Club (TFC). As part of this agreement, the City agreed to make several infrastructure improvements, including the design of the entire site, creation of comprehensive specifications, infrastructure construction, and grading.

On December 17, 2013, the Council accepted the completed infrastructure project for a total General Fund commitment of \$11,329,870. By accepting the infrastructure project, the leagues had access to the site and could begin constructing the fields. Per the lease agreement, the leagues have until December 2018 to construct the fields to a minimal standard “suitable” for league play; however, the fields must be constructed to City standards and specifications by December 2028. The leagues could maintain the fields at the minimum standard between 2018-2028, until they raise enough funds to complete the fields to the required standards. Once built, the leagues would have 12 baseball fields and eight soccer fields.

Recently staff has been communicating with the leagues and discussing current lease requirements and options to help facilitate the development of the fields. To date, one of the four leagues is ready to begin construction.

Two lease requirements are due or past due. The annual lease payments were due to the City in January 2014. To date, three of the four leagues have submitted their lease payments, with the exception of TFC who has communicated to staff that it has no intentions to pay the lease or to build the fields. After several conversations with TFC, staff sent a Notice to Cure Default on January 30, which provided TFC with 30 days to pay its lease obligation. Because the City has not received TFC’s lease payment, staff requested that Council authorize the termination of the TFC agreement. This will allow other leagues who have expressed an interest in building fields to begin discussions with the City for the current TFC designated area.

A second requirement is for the leagues to provide the City with a phased development plan which outlines the elements of the fields that will be built, provides the timeline they anticipate it will take to build the fields, and delineates the amount of money the leagues have raised for construction of the fields. To date, the TLL is the only league that has submitted a phased development plan and is attempting to move forward with construction within the funding and in-kind services it has secured.

Staff met with TLL, TBR, and TYSL to discuss their progress on the development of fields and identify any barriers to such development. So far, staff has provided information on licensing, permitting, and construction requirements.

Tracy Little League: As previously mentioned, TLL is moving forward with construction and is currently working with Odyssey Landscaping to provide various services for the

project. TLL plans to build five fields by April 1, 2015, with its current available funding and with assistance from parent volunteers and local businesses.

Tracy Babe Ruth: TBR is also working with Odyssey Landscaping and is preparing a phased development plan for submittal to the City. TBR plans to construct two fields before Spring 2015 with available funding and assistance from parent volunteers and local businesses.

Tracy Youth Soccer League: Currently, TYSL is not ready to submit a phased development plan or to build fields due to limited funding. TYSL is working with parents and local business to seek assistance for field construction.

Discussions have been held with the leagues regarding the City's "minimum" standards requirement in the short term (within five years) vs. the City's standards requirements which must be met in the long term (no later than 15 years from date of agreement). The leagues requested further clarification regarding the minimum standards requirement and any allowances that could be made, while still ensuring safe, playable fields.

Estimates show that to build the fields to City standards and specifications, it would cost the leagues approximately \$19.7 million and \$25 million if the City built the fields.

To date, Tracy Little League has confirmed that it will construct three of its seven fields; however, the remaining leagues are unable to move forward due to fundraising and limited technical support. Based on feedback from all of the participating leagues, staff identified three options for Council consideration that could facilitate the development and construction of Legacy Fields.

OPTION 1: - Marketing and Fundraising Support: As a part of a pilot program, the City would contract with a marketing and fundraising consultant who is experienced in assisting local non-profits market and raise funds for their programs. The City could offer this program to a limited number of local non-profits and invite the Legacy Fields non-profits to participate. The consultant could provide the leagues with the tools they need to identify alternative sources of funding, in-kind services, materials and financing opportunities. A one-time allocation of \$100,000 could be established while the pilot program is implemented. The pilot program could be re-evaluated when the initial funding allocation is depleted prior to re-allocating additional funds.

OPTION 2: - City Constructs On-Site Drainage and Irrigation: The City constructs the on-site drainage and irrigation infrastructure at a cost of \$5 million. Staff does not recommend this option because of the magnitude of the costs. In addition, this option would require the leagues to pay prevailing wages to anyone paid to work on their project, whether paid by the leagues or paid by somebody else (e.g. a landscape contractor who donates labor but pays that labor out of the landscape contractor's pocket), which will substantially increase the cost to the leagues.

OPTION 3: - City Constructs all fields to City's Standards and Specifications: The City may opt to construct all fields to the City's standards and specifications and invest an additional \$25 million for a total General Fund investment of \$36 million. Staff does not recommend this option because of the magnitude of the costs and currently unfunded priority General Fund projects.

Staff recommended that Council pursue Option 1. This option provides the Leagues with the maximum support to initiate their fundraising and marketing needs, while

allowing the Leagues time to build the fields based on their available resources and preferred timing.

Council Member Rickman asked if staff had spoken with all the leagues and if so, what was the biggest problem. Mr. MacDonald stated funding and draining issues. Staff is working with the design consultant to come up with less costly alternatives for the backstops. Costs for drainage are one of the more expensive costs, due to the high water table, but Mr. MacDonald suggested not cutting costs on drainage because it will cost more in the long run in turf and irrigation. Complete drainage costs will amount to \$5m over 15 years.

Maria Hurtado, Interim City Manager, stated staff has been working with the leagues to come up with alternatives to build to the maximum standard, because the leagues cannot afford the costs. Ms. Hurtado discussed cheaper alternatives to the backstops and the drainage issues which would still result in safe playing fields.

In response to a question from Council Member Rickman regarding how effective Option 1 would be, Ms. Hurtado stated it will include a conversation with the leagues regarding how much funding they need, but it is early in the process and each league is at a different stage in the process.

Council Member Rickman asked if the City has other funds which could be used. Andrew Malik, Director, Development Services, stated unrestricted funding sources include Cordes Ranch which will provide \$5m over a 4 year period, beginning in 2015, and Tracy Hills which is expected to generate approximately \$5m over a 2-3 year period.

Mayor Ives stated prevailing wage will be required no matter where the funds come from.

Mayor Pro Tem Maciel stated the project will cost \$3.1m for minimum standards and \$25m at full build out per City plans and specifications. In response to a question from Mayor Pro Tem Maciel regarding why the drainage costs are so high, Kul Sharma, Director, Utilities, explained the drainage issues on the site. Mr. Sharma added staff is trying to build to the minimum standards which will make the fields playable.

Mr. McDonald stated Tracy Little League will not put any of their players or spectators at risk.

Mayor Ives asked at a cost of \$109,000 per field how much of that amount is for drainage. Mr. Sharma replied 20% -25%. The cost includes irrigation which can meet the ultimate standards so it will not have to be replaced after 15 years.

Mayor Ives stated if the City does the drainage, prevailing wages must prevail. City Attorney, Dan Sodergren, explained that whenever a public subsidy is provided for a project on private property it triggers the prevailing wage.

Council Member Manne asked if in a public/private partnership a bond issue had ever been used to secure additional funding. Mr. McDonald stated if a special bond were issued it would be considered a City project and the City would have to raise \$25m to build the full facility. Council Member Manne asked if using synthetic turf would solve some of the drainage issues. Mr. Sharma stated synthetic turf would require more drainage and would be more expensive.



Mayor Pro Tem Maciel asked how much money was left over from the Legacy Fields CIP. Mr. Sharma responded \$200,000 to \$300,000. Mayor Pro Tem Maciel stated the City is limited in the role it can play because of prevailing wage being triggered, but suggested the City could help with establishing contacts for the leagues. Mr. Malik stated staff could help with contacts and retention visits. Ms. Hurtado stated staff could make a list of the top 10 sales generators and make it available to all non-profits.

Council Member Young asked for clarification on the drainage costs. Mr. Sharma gave an overview of the drainage costs. The \$5m includes prevailing wage and covers grading, irrigation and drainage for all 20 fields. If volunteer labor is used, the cost would be lower. In response to a question related to restrooms, Mr. Sharma stated the assumption is there will be porta potties.

Council Member Young asked what would be the time frame if Council selects Option 1. Mr. MacDonald stated Tracy Little League plans to have their fields playable by April 1, 2015. Regarding marketing assistance, the City would go through the RFP process and come back to Council to award a contract, so approximately two months.

Steve Nicolaou, 1068 Atherton Court, suggested alternative solutions which could be considered.

Ken Silver, 435 West Lowell, stated he did not see how the leagues could raise this kind of money since they have no revenue generating resources. Mr. Silver commented on the porta potty issue, and suggested that restrooms should be included in the short term rather than the long term.

Dave Helm asked how much money has been spent so far. Mayor Ives responded \$11.3m. In response to a question regarding where the irrigation water will come from, Mr. Sharma explained the source of the irrigation water. Mr. Helm stated he felt the \$100,000 included in Option 1 would be wasted.

Mayor Ives asked if TFC was still in existence. Mr. MacDonald responded the club is still in existence, but it has indicated the board will not approve any lease payments. Mayor Ives asked if the 2018 date could be extended. Bill Sartor, Assistant City Attorney, stated the rationale for the time frames was so that if a league wasn't able to perform there might be new interests ready that weren't ready at the initial phase. In response to a question from Mayor Ives, Mr. Sartor responded the City can always extend the lease agreements.

Council Member Rickman stated he didn't see prevailing wage as an impediment and he would like to see the fields built as soon as possible. Council Member Rickman added he would like to see Tracy as a destination for regional sports and believed that could happen with Legacy Fields.

Council Member Young queried the cost of \$25m for Option 3. Mr. McDonald stated it would be a full service facility. Mr. Sartor explained prevailing wages.

Council Member Rickman stated that once the fields are built and people start coming to Tracy it will have an economic impact on the north side of town.

Council Member Young asked what has been the response from Little League regarding Option 1. Mr. MacDonald stated Tracy Little League is responsive to this option.

Mayor Ives suggested the City should be patient and give the leagues the chance to make it work, but to help them wherever possible.

Mayor Pro Tem Maciel stated the City needs to work with the leagues while they move forward. The City does not have \$25m to spend on this project. There are many other CIP projects which have been waiting for funding for years. Mayor Pro Tem Maciel suggested Council move forward with Option 1, and work with the leagues and the business community.

Council Member Rickman stated the City has waited 20 years for this project and referred to a number of projects the City has funded which have been successful. Council Member Rickman stated the City should step in and help if the money is available.

Council Member Young stated the City has put \$11.3m into infrastructure, and should continue to help the leagues move forward. Council Member Young stated she was in favor of Option 1.

Council Member Manne stated he would support Option 1.

Mayor Ives stated he had agreement for Option 1. With regard to TFC, Mayor Ives stated he was in favor of giving the club more time to see if they could offer alternatives. Mr. Sartor stated that to make sure prevailing wage does not kick in there is a requirement that the leagues pay a fair market value for the land. TFC is not making payments.

Council approved Option 1 to hire a consultant to provide marketing and fundraising support while incurring no additional impact to the General Fund.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Young to adopt Resolution 2014-133, Terminating the Agreement with Tracy Futbol Club. Voice vote found all in favor; passed and so ordered.

Mayor Ives called for a recess at 10:40 p.m. The meeting was reconvened at 10:45 p.m.

9. APPROVE A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH RJM DESIGN GROUP INC., FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR THE JOE WILSON POOL RENOVATION PROJECT - CIP 78152, AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT – Vicki Dion, City Engineer presented the staff report and used a power point in her presentation. The Joe Wilson Pool opened in 1983 and served as the main pool for the community for over 25 years. In 2009, the Joe Wilson Pool was closed as part of the City's financial cost saving measures. At the time of closure, the pool was deteriorating, a condition which has worsened over the past four years as only minimal maintenance has been performed at the site.

As part of the May 20, 2014, budget workshop, Council directed staff to renovate the Joe Wilson Pool. This action was one part of a broader plan to meet the community's aquatic needs. On June 17, 2014, Council approved funding to design, renovate, and construct the Joe Wilson Pool.

To ensure that the needs of the community are met, staff recommended contracting with RJM Design for design and construction management services as a sole source, in lieu of engaging in a formal Request for Proposal (RFP) process. In 2010, staff solicited RFPs from consultants to design and prepare construction documents for the Aquatics Center. RJM competed in this process and of the 15 proposals submitted, was deemed the most qualified to perform the work. Because of RJM's unique qualifications, familiarity with the community, and their previous work on the Aquatics Center project, staff requested that the Council find that compliance with the formal request for proposal procedure is not in the best interest of the City.

The scope of services which RJM would perform for this project includes:

- Preliminary design and scoping
- Public presentation
- Final design
- Prepare construction documents
- Assist with permitting and bidding
- Construction administration
- Additional services as needed

The total cost for these services is \$349,273.

The tentative timeline for completion of the Joe Wilson Pool Renovation Project is:

Completed Approval of Joe Wilson Pool CIP  
August 2014 Award of Design Contract  
February 2015 Completion of Design  
May 2015 Award of Construction Contract  
March 2016 Completion of Construction

The total approved project budget for this project is \$3,523,000. Approximately \$1,909,000 was transferred from the Aquatics Center project (CIP 78054) to the Joe Wilson Renovation Project (CIP 78152). The remaining \$1,614,000 will be transferred from fund balance in the General Fund to fully fund the project. The anticipated cost to operate and maintain the facility once construction is complete, based on current expenses, is \$117,400. A budget augmentation in this amount will be brought forward during the FY15/16 budget cycle.

In response to a question from Council Member Rickman regarding the length of time to completion, Vicki Dion, City Engineer, stated it is construction season. The project could be completed earlier, possibly by January/February 2016. Mr. Malik stated staff will have a better idea regarding time frames when the bids come in.

Dave Helm referred to Exhibit A to the staff report, and asked a number of questions related to the scope of services, including liability, the cost of salaries to be paid to consultants and their staff, and building code requirements.

Robert Tanner, 1371 Rusher Street, referred to the possibility of TUSD buying out the City's pool use and suggested the City should try to extend the contract at least until the Joe Wilson pool is built.

In response to Mr. Helms' questions, Dan Sodergren, City Attorney, stated the language regarding liability is standard. Mr. Malik responded the salaries are competitive and the pool will be built to code.

In response to a question from Council Member Rickman regarding the public comment period, Mr. Malik stated there will be considerable outreach and staff will bring an item back to Council.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-134, Finding it is in the Best Interest of the City to Forego the Formal Request for Proposals Process, Approving a Professional Services Agreement (PSA) with RJM Design Group, Inc., for the Design and Construction Management Services for the Joe Wilson pool Renovation Project and authorizing the Mayor to execute the Agreement. Voice vote found all in favor; passed and so ordered.

10. APPROVE A FACADE IMPROVEMENT GRANT PROGRAM – Barbara Harb, Analyst, Economic Development, presented the staff report. On March 4, 2014, Council approved the FY2014-15 allocation of Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funding. Among the approved applications was the allocation of \$35,959 for a City Facade Improvement Grant Program for the Downtown Area.

The purpose of the Facade Improvement Grant Program is to incentivize private investment in the downtown for the purpose of restoring/renovating commercial store fronts and replacing deteriorated or poor-quality commercial signs and awnings. The overall goal of the program is to strengthen the revitalization of the downtown area.

The program is a 50% matching grant program with two grant options.

Storefront Facade Improvement Grant – This grant will fund 50% of the cost for construction up to a maximum grant benefit of \$50,000. The grant recipient's private match must provide a minimum of 50% of the cost of construction. The grant recipient is also responsible for all project costs exceeding \$100,000 for construction.

Sign and Awning Grant – This grant will fund 50% of the cost for a new sign or awning up to a maximum grant benefit of \$2,000. The grant recipient's private match must provide a minimum of 50% of the cost of the new sign or awning and is responsible for all project costs exceeding \$4,000.

Downtown property and business owners in the Façade Improvement Grant Program Target Area are eligible to apply for grant funding provided they meet certain criteria. Applicants will submit a completed application with all required attachments to the Economic Development Division in City Hall.

A Façade Improvement Grant Program Committee has been assembled comprised of City Development Services staff from the Economic Development and Planning Divisions. The Review Committee will evaluate each application for eligibility and how effectively the project meets the program criteria.

Specifically, project applications will be evaluated on how well each of the following program criteria is met:

1. Degree of visual improvements the proposed project will bring to the store front and the streetscape;
2. Visual prominence of the project building and its location; and

3. Given limited resources, additional consideration will be given to applications in which the private investment will be greater than 50% of the project budget.

It is anticipated there will be more demand than funds available. Therefore, funding will be provided to those applicants whose projects most effectively meet the program criteria until such time as all grant funds are exhausted. If a grant awardee becomes unable to fulfill the grant requirements or removes a project from consideration, the review committee will reallocate those funds to an eligible, alternate project.

All grant recipients will be required to enter into an Agreement agreeing to abide by the conditions of the Facade Improvement Grant Program. A detailed list of the Conditions for Participation is provided in Attachment A to the staff report.

In answer to a question from Council Member Young regarding how much funding is available, Ms. Harb responded \$359,000. Andrew Malik, Director, Development Services, stated staff is also looking at the next cycle of CDBG to increase the funding if the program is successful. The program is indefinite.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-135, Approving a Façade Improvement Grant Program. Voice vote found all in favor; passed and so ordered.

11. ITEMS FROM THE AUDIENCE – Robert Tanner, 1371 Rusher Street, commented on the unwanted furniture being left on City streets marked “Free.” Mr. Tanner suggested the City consider bringing back the annual “clean up” program which has been discontinued.

12. STAFF ITEMS

A. Interim City Manager’s Report – Ms. Hurtado, Interim City Manager, stated staff is actively marketing the Red Maple Village Shops Phase II properties. The total retail space available is approximately 22,500 square-feet and is envisioned to be primarily restaurant oriented, considering the success of the existing restaurants in the Red Maple Village center. The second location of Dickey’s BBQ restaurant opened in the Home Depot shopping center on July 17th. Extreme Pita, Ono Hawaiian BBQ and Sports Clips are also expected to open in the shopping center within the next few months.

Bossard, a manufacturer of screws and fastening elements, will open a manufacturing distribution center in an existing location at 2000 Chabot Court. They are currently in the plan review process. Prologis has submitted plans for an approximate 1-million square foot spec building in the Cordes Crossroads project. This is the first spec industrial building being planned in Tracy prior to the Great Recession. Staff is working with multiple industrial developers on prospective projects totaling nearly 2-million square feet of space. This is in addition to 2.5-million square feet currently in plan review. Gladden Equipment Erectors and Leprino Foods are all in the process of expanding operations at their existing Tracy location.

Tracy's unemployment rate for June 2014 was 6.4%, the lowest since 2008. Other cities in the county have also seen decreases, including Stockton, 12.8%; Manteca, 9.1%; Lodi, 7.1%; and Lathrop, 8.4%.

In response to ongoing drought conditions, the City has heightened its education and outreach efforts to further encourage water conservation in the community. Public outreach is being achieved through educational utility bill inserts, flyers and conservation advertisements in local movie theaters, the City's Government Outreach system and mobile app, GoRequest. In addition, the City has implemented water patrol resources and taken steps to strategically reduce irrigation at City facilities, local parks and landscaped medians. To report water waste or issue a water related service request, contact the City of Tracy at (209) 831-4333 or visit [www.thinkinsidethetriangle.com](http://www.thinkinsidethetriangle.com) and click on the "Contact Us" link.

On September 6, 2014, the City, in partnership with San Joaquin County, is hosting a Household Hazardous Waste (HHW) Collection Event at the Tracy Municipal Airport from 9 a.m. – 3 p.m. To view a full list of HHW collection items, visit [www.recycleinsidethetriangle.com](http://www.recycleinsidethetriangle.com).

Tracy's East Side Garage Sale event will be held on Saturday, September 13th from 8 a.m. to 1 p.m. Registration is required and closes on August 27th. More information is available on the City website or by calling (209) 831-6300.

Peabo Bryson is the Season Opener for the 2014-2015 Presenting Season at the Grand Theatre on Saturday, August 23, 2014, at 8 p.m. Peabo Bryson is a legendary vocalist offering a timeless mix of pop and soul.

On September 6, 2014, Mariachi Imperial De Mexico will perform at 7 p.m. Mariachi Imperial De Mexico was originally formed in 1968 in the city of Morelia, Michoacán in Mexico.

Finally, Ms. Hurtado gave an update and on the new City Manager. Troy Brown comes from Livermore, California, where he was employed as the Assistant City Manager. Forty-two applicants applied for the City Manager's position through the recruiting firm of Peckham & McKenney. Out of that pool, the City Council interviewed five candidates before selecting Troy as their top choice. Mr. Brown's prior appointments included Assistant to the City Manager in Elk Grove, CA, and Assistant to the City Manager in City of Riverside, CA. He has over 20 years of municipal experience and holds a Master of Public Administration from California State University in San Bernardino, CA and a Bachelor of Political Science from Northridge, CA. He is currently the West Coast Regional Vice President of the International City/County Management Association (ICMA).

The Interim City Manager's informational update was accepted.

### 13. COUNCIL ITEMS

- A. The League of California Cities Request that the City Council Determine Their Position on One Resolution to be Considered at the 2014 Annual Business Meeting of the League of California Cities Annual Conference – Mayor Pro Tem

Maciel motioned to support “A Resolution Calling upon the Governor and the Legislature to Convene a Summit to Address the Devastating Environmental Impacts of Illegal Marijuana Grows on both Private and Public Lands Throughout California and the Increasing Problems to Public Safety Related to these Activities by Working in Partnership with the League of California Cities to Develop Responsive Solutions and to Secure Adequate Funding for Cost-Effective Implementation Strategies.” Council Member Rickman seconded the motion. Voice vote found all in favor; passed and so ordered.

14. ADJOURNMENT – It was moved by Council Member Manne and seconded by Council Member Rickman to adjourn. Voice vote found all in favor; passed and so ordered. Time 11:10 p.m.

The above agenda was posted at the Tracy City Hall on August 14, 2014. The above are summary minutes. A recording is available at the office of the City Clerk.

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Mayor

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Interim City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

**October 7, 2014, 6:30 p.m.**

City Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Ives called the meeting to order at 6:30 p.m. for the purpose of a closed session to discuss the item outlined below.
2. ROLL CALL – Roll call found Council Members Manne, Rickman, Young, Mayor Pro Tem Maciel and Mayor Ives present.
3. ITEMS FROM THE AUDIENCE – None
4. CLOSED SESSION -  

Threat to Public Services or Facilities (Gov. Code section 54957(a))

  - Consultation with the Chief of Police
5. MOTION TO RECESS TO CLOSED SESSION – Mayor Pro Tem Maciel motioned to recess the meeting to closed session at 6:31 p.m. Council Member Young seconded the motion. Voice vote found all in favor; passed and so ordered.
6. RECONVENE TO OPEN SESSION – Mayor Ives reconvened the meeting into open session at 6:59 p.m.
7. REPORT OF FINAL ACTION – None.
8. ADJOURNMENT – Mayor Pro Tem Maciel motioned to adjourn the meeting. Council Member Rickman seconded the motion. Voice vote found all in favor; passed and so ordered. Time: 6:59 p.m.

The agenda was posted at City Hall on October 2, 2014. The above are action minutes.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk (Interim)



AGENDA ITEM 1.B

REQUEST

**AUTHORIZATION FOR SUBMITTING ASSESSMENT BALLOTS FOR THE  
PROPOSED ASSESSMENT FOR RECLAMATION DISTRICT 2058**

EXECUTIVE SUMMARY

The Pescadero Reclamation District 2058 has prepared assessment ballots for property owners within the district. The City received 13 ballots. Staff recommends support of the proposed assessment and authorization is requested for staff to complete and submit the ballots.

DISCUSSION

A portion of the City is located within the boundaries of Pescadero Reclamation District 2058 (District), which is located in the northeast part of the City. Approximately 13 City-owned parcels are located within the Reclamation District and include but are not limited to: wastewater treatment ponds (67 acres) at Arbor Avenue and MacArthur Drive, and a City owned parcel (37 acres) between Grant Line Road and Pescadero Avenue in the Northeast Industrial Area, and a storm drain channel (5 acres).

The District provides services for drainage, levee and flood control. The District's current funding sources are inadequate to fund the regular operation and maintenance expenses and as a result the District cannot continue to meet its obligations without increasing the total amount generated by its annual assessment. The District's current budget is \$194,000. The proposed assessments are estimated to generate \$328,728.

The District has proposed a new method for assessments. Since 2001, assessments have been \$25 per acre regardless of land use. The proposed assessments are calculated using a base fee multiplied by acreage and multiplied by a benefit factor. Agricultural land assessments are currently \$25 per acre and are proposed to increase to \$27.68 per acre. The new method for assessments results in the City's proposed assessment for the wastewater ponds increasing from \$1,692 to \$14,050 per year, or \$207.60 per acre. For City-owned parcels, the new assessment will increase the City's current assessment costs from \$2,145 to \$20,060, of which \$4,621 is for the recently purchased 37 acre parcel (between Grant Line Road and Pescadero Avenue).

The new method for assessments also includes a Consumer Price Index (CPI) based annual adjustment.

STRATEGIC PLAN

This is a routine operational item and does not relate to the Council's Strategic Plans.

FISCAL IMPACT

There is no fiscal impact with submitting the assessment ballots. If approved by voters, assessments will be received and paid during District Fiscal Year 2015-2016, and are invoiced on January 1<sup>st</sup>. The proposed assessment for the City is estimated to be a total of \$20,060; the City currently pays approximately \$2,145 annually in reclamation district assessment fees. There are adequate funds available in Wastewater Fund and other applicable funds to absorb the increased assessment costs.

RECOMMENDATION

That City Council, by resolution, support the proposed assessment and authorize staff to complete and submit the ballots.

Prepared by: Steve Bayley, Project Specialist, Public Works

Reviewed by: Kul Sharma, Director of Utilities  
Maria A. Hurtado, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment: A – Pescadero Reclamation District No. 2058 Engineer's Report

# **Pescadero Reclamation District No. 2058 Engineer's Report**

August 6, 2014

Pursuant to the California Water Code  
and Article XIID of the California Constitution

BY

**Giuliani & Kull, Inc.**

440 S. Yosemite Ave., Oakdale, CA 95361

Ph. (209) 847-8726 Fax (209) 847-7323

[www.gkengineers.com](http://www.gkengineers.com)

**Prepared By**

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Oakdale, CA 95361  
(209) 847-8726  
Nick W. Prichard, P.E.

**Prepared For**

Pescadero Reclamation District No. 2058  
3650 W Canal Blvd.  
Tracy, CA 95304  
(209) 835-2293  
Wendy Kelly, Secretary

**District Engineer**

Giuliani & Kull, Inc.  
440 S. Yosemite Ave, Suite A  
Oakdale, CA 95361  
(209) 847-8726  
Chad Tienken, P.E., P.L.S

**Reclamation District Trustees**

Nat Bacchetti  
Richard Pellegrini  
Greg Pombo

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## Certificates

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1. The undersigned submits the enclosed Engineer's Report and does hereby certify that this Engineer's Report, and the Assessment Roll and Assessment Diagram herein, have been prepared by me or under my direction in accordance with the order of Pescadero Reclamation District No. 2058 on \_\_\_\_\_, 2014.

\_\_\_\_\_  
Engineer of Work, License No. C68151

2. I, the Secretary of the Board, Reclamation District No. 2058, County of San Joaquin, California, hereby certify that the enclosed Engineer's Report, together with the Assessment Roll and Assessment Diagram attached thereto, was filed with me on \_\_\_\_\_, 2014.

\_\_\_\_\_  
Secretary of the Board, R.D. 2058

3. I, the County Auditor of San Joaquin County, California, hereby certify that a copy of the Assessment Roll and Assessment Diagram for fiscal year \_\_\_\_\_ was filed with me on \_\_\_\_\_, 2014.

\_\_\_\_\_  
County Auditor, County of San Joaquin



## Overview and Purpose

---

The purpose of this Engineer's Report is to analyze Pescadero Reclamation District No. 2058's (hereinafter "District") current and historical funding requirements in relation to the annual assessment method and rate. At this time, the District's current assessment is insufficient to fund necessary normal operating activities and maintain an acceptable reserve fund for emergencies or major repairs. This report will summarize the District Engineer's analysis and propose assessment modifications. This Engineer's Report is required by Proposition 218.

## Background

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The District was formed pursuant to the Reclamation District Act of the California Water Code, beginning with section 50000, for the purpose of providing levee maintenance and drainage within District boundaries. The Water Code authorizes reclamation districts to be formed to build new, and repair existing "reclamation works." Reclamation works are broadly defined as public works necessary for the watering, un-watering or irrigation of district lands. A district is therefore authorized to construct, maintain, and operate such drains, canals, sluices, bulkheads, water gates, levees, embankments, pumping plants, dams, diversion works, irrigation works, bridges, and road systems to ensure access to the reclamation works.

