

# NOTICE OF SPECIAL MEETING

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

**Date/Time:** **Tuesday, July 21, 2015, 6:45 p.m.**  
(or as soon thereafter as possible)

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

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

1. Call to Order
2. Roll Call
3. Items from the Audience - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2015-052 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Council Member to sponsor the item for discussion at a future meeting.*
4. APPROVE AMENDMENTS RELATING TO LEGACY FIELDS TERMINATING THE PROPERTY DEVELOPMENT AND LEASE AGREEMENTS (AGREEMENTS) BETWEEN THE CITY OF TRACY AND TRACY BABE RUTH AND TRACY YOUTH SOCCER LEAGUE, APPROVE A FUTURE AMENDMENT AUTHORIZING REMOVAL OF PROPERTY FROM THE AGREEMENT WITH TRACY LITTLE LEAGUE, AUTHORIZE THE MAYOR TO EXECUTE THE AMENDMENTS, AND PROVIDE DIRECTION REGARDING POSSIBLY INCLUDING THREE BASEBALL FIELDS AS BID ALTERNATES SHOULD TRACY LITTLE LEAGUE NOT EXECUTE AND DELIVER THE FUTURE AMENDMENT BY AUGUST 14, 2015
5. Adjournment



\_\_\_\_\_  
Mayor

## **July 20, 2015**

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

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

AGENDA ITEM 4

REQUEST

**APPROVE AMENDMENTS RELATING TO LEGACY FIELDS TERMINATING THE PROPERTY DEVELOPMENT AND LEASE AGREEMENTS (AGREEMENTS) BETWEEN THE CITY OF TRACY AND TRACY BABE RUTH AND TRACY YOUTH SOCCER LEAGUE, APPROVE A FUTURE AMENDMENT AUTHORIZING REMOVAL OF PROPERTY FROM THE AGREEMENT WITH TRACY LITTLE LEAGUE, AUTHORIZE THE MAYOR TO EXECUTE THE AMENDMENTS, AND PROVIDE DIRECTION REGARDING POSSIBLY INCLUDING THREE BASEBALL FIELDS AS BID ALTERNATES SHOULD TRACY LITTLE LEAGUE NOT EXECUTE AND DELIVER THE FUTURE AMENDMENT BY AUGUST 14, 2015**

EXECUTIVE SUMMARY

This agenda item replaces a similar item during City Council's regular meeting agenda on July 21, 2015.

In 2012, City Council approved Property Development and Lease Agreements with the Tracy Babe Ruth (TBR), Tracy Little League (TLL) and Tracy Youth Soccer League (TYSL), all local youth non-profit organizations, which provide recreational and competitive sports programs that benefit the City. The original concept for Legacy Fields was for the leagues to construct and maintain the fields. Due to recent City Council action, the concept has now changed and requires amending the current agreements with TBR, TYSL, and TLL. Staff is recommending that the Council approve the amendments to the Agreements with TBR and TYSL and a future amendment to the Agreement with TLL.

In recent conversations with TLL, TLL representatives have indicated that they cannot bring the proposed amendment to their board of directors prior to the July 21, 2015 Council meeting. However, TLL representatives believe that their board will approve the proposed amendment prior to August 14, 2015. As a result, staff is providing Council with options (below) and is requesting that Council provide direction on the bid documents.

DISCUSSION

This agenda item replaces a similar item during City Council's regular meeting agenda on July 21, 2015.

In 2012, Council approved Property Development and Lease Agreements with Tracy Babe Ruth (TBR), Tracy Little League (TLL), Tracy Youth Soccer League (TYSL), and Tracy Futbol Club (Tracy Futbol Club's Agreement was terminated). In this original concept, the leagues were responsible for constructing, maintaining, and operating their respective areas of Legacy Fields.

After several meetings with league representatives and the Legacy Fields Subcommittee, Council directed staff to pursue a different concept. On June 1, 2015, Council directed staff to proceed with construction of sports fields within the Phase 1 area of Legacy Fields and revise the current Agreements. Consequently, the property that is currently leased to the leagues needs to be free and clear of any contractual obligations before the City can bid the construction and development of said property. Because Council directed staff to develop baseball and soccer fields, all Agreements will need to be amended in order to construct the fields.

The Agreements with TBR and TYSL will need to be terminated, as staff will be pursuing construction of all fields within their respective lease agreements.

The Agreement with TLL needs to be amended to remove the three fields the City is proposing to construct. TLL will continue to develop and construct the existing two fields and the two larger fields that remain undeveloped (four fields total) per the original Agreement. However, in recent conversations with TLL, TLL representatives have indicated that they cannot bring the proposed amendment to their board of directors prior to the July 21, 2015 Council meeting. However, TLL representatives believe that their board will approve the proposed amendment prior to August 14, 2015.

If TLL provides staff with the executed amendment by August 14, 2015, staff recommends that the entire project be put out to bid as soon as possible thereafter as earlier envisioned by Council. However, if TLL is unable to provide an executed amendment by August 14, 2015 staff recommends that the City include the three TLL fields as a bid-alternate but have low bid be determined with those fields included (which would allow the City to remove those fields from the specifications if an amendment to the agreement with TLL is not received by time of bid award).

