

JOINT MEETING OF THE TRACY CITY COUNCIL
AND THE SUCCESSOR AGENCY TO THE CITY OF
TRACY COMMUNITY DEVELOPMENT AGENCY

REGULAR MEETING AGENDA

Tuesday, September 15, 2015, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

Web Site: 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.

Full copies of the agenda are available at City Hall, 333 Civic Center Plaza, and the Tracy Public Library, 20 East Eaton Avenue, and on the City's website: www.ci.tracy.ca.us

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENTATIONS - Certificates of Recognition and Appointment - Youth Advisory Commission
- Rising Sun Energy Center Presentation

1. CONSENT CALENDAR

- A. Accept City Treasurer's Annual Review and Approve Revised City Investment Policy
- B. 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)
- C. Authorize Amendment of the City's Position Control Roster by Approving the Reclassification and Reallocation of a Part-Time Clerical Position to Full-Time Accounting Assistant and Adding a New Position of Executive Assistant in the Administrative Services Department and Approve a General Fund Appropriation in the Amount of \$117,800 for the Changes
- D. Authorize the Purchase of Emergency Equipment and Installation from Lehr Auto Electric of Sacramento, California
- E. Authorize the Purchase of Three Vehicles (Ford Taurus) from Tracy Ford of Tracy, California
- F. Approval of a General Services Agreement, Not To Exceed \$285,000, with Contract Sweeping Services, for Services Required for Street, Alley, and Parking Lot Sweeping; Authorize the City Manager to Execute Extensions and any Minor Amendments Associated with this Agreement; and Authorize the Mayor to Execute the Agreement
- G. Authorization to Award the Purchase of Five 35-Foot Low Floor Buses For Tracer Fixed Route Service to Gillig Corporation Under the Central Contra Costa Transit Authority Contract 2012-MA-02, Authorize s Supplemental Appropriation to CIP 77550 in the Amount of \$2,000,000, and Approve a Contingency amount of \$50,000 for any Change Orders Needed During Production
- H. Approve Amendment No. 1 to Memorandum of Understanding Between the City of Tracy and the Girl Scouts Heart of Central California and Authorize the Mayor to Execute the Amendment
- I. Approval for Renewed Support of the Recycling Market Development Zone (RMDZ) Program and Activities in San Joaquin County
- J. Acceptance of the Animal Shelter Project - CIP 71064, Completed by D. G. Granade Inc. of Shingle Springs, California, and Authorization for the City Clerk to File the Notice of Completion

- K. Acceptance of the Asphalt Concrete Pavement Reconstruction of the Northern Half of Grant Line Road from Holly Drive to Approximately 600 Feet East of MacArthur Drive, Constructed by Pacific Gas and Electric (PG&E)
 - L. Acceptance of the Police Radio Equipment Room Cooling System Project - CIP 71050A, Completed by Comfort Air, Inc. of Stockton, California, Authorization for the City Clerk to File the Notice of Completion, and Authorization for the City Engineer to Release the Bonds and Retention Payment
 - M. Acceptance of Trinity Lane Subdivision Improvements, Tract 3820, Completed by Pulte Homes Corporation, a Michigan Corporation
 - N. Adopt a Resolution Rescinding Resolution 2015-144 and Directing that a Proposed Ordinance be Submitted to the Voters at a Special Election to be Held on December 8, 2015 and Appropriating \$275,776 from the City's General Fund for the Costs Associated with Verifying Signatures and Holding the Special Election
 - O. Authorize Amendment Number One to the Master Professional Services Agreement with Renne Sloan Holtzman Sakai LLP for Special Counsel to Conduct Labor Negotiations with Multiple Employee Groups and Authorize the Mayor to Sign the Agreement
 - P. Award a Construction Contract to Tracy Grading and Paving of Tracy, Ca for 11th Street Gateway Fountain Renovation Project – CIP 73151, Authorize an Appropriation of Funds From Gas Tax Fund 245 and Authorize the Mayor to Execute the Contract
2. ITEMS FROM THE AUDIENCE
 3. CITY COUNCIL DISCUSSION AND DIRECTION REGARDING LAND USE, DEVELOPMENT STANDARDS, AND DESIGN GUIDELINES ALONG INTERSTATE 205 (I-205) FROM TRACY BOULEVARD TO THE EAST CITY LIMIT, AND INTRODUCTION AND ADOPTION OF AN INTERIM ORDINANCE PROHIBITING THE ISSUANCE OF ANY LAND USE ENTITLEMENT OR BUILDING PERMIT FOR CERTAIN WAREHOUSE AND DISTRIBUTION USES ALONG THE I-205 CORRIDOR BETWEEN TRACY BOULEVARD TO THE EASTERN CITY LIMIT
 4. RECEIVE STATUS REPORT ON THE CITY'S AQUATIC CENTER DESIGN
 5. AWARD A CONSTRUCTION CONTRACT FOR THE JOE WILSON POOL RECONSTRUCTION PROJECT - CIP 78152, TO THE LOWEST RESPONSIVE BIDDER, AUTHORIZE AN ALLOCATION OF FUNDS FROM THE GENERAL FUND 301, AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT
 6. AUTHORIZATION FOR THE CITY TO ENTER INTO AMENDMENT NO. 1 TO THE LEASE AGREEMENT WITH AGRA TRADING FOR THE LEASE OF THE HOLLY SUGAR SOUTHERLY PAVED DRYING BED AND AUTHORIZE THE MAYOR TO EXECUTE THE AMENDMENT

7. INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 9.52, FLOODPLAIN REGULATIONS, OF THE TRACY MUNICIPAL CODE
8. INTRODUCTION OF AN ORDINANCE ADOPTING A NEW CHAPTER 9.66 OF THE TRACY MUNICIPAL CODE ENTITLED "SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS"
9. ITEMS FROM THE AUDIENCE
10. COUNCIL ITEMS
11. ADJOURNMENT

AGENDA ITEM 1.A

REQUEST

ACCEPT CITY TREASURER'S ANNUAL REVIEW AND APPROVE REVISED CITY INVESTMENT POLICY

EXECUTIVE SUMMARY

The City Treasurer annually reviews the City of Tracy Investment Policy for compliance with all relevant State Codes governing the investment of City funds. The Policy is also monitored by the City of Tracy's investment advisors, Chandler Asset Management.

A change in Government Code has expanded permitted investments to include supranational investments and therefore the City's Investment Policy has been revised to afford the City of Tracy such investment opportunities.

After review by both the City Treasurer and Chandler Asset Management, it is recommended that the Council accept the Treasurer's annual review and approve the proposed revision to the City of Tracy Investment Policy to include supranational investments.

DISCUSSION

The City and its investment advisor regularly discuss the status of the performance of its managed assets and compliance with City policy. The City's advisor and auditor have confirmed that the City is in compliance with the City's Investment Policy per the provisions of California Government Code Section 53600 and the Tracy Municipal Code.

Under Section II, Subsection A (*Eligible Securities*) of the City of Tracy Investment Policy regarding the investment of idle funds, the policy is proposed to be amended to include supranational securities per State Government Code Section 53601(Q) which was enacted in 2014 and became effective on January 1, 2015. This legislation states:

- A maximum portfolio allocation of 30% may be allocated to supranational securities
- The securities must be rated "AA" or better by a nationally recognized statistical rating organization
- That security purchases are limited to three Washington D.C. based issuers:
 - Inter-American Development Bank
 - International Bank for Reconstruction and Development
 - International Finance Corporation

The benefits of adding supranational investments are that:

- they provide high quality AAA issuers to further diversify the City's portfolio
- they are a potential replacement for shrinking supply of U.S. Agency securities
- they have a yield pickup of 5-10 basis points to similar U.S. securities

This addition to the City of Tracy Investment Policy was vetted and reviewed at the City of Tracy Investment Review Meeting on July 27, 2015 and approved as an amendment to the Policy. See Attachment B for a further description of supranational investments.

STRATEGIC PLAN

This agenda item is consistent with the City Council's overall Strategic Priorities to have a fiscally responsible and efficiently-operated City organization that is committed to maintaining its fiscal health.

FISCAL IMPACT

Acceptance of this report and approval of the revised City Investment Policy has no negative fiscal impact on the General Fund.

RECOMMENDATION

It is recommended that the City Council, by resolution, accept the City Treasurer's Annual Report and approve the revised City Investment Policy (Council Policy B-6).

Prepared by: Ray McCray, City Treasurer

Reviewed by: V. Rachelle McQuiston, Administrative Services Director
Stephanie Garranbrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment A – Investment Policy
Attachment B – Supranational Slide Handout

City of Tracy

**COUNCIL POLICY
(Formerly Referred to as B-6)**

SUBJECT: Investment Policy

AUTHORIZATION: Resolution 93-103
Resolution 2015-_____

EFFECTIVE DATE: April 6, 1993
Revised September 2015

I. STATEMENT OF OBJECTIVES

Temporarily idle or surplus funds of the City of Tracy shall be invested in accordance with principles of sound treasury management and in accordance with the provisions of California Government Code Section 53600 et seq., the Tracy Municipal Code, and this Investment Policy.

A. Overall Risk Profile

The basic objectives of Tracy investment program are, in order of priority:

1. Safety of invested funds;
2. Maintenance of sufficient liquidity to meet cash flow needs; and
3. Attainment of the maximum yield possible consistent with the first two objectives.

The achievement of these objectives shall be accomplished in the manner described below:

1. Safety of Invested Funds

The City shall ensure the safety of its invested idle funds by limiting credit and interest rate risk.

Credit risk is the risk of loss due to the failure of the security issuer or backer. Interest rate risk is the risk that the market value of portfolio securities will fall due to an increase in general interest rates.

- a. Credit risk will be mitigated by:
 - i. Limiting investment to the safest types of securities;
 - ii. By pre-qualifying the financial institutions with which it will be doing business;
 - iii. By diversifying the investment portfolio so that the failure of any one issuer or backer will not place an undue financial burden on the City;
 - iv. By timely monitoring all of the City's investments to anticipate and respond appropriately to a significant reduction of credit worthiness of any of the depositories.

- b. Interest rate risk will be mitigated by:
 - i. Structuring the City's portfolio so that securities mature to meet the City's cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to their maturation to meet those specific needs; and
 - ii. Investing primarily in shorter-term securities, unless it is anticipated that long-term securities can be held to maturity without jeopardizing liquidity requirements.
 - iii. Occasionally restructuring the portfolio to minimize the loss of market value and/or maximize cash flows in income.
- c. The physical security or safekeeping of the City's investments is also an important element of safety. Detailed safekeeping requirements are defined in Section III of this Policy.

2. Liquidity

The City's investment portfolio must be structured in a manner, which will provide that securities mature at the same time as cash is needed to meet anticipated demands (static liquidity). Additionally, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity). The specific percentage mix of different investment instruments and maturities is described in Section II of the Policy.

3. Yield

Yield on the City's investment portfolio is of secondary importance compared to the safety and liquidity objectives described above. Investments are limited to relatively low-risk securities in anticipation of earning a fair return relative to the risk being assumed. While it may occasionally be necessary or strategically prudent for the City to sell a security prior to maturity to either meet unanticipated cash needs or to restructure the portfolio to meet the current market conditions.

B. Time Frame for Investment Decisions

The City's investment portfolio shall be structured to provide that sufficient funds from investments are available every month to meet the City's anticipated cash needs. Subject to the safety provisions outlined above, the choice of investment instruments and maturities shall be based upon an analysis of anticipated cash needs, existing and anticipated revenues, interest rate trends and specific market opportunities. The average maturity of the investment portfolio will not exceed three years, and no investment will have a maturity of more than five years from its date of purchase, including U.S. Treasury and/or its Government affiliated Agencies.

1. Definitions

- a. "Maturity" shall mean the period from the date of purchase until the final maturity date stated on the instrument.
- b. "Average maturity of the investment portfolio" shall be computed as follows:

Sum of \$ x Years
Total \$ of portfolio = Average maturity (years)
- c. "Total dollar amount of portfolio" shall mean all monies of the City excluding proceeds from bond issues.

C. Definition of Idle or Surplus Funds

Idle or surplus funds for the purpose of this Policy are all City funds, which are available for investment at any one time, including the estimated checking account float, excepting those minimum balances required by the City's banks to compensate them for the cost of banking services. This policy also applies to the idle or surplus funds of other entities for which the City of Tracy personnel provide financial management services.

D. Limitations on Reverse Repurchase Agreements

A reverse repurchase agreement is a transaction in which the City sells securities to a counter party and agrees to repurchase the securities from the counter party at a date certain. Under no circumstances shall the City sell securities through reverse repurchase agreements for the purpose of financing the acquisition of other securities. Except as otherwise authorized by the City Council, the use of reverse repurchase agreements will be limited to those occasions where unanticipated, short-term cash requirements can be met more advantageously by initiating a reverse repurchase agreement than by selling a security into the secondary market prior to its maturity. (For example, if a specific cash requirement precedes the maturity of a security, which had been intended to meet that requirement; it may be advantageous to initiate a reverse repurchase agreement by transferring the security to a counterpart rather than selling the security into the secondary market prior to its maturity. Proceeds from the maturity of the security would then be used to close out the reverse repurchase agreement.) When such a reverse repurchase agreement is being considered it shall be reported to the City Council for Council approval.

E. Standards of Prudence and Ethics

Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall portfolio shall be designed and managed with a degree of professionalism worthy of the public trust.

The standard of Prudence to be used by investment officials shall be the prudent investor (see below) and shall be applied in the context of managing an overall portfolio.

Prudent Investor Standard

When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.

II. INVESTMENT OF IDLE FUNDS

A. Eligible Securities

The City may invest temporarily idle funds through banks, securities dealers, the State Local Agency Investment Fund (LAIF), California Asset Management Plan (CAMP) and other investment instruments as designated by the California State Code.

The following table summarized the authorized investment instruments, and applicable limitations on each. Where this section specifies a percentage limitation for a particular category of investment, that percentage is applicable only at the date of purchase as per California Government Code Section 53601. Consistent with the terms of this policy, no investment is permitted which is not listed on the following table:

	<u>LOCATION</u>	<u>DOLLAR VALUE</u>	<u>MATURITY</u>
<u>CATEGORY ONE:</u>			
Local Agency Investment Fund	California	Per LAIF Limit	On Demand
California Asset Management Program	California	No Limit	On Demand
Safekeeping Services Sweep Accounts	Banks	Per Investment Type	On Demand
US Treasury Issues	-----	No Limit	NTE 5 Yrs
Supranational Securities	United States	30%	NTE 5 Yrs
US Government Agency Debenture Issues	-----	Per State Code	NTE 5 Yrs
Insured Deposits Banks	California	Per State Code	On Demand

CATEGORY TWO:

Repurchase Agreements	Banks and Dealers	No Limit	NTE 1 Year
Reverse Repurchase	Banks and Dealers	NTE 20%	NTE 92 days
Certificates of Deposit	Banks in California	30% Portfolio	NTE 1 Year

CATEGORY THREE:

Bankers Acceptances (1)	Domestic US Foreign	30% Portfolio	NTE 6 Mo
Commercial Paper	Domestic US	Per State Code	NTE 9 Mo
Negotiable CDs	Domestic US	Per State Code	NTE 18 Mo
Municipal Securities	Domestic US	30% Portfolio	NTE 5 Yrs
Med Tern Corp Notes	Domestic US	30% Portfolio	NTE 5 Yrs
Money Market Funds	Domestic US	20% Portfolio	On Demand

CODE REFERENCES

STATE GOVT CODE#

FOOTNOTES

US Treasury & Agencies	53601(b),(f)	(1) Must be dollar denominated
Bankers Acceptance	53601(g)	(2) Money Market funds must be comprised of eligible securities permitted under this policy.
Commercial Paper	53601(h)	
Certificate of Deposits	53638	
Negotiable CDs	53601(i)	
Repurchase Agreements	53601(j) (1), (2)	
Reverse Repo Agreements	53601(j) (3)	
Medium Term Corp Notes	53601(k)	
Money Market Funds	53601(m to o)(2)	
Municipal Securities	53601 (a)	
LAIF	16429(1)	
CAMP	53601(p)	
Active Deposits	53632(b), (c)	
Supranational Securities	53601 (q)	

No more than 10% of the total portfolio shall be invested in the issuances of any single institution other than securities issued by the U.S. Government, its affiliated agencies, LAIF and CAMP.

B. Qualification of Brokers, Dealers and Financial Institutions

Aside from LAIF, CAMP, insured deposits, and U.S. Treasury and Government Agency issues, investments shall be placed only in those instruments and institutions rated favorably by a nationally recognized statistical-rating organization (NRSRO). For Banker's Acceptances, domestic depositories shall be limited to banks rated "b" or better, and selected major California banks rated "c" or better. Foreign Bankers Acceptances shall be limited to depositories rated 1/11 or better (the equivalent of an A/B domestic rating) and must be dollar-denominated instruments. An information log containing the type of collateral in the acceptance shall be maintained. Negotiable Certificates of Deposit shall be issued by a nationally or state-chartered bank, a savings association or a federal association, a state or federal credit union, or by a state-licensed branch of a foreign bank, provided that the senior debt obligations of the issuing institution are rated A or better by a NRSRO. For Time Deposits over \$250,000, depositories shall be limited to California State banks and financial institutions that have received a minimum overall satisfactory rating for meeting the credit needs of California Communities in its most recent evaluation. Except for insured deposits in California banks, City investment transactions will be conducted only with institutions meeting the tests described above, and/or with dealers from the list of Government Security dealers reporting to the Market Reports Division of the Federal Reserve Bank of New York (Exhibit A) and/or with dealers from the list of Commercial Paper dealers reporting to the Market Reports Division of the Federal Reserve Bank of New York (Exhibit B). Except for investment in Banker's Acceptances and Negotiable Certificates of Deposit, the City will limit its investments in banks to those institutions maintaining offices in the State of California.

The California Government Code restricts cities to investing in commercial paper of the highest rankings provided for by a NRSRO. The entity that issues the commercial paper shall meet all of the following conditions in either paragraph (1) or paragraph (2):

1. The entity meets the following criteria: (i) Is organized and operating in the United States as a general corporation. (ii) Has total assets in excess of five hundred million dollars (\$500,000,000). (iii) Has debt other than commercial paper, if any, that is rated "A" or higher by a nationally recognized statistical-rating organization.
2. The entity meets the following criteria: (i) Is organized within the United States as a special purpose corporation, trust, or limited liability company. (ii) Has program wide credit enhancements including, but not limited to, over collateralization, letters of credit, or surety bond. (iii) Has commercial paper that is rated "A-1" or higher, or the equivalent, by a nationally recognized statistical-rating organization.

The City may not hold more than 5% of an issuing corporation's commercial paper.

The California Government Code restricts cities to investing in medium term corporate notes of a maximum of five years maturity issued by corporations operating within the United States. Securities eligible for investment must be

rated A or better by two of the three largest nationally recognized services. Medium-term corporate notes may not exceed 30% of the City's portfolio.

C. *Co/lateralization Requirements*

Uninsured time deposits with banks shall be collateralized in the manner prescribed by law for depositories accepting municipal investment funds.

D. *Pre-formatted Wire Transfers*

Wherever possible, the City will use pre-formatted wire transfers to restrict the transfer of funds to pre-authorized accounts only. When transferring funds to an account not previously approved, the bank is required to call bank a second employee for confirmation that the transfer is authorized.

E. *Requirement for Financial Statements*

Each bank, and security dealer, otherwise qualified under the provisions of this policy, who wishes to do business with the City shall submit a copy of its latest financial statement to the City including a balance sheet and profit and loss statement. If the security dealer is a private partnership registered with the SEC, the following shall be required in lieu of a profit and loss statement: 1) disclosure of its excess net capital in the notes to the statement of financial condition, and 2) a separate letter from its CPA firm attesting to the fact that Rule 15c 3-1 has been complied with and the dealer's internal systems and controls have no material inadequacies.

After a review of the financial statement and all other relevant information, the City will determine whether a service agreement should be executed with the institution based on the standards outlined in this Policy. The City requires that an agreement for services be executed prior to entrusting its funds to any dealer or financial institution, and that up-to-date financial statements be sent to the City Treasurer.

F. *Notice to Dealers*

The City Treasurer shall annually send a copy of the current edition of this Investment Policy to all institutions, which are approved to handle City of Tracy investments. Receipt of the Policy, including confirmation that it has been reviewed by persons handling the City's account, shall be acknowledged in writing within thirty days.

G. *Requirements for Repurchase Agreements*

A repurchase agreement is a transaction in which a counterpart agrees to transfer to the City securities or financial instruments in exchange for funds with a simultaneous agreement by the City to resell the securities to the counterpart at a date certain. In such cases, the transferred securities shall be U.S. Treasury or Government Agency issues whose market value at the time of transfer is equal to at least 102% of the repurchase agreement's face value. For other than

overnight investments, the securities transferred shall be marked to market on a daily basis and maintained at an amount equal to at least 102% of the repurchase agreement's face value. The market value of the transferred securities may be required to exceed the repurchase agreement's face value by an amount, which is expected to protect against a sudden decrease in the market value of the transferred securities.

The types of securities to be accepted as transferred securities in repurchase agreements in which the City is the buyer shall be limited to the types of eligible U.S. Treasury or Government Agency issues described in Sections II.A and 11.B. The maturities of transferred securities shall not be limited as described in Section II.A. Substitutions or transferred securities may not be made without prior approval by the City.

III. SAFEKEEPING OF SECURITIES

A. *Safekeeping Agreement*

Securities purchased from Brokers/Dealers shall be held in third party safekeeping by the trust department of the local agency's bank or other designated third party trust, in local agency's name and control, whenever possible. The City may contract with a bank or banks for the safekeeping of marketable securities, which are transferred to the City under the terms of repurchase agreements.

B. *Handling of City-Owned Marketable Securities & Time Deposit Collateral*

All marketable securities owned by the City shall be held by its safekeeping agent, except the collateral for time deposits in banks. The collateral for time deposits is held by the Federal Home Loan Bank. The collateral for time deposits in banks is held in the City's name in the bank's trust department or with its correspondent bank (if a safekeeping agreement has been executed) or, alternatively, in the San Francisco Federal Reserve Bank.

C. *Handling of Repurchase Agreement Securities*

The securities transferred to the City under the terms of repurchase agreements with banks may be held in the issuing bank's trust department, provided that a master trust agreement has been executed insuring fiduciary separation of these assets from other bank assets. The securities transferred to the City under the terms of repurchase agreements with dealers must be delivered to a third-party custodian with whom the City has established a safekeeping agreement.

IV. STRUCTURE AND RESPONSIBILITY

This section of the Investment Policy defines the overall structure of the investment management program.

A. *Responsibilities of the City Treasurer*

The City Treasurer is charged by law with responsibility for the deposit and investment of City funds, which come into his hands in accordance with principles of sound treasury management and in accordance with applicable laws and ordinances, and the development of procedures to implement this investment policy. He is responsible to keep the City Council fully advised as to the financial condition of the City Treasury.

Security Transfers

The authorization to release City securities will be telephoned to the appropriate bank by the Treasurer. A written confirmation outlining details for the transaction and confirming the telephoned instructions will be sent to the bank within five (5) working days.

B. *Responsibilities of the Finance and Administrative Services Director*

The City Finance and Administrative Services Director is responsible for the fiscal procedures of the City. A review of the City's investment program is a part of the responsibility described above.

C. *Verification of Security*

Securities transferred to the City under the terms of repurchase agreements and collateral securing time deposits, which are being held in safekeeping for the City, will be verified in writing and examined on a surprise basis during the year. Verification of transferred securities and time deposit collateral will be part of the City's annual independent audit.

D. *Responsibilities of the City Council*

The City Council shall consider and adopt, by resolution, an investment policy. As provided in that Policy, the Council shall receive, review, and accept monthly Investment Reports.

V. REPORTING

The City Treasurer shall prepare a monthly Investment Report within 45 days after the close of the month, including a succinct management summary that provides a clear picture of the status of the current investment portfolio and significant transactions made over the past month. This management summary will be prepared in a manner, which

will allow the City Manager and City Council to ascertain whether investment activities during the reporting period have deviated from the City's Investment Policy.

A monthly Investment Report will include the following:

- A.** Trend of average portfolio maturity;
- B.** Maturity aging by type of investment;
- C.** Percentage mix of portfolio by type of investment, including a listing of individual securities held at the end of the reporting month;
- D.** A statement that the portfolio investments comply with all State and Federal laws and are in compliance with this policy. Any prior violations which have not been corrected must be so identified;
- E.** Trend of rate of return on investments;
- F.** Unrealized gains or losses resulting from appreciation or depreciation in the market value of securities;
- G.** Interest cost and interest earnings from reverse repurchase agreement transactions;
- H.** All investment transactions occurring during the month whether or not the transaction has been fully settled; and
- I.** As per State applicable laws, demonstrate current market position of all marketable securities.

The following can be found on file in the City Treasurer's office:

- A.** Realized trading gains and losses and interest received on trading activity;
- B.** Aggregate commitments to purchase securities or make other payments to dealers in a manner to permit adequate cash need forecasting;
- C.** A description of the current investment strategy and the assumptions upon which it is based;
- D.** Average rate of return on reporting month's purchases;
- E.** Average rate of return on reporting month's sales and/or maturities;
- F.** Distribution reports by bank and broker/dealer; and
- G.** Cash management projections;

VI. REVIEW OF INVESTMENT MANAGEMENT

A. Policy Exceptions

There shall be no exceptions to the prescribed limits and obligations of this policy.

B. Investment Review

The City Council, by Resolution No. 95-087, has established an Investment Review Committee. This Committee, composed of two City Council Members, the City Treasurer, the City Manager, and the Finance and Administrative Services Director shall meet not less than quarterly to review the City Treasurer's report and investment activities.

C. Policy Review

This Investment Policy shall be reviewed annually to ensure its consistency with respect to the overall objectives of safety, liquidity and yield, and its relevance to current laws and financial trends. Proposed amendments to the Policy shall be prepared by the City Treasurer, and after review and approval by the City Manager, shall be forwarded to the City Council for consideration and approval.

VII. INVESTMENT OF PROCEEDS OF DEBT ISSUANCE

The following section governs the investment of proceeds from debt issuance. Investments can be made in accordance with this policy when not in conflict with applicable provisions of a particular debt financing.

"Permitted Investments" means any of the following, which at the time of investment are legal investments under the laws of the State for the monies proposed to be invested therein:

- A.** Direct obligations (including obligations issued or held in book entry form on the books of the Department of the Treasury of the United States of America), or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America;
- B.** Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises rated "AAA" by an NRSRO.
- C.** Interest-bearing demand or time deposits (including certificates of deposit, and bank investment contracts whether negotiable or non-negotiable) in federal or state chartered savings and loan associations or in national or State banks (including the Trustee) provided that either: (a) the obligations of such association or bank or the obligations of the holding company of such association or bank are rated in one of the three highest rating categories by a NRSRO; or (b) such deposits are fully insured by the Federal Deposit Insurance Corporation, provided, however, that the portion of any certificates of deposit in excess of the amount insured by the Federal Deposit Insurance Corporation, if any, shall be secured at all times in the manner provided by law by collateral security having market value not less than the amount of such excess, consisting of securities described in this section, items (1) through (4);
- D.** Investment agreements, guaranteed investment contracts, funding agreements, or any other form of corporate note representing the unconditional obligations of entities; (a) the unsecured long-term debt obligations or claims-paying ability ratings of which are rated in the top three rating categories by a NRSRO, or (b) the short-term debt obligation rated in the two highest categories of either of such rating agencies;
- E.** Repurchase agreements with financial institutions insured by the FDIC or FSLIC, or any broker-dealer with "retail customers" which falls under the jurisdiction of the Securities Investors Protection Corporation (SIPC), provided that: (a) the

over-collateralization is at one hundred two percent (102%), computed weekly, consisting of such securities as described in this section, items (1) through (4); (b) a third party custodian, the Trustee or the Federal Reserve Bank shall have possession of such obligations; © the Trustee shall have perfected a first priority security interest in such obligations; and (d) failure to maintain the requisite collateral percentage will require the Trustee to liquidate the collateral;

- F.** Money Market Mutual Funds registered with the Securities and Exchange Commission and rated in the highest category by a NRSRO;
- G.** Tax-exempt obligations rated in either of the two highest rating categories by a NRSRO, including money market funds so rated;
- H.** Deposits in the Local Agency Investment Fund (LAIF) referred to in Section 16429.1 of the Government Code of the State;
- I.** Deposits in the California Asset Management Plan (CAMP) referred to in the JPA Investment, approved by Resolution No. 98-104, of the Tracy City Council on April 7, 1998.
- J.** In the event the issue becomes credit enhanced, the foregoing permitted investments must be approved by the credit enhancement agency. In addition, the permitted investments may be expanded to include any other investments approved by the credit enhancement agency.

Amended by: Resolution 93-103 - 4/6/93
Resolution 94-228 - 7/19/94
Resolution 95-132 - 5/2/95
Resolution 97-354 - 10/21/97
Resolution 98-190 - 6/16/98
Resolution 99-343 - 9/7/99
Resolution 2000-351 - 8/15/00
Resolution 2001-360 - 10/2/01
Resolution 2002-236 - 8/6/02
Resolution 2004-209 - 716104
Revised by Resolution 2005-300 - 12/6/05
Resolution 2007-002 - 1/2/07
Revised by Resolution 2009-036 - 3/3/09
Resolution 2011-105 - 61711
Resolution 2012-093 - 6/5/11
Resolution 2015-



Supranational Slides

May 2015



What is a Supranational?

- Supranationals are international institutions that provide development financing, advisory services and/or other financial services to their member countries. Their goal is to achieve improving living standards through sustainable economic growth.
- A supranational entity is formed by two or more central governments with the purpose of promoting economic development for the member countries. Supranational institutions finance their activities by issuing debt, such as supranational bonds. Similar to the government bonds, the bonds issued by these institutions are considered very safe and have a high credit rating.
- Example of Supranational organizations are:
 - The World Bank
 - International Bank of Reconstruction and Development Bank
 - International Finance Corporation
 - Inter-American Development Bank
 - European Bank of Reconstruction and Development Bank

Supranationals for California Local Agencies

- Signed into law as a permitted investment on January 1, 2015 (CGC 53601).
- What the legislation allows:
 - A maximum portfolio allocation of 30% may be allocated to these securities.
 - The securities must be rated “AA” or better a nationally recognized statistical rating organization.
 - Security purchases are limited to the three Washington, DC based issuers.
 - Inter-American Development Bank
 - International Bank for Reconstruction and Development
 - International Finance Corporation
- The opportunities these securities provide to the City’s portfolio
 - High quality AAA issuers to further diversify the portfolio.
 - A potential replacement for shrinking supply of US Agency securities.
 - Yield pickup of 5-10 basis points to similar US Treasury securities.



Supranational Facts

	International Bank for Reconstruction and Development (IBRD)	International Finance Corporation (IFC)	Inter-American Development Bank (IADB)
Development purpose	Global source of funding to member governments	Global source of finance for private enterprise in developing countries.	Regional source of development finance for Latin America and the Caribbean.
Membership	Global –188 members	Global–184 members	Regional(Latin America and the Caribbean) –48
Year established	1944	1956	1959
Largest shareholder	United States –16%	United States –24%	United States –30%
Balance Sheet	USD 359 billion	USD 84.1 billion	USD 97 billion
Annual Funding Program	USD 40-50 billion	USD 18 billion	USD 21 billion
SEC exemption*	Yes	Yes	Yes, but still required to file certain information with SEC under SEC Regulation IA
Act of Congress Authorizing US membership	Bretton Woods Act 22 USC 286 et. Seq.	International Finance Corporation Act 22 USC282 et. Seq.	Inter-American Development Act 22 USC 283 et. seq.
Type of Lending	Preferred Creditor Status (PCS) Lending to Sovereigns or Sovereign guaranteed only	Lending to or equity investment in Emerging Market private sector entities	PCS Lending to Sovereign or Sovereign guaranteed (approximately 94%) plus Lending to private sector
Part of World Bank Group	Yes	Yes	No



Client List

- Sampling of Chandler Clients that have approved, or are in the process of approving, supranational securities for purchase:
 - City of Santa Clarita
 - Tulare County
 - Orange County Sanitation District
 - CSAC Excess Insurance Authority
 - City of Newport Beach

RESOLUTION 2015-___

ANNUAL REVIEW AND REVISION OF CITY OF TRACY INVESTMENT POLICY

WHEREAS, The City has an adopted investment policy that provides guidance regarding investment of City funds which is consistent with the State, and

WHEREAS, The current policy is comprehensive and meets all requirements of law, and

WHEREAS, Annually the City Treasurer reviews this policy with support from its registered investment advisors for any changes that would require amendment to the investment policy, and

WHEREAS, Legislation has been enacted through Government Code 53601§Q to allow the investment of City funds in supranational securities which may benefit the City of Tracy, and

WHEREAS, This agenda item is consistent with the City Council's overall Strategic Priorities: to have a fiscally responsible and efficiently- operated City organization that is committed to maintaining its fiscal health;

NOW, THEREFORE, BE IT RESOLVED, That the City Council, by resolution, accept the Treasurer's annual Report and approve the revision of the City Investment Policy (Council Policy B-6) to include the investment opportunities described in Government Code Section 53601§Q.

* * * * *

The foregoing Resolution 2015-_____ was adopted by Tracy City Council on the ___ day of September 15, 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST

CITY CLERK

AGENDA ITEM 1.B

REQUEST

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)

EXECUTIVE SUMMARY

The City of Tracy has elected to act as the Successor Agency for the former City of Tracy Community Development Agency following the dissolution of redevelopment agencies by the California State Legislature in February 2012. The attached Recognized Obligation Payment Schedule lists the Enforceable Obligations proposed for payment by the Successor Agency for the period January 1, 2016, through June 30, 2016, as required by law.

DISCUSSION

Effective February 1, 2012, the State of California dissolved redevelopment agencies through the passage of Assembly Bill X1 26 and replaced them with successor agencies responsible for the wind-down of the former redevelopment agencies. The City of Tracy City Council elected to serve as the successor agency for the former City of Tracy Community Development Agency (CDA). ABX1 26 also redirected the tax increment funding previously received by the CDA to a Redevelopment Property Tax Trust Fund (RPTTF) held by the County.

The Successor Agency previously approved an Enforceable Obligation Payment Schedule (EOPS) which listed various financial obligations of the City's former CDA including such items as required payments on existing bonds, bond trustee costs and other obligations. This EOPS, once recognized by the state, became the basis for the Recognized Obligation Payment Schedule (ROPS). The law now requires that successor agencies adopt a ROPS twice a year that lists all enforceable obligations proposed for payment in the subsequent six-month period. Funds once received by the CDA, now held in the RPTTF, are used to fund the ROPS. Any excess funds remaining in the RPTTF are then disbursed to the other taxing agencies (e.g. schools, special districts, city & county) who would have otherwise received the property taxes had the CDA not existed. Funds are disbursed on a pro-rata basis with the City of Tracy receiving approximately 17% of the remaining RPTTF. Attached is ROPS 15-16B for the period January 1, 2016, through June 30, 2016.

In summary, of the \$2,703,231 in enforceable obligations for this six-month period, \$2,578,231 is for outstanding debt obligations and fees of the former CDA including \$1,557,822 for 2003 Tax Allocation Bond A payments, \$1,008,409 for 2003 Tax Allocation Bond B payments, and \$12,000 for debt service fees. These bond payments will continue through 2034 for the Tax Allocation Bonds. The maximum allowable reimbursement for administrative costs and associated expenses is \$250,000, even though actual costs may exceed that

amount. Half of this amount is identified on each ROPS and will be funded with cash through the RPTTF funds.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no fiscal impact to the City's General Fund. Recognized obligations are paid from property tax revenue that previously was allocated to the Tracy Community Development Agency.

RECOMMENDATION

It is recommended that the City Council, acting in its capacity as the Successor Agency, adopt the attached resolution approving the Recognized Obligation Payment Schedule of the former Tracy Community Development Agency for the period January 1, 2016, through June 30, 2016.

Prepared by: Robert Harmon, Senior Accountant

Reviewed by: Daniel Sodergren, Successor Agency Counsel
V. Rachelle McQuiston, Administrative Services Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, Executive Director

ATTACHMENTS

Attachment A – ROPS 15-16B

RESOLUTION _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRACY, ACTING AS THE GOVERNING BOARD OF THE SUCCESSOR AGENCY FOR THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF TRACY, APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE

WHEREAS, The California state legislature enacted Assembly Bill x1 26 (the "Dissolution Act") to dissolve redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.); and

WHEREAS, On January 19, 2012 and pursuant to Health and Safety Code Section 34173, the City Council of the City of Tracy (the "City Council") declared that the City of Tracy, a municipal corporation (the "City"), would act as successor agency (the "Successor Agency") for the dissolved Community Development Agency of the City of Tracy (the "Former CDA") effective February 1, 2012; and

WHEREAS, On February 1, 2012, the Former CDA was dissolved pursuant to Health and Safety Code Section 34172; and

WHEREAS, The Dissolution Act provides for the appointment of an oversight board (the "Oversight Board") with specific duties to approve certain Successor Agency actions pursuant to Health and Safety Code Section 34180 and to direct the Successor Agency in certain other actions pursuant to Health and Safety Code Section 34181; and

WHEREAS, Health and Safety Code Section 34177(l)(2)(A) requires the Successor Agency to prepare a draft Recognized Obligation Payment Schedule (the "ROPS") and make associated notifications and distributions;

NOW, THEREFORE, BE IT RESOLVED, That the City Council, acting as the Governing Board of the Successor Agency, hereby authorizes and directs the City Manager or the City Manager's designee, acting on behalf of the Successor Agency, to organize and call the meetings of the Oversight Board to facilitate the Oversight Board's approval of the ROPS.

BE IT FURTHER RESOLVED, That the City Council, acting as the Governing Board of the Successor Agency, hereby approves the ROPS which contains the Successor Agency Administrative Cost Estimates.

BE IT FURTHER RESOLVED, That the City Council, acting as the Governing Board of the Successor Agency, hereby authorizes and directs the City Manager or the City Manager's designee, acting on behalf of the Successor Agency, to file, post, mail or otherwise deliver via electronic mail, internet posting, and/or hardcopy, all notices and transmittals necessary or convenient in connection with approval of the ROPS, and other actions taken pursuant to this Resolution.

BE IT FURTHER RESOLVED, That this Resolution shall take immediate effect upon adoption.

Resolution _____
Page 2

ADOPTED _____, 2015 by the City Council of the City of Tracy, acting in its capacity as the Successor Agency of the Community Development Agency of the City of Tracy, by the following vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chair

ATTEST:

Successor Agency Secretary

APPROVED AS TO FORM:

Successor Agency Counsel

Recognized Obligation Payment Schedule (ROPS 15-16B) - Summary

Filed for the January 1, 2016 through June 30, 2016 Period

Name of Successor Agency: Tracy
Name of County: San Joaquin

Current Period Requested Funding for Outstanding Debt or Obligation		Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding		
A	Sources (B+C+D):	\$ 125,000
B	Bond Proceeds Funding (ROPS Detail)	-
C	Reserve Balance Funding (ROPS Detail)	-
D	Other Funding (ROPS Detail)	125,000
E	Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 2,578,231
F	Non-Administrative Costs (ROPS Detail)	2,578,231
G	Administrative Costs (ROPS Detail)	-
H	Total Current Period Enforceable Obligations (A+E):	\$ 2,703,231
Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
I	Enforceable Obligations funded with RPTTF (E):	2,578,231
J	Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)	-
K	Adjusted Current Period RPTTF Requested Funding (I-J)	\$ 2,578,231
County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
L	Enforceable Obligations funded with RPTTF (E):	2,578,231
M	Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)	-
N	Adjusted Current Period RPTTF Requested Funding (L-M)	2,578,231

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (m) of the Health and Safety code, I
hereby certify that the above is a true and accurate Recognized
Obligation Payment Schedule for the above named agency.

Name	Title
/s/ _____	
Signature	Date

ATTACHMENT "A"

Tracy Recognized Obligation Payment Schedule (ROPS 15-16B) - ROPS Detail
 January 1, 2016 through June 30, 2016
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K					P
										Funding Source					
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF		
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	Six-Month Total
1	2003 Tax Allocation Bonds A	Bonds Issued On or Before 12/31/10	12/1/2003	12/1/2034	BNY Mellon	Debt Principle Thru 2034	1	\$ 81,553,488	N	\$ -	\$ -	\$ 125,000	\$ 2,578,231	\$ -	\$ 2,703,231
2	2003 Tax Allocation Bonds A	Bonds Issued On or Before 12/31/10	12/1/2003	12/1/2034	BNY Mellon	Debt Interest Thru 2034	1	26,845,000	N				920,000		\$ 920,000
3	2003 Tax Allocation Bonds B	Bonds Issued On or Before 12/31/10	12/1/2003	12/1/2034	BNY Mellon	Debt Principle Thru 2034	1	14,277,734	N				637,822		\$ 637,822
4	2003 Tax Allocation Bonds B	Bonds Issued On or Before 12/31/10	12/1/2003	12/1/2034	BNY Mellon	Debt Principle Thru 2034	1	16,770,000	N				500,000		\$ 500,000
5	2003 Tax Allocation Bonds B	Bonds Issued On or Before 12/31/10	12/1/2003	12/1/2034	BNY Mellon	Debt Interest Thru 2034	1	11,520,234	N				508,409		\$ 508,409
6	2008 Lease Revenue Bonds	Bonds Issued On or Before 12/31/10	12/16/2008	12/1/2038	City of Tracy	Agency Share of City debt thru 2038	1	9,200,000	N				-		\$ -
7	Successor Agency Admin Costs	Admin Costs	1/1/2013	6/30/2014	City of Tracy	Successor Agency Administration	1	125,000	N			125,000			\$ 125,000
8	2003 Tax Alloc. Bonds A & B	Fees	12/1/2003	6/30/2014	BNY Mellon	Payee and trustee expenses	1	12,000	N				12,000		\$ 12,000
9	SERAF	SERAF/ERAF	1/31/2012	12/31/2012	City of Tracy Housing	SERAF		2,803,520	N						\$ -
10									N						\$ -
11									N						\$ -
12									N						\$ -
13									N						\$ -
14									N						\$ -
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67									N						\$ -

AGENDA ITEM 1.C

REQUEST

AUTHORIZE AMENDMENT OF THE CITY'S POSITION CONTROL ROSTER BY APPROVING THE RECLASSIFICATION AND REALLOCATION OF A PART-TIME CLERICAL POSITION TO FULL-TIME ACCOUNTING ASSISTANT AND ADDING A NEW POSITION OF EXECUTIVE ASSISTANT IN THE ADMINISTRATIVE SERVICES DEPARTMENT AND APPROVE A GENERAL FUND APPROPRIATION IN THE AMOUNT OF \$117,800 FOR THE CHANGES

EXECUTIVE SUMMARY

This report recommends the reclassification and reallocation of the part-time Clerical Aide position to full-time Accounting Assistant, and adding the position of Executive Assistant in the Administrative Services Department as part of achieving strategic priorities and goals in the City. The reclassification of a part-time position to full-time Accounting Assistant position will meet the City's need by adding flexibility to current staffing in the department. The addition of an Executive Assistant position will assist the Director in organizing, planning and managing the administrative functions of the department in an efficient manner.

DISCUSSION

Accounting Assistant

The current part-time Clerical Aide position is responsible for numerous tasks in the Administrative Services Department (ASD) including all mailroom operations, performing the scanning and entry of the daily mail deposit of utility bill payments, assisting the front counter staff with mail, email, faxes, etc. and assisting Senior Accounting Assistants and Accounting Technicians as needed. The position is fully cross-trained to perform all Accounting Assistant tasks and duties including accepting OTC payments, processing the daily bank deposit, taking utility and business license related phone calls and processing utility and business license applications. In addition, all Accounting Assistants are cross-trained in all mailroom, mail deposit procedures, and other tasks performed by the Clerical Aide.

The Clerical Aide has been a key position within the ASD for more than ten years and the responsibilities have grown as the department downsized during the recession. As the economy has rebounded and the department gets busier, the duties and responsibilities of this position continue to increase, as do the number of hours being worked. Currently classified as a .75 full-time equivalent (FTE) position, the incumbent regularly works a full work-week; however, the part-time classification at a lower position limits the department's ability to utilize this position as a fill-in for other Accounting Assistants in their absence, despite being fully cross-trained. Among the most public-facing job duties of the Accounting Assistant is the cashiering of utility, business license and other payments at the department's front-counter, a key task that requires constant staffing even when staff is absent. Reclassification of this position to Accounting

Assistant will provide additional flexibility to both staff the front counter and carry-out all the other duties and responsibilities of the position.

Executive Assistant

In 2011 and as a result of the recession, the Finance Department and Human Resources Department were combined to form the Administrative Services Department with each becoming a division of the new department. Subsequent to this reorganization, the Executive Assistant positions in both divisions were eliminated with the duties being divided up between multiple administrative staff in each division. As the economy has improved, activity in both divisions has increased. The ASD is also responsible for the Information Systems Division. Staff assisting the Director are increasingly busy performing their primary duties in human resources and accounts payable. In addition, the Administrative Services Director is increasingly involved in projects that take a large amount of organization, planning and support. The use of multiple staff is both cumbersome and inefficient. An Executive Assistant position to assist the ASD in planning, organizing and managing the administrative functions of the department is essential to efficient operations. In addition, the Executive Assistant will perform a variety of complex advanced executive support duties for departmental management and assigned department programs; may exercise functional and technical supervision over administrative support staff; and perform other related duties as assigned.

Reclassification of Incumbent

The Clerical Aide position is currently filled with a long-time employee. This incumbent has been performing the higher level duties of the Accounting Assistant for over a year and a half to varying degrees and meets the requirements for reclassification to the existing Accounting Assistant classification in accordance with the City of Tracy Personnel Rules Sections 3.4 (Classification Review) and 8.10 (Reclassification of an Employee's Position). Therefore, it is appropriate for this incumbent be reclassified.

STRATEGIC PLAN

This agenda item supports the City's Governance Strategy and Business Plan and specifically implements the following goal and objectives:

Goal 1: Further develop an organization that attracts, motivates, develops and retains a high-quality, engaged, informed and high-performing workforce.

Objective 1b: Affirm organizational values.

FISCAL IMPACT

The fiscal impact for approving these changes is estimated at \$117,800 during the current fiscal year, of which approximately \$23,000 will be recovered through indirect costs. For FY 2015/16, \$117,800 is being requested to be appropriated from fund balance to cover the cost of the changes. Future year costs will be incorporated into the Administrative Services departmental budget.

RECOMMENDATION

That the City Council, by resolution, authorize the Administrative Services Director to amend the City's Classification and Compensation Plan, and the Budget Officer to amend the Position Control Roster by approving the reclassification and reallocation of the Clerical Aide to Accounting Assistant; add the position of Executive Assistant in the Administrative Services Department; and approve a general fund appropriation of fund balance in the amount of \$117,800 to fund these changes.

Prepared by: Robert Harmon, Senior Accountant

Reviewed by: Daniel Sodergren, City Attorney
V. Rachelle McQuiston, Administrative Services Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment A: Accounting Assistant Job Description
Attachment B: Executive Assistant Job Description

RESOLUTION _____

AUTHORIZE AMENDMENT OF THE CITY'S POSITION CONTROL ROSTER BY APPROVING THE RECLASSIFICATION AND REALLOCATION OF A PART-TIME CLERICAL POSITION TO FULL-TIME ACCOUNTING ASSISTANT AND ADDING A NEW POSITION OF EXECUTIVE ASSISTANT IN THE ADMINISTRATIVE SERVICES DEPARTMENT AND APPROVE A GENERAL FUND APPROPRIATION IN THE AMOUNT OF \$117,800 FOR THE CHANGES

WHEREAS, The City has a Position Control Roster; and

WHEREAS, The Administrative Services Department has established a need to reclassify and reallocate a Clerical Aide position to Accounting Assistant, and

WHEREAS, The Administrative Services Director needs an Executive Assistant to assist in planning, organizing and the managing the administrative duties of the Director, and

WHEREAS, The fiscal impact for approving these changes is estimated at \$117,800 during the current fiscal year, of which approximately \$23,000 will be recovered through indirect costs;

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The City Council authorizes the Administrative Services Director to amend the City's Position Control Roster as follows:

- a) Reclassification: Clerical Aide to Accounting Assistant as described in the attached job description.
- b) Part-time Clerical Aide currently performing the duties to be reclassified as an Accounting Assistant.
- c) This action will be effective October 1, 2015.
- d) Create position: Executive Assistant as described in the attached job description.

2. That the City Council approve a general fund appropriation from fund balance to in the amount of \$117,800 for these changes.

Resolution _____
Page 2

The foregoing Resolution _____ was adopted by the Tracy City Council on the 15th day of September, 2015 by the following votes:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

ACCOUNTING ASSISTANT

Bargaining Unit: Technical and Support Services
Class Code: 40112
Revision Date: May 11, 2011
FLSA: Non-Exempt

DESCRIPTION:

Under supervision, to perform responsible basic clerical accounting support work involving the processing and maintenance of financial records and transactions in the areas of accounts payable, accounts receivable, cashiering, utility billing and issuance of business licenses; provide extensive customer service and assistance to the public with inquiries regarding account status; resolve basic customer problems and complaints satisfactory; may perform general office support duties; and to perform other related duties as assigned.

DISTINGUISHING CHARACTERISTICS INCLUDING SUPERVISION RECEIVED AND EXERCISED:

This is the entry level in the Accounting Assistant classification series. Incumbents in this class perform routine financial clerical office support duties initially under close supervision. As experience and skill are gained, incumbents are expected to perform assigned duties with increasing independence. This class is distinguished from the Senior Accounting Assistant in that the latter is the more experienced level and processes more difficult recordkeeping duties requiring specialized knowledge in an assigned area. Receives supervision from management or higher level accounting staff. Provides no supervision.

ESSENTIAL AND MARGINAL DUTIES:

Duties may include, but are not limited to, the following:

Participate in the preparation of payroll, accounts payable and accounts receivable as well as the maintenance and verification of the accounting system.

Open and close accounts; maintain various ledgers, registers and journals according to established account classifications.

Receive payments and issue receipts for business licenses; water, sewer, and refuse collection services; and miscellaneous fees.

Process billings for water and refuse services; prepare invoices; receive and input payments and deposits.

Assist customers at the counter by providing information, explaining billing procedures, issuing dog licenses, issuing tickets for various purposes, answering questions, and resolving problems or complaints.

Balance cash receipts daily; prepare bank deposit slips and deliver to bank.

Process business licenses; copy new applications and distribute to departments as necessary; notify approved applicants; type and issue licenses; prepare renewal notices; receive and record payments for business licenses.

Enter a variety of data into the computer including water meter readings, utility deposits, additional charges for services; enter adjustments and changes as needed.

Prepare list and maintain file of City businesses; forward copies of listing to other departments.

Research and answer employee and department questions regarding the status of accounts and payments, the proper coding of transactions and other matters.

Use standard office support technology and systems including word processing and spreadsheet application packages.

Perform various routine clerical duties such as sorting and distributing mail, typing and filing,

Performs related duties as assigned.

MINIMUM QUALIFICATIONS:

Knowledge of:

Standard financial record keeping and accounting principles and procedures.

Modern office practices, procedures, equipment and methods.

Standard office equipment such as telephone, personal computer, printer, typewriter, copier, microfilm, electronic mail, calculator, fax or other standard office machines.

Computer software used for word processing, data entry, and spreadsheet calculations.

Principles of basic mathematics.

Terminology used in financial and statistical record keeping.

Ability to:

Understand and interpret principles, laws, and procedures involved in financial record keeping and accounting functions.

Plan and organize work to meet deadlines on a timely basis.

Type or use word processing to produce clear, clean, accurate documents in a timely manner.

Remain tactful, courteous and patient when dealing with the public.

Follow oral and written instructions.

Learn to operate a computer terminal for data input, inquiry, and report generation.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective relationships with those contacted in the course of work.

Maintain regular and reliable level of attendance.

EDUCATION AND EXPERIENCE

Any combination of education and experience that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

High School Diploma or equivalent. Specialized training or college level course work in bookkeeping, basic accounting, computer software or a related field is desirable.

Experience:

One year of experience performing general clerical accounting and customer service duties.

LICENSES/CERTIFICATES

Possession of or ability to obtain an appropriate, valid California drivers' license.

TOOLS AND EQUIPMENT:

Phones; personal computer and printer; copy machine; postage machine; fax machine; base radio; 10-key calculator, typewriter, shredder.

PHYSICAL DEMANDS AND WORK ENVIRONMENT:

PHYSICAL REQUIREMENTS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and talk or hear. The employee is required to walk; use hands to finger, handle, or operate objects, tools, or controls; and reach with hands and arms, May be expected to lift and move containers weighing up to 25 lbs. Specific vision abilities required by this job include close vision, color vision, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The positions work in an office environment where the temperature remains constant. The noise level in the work environment is moderately noisy. There may be intermittent interruptions from phones, public inquiries and other staff.

EXECUTIVE ASSISTANT

Bargaining Unit: Technical and Support Services
Class Code: 40108
Revision Date: May 18, 2011
FLSA: Non-Exempt

DESCRIPTION:

Under general supervision, to plan, organize, coordinate and manage administrative functions of an assigned department; perform a variety of complex advanced executive support duties for departmental management and assigned department programs; may exercise functional and technical supervision over administrative support staff; and to perform other related duties as assigned.

DISTINGUISHING CHARACTERISTICS INCLUDING SUPERVISION RECEIVED AND EXERCISED:

Executive Assistant is an advanced journey level classification responsible for providing a full range of advanced administrative and executive support to Department Heads and management staff on assignments in a wide variety of departmental areas requiring independent decision making, judgment and initiative, application of in-depth and comprehensive knowledge of department policies and procedures, and the ability to problem-solve and use sound judgment. The scope of duties may include, but is not limited to, independently researching and compiling data for reports and projects, displaying information in charts and spreadsheets, developing and maintaining various sensitive documents and files, assisting in administering department programs and budgets, and providing lead direction over lower level administrative office support staff.

ESSENTIAL AND MARGINAL DUTIES:

Duties may include, but are not limited to, the following:

Participate and assist in the administration of the department and assigned department programs; perform a wide variety of complex, highly responsible administrative duties; meet time sensitive deadlines

Interact with the public, all levels of City personnel, representatives from businesses and community organizations, City Council, commissions, and boards in the performance of assigned duties

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures; maintain financial statistics

Perform independent complex research; identify sources; collect and assemble detailed data, materials, and manuals; compile, organize and display information for special projects and various reports

Prepare comprehensive detailed reports and summaries; display information in charts and spreadsheets; perform arithmetical and statistical calculations

ATTACHMENT B

Prepare and monitor documents related to contracts, plans, and claims; ensure compliance with agreements, rules, and regulations

Enter data into computer; initiate and maintain a variety of detailed and accurate files and records; maintain manuals and update resource material; manage and maintain calendars and schedules

Coordinate administrative work flow; organize and evaluate administrative functions; recommend organizational or procedural changes affecting support activities; develop administrative methods for new projects; monitor administrative operations, policies, and procedures

Provide direction to administrative support staff including planning, prioritizing, assigning, reviewing and overseeing work; monitor staff performance; determine work priorities and methods; participate in staff selection and training; provide input to performance evaluations; work with employees to correct deficiencies; recommend corrective action

Schedule and coordinate training; manage personnel files and training records

Screen calls, visitors, mail, and e-mail; respond to requests for information and assistance; resolve and answer citizen questions, concerns, and complaints; interpret and explain City policies, procedures, laws, and regulations

Compose a variety of sensitive and detailed documents, letters, memoranda and instructions from brief notes or verbal information

Maintain schedules and calendars; plan, schedule, coordinate and oversee meetings, conferences and civic functions; make travel arrangements

Oversee, authorize, and monitor orders for office supplies and other departmental purchases

Use standard computer office software and equipment including word processing and spreadsheet packages, databases, graphics, and may use desktop publishing or software particular to the area assigned

Perform related duties as assigned.

MINIMUM QUALIFICATIONS:

Knowledge of:

Principles of office management and organizational methods

Principles and techniques of research methods

Modern office practices, policies, procedures and methods; standard office equipment and applicable computer software

Policies and vision of the City; procedures and precedents of the department to which assigned; organization and procedures of outside organizations dealt with in the course of work

ATTACHMENT B

Proper English usage, spelling, grammar, punctuation, math; business letter writing; report preparation; proof-reading

Principles of bookkeeping, record-keeping, basic accounting and/or basic budgeting

Record-keeping and file systems

Applicable Federal, State, local laws, codes, and regulations

Government contracting procedures

Basic principles of lead supervision; personnel practices and procedures

Methods of customer service

Ability to:

Plan, coordinate, organize, analyze and perform responsible, detailed and complex administrative support work using independent judgment and personal initiative

Research and analyze information gathered in order to compose reports and special projects

Work cooperatively with other departments, City officials, the public, and outside agencies; establish and maintain effective relationships

Communicate clearly, concisely and effectively, both verbally and in writing

Read, interpret, and apply laws, ordinances, and departmental procedures

Evaluate and recommend change to policies, programs, and practices

Understand and carry out directions and work effectively under pressure with frequent interruptions

Exercise discretion, initiative, and independent judgment; maintain confidential information

Compile and maintain accurate, complex, and extensive data and reports; set priorities and meet critical deadlines

Effectively operate computers with expertise in applicable programs

Assist in the formation of policies, procedures, and budgets

Analyze situations and adopt effective, appropriate course of action; analyze, evaluate, and resolve potentially sensitive issues through discussion and persuasion in order to gain concurrence and cooperation

Organize, delegate, and direct work of administrative support staff

Establish and maintain constructive and harmonious relationships with department heads, coworkers and the general public

EDUCATION AND EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

High School Diploma or equivalent, supplemented by specialized secretarial or college level courses in business, computer software, or courses related to assigned area

Experience:

Five years of increasingly responsible administrative support and customer service experience, including one year of experience providing direct support to a senior management level staff and/or serving in a lead or supervisory capacity. Office management experience preferred.

LICENSES AND CERTIFICATES

Possession of, or ability to obtain, a valid California driver license

TOOLS AND EQUIPMENT:

Requires frequent use of personal computer and related software programs; calculator, telephone, copy machine, and fax machine.

PHYSICAL DEMANDS AND WORK ENVIRONMENT:

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit, talk, or hear. The employee is required to use hands to finger, handle, feel, or operate objects, tools, or controls and reach with hands and arms and perform simple grasping and fine manipulation. On a continuous basis the employee must sit at a desk and in meetings for long periods of time. Intermittently the employee must twist to reach equipment surrounding the desk. May be expected to lift and move containers weighing up to 25 lbs. Specific vision abilities required include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The positions work in an office environment where the temperature remains constant. The noise level in the work environment is moderate to noisy. There may be intermittent interruptions from phones, public inquiries, and other staff.

AGENDA ITEM 1.D

REQUEST

**AUTHORIZE THE PURCHASE OF EMERGENCY EQUIPMENT AND INSTALLATION
FROM LEHR AUTO ELECTRIC OF SACRAMENTO, CALIFORNIA**

EXECUTIVE SUMMARY

The Police Department is in the process of replacing several marked and unmarked vehicles as part of the fleet. All vehicles require specific after-market emergency and safety equipment, which is purchased and installed from specialized vendors. The Police Department has been working with Lehr Auto Electric for several years on configuring custom equipment to the specific needs of our vehicles.

DISCUSSION

The 2015-2016 fiscal year budget provides designated funds for replacement of police vehicles, including the purchase and outfitting marked and unmarked vehicles.

The emergency and safety equipment that is custom configured to the vehicles needs to remain consistent in appearance, function and location inside the vehicle to ensure the officers' ability to use it safely, efficiently and effectively. The Police Department has been working with Lehr Auto Electric for several years on developing customized configurations for Tracy PD vehicles.

Staff recommends we maintain the working relationship with Lehr Auto Electric as the vendor and installer of our equipment, thus ensuring the equipment consistency. It is also recommended that the City "piggybacks" on an existing government contract between Lehr Auto Electric and the County of Placer (Contract #BP021656). The cooperative purchasing agreement has already gone through a competitive bid process and is likely a better deal, due to the economies of scale from agencies throughout the State, including the lead agency Placer County as well as Tehama County, City of Sacramento, City of Roseville and City of Turlock.

Staff is requesting that Council approve the purchase of emergency equipment and installation services under a cooperative purchasing agreement through the County of Placer as allowed under Section 2.20.220 of the Tracy Municipal Code (the purchasing ordinance).

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to Council's seven strategic plans.

FISCAL IMPACT

In fiscal year 2015-2016, \$215,100 has been designated for the replacement of existing vehicles and associated emergency equipment. The bid received from Lehr Auto Electric of \$57,646.09 is within budget after the cost of vehicles is taken into consideration.

RECOMMENDATION

Staff recommends the City Council approve, by resolution, the purchase of emergency equipment and installation services from Lehr Auto Electric, in the amount of \$57,646.09 from the approved fiscal year 2015-2016 vehicle replacement budget.

Prepared by: Alex Neicu, Lieutenant

Reviewed by: Jeremy Watney, Acting Chief of Police
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

AGENDA ITEM 1.E

REQUEST

AUTHORIZE THE PURCHASE OF THREE VEHICLES (FORD TAURUS) FROM TRACY FORD OF TRACY, CALIFORNIA

EXECUTIVE SUMMARY

The Police Department needs to replace three existing unmarked vehicles from the existing fleet. They will be replaced by three Ford Taurus Police Interceptor vehicles, which have been determined to be the standard unmarked Tracy PD vehicles.

DISCUSSION

The 2015-2016 fiscal year budget provides designated funds for replacement of police vehicles, including the purchase of three unmarked patrol vehicles. Under the current program, the existing vehicles that are phased out are replaced by Ford Taurus Police Interceptor models.

As part of the bid process covered under TMC 2.20.180, three local Ford dealers were contacted and requests for bids were sent to Tracy Ford, Heidlen Ford (Oakdale, CA) and Manteca Ford/Mercury. Two bids were received back from Tracy Ford and Heidlen Ford. Tracy Ford provided the lowest bid for the three vehicles with the requested specifications, for a total purchase of \$85,556.13.

Staff is requesting that Council approve the purchase of three Ford Taurus vehicles from Tracy Ford.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to Council's seven strategic plans.

FISCAL IMPACT

In fiscal year 2015-2016, \$90,000 has been designated for the replacement of existing unmarked vehicles. The bid received from Tracy Ford of \$85,556.13 is within budget.

RECOMMENDATION

Staff recommends the City Council approve, by resolution, the purchase of three Ford Taurus vehicles from Tracy Ford, in the combined amount of \$85,556.13 from the approved fiscal year 2015-2016 vehicle replacement budget.

Prepared by: Alex Neicu, Lieutenant

Reviewed by: Jeremy Watney, Acting Chief of Police
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

AGENDA ITEM 1.F

REQUEST

APPROVAL OF A GENERAL SERVICES AGREEMENT, NOT TO EXCEED \$285,000, WITH CONTRACT SWEEPING SERVICES, FOR SERVICES REQUIRED FOR STREET, ALLEY, AND PARKING LOT SWEEPING; AUTHORIZE THE CITY MANAGER TO EXECUTE EXTENSIONS AND ANY MINOR AMENDMENTS ASSOCIATED WITH THIS AGREEMENT; AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT

EXECUTIVE SUMMARY

Council authorization is requested for a General Services Agreement with Contract Sweeping Services to provide street, alley, and parking lot sweeping. The City currently has a total annual estimated 12,800 curb miles to be swept which include alleys and parking lots. The Agreement is for October 1, 2015 through September 30, 2016 with the option to extend the Agreement for five additional one year terms.

DISCUSSION

Street sweeping services are performed throughout the City to maintain clean streets, alleys, and parking lots, and reduce debris entering the City's storm drain system. Sweeping is completed every two weeks on all City streets, with the exception of the downtown business district which is swept twice a week. Selected City paved alleys and parking lots are swept on a monthly basis.

The City currently contracts with Advanced Building Cleaners, Inc. for street sweeping services. The current contract is set to expire on September 30, 2015. In preparation of the current contract expiring, staff composed a Request for Bids and issued a "Notice Inviting Bids" for street sweeping services. The notice was published on August 6, 2015 and August 13, 2015. As a result, one bid was received and the bid terms were reviewed by City staff. The bid received was deemed responsive and provides the required services at a cost of \$21.77 per curb mile.

Staff recommends that the General Services Agreement for street, alley, and parking lot sweeping be awarded to Contract Sweeping Services of Milpitas, California. Upon approval, the initial term of the Agreement will be from October 1, 2015 through September 30, 2016. In the event that the City determines Contract Sweeping Services has satisfactorily performed all requirements in this Agreement, the City may extend the Agreement for five additional one year terms.

STRATEGIC PLAN

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

FISCAL IMPACT

Adequate funding is available in the Fiscal Year 2015/16 Operating Budget for street sweeping services. The budget is funded by the General Fund (6%) and by the Solid Waste Fund (94%). This Agreement has a not to exceed amount of \$285,000.

RECOMMENDATION

That the City Council, by resolution, approve a General Services Agreement with Contract Sweeping Services for services required for street, alley, and parking lot sweeping; authorize the City Manager to execute extensions and any minor amendments associated with this Agreement; and authorize the Mayor to execute the Agreement.

Prepared by: Connie Vieira, Management Analyst I, Public Works Department

Reviewed by: Robert Gravelle, Public Works Superintendent
David Ferguson, Public Works Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment A – General Services Agreement

City of Tracy
GENERAL SERVICES AGREEMENT
STREET, ALLEY, AND PARKING LOT SWEEPING

This General Services Agreement (Agreement) is entered into between the City of Tracy, a municipal corporation (City), and Contract Sweeping Services, a California Corporation (Contractor).

Recitals

- A. On August 6, 2015 and August 13, 2015, City published a Request for Bids for Street, Alley, and Parking Lot Sweeping (hereinafter "Project").
- B. On August 20, 2015, Contractor submitted its Bid for the Project to the City.
- C. The City has determined that the Contractor's Bid was responsive. Therefore, it is advantageous and in the best interest of the City to enter into the Agreement hereinafter set forth.
- D. On September 15, 2015, the City Council authorized the execution of this Agreement, pursuant to Resolution No. 2015-_____.

Now therefore, the parties agree as follows:

- 1. **Scope of Services.** Contractor shall perform the services described in Exhibit "A" attached and incorporated by reference. The services shall be performed by, or under the direct supervision of, Contractor's Authorized Representative: Scott Boyd, Route Manager. Contractor shall not replace its Authorized Representative, nor shall Contractor replace any of the personnel listed in Exhibit A, nor shall Contractor use any subcontractors, without City's prior written consent.
- 2. **Time of Performance.** Time is of the essence in the performance of services under this Agreement and the timing requirements set forth shall be strictly adhered to unless otherwise modified in writing. Contractor shall begin performance, and shall complete all required services no later than the dates set forth in Exhibit A. Contractor shall start and complete any services for which times for performance are not specified in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the Contractor. Contractor shall submit all requests for extensions of time to the City in writing no later than ten days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. City shall grant or deny such requests at its sole discretion.
- 3. **Compensation.**
 - 3.1 **General.** For services performed under this Agreement, City shall pay Contractor on a time and expense basis, at the billing rates set forth in Exhibit B, attached and incorporated by reference. Contractor's fee for this Agreement is Not to Exceed \$285,000. Contractor's billing rates shall cover all costs and expenses for Contractor's performance of this Agreement. No work shall be performed by Contractor in excess of the Not to Exceed amount without City's prior written approval.

3.2 Invoices. Contractor shall submit monthly invoices to the City describing the services performed, including times, dates, and names of persons performing the service.

3.3 Payment. Within 30 days after the City's receipt of invoice, City shall make payment to the Contractor based upon the services described on the invoice and approved by the City.

4. Indemnification. Contractor shall, to the fullest extent permitted by law, indemnify, defend (with independent counsel approved by the City), and hold harmless the City from and against any claims arising out of Contractor's performance or failure to comply with obligations under this Agreement, except to the extent caused by the sole, active negligence or willful misconduct of the City.

In this section, "City" means the City, its officials, officers, agents, employees and volunteers; "Contractor" means the Contractor, its employees, agents and subcontractors; "Claims" includes claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all related costs and expenses in connection therein) and any allegations of these; and "Arising out of" includes "pertaining to" and "relating to".

The provisions of this section survive completion of the services or the termination of this contract, and are not limited by the provisions of Section 5 relating to insurance.

5. Insurance.

5.1 General. Contractor shall, throughout the duration of this Agreement, maintain insurance to cover Contractor, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth here.

5.2 Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) "per occurrence" coverage shall be maintained in an amount not less than \$2,000,000 general aggregate and \$5,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

5.3 Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") "claims made" coverage shall be maintained in an amount not less than \$5,000,000 per accident for bodily injury and property damage.

5.4 Workers' Compensation coverage shall be maintained as required by the State of California.

5.5 General Liability "claims made" coverage shall be maintained to cover damages that may be the result of errors, omissions, or negligent acts of Contractor in an amount not less than \$5,000,000 per claim.

5.6 Endorsements. Contractor shall obtain endorsements to the automobile and commercial general liability with the following provisions:

5.6.1 The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."

5.6.2 For any claims related to this Agreement, Contractor's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Contractor's insurance and shall not contribute with it.

5.7 Notice of Cancellation. Contractor shall notify City if the policy is canceled before the expiration date. For the purpose of this notice requirement, any material

change in the policy is considered a cancellation. Contractor shall immediately obtain a replacement policy.

5.8 Authorized Insurers. All insurance companies providing coverage to Contractor shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

5.9 Insurance Certificate. Contractor shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance and endorsements, in a form satisfactory to the City, before the City signs this Agreement.

5.10 Substitute Certificates. No later than 30 days before the policy expiration date of any insurance policy required by this Agreement, Contractor shall provide a substitute certificate of insurance.

5.11 Contractor's Obligation. Maintenance of insurance by the Contractor as specified in this Agreement shall in no way be interpreted as relieving the Contractor of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Contractor may carry, at its own expense, such additional insurance as it deems necessary.

6. Independent Contractor Status; Conflicts of Interest. Contractor is an independent contractor and is solely responsible for the acts of its employees or agents, including any negligent acts or omissions. Contractor is not City's employee and Contractor shall have no authority, express or implied, to act on behalf of the City as an agent, or to bind the City to any obligation, unless the City provides prior written authorization. Contractor is free to work for other entities while under contract with the City. Contractor, and its agents or employees, are not entitled to City benefits.

Contractor (including its employees or agents) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Contractor maintains or acquires such a conflicting interest, City may terminate any contract (including this Agreement) involving Contractor's conflicting interest.

7. Termination. The City may terminate this Agreement by giving ten days written notice to Contractor. Upon termination, Contractor shall give the City all original documents, including preliminary drafts and supporting documents, prepared by Contractor for this Agreement. The City shall pay Contractor for all services satisfactorily performed in accordance with this Agreement, up to the date notice is given.

8. Ownership of Work. All original documents prepared by Contractor for this Agreement, whether complete or in progress, are the property of the City, and shall be given to the City at the completion of Contractor's services, or upon demand from the City. No such documents shall be revealed or made available by Contractor to any third party without City's prior written consent.

9. Miscellaneous.

9.1 Notices. All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the other party as follows:

To City:
Public Works Department
520 Tracy Boulevard
Tracy, CA 95376

To Contractor:
Contract Sweeping Services
760 E. Capitol Avenue
Milpitas, CA 95035

With a Copy to:
City Attorney
333 Civic Center Plaza
Tracy, CA 95376

Communications are deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) three working days following the deposit in the United States Mail of registered or certified mail, sent to the above address.

9.2 Standard of Care. Unless otherwise specified in this Agreement, the standard of care applicable to Contractor's services will be the degree of skill and diligence ordinarily used by reputable Contractors performing in the same or similar time and locality, and under the same or similar circumstances.

9.3 Modifications. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

9.4 Waivers. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

9.5 Assignment and Delegation. Contractor may not assign, transfer or delegate this Agreement or any portion of it without the City's written consent. Any attempt to do so will be void. City's consent to one assignment shall not be deemed to be a consent to any subsequent assignment.

9.6 Jurisdiction and Venue. The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

9.7 Compliance with the Law. Contractor shall comply with all local, state, and federal laws, whether or not those laws are expressly stated in this Agreement.

9.8 Business Entity Status. Contractor is responsible for filing all required documents and/or forms with the California Secretary of State and meeting all requirements of the Franchise Tax Board, to the extent such requirements apply to Contractor. City may void this Agreement if Contractor is a suspended corporation, limited liability company or limited partnership at the time it enters into this Contract, City may take steps to have this Agreement declared voidable.

9.9 Business License. Before the City signs this Agreement, Contractor shall obtain a City of Tracy Business License.

9.10 Entire Agreement; Severability. This Agreement comprises the entire integrated understanding between the parties concerning the services to be performed. This Agreement supersedes all prior negotiations, representations or agreements.

If a term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in effect.

10. Improvement Security. Concurrently with the execution of this Agreement by the Contractor, and before beginning any Work, the Contractor shall furnish improvement security, in a form substantially the same as that set forth in the attached Exhibits, or in an alternate form authorized by state law and approved by the City, in the following amounts:

10.1 Labor and Material. Security in the amount of 100% of the "Not to Exceed" amount of the Contract, described in section 3.1., to secure payment by the Contractor to laborers and materialmen (until the date on which claims are required to be made by laborers and materialmen pursuant to law).

10.2 Warranty. Security in the amount of 10% of the "Not to Exceed" amount of the Contract, described in section 3.1., to secure faithful performance of this Agreement (from the date on which the City Council accepts the Work as complete until one year after).

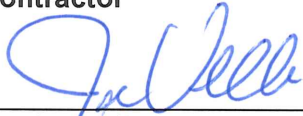
11. Signatures. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into this Agreement on behalf of the respective legal entities of the Contractor and the City. This Agreement shall inure to the benefit of and be binding upon the parties and their respective successors and assigns.

The parties agree to the full performance of the terms set forth here.

City of Tracy

Contractor

By: Michael Maciel
Title: Mayor
Date: _____
Approved by City Council on September 15, 2015 by Resolution No. 2015-

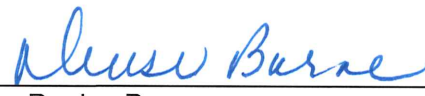

By: Joe Vella
Title: President
Date: 9-1-15
Federal Employer Tax ID No. 20-0314158

Attest:

Nora Pimentel, City Clerk

Approved as to form:

Daniel G. Sodergren, City Attorney


By: Denise Barone
Title: Secretary
Date: 9-1-15

Exhibits:

- A Scope of Services (including personnel, time for performance) (Agreement sections 1 and 2)
- B Compensation (Agreement section 3)

EXHIBIT "A"
SCOPE OF SERVICES
FOR
STREET, ALLEY, AND PARKING LOT SWEEPING
FOR
CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

1. STREET AND PARKING LOT SWEEPING

The Contractor will use and furnish at the Contractor's expense all labor, equipment, and materials necessary for the satisfactory performance of the street sweeping, alley sweeping, and parking lot sweeping work set forth herein. After sweeping, curbs and gutters must be left in a clean condition, free of litter and debris. The sweeping will include as many passes as necessary to leave the street in a clean condition. Contractor must maintain a log which indicates dates, times, streets, and miles swept. The log (preferred electronically) must be available for inspection upon request by the Public Works Superintendent or her/his designee.

A. Schedule

The sweeping schedule (including dates and times) to be utilized for residential and commercial streets, alleys, and parking lots will be provided by the Public Works Department. Any subsequent deviations from this route and schedule must be approved by the Public Works Superintendent. If deviations from the schedule are approved, the Contractor will be responsible for notifying individual households that are affected IN WRITING at least 15 days (and no more than 30 days) prior to beginning the new schedule. All street sweeping will be performed as follows:

1. Residential and Commercial Streets

All residential and commercial streets, including any center or median strips and bulb-outs/turn pockets therein, will be swept along the curb every two weeks or as agreed between the City and the Contractor. Residential streets will be swept between the hours of 7:00 a.m. and 5:00 p.m. Commercial streets will be swept between the hours of 5:00 a.m. and 8:00 p.m.

Exceptions:

The following downtown commercial streets will be swept twice per week (Mondays and Fridays from 5:00 a.m. to 6:30 a.m.):

Tenth Street (Parker Avenue to E Street)
Central Avenue (Eleventh Street to Fourth Street)
Sixth Street Plaza (C Street to D Street east and west bound including parking areas)

2. Alleys

All City owned paved alleys must be swept on a monthly basis. Those alleys not having curbs must be swept along the edge of the pavement.

3. Intersections

The following intersections must be swept on a monthly basis:

Tracy Boulevard/Clover Road	Eleventh Street/East Street
Tracy Boulevard/Grant Line Road	Eleventh Street/MacArthur Drive
Tracy Boulevard/Eleventh Street	Grant Line Road/Naglee Road
Tracy Boulevard/Schulte Road	Grant Line Road/Corral Hollow Road
Tracy Boulevard/Central Avenue	Grant Line Road/Lincoln Boulevard
Tracy Boulevard/Valpico Road	Grant Line Road/Holly Drive
Eleventh Street/Lammers Road	Grant Line Road/MacArthur Drive
Eleventh Street/Corral Hollow Road	Corral Hollow Road/Schulte Road
Eleventh Street/Lincoln Boulevard	Corral Hollow Road/Byron Road
Eleventh Street/Central Avenue	Corral Hollow Road/Valpico Road

4. Parking Lots

The following City parking lots must be swept on a monthly basis:

Downtown (adjacent to Tracy Inn)	Tracy Ball Park
Downtown (adjacent to Delta Disposal)	Tracy Sports Complex
Downtown (9 th Street and B Street)	Tracy Library
Dr. Powers Park	Community Center
El Pescadero Park	City Hall
Lincoln Park	Police Department
Tiago Park	Park and Ride Lot (Naglee Road)
Plascencia Fields (upper and lower)	Legacy Fields entrance and exit to west end and roundabouts only
Transit Station – Parking lots on east and south side of building	

Sweeping will normally be performed on the perimeter of the parking lot, but additional sweeping on the interior of the parking lot must be completed as needed or as requested. Sweeping must be done after the normal operating hours of the facility so that no vehicles remain in the parking lot at the time sweeping is done. In the case of parks in residential neighborhoods, sweeping must be done at such time as to avoid noise complaints from adjacent residents. Sweeping days and times for all parking lots will be approved by the Public Works Superintendent or her/his designee.

5. Emergency Callouts

The Contractor must provide a 24-hour telephone number and/or list of employees, including telephone numbers and pager numbers, who are available for 24-hour

emergency callout service. Compensation for emergency callouts will be on an hourly basis according to the rates listed in the Schedule of Prices. The Contractor must respond within two hours of an emergency callout.

6. Holidays

Street sweeping shall not be performed on holidays that are observed by the City, which are as follows:

New Year's Day	Veteran's Day
Martin Luther King Jr. Day	Thanksgiving Day
President's Day	Day After Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	

If sweeping is not to be performed on certain holidays, the Contractor must be able to sweep the missed streets on the next business day. City must be advised in advance of holidays to be observed by Contractor.

7. Delays in Sweeping Schedule

In the event of inclement weather, the Contractor will not be required to perform either the regular sweeping schedule or a makeup schedule. The Contractor will, if requested by the Public Works Superintendent, sweep any streets which become littered with storm debris. In the event of a mechanical breakdown, service will be provided by the Contractor with sufficient backup equipment. The Contractor must have at least two sweepers available for immediate use on a 24-hour basis.

8. Qualifications

Contractor must demonstrate to the City the following:

- a. A minimum of three years' experience in the municipal street sweeping business and provide five municipal references of same.
- b. Evidence Contractor maintains an adequate number of street sweepers to complete each shift on a daily basis.
- c. Personnel must be available during normal business hours to respond to questions and service requests. Additional telephone numbers and personnel must be provided in case of an emergency.
- d. Certificate of liability insurance (minimum \$5,000,000), workers' compensation insurance, and a performance bond equal to the estimated street sweeping charges for a full three month period.
- e. All equipment must meet minimum safety standards as outlined by the Department of Transportation (DOT) in regard to strobe lights, arrow board, and if applicable, use of a shadow vehicle with an arrow board and impact attenuator.

- f. Contractor must have a valid California General Contract License at the time of the bid and keep the license current throughout the length of the Agreement with the City.

The Contractor's operators must meet the following requirements:

- a. Possess a valid California commercial driver's license
- b. Possess a valid DOT medical card
- c. Pass a pre-hire drug screen
- d. Be subject to random drug and alcohol screening
- e. Have their Motor Vehicle Record (MVR) reviewed annually
- f. Be tested for cause on all accidents
- g. Must wear American National Standards Institute (ANSI) Class 3 safety vest at all times
- h. Participate in monthly safety meetings with their employer

B. Estimated Miles to be Swept

The total annual estimated curb miles to be swept are 12,800. This includes streets, alleys, and parking lots. Curb mileage is calculated according to actual miles swept and not machine odometer readings.

It is recognized that a need may arise to increase the frequency of sweeping during the heavy leaf-fall season. In the event that such a need does arise, the Contractor will increase the frequency of sweeping as directed by the Public Works Superintendent or her/his designee.

Any streets added to the City during the term of the Agreement, either by new construction or annexation, will be swept according to the appropriate schedule beginning as soon as said streets are officially accepted by the City.

C. Street Sweeping Complaints

The Contractor must investigate any complaints which may concern or involve the performance listed in these Specifications. The Contractor will report to the Public Works Superintendent or her/his designee, via email, on the following working day as to the action or procedure taken with reference to any complaints, and when necessary, complete the citizens' request form which will remain on file in the City offices. Care must be taken to avoid damage to existing installations and to all public and private property. Any such damage will be repaired at the Contractor's expense and to the satisfaction of the City.

D. Disposal of Sweepings

The City will be responsible for the costs associated with the disposal of street sweeper waste. The Contractor will dispose of all refuse collected by hauling the street sweeper waste to a legally established refuse disposal site or other site approved by the Public Works Superintendent or her/his designee. Refuse will not be stored on the street but will be loaded into trucks or in appropriately placed containers, acceptable to the Public Works Superintendent. If containers are used, they must be dumped upon completion of the sweeping cycle.

E. Water

City will provide sufficient water for the street sweeping equipment to comply with these Specifications and to assure that the curb and gutter are left in a clean condition and the amount of dust during sweeping is in compliance with regulatory laws.

City may provide water meters for each sweeper if deemed necessary. If sweepers are equipped with meters, readings must be taken monthly and submitted to the Public Works Superintendent.

F. Sweepers

All sweepers utilized must be Certified PM10 Efficient. Sweeper capabilities will be no less than four cubic yards capacity and will be sufficient to perform the work required herein, and at an absolute minimum will include two primary sweepers and one back-up sweeper. The primary sweepers will not be more than three years old and the backup sweeper will not be more than five years old.

The Contractor's equipment will be subject to periodic inspection by the City. Copies of all equipment repair work will be sent to the Public Works Superintendent or her/his designee within 15 days of repair(s). Machines must be equipped with an adequate water spray-system for dust control.

Attention is directed to the current California Air Resources Board, Environmental Protection Agency (EPA), San Joaquin Valley Air Pollution Control District, and Occupational Safety and Health Administration (OSHA) Standards. All equipment, tools, and materials that are furnished and/or installed as part of this Agreement must meet or exceed the aforementioned standards in order to be considered acceptable.

The Contractor will need to have access to a broom-type sweeper in the event regenerative air sweepers are not capable of removing heavy debris.

The Contractor will supply all labor, equipment, supplies, and appurtenances to fulfill the requirements of this work. All equipment used for the performance of this Agreement will be heavy duty mechanical broom sweeping and vacuum equipment necessary to properly clean streets.

Equipment will be properly maintained both as to condition and appearance so as to insure a high level of street sweeping services, and must meet all state regulations and requirements.

Quality and quantity of the equipment used by the Contractor for the sweeping of streets must be sufficient to perform the work required herein, within the hours of work specified herein, and an absolute minimum of two primary sweeper will be provided. In the event that the primary sweepers or operators are unable to perform, the Contractor will provide other sweepers with competent operators without interruption in service. No additional compensation will be provided for supplying other sweepers and/or operators.

All sweepers must be capable of performing to the minimum criteria outlined herein, and must be maintained both mechanically and visually throughout the term of this Agreement with capability to insure scheduled routine maintenance and proper adjustment for sweepers.

The Contractor must comply with the DOT regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991.

Sweepers must be capable of sweeping a minimum eight foot width as measured from the outside edge of the gutter broom in a single pass. Street sweepers must have a minimum hopper capacity of four cubic yards. Sweepers must also be equipped with a left-gutter broom for median work. Alternative street sweepers may be considered at the sole discretion of the Public Works Superintendent or her/his designee.

Sweeping equipment will be equipped with adequate warning devices and lights for safe operation and must meet all vehicle operation requirements of the State of California Department of Motor Vehicles and the California Highway Patrol.

All street sweepers must be equipped with an automatic vehicle location device (vehicle location and management system (e.g., GPS)) which will report all street sweeping activity to the Contractor and be available for viewing by the Public Works Superintendent or her/his designee.

All units must be clearly and prominently marked with the Contractor's name and unit number.

The Contractor must keep a sufficient supply of spare parts, including brooms, to ensure continuous operation.

Brooms must be replaced periodically and adjusted to ensure maximum efficiency. No additional compensation will be made for periodic maintenance or for the replacement of parts to the equipment.

All equipment must be properly registered and insured in accordance with state and local laws. The Contractor will submit proof of ownership or a signed lease for the machinery proposed to be used to perform work under this Agreement.

All units will have the capability of being contacted by their main office with radio or paging equipment.

G. Personnel

1. *Background/Security:* All Contractor personnel engaged in performance of this work must be employees of Contractor and as such will be warranted to possess sufficient

experience and security records to perform this work. Contractor must conduct a thorough background investigation of each Contractor employee providing services under this Agreement, including but not limited to, investigation of employment and police records and must maintain copy of that request.

2. *Supervision:* The Contractor will provide a Supervisor who communicates effectively both in written and oral English and who will be available and randomly check the operators sweeping schedules and routes during Contract operations. Any order or communication given to the Supervisor shall be deemed as delivered to the Contractor.
3. *Identification:* Contractor must provide uniforms and name badges displaying company name for all field personnel which must be worn at all times during performance of the work.
4. *Conduct:* No workman will be employed on any work under these Specifications who is found to be incompetent, disorderly, troublesome, intemperate, or otherwise objectionable. Any employee who fails or refuses to perform the work properly and acceptably, as determined by the Contractor's Supervisor, will be discharged immediately and not be re-employed on the work. Contractor will effectuate removal of requested Contractor personnel within three business days.
5. *Sweeping Operators:* The same operators will be used throughout the Agreement period for uniformity and knowledge of areas. Contractor will attempt to provide adequately trained operators to minimize disruption of service. Contractor is responsible for ensuring that any and all new sweeping operators will be adequately trained by Contractor Supervisors.

PERSONNEL PROBLEMS ARE NOT ACCEPTABLE REASONS FOR FAILURE TO COMPLY WITH SWEEPING SCHEDULES.

H. Sweeper Operation

The sweeper must be operated at a safe speed which will allow for maximum debris pick-up. Speeds should not exceed three to five miles per hour in heavy buildup of debris and six to eight miles per hour in light buildup.

I. Storage of Sweeping Equipment and Supplies

The Contractor will be responsible for storage of street sweeping equipment and supplies.

2. SUPERVISION BY PUBLIC WORKS SUPERINTENDENT

Performance of each provision of these Specifications will be under the supervision of the Public Works Superintendent or her/his designee.

The Contractor will faithfully and regularly provide service in accordance with these Specifications. The work must be done in a prompt, thorough, lawful, and workmanlike manner, according to the provisions of these Specifications.

The Contractor agrees to comply with all applicable provisions of federal, state, and local laws and regulations governing the duties and obligation of businesses and employers. The Contractor must comply with regulations of the Federal Highway Administration (FHWA) regarding drug and alcohol testing programs.

The Contractor will so conduct its operations as to cause the least possible obstruction and inconvenience to public traffic. Sweeping will be accomplished in the same direction as traffic flow at all times during sweeping.

Sweeping speed must be adjusted to street and debris condition with a maximum speed of eight miles per hour. Contractor will not be compensated for streets swept while vehicle exceeds eight miles per hour.

The work performed by the Contractor will include sweeping all areas of the street, including a minimum eight-foot width as measured from the outside edge of the gutter broom in a single pass as close as practicable to the face of curb, or to the edge of pavement where no curb exists, for both street edge curbs on raised medians and all intersection cross-gutters. Therefore, a road with a curb on both sides of the street and a curbed median will receive at least four passes with sweeping equipment to be considered swept. Noses or ends of curbed median areas and curb returns are to be maintained on the same frequency as the median or intersection for which they are associated.

Cul-de-sacs, curb returns (radii) and curb bulb-outs/turn-pockets, and gutters behind detached curb bulb-outs/turn-pockets of all streets will be swept along their entire length and free of debris on scheduled sweep days. Storm drain inlets are to remain free of debris and not collect sweeping debris during operations of the curb sweeping process.

The Contractor will remove all loose debris and material normally picked up and removable by a fully operational mechanical or vacuum street sweeper. This includes, but is not limited to: sand, gravel, glass, nails, bottles, cans, leaves, silt, mud, and litter. All debris along the sweeping path, no matter what quantity, is to be removed from the public right of way and properly disposed of. Sweeping will normally consist of a single pass over an area; however, the Contractor will make additional passes, or such *extra effort* as may be required to reasonably clean the street.

The Public Works Superintendent or her/his designee, must be notified immediately of the occurrence of unusually heavy debris that cannot be removed by extra effort sweeping. Extra effort will be required to remove dirt/silt smear remaining in the swept pathway. Extra effort is expected during bad weather. The cost for extra effort is included in the Agreement price, and no additional compensation will be given.

The Contractor must immediately remove debris swept onto driveway aprons, sidewalks, and access ramps. If debris cannot be removed with mechanical sweeping, the Contractor will collect debris manually. The cost for manually removing debris, excepting non-sweepable items (as defined below), swept from the roadway and onto driveway aprons, sidewalks, and access ramps is included in the Agreement price, and no additional compensation will be given.

Non-swept or non-sweepable items such as small tree limbs, palm fronds, rocks, silt, mud, trash, and debris must be collected and removed by the Contractor from the normal sweeping path. Larger obstructions such as tree limbs, construction or landscape contractor

debris, must be immediately reported to the Public Works Superintendent or her/his designee.

The street sweeper must leave designated areas of sweeping free of dirt, litter, debris, obstructions, smears, and visible dust to the maximum extent practicable. If streets do not meet maximum extent practicable standards for sweeping on the scheduled sweeping day, the Contractor must sweep the deficient street within 48 hours after the normal sweeping day at no cost to the City. The determination of maximum extent practicable will be at the sole discretion of the Public Works Superintendent or her/his designee.

The Contractor must immediately notify the Public Works Superintendent or her/his designee, when a street or section of streets will be or had been missed during regularly scheduled street sweeping. The Contractor will notify the Public Works Superintendent when re-sweeps are scheduled.

Dust suppression will be employed during all sweeping operations to comply with all state and local regulations for dust control. The sweeping of regularly scheduled routes without the use of dust control will result in a 50% reduction in compensation for each day that dust suppression was not used. The Contractor will properly obtain potable water (or water of similar quality) used for dust control, and no additional compensation will be allowed therefore.

The City will notify the Contractor of needed corrections and any re-sweeps required following complaints received by the City. In the event that the results of a sweep are considered to be unsatisfactory by the City, the City will notify the Contractor of the exact location and description of deficiency. The Contractor will re-sweep the unsatisfactory area at its sole expense within the time limits specified.

3. COMPLIANCE WITH LAWS

The Contractor, its agents, subcontractors and employees, must comply with all laws, ordinances, rules and regulations of the State, County, and the City of Tracy, and all governing bodies having jurisdiction applying to work done or to be done under these Specifications.

4. INSURANCE

A. Throughout the duration of the Agreement, the Contractor must maintain comprehensive general liability and property damage insurance or commercial general liability insurance, covering all operations of the Contractor, its agents and employees, performed in connection with the Agreement including, but not limited to, premises and automobile.

B. The Contractor must maintain the following minimum limits:

General Liability	
Combined Single Limit Per Occurrence	\$5,000,000
General Aggregate	\$5,000,000
Automobile Liability	
Combined Single Limit Per Occurrence	\$5,000,000

Workers' Compensation Insurance must be maintained as required by the State of California and Employer's Liability Insurance.

- C. All insurance companies affording coverage to the Contractor will be required to add the City of Tracy, its employees, elected officials, agents, and volunteers, as additional "insureds" under the insurance policy for all work performed in accordance with these Specifications.
- D. All insurance companies affording coverage to the Contractor must be insurance organizations authorized by the Insurance Commissioner of the State Department of Insurance to transact business of insurance in the State of California.
- E. All insurance companies affording coverage must provide 30-day written notice to the City of Tracy should the policy be canceled before the expiration date. For the purposes of this notice requirement, any material change in the policy prior to the expiration date will be considered a cancellation.
- F. The Contractor must provide evidence of compliance with the insurance requirements listed above by providing a Certificate of Insurance and Endorsements, in a form satisfactory to the City Attorney.
- G. The Contractor must provide a substitute Certificate of Insurance no later than 30 days prior to the policy expiration date. Failure by the Contractor to provide such a substitution and extend the policy expiration date will be considered a default by the Contractor and will subject the Contractor to a suspension or termination of work under these Specifications.
- H. Maintenance of insurance by the Contractor as specified in these Specifications will in no way be interpreted as relieving the Contractor of any responsibility whatsoever and the Contractor must carry, at its own expense, such additional insurance as it deems necessary.
- I. All insurance certificates and endorsements which are part of the Agreement with the City must be approved by the Public Works Director and City Attorney as to form and content.

5. INDEMNIFICATION OF CITY

The Contractor will indemnify and hold harmless the City and its officers, agents, and employees against all claims for damages to persons or property arising out of the conduct of the Contractor or its employees, agents, subcontractors, or by these Specifications, excepting only those claims arising from the sole negligence or sole willful misconduct of the City, its officers, agents, or employees. The Contractor's indemnification will include any and all cost, expenses, attorney's fees and liability incurred by the City, its officers, agents, or employees in defending against such claims, whether the same proceed to judgment or not. Further, the Contractor at its own expense, will upon written request by the City, defend any such suit or action brought against the City, its officers, agents, or employees.

Contractor's indemnification of City will not be limited by any prior or subsequent declaration by the Contractor.

6. PERFORMANCE BOND

The Contractor must provide the City with a performance bond issued by a corporate surety authorized to conduct business as such by the State of California, or other equivalent security approved by the City Attorney, naming the City as obligee, in an amount equal to the estimated street sweeping charges for a full three month period. Said performance bond will be included as part of the Agreement with the City.

7. LICENSES

The Contractor will do the following:

- a. Obtain and keep current a City of Tracy Business License.
- b. Possess the appropriate State of California driver's license prior to commencing the work.
- c. Possess the appropriate manufacturer certification, if necessary.
- d. Obtain all applicable permits.

8. SUBCONTRACTORS

The name, background, and experience of any and every firm to which any work outlined in these Specifications is to be subcontracted by the Contractor, must be submitted to the Public Works Director for her/his approval. Unless a subcontract is approved in writing by the Public Works Director, the Contractor must perform all the work outlined in these Specifications using its own equipment and personnel. The City will require any such subcontractor to be notified that the subcontractor must obtain a payment bond for the full amount of the subcontract, which payment bond must be issued by a corporate surety authorized to issue such bonds by the State of California. It must be clearly understood that the Contractor, irrespective of any approved subcontract, will be held entirely responsible for the quality and quantity of the work done under the terms of the Agreement. No subcontract to do any work outlined in these Specifications is to run longer than the term of the Agreement, and the extension or renewal of any such subcontract agreement can only be made with the approval of the Public Works Director. The Agreement will not be assignable in all or part without the express written approval of the City.

9. TERM OF AGREEMENT

The Agreement will be from October 1, 2015 through September 30, 2016. The City retains the option to extend the Agreement period for five additional one-year terms up to a maximum of five additional terms. The City may exercise its option to extend the Agreement for each additional one-year term by providing a 30-day written notice from the City extending the Agreement. The City's decision to exercise its option will be based upon the Contractor's past performance being satisfactory to the City. The Contractor's performance will be reviewed on a semi-annual basis.

10. DEFAULT BY CONTRACTOR

The Agreement may be canceled by the City without liability for damage, when in the City's opinion the Contractor is not complying in good faith, is repeatedly charged liquidated damages pursuant to Section 13 for violations, has become insolvent, or has assigned or subcontracted any part of the work without the City's consent. In the event of such cancellation, the Contractor will be paid the actual amount due based on unit prices and the quantity of work completed at the time of cancellation. Damages caused to the City by acts of the Contractor will be subtracted from this said amount. The Contractor, in having tendered a Bid, will be deemed to have waived any and all claims for damages because of cancellation of the Agreement for any such reason. If the City declares the Agreement canceled for any of the above reasons, written notice to that effect will be served upon the Surety. The Surety will, within five business days, assume control and perform the work as successor to the Contractor.

If the Contractor fails to execute the work in the manner at such locations as specified, and carry out the intent of the Agreement, a written notice may be served upon the Contractor and the Surety on its performance bond or equivalent, as provided in Section 6, demanding satisfactory compliance with the Agreement.

If the Contractor or its Surety does not comply with such notice within five business days after receiving it, or fails to continue after starting to comply, the City may exclude it from the premises and take possession of all material and equipment. The City may complete the work by its own forces, or by letting the unfinished work to another Contractor, or by a combination of such methods. In any event, the cost of completing the work will be charged against the Contractor and its Surety and may be deducted from any money due or becoming due from the City. If the sums due under the Agreement are insufficient, the Contractor or Surety must pay to