The District is located in the southern portion of the Sacramento-San Joaquin Delta, on the westerly and southerly side of Paradise Cut. The District consists of approximately 7,800 acres and from that, 7,714.25 acres are assessable. The District's acreage consists primarily of agricultural land, with a small portion devoted to residences, commercial and industrial properties, etc. The District has approximately 9 miles of levees (6.8 miles of project levees and 2.2 miles of non-project levees). Attached hereto as Appendix A is a vicinity map of the District. The levee related work and improvements undertaken by the District include:

- Trimming vegetation that impairs the visibility of levees and adjacent areas where boils, seepage or other signs of levee distress can be observed
- Spray herbicides to control weed growth and thus reduce fire risk
- Rodent abatement
- Erosion repairs to levees from high water and runoff
- Resurface levee crowns for all weather access
- Flood prevention
- Equipment maintenance, repair, and replacement
- Stockpile flood emergency materials
- Routing levee patrols
- Emergency flood response
- Levee maintenance to sustain mandated levels of protection

The District has a population of roughly 5,000 people, with 239 subdivision homes, and 85 scattered houses located on agricultural lands. Table 1 provides a list of local land uses in the District as of the year 2014 based on information provided by the San Joaquin County Assessor.

**Table 1: District Land Uses and Acreage**

District Local Land Use	
Land Use	Acres
Vacant	272.54
Residential	283.11
Commercial	130.62
Industrial	149.76
Agricultural	6,581.66
Recreational	123.39
Utilities	173.17
<b>Total</b>	<b>7714.25</b>

Before the year 2000 the District operated for over twenty years on an annual assessment of \$20.00 per acre, or roughly \$155,800 annually. Initially, the \$20.00 per acre assessment allowed a reserve for future major expenses, both anticipated and unanticipated. However, inflation and rising operation costs have caused the District's routine annual expenses to increase, requiring the District to re-allocate most of its annual assessment to routine expenditures. As a result, reserve funds have diminished.

In 2001, the District was allowed to levy assessments for providing reclamation benefits and services based on California Water Code section 50902. This resulted in an assessment of \$25.00 per acre regardless of land use type and a flat rate of \$10.00 per residential lot. This change in the assessment rate increased the District's income by \$44,200, bringing its total yearly income to approximately \$200,000. For the past decade, this adjustment in annual fees provided adequate funding, however rising costs for inspection, maintenance, environmental mitigation, and repair have diminished the District's reserve funds substantially. The District's budget for FY 2014 attached hereto in Appendix B, illustrates the shortcomings of the current assessment. This year the District's projected expenses actually exceed its projected income. (The District's fiscal year runs January through December).

Levees in the Sacramento-San Joaquin Delta are classified as project or non-project levees. Project levees are part of the Federal Flood Control Project and are built to higher standards that comply with the guidelines of the U.S. Army Corps of Engineers (USACE). In the District, the project levee system follows along the south bank of Paradise Cut to Interstate 5 and totals 6.8 miles.

Levees that are not part of the Federal Flood Control Project are non-project levees. Non-project levees are constructed and maintained by landowners or local agencies. In the District, the non-project levee system follows along the east bank of Sugar Cut and the lower end of Tom Paine Slough, and totals 2.2 miles. Non-project levees in the District are eligible for the Delta Levees Maintenance Subventions Program, which provides the District with reimbursement of up to 75 percent of eligible expenses, less \$1,000 per mile of levee, in accordance with the program guidelines. The subventions program is currently the only outside funding assistance received by the District on an annual basis.

## Budget Analysis

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The District's actual expenses and revenues for 2012 are shown in Appendix B. In 2012, the District's expenses came very close to exceeding its revenue, resulting in less than \$11,000 for emergency projects. The District's budget for FY 2014 is also found in Appendix B. This budget includes only minimal costs for levee maintenance and does not include any costs associated with environmental or infrastructure projects. Nevertheless, the District's expenses are currently expected to exceed its revenue in 2014 by more than \$5,000. This budget also does not contemplate the costs associated with a Proposition 218 proceeding to change the assessment.

As the District's most recent budget reflects, the District's current assessment does not provide adequate funding to cover its regular annual operating and maintenance expenses, let alone provide for the accumulation of a reserve fund for emergencies, major repairs or replacement projects. The District will soon be unable to provide the lands within its boundaries with necessary drainage, levee and flood control services, and related operating services without increasing the total amount generated by its annual assessment.

The District's current assessment methodology is also outdated. It does not account for the fact that land uses in the District have changed or for the increased costs associated with levee inspections following Hurricane Katrina. The current assessment also does not include a cost of living or inflation adjuster, yet the cost of living, as demonstrated by the United States Department of Labor Consumer Price Index (CPI), increased 3.2% between 2010 and 2011, 2.1% between 2011 and 2012, and 1.5% between 2012 and 2013. In addition, in its operation and maintenance expenses the District must also generate revenue to cover the legal and engineering costs associated with the mandatory Proposition 218 proceedings required to change its assessment. Proposition 218 requires that the District Engineer prepare this Engineer's Report and that the District conduct a public hearing and ballot election. Compliance with the requirements of Proposition 218 are estimated to cost \$30,000 in engineering, legal, and administrative expenses.

A budget for FY 2015 was prepared and extrapolated out 10 years. The 2015-2025 budget, attached as Appendix C, provides for the District's general, annual operating and maintenance expenses, as well as costs associated with various flood control projects (discussed in detail below), and the cost of the Proposition 218 proceedings. The 2015-2025 budget also includes a 3% annual increase in costs to account for inflation. A provision was also included to build a reserve account for the District's reclamation functions with the goal of having approximately \$100,000 in reserve at the end of ten years.

## **Significant Changes to Anticipated Expenditures**

---

In developing the District's budget, we took into account the following items:

### **Increased Energy Costs**

California consumers have experienced a significant increase in the cost of energy and fuels over the past decade. The District's energy costs, which are directly related to running pumps and other facilities that serve District landowners, are substantial. Since 2001, consumer energy costs have more than doubled and the cost of gasoline has increased significantly.

### **Rising Cost of Repairs and Maintenance**

The District's responsibilities for the upkeep of levees and other facilities are extremely cost intensive. Continuous efforts must be made to provide necessary levee slope protection and access. At this time several portions of the District's levees have been deemed as lacking proper protection. The rising cost of repair materials, herbicides, pesticides, permitting fees, and construction have resulted in a substantial increase in the District's repair and maintenance expenses. The District anticipates that future major repairs will be required and wants to ensure that it has the necessary funds available for these repairs. While federal and state funding is often available, qualification for such funding is generally contingent on the District meeting a local cost share with its own funds.

### **Permitting**

In recent years, all reclamation districts have experienced increased regulatory burdens, including required Streambed Alteration Agreements with the California Department of Fish and Wildlife (CDFW), which are required to do any maintenance work on the water-side of the levee. These agreements require payment of a one-time notification fee, annual fees based on the number of maintenance projects performed, legal fees, and renewal fees every five years.

Also, in order to comply with current legislation, the District must notify and obtain appropriate permits for levee work from the USACE, the State Water Resources Control Board, and the Central Valley Flood Protection Board (CVFPB), when applicable to specific activities. All of these permits have fees. In addition, the District incurs administrative expenses (i.e. legal and engineering costs) to apply for and process the permits.

### **Professional Fees**

When the District was formed, the annual engineering, accounting, and legal expenses for the District were nominal. Today, these expenses are significant and are required in order for the District to ensure it is performing its flood protection and drainage functions in accordance with all applicable laws without the risk of penalty.

## **Assembly Bill 156**

Effective July 1, 2008 provisions of Assembly Bill 156 (AB 156) were added to the Water Code. These additions include requirements for local levee maintenance agencies to submit to the Department of Water Resources (DWR), by September 30<sup>th</sup> of each year, specific information relative to the Project Levees they operate and maintain. Specifically, the District will be required to report: the condition or performance of Project Levees; information identifying unknown conditions that might impair levee flood protection provided by Project Levees; a maintenance summary for the fiscal year; a statement of work with estimated cost of operation and maintenance of Project Levees; and other readily available information deemed relevant to the condition of Project Levees by the CVFPB of DWR.

Increased expenditures associated with the requirements of AB 156 are expected for the following:

- Salaries and wages due to increased man-hours necessary for report and maintenance log preparation.
- Engineering expenses for analysis and report of Project Levee condition.
- Repairs and maintenance as a result of newly identified Project Levee inadequacies.

## **Future Anticipated Expenditures**

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In addition to possible unforeseen expenditures, repair of existing deficiencies require intense funding, which the District simply does not have. Such projects greatly contribute to the need for adequate reserve finances and include the following:

### **Existing Levee Protection and Levee Projects**

The levees in the District are classified as Agriculture (A-1) and Infrastructure (I-1). (*Delta Levees – Types, Uses, and Policy Options*, Prepared for Delta Vision by Will B. Betchart, P.E. August 7, 2008.) This classification qualifies the District to receive Federal Emergency Management Agency (FEMA) disaster assistance for levee repair if a levee fails. This assistance is provided based on an agreement among FEMA, the State of California, and Delta Reclamation Districts that was entered into after the 1983 and 1986 floods. However, in order to receive disaster relief funds, the levees in the Paradise and Sugar Cut sections are required to meet the Hazard Mitigation Plan (HMP) levee standard. The District performed a field survey of its levee system in mid-2012. The levee centerline profile and 1,000 feet interval cross sections can be seen in Appendix D.

The Hazard Mitigation Plan calls for the levee to have:

- 16 foot crest width;
- All-weather patrol road;
- Steep exterior slope (1.5H:1V);
- Steep interior slope (2H:1V);
- Marginal static stability (FS=1.1+/-);
- No seismic capability;
- Freeboard = 1.0 foot

Elevations used to confirm a 1.0-foot freeboard are based on water levels with 1% annual frequency or 100-year flood. Floodwater elevations for the District are found in the 2009 Flood Insurance Rate Map (FIRM) panel 0595F & 0615F, attached hereto as Appendix E. The FIRM flood elevations are found to be 22 feet throughout the majority of the District (Zone AE). There is an increase in elevation to 23 feet in the southeast region of the District (Zone AE), found between the Southern Pacific Rail Road line and Interstate 5.

In total, the District consists of approximately 47,500 feet of levees, ±35,900 feet are project levees (Paradise Cut) and ±11,600 feet are non-project levees (Sugar Cut). The deficiencies of the levee system found through the field survey are as follows:

1. Approximately 2,380 foot section of the Paradise Cut levee is below the elevation specified by the HMP standard. This equates to about 5% of the District's levee system.
2. Approximately 393 foot section of the Sugar Cut section of the levee is below the elevation specified by the HMP standard. This equates to about 3.4% of the District's levee system.
3. Approximately 6,000 feet of levee crown width is below the width specified by the HMP standard. This equates to about 17% of the District's levee system.

4. Approximately 6,000 feet of waterside levee slope has been eroded below the slope specified by the HMP standard. This equates to about 17% of the District’s levee system.

## **Paradise Cut**

### **Paradise Cut Levee Crown Raising**

The field survey found locations throughout the Paradise Cut levee system to be below HMP standards. These levee sections do not provide 1.0 foot of freeboard for a 100-year flood event. Table 2 summarizes these locations along Paradise Cut.

**Table 2: Paradise Cut Sections Below HMP Standards**

<b>Paradise Levee Crown Lower Than HMP</b>		
<b>Beginning Station</b>	<b>Ending Station</b>	<b>Total Length (Feet)</b>
14171	14735	564
15192	15477	285
17453	18568	1115
19147	19563	416
Total:		2380

Approximately 2,380 feet of the District’s levee needs to be raised with imported engineered fill so that the levee crown meets the required HMP height. The location of the needed repair can be seen in Appendix F.

## **Sugar Cut**

### **Sugar Cut Levee Crown Raising**

The field survey found locations throughout the Sugar Cut levee system to be below HMP standards. These levee sections do not provide 1.0 foot of freeboard for a 100-year flood event. Table 3 summarizes these locations along Sugar Cut.

**Table 3: Sugar Cut Sections Below HMP Standards**

Sugar Cut Levee Crown Lower Than HMP		
Beginning Station	Ending Station	Total Length (Feet)
6584	6902	318
9646	9721	75
Total:		393

Approximately 393 feet of the District’s levee needs to be raised with imported engineered fill so that the levee crown meets the required HMP height. The location of this needed repair can be seen in Appendix E and Appendix G.

**Sugar Cut Erosion Repair**

Sections between mile marker 0+00 & 60+00 of the Sugar Cut levee are relatively tall, with a ±3:1 landside slope and steeper waterside slope. From the field survey, it was found that the average water side slope is 1H:1V, with a maximum slope of 0.5H:1V and a minimum slope of 1.5H:1V. The waterside portions of the levee are developing localized areas of erosion due to wave and tidal action and are now outside the HMP standard. As these areas are being eroded, habitat is destroyed and the rate of vegetation and tree loss is increasing each year. The proposed repair includes waterside embankment reconstruction in eroded areas to protect against future erosion and adding fill to the landside. The location of the repair can be seen in Appendix H. A boundary field survey was performed to ascertain the location of the levee in relation to the adjacent property lines. Based on the findings from this survey, it will be necessary to acquire additional easements or rights of way to accommodate the anticipated repairs. These easements will be defined during the early design phase of this project.

**District Infrastructure**

**Station F Drain Pump Pipe Repair**

The District owns and maintains drain pumps throughout the levee systems. Two of the District’s drain pumps at Station F, have begun to leak and may compromise the levee bank. The pump station is located at mile marker 225+00, roughly one mile west of Paradise Road. The pipes need to be removed and new steel/PVC pipe will be installed through the levee bank. The location of the two pipes can be seen in Appendix I.

**District Base Map Annual Updates**

The District’s base map was updated in mid-2012 to show current infrastructure, boundary, and parcel information. This map requires annual updates to reflect additional infrastructure improvements, easement locations, and changing parcel information. Maintenance of an adequate base map is critical for many of the engineering, planning, permitting, and legal functions of the District. The current District base map can be seen in Appendix J.



## **Environmental Projects**

### **Habitat Mapping**

District maintenance activities and construction projects often trigger permitting requirements with state and federal agencies, such as the U.S. Fish and Wildlife Service (Service) and CDFW. The Service has notified the District of the potential presence of the Riparian Brush Rabbit, Garter Snake, and Swainson's Hawk within the District's boundaries.

The Riparian Brush Rabbit was listed as endangered in 2000 and the Garter Snake in 1993. Consequently, extensive modifications to maintenance practices have been required. Much of the vegetation that was routinely controlled in the past can no longer be controlled due to habitat concerns. This has resulted in an "unacceptable" rating from DWR following the District's 2009 inspections. Negotiations for a mitigated management plan are currently underway. It is anticipated that future allowable maintenance practices will pose an increased financial burden on the District. As a result, the District's new budget must take into account the costs associated with acquiring the necessary permits to perform future work as well as the increased costs associated with that work.

Additionally, the District needs to be aware of the locations and extent of habitat that could contain Riparian Brush Rabbit, Giant Garter Snake, Elderberry, etc. The District's Base Map shows little to no habitat information and the Habitat Map and Log provided by CDFW (Appendix K) does not provide the District with sufficient information as it only depicts the Sugar Cut area and does not provide any information regarding Paradise Cut. A habitat survey will provide the District with necessary habitat information that will streamline environmental review and permitting for future District projects.

## **Emergency Project Funding**

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The District has access to supplemental funding in connection with disaster relief. State and federal agency programs exist to provide support during times of emergency. However, the extent of reimbursement and timing in which it will be received (if eligible) is extremely difficult to predict. Also, in many cases the District must have matching funds available, which it currently does not have. The following is a brief description of state and federal reimbursement programs that may be available:

### **U.S. Army Corps of Engineers PL 84-99 Assistance Program (PL 84-99)**

The USACE is authorized under Public Law 84-99 to design and construct emergency protective measures and permanent restoration projects on federally constructed project levees. The Corps performs a lengthy evaluation and cost/benefit analysis on each potential project to determine eligibility. The PL 84-99 Program funds 80% of eligible projects, leaving the remaining 20% to local sponsorship. However, eligibility for PL 84-99 funding is contingent upon the District operating and maintaining the levees up to USACE standards. Acceptable operation and maintenance are verified by levee inspections conducted by the USACE on a regular basis.

### **FEMA Disaster Relief Program**

FEMA provides assistance to state and local public agencies for disaster and emergency related expenditures. Eligible costs for FEMA reimbursement include certain permanent repairs to damaged facilities and emergency response and protective measure activities. The FEMA Program provides for 75% reimbursement of disaster related eligible expenses. Assistance becomes available if the President declares a disaster for the area.

### **California Natural Disaster Assistance Act (NDAA)**

The California Office of Emergency Services administers the NDAA Program. It is the state counterpart to the FEMA Program. The NDAA program cost shares with local agencies on the 25% of eligible disaster related expenses that are not funded by FEMA. Assistance becomes available under this program only if the Governor declares disaster for the area. Because these programs typically require a local cost share, a reserve fund has been included in the District's budget.

## **Strategy to Meet Desired Level of Protection and Compliance**

The District expects to achieve the goals described below in order to reduce the risk of levee failure and loss of assets, and to increase the public benefit provided by the levee system.

The District proposes the following four goals:

### **Goal 1**

Modify District assessment methodology to increase assessment, allocate benefits, and compile District project information.

- **Goal 1a:** Increase and revise the methodology for the District's assessment. The focus of this goal would be implementation of the new assessment methodology.

### **Goal 2**

Improve District levees to reduce risk of levee failure and impacts to water quality, water supply reliability, and assets.

- **Goal 2a:** Improve project levee to meet minimum HMP elevation standards. The focus of this goal would be the levee crown raising along the 2,380 foot section of Paradise Cut.
- **Goal 2b:** Improve non-project levee to meet minimum HMP elevation standards. The focus of this goal would be the levee crown raising along the 393 foot section of Sugar Cut.
- **Goal 2c:** Reduce the potential for wind and wave erosion. The focus of this goal would be erosion repair along the 6,000 foot levee section at Sugar Cut.
- **Goal 2d:** Gather additional information as required to determine the extent of levee repair work necessary.

### **Goal 3**

Ecosystem restoration and habitat enhancement.

- **Goal 3a:** Locate and identify areas of interest concerning levee habitat. The focus of this goal would be the creation of a habitat base map of the District's entire levee system.
- **Goal 3b:** Identify programmatic mitigation opportunities.

## **Goal 4**

Improve district infrastructure to better accommodate services to District landowners.

- **Goal 4a:** Reduce the risk of any leaks or potential for leaks to form through the levee bank. The focus of this goal would be the replacement of the two aging district Station F drain pump pipelines.
- **Goal 4b:** Increase the District's ability to view and quantify District wide issues. The focus of this goal would be the annual update of the District's base map.

## **Conclusion**

The District cannot continue to meet its obligation to provide the lands within District boundaries with the necessary drainage, levee and flood control services, and related operating services without modifying its annual assessment. Additionally, the District is unable to compile reserve funds for unforeseen future emergency projects or anticipated future major repairs. The District's current method of assessment is inadequate. The District needs to raise approximately \$330,000 per year to cover regular operation and maintenance expenses, perform needed levee compliance repairs, and be able to set aside money in a reserve account for future projects and emergencies.

## **Benefit Apportionment**

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This section of the Engineer's Report includes an explanation of the special benefits derived by the construction and maintenance of flood protection improvements, and the District's drainage system, as well as the methodology used to apportion the total assessment to properties within the District.

The assessment district consists of all Assessor Parcels within the boundaries of the District. The method used for apportioning the assessment is based upon the proportional special benefits to be derived by the properties in the assessment district over and above the general benefits conferred on real property or to the public in general. The assessment is apportioned to lots and parcels in proportion to the relative special benefit they receive from the improvements. The assessment methodology used in this apportionment of benefits has been modeled after that used by Reclamation District No. 17 (RD 17) Mossdale Track and explained in RD 17's Assessment Engineer's Report dated May 15, 2008. RD 17 is a neighboring district approximately 5 miles northeast and adjacent to Interstate 5.

### **Special Benefit: Levee/Flood Control Benefits**

The levee maintenance and flood control services funded by the District's assessment offer distinct special benefits to each property by providing a considerable level of flood protection. Properties subject to flooding or impacted by flooding have impaired utility and value. The following benefit categories represent the types of special benefits to all parcels resulting from the services provided by the District:

- Enhanced ability to use and enjoy one's property and the surrounding area with minimized threat of flooding.
- Flood protection for structures, personal property, livestock, and vegetation.
- Increased and unimpaired economic activity.
- Reduced cost of local government in law enforcement, public health care, fire prevention, and natural disaster response.
- Enhanced quality of life and desirability of the area.
- The regional employment base will be protected from short-term disruption and potential long-term relocation due to severe flooding.
- Unobstructed access to one's property.
- Specific enhancement of property values.

RD 17 used the methodology contained in the *US Army Corps of Engineers, Sacramento District, American River Watershed Investigation, California, Feasibility Report, Parts I and II, Volumes 1 through 8, Appendixes A through T, December 1991* and the West Sacramento Area Flood Control Agency Assessment District Final Engineer's Report dated July 16, 2007 to define flood damage to structures based on their land use category. Based on the similarity between the District and RD 17, this report relies in part on the *Reclamation District No. 17 Mossdale Tract Assessment Engineer's Report by Kleldsen, Sinnock & Neudeck, Inc.* dated May 15, 2008 Assessment Methodology to calculate the new assessment values for the District. The relevant excerpt from the RD 17 report is attached hereto as Appendix L.

Based on the relative property values, and risk to structures and human life, RD 17 chose a base benefit of 1 for agricultural lands and adopted a 20 to 1 benefit ratio for residential and industrial properties, and a 21 to 1 benefit ratio for commercial properties. For vacant commercial and industrial properties, RD 17 adopted a base benefit of 75% of its full benefit ratio, resulting in benefit ratios of 15.75 and 15, respectfully. Due to the similarity in geographic location between RD 17 and the District, we deem this land use benefit ratio strategy to be applicable in the District, with some modification in ratios to better reflect the District’s rural and agricultural characteristics.

Using RD 17 as a model, the District has calculated the following benefit ratios for lands within its boundaries:

**Table 4: District Benefit Ratios**

Land Use	Ratio
Vacant Acreage	1
Agricultural Acreage	2
Residential Acreage	15
Residential Additional Acreage	2
Commercial Acreage	16
Industrial Acreage	15
Recreational	5
Utility	15

**Vacant Parcel:**

The District has set the benefit ratio of a vacant parcel to be 1. A vacant parcel is described as having no structures or improvements and is either vacant due to it being unusable, a potential subdivision or currently undeveloped. The land use codes for vacant parcels are: 0, 2, 3, 7, 50, 100, 101, 300, 301, 302, 307, 590, and 930.

**Table 5: Vacant Land Use Codes and Descriptions**

Specific District Land Use		
Vacant Usage		
Assessor Code	Description	Acres
0	Use Code Not Assigned	0.48
2	Vacant Lot - Problems That Preclude Building	9.32
3	Vacant Lot - Totally Unusable	0.07
7	Potential Residential Subdivision	9.42
50	Rural residential - Vacant Home	19.42
100	Vacant Commercial Land - Undeveloped	7.88
101	Vacant Commercial Land w/ Utilities	2.69
300	Vacant Industrial Land - Undeveloped	91.89
301	Vacant Industrial Land - Undeveloped w/ Utilities	13.98
302	Vacant Industrial Land - w/ Misc. Improvements	14.52
307	Potential Industrial Subdivision	100.88
590	Waste Land	1.09
930	Vacant City Lands	0.90
	<b>Total</b>	<b>272.54</b>

## **Agricultural Parcel:**

The District has set the benefit ratio for an agricultural parcel to be 2. An agricultural parcel is described as having production agriculture ranging from annual/perennial vegetative crops to livestock operations. The benefit ratio for an agricultural parcel is higher than a vacant parcel due to the presence of land improvements such as grading/leveling of the land for irrigation and drainage, installation of irrigation hardware, and farm structures. The land use codes for agricultural parcels are: 401, 450, 451, 460, 461, 470, 471, and 481.

**Table 6: Agricultural Land Use Codes and Descriptions**

Specific District Land Use		
Agricultural Usage		
Assessor Code	Description	Acres
401	Irrigated Orchard w/ Residence	20.85
450	Irrigated Row Crops	3,076.48
451	Irrigated Row Crops w/ Residence	3,152.60
460	Irrigated Pasture	47.70
461	Irrigated Pasture w/ Residence	19.05
470	Dairy	76.96
471	Dairy w/ Residence	178.51
481	Poultry Ranch w/ Residence	9.51
	<b>Total</b>	<b>6,581.66</b>

## **Residential Parcel:**

The District has set the benefit ratio for a residential parcel to be 15. A residential parcel is described as having a single, multi-family, and/or mobile home residence. The total assessment amount will be based off of a single parcel and not per acreage. This benefit ratio follows the RD 17 Mossdale Tract assessment methodology and is explained further in the excerpt provided in Appendix L. The land use codes for residential parcels are: 10, 16, 51, 52, and 90.

**Table 7: Residential Land Use Codes and Descriptions**

Specific District Land Use		
Residential Usage		
Assessor Code	Description	Acres
10	Single Family Dwelling	46.87
16	Residential Lot With Mobile Home	1.82
51	Rural Residential - 1 Residence	199.96
52	Rural Residential - 2 or more Residence	4.78
90	Mobile Home Park	29.68
	<b>Total</b>	<b>283.11</b>

## **Residential Additional Acreage:**

A majority of the District’s residential property is classified as Rural Residential. Most rural residences, whether on a 2 acre parcel or on 40-acre parcel, are limited to approximately 1 acre, with the remaining acreage used as extended yard or for production agriculture. Therefore, we conclude that for the District, Use Code categories with a rural residence (such as 51 or 52) that are over 1 acre in size should be assessed at a benefit ratio of 15 for the first acre and at the agricultural benefit ratio of 2 for the remaining acreage.

## **Mobile Home Parks:**

The District contains 2 parcels identified as mobile home parks. Given the unique character of these parcels and the number of residential structures they contain (about 200), we have concluded that for the District, parcels identified as mobile home parks will be assessed according to their acreage. This takes into account the fact that these parcels contain numerous residential structures, akin to a subdivision, unlike the situation with parcels identified as rural residence, which normally contain only one or two residential structures. Mobile home parks will therefore be assessed at a benefit ratio of 15 for each acre.

## **Commercial Parcel:**

The District has set the benefit ratio of a commercial parcel to be 16. A commercial parcel is described as having storefronts and staging areas for the transportation of goods. The land use codes for commercial parcels are: 150, 253, 256, and 263.

**Table 8: Commercial Land use Codes and Descriptions.**

Specific District Land Use		
Commercial Usage		
Assessor Code	Description	Acres
150	Regional Shopping Center	20.45
253	Truck Terminal	84.88
256	Convenience Store	1.86
263	Other Sales Centers	23.43
	<b>Total</b>	<b>130.62</b>



## **Industrial Parcel:**

The District has set the benefit ratio of an industrial parcel to be 15. An industrial parcel is described as having manufacturing, warehousing, and food processing. The land use codes for industrial parcels are 310, 314, 320, 341, 355, and 363.

**Table 9: Industrial Land Use Codes and Descriptions**

Specific District Land Use		
Industrial Usage		
Assessor Code	Description	Acres
310	Light Manufacturing	4.92
314	Shop and Office	1.12
320	Warehouse	109.33
341	Cold Storage	12.67
355	Other food Processing	8.90
363	Ag Chemical Sales	12.82
	<b>Total</b>	<b>149.76</b>

## **Recreational Parcel:**

The District has set the benefit ratio of a recreational parcel as 5 due to the land having more infrastructure than agricultural parcel, but having less than an industrial or commercial parcel. A recreational parcel is described as having a boat club, golf course or religious center. The land use codes for recreational parcels are: 612, 660, 664, 710, and 933.

**Table 10: Recreational Land Use Codes and Descriptions**

Specific District Land Use		
Recreational Usage		
Assessor Code	Description	Acres
612	Golden Anchor Boat Club	0.77
660	Old River Golf Course	99.33
664	Driving Range	19.55
710	Church, Synagogue, or Temple	1.64
933	City Parks	2.10
	<b>Total</b>	<b>123.39</b>

## **Utility Parcel:**

Water Code §51200 states: "The assessment levied by a district shall include all lands and rights of way within the district owned by the State or by any city, county, public corporation or utility district formed under the laws of the State other than public roads, highways, and school districts." The District has set the benefit ratio of a utility parcel as 15 because the types of facilities located in the area (i.e. pumps, generators, electrical substations) are similar to those found in industrial areas. A utility parcel is described as having municipal utilities and includes city properties. The land use codes for utility parcels are: 810, 860, 934, 937, and 943.

**Table 11: Utility Land Use Codes and Descriptions**

Specific District Land Use		
Utility Usage		
Assessor Code	Description	Acres
810	SBE Valued	53.15
860	Well Site	0.84
934	Municipal Utility	1.26
937	Misc. City Property	50.25
943	Water District Property	67.68
	<b>Total</b>	<b>173.17</b>

**Reclamation District Parcels and Banta School District Parcels:**

The District will not collect assessments from any parcels it owns or any listed as school district property in accordance with Water Code §51200. Parcels owned by the District and Banta School District will not be included in the assessment roll.

**Flood Zones:**

The District is split into two flood zones, a 100-year flood zone and 200-year flood zone. Most of the District’s agricultural land is located closer to the levees and in the 100-year zone while a mixture of commercial, industrial, and residential properties are in the 200-year zone. Due to the difference in flood frequencies, a flood zone benefit factor for lands that are in the 100-year, 200-year, and in both zones, is required.

**Table 12: Reclamation District 2058 Flood Zone Benefit Ratios**

Flood Ratios	
Land Use	Ratio
In 100 Year Flood Zone	1
In 200 Year Flood Zone	0.6
*Partial Flood Zone	Varies

Parcels located within the 100-year flood zone have a higher chance of flooding than those parcels located in the 200-year flood zone. Therefore, parcels within the 100-year flood zone are assigned a flood zone benefit factor of 1, while parcels within the 200-year flood zone are assigned a flood zone benefit factor of 0.6. Parcels that span both flood zones will be assessed in proportion to the acreage located within each flood zone.

# **Reclamation District 2058 Assessment Procedures**

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## **STEP 1. Determination of Benefits**

The following factors were considered in the process of determining the special benefits to property and the assessments:

1. Relation of the various areas of the District to the height of the levees.
2. Potential damage that would result to the respective areas due to levee breaks and lack of adequate drainage and disposal, considering the nature and use of the land. This includes consideration of the purpose for which the land can be used, the value of the land, and the damage that would result if adequate flood prevention and drainage were not provided.
3. Cost of providing drainage to various properties and the purpose for which drainage is needed by parcels with different land uses.
4. Cost of providing pumping capacity to dispose of runoff from properties within District boundaries.
5. General overall uniform benefits accruing to all lands within an organized Reclamation District. These include:
  - Protection against flooding through the operation and maintenance of the levee system.
  - Financial assistance from state and federal agencies in case of major disaster.
  - Assistance by state and federal agencies in financial and capital improvements.
  - Organized effort for the protection and drainage of the area contained within the District.
  - General administrative costs of the District that are not properly attributed to any particular zone or zones.

## **STEP 2. Basis of Assessment**

The next step in the assessment determination process was to establish a land value base rate for properties as categorized by land use. An evaluation assessment roll must be provided showing a base value per acre of land in the District according to the land use category and benefits received.

Establishing the value of individual parcels of land without improvements, as required by the Water Code, entails consideration of many factors. County land values as shown on the San Joaquin County Assessor's roll were considered, but not used due to the lack of uniformity caused by Proposition 13. Additionally, the District Engineer has determined that all properties of similar land use receive special benefits that are directly related to property size and land use. This determination is

supported by the findings of other reclamation districts (e.g. RD 17 and West Sacramento Area Flood Control Agency).

### **STEP 3. Determination of Rate Benefit Factor**

The District Engineer further proposes that a property receives special benefits directly proportional to its designated land use and whether or not the property is irrigated. Table 14 shows an assessment rate benefit factor for each land use category within the District is necessary for fair assessment as follows:

**Table 13: District Benefit Ratios**

Benefit Ratios	
Land Use	Ratio
Vacant Acreage	1
Agricultural Acreage	2
Residential Acreage	15
Residential Additional Acreage	2
Commercial Acreage	16
Industrial Acreage	15
Recreational	5
Utility	15

### **STEP 4. Determination of Assessment Rate**

The District Engineer has determined that a base rate of \$13.84 per acre for acreage benefits is needed to raise the sums needed to fulfill the District's budget. After applying each land use ratio to the base rate, the maximum dollar amount per acre for each land use type is:

- Vacant Lot Use Category: \$13.84 per acre.
- Agricultural Use Category: \$27.68 per acre.
- Residential Use Category: \$207.60 for the first acre and \$27.68 per each additional acre.
- Commercial Use Category: \$221.44 per acre.
- Industrial Use Category: \$207.60 per acre.
- Recreational Use Category: \$69.20 per acre.
- Utility Use Category: \$207.60 per acre.

No assessable parcel, regardless of use and size, shall be assessed less than the District's base rate of \$13.84. The residential, commercial, industrial, and agricultural totals can be seen in the Assessment Diagram, attached hereto as Appendix M.

## Preparation of Assessment Roll

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The California Water Code requires the assessment roll be prepared in seven columns and include information regarding the assessment value per acre for each parcel and the total assessment valuations of each parcel. As explained above, the District's assessment is not based on the assessed value of land, but is based on the proportional special benefit each parcel receives from the levee and drainage services provided by the District. As a result, in order to meet the needs of the District and the requirements of Proposition 218, we have revised the District's assessment roll to include relevant information necessary to understand the District's calculation of the assessment. On the final roll, which is attached hereto as Appendix M, the following information is given:

- Column 1 contains the name of the owner(s) of each parcel if known.
- Column 1a contains the mailing address of the owner(s) of each parcel.
- Column 2 contains a description of the parcel.
- Column 3 contains the assessor's parcel number.
- Column 4 contains the site address of the parcel.
- Column 5 lists the number of acres in each parcel.
- Column 6 lists the land use code assigned to the parcel by the San Joaquin County Assessor.
- Column 7 lists the flood ratio assigned to the parcel based on its location within the flood zones.
- Column 8 contains the District's base rate.
- Column 9 contains the applicable District benefit ratio based on the land use code.
- Column 10 contains the total amount of the assessment assigned to the parcel.

As described above, the District has used land use categories as the basis for the assessment valuation. Appendix M contains a list of each parcel located within the District and the land use code assigned to each parcel by the San Joaquin County Assessor. The District utilized the land use code assigned by the Assessor to determine each parcel's acreage benefit factor. Appendix M contains a table listing each of the land use codes that can be found within the District and a description of the land use as provided by the San Joaquin County Assessor.

The District will adjust the assessment roll as needed, but not more than annually, to reflect changes in the land use category or type of land use category shown for a particular parcel on the records of the San Joaquin County Assessor. If an adjustment to the roll is needed to reflect these changes, the District will file a supplement to the original assessment roll as provided in the Water Code.

The assessment roll is based on the best information currently available to the District from the San Joaquin County Assessor's Office. The District expects that the assessment roll will need to be modified in the future to correct any inaccurate information and to reflect changes in ownership, apportionment, and any lot line adjustments. As a result, the District reserves the right to make any necessary modifications to the assessment roll for these or similar purposes when proper notice is provided.

## Collection

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The District may collect the assessments described in this Engineer's Report directly or through the San Joaquin County tax bills.

The District currently collects its assessment directly. The flat rate residential assessment is collected through the tax bills of San Joaquin County. Landowners are billed by the District for the annual assessment in January. Agricultural landowners currently have the option of paying the assessment in nine installments.

The District may collect the assessments described in this Engineer's Report through the tax bills of San Joaquin County. The District's assessment may appear as a separate item on each landowner's tax bill and may be collected at the same time and in the same manner as the County's ad valorem property taxes. Currently, the County collects taxes in two installments. One installment is due in December and the second installment is due in April. The District's assessments may be subject to the same penalties and the same procedure for sale in case of delinquency as provided for the County's ad valorem property taxes.

## **Corrections/Recalculation**

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The District's assessment is based on the land use code assigned to each parcel by the San Joaquin County Assessor. If a property owner believes the land use code assigned to his/her property is incorrect, the property owner must contact the San Joaquin County Assessor directly to request a correction. The property owner should notify the District once the correction is made and may thereafter request a recalculation of the assessment.

Any recalculation of an assessment will be limited to the assessment during the then current or if before July 1st, the upcoming fiscal year. If any changes or recalculations are made after the assessment roll has been filed with the County for collection, the District Secretary is authorized to refund the property owner the amount of any approved reduction.

RESOLUTION \_\_\_\_\_

AUTHORIZING ASSESSMENT BALLOTS FOR RECLAMATION DISTRICT 2058

WHEREAS, A portion of the City is located within the boundaries of Pescadero Reclamation District 2058 (District), and

WHEREAS, The District provides services for drainage, levee and flood control, and

WHEREAS, The District's current funding sources are inadequate to fund the regular operation and maintenance expenses and as a result the District cannot continue to meet its obligations without increasing the total amount generated by its annual assessment, and

WHEREAS, The District developed a new method for assessments, and

WHEREAS, The new method for assessments results in the City's proposed assessment for the wastewater ponds increasing from \$1,692 to \$14,050 per year, or \$207.60 per acre, and

WHEREAS, The new method for assessments includes a Consumer Price Index based annual adjustment, and

WHEREAS, Assessments will be received and paid during District fiscal year 2015-2016, and

WHEREAS, The ballots are due back to the District by October 29, 2014;

NOW, THEREFORE, BE IT RESOLVED, That City Council supports the proposed assessment for Reclamation District 2058 and authorizes staff vote "Yes" and to submit the ballots.

\*\*\*\*\*

The foregoing Resolution \_\_\_\_\_ was passed and adopted by the Tracy City Council on the 21<sup>st</sup> day of October, 2014, by the following vote:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:  
ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

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

AGENDA ITEM 1.C

REQUEST

**ACCEPTANCE OF THE BESSIE AVENUE BUILDING DEMOLITION PROJECT – CIP 78142, COMPLETED BY MODESTO SAND & GRAVEL INC., OF MODESTO, CALIFORNIA, AND AUTHORIZATION FOR THE CITY CLERK TO FILE THE NOTICE OF COMPLETION**

EXECUTIVE SUMMARY

The contractor has completed construction of the Bessie Avenue Building Demolition Project – CIP 78142, in accordance with plans, specifications, and contract documents. Project costs are within the available budget. Staff recommends City Council accept the project and authorize the City Clerk to record the Notice of Completion with the San Joaquin County Recorder.

DISCUSSION

On June 3, 2014, City Council awarded a construction contract to Modesto Sand & Gravel, Inc., of Modesto, California, in the amount of \$24,950 for the Bessie Avenue Building Demolition Project – CIP 78142.

The scope of work for this project included demolition of the building at 2302 Bessie Avenue, asbestos and lead paint abatement, removal of the top 30 inches of the basement walls, backfilling of the basement with native soil, and removal of underground utility lines.

Prior to completion of the bid documents, spot samples were taken and inspections were completed to evaluate the extent of lead paint and asbestos to estimate construction costs. Even though the actual presence of lead paint and asbestos turned out to be marginal, the inspection spot checks indicated a high presence of asbestos and lead paint. As a result, the cost estimates developed by the Parks Department included extensive abatement. A total budget of \$140,000 was approved for this project to complete the full scope of work anticipated at that time.

Plans and specifications for this project were prepared in-house based on the above assumptions.

No change orders were issued; the abatement work was paid on field measured quantities.



Budget and estimated project costs are as follows:

A.	Construction Contract Amount	\$ 24,950
B.	Design, construction management, inspection, Testing, Miscellaneous Expenses including permit fees (Estimated)	\$ 6,000
C.	Project Management Charges (Estimated)	<u>\$ 9,000</u>
	Total Project Costs	\$ 39,950
	Budgeted Amount	\$140,000

The project has been completed on time and within the available budget.

#### STRATEGIC PLAN

This agenda item is a routine operational item and is not related to the Council's Strategic Plans.

#### FISCAL IMPACT

There will be no impact to the General Fund as CIP 78142, is an approved Capital Improvement Project with \$140,000 in funding. Of the \$140,000, the total estimated project costs were \$39,950. The remaining \$100,050 will be returned to Fund 301 for future General Fund CIP projects.

#### RECOMMENDATION

That City Council, by resolution, accepts construction of the Bessie Avenue Building Demolition Project – CIP 78142, completed by Modesto Sand & Gravel, Inc., of Modesto, California, and authorize the City Clerk to record the Notice of Completion with the San Joaquin County Recorder. The City Engineer, in accordance with the terms of the construction contract, will release the bonds and retention payment

Prepared by: Paul Verma, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, Interim City Engineer  
Andrew Malik, Development Services Director  
Maria A. Hurtado, Assistant City Manager

Approved by: Troy Brown, City Manager

RESOLUTION 2014- \_\_\_\_\_

ACCEPTING THE BESSIE AVENUE BUILDING DEMOLITION PROJECT – CIP 78142, COMPLETED BY MODESTO SAND & GRAVEL INC., OF MODESTO CALIFORNIA, AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, On June 3, 2014, City Council awarded a construction contract to Modesto Sand & Gravel, Inc. of Modesto, California, in the amount of \$24,950 for the Bessie Avenue Building Demolition Project – CIP 78142, and

WHEREAS, The contractor has completed the Bessie Avenue Building Demolition in accordance with plans, specifications, and contract documents, and

WHEREAS, Status of budget and project costs are estimated as follows:

A.	Construction Contract Amount	\$ 24,950
B.	Design, Construction Management, Inspection, Testing, Miscellaneous Expenses including permit fees (Estimated)	\$ 6,000
C.	Project Management Charges (Estimated)	<u>\$ 9,000</u>
	Total Project Costs	\$ 39,950
	Budgeted Amount	\$140,000

WHEREAS, There will be no impact to the General Fund as CIP 78142, is an approved Capital Improvement Project with \$140,000 in funding. The remaining \$100,050 will be returned to Fund 301 for future General Fund CIP projects;

NOW, THEREFORE BE IT RESOLVED, That City Council accepts construction of the Bessie Avenue Building Demolition Project – CIP 78142, completed by Modesto Sand & Gravel, Inc. of Modesto, California, and authorizes the City Clerk to record the Notice of Completion with the San Joaquin County Recorder. The City Engineer, in accordance with the terms of the construction contract, will release the bonds and retention payment

\* \* \* \* \*

The foregoing Resolution 2014-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 21<sup>st</sup> day of October, 2014, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

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

AGENDA ITEM 1.D

REQUEST

**AUTHORIZE AN APPROPRIATION OF FUNDS FOR REPLACEMENT OF WATER FILTER MEDIA AT THE JOHN JONES WATER TREATMENT PLANT – CIP T5PP-105, FROM WATER FUND F105 IN FY 2014-15 AND FY 2015-16, AND AUTHORIZE CONSTRUCTION OF THE PROJECT**

EXECUTIVE SUMMARY

The Water Filter Media Replacement Project CIP 75PP-105, at the John Jones Water Treatment Plant (JJWTP) is currently scheduled for construction in FY 2016-17 in the City's approved budget. However, the condition of the filters has deteriorated to a point where its immediate replacement is necessary for operational and functional needs of the JJWTP. A recent inspection of the JJWTP completed by the Regional Water Quality Control Board (RWQCB) identified degradation of the filter media and required its replacement by November 2014.

Staff requested an extension of the completion date from the RWQCB for the filter replacements in FY 2014-15 and FY 2015-16. The RWQCB has reviewed the City's request and agreed to the requested completion time line. In order to complete replacement of the filter media as proposed, authorization to construct this Capital Improvement Project an appropriation of funds is needed.

DISCUSSION

The existing water filter media consists of six filters located in the filter gallery next to the clarifier at the JJWTP. Each filter is composed of granular activated carbon. These filters are seven years old and have developed cracks and are separated from the gallery walls. Even though the media is functional, its condition could further deteriorate during future uses and impact the water treatment production. Last year the City hired the services of a consultant who completed an analysis to evaluate the condition of the filters. Based upon the findings of Corollo Engineers, the filter replacement project was deferred until FY 2016-17.

Since then, the condition of the filter media have degraded rapidly and it is recommended that the filter media be replaced in two phases, replacing three filters at a time with each phase. Generally the filter media is replaced every five to six years. By replacing it in two phases, operation of the treatment facility can be maintained at a lower capacity during replacement instead of shutting down the process.

Recently the RWQCB inspected the JJWTP facility and the inspection report requires replacement of the filter media by the end of November 2014. Staff has already responded to the RWQCB requesting an extension of the completion date. Staff proposed to proceed with completion of the Filter Media Replacement Project CIP 75PP-105, in two phases; phase one during this fiscal year and phase two during the next fiscal year. The RWQCB has agreed to the replacement completion dates as

requested. In order to complete this project as recommended, an appropriation of funds is needed from Water Fund F105.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's Strategic Plans.

FISCAL IMPACT

The cost of the filter media replacement will be paid from CIP 75PP-105. However, since no funding is available for this project in this fiscal year, the following appropriation is needed from the Water Fund.

<u>From</u>	<u>To</u>	<u>Amount</u>	<u>Fiscal Year</u>
Water Fund F105	CIP 75PP-105	\$250,000	FY 2014-15
Water Fund F105	CIP 75PP-105	\$250,000	FY 2015-16

There is sufficient funding in the Water Fund to support this appropriation. This action will not impact the General Fund.

RECOMMENDATION

That City Council by resolution, authorize an appropriation of funds for replacement of the water filter media at the John Jones Water Treatment Plant CIP 75PP-105, from Water Fund F105 as outlined below, and further authorize construction of this project:

<u>From</u>	<u>To</u>	<u>Amount</u>	<u>Fiscal Year</u>
Water Fund F105	CIP 75PP-105	\$250,000	FY 2014-15
Water Fund F105	CIP 75PP-105	\$250,000	FY 2015-16

Prepared by: Kuldeep Sharma, Utilities Director

Reviewed by: Maria A. Hurtado, Assistant City Manager

Approved by: Troy Brown, City Manager

RESOLUTION 2014-\_\_\_\_\_

AUTHORIZING AN APPROPRIATION OF FUNDS FOR THE REPLACEMENT OF WATER FILTER MEDIA AT THE JOHN JONES WATER TREATMENT PLANT – CIP T5PP-105, FROM WATER FUND F105 IN FY 2014-15 AND FY 2015-16, AND AUTHORIZING CONSTRUCTION OF THE PROJECT

WHEREAS, The Water Filter Media Replacement Project CIP 75PP-105, at the John Jones Water Treatment Plant (JJWTP) is currently scheduled for construction in FY 2016-17 in the City's approved budget, and

WHEREAS, A recent inspection of the JJWTP completed by the Regional Water Quality Control Board (RWQCB) identified degradation of the filter media and required its replacement by November 2014, and

WHEREAS, Staff requested an extension of the completion date from the RWQCB for the filter replacements in FY 2014-15 and FY 2015-16, and

WHEREAS, The cost of the filter media replacement will be paid from CIP 75PP-105. However, since no funding is available for this project in this fiscal year, the following appropriation is needed from the Water Fund.

<u>From</u>	<u>To</u>	<u>Amount</u>	<u>Fiscal Year</u>
Water Fund F105	CIP 75PP-105	\$250,000	FY 2014-15
Water Fund F105	CIP 75PP-105	\$250,000	FY 2015-16

WHEREAS, There is sufficient funding in the Water Fund to support this appropriation. This action will not impact the General Fund;

NOW, THEREFORE, BE IT RESOLVED, That City Council authorizes an appropriation of funds for replacement of the water filter media at the John Jones Water Treatment Plant CIP 75PP-105, from Water Fund F105, and further authorizes construction of this project.

\*\*\*\*\*

The foregoing Resolution \_\_\_\_\_ was adopted by the Tracy City Council on the 21<sup>st</sup> day of October, 2014, by the following vote:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

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

AGENDA ITEM 1.E

REQUEST

**APPROVE AN OFFSITE IMPROVEMENT AGREEMENT FOR THE CORDES RANCH OFFSITE WATERLINE IMPROVEMENTS ON OLD SCHULTE ROAD, HANSEN ROAD, AND ROAD "E", AND AUTHORIZATION FOR THE MAYOR TO EXECUTE THE AGREEMENT**

EXECUTIVE SUMMARY

Approval of the Offsite Improvement Agreement will allow Prologis L. P., Delaware limited partnership (Developer), to proceed with the construction of offsite waterlines on Old Schulte Road, Hansen Road, and Road "E, which are necessary for the construction and business operation of the Project Delta building within the Cordes Ranch Business Park.

DISCUSSION

On May 22, 2014, the Development Services Director approved a Development Review application for the construction of a distribution facility known as Project Delta which includes a distribution facility, a truck car wash, maintenance and fuel facility, and a gateway entry building totaling 651,380 square feet of building space. This project will be located east of Hansen Road and north of Old Schulte Road.

Approval of the project was subject to certain conditions of approval. The Developer was required to construct offsite waterline improvements on Old Schulte Road, Hansen Road, and Road E, to provide potable water to the building site. These waterline improvements are required to be in place prior to the construction of the buildings.

The Developer has completed the design of the offsite waterline improvements and has submitted the Improvement Plans, Specifications, and Cost Estimates (PSE). Staff has reviewed the PSE and found them to be complete. The Developer has executed the Offsite Improvement Agreement and submitted the required security to guarantee completion of the offsite waterline improvements. The Offsite Improvement Agreement and Improvement Plans are on file with the City Engineer and are available for review upon request.

Upon completion of all improvements, the City will accept the improvements for maintenance and will accept all offers of dedication of public right-of-way at that time.

FISCAL IMPACT

There will be no fiscal impact to the General Fund. The Developer will pay for the cost of construction, inspection, and processing the agreement.



STRATEGIC PLAN

This agenda item is consistent with the City Council's Economic Development Strategy, to ensure physical infrastructure necessary for development are constructed.

RECOMMENDATION

That City Council, by resolution, approve the Offsite Improvement Agreement for Cordes Ranch Waterline Improvements on Old Schulte Road, Hansen Road, and Road "E", and authorize the Mayor to execute the Offsite Improvement Agreement on behalf of the City.

Prepared by: Criseldo Mina, P. E., Senior Civil Engineer

Reviewed by: Kuldeep Sharma, Interim City Engineer  
Andrew Malik, Development Services Director  
Maria A. Hurtado, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

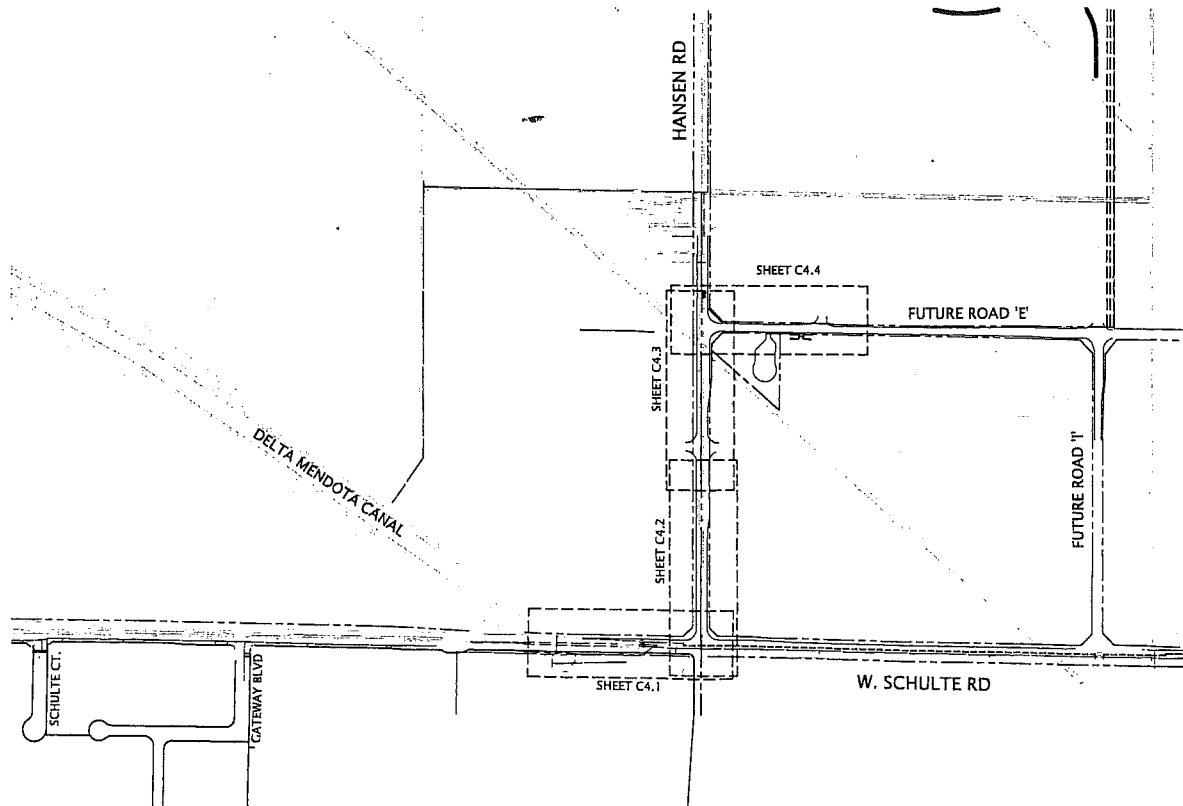
Exhibit A - Location Map

# CORDES RANCH - PHASE 1A

## IMPROVEMENT PLANS FOR 24" & 16" WATERLINES

### FROM OLD SCHULTE TO WATER TANK SITE

CITY OF TRACY CALIFORNIA



KEY MAP  
SCALE: 1" = 500'

RESOLUTION 2014- \_\_\_\_\_

APPROVING AN OFFSITE IMPROVEMENT AGREEMENT FOR THE CORDES RANCH OFFSITE WATERLINE IMPROVEMENTS ON OLD SCHULTE ROAD, HANSEN ROAD, AND ROAD "E", AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

WHEREAS, On May 22, 2014, the Development Services Director approved a Development Review application for the construction of a distribution facility known as Project Delta which includes a distribution facility, a truck car wash, maintenance and fuel facility, and a gateway entry building totaling 651,380 square feet of building space, and

WHEREAS, The Developer was required to construct offsite waterline improvements on Old Schulte Road, Hansen Road, and Road E, to provide potable water to the building site, and

WHEREAS, The Developer has completed the design of the offsite waterline improvements and has submitted the Improvement Plans, Specifications, and Cost Estimates, and

WHEREAS, The Developer has executed the Offsite Improvement Agreement and submitted the required security to guarantee completion of the offsite waterline improvements, and

WHEREAS, There will be no fiscal impact to the General Fund. The Developer will pay for the cost of construction, inspection, and processing the agreement;

NOW, THEREFORE BE IT RESOLVED, That City Council approves the Offsite Improvement Agreement for Cordes Ranch Waterline Improvements on Old Schulte Road, Hansen Road, and Road "E", and authorizes the Mayor to execute the Offsite Improvement Agreement.

\* \* \* \* \*

The foregoing Resolution 2014-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 21<sup>st</sup> day of October, 2014, by the following vote:

- AYES: COUNCIL MEMBERS:
- NOES: COUNCIL MEMBERS:
- ABSENT: COUNCIL MEMBERS:
- ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

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

AGENDA ITEM 1.F

REQUEST

**ADOPT A RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT AND SOFTWARE LICENSE AGREEMENT WITH SPILLMAN TECHNOLOGIES, INC. FOR THE COMPUTER AIDED DISPATCH / RECORDS MANAGEMENT SYSTEM TO DISCONTINUE FURTHER WORK AND OBTAIN A PARTIAL REFUND FOR COMPLETED WORK AND AUTHORIZE THE MAYOR TO EXECUTE THE AMENDMENT**

EXECUTIVE SUMMARY

On March 6, 2012, the City and Spillman Technologies, Inc. (Spillman) entered into a Professional Services Agreement for the Computer Aided Dispatch/Records Management System.

Due to significant development and implementation difficulties, City staff and Spillman want to amend the Agreement whereby Spillman will reimburse monies to City for all payments made to Spillman, other than those made to purchase hardware, and Spillman will not perform any more work or be entitled to further payment by the City.

DISCUSSION

On March 6, 2012, the City entered into an agreement with Spillman Technologies, Inc. (Spillman) to provide a fully integrated Computer Aided Dispatch (CAD)/Records Management System (RMS) for a Public Safety Information System.

Since the "Go-Live" on January 6, 2014, Spillman has not been able to meet the Department's needs.

Spillman has been attentive to the challenges and has made efforts to address the issues. However, due to the difficulties Spillman and staff have encountered with the multiple interfaces and customization, Staff has determined another solution will be a better fit and result in cost savings for the department.

Spillman is cooperating with the City of Tracy in the plan to transition back to the previous CAD/RMS system and has agreed to refund all non-hardware and training payments that City has made to Spillman over the course of this project (Attachment 1). Under the terms of the Amendment, the City would retain the hardware and other related equipment to be repurposed in the project (Attachment 2) and Spillman would not perform any more work or be entitled to further payment by the City (Attachment 3).

In the interim, the Police Department will revert back to the previous CAD/RMS system until the long term solution is implemented. Staff intends to bring back details of the long term solution to Council in the near future.

STRATEGIC PLAN

The agenda item is a routine operational item and does not relate to the Council's Strategic Plans.

FISCAL IMPACT

Spillman Contract Services Paid to Date: Implementation: \$784,170  
(Software, Hardware, and Training)

Reimbursement from Spillman: (\$628,007)

In March 2012, a Professional Services Agreement (PSA) was approved with Spillman in an amount not to exceed \$2,259,672. Of the \$2,259,672, the City has spent approximately \$784,170 for implementation services, including hardware, software and training costs. The City will incur costs for the project hardware purchased to date, which it still needs, and Spillman has agreed to reimburse the City \$628,007 for the non-hardware costs to date.

The amount will be paid in three equal payments of \$209,335.66, with the first payment due and payable no later than 30 days after the Amendment effective date, the second payment due and payable no later than 60 days after the Amendment effective date and the final payment due and payable no later than 90 days after the Amendment effective date.

RECOMMENDATION

That City Council, by resolution, authorizes Amendment No. 2 to the Professional Services and Software License Agreement with Spillman Technologies, Inc. to discontinue further work and obtain a partial refund for completed work and authorize the Mayor to execute the Amendment.

Prepared by: Lani Smith, Support Operations Manager

Reviewed by: Gary R. Hampton, Chief of Police  
Maria A. Hurtado, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Amendment No. 2 to the Professional Services and Software License Agreement

AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AND SOFTWARE LICENSE  
AGREEMENT BETWEEN SPILLMAN TECHNOLOGIES, INC.  
AND THE CITY OF TRACY, CALIFORNIA

This Amendment No. 2 (hereinafter "Amendment") to the Professional Services and Software License Agreement between Spillman Technologies, Inc. and the City of Tracy, California is made and entered into effective as of the date signed by both parties below (the "Amendment Effective Date"), by and between the City of Tracy (hereinafter "City"), and Spillman Technologies, Inc., ("Spillman"). All capitalized terms used and not otherwise defined in this Amendment will have the definitions given to such terms in the Agreement (as defined in Recital A).

**RECITALS**

- A. The City and Spillman entered into a Professional Services and Software License Agreement ("Agreement") for the Computer Aided Dispatch/Records Management System (the "Project") which was approved by the City Council on March 6, 2012, pursuant to Resolution No. 2012-044.
- B. Significant difficulties in implementing the Project have occurred and the City and Spillman mutually desire to amend the Agreement as set forth in this Amendment, whereby Spillman will reimburse monies to City for all payments made to Spillman, other than those made to purchase hardware, as of the date of this Amendment, and Spillman will not perform any more work or be entitled to further payment from City.

NOW THEREFORE, IN CONSIDERATION OF THE FOREGOING RECITALS, THE MUTUAL AGREEMENTS SET FORTH HEREIN AND THE MUTUAL BENEFITS TO BE DERIVED FROM THIS AMENDMENT, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **Recitals True and Correct.** The above Recitals are true and correct.
2. **Terms of Amendment—Hardware.** The parties agree that Spillman has provided the hardware described in Attachment 1 to this Amendment, attached hereto and made a part hereof, and City has paid Spillman \$156,163.45 for same. City will retain such hardware and Spillman will retain the \$156,163.45 amount paid for such hardware. The parties agree that City has fully satisfied its obligations to Spillman for the hardware described in Attachment 1.
3. **Terms of Amendment—Software, Training, and Implementation—Refund to City.** The parties agree that Spillman has provided the Software, training, implementation, and other services set forth in Attachment 2 to this Amendment, attached hereto and made a part hereof, but that, due to the parties' mutual decision to discontinue further work on the Project as set forth herein, City received no benefit for such Software, training, implementation, and other services. The City will return such Software to Spillman within 30 days of the Amendment Effective Date, to the extent such Software has not already been returned to Spillman, and will delete all copies thereof in its possession or control, including backup and archival copies. Spillman shall pay to City the amount of \$628,007 in connection with such Software, training, implementation, and other services. Such amount will be due in three equal payments of \$209,335.66, with the first payment due and payable no later than 30 days after the Amendment Effective Date, the second payment due and payable no later than 60 days after the Amendment Effective Date and the final payment due and payable no later than 90 days after the Amendment Effective Date. The parties agree that City shall

have no further obligation for payment or otherwise to Spillman with respect to such Software, training, implementation, and other services, and that Spillman shall have no further obligation to City with respect to such Software, training, implementation or other services.

- 4. Terms of Amendment—Cessation of Further Work.** The parties agree that Spillman shall no longer provide any of the hardware, software, licensing, training or other services set forth in Attachment 3 to this Amendment, attached hereto and made a part hereof, and that City shall have no further obligation for payment or otherwise to Spillman regarding such hardware, software, licensing, training, implementation, or other services.
- 5. Termination of Agreement.** In addition to their obligations set forth above, the parties agree to comply with their respective termination obligations as set forth in Section 21.3 of the Agreement, except to the extent otherwise provided in this Amendment. Upon City's return or destruction of all Software and Spillman's payment to City of the amounts set forth in Section 3 above, the Agreement will automatically terminate, subject to the terms of Section 24.16 of the Agreement with respect to survival of terms. Notwithstanding the foregoing, City and Spillman agree that Sections 6 and 7 of the Agreement will not survive such termination.
- 6. Mutual Release.** Subject to the parties' fulfillment of their obligations under this Amendment, each of City and Spillman, for and on behalf of itself and its agents, successors, affiliates, representatives and assigns and for any other persons or entities that could or might legally act on its behalf (the "Releasing Parties"), hereby fully and forever releases, waives, surrenders and discharges the other party and its employees, agents, independent contractors, attorneys, consultants, representatives and insurers (the "Released Parties"), from any and all causes of action, in law or in equity, and any suits, debts, liens, contracts, agreements, promises, liabilities, claims, demands, damages, losses, costs, or expenses, of any nature whatsoever, whether known or unknown, fixed or contingent, which the Releasing Parties have or may have against the Released Parties.
- 7. Consideration.** The parties hereto acknowledge and agree that good and valuable consideration has been given for the covenants and agreements set forth herein and that each party has been fully advised (to the extent that they have deemed necessary) regarding this Agreement and their respective claims by competent legal counsel of their choosing.
- 8. No Admission of Liability.** The parties hereto agree that this Agreement is entered into in settlement of disputed claims, and execution of this Agreement shall not be deemed to be an admission of liability or admission against interest by any party hereto.
- 9. Modifications.** This Amendment may not be modified orally or in any manner other than by an agreement in writing signed by both parties, in accordance with the requirements of the Agreement.
- 10. Severability.** In the event any term of this Amendment is held invalid by a court of competent jurisdiction, the Amendment shall be construed as not containing that term, and the remainder of this Amendment shall remain in full force and effect.

- 11. Signatures.** The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Amendment on behalf of the respective legal entities of Spillman and the City.
- 12. Further Assurances.** If any additional document, action or further assurance is reasonably required to carry out the parties' agreement as set forth in this Agreement, the parties will cooperate with each other in connection therewith.
- 13. Execution in Counterparts.** This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, binding agreement between the executing parties, and all of which shall together constitute one and the same instrument. This Amendment shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

CITY OF TRACY

By: \_\_\_\_\_

Brent H. Ives

Title: Mayor

Date: \_\_\_\_\_

Attest:

By: \_\_\_\_\_

Carole Fleischmann

Title: Interim City Clerk

Date: \_\_\_\_\_

Approved as to form

By: \_\_\_\_\_

Daniel G. Sodergren

Title: City Attorney

Date: \_\_\_\_\_

Spillman Technologies, Inc.

By: \_\_\_\_\_

[NAME OF SIGNING PARTY]

Title: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

[NAME OF SIGNING PARTY]

Title: \_\_\_\_\_

Date: \_\_\_\_\_



ATTACHMENT 2 – Terms of Amendment --Hardware

<b>Hardware Costs</b>		<b>Description</b>	<b>Actual cost</b>
Stratus Server	Task 9	Hardware for GIS	\$83,537.34
GIS Server	Task 9	GIS for to connect to City GIS	\$6,715.00
HIPLINK Server	Task 9	Paging function for dispatchers.	\$6,715.00
Insight Broker	Task 9	Interface for booking photos.	\$8,960.65
GE SFP, LC Connector	Task 9	Hardware for GIS	\$1,000.00
Dispatch Workstation Delivery	Task 9	Install base computer	\$34,265.00
Dispatch Monitor Exchange	Task 9	Upgrade to larger monitors	\$5,546.00
Dispatch Computers DP-DVI	Task 9	Hardware	\$473.97
CISCO 3560 24 Port Switch	Task 9	Hardware connectivity.	\$6,050.00
8x5xNBD	Task 9	Hardware	\$395.00
Total of Hardware to be retained by Tracy Police			\$156,163.45

(Note: The above hardware costs are the actuals. The costs identified in the Task are estimated. Some additional hardware costs were associated with the implementation. Specifically, the dispatch monitors were exchanged for larger ones for accessibility of the dispatchers. The cost for the exchange and cables was \$11,988).

ATTACHMENT 3-Terms of Amendment  
Software, Training, Implementation-Refund to City

<b>TASK</b>	<b>Statement of Work</b>	<b>Project Task and Responsibilities</b>	<b>Cost</b>
Pre-Implementation Meeting	Task 1	On-site meeting with Project Team for Pre-Implementation. Review scope of work, verify hardware, pre-installation, demonstration and training.	\$25,000.00
Project Analysis and Planning	Task 2	Identify processes and operations, configure software, conduct workflow and detailed network analysis.	\$25,000.00
Network Evaluation	Task 2	Spillman will order third party software and install.	\$48,480.00
Order Third Party Products	Task 6		\$23,250.00
Install CAD Software on Server	Task 10	Install software, create user accounts, configure databases, initiate installation of external interfaces, install client on PCs, Install client on mobile computers.	\$69,315.00
Install RMS Software on the Server	Task 10		\$199,440.00
Install AFR Software on the Server	Task 10		\$23,388.00
Install Mobile Data Software on Server	Task 10		\$88,854.00
Training	Task 16	Spillman will conduct training course specifically for the Project Team.	\$125,280.00
Total refund to City			\$628,007.00

The following Tasks are part of the Statement of Work but do not have a monetary cost associated: Task 3, Finalize Project Plan, Task 4, Hold Project Kick Off Meeting, Task 5, Order Hardware, Task 7, Develop Data Entry Standards, Task 8, Conduct First Onsite Map Training, Task 11, Configure External Interfaces, Task 12, Conduct Project Team Training, Task 13, Conduct System Administration Training, Task 14, Conduct Follow Up Onsite Map Trainings, *Task 15,(Not completed, Conduct Functional Testing).*

ATTACHMENT 4-Terms of Amendment  
Cessation of Further Work

<b>TASK</b>	<b>SOW</b>	<b>Description of task</b>	<b>Cost</b>
Other Hardware as Delivered	Task 10	Install base computer with OS for handheld devices.	\$5,454
Install Mobile handheld solution on the server	Task 10		\$64,939
Installation services	Task 10		\$13,648
(*Tasks 11,12,13,14,15 have no monetary cost)	Tasks 11-15	Task work only	\$0
Training (See Reimbursed)	Task 16	Training	\$0
Go-Live	Task 17	<i>Cut Over to live operations will take place with each subsystem one the subsystem has completed Functional Testing. After cutover, Spillman will assist customer with the initial live database entry, proving guidance and training.</i>	\$261,627
Final System Acceptance	Task 18	Completion of all obligations as defined in the Agreement.	\$1,129,836
Total no longer to be performed/no longer to be paid			\$1,475,504

RESOLUTION \_\_\_\_\_

AUTHORIZING AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AND SOFTWARE LICENSE AGREEMENT WITH SPILLMAN TECHNOLOGIES, INC. FOR THE COMPUTER AIDED DISPATCH / RECORDS MANAGEMENT SYSTEM TO DISCONTINUE FURTHER WORK AND OBTAIN A PARTIAL REFUND FOR COMPLETED WORK AND AUTHORIZE THE MAYOR TO EXECUTE THE AMENDMENT

WHEREAS, On March 6, 2012, the City entered into an agreement with Spillman Technologies, Inc. (Spillman) to provide a fully integrated Computer Aided Dispatch / Records Management System for a Public Safety Information System, and

WHEREAS, Since the project went live on January 6, 2014, Spillman has not been able to meet the needs of the Department. Spillman has been attentive to the challenges but due to the multiple interfaces and time needed to support the continued implementation, staff determined another solution may be a better fit and result in cost savings for the City, and

WHEREAS, Spillman has agreed to refund all payments the City has made to it other than payments for hardware that the City will be retaining.

NOW, THEREFORE, BE IT RESOLVED, That City Council authorizes Amendment No. 2 to the Professional Services and Software License Agreement with Spillman Technologies, Inc. to discontinue further work and obtain a partial refund for completed work and authorize the Mayor to execute the Amendment.

\* \* \* \* \*

The foregoing Resolution \_\_\_\_\_ was adopted by the Tracy City Council on the 21<sup>st</sup> \_\_\_\_\_ day of October, 2014, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
Mayor

ATTEST:

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

AGENDA ITEM 1.G

REQUEST

**ADOPT A CITY COUNCIL POLICY FOR FILLING CITY COUNCIL VACANCIES AND VACANCIES OCCURRING IN THE OFFICE OF MAYOR**

EXECUTIVE SUMMARY

On October 7, 2014, the City Council directed staff to provide it with a policy for the Council to consider regarding filling City Council vacancies and vacancies occurring in the office of Mayor.

DISCUSSION

On October 7, 2014, the City Council considered a draft policy regarding filling City Council vacancies and vacancies occurring in the office of Mayor.

At that time, the City Council directed staff to make changes to the draft policy to clarify the following two provisions: (1) that the order of interviews is to be determined based on a random drawing; and (2) the voting procedure.

The policy attached as Attachment A includes clarifications to these two provisions.

STRATEGIC PLAN

This agenda item is a routine operational item and is not related to the City Council's Strategic Plans.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

Staff recommends that City Council, by resolution, adopt a policy regarding filling City Council vacancies and vacancies occurring in the office of Mayor.

Prepared by: Daniel G. Sodergren, City Attorney

Reviewed by: Daniel G. Sodergren, City Attorney

Approved by: Daniel G. Sodergren, City Attorney

Attachments: A. Policy on Filling City Council Vacancies and Vacancies Occurring in the Office of Mayor

B. Resolution

**CITY COUNCIL POLICY ON  
FILLING CITY COUNCIL VACANCIES AND  
VACANCIES OCCURRING IN THE OFFICE OF MAYOR**

**I BACKGROUND**

The process for filling City Council vacancies (other than for an elective Mayor) is set forth in Government Code section 36512(b), which provides that:

If a vacancy occurs in an elective office provided for in this chapter, the City Council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent.

A similar process is contained in the Government Code for vacancies occurring in the office of Mayor. (§ 34902(a).)

State law does not prescribe any procedure for selection of appointees. Therefore, the City Council may choose any selection method it desires.

**II. POLICY**

The following procedures will be used by the City Council to fill a City Council vacancy or a vacancy occurring in the office of Mayor, if the City Council chooses to fill such a vacancy by appointment rather than by special election:

**A. Schedule**

At the earliest possible time after a vacancy occurs, the City Council shall adopt a time schedule:

1. Setting a time and date by which any qualified person interested in being appointed shall submit an application;
2. Setting a time and date by which questions for the applicants may be submitted by the public; and
3. Setting a date or dates on which applicants will be interviewed by the City Council at a public meeting.

**B. Applications**

The application of a person interested in being appointed to the City Council shall

state background, qualifications and why he or she wishes to be appointed. In addition to completing an application any person applying for the vacancy shall be required to file with the City Clerk the following additional documents:

1. A Nomination Form containing valid signatures of at least 20 registered voters of the City of Tracy. The fact that a voter has signed nomination papers for more than one applicant shall not invalidate the signature; and

2. A completed Statement of Economic Interests (Form 700) provided by the Fair Political Practices Commission.

### **C. Disclosure of Applications**

Following the deadline set by the City Council for the submittal of applications, copies of all applications and the names of the applicants shall be filed in the City Clerk's office and made public. No information shall be disclosed prior to the close of the application deadline.

### **D. Questions from the Public**

Questions for or concerning applicants may be submitted in writing by the public to the City Clerk. Following the deadline set by the City Council for the submittal of questions, all such questions shall be forwarded to City Council Members, who may use them in the applicant interviews.

### **E. Advance Questions for Applicants**

The City Council, by motion, may choose to present questions in advance of the interviews to the applicants and may choose to require applicants to either answer all such questions at the interviews or provide written responses to all such questions prior to the interviews. Proposed advance questions may be suggested by individual City Council Members or may be drafted by an ad hoc committee of the City Council appointed by the Mayor for that purpose.

### **F. City Council Interviews**

Applicant interviews shall be conducted in a public meeting, which may be televised and recorded. The order of interviews will be based on a random drawing. At the time and date set for applicant interviews, each applicant shall be interviewed separately and shall be given the opportunity to make a brief statement concerning his or her qualifications and to answer any question previously submitted to the applicant by the City Council. Thereafter, each City Council Member may question each applicant on any subject he or she feels is relevant to that applicant's qualifications to sit on the City Council. Based on the time available and the number of candidates, the City Council, by majority vote, may require a time limit on interviews, limit the number of questions to be asked, and limit the time to receive answers from each applicant.

## **G. Voting Procedure**

The person to fill the City Council vacancy shall be selected from all applicants by the following process of elimination:

1. If one or two applicants exist:
  - a. each City Council Member shall vote for one applicant; and
  - b. the applicant who receives a majority vote shall be appointed to fill the vacancy.
2. If three or more applicants exist:
  - a. each City Council Member shall vote for two applicants; and
  - b. all applicants receiving the least number of votes (including no votes) shall be eliminated; and
  - c. subsequent votes shall be taken with each City Council Member voting for two applicants until one or two applicants remain; and
  - d. each City Council Member shall then vote for one applicant and the applicant who receives a majority vote shall be appointed to fill the vacancy.
3. If no applicant receives a majority vote, the City Council may adopt such other procedures to fill the vacancy as it deems appropriate.
4. Notwithstanding the voting procedure described above, at any time during the appointment process, the City Council in its discretion may abandon the process and call a special election to fill the vacancy.
5. If no applicant receives a majority vote within 60 days of the commencement of the vacancy, the City Council shall call a special election to fill the vacancy.

## **H. Appointment by the City Council**

The appointment to fill the vacancy shall be made by resolution of the City Council.



RESOLUTION 2014 - \_\_\_\_\_

ADOPTING A CITY COUNCIL POLICY FOR FILLING CITY COUNCIL VACANCIES AND  
VACANCIES OCCURRING IN THE OFFICE OF MAYOR

WHEREAS, state law provides that if a vacancy occurs in the City Council or the office of Mayor, the Council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy, and

WHEREAS, state law does not prescribe any procedure for selection of appointees. Therefore, the City Council may choose any selection method it desires; and

WHEREAS, the City Council wishes to adopt a policy regarding filling City Council vacancies and vacancies occurring in the office of Mayor.

NOW, THEREFORE BE IT RESOLVED, that the attached policy regarding City Council vacancies and vacancies occurring in the office of Mayor is adopted.

\* \* \* \* \*

The foregoing Resolution \_\_\_\_\_, was passed and adopted by the Tracy City Council on the 21st day of October, 2014, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

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

AGENDA ITEM 1.H

REQUEST

**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**

EXECUTIVE SUMMARY

Approval of the Final Subdivision Map will facilitate recordation of the Final Subdivision Map, and the issuance of building permits to construct residential houses. Standard Pacific Corporation, a Delaware corporation (Subdivider), has signed the Subdivision Improvement Agreement (SIA) for the construction of subdivision improvements to serve 71 single family dwelling lots.

DISCUSSION

On August 20, 2013, City Council approved the Concept, Preliminary and Final Development Plan, and the Vesting Tentative Subdivision Map, to create 252 residential lots for single family dwelling units known as the "Kagehiro Phase 3 Subdivision", located at the southeast corner of Corral Hollow Road and Kagehiro Drive. This subdivision is approximately 47.1 acres and is designated in the General Plan as LDR for low density residential development.

On April 4, 2014, the Final Parcel Map for the Kagehiro Phase 3 Subdivision was recorded to subdivide the property into two parcels. The western parcel is approximately 23.85 acres. Primrose – Phase 1, Tract 3772, is the first residential phase of the 23.85 acre-parcel, which is comprised of 71 single family dwelling lots.

The Subdivider has executed the Subdivision Improvement Agreement, for the completion of the subdivision improvements. The Engineering Division has reviewed the Improvement Plans and all improvements required of Primrose – Phase 1, Tract 3772, are guaranteed as part of the Subdivision Improvement Agreement with security.

The Final Subdivision Map has been reviewed as to its substantial compliance with the design of the approved Vesting Tentative Subdivision Map. The Subdivision Improvement Agreement, Final Subdivision Map, and Improvement Plans are on file with the City Engineer and are available for review upon request.

Upon completion of all improvements, the City will accept the improvements for maintenance and will accept all offers of dedication of public right-of-way at that time.

FISCAL IMPACT

There will be no impact to the General Fund; the Subdivider has paid the applicable engineering review fees which include the cost of processing the Final Subdivision Map and Subdivision Improvement Agreement.

STRATEGIC PLAN

This agenda item is consistent with the Council approved Economic Development Strategy to ensure physical infrastructure necessary for development.

RECOMMENDATION

That City Council, by resolution, approve the Final Subdivision Map for Primrose – Phase 1, Tract 3772, authorize the Mayor to execute the Subdivision Improvement Agreement, and authorize the City Clerk to file the Agreement with the San Joaquin County Recorder.

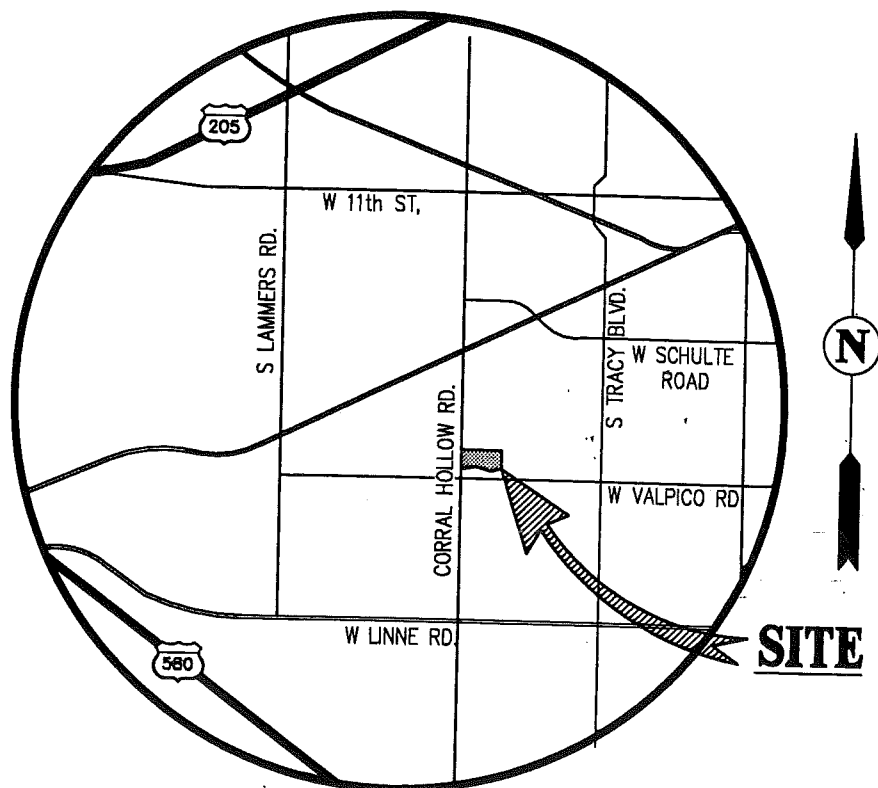
Prepared by: Carlos Garcia, Engineering Technician II  
Criseldo Mina, Senior Civil Engineer

Reviewed by: Andrew Malik, Development Services Director  
Maria A. Hurtado, Assistant City Manager

Approved by: Troy Brown, City Manager

Attachment - Vicinity Map

# PRIMROSE-PHASE 1, TRACT 3772



## VICINITY MAP

NOT TO SCALE

RESOLUTION 2014-\_\_\_\_\_

APPROVING THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR PRIMROSE – PHASE 1, TRACT 3772, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT, AND AUTHORIZING THE CITY CLERK TO FILE THE AGREEMENT WITH THE SAN JOAQUIN COUNTY RECORDER

WHEREAS, The Concept, Preliminary and Final Development Plan, and the Vesting Tentative Subdivision Map for Kagehiro Phase 3 Subdivision, a single-family residential development with a total of 252 single family dwelling lots, was approved by City Council on August 20, 2103, pursuant to Resolution 2013-134, and

WHEREAS, Kagehiro Phase 3 Subdivision was subdivided into two parcels and the western parcel is approximately 23.85 acres, and

WHEREAS, Primrose – Phase 1, Tract 3772, is the first residential development with 71 single family dwelling units which will be constructed within the western parcel, and

WHEREAS, Standard Pacific Corporation, a Delaware corporation, has requested to construct public improvements to serve the proposed residential development, and

WHEREAS, The Subdivider has executed the Subdivision Improvement Agreement and posted security for construction of the subdivision improvements, and

WHEREAS, Upon completion of all improvements, the City will accept the public improvements for maintenance and will accept all offers of dedication of public right-of-way, and

WHEREAS, There will be no impact to the General Fund. The Developer has paid the applicable engineering review fees which include the cost of processing the Final Subdivision Map, Improvement Plans, and Subdivision Improvement Agreement;

NOW, THEREFORE, BE IT RESOLVED, That City Council approves the Final Subdivision Map for Primrose – Phase 1, Tract 3772, authorizes the Mayor to execute the Subdivision Improvement Agreement, and authorizes the City Clerk to file the Agreement with the Office of the San Joaquin County Recorder.

\* \* \* \* \*

The foregoing Resolution was adopted by the City Council on the 21<sup>st</sup> day of October, 2014, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

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

AGENDA ITEM 3

REQUEST

**THAT COUNCIL CONDUCT A PUBLIC HEARING DECLARING THE EXISTENCE OF WEEDS, RUBBISH, REFUSE AND FLAMMABLE MATERIAL ON EACH OF THE PARCELS LISTED IN EXHIBIT "A" TO THIS AGENDA ITEM A NUISANCE; CONSIDER OBJECTIONS TO ABATEMENT OF SAID NUISANCE, AND ADOPT A RESOLUTION AUTHORIZING FIRE DEPARTMENT STAFF TO ORDER CONTRACTOR TO ABATE SAID NUISANCES**

EXECUTIVE SUMMARY

The Fire Department performs inspections on its own and after complaints are received from citizens regarding the existence of weeds, rubbish, refuse and flammable material on residential and commercial parcels. Abatement notices are sent to parcel owners within the City deemed by Fire Department staff to be a public nuisance and dangerous to the public health and safety.

The notice states the time and date of the Public Hearing to be conducted by the City Council to address any and all objections to the proposed abatement and, as necessary, authorize Fire Department staff to direct the City's contractor to abate parcels Council finds to be a nuisance.

DISCUSSION

Pursuant to Tracy Municipal Code, a Public Hearing is required prior to the abatement of any parcels. Sections 4.12.250 through 4.12.340 of the Tracy Municipal Code set forth the procedure for the City to abate weeds, rubbish, refuse and flammable material on private property.

On September 17, 2014, October 2, 2014, and October 6, 2014, pursuant to Tracy Municipal Code, Section 4.12.280, the Fire Department sent a notice to the property owner(s) listed in Exhibit "A" to this staff report. That notice required the said owner to abate weeds, rubbish, refuse and flammable material on his/her parcel within twenty days, and informed the property owner(s) that a Public Hearing would be conducted on October 21, 2014, where any protests regarding the notice to abate would be heard. The Tracy Municipal Code provides that upon failure of the owner, or authorized agent, to abate within 20 days from the date of notice, the City will perform the necessary work by private contractor and the cost of such work will be made a personal obligation of the owner, or become a tax lien against the property.

Under the provisions of Tracy Municipal Code, Section 4.12.290, the Fire Department will proceed at Council's direction with instructing the City's contractor to perform weed, rubbish, refuse and flammable material abatement on the parcels listed in Exhibit "A". Per the Tracy Municipal Code, property owners are liable for the cost of abatement and will be billed for the actual cost of the City contractor's services, plus a twenty-five percent administrative charge. All unpaid assessments will be filed with the San Joaquin County Auditor Controller's office to establish a lien on the property.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's four strategic priorities.

FISCAL IMPACT

There is \$12,100 budgeted in Fiscal Year 2014-2015, Grounds and Maintenance account, 211-52110-252-0000 and there are sufficient funds at this time to accomplish abatement services.

RECOMMENDATION

That City Council conduct a Public Hearing to hear and consider any and all objections to the proposed abatement, and by resolution, declare the weeds, rubbish, refuse, and flammable material located at the parcels listed within Exhibit "A" to be a nuisance, and authorize the Fire Department to direct the City's contractor to abate such nuisance.

Prepared by: Gina Rodriguez, Administrative Assistant II

Reviewed by: Steve Hanlon, Fire Division Chief

Reviewed by: Alford Nero, Fire Chief

Reviewed by: Maria A Hurtado, Assistant City Manager

Approved by: Troy Brown, City Manager

Attachment: Exhibit A - 2014 Weed Abatement Parcel List



**TRACY FIRE - WEED ABATEMENT LIST 10/21/2014**

<b>APN</b>	<b>SITUS ADDRESS</b>	<b>NAME/BUSINESS</b>	<b>MAILING ADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
214-110-16	2480 Lincoln Blvd	Miyoko Tokuda	1870 Heather Court	Tracy	CA	95376
240-460-31	425 Fisher Court	Harminder Kaur	25440 S. Schulte Road	Tracy	CA	95377
242-260-72	1464 Yorkshire Loop	Zubing & Shiyong Yuan	1073 Arlington Lane	San Jose	CA	95129
238-380-67	1182 Annamarie Way	John & Daisy Leung	2178 Arlington Way	San Ramon	CA	94582
244-130-25	3687 Newbury Court	Edgar Petrig	3265 Baywood Lane	Napa	CA	94588
246-110-59	1991 Ashland Drive	Fariborz & Cecilia Motalei	1991 Ashland Drive	Tracy	CA	95376

RESOLUTION \_\_\_\_\_

DECLARING THE EXISTENCE OF WEEDS, RUBBISH, REFUSE AND FLAMMABLE MATERIAL ON THE PARCELS LISTED IN EXHIBIT "A", A NUISANCE AUTHORIZING FIRE DEPARTMENT STAFF TO ORDER CONTRACTOR TO ABATE

WHEREAS, On September 17, 2014, October 2, 2014 and October 6, 2014, pursuant to Tracy Municipal Code, Section 4.12.280, Fire Department staff mailed, via certified mail, a notice to the owners of record listed within Exhibit "A", that the existence of weeds, rubbish, refuse and flammable material on said parcel in the City of Tracy constitutes a nuisance and is dangerous to public health and safety of the inhabitants of the City pursuant to Section 4.12.260 of the Tracy Municipal Code, and

WHEREAS, The notices included an order to abate said nuisance within 20 days and informed the property owner(s) of their opportunity to appear and object to the abatement of such nuisance at a public hearing before the City Council on October 21, 2014, and

WHEREAS, The County Assessor's Office shows the mailing address for the owner(s) of record of the subject parcels as listed within Exhibit "A", and a notice to abate and the notice of the public hearing was sent in a timely manner to that address by certified mail, and

WHEREAS, Objections, if any, to said abatement have been heard and considered, and

WHEREAS, The Fire Department has \$12,100 in the FY 2014-2015 budget for weed, rubbish, refuse and flammable material abatement;

NOW, THEREFORE, BE IT RESOLVED, That the City Council declares the weeds, rubbish, refuses and flammable material on the parcels listed within Exhibit "A" to be a nuisance and further authorizes Fire Department staff to order the City's contractor to abate the accumulation of weeds, rubbish, refuse and flammable materials on the listed parcels.

\*\*\*\*\*

The foregoing Resolution \_\_\_\_\_ was passed and adopted by the Tracy City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2014. by the following vote:

- AYES: COUNCIL MEMBERS:
- NOES: COUNCIL MEMBERS:
- ABSENT: COUNCIL MEMBERS:
- ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

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

AGENDA ITEM 4

REQUEST

**PUBLIC HEARING TO CONSIDER APPROVING AN AMENDMENT TO THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN (SJMSCP) DEVELOPMENT FEE, RESULTING IN AN INCREASE IN FEES FOR 2015**

EXECUTIVE SUMMARY

In 2001 the City began participating in the newly established San Joaquin County Multi Species Habitat Conservation and Open Space Plan (SJMSCP). The fees for participation in the plan were established in 2001 and updated in 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014. Pursuant to the land sales comparables and the Consumer Price Index, the fees are proposed to be updated for collection starting January 1, 2015. The revised fees represent an overall 9.38 percent increase from the fees collected in 2014.

DISCUSSION

Background

In 2001, City Council approved a resolution to establish the authority to collect a development fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). That fee was established in 2001, and subsequently updated in 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.

The formula for updating the fee was categorized into three distinct components to better calculate an accurate fee per acre [FEE = Category A (acquisition) + Category B (assessment & enhancement) + Category C (management & admin)]. The final mitigation fees (Table 1) reflect true costs in each category and other real costs associated to fulfill the goals of the plan.

***Category A (acquisition) - Comparables***

This category is directly related to land valuation based on comparables which occur in specific zones of the plan. This category is evaluated on a yearly basis by taking all qualified comparables in each zone, including SJCOG, Inc. easements, to set a weighted cost per acre using the same methodology as in the Financial Analysis Update in 2006 as amended in mid-2012 by the Habitat Technical Advisory Financial Sub-Committee and SJCOG Inc. The SJCOG, Inc. easements are evaluated using the appraised value of the property in the before condition included with the fee title sales of other property occurring in San Joaquin County. The final weighted cost per acre of each zone is calculated into a blended rate under Category A (acquisition) figure for each habitat type.

The criteria to determine valid comparables used in the weighted calculation are:

1. All SJCOG, Inc. transactions (fee title and appraised value of unencumbered property)

2. Sales not less than 40 acres
3. Sales not greater than 500 acres
4. No parcels with vineyard or orchard (except SJCOG, Inc. transactions for special needs)
5. Must be land which would fulfill mitigation under the plan
6. Comparable sales reviewed by the Habitat Technical Advisory Financial Sub-committee
7. Not greater than 2 years old from the date of June 30<sup>th</sup> of each year with all acceptable comparables included (criteria 1-5). A minimum of 10 acceptable comparables are required for analysis. If the minimum of 10 transactions are not available, the time period will extend at 3 month intervals prior to the beginning date until 10 comparables are gathered.

The calculation results in an increase to the Agricultural/Natural Habitat type of Category A component from \$8,288.74 to \$9,427.21.

**Category B (assessment & enhancement) - Consumer Price Index**

This category is an average of the California Consumer Price Index (CPI), as reported by the California Department of Finance, for a 12 month period following a fiscal year (July – June) to keep up with inflation on a yearly basis. The CPI has been deemed appropriate regarding the cost of inflation for this category. The California CPI calculation increased 2.2%.

The calculation results in an increase of the Category B component to be \$ 3,259.76, up from last year’s \$3,189.59.

**Category C (management & administration) - Consumer Price Index**

This category is an average of the California Consumer Price Index (CPI), as reported by the California Department of Finance, for a 12 month period following a fiscal year (July – June) to keep up with inflation on a yearly basis. The CPI has been deemed an appropriate regarding the cost of inflation for this category. The California CPI calculation increased 2.2%.

The calculation results in an increase of the Category C component to be \$1,856.24, up from \$1,816.28 in 2014.

SJCOG, Inc. staff calculated the fees using the SJMSCP Financial Analysis formula model [FEE= Category A (acquisition) + Category B (assessment & enhancement) + Category C (management & Admin)] which is shown in Table 1 below. The overall result in the calculations was an increase in the fees from 2014 to 2015.

**Table 1 – Mitigation Fees to Be Adopted for 2015**

Habitat Type	Category A	Category B	Category C	Total Fee	Rounded Fee*
Open Space	\$4,713.60	\$1,629.88	\$937.36	<b>\$7,280.85</b>	<b>\$7,281</b>
AG/Natural	\$9,427.21	\$3,259.76	\$1,856.24	<b>\$14,543.20</b>	<b>\$14,543</b>

Vernal Pool (grasslands)	\$35,426.16	\$613.86	\$6,743.86	<b>\$42,783.88</b>	<b>\$42,784</b>
Vernal Pool (wetted)	\$35,426.16	\$43,460.88	\$6,743.86	<b>\$85,630.90</b>	<b>\$85,631</b>

\*rounded to the nearest dollar to be adopted and in place by January 1, 2015

All of the land within and adjacent to the current City limits are classified as Open Space or AG/Natural, as there are no vernal pools near the City of Tracy. The current (2014) per-acre fees in the relevant categories are \$6,656 per acre for Open Space, and \$13,295 for AG/Natural.

**Monitoring Plan Funding:**

Along with the annual index adjustment, the SJMSCP is required to monitor the plan to address funding shortfalls as stated in Section 7.5.2.1 of the plan. SJCOG, Inc. shall undertake an internal review of the SJMSCP funding plan every three years to evaluate the adequacy of each funding source identified in the plan, identify existing or potential funding problems, and identify corrective measures, should they be needed in the event of actual or potential funding shortfalls. This will be reported to the permitting agencies for review in Annual Reports. A review of the Financial Analysis Plan, similar to the process undertaken in the 2006 review, will occur every five years to ensure the adopted methodology is fulfilling the goals of the plan.

**FISCAL IMPACT**

This agenda item will not require any specific expenditure of funds. All of the fees collected with each project will be applied toward the SJMSCP.

**STRATEGIC PLAN**

This is a routine agenda item and does not relate to any of the Council's Strategic Plans.

**RECOMMENDATION**

Staff recommends that the City Council approve, by adoption of a resolution, the amended development fees for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, as shown in the City Council resolution dated October 21, 2014.

**ATTACHMENTS**

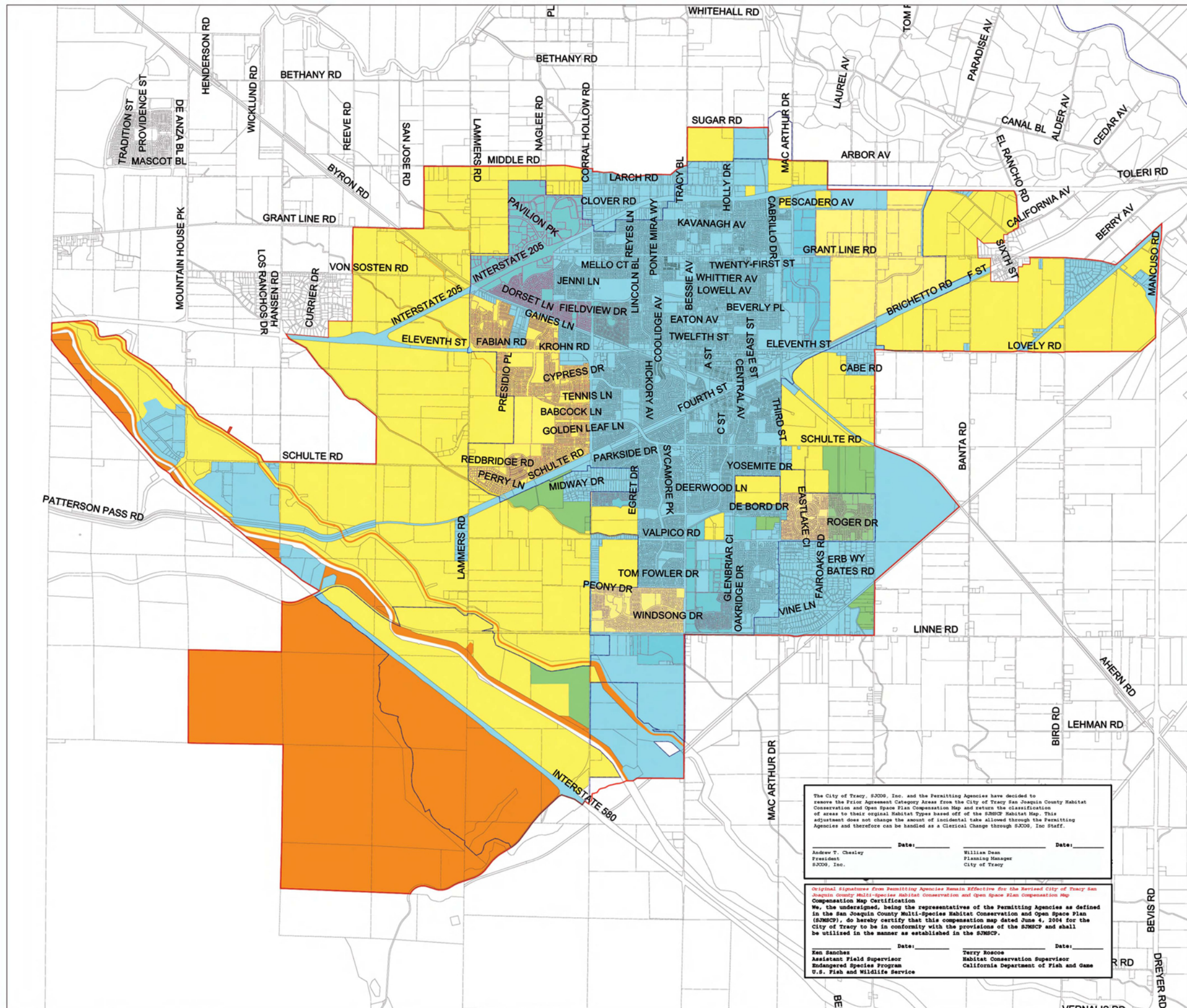
Attachment A—City of Tracy Land Category / Pay Zones Map

Agenda Item 4  
October 21, 2014  
Page 4

Prepared by: Victoria Lombardo, Senior Planner, City of Tracy  
Steve Mayo, Senior Regional Planner, SJCOG

Reviewed by: Bill Dean, Assistant Development Services Director  
Andrew Malik, Development Services Director  
Maria A. Hurtado, Assistant City Manager

Approved by: Troy Brown, City Manager



- LAND CATEGORY / PAY ZONES**
- CATEGORY A  
EXEMPT  
NO PAY ZONE
  - CATEGORY B  
OTHER OPEN SPACES  
PAY ZONE A
  - CATEGORY C  
AG. HABITAT OPEN SPACES  
PAY ZONE B (Agricultural)
  - CATEGORY D  
NATURAL LANDS HABITAT  
PAY ZONE B (Natural)
  - CATEGORY E  
VERNAL POOLS  
PAY ZONE C
- PLANNING AREA BOUNDARY**
- URBAN EXPANSION AREA
  - CITY LIMITS
  - PARCEL LINE

# San Joaquin County Multi-Species Habitat Conservation and Open Space Plan

The City of Tracy, 2006, Inc. and the Permitting Agencies have decided to remove the Prior Agreement Category Areas from the City of Tracy San Joaquin County Habitat Conservation and Open Space Plan Compensation Map and return the classification of areas to their original Habitat Types based off of the SJMSCP Habitat Map. This adjustment does not change the amount of incidental take allowed through the Permitting Agencies and therefore can be handled as a Clerical Change through SJ006, Inc Staff.

\_\_\_\_\_  
Date: \_\_\_\_\_  
Andrew T. Chesley  
President  
SJ006, Inc.

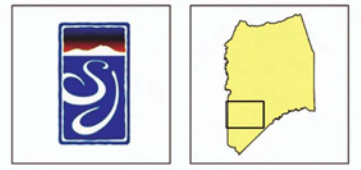
\_\_\_\_\_  
Date: \_\_\_\_\_  
William Dean  
Planning Manager  
City of Tracy

*Original Signatures from Permitting Agencies Remain Effective for the Revised City of Tracy San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Compensation Map*

We, the undersigned, being the representatives of the Permitting Agencies as defined in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), do hereby certify that this compensation map dated June 4, 2004 for the City of Tracy to be in conformity with the provisions of the SJMSCP and shall be utilized in the manner as established in the SJMSCP.

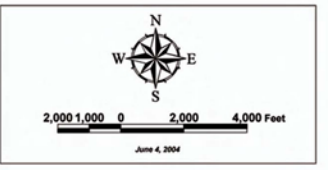
\_\_\_\_\_  
Date: \_\_\_\_\_  
Ken Sanchez  
Assistant Field Supervisor  
Endangered Species Program  
U.S. Fish and Wildlife Service

\_\_\_\_\_  
Date: \_\_\_\_\_  
Terry Roscoe  
Habitat Conservation Supervisor  
California Department of Fish and Game



## CITY OF TRACY COMPENSATION MAP (REVISED MARCH 2006)

San Joaquin Council of Governments  
555 East Weber Avenue  
Stockton, CA 95202



RESOLUTION 2014-\_\_\_\_\_

ADOPTING AMENDED DEVELOPMENT FEES FOR THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN (SJMSCP)

WHEREAS, The City Council of the City of Tracy adopted an (Ordinance/Resolution) establishing the authority for collection of a Development Fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for all new developments pursuant to the SJMSCP within the City of Tracy, and

WHEREAS, A "Fee Study" dated July 16, 2001, was prepared which analyzed and identified the costs, funding, and cost-benefit of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, and

WHEREAS, The purpose of the SJMSCP Development Fee is to finance the goals and objectives of the SJMSCP that include, but are not limited to preserve land acquisition, preserve enhancement, land management, and administration that compensate for such lands lost as a result of future development in the City of Tracy and in San Joaquin County, and

WHEREAS, After considering the Fee Study and the testimony received at the public hearing, the Tracy City Council approved said report; and further found that the future development in the City of Tracy will need to compensate cumulative impacts to threatened, endangered, rare and unlisted SJMSCP Covered Species and other wildlife and compensation for some non-wildlife related impacts to recreation, agriculture, scenic values and other beneficial Open Space uses, and

WHEREAS, An "Updated Fee Study" dated November 2, 2006, was prepared which analyzed and identified the costs and funding of the SJMSCP, and the Tracy City Council approved updated SJMSCP Development Fees on January 16, 2007, and subsequently approved the annual update to those fees on October 16, 2007 and October 21, 2008, October 20, 2009 and October 19, 2010, October 19, 2011, October 2, 1012, October 1, 2013, and

WHEREAS, The current SJMSCP Development Fee for open space lands is \$6,656 an acre for the year 2014 due to annual adjustments consistent with the California Construction Cost Index (CCCI), and

WHEREAS, The current SJMSCP Development Fee for natural lands and agricultural lands is \$13,295 an acre for the year 2014 due to annual adjustments consistent with the California Construction Cost Index (CCCI), and

WHEREAS, The updated fee per acre for open space lands as adjusted pursuant to land sale comparables and the Consumer Price Index for the year 2015 is \$7,281, and

WHEREAS, The updated fee per acre for natural lands and agricultural lands as adjusted pursuant to land sale comparables and the Consumer Price Index for the year 2015 is \$14,543, and

WHEREAS, To ensure that the SJMSCP development fees keep pace with inflation, annual adjustments, based on the method set forth in this resolution, shall be made to the fees annually, and



WHEREAS, The Assessment and Enhancements and Management and Administration components shall be adjusted annually based on the Consumer Price Index (CPI). The Acquisition Cost component shall be adjusted annually based on a minimum of ten comparable agricultural sales within the previous two years. If ten acceptable comparables are not found, then the two year window will increase in three month intervals until ten acceptable comparable agricultural sales are found. The comparable agricultural sales shall meet the following criteria: over forty acres in size, but under 500 acres in size, no orchard or vineyard properties shall be included, and all comparable sales must be on land that is consistent as mitigation land under the SJMSCP. In addition, all SJCOG, Inc. transactions regardless of size or sale type will be included in the comparables, and

WHEREAS, The Updated Fee Study with the SJMSCP and the fee amendment were available for public inspection and review in the office of the City Clerk for more than 10 days prior to the date of this Public Hearing;

NOW, THEREFORE, The City Council finds as follows:

1. The City Council finds and declares that the purposes and uses of the Development Fee, and the determination of the reasonable relationship between the fees' uses and the type of development project on which the fees are imposed, are all established in Resolutions 2001-050 and 2007-021, and remain valid, and the City Council therefore adopts such determinations.
2. The City Council finds and declares that since adoption of Resolutions 2001-050 and 2007-021, the cost of land has changed in San Joaquin County, and that in order to maintain the reasonable relationship established by Resolutions 2001-050 and 2007-021, it is necessary to adjust the Development Fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.
3. The Development Fee for open space shall be \$7,281 an acre, as adjusted pursuant to land sale comparables and the Consumer Price Index, as shown in Exhibit A attached hereto.
4. The Development Fee for natural lands and agricultural land shall be \$14,543 an acre as adjusted pursuant to land sale comparables and the Consumer Price Index, as shown in Exhibit A attached hereto.
5. The Development Fee for vernal pool habitat and multi-purpose open space conversion shall be consistent with the table identified in Exhibit "A" and attached hereto.
6. The Fee provided in this resolution shall be effective on January 1, 2015, which is at least sixty (60) days after the adoption of this resolution.

\* \* \* \* \*

The foregoing Resolution 2014-\_\_\_\_\_ was adopted by the City Council on the 21<sup>st</sup> day of October 2014, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

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

**Exhibit A**

**2014 Updated Habitat Fees**

<b>Habitat Type</b>	<b>Fee Per Acre</b>
Multi-Purpose Open Space	\$ 6,656
Natural	\$ 13,295
Agriculture	\$ 13,295
Vernal Pool - uplands	\$ 39,047
Vernal Pool - wetted	\$ 80,972

AGENDA ITEM 5

REQUEST

**RECEIVE PUBLIC TESTIMONY FROM PUBLIC HEARING FOR ANNUAL UNMET TRANSIT NEEDS, CITY OF TRACY, FISCAL YEAR 2014-15**

EXECUTIVE SUMMARY

The City of Tracy (City) annually receives funds from the Transportation Development Act (TDA). Under provisions of the TDA, a local public hearing must be held annually to review any unmet transportation needs prior to allocation of TDA funds. Staff recommends that City Council receive public testimony concerning any unmet transportation needs. Comments will be forwarded to the San Joaquin Council of Governments to substantiate the validity of proposed unmet transit needs.

DISCUSSION

Under provisions of the State of California Transportation Development Act (TDA), local public hearings must be held annually to review any unmet transit needs prior to the allocation of TDA funds. The hearings will be held on October 21, 2014, at 10:30 a.m. in the Tracy Transit Station Conference Room 105, and again at 7:00 p.m. in City Hall Council Chambers during the regularly-scheduled City Council meeting.

The City of Tracy requested TDA funds for Fiscal Year 2013-14 for the following purposes:

1. Public Transportation Operating Costs	\$ 815,109
2. Public Transportation Capital Costs	\$ 232,908
3. Roads and Streets Projects	\$3,001,891
4. Pedestrian and Bicycle Projects	\$ 52,669
5. TDA Administration	\$ <u>81,290</u>

TOTAL 2013-14 CLAIM: \$4,114,452

The TRACER Public Transit System provides Fixed Route and Paratransit Bus services Monday through Friday from 7:00 a.m. until 8:00 p.m., and Saturdays from 9:00 a.m. to 6:00 p.m. The Paratransit Subsidized Taxi service operates during the days and hours that the Paratransit Bus service is not in operation.

The purpose of the public hearing is for the City Council to receive public testimony concerning any unmet transportation needs which may exist for the Tracy community. No decision as to the sufficiency of local transit services is requested from the Council.

The minutes of the public hearing on October 21, 2014, shall be forwarded to the San Joaquin County Council of Governments (SJCOG) which has the responsibility of determining whether transit needs remain unmet and would be reasonable to meet by the applicable jurisdiction. Staff members from SJCOG will attend the Tracy public

hearings to witness the community responses and to answer specific questions concerning the TDA process.

Attached are copies of the Notice of Public Hearing relative to the Unmet Transit Needs Hearings (Exhibit "A") published in the TriValley Herald newspaper, as well as the circular (Exhibit "B") that was delivered to various social services/activity agencies within the Tracy community.

#### STRATEGIC PLAN

This is a routine operational item and does not relate to the Council's Strategic Plans.

#### FISCAL IMPACT

The public hearing does not require any direct expenditure of City funds and will not impact the General Fund.

#### RECOMMENDATION

There is no action required other than the public hearing.

Prepared by: Ed Lovell, Management Analyst II

Reviewed by: David Ferguson, Director of Public Works  
Maria A. Hurtado, Assistant City Manager

Approved by: Troy Brown, City Manager

#### ATTACHMENTS:

Exhibit        A – Public Hearing Notice  
Exhibit        B – Circular

NOTICE OF PUBLIC HEARING  
CITY OF TRACY

A public hearing will be held on October 21, 2014, at 10:30 a.m. at the Tracy Transit Station, 50 East Sixth Street, Conference Room 105, for the purpose of inviting discussion and statements relative to unmet public transportation needs. Additionally, at 7:00 p.m., or as soon thereafter as possible, the Tracy City Council will hold a public hearing in the Council Chambers, at Tracy City Hall, 333 Civic Center Plaza, to hear statements relative to unmet public transportation needs which can reasonably be met (required by Section 6656, California Administrative Code), prior to allocation of TDA funds for roads and street purposes.

All interested persons are invited to be present and to submit statements orally or in writing, before or during the meeting.

Information concerning this matter may be obtained at the Tracy Transit Station, 50 E. Sixth Street, Tracy, CA 95376.

Carole Fleischmann  
City Clerk

Publish: 9/18, 10/9, 10//16 2014



Think Inside the Triangle™

## UNMET TRANSIT NEEDS HEARING

### PUBLIC HEARING

TRACER Fixed Route  
SJRTD Bus Service  
Park-N-Ride  
Car Pooling

TRACER Paratransit  
Taxi Service  
Ride Sharing  
Rail Service / ACE



**TUESDAY, OCTOBER 21, 2014**

**HEARING 1:** 10:30 a.m. - 11:30 a.m.  
Room # 105  
Tracy Transit Station  
50 E. Sixth Street

**HEARING 2:** 7:00 p.m.  
City Council Chamber  
City Hall, Tracy

The City of Tracy & The San Joaquin Council of Governments  
would like to know if

**you have any Unmet Transit Needs.**

*If you (or others in your community) believe that you would benefit  
from having public transportation, you are invited to  
comment on at the City of Tracy Unmet Public Hearing.*

*Your concerns are important to us.*

### UNMET TRANSIT NEEDS SUGGESTIONS

*If unable to attend the public hearing, written comments and  
statements may be submitted to: Jayne Pramod, Transportation Coor-  
dinator, Tracy Transit Station, 50 E. Sixth Street, Tracy, CA-95376  
or emailed to [Jayne.pramod@ci.tracy.ca.us](mailto:Jayne.pramod@ci.tracy.ca.us)*

For Information contact: City of Tracy Transit Station at (209 ) 831 4287

AGENDA ITEM 6

REQUEST

**PUBLIC HEARING TO CONSIDER AN APPLICATION TO AMEND THE GENERAL PLAN, APPROVE A VESTING TENTATIVE SUBDIVISION MAP ON A 10.15-ACRE SITE TO CREATE 51 LOTS AND AN AMENDMENT TO THE CONCEPT DEVELOPMENT PLAN FOR THE STERLING PARK AND SAN MARCO PLANNED UNIT DEVELOPMENTS FROM A SCHOOL SITE TO A 51 LOT RESIDENTIAL SUBDIVISION KNOWN AS BARCELONA INFILL, AND APPROVAL OF THE CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLANS FOR THE BARCELONA INFILL PLANNED UNIT DEVELOPMENT; THE PROJECT IS LOCATED AT THE NORTHWEST CORNER OF BARCELONA DRIVE AND TENNIS LANE, ASSESSOR'S PARCEL NUMBERS 252-520-44 AND 240-390-33; THE APPLICANT AND PROPERTY OWNER IS TVC TRACY HOLDCO, LLC; APPLICATION NUMBERS GPA14-0003, PUD14-0002 AND TSM14-0002**

EXECUTIVE SUMMARY

This agenda item involves approval of a Tentative Subdivision Map, and amendments to an existing Preliminary and Final Development Plan to create a new Planned Unit Development for the construction of 51 single family homes. Approval of this agenda item would amend the former school site for low density residential land uses, and enable the land to be subdivided and homes built.

DISCUSSION

Background and Project Description

The subject property consists of two parcels of vacant land totaling 10.15-acres located at the intersection of Barcelona Drive and Tennis Lane. The property is bordered by the Sterling Park residential subdivision to the north and the San Marco residential subdivision to the south (Attachment A: Location Map). The northerly 5 acres of the site is contained within the Sterling Park Planned Unit Development (PUD), and the southerly 5 acres is in the San Marco PUD, both of which were approved in the late 1990's. The total 10.15-acre site was designated for a K-6 school in the respective PUDs at the request of the Tracy Unified School District. In 1994, the City annexed the Sterling Park and San Marco areas and designated both properties Residential Low in the General Plan. In 2006, the City updated the General Plan and designated the subject 10.15-acre site and other planned or developed public school sites citywide as Public Facilities. The land use designation of Public Facilities was carried forward in the citywide General Plan amendment in 2011. The site has not yet been developed and is currently under private ownership. According to the applicant, the TUSD has not begun the process to purchase the property nor has it provided details regarding when a school might be built. On April 9, 2014, the property owner submitted an application to amend the land use designation from Public Facilities to the Residential Low designation and to amend the Sterling Park and San Marco Concept Development Plans (CDP) from a school site to a residential subdivision known as Barcelona Infill. The application



included a Concept Development Plan, Preliminary Development Plan (PDP), a Final Development Plan (FDP); and a Vesting Tentative Subdivision Map for 51 lots. City staff referred the application to TUSD and has received no objection to the proposed project.

#### General Plan Amendment

The site has a General Plan designation of Public Facilities because it was formerly determined to be a school site. To maintain the reservation of a school site, the School District must enter into a binding agreement to purchase the land at the approval of the final map (Per Government Code Section 66480). That agreement reserves the land for the School District for two years. The final maps creating the two lots that make up the site were approved on July 5, 2000 (San Marco Unit 1) and July 2, 2002 (Sterling Park Unit 6). The School District did not enter into any agreements with the property owners, and the two-year time frames have long lapsed. With the site no longer reserved to be a school, a General Plan amendment to Residential Low to accommodate the developer's proposal for single-family homes on the site is required. This designation will be consistent with the surrounding neighborhood.

#### Amendment to the Sterling Park and San Marco CDPs

As mentioned above, the Sterling Park and San Marco CDPs designate the subject parcels as a school site, which has not been needed by Tracy Unified School District. The applicant requests to amend the Sterling Park and San Marco CDPs from a school site to a residential site and wishes to establish a separate PUD comprised of a CDP, PDP, and FDP for the purposes of constructing 51 single-family homes. The proposed project would be consistent with the density allowed under the Residential Low designation, which range from 2.1 to 5.8 units per gross acre. The average density of the proposed Barcelona Infill subdivision is 5.03 dwelling units per gross acre.

#### Establishment of the CDP, PDP, and FDP for the Barcelona Infill PUD

The proposed development plan consists of 51 detached single-family residential homes on a 10.15-acre infill parcel. The proposed development plan is consistent with the City's Design Goals and Standards and the following General Plan policies for residential design as explained below.

#### Vesting Subdivision Map

The proposed residential land use is compatible with the surrounding residential neighborhoods. The proposed density is similar to the average density of 5 units per gross acre in the Sterling Park and San Marco subdivisions. The proposed lots range between 5,500 and 16,954 square feet (Attachment B: Vesting Tentative Subdivision Map) with an average lot size of 6,818 square feet. The lots are sized to be similar to the surrounding subdivisions, with particular attention to lots adjacent to existing homes. Typical lots in the Sterling Park and San Marco subdivisions adjacent to the proposed project site are 55 feet in width by 100 feet in depth. The Barcelona Infill subdivision proposes minimum lot sizes of 55 feet in width by 100 in depth. In consideration of the homes that back up to the proposed subdivision, the applicant proposes deeper rear yards than typical to provide greater privacy to the existing homes. These lots are

between approximately 121 feet and 191 feet in depth, which is significantly deeper than most residential lots in the city.

The subdivision would have its primary access from Corral Hollow Road by way of Tennis Lane or Cypress Drive. The project proposes the extension of existing streets Golden Gate Drive and Frank Blondin Lane terminating into a new north-south local road, currently designated Defender Lane. The proposed street layout aligns with existing intersections, allowing for the efficient circulation of vehicles and pedestrians. The street connections to Barcelona Dr. and Tennis Lane will also help slow down the speed of traffic on those roadways, an issue on which residents have voiced concerns. The proposed new streets will be consistent with the 55-foot right-of-way standard with a separated curb and sidewalk as called for in the Transportation Master Plan.

#### Development Plan and Architecture

Upon submittal of a vesting tentative subdivision map, as well as a PUD, the applicant is required by Tracy Municipal Code Sections 12.28.040(b)(2) and 10.08.1830 to submit architectural floor plans and elevations for review and approval by the Planning Commission and City Council. The proposed architecture for the 51 lots contains a total of four floor plans. Each of the four plan types would have four distinct elevation styles, giving the subdivision 16 different exterior house designs (Attachment C).

The proposal includes one single-story plan and three two-story plans with sizes ranging between approximately 2,126 and 3,369 square feet of living space (2,563-4,288 total square feet). The proposed architectural styles took inspiration from Spanish (elevation A), Craftsman (elevation B), English Country (elevation C), Italian (elevation D) and Farmhouse (elevation E) styles. The architectural styles utilize differing building planes, various roof lines, a variety of building materials, decorative doors and windows, covered entries, front porches, and decorative details.

The garages are deemphasized with all four plans designed with their garage facades five or more feet behind the leading edge of the house. At least one of the plans features a garage that is even more recessed, allowing the project to meet the requirements of the City of Tracy Design Goals and Standards that some garages be set back 30 feet from the street

The proposed houses are one and two stories in height. The height of the proposed two story houses falls under the 35 foot maximum building height established by the Tracy Municipal Code.

Through the use of the design techniques described above, the proposed architecture would complement the quality and design of existing homes in the Sterling Park and San Marco neighborhoods. The proposed architecture is consistent with the City's Design Goals and Standards and applicable General Plan policies for residential design.

#### Zoning Standards

The proposed PUD zoning regulations are intended to complement those of the Sterling Park and San Marco subdivisions. Setbacks and other development standards are

similar to those in the adjacent subdivisions and the Low Density Residential zone as shown in the Concept, Preliminary, and Final Development Plan in Attachment C.

All four plans include two side-by-side parking spaces within an enclosed garage and two plans include an optional third-car tandem space in the garage, which meets and exceeds the City's standard parking requirement for each single-family dwelling to have a two-car garage. Though it is not required, on-street parking is also available along the proposed and existing streets. The plotting of houses on the lots will occur in a manner to pair driveways when possible to maximize the number of on-street parking spaces within the project.

#### Residential Growth Allotments

The project will require 51 RGAs for the construction of the 51 proposed residential units. The project will be eligible to apply for and receive RGAs per the regulations set forth in the Growth Management Ordinance and Growth Management Ordinance Guidelines after a Tentative Subdivision Map is approved. The RGAs will be required prior to the issuance of any building permits.

#### Schools

The proposed project is located within the Tracy Unified School District. In order to mitigate the proposed developments' impacts on school facilities, Memorandums of Understanding (MOU) were executed with the Tracy Unified School District when the Sterling Park and San Marco subdivisions were developed, which included this 10.15-acre site. Per the MOUs, a per-unit will be charged for each of the 51 units constructed.

#### Parks

Parks are required to be established within residential neighborhoods to serve the residents of the homes that are established in Tracy. In order to meet the need for park land, projects are either required to build their own park or pay park in-lieu fees. The City's requirement for park land is 3 acres of Neighborhood Park and 1 acre of Community Park, for a total of 4 acres of park land per 1,000 residents. In this case, staff has determined that no dedication of park acreage is desired within the proposed project because the parks established for the Sterling Park and San Marco subdivisions already exceeds the City's requirement for park land. Verner Hanson Park, a 3.5-acre park and John Erb Park, a 2.5-acre park, are both within a quarter mile of the proposed subdivision. In lieu of providing park land, the applicant would be required to pay the park in-lieu fees. These fees would provide funds for the creation and maintenance of parks and recreation facilities consistent with the Parks Master Plan and the City's General Plan.

#### Neighborhood Concerns

The applicant conducted several private meetings and two neighborhood-area meetings on August 26, 2014, at the Sports Complex meeting room and on September 7, 2014, at Verner Hanson Park to introduce the proposed project to nearby residents and to collect their feedback. According to the applicant, the primary interests of the neighbors in attendance related to development timing, density, lot size, architecture, and home price.

Feedback from the applicant suggested that neighbors had feared the possibility of higher density or lower than market priced housing and, once presented with the project specifics, were generally receptive to the proposed density, lot sizes, and architecture.

Concerns related to vehicular speeding on Tennis Lane adjacent to the vacant subject site were raised. When the new subdivision is constructed, nine homes will face onto Tennis Lane, and the future through-street will intersect Tennis Lane. These improvements will increase cross-traffic and encourage more careful driving that will cause traffic to naturally slow along Tennis Lane.

According to the applicant, no comments were offered related to traffic congestion. However, it is worth noting that the streets within Sterling Park and San Marco were designed to accommodate substantially higher traffic loads consistent with a K-6 school. The proposed 51 lot single family subdivision will generate fewer trips per day than the elementary school previously planned for the site. These figures were derived using the data in *Trip Generation, 7th Edition* by the Institute of Transportation Engineers. In conclusion, the traffic generated by the proposed subdivision will be less than that generated by the school that was originally planned to be built.

#### Environmental Document

The project is exempt from the California Environmental Quality Act per Section 15162 pertaining to projects with a certified Environmental Impact Report (EIR) where the project does not propose substantial changes that will result in a major revision of the previous EIR. On February 1, 2011, the City of Tracy adopted the General Plan. The associated EIR (SCH# 1992 122 069) was certified February 1, 2011. The project does not propose new significant changes to the environment that was not analyzed in the General Plan EIR, including the areas of traffic, air quality, and aesthetics. Therefore, no further documentation is needed.

#### Planning Commission Discussion

The Planning Commission held a public hearing to consider the project on September 24, 2014, and discussed traffic, architecture, and a neighbor's concerns. Some traffic concerns already exist within the neighborhood, including speeding on Tennis Lane and turning movements at the Barcelona and Cypress intersection. Those concerns will be addressed with a traffic study to be completed and its mitigation measures implemented during construction of the project. Commissioner Vargas provided some architectural suggestions for enhancements on some front and side elevations that the developer agreed to implement. Finally, a neighboring property owner noted that he would prefer to have single story homes built adjacent to his existing house. The Commission suggested that this request would be best addressed by the developer rather than required per the project approval.

#### FISCAL IMPACT

This agenda item will not require any expenditure of funds. The applicant paid the application fees for the staff time that was required for review of the proposed project. The applicant will also pay approximately \$2.7 million in building permit and

development impact fees upon the commencement of construction of the dwelling units and other improvements.

### RECOMMENDATION

Staff recommends and the Planning Commission recommends that the City Council approve an amendment to the General Plan land use designation of the 10.15-acre site in the Sterling Park and San Marco subdivisions from Public Facilities to Residential Low (GPA14-0003) and approve application number PUD14-0002 and application number TSM14-0002, subject to the conditions and based on the findings contained in the City Council Resolution dated October 21, 2014, which includes the following:

1. Amendment to the General Plan land use designation of the 10-acre site in the Sterling Park and San Marco subdivisions from Public Facilities to Residential Low;
2. Amendment of the Sterling Park and San Marco Concept Development Plans from a school site to residential land use known as the Barcelona Infill PUD;
3. Approval of the Concept Development Plan, Preliminary Development Plan, and Final Development Plan for the Barcelona Infill PUD; and
4. Approval of the Vesting Tentative Subdivision Map to subdivide the 10.15-acre site into 51 residential lots.

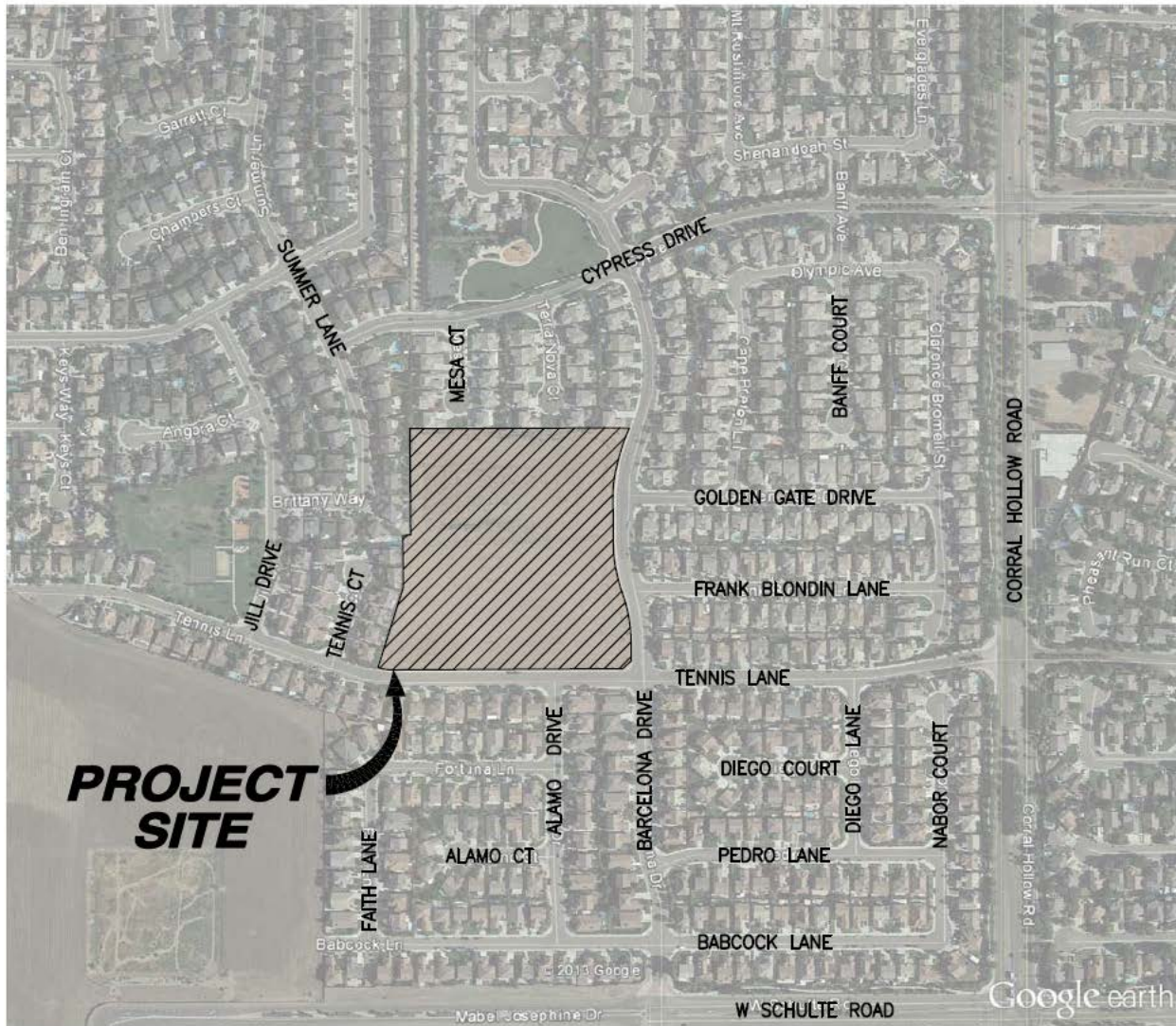
Prepared by: Victoria Lombardo, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Director  
Andrew Malik, Development Services Director  
Maria A. Hurtado, Assistant City Manager

Approved by: Troy Brown, City Manager

### ATTACHMENTS

Attachment A - Location Map  
Attachment B - Subdivision Map  
Attachment C - PUD Guidelines and Architectural Renderings



## VICINITY MAP

N.T.S.

**GENERAL NOTES:**

- OWNERS: TVC TRACY HOLDCO, LLC  
3208 WYCLIFFE DRIVE  
MODESTO, CA 95355  
TELEPHONE: (925) 383-9066
- DEVELOPER: TVC TRACY HOLDCO, LLC  
3208 WYCLIFFE DRIVE  
MODESTO, CA 95355  
TELEPHONE: (925) 383-9066
- PLANNING CONSULTANT: STANTEC CONSULTING SERVICES, INC.  
1016 12th STREET  
MODESTO, CA 95354  
TELEPHONE: (209) 521-8986
- PROJECT ENGINEER: STANTEC CONSULTING SERVICES, INC.  
1016 12th STREET  
MODESTO, CA 95354  
TELEPHONE: (209) 521-8986
- LANDSCAPE ARCHITECT: STANTEC CONSULTING SERVICES, INC.  
1016 12th STREET  
MODESTO, CA 95354  
TELEPHONE: (209) 521-8986
- GEOTECHNICAL: KLEINFELDER INC.  
2825 EAST MYRTLE ST.  
STOCKTON, CA 95205  
TELEPHONE: (209) 948-1345
- ASSESSOR'S PARCEL NUMBER: 240-390-33 & 240-520-44
- EXISTING LAND USE: VACANT
- PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL
- EXISTING ZONING: PLANNED UNIT DEVELOPMENT (PUD)  
PROPOSED ZONING: PLANNED UNIT DEVELOPMENT (PUD)
- TOTAL SITE AREA: 10.15 ACRES
- TOTAL NUMBER OF LOTS: 51
- MINIMUM LOT SIZE: 55'x100' (5,500 sq.ft.)
- DENSITY: 5.02 D.U./GROSS ACRE
- UTILITIES: DOMESTIC WATER - CITY OF TRACY  
SANITARY SEWER - CITY OF TRACY  
STORM DRAINAGE - CITY OF TRACY  
GAS & ELECTRIC - P.G.&E.  
TELEPHONE - PACIFIC BELL  
CABLE TV - TCI CABLEVISION  
IRRIGATION - WEST SIDE IRRIGATION DISTRICT (W.S.I.D.)
- STREET TREES: PER CITY OF TRACY REQUIREMENTS
- CONTOURS: ONE FOOT INTERVALS PER STANTEC CONSULTING SERVICES, INC. DATA
- RETURNS: PROPERTY LINE SNIPE OF 20'  
CURB RETURN F/L R = 30'
- LOT NUMBERS ARE FOR IDENTIFICATION PURPOSES ONLY
- FIRE HYDRANTS AND ELECTROLIERS ARE TO BE DESIGNED AND LOCATED PER CITY OF TRACY STANDARDS AND SPECIFICATIONS.
- UTILITY SIZING, LOCATIONS, CONNECTION POINTS, STREET GRADES, PAD ELEVATIONS, AND LOT DIMENSIONS ARE PRELIMINARY ONLY AND SUBJECT TO FINAL ENGINEERING DESIGN.
- PURSUANT TO SECTION 66456.1 OF THE SUBDIVISION MAP ACT THE RIGHT TO FILE MULTIPLE MAPS IS HEREBY RESERVED.
- ALL UTILITIES WILL BE PLACED UNDERGROUND WITHIN THE PUBLIC UTILITY EASEMENTS. PUBLIC UTILITY EASEMENTS WILL BE PROVIDED AS REQUIRED BY THE CITY OF TRACY AND UTILITY COMPANIES.
- EXISTING BUILDINGS AND STRUCTURES ARE TO BE REMOVED PER CITY OF TRACY REQUIREMENTS.
- THE BOUNDARY INFORMATION IS BASED UPON A FIELD SURVEY OF THE PROPERTY PREPARED BY STANTEC CONSULTING SERVICES, INC.
- THIS PROPERTY IS NOT SUBJECT TO INUNDATION.
- NO EXISTING TREES ARE TO BE REMOVED.
- FINAL LANDSCAPE AND IRRIGATION PLANS ARE TO BE SUBMITTED ALONG WITH FINAL IMPROVEMENT PLANS.
- SUBDIVISION SIGNAGE PER CITY OF TRACY REQUIREMENTS.
- ALL STREET RIGHT-OF-WAYS ARE 56' WIDE UNLESS OTHERWISE NOTED. SEE TYPICAL STREET SECTIONS ON SHEET 2.
- DESIGN CRITERIA: CUL-DE-SAC P/L RADIUS = 50'  
ELBOW P/L RADIUS = 70'
- BASIS OF BEARINGS: BEARINGS, DISTANCES AND COORDINATES ARE BASED ON THE CITY OF TRACY MODIFIED GRID. A LINE BETWEEN CITY OF TRACY MONUMENTS NO.GPS-16 AND NO. GPS-17, BEARS NORTH 00°16'06" EAST, AS CALCULATED FROM RESULTS PUBLISHED BY ASSOCIATED CONSULTANTS GROUP INC. ON FILE IN THE OFFICE OF CITY OF TRACY PUBLIC WORKS DEPARTMENT, IN THE TRACY MODIFIED COORDINATE SYSTEM VALUES TABLE 1. ALL DISTANCES SHOWN ARE GROUND DISTANCES.
- DEVELOPMENT WILL BE PHASED. PARCEL MAPS MAY BE FILED FOR REASONS OF LAND SALE. PARCEL LINES WILL BE CONSISTENT WITH THIS TENTATIVE MAP.

**CITY ENGINEER'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS MAP HAS BEEN REVIEWED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE TRACY MUNICIPAL CODE AND THE SUBDIVISION MAP ACT AS TO FORM AND CONTENT.

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

**PLANNING COMMISSION FILING CERTIFICATE**

TENTATIVE MAP FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013 IN THE OFFICE OF THE TRACY PLANNING COMMISSION, TRACY, CALIFORNIA ACCOMPANIED WITH APPROPRIATE FILING FEES. THIS CERTIFICATE DOES NOT DEEM THIS APPLICATION COMPLETE.

**PLANNING COMMISSION CERTIFICATE**

I HEREBY CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF TRACY RECOMMENDED THIS TENTATIVE MAP BE CONDITIONALLY APPROVED ON \_\_\_\_\_ BY RESOLUTION No. \_\_\_\_\_ AND THAT ON \_\_\_\_\_ THE CITY COUNCIL CONDITIONALLY APPROVED THIS MAP BY RESOLUTION No. \_\_\_\_\_

SECRETARY PLANNING COMMISSION \_\_\_\_\_ DATE \_\_\_\_\_

DIRECTOR DEVELOPMENT & ENGINEERING SERVICES \_\_\_\_\_ DATE \_\_\_\_\_

**CITY COUNCIL CERTIFICATE**

I HEREBY CERTIFY THAT THE CITY COUNCIL OF TRACY HAS CONDITIONALLY APPROVED THIS TENTATIVE MAP ON \_\_\_\_\_ BY RESOLUTION No. \_\_\_\_\_

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

**ENGINEERS STATEMENT**

THIS MAP WAS PREPARED BY STANTEC CONSULTING SERVICES, INC. UNDER MY DIRECTION.

CHRIS T. VIERRA R.C.E. C-70054 \_\_\_\_\_ DATE \_\_\_\_\_  
LICENSE EXPIRATION DATE: 9-30-14

OWNER'S NAME	A.P.N.
1. TVC TRACY HOLDCO, LLC	240-390-33
2. TVC TRACY HOLDCO, LLC	240-520-44

# VESTING TENTATIVE SUBDIVISION MAP

TRACT NO. 3803

# BARCELONA INFILL

**A PORTION OF SECTION THIRTY (30), TOWNSHIP 2 SOUTH,  
RANGE 5 EAST, MOUNT DIABLO BASE AND MERIDIAN  
TRACY, CALIFORNIA.**



VICINITY MAP  
N.T.S.

**SHEET INDEX**

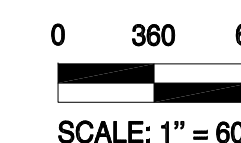
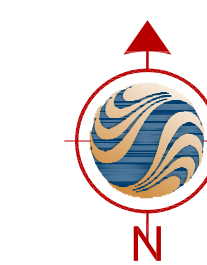
C1	COVER SHEET
C2	DETAIL MAP
C3	TENTATIVE MAP
C4	TOPOGRAPHY MAP

**LEGEND**

	EXISTING	PROPOSED
WATER VALVE	--- ---	--- ---
FIRE HYDRANT	~	~
AIR RELEASE VALVE (ARV)	□	□
TEMP BLOWOFF	○	○
DRAIN INLET	⊕	⊕
STANDARD MANHOLE	--- ---	--- ---
WATER LINE	---EX. 8"W---	---8"W---
SANITARY SEWER	---EX. 8"S---	---8"S---
STORM DRAIN	---EX. 15"SD---	---15"SD---
TYPICAL 100W ELECTROLIER	N/A	⊕
TYPICAL 150W ELECTROLIER	N/A	⊕
TYPICAL 200W ELECTROLIER	N/A	⊕
STOP SIGN	⊕	⊕
STREET NAME SIGN	⊕	⊕
TYPICAL SIGNAGE	⊕	⊕
SURVEY MONUMENT	⊕	⊕
UTILITY BOX	⊕	⊕
RETAINING WALL	N/A	⊕
DRIVEWAY	⊕	⊕
DIRECTION OF FLOW	N/A	---.003---
TOP OF CURB ELEVATION	N/A	---102.13 10'---
EXISTING GROUND ELEVATION	× 150.20	N/A
CURB, GUTTER AND SIDEWALK	---	---
TYPICAL RETURN WITH HANDICAP RAMP	N/A	---
CENTERLINE	---	N/A
RIGHT OF WAY	---	---

\* ALL APPLICABLE SYMBOLS ARE PER CITY STD PLANS, UNLESS OTHER WISE NOTED.

Attachment B

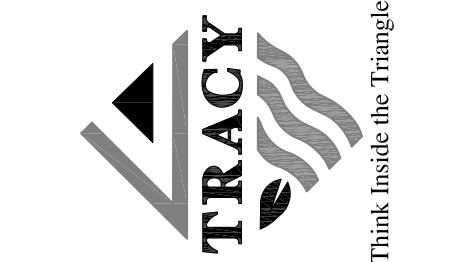


SCALE: 1" = 60'

CITY OF TRACY

APPROVED FOR CONSTRUCTION SUBJECT TO THE DATA SHOWN. FOR ERRORS AND/OR OMISSION THAT MAY BE PRESENT ON THESE PLANS.

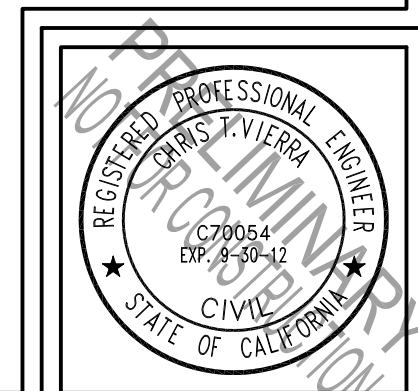
KULDEEP SHARMA CITY ENGINEER DATE \_\_\_\_\_



DESIGNED BY:	CB	DRAWN BY:	CB	CHECKED BY:	CVT	DATE:	12-16-2013	SCALE:	AS SHOWN

COVER SHEET  
VESTING TENTATIVE SUBDIVISION MAP TRACT 3803  
**BARCELONA INFILL**  
TRACY, CALIFORNIA

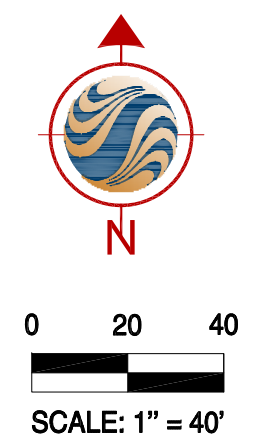
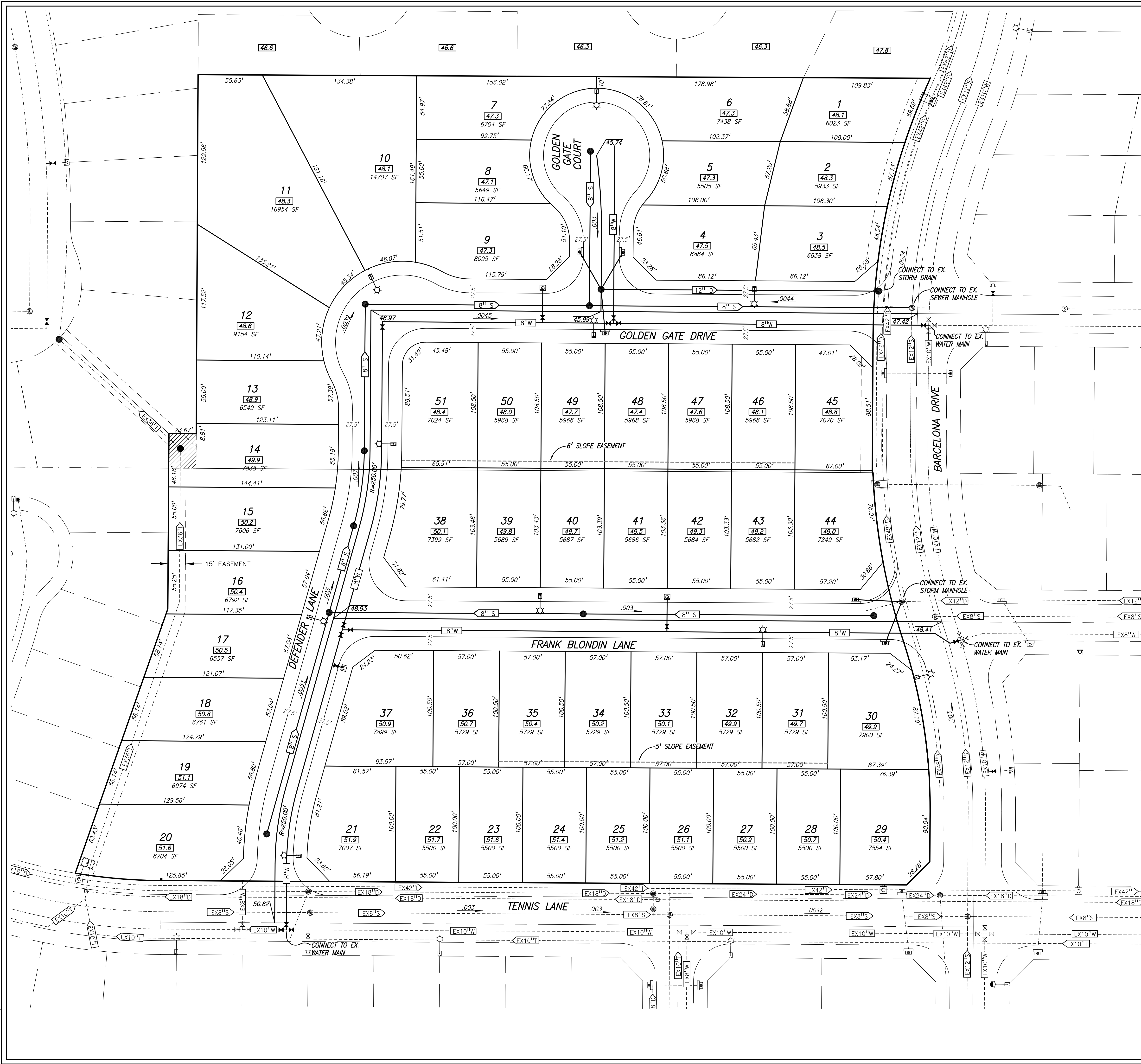
SHEET  
**1**  
OF 4 SHEETS







V:\1339\Business Development\Stirling\_Park\Tentative\_Map\Sheet3.dwg  
2014-09-09 14:23 By: cboraman



CITY OF TRACY

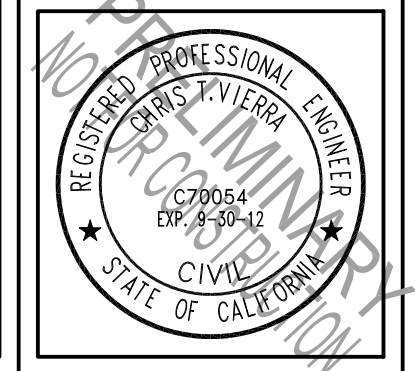
APPROVED FOR CONSTRUCTION SUBJECT TO THE DATA SHOWN FOR THE CITY OF TRACY. ALL ERRORS AND/OR OMISSIONS THAT MAY BE PRESENT ON THESE PLANS. DATE: \_\_\_\_\_ CITY ENGINEER: KULDEEP SHARMA



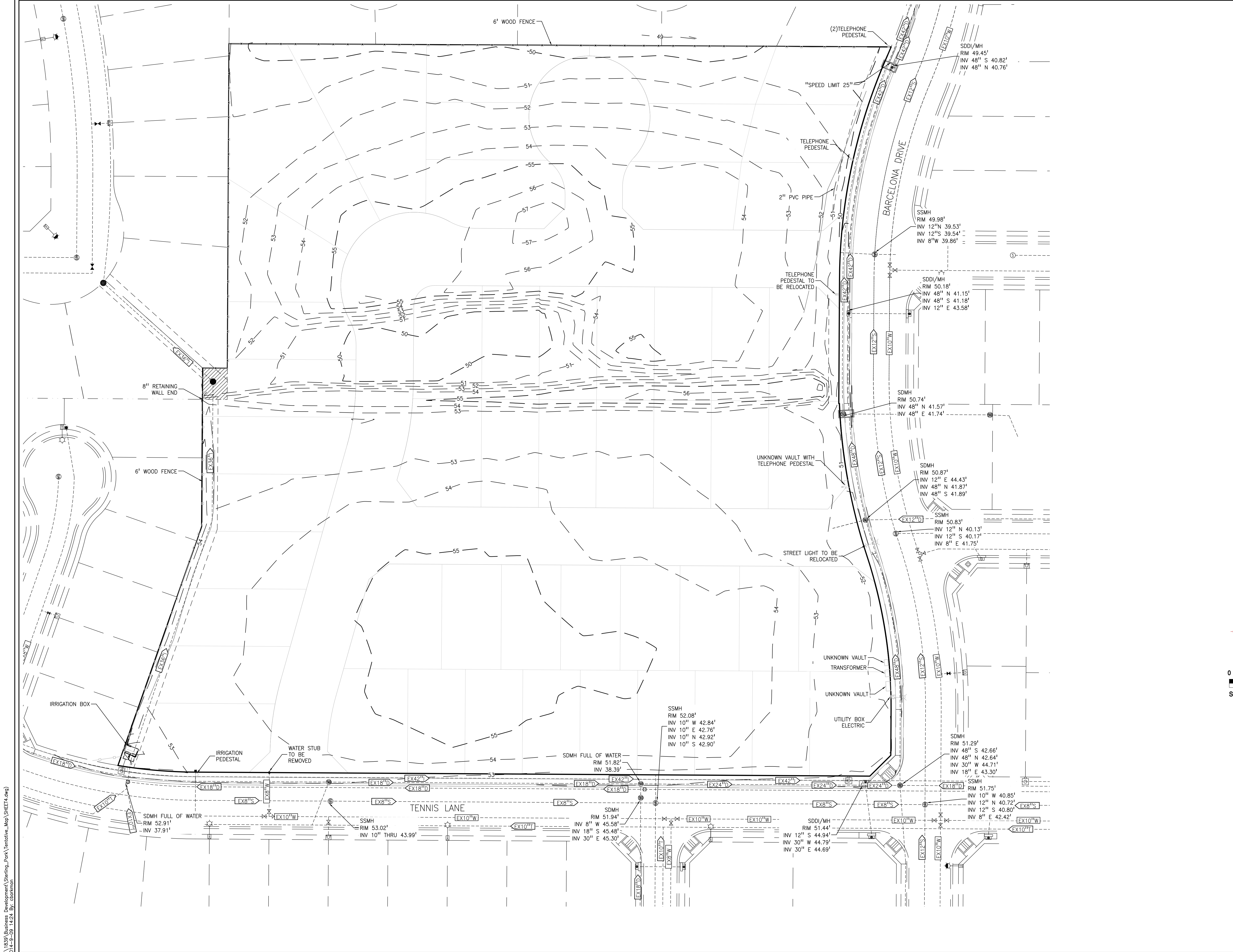
No.	MM/YY	Description	By	Appd.

DESIGNED BY: CB	DRAWN BY: CB	CHECKED BY: CVT	DATE: 12-16-2013	SCALE: AS SHOWN
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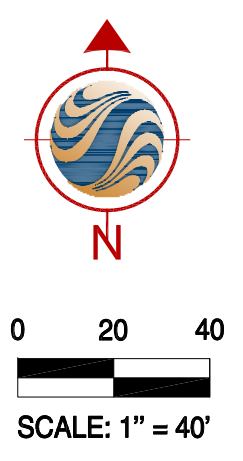
TENTATIVE MAP  
VESTING TENTATIVE SUBDIVISION MAP TRACT 3803  
**BARCELONA INFILL**  
CALIFORNIA, TRACY



SHEET  
**3**  
OF 4 SHEETS



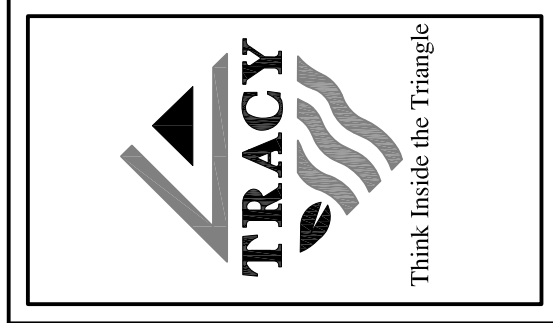
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 2014-09-07 15:24 By: cbarman  
 ORIGINAL SHEET - ARCH D



CITY OF TRACY

APPROVED FOR CONSTRUCTION SUBJECT TO THE DATA SHOWN ON THESE PLANS.  
 ERRORS AND/OR OMISSION THAT MAY BE PRESENT ON THESE PLANS.

KULDEEP SHARMA CITY ENGINEER DATE \_\_\_\_\_

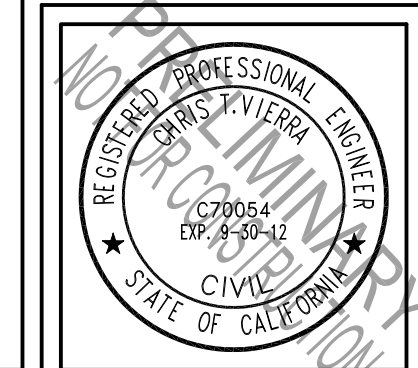


**WAT**  
 CONSULTING ENGINEERS  
 126 Drake Avenue  
 Modesto, CA 95245  
 Mod. 209.568.4477  
 Fax: 209.568.4478

No.	MM/YY	Description	By	Appd.

DESIGNED BY:	CB	DRAWN BY:	CB	CHECKED BY:	CJT	DATE:	12-16-2013	SCALE:	AS SHOWN
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EXISTING  
 TOPOGRAPHY MAP  
 VESTING TENTATIVE SUBDIVISION MAP TRACT 3803  
**BARCELONA INFILL**  
 TRACY, CALIFORNIA



SHEET  
**4**  
 OF 4 SHEETS

RESOLUTION 2014-\_\_\_\_\_

APPROVING A GENERAL PLAN LAND USE DESIGNATION AMENDMENT OF A 10.15-ACRE SITE FOR THE BARCELONA INFILL SUBDIVISION (APNS 240-520-44 AND 240-390-33) FROM PUBLIC FACILITIES TO RESIDENTIAL LOW. THE APPLICANT AND OWNER IS TVC TRACY HOLDCO, LLC. APPLICATION NUMBER GPA14-0003

WHEREAS, The subject property consists of a 10.15-acre parcel in the Sterling Park and San Marco Planned Unit Developments, and the 10.15-acre site is designated for a public school, and

WHEREAS, The subject property has a General Plan land use designation of Public Facilities, which permits uses such as public schools, civic, cultural, recreational, community, and health facilities, and

WHEREAS, A school has not been built on the subject property, and

WHEREAS, The City received a request to amend the General Plan land use designation of the subject site from Public Facilities to Residential Low, which permits uses such as single-family homes, places of worship, schools, parks and recreational facilities, fire stations, libraries, day care facilities, and community centers, and

WHEREAS, A public school is permitted under the Public Facilities and Residential Low General Plan land use designations, and

WHEREAS, Development of the site for uses other than a public school requires an amendment to the Sterling Park and San Marco PUDs as well as a tentative subdivision map application, and

WHEREAS, The Planning Commission conducted a public hearing to review the project on September 24, 2014, and recommended City Council approval of the General Plan amendment, and

WHEREAS, The project is exempt from the California Environmental Quality Act per Section 15162 pertaining to projects with a certified Environmental Impact Report where the project does not propose substantial changes that will result in a major revision of the previous Environmental Impact Report, and the project does not propose additional environmental impacts that were not analyzed in General Plan Environmental Impact Report certified on February 1, 2011;

NOW, THEREFORE, BE IT RESOLVED, That the Tracy City Council does hereby approve an amendment to the General Plan land use designation of the 10.15-acre site known as the Barcelona Infill Subdivision from Public Facilities to Residential Low.

\* \* \* \* \*

The foregoing Resolution No. 2014-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 21<sup>st</sup> day of October, 2014, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

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

RESOLUTION 2014-\_\_\_\_\_

APPROVING THE 51-LOT BARCELONA INFILL VESTING TENTATIVE SUBDIVISION MAP AND AMENDMENT TO THE CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLANS FOR A 10.15-ACRE SITE LOCATED AT THE NORTHWEST CORNER OF BARCELONA DRIVE AND TENNIS LANE-APPLICATION NUMBERS TSM14-0002 AND PUD14-0002

WHEREAS, The subject property was annexed to the City of Tracy in 1994 and is a part of the Plan C Finance Plan, and

WHEREAS, The project is a Vesting Tentative Subdivision Map to create 51 single-family dwelling units on 10.15 net acres, with an overall density of approximately 5.03 dwelling units per gross acre, which is consistent with the amended General Plan land use and density requirements, and

WHEREAS, The proposed map amendment is consistent with the General Plan, and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code. The General Plan designation of the property is Residential Low, which provides for a density range of 2.1 to 5.8 dwelling units per acre. The General Plan identifies that the characteristic housing for the Low Density Residential categories includes single family homes, and

WHEREAS, The site is physically suitable for the type of development, as the site is virtually flat and the characteristically high clay content of Tracy's soils may require amendments and treatment for proposed landscaping, foundations, and other surface and utility work. The physical qualities of the property make it suitable for residential development in accordance with City standards, and

WHEREAS, The site is physically suitable for the proposed density of development. The 5.03 dwelling units per acre proposed is consistent with the allowable density range prescribed by the General Plan Residential Low land use designation. Traffic circulation is designed in accordance with City standards for the proposed density to ensure adequate traffic service levels are met, and

WHEREAS, The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The project does not propose substantial changes that will result in a major revision of the previous Environmental Impact Report that analyzed the project site and is exempt from the California Environmental Quality Act per Section 15162. Significant fish or wildlife or their habitat have not otherwise been identified on the site and no further environmental documentation is required, and

WHEREAS, The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision, and

WHEREAS, The project complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to, the local floodplain

ordinance. The subject property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards, and

WHEREAS, All the public facilities necessary to serve the subdivision will be in place prior to the issuance of building permits. All the public facilities necessary to serve the subdivision or mitigate the impacts created by the subdivision will be assured through a subdivision improvement agreement prior to the approval of a final map, and

WHEREAS, The architectural renderings are in compliance with Tracy’s Design Goals and Standards because they have incorporated significant variation between floor plans and elevations, located garages set back from the facades of the living space, and used architectural features on all four sides of each house, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the amendments to the Vesting Tentative Subdivision Map and Concept, Preliminary and Final Development Plan on September 24, 2014, and recommended City Council approval of the project;

NOW, THEREFORE, BE IT RESOLVED, That the Tracy City Council does hereby approve the Barcelona Infill Vesting Tentative Subdivision Map and amendments to the Sterling Park and San Marco Concept, Preliminary and Final Development Plans, Application Numbers TSM14-0002 and PUD14-0002, subject to the conditions stated in Exhibit “1”, attached and made part hereof.

\*\*\*\*\*

The foregoing Resolution \_\_\_\_\_ was adopted by the Tracy City Council on the 21<sup>st</sup> day of October, 2014, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

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

**Conditions of Approval for the  
Barcelona Infill Vesting Tentative Subdivision Map, and  
Preliminary and Final Development Plan Amendment  
Application Numbers TSM14-0002, and PUD14-0002**

These Conditions of Approval shall apply to the real property described as the Barcelona Infill Vesting Tentative Subdivision Map, Concept, Preliminary and Final Development Plan Amendment, Application Numbers TSM14-0002, and PUD14-0002 (hereinafter "Project"), generally located on approximately 10.15 acres at the northwest corner of Barcelona Drive and Tennis Lane, Assessor's Parcel Numbers 240-520-44 and 240-390-33.

- A. The following definitions shall apply to these Conditions of Approval:
1. "Applicant" means any person, or other legal entity, defined as a "Developer".
  2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Public Works Director, or the City Engineer to perform the duties set forth herein.
  3. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
  4. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
  5. "Conditions of Approval" shall mean the conditions of approval applicable to the Barcelona Infill Vesting Tentative Subdivision Map, and Concept, Preliminary and Final Development Plan Amendment, Application Numbers TSM14-0002, and PUD14-0002. The Conditions of Approval shall specifically include all Development Services Department Conditions set forth herein.
  6. "Project" means the real property consisting of approximately 10.15 acres located at the northwest corner of Barcelona Drive and Tennis Lane, Assessor's Parcel Numbers 240-520-44 and 240-390-33.
  7. "Subdivider" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion

of the real property within the Project boundaries. "Subdivider" also means the Developer. The term "Subdivider" shall include all successors in interest.

B. Planning Division Conditions of Approval:

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, *et seq.*), the Subdivision Map Act (Government Code sections 66410, *et seq.*), the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*, "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, *et seq.*, "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, approved February 1, 2011.
4. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
5. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
6. All improvements shall be consistent with the Tracy Municipal Code, Standard Plans, and other applicable City Regulations.
7. All final maps shall be consistent with the Vesting Tentative Subdivision Map received by the Development Services Department on September 11, 2014, unless modified herein.



8. Prior to the issuance of a building permit, the developer shall document compliance with all applicable school mitigation requirements consistent with City Council standards and obtain certificate of compliance from Tracy Unified School District for each new residential building permit.
9. Prior to approval of the first Final Map, the Developer shall obtain approval of all street names from the Traffic Engineering Division.
10. Prior to the recordation of the first Final Map, the Subdivider shall show public utility easements necessary to accommodate the needs of local utility providers in accordance with City standards, to the satisfaction of the City Engineer.
11. Prior to the issuance of building permits, the applicant shall pay all park in-lieu fees required for the project.
12. The floor plans and architectural elevations, except as modified herein, shall be consistent with the plans received by the Development Services Department on October 7, 2014.
13. All of the development standards for the 51 lots shall comply with the standards as listed in the Barcelona Infill Concept, Preliminary and Final Development Plan document, received by the Development and Engineering Services Department on September 17, 2014. Any future improvements not listed in this document (such as pools, patio covers, etc.) shall be in compliance with the regulations of the Low Density Residential Zone.
14. The Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), including District Rule 9510, Regulation VIII, and payment of all applicable fees.
15. The Developer shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit, a pre-construction survey prior to ground disturbance, and payment of all applicable fees, to the satisfaction of San Joaquin Council of Governments.
16. Prior to issuance of a grading permit, the Developer shall provide proof of compliance with the Construction General Permit through a Waste Discharge ID number or Notice of Intent submittal; and provide proof of compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual), which includes the requirements for Site Design, Source and Treatment Control Measures, in a project Stormwater Quality Control Plan (SWQCP), to the satisfaction of the Public Works Director or his/her designee. Prior to

issuance of a building permit, the Developer shall provide proof of compliance with CalGreen Building Standards for Residential Properties, to the satisfaction of the Public Works Director or his/her designee.

17. Prior to the issuance of a building permit, the Developer shall prepare a detailed landscape and irrigation plan for all landscape areas (e.g. back yards, front yards, and public right of way) consistent with City standards and shall show compliance with adopted Water Efficient Landscape Ordinance and mandatory CalGreen Building Standards for Residential Properties through submittal and approval of the required Landscape Package, which includes project information, a water efficient landscape worksheet, a soil management report and Landscape, Irrigation, Drainage and Grading Plans, to the satisfaction of the Public Works Director or his/her designee.
18. Landscape Maintenance for Public Landscaping. Proceeds from residential property taxes are not generally sufficient to pay for the level of general City services generated by the residential development. The cost of long-term landscape maintenance of public landscaping is particularly burdensome. Therefore, before approval of the first Final Map, the Subdivider shall assure that there will be sufficient funding for the ongoing costs related to public landscaping maintenance costs. Subdivider must prepare its improvement plans and fund a fiscal study (to be performed by a consultant to the City) to establish the scope and cost estimates of the public landscaping maintenance costs.

As used here:

“Public landscaping maintenance costs” includes but is not limited to maintenance, operation, repair and replacement of public landscaping included in the Project.

“Public landscaping” includes but is not limited to public walls, special public amenities, ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, parks or open space area.

Before approval of the first Final Map, the Subdivider shall do one of the following, subject to Public Works Director’s approval:

- a. Annexation. The Subdivider shall, at its cost, annex the entire Project area into the existing Tracy Consolidated Landscape Maintenance District (TCLMD). It is understood that when property annexes into the TCLMD, the property owners will be assessed for their pro rata share of assessment district maintenance costs of public landscaping as described in the TCLMD for the Project area. Before issuance of a building permit, the developer shall deposit a first year’s assessment

equivalent to the Maintenance District's first 12 months of estimated costs as determined by the City's Public Works Director;

Or

- b. CFD, HOA or other funding mechanism. The Subdivider shall, at its expense, form a Community Facilities District (CFD), Homeowner's Association (HOA) or establish another lawful funding mechanism that is reasonably acceptable to the City for the entire Project area for funding or performing the on-going maintenance costs of public landscaping included in the Project. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment;

Or

- c. Direct funding. The Subdivider shall deposit with the City an amount necessary to fund the full costs in perpetuity as identified by the approved fiscal study.

#### C. Engineering Division Conditions of Approval

##### C.1 Final Map

No Final Map within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, that all the requirements set forth in these Conditions of Approval are completed, including, but not limited to the following:

- C.1.1 Subdivider has submitted one (1) reproducible copy of the approved tentative subdivision map for the Project within ten (10) days after Subdivider's receipt of a notification of approval of the Tentative Subdivision Map. The signature of the owner of the Property on the Tentative Subdivision Map means consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.
- C.1.2 Each Final Map is prepared in accordance with the applicable requirements of the Tracy Municipal Code, these Conditions of Approval, and in substantial conformance with the Tentative Subdivision Map.
- C.1.3 Each Final Map includes and shows offer(s) of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required to construct and serve the Project described by the Improvement Plans and Final Map, in accordance with Applicable Laws and these Conditions of Approval. If

construction easement(s) is/are shown, it/they shall indicate the termination of the construction easement(s).

- C.1.4 Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the Final Map. The Final Map shall also identify surveyed ties from two of the horizontal control points to a minimum of two separate points adjacent to or within the Property described by the Final Map.
- C.1.5 Subdivider has submitted a signed and stamped Engineer's Estimate that show construction cost of subdivision improvements that are described in Conditions C.2, below. In determining the total construction cost, add 10% for construction contingencies.
- C.1.6 Subdivider has submitted a signed and notarized Subdivision Improvement Agreement (SIA) and Improvement Security, for the completion of improvements that are required to serve the Project as shown on the Improvement Plans. The form and amount of Improvement Security shall be in accordance with the Applicable Law and the SIA.
- C.1.7 Subdivider has paid engineering review fees including improvement plan checking, final map review, agreement processing, and all other fees required by these Conditions of Approval and Applicable Laws.
- C.1.8 Subdivider has submitted technical or materials specifications, cost estimate, and technical reports related to the design of improvements that are shown on the Improvement Plans and as required by these Conditions of Approval.
- C.1.9 Subdivider has submitted hydrologic and storm drainage calculations for the design and sizing of in-tract storm drainage pipes located within the Project, as required in Condition C.2.3.2 and C.2.3.3, below.
- C.1.10 Subdivider has submitted the design and construction details of the Project's on-site stormwater treatment facilities complying with the applicable Storm Water Quality Control Standards and storm water regulations that were adopted by the City Council in 2008 and any subsequent amendments.

C.1.12 Subdivider has submitted a signed and stamped Improvement Plans as required in Condition C.2, below.

C.2 Improvement Plans

C.2.1 General. Improvement Plans shall contain the design, construction details and specifications of improvements that is/are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with Applicable Laws and these Conditions of Approval.

C.2.2 Site Grading

C.2.2.1 Erosion Control

Improvement Plans shall specify the method of erosion control to be employed and materials to be used.

C.2.2.2 Grading and Drainage Plans

Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by the Project's Geo-technical /Soils Engineering report. The report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, highest observed ground water elevation, and others.

C.2.2.3 When the grade differential between the Project site and residential lot with the adjacent property(s) exceeds 12 inches, a reinforced or masonry block wall, engineered slope, or engineered retaining wall is required for retaining soil. The Subdivider shall submit a Grading Plan that includes the construction detail(s) and structural calculations of the retaining wall or masonry wall.

C.2.2.4 In the event an engineered slope is used to retain soil subject to approval by the City Engineer, a slope easement will be necessary from the adjacent property. The Subdivider shall obtain permission from owner(s) of the adjacent and affected property(s) and show the slope easement on the Final Map.

C.2.2.5 If applicable, show all existing irrigation structure(s), channel(s) and pipe(s) that are to remain or relocated or to be removed, if there any, after coordinating with the irrigation district or owner of the irrigation facilities. If there are irrigation facilities including tile drains, that are required to remain to serve existing adjacent agricultural uses, the Subdivider shall design, coordinate and

construct required modifications to the facilities to the reasonable satisfaction of the owner of the irrigation facilities and the City.

C.2.3 Storm Drainage

C.2.3.1 Storm Drainage Release Point

Site grading shall be designed such that the Project's storm drainage overland release point will be directly to an existing or a public street with a functional storm drainage system in the storm drainage line on the street has adequate capacity to drain storm water from the Property, or private property subject to a drainage release.

C.2.3.2 Storm drainage connection

The design of the storm drainage system and connection to existing 42" storm drain on Barcelona Drive shall be shown on the Grading and Storm Drainage Plans and shall be submitted with the required hydrologic calculations for the sizing of the storm drain pipe(s), and shall comply with City Standards.

The design and construction details of the Project's stormwater treatment facilities shall meet the applicable City Regulations and shall comply with the applicable requirements of the City's Storm Water Quality Control Standards and storm water regulations that were adopted by the City Council in 2008 and any subsequent amendments.

The Subdivider shall provide the design and construction detail shown on the improvement plans that are required to meet the City's storm water regulations, and shall construct these improvements as part of the subdivision improvements.

C.2.3.3 Subdivider shall submit detailed plans and design calculations for storm water treatment structures within City street right-of-way for approval by the City's Stormwater Coordinator. The location of the storm water treatment structures shall be as determined in consultation with the Public Works Department. All requirements of Public Works Department relating to maintenance of the treatment structures shall be complied with.

C.2.3.4 Storm water treatment will not be required for Lots 1 through 3 and Lots 20 through 29 as they front existing streets. Remainder of the Project will be required to be treated prior to discharge to City storm drainage system.

C. 2.3.5 The City is considering formation of Community Facilities District (CFD) to fund the maintenance of the storm water treatment facilities. The Subdivider shall participate in the CFD and pay for

its share of applicable CFD formation costs, as necessary. In the event the CFD is not formed at the time of approval of Final Subdivision Map, the Subdivider shall pay cash security to guarantee Subdivider's obligation to maintain the structure(s). The amount of cash security shall be as determined by the City Engineer.

C.2.4. Sanitary Sewer

C.2.4.1 All sanitary sewer lines and associated improvements shall be designed and installed per City Regulations.

C.2.4.2 Prior to approval of the Final Map, the Subdivider shall demonstrate adequate capacity in the existing sewer lines the Project will connect to, since the flows from the Project exceed calculated flows for previously assumed use as School site.

C.2.4.3 The Subdivider will be required to apply a 2" thick asphalt concrete overlay with reinforcing fabric as specified in Condition C.2.6.

C.2.4.4 All costs associated with the installation of the sewer Improvements including the cost of removing and replacing asphalt concrete pavement, overlay, pavement marking and striping such as crosswalk lines and lane line markings on existing street that may be disturbed with the installation of these improvements shall be paid by the Subdivider.

C.2.5. Water System

C.2.5.1 All sanitary water lines and associated improvements shall be designed and installed per City Regulations.

C.2.5.2 Prior to approval of the Final Map, the Subdivider shall demonstrate adequate flow and pressures in the existing water lines the Project will connect to, since the domestic and fire demands from the Project exceed calculated demands for previously assumed use as School site.

C.2.5.3 The Subdivider will be required to apply a 2" thick asphalt concrete overlay with reinforcing fabric as specified in Condition C.2.6.

C.2.5.4 All costs associated with the installation of the Water Improvements including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street that

may be disturbed with the installation of these improvements shall be paid by the Subdivider.

C.2.6 Street Improvements

C.2.6.1 Tennis Lane Improvements

Subdivider shall submit plans for removal of existing curb gutter and sidewalk, installation of driveways, concrete curb, gutter, and sidewalk, asphalt concrete pavement, fire hydrants, street lights, connections storm drain line, street trees, landscaping with automatic irrigation system (Motorola Controller), pavement marking and striping, traffic signs, asphalt concrete overlay for full width of Tennis Lane, and other street and utilities improvements that are required to serve the Project. All improvements shall comply with City regulations.

The Subdivider will be required to apply a 2" thick asphalt concrete overlay with reinforcing fabric for the full width of Tennis Lane along the frontage of the Project to the western curb return at Defender Lane. Pavement saw-cutting and grinding will be required to remove the top 2" of the existing asphalt concrete pavement. The Subdivider shall restripe all striping and pavement markings after the completion of the overlay. The Subdivider shall upgrade existing wheelchair ramps at the northwest corner of Tennis Lane and Barcelona Drive to comply with current ADA regulations for accessibility by installing truncated domes.

C.2.6.2 Barcelona Drive Improvements

Subdivider shall submit plans for removal of existing curb gutter and sidewalk, installation of driveways, concrete curb, gutter, and sidewalk, asphalt concrete pavement, fire hydrants, connections to storm drain, sewer and water lines, street trees, landscaping with automatic irrigation system (Motorola Controller), pavement marking and striping, traffic signs, asphalt concrete overlay for full width of Barcelona Drive, and other street and utilities improvements that are required to serve the Project. All improvements shall comply with City regulations.

The Subdivider will be required to apply a 2" thick asphalt concrete overlay with reinforcing fabric for the full width of Barcelona Drive from the intersection of Barcelona Dr and Golden Gate Dr to the northern limit of the Project. Pavement saw-cutting and grinding will be required to remove the top 2" of the existing asphalt concrete pavement. The Subdivider shall restripe all striping and pavement markings after the completion of the overlay.



Improvement Plans shall address relocation of existing street lights, utility vaults, transformers, pedestals etc., that would interfere with the installation of fences, driveways, streets and other improvements.

C.2.6.3 Sight Distance and Traffic Safety Analysis and for Tennis Lane and Defender Lane Intersection

Subdivider shall complete an analysis of safe sight distance and related improvements at the intersection of Tennis Lane and Defender Lane prior to the approval of the Final Map. Alternatively, the Subdivider may pay for the analysis to be completed by City's traffic consultant. The analysis shall also include speed surveys and determination of any signage and striping improvements on Tennis Lane in the vicinity of the Project, if required, to improve traffic safety. The Subdivider shall pay for the cost of the analysis and installation of such improvements as determined by the analysis.

C.2.7. Public Utility Easement

C.2.7.1 All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed within dedicated Public Utility Easement (PUE) and at the location approved by the respective owner(s) of the utilities. The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed under the sidewalk or within the 6 feet wide Public Utility Easement (PUE) within the Property. The Subdivider shall complete the necessary coordination work with the respective owner(s) of the utilities for the design of these underground utilities and to ensure it can be constructed under the sidewalk or within the 6 feet wide PUE, and for additional space if the 6 feet PUE is inadequate as determined by the utilities owner(s), prior to the approval of the Final Map.

C.2.7.2 Pavement cuts or utility trench(s) on existing street(s) for the installation of electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking that are disturbed during construction. The limits of asphalt concrete overlay shall be 25 feet from both sides of the trench, and shall extend over the entire width of the adjacent travel lane(s) if pavement excavation encroaches to the adjacent travel lane or up to the street centerline or the median curb. If the utility trench extends beyond the street centerline, the asphalt concrete overlay shall be applied over the entire width of the street (to the lip of gutter or edge of

pavement). Construction details and limits of asphalt concrete overlay shall be shown on the Improvement Plans.

**C.2.8 Westside Irrigation District (WSID) Facilities**

C.2.8.1 Prior to approval of the Final Subdivision Map, the Subdivider shall obtain approvals needed from WSID for improvements within the existing WSID easement. There is an existing 36" irrigation pipeline along the westerly property boundary at the rear of proposed Lots 14 through 20. The Subdivider shall submit plans and obtain WSID approval for modifications to the existing structures within Lot 14 and Lot 20 to remove, relocate, or underground the structures. Details of the access and related improvements shall be approved by WSID and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or modifications to irrigation facilities, satisfaction of access and maintenance requirements of WSID is the sole responsibility of the Developer. WSID has indicated that access to the easement shall be provided, and no improvements within the easements will be permitted.

C.2.8.2 City will not permit utility corridors behind lots. Hence, the Subdivider is required to provide access as acceptable to WSID within the lots.

C.2.8.3 The Subdivider shall notify in writing, the future buyers of Lots 14 through 20 about the existing WSID easement and any requirements and restrictions relating to improvements within or adjacent to WSID easement. The Disclosure Statement(s) shall be made part of the Sale Deeds and recorded in compliance with the applicable law.

**C.3 Grading and Encroachment Permit**

No applications for grading and encroachment permits will be accepted by the City as complete until the Final Map is approved by the City Council and it is recorded, and the Subdivider has provided all documents required by these Conditions of Approval, and Applicable Law, to the reasonable satisfaction of the City Engineer, including, but not limited to, the following:

C.3.1 Permit(s), agreement(s) and approval of other public agencies that has jurisdiction over the required public facilities, if applicable.

C.3.2 Three (3) copies of the Project's Geo-technical /Engineering Soils Report prepared or signed and stamped by a Geo-technical Engineer.

- C.3.3 Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Subdivider. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s), and Applicable Law.
- C.3.4 Reasonable written permission from irrigation district or affected owner(s), if applicable as required in Condition C.2.8, above. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.
- C.3.5 Written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), if applicable. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection.
- C.3.6 Payment of engineering review fees including but not limited to, plan checking, grading and encroachment permits and agreement processing, construction inspection, and testing fees as required by these Conditions of Approval and Applicable Law.

C.4 Building Permit

The City will not approve any building permit within the Project boundaries until the Final Map is approved by the City Council and it is recorded, and the Subdivider demonstrates, to the reasonable satisfaction of the City Engineer, compliance with all the required Conditions of Approval, including, but not limited to, the following:

- C.4.1 The Subdivider has submitted payment of development impact fees as applicable to Plan "C" properties as adopted by City Council Resolution 1998-215, dated July 7, 1998 except for water

and wastewater fees, which would be per the City of Tracy Master Infrastructure Impact Fees as adopted by the City Council by Resolution 2014-010, dated January 7, 2014.

C.5 Agreements and Improvement Security

C.5.1. Subdivision Improvement Agreement

Before the City's approval of the Final Map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the Final Map), post all required improvement security in accordance with Applicable Law.

C.5.2 Improvement Security

The Subdivider shall provide improvement security for all public facilities, as required by the Subdivision Improvement Agreement and the Deferred Improvement Agreement. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with Applicable Law. The amount of the improvement security shall be as follows:

C.5.2.1 Faithful Performance (100% of the estimated cost of constructing the public facilities),

C.5.2.2 Labor & Material (100% of the estimated cost of constructing the public facilities), and

C.5.2.3 Warranty (10% of the estimated cost of constructing the public facilities)

C.5.2.4 Monumentation (\$500 multiplied by the total number of street centerline monuments that are shown on the Final Map)

C.6 Final Building Inspection

The City will not perform final building inspection until after the Subdivider provides documentation which demonstrates, to the reasonable satisfaction of the City Engineer, that:

C.6.1 The Subdivider has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested or a final building inspection has to be performed. Unless specifically provided in these Conditions of Approval, or the Applicable Law, the Subdivider shall take all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction,

construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.7 Acceptance of Public Improvements

Public improvements will not be considered for City Council's acceptance until after the Subdivider demonstrates to the reasonable satisfaction of the City Engineer, completion of the following:

C.7.1 All the public improvements shown on the Improvement Plans are completed and all the deficiencies listed in the deficiency report prepared by the assigned Engineering Inspector are all corrected.

C.7.2 Subdivider has completed the 90-day public landscaping maintenance period.

C.7.3 Subdivider has submitted Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.

C.7.4 If required by the City, the Subdivider has executed a Stormwater Treatment Facilities Maintenance Agreement with the City to assure maintenance of the on-site stormwater treatment facilities by the responsible entity.

C.8 Release of Improvement Security

C.8.1 Improvement Security for Faithful Performance, Labor & Materials, and Warranty will be released to the Subdivider after City Council's acceptance of the public improvements and in accordance with the Applicable Law.

C.8.2 Monumentation Bond will be released to the Subdivider after City Council's acceptance of the public improvements and all the street centerline monuments shown on the Final Map are installed and tagged by a Land Surveyor licensed to practice in the State of California.

C.9 Special Conditions

C.9.1. Encroachment Permit

All work to be performed and improvements to be constructed within City's right-of-way will require an Encroachment Permit from the City, prior to starting the work. The Subdivider or its authorized representative shall submit all documents that are

required to process the Encroachment Permit including but not limited to, approved Improvement Plans, Traffic Control Plan that is prepared by and signed and stamped by a Civil Engineer or Traffic Engineer registered to practice in the State of California, payment of engineering review fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance naming the City of Tracy as additional insured or as a certificate holder.

- C.9.2 Nothing contained herein shall be construed to permit any violation of Applicable Law. Subject, however, to Applicable Law, this Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the final map, improvement agreements, and improvement plans, prior to the City Engineer's signature on the final map and improvement plans, if the City Engineer finds it necessary due to public health and safety reasons,. The Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

In the event of any conflict between any provision of these Conditions of Approval and the Applicable Law, the Applicable Law shall control.

AGENDA ITEM 7

REQUEST

**COUNCIL DISCUSSION AND DIRECTION REGARDING THE TRANSFER OF FEDERAL USE RESTRICTIONS AND REVERSIONARY RIGHTS FROM THE SCHULTE ROAD PROPERTY, APN 209-230-29 AND 30, TO THE UNDEVELOPED 300 ACRES OF LEGACY FIELDS APN 212-150-04**

EXECUTIVE SUMMARY

On September 18, 2012, Council appropriated \$1,105,250 to remove the Federal use restrictions and reversionary interests from the Schulte Road property and directed staff to continue to work with the General Services Administration (GSA) to reduce the dollar amount necessary to remove the restrictions. After lengthy discussions, GSA and staff have identified a potential way to transfer the Schulte Property park/educational use restrictions and reversionary rights to other undeveloped park property in the City as a way to eliminate the funding requirement necessary to allow the City to use the Schulte Road property for economic development purposes.

On September 10, 2014, GSA sent a letter to the City outlining the transfer concept and documents necessary to begin the process. One such request is to receive confirmation that the City is interested in pursuing this concept, which would include recording park restrictions on approximately 300 acres of the Legacy Fields. Greater details of the park use restrictions and reversionary rights would come back to Council at a later date for approval through a Memorandum of Agreement (MOA) between the City and GSA. Staff recommends that Council direct staff to move forward with GSA on the concept of transferring the Federal use restrictions and reversionary rights from the Schulte Road property to approximately 300 acres of the Legacy Fields property.

DISCUSSION

The Schulte Road property is approximately 200 acres and is located on the south side of Schulte Road, west of Lammers Road. See Attachment A (Location Map).

The United States Congress authorized the General Services Administration ("GSA") to convey 200 acres to the City via special legislation originally enacted in 1998. The special legislation conveyed 50 acres to the City at fair market value for "economic development" purposes and the remaining 150 acres at no cost to the City, but specifically for recreational and/or educational "public benefit" purposes.

The City proceeded to purchase the 50 acres with no restrictions and has land banked the 50 acres for the past 14 years. The City explored several projects over the years, which focused on recreational and educational activities on the remaining 150 acres, but no viable project emerged from those efforts.

On October 7, 2008, through Council direction, staff began to work with Congressional Delegates to amend the existing property conveyance legislation to allow for renewable and/or alternative energy uses and began exploring a City project that involved

renewable and/or alternative energy uses. Consequently, over the next two years, the City began negotiations to sell or lease the site to GWF for a private project that involved renewable and/or alternative energy uses.

Ultimately, on November 16, 2010, a Purchase and Lease Option Agreement with GWF to develop the 200 acre site as a solar farm was executed and included the option for GWF to acquire the property. Over the course of the next couple of years, GWF proceeded with renewable and alternative energy development plans on the site. However, on June 27, 2012, GWF informed the City that after an exhaustive and expensive effort to secure a mutually acceptable Power Purchase Agreement with a utility provider, they were unable to obtain the agreement. Although a solar project was not a viable option for GWF, they stated that their research showed that the property still had good potential for a smaller renewable energy project<sup>2</sup> and GWF agreed to transfer their solar resource data and analysis, including engineering studies and environmental reports to the City for use by the City or a new development partner in order to explore a similar, but smaller, project on the site.

On May 15, 2012, Congress enacted Public Law 112-119, authorizing GSA to offer the City of Tracy the option to acquire the 150 acres at appraised fair market value, thereby releasing any reversionary interest retained by the United States on the property. The June 27, 2012, letter from GSA to the City requested that the City consider acquiring the property for \$1,115,250 (*these costs include the appraised value of \$1,100,000, and the appraisal expense of \$5,250*). GSA also informed the City that delaying acquisition of the property could result in an increase to the appraised value amount as well as additional administrative fees. If the Council determined it did not want to acquire the 150 acre property or develop it for recreation or educational purposes, the property would revert back to GSA.

Because the City has committed to the Federal government to explore renewable energy projects on the site and because doing so is congruent with the City's sustainability and economic development goals, staff recommended to continue pursuit of a viable renewable energy project options and moving forward with the acquisition of the 150 acre site at Schulte Road.

On September 18, 2012, Council appropriated \$1,105,250 RSP funds to pay for the cost to remove use restrictions and Federal reversionary rights on 150 acres of the 200 acre City-owned Schulte Road property. A Request for Proposals (RFP) was issued by the City in early 2013 to determine if there was interest from alternative energy companies to purchase the site for solar or other alternative energy uses. While there was some private interest, no proposal included fronting funds to pay the GSA to remove the use restrictions and allow alternative energy facilities on the site. At the conclusion of the September 18, 2012, agenda item, Council directed staff to appropriate the \$1,105,250 funds and to continue to work with GSA to try to reduce the amount requested to remove the use restrictions.

After numerous discussions between GSA and the City relative to reducing the cost to remove the use restrictions on the Schulte Road property, GSA and staff have identified a concept whereby the use restrictions and reversionary rights recorded on the Schulte Road property could be transferred to other undeveloped park property in the City. On



July 22, 2014, staff provided a tour of Legacy Fields to Clark Van Epps, GSA Regional Director and his support staff. At the conclusion of the tour, GSA representatives indicated that they would need to internally discuss the transfer concept and, if acceptable, would send a letter to the City detailing how to proceed. On September, 10, 2014, the City received a letter from GSA outlining certain requirements and documents necessary to proceed with the transfer concept. The following represent those requests:

GSA Requirements of the City to proceed with Transfer Concept

1. Confirmation from the City Council to proceed with the use restrictions and reversionary interest transfer from the Schulte Road property to 300 acres of the undeveloped Legacy Field project.
2. Provide a public use plan that details the City's plans for the entire replacement property with a development schedule.
3. Complete a Phase I Environmental Site Assessment to determine whether the property is environmentally safe and not contaminated.
4. Provide a title report and legal description of the replacement property.

Staff is currently working on items 2-4 above. Item 1 is the subject of this agenda item.

Next Steps

After receipt of the requested documentation, GSA will commission a market analysis of both parcels to ensure that the replacement property is of equal or greater fair market value (FMV) than the current park property. Once the market analysis is complete GSA will draft the deeds and a Memorandum of Agreement (MOA) to finalize the transfer/abrogation. It is anticipated that a new abrogation agreement, removing the use restrictions on the Schulte Road site, can be executed by December 2014, provided GSA can expedite their market analysis/appraisal of the Legacy Fields site and we are in agreement on the MOA.

STRATEGIC PLAN

This agenda item relates to the Economic Development Strategy relative to Goal 1/ Objective 1: Continuously review and improve the streamline permit process and ensure quality infrastructure to meet future development needs.

FISCAL IMPACT

There is no new impact to the General Fund. There currently is a balance of approximately \$565,000 in the Schulte Road CIP. If the transfer concept is ultimately approved by GSA and the City, any unused funds in the Schulte Road CIP would be returned to the RSP Fund 345.

RECOMMENDATION

Staff recommends that Council support the concept of transferring the use restrictions and reversionary rights from the City's Schulte Road property to the undeveloped 300 acre Legacy Field property and direct staff to work with GSA on the next steps in the process.

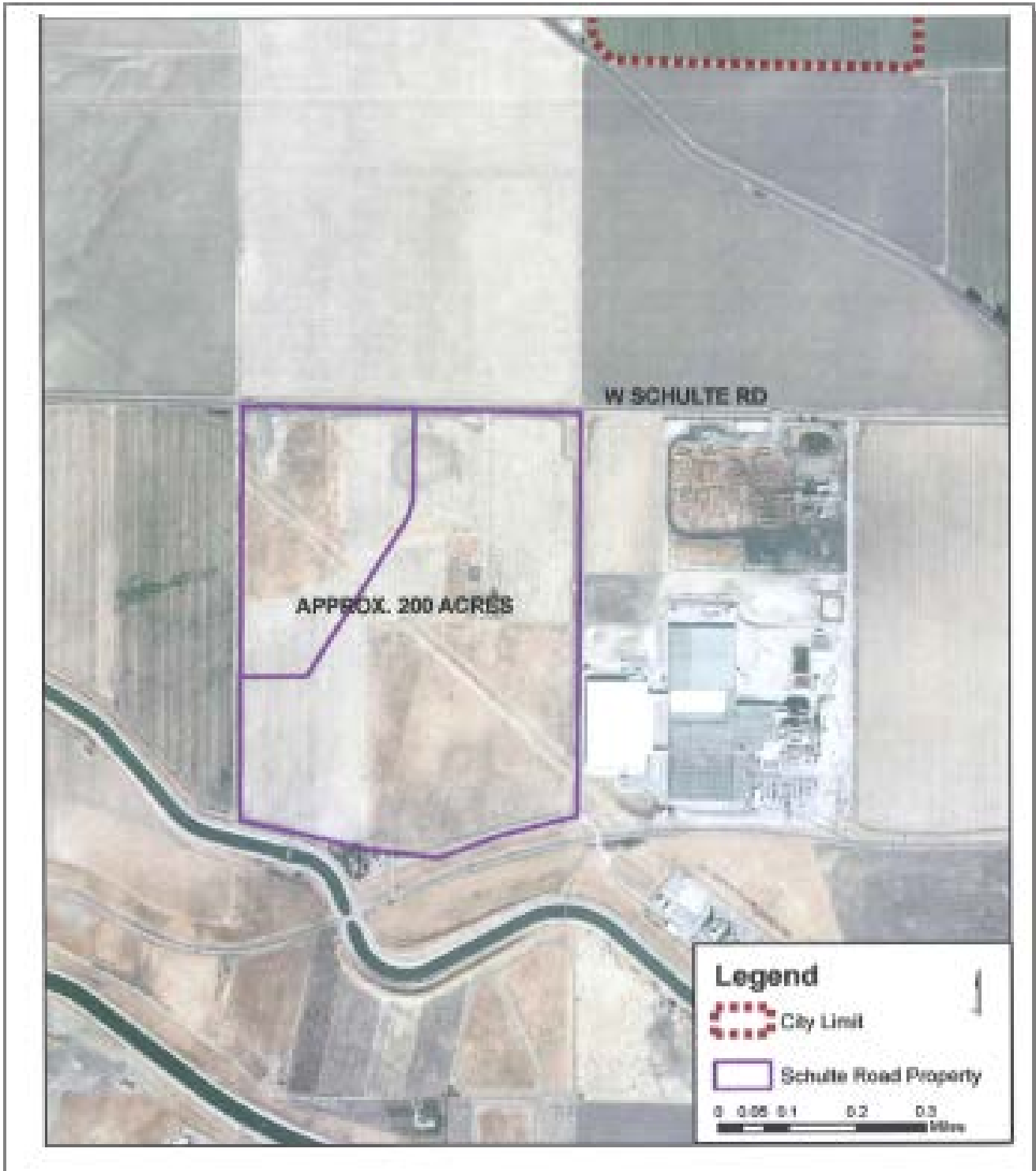
ATTACHMENTS

Attachment A - Location Map

Prepared by: Andrew Malik, Development Services Director

Reviewed by: Jenny Haruyama, Administrative Services Director  
Maria A. Hurtado, Assistant City Manager

Approved by: Troy Brown, City Manager



RESOLUTION 2014- \_\_\_\_

SUPPORTING THE CONCEPT OF TRANSFERRING THE USE RESTRICTIONS AND REVERSIONARY RIGHTS FROM THE CITY'S SCHULTE ROAD PROPERTY TO THE UNDEVELOPED 300 ACRE LEGACY FIELD PROPERTY

WHEREAS, On May 15, 2012, Congress enacted Public Law 112-119, authorizing GSA to offer the City of Tracy the option to acquire the 150 acres at appraised fair market value, thereby releasing any reversionary interest retained by the United States on the property, and

WHEREAS, GSA and staff have identified a concept whereby the use restrictions and reversionary rights recorded on the Schulte Road property could be transferred to other undeveloped park property in the City, and

WHEREAS, July 22, 2014, staff provided a tour of Legacy Fields to Clark Van Epps, GSA Regional Director and his support staff, and

WHEREAS, On September, 10, 2014, the City received a letter from GSA outlining certain requirements and documents necessary to proceed with the transfer concept, and

WHEREAS, There is no new impact to the General Fund. There currently is a balance of approximately \$565,000 in the Schulte Road CIP. If the transfer concept is ultimately approved by GSA and the City, any unused funds in the Schulte Road CIP would be returned to the RSP Fund 345;

NOW, THEREFORE, BE IT RESOLVED, That City Council supports the concept of transferring the use restrictions and reversionary rights from the City's Schulte Road property to the undeveloped 300 acre Legacy Field property

\*\*\*\*\*

The foregoing Resolution 2014- \_\_\_\_ was adopted by the Tracy City Council on the 21<sup>st</sup> day of October, 2014, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

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

AGENDA ITEM 8

REQUEST

**APPOINT AN APPLICANT TO THE TRANSPORTATION ADVISORY COMMISSION FROM THE COMMISSION'S ELIGIBILITY LIST**

EXECUTIVE SUMMARY

There is a vacancy on the Transportation Advisory Commission due to Commissioner Christina Frankel's resignation. An eligibility list was created during the last Transportation Advisory Commission recruitment. The Council Subcommittee recommended Danny Ball for placement on the eligibility list. Council confirmation of the appointment of Mr. Ball to the Transportation Advisory Commission is requested.

DISCUSSION

There is one vacancy on the Transportation Advisory Commission due to Commissioner Frankel resigning from the Commission on October 8, 2014. The last time appointments were made to the Transportation Advisory Commission was April 15, 2014. At that time the subcommittee consisting of Council Member Rickman and Council Member Young nominated two applicants to fill vacancies on the Transportation Advisory Commission and recommended three applicants be placed on an eligibility list. The purpose of an eligibility list is to fill vacancies that might occur in the 12 months following the last appointment to the board and/or commission. Council confirmed the subcommittee's nomination and the creation of an eligibility list. Resolution 2004-152 (Attachment A), includes direction on the "Selections Process for Appointee Bodies," and also states that if an appointee will fill an un-expired term with six months or less remaining, the appointment shall be deemed to be for the new term.

At this time, Council can either appoint Mr. Ball to the Transportation Advisory Commission to serve the remainder of a term commencing on October 22, 2014, and expiring on April 30, 2017, or direct staff to open a new recruitment. If a new recruitment is opened, Council would need to determine how to proceed with regard to Mr. Ball's status.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's Strategic Plans.

FISCAL IMPACT

None.

RECOMMENDATION

That Council approves the subcommittee's recommendation to appoint Mr. Ball to the Transportation Advisory Commission to serve the remainder of a term, which will commence on October 22, 2014, and expire on April 30, 2017.

Prepared by: Adrienne Richardson, Deputy City Clerk

Reviewed by: Carole Fleischman, Interim City Clerk  
Maria A. Hurtado, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment A – Resolution 2004-152

RESOLUTION 2004-152

REVISING RESOLUTION NO. 2004-089 ESTABLISHING THE COUNCIL SELECTION PROCESS, AND DEFINING RESIDENCY REQUIREMENTS, FOR APPOINTEE BODIES (GOVERNMENT CODE §54970 ET SEQ. LOCAL APPOINTEE OFFICERS)

WHEREAS, Council Policy D-5 was adopted by Resolution 2002-434 on October 15, 2002, which established a selection process for appointee bodies, and

WHEREAS, A variety of terms are used to define residency for the purposes of eligibility for appointment to various Appointee bodies and a method to verify residency has not been established, and

WHEREAS, Council wishes to define the terms and identify methods by which to verify residency and to incorporate those definitions into the selection process, and

WHEREAS, The definitions established herein shall apply to all boards and commissions to which the City Council appoints members unless the Bylaws of the board or commission specifically define otherwise, and

WHEREAS, Revisions to Resolution No. 2004-089 were considered and approved by the City Council on May 18, 2004 as set forth below.

NOW, THEREFORE, the Tracy City Council hereby resolves as follows:

A. SELECTION PROCESS FOR APPOINTEE BODIES:

1. On or before December 31<sup>st</sup> of each year, the clerk shall prepare an appointment list of all regular and ongoing boards, commissions and committees that are appointed by the City Council of the City of Tracy. The list shall contain the following information:
  - a. A list of all appointee terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of the appointment, the date the term expires and the necessary qualifications for the position.
  - b. A list of all boards, commissions and committees whose members serve at the pleasure of the Council and the necessary qualifications of each position.
  - c. The list of appointments shall be made available to the public for a reasonable fee that shall not exceed actual cost of production. The Tracy Public Library shall receive a copy of the list.
2. Whenever a vacancy occurs in any board, commission or committee, whether due to expiration of an appointee's term, resignation, death, termination or other causes, a special notice shall be posted in the office of the City Clerk, The Tracy Public Library, the City website, and in other places as directed within twenty (20) days after the vacancy occurs. Final

appointment to the board, commission or committee shall not be made by the City Council for at least ten (10) working days after the posting of the notice in the Clerk's office. If Council finds an emergency exists, the Council may fill the unscheduled vacancy immediately.

3. Appointments shall be made for the remainder of the term created by the vacancy except as follows:
  - a. If appointee will fill an un-expired term with six months or less remaining, the appointment shall be deemed to be for the new term.
  - b. If the vacancy is filled by an emergency appointment the appointee shall serve only on an acting basis until the final appointment is made pursuant to section 3.
4. The council shall use the following selection process to provide an equal opportunity for appointment to a board, commission or committee:
  - a. Mayor (or designee) and a selected Council member will review applications, interview applicants and recommend a candidate for appointment to the board, commission or committee.
  - b. If the interview subcommittee determines there are multiple qualified candidates, the subcommittee can recommend the Council establish an eligibility list that can be used to fill vacancies that occur in the following twelve (12) months.
  - c. At the interview subcommittee's discretion, the chair (or designee) of the board, committee or commission for which a member will be appointed, can participate in the interviews.
5. In the event there are not two or more applicants than vacancies on any board, commission or committee, the filing deadline may be extended by staff.
6. An individual already serving on a City of Tracy board, committee or commission may not be appointed to serve on an additional City of Tracy board, committee, or commission concurrently.

**B. DEFINITION OF RESIDENCY REQUIREMENTS:**

1. The following definitions shall be used to determine whether residency requirements are met for boards and commissions to which the Tracy City Council appoints members:
  - a. Tracy Planning Area means the geographical area defined in the City of Tracy General Plan and any amendments thereto.
  - b. City of Tracy means within the city limits of the City of Tracy.



- c. Citizen means a resident of the City of Tracy.
  - d. Tracy School District means the geographical area served by the Tracy Unified School District.
  - e. Sphere of Influence shall be the geographical area approved by the Local Agency Formation Commission (LAFCo) of San Joaquin County and any amendments thereto.
2. Residency, as defined above and as set forth in the applicable bylaws for each board or commission, shall be verified annually by the City Clerk. The residency must be verifiable by any of the following means:
- a. Voter registration,
  - b. Current California Driver's License or Identification,
  - c. Utility bill information (phone, water, cable, etc.),
  - d. Federal or State tax returns.
3. Members of boards or commissions shall notify the City Clerk in writing within thirty (30) days of any change in residency. If the change in residency results in the board member or commissioner no longer meeting the residency requirements, the member shall tender their resignation to the City Clerk who shall forward it to the City Council.


\*\*\*\*\*

The foregoing Resolution 2004-152 was passed and adopted by the Tracy City Council on the 18th day of May, 2004, by the following vote:

AYES: COUNCIL MEMBERS: HUFFMAN, IVES, TOLBERT, TUCKER, BILBREY  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: NONE  
ABSTAIN: COUNCIL MEMBERS: NONE

  
\_\_\_\_\_  
Mayor

ATTEST:

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

AGENDA ITEM 10.A

REQUEST

**RECEIVE AND ACCEPT THE CITY MANAGER'S INFORMATIONAL UPDATE**

EXECUTIVE SUMMARY

This agenda item will update the Council on newsworthy events.

DISCUSSION

The City Manager will provide 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.

STRATEGIC PLAN

This agenda item does not relate to the Council's Strategic Plans.

FISCAL IMPACT

There is no fiscal impact with this informational item.

RECOMMENDATION

That Council receives and accepts the City Manager's informational update.

Prepared by: Troy Brown, City Manager  
Reviewed by: Troy Brown, City Manager  
Approved by: Troy Brown, City Manager