Per Council direction, staff will continue to negotiate separate use agreements with TLL, TBR, and TYSL for the City constructed fields.

#### STRATEGIC PLAN

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

#### FISCAL IMPACT

There is no fiscal impact to the General Fund at this time. Staff time for executing the amendments will be absorbed within the existing operating budget.

#### RECOMMENDATION

Staff recommends that City Council by separate resolutions authorize the Mayor to:

1. Execute the amendment to the Property Development and Lease Agreement with Tracy Babe Ruth (Attachment A) terminating the current Agreement; and
2. Execute the amendment to the Property Development and Lease Agreement with Tracy Youth Soccer League (Attachment B) terminating the current Agreement; and

3. Execute the amendment to the Property Development and Lease Agreement with Tracy Little League (Attachment C) provided that Tracy Little League executes and delivers the amendment to the City by August 14, 2015.

Provide direction to staff to, if TLL is unable to provide an executed amendment by August 14, 2015, include the three TLL fields as a bid-alternate but have low bid be determined with those fields included (staff will bring back an agenda item in early September if TLL does not timely provide a signed amendment).

Prepared by: Brian MacDonald, Management Analyst II

Reviewed by: Don Scholl, Parks, Sports Fields & Trees Superintendent  
David Ferguson, Director of Public Works  
Andrew Malik, Acting Assistant City Manager

Approved by: Troy Brown, City Manager

#### ATTACHMENTS

Attachment A: Amendment to Property Development and Lease Agreement with Tracy Babe Ruth

Attachment B: Amendment to Property Development and Lease Agreement with Tracy Youth Soccer League

Attachment C: Amendment to Property Development and Lease Agreement with Tracy Little League

RESOLUTION \_\_\_\_\_

APPROVING AN AMENDMENT TO THE PROPERTY DEVELOPMENT AND LEASE AGREEMENT TERMINATING THE AGREEMENT BETWEEN THE CITY OF TRACY AND TRACY BABE RUTH AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT

WHEREAS, the City Council has directed staff to bid and construct fields on the property currently leased by Tracy Babe Ruth (TBR). The property needs to be free and clear of any agreement before the City can bid and construct the fields, and

WHEREAS, The City intends to negotiate a use agreement with TBR for the City-constructed fields;

NOW, THEREFORE, BE IT RESOLVED, That City Council hereby approves an Amendment terminating the Property Development and Lease Agreement between the City of Tracy and Tracy Babe Ruth.

\* \* \* \* \*

The foregoing Resolution \_\_\_\_\_ was adopted by City Council on the 21<sup>st</sup> day of July 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

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

RESOLUTION \_\_\_\_\_

APPROVING AN AMENDMENT TO THE PROPERTY DEVELOPMENT AND LEASE AGREEMENT TERMINATING THE AGREEMENT BETWEEN THE CITY OF TRACY AND TRACY YOUTH SOCCER LEAGUE AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT

WHEREAS, the City Council has directed staff to bid and construct fields on the property currently leased by Tracy Youth Soccer League (TYSL) and the property needs to be free and clear of any agreement before the City can bid and construct the fields, and

WHEREAS, The City intends to negotiate a use agreement with TYSL for the City-constructed fields;

NOW, THEREFORE, BE IT RESOLVED, That City Council hereby approves an Amendment terminating the Property Development and Lease Agreement between the City of Tracy and the Tracy Youth Soccer League and authorizes the Mayor to execute the Amendment.

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The foregoing Resolution \_\_\_\_\_ was adopted by City Council on the 21<sup>st</sup> day of July 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

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

RESOLUTION \_\_\_\_\_

APPROVING AN AMENDMENT TO THE PROPERTY DEVELOPMENT AND LEASE AGREEMENT BETWEEN THE CITY OF TRACY AND TRACY LITTLE LEAGUE TO REMOVE A PORTION OF THE LAND FROM THE AGREEMENT AND TO GRANT THE CITY TEMPORARY CONSTRUCTION ACCESS FOR DRAINAGE AND OTHER CONSTRUCTION RELATED ACTIVITIES AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT

WHEREAS, The City Council has directed staff to bid and construct three fields on the property currently leased from the City by Tracy Little League. The property needs to be free and clear of the lease agreement for the three fields and the City will need temporary construction access (from award of bid until final acceptance of the project) before the City can award the bid and construct the fields, and

WHEREAS, The City intends to negotiate, in good faith, a use agreement with TLL for the City-constructed fields to commence after they are installed, and

NOW, THEREFORE, BE IT RESOLVED, That City Council approves an Amendment to the Property Development and Lease Agreement between the City of Tracy and the Tracy Little League to remove three fields from the Agreement and allow for temporary construction access from award of bid until final acceptance of the project, and authorizes the Mayor to execute the Amendment.

\* \* \* \* \*

The foregoing Resolution \_\_\_\_\_ was adopted by the Tracy City Council on the 21<sup>st</sup> day of July 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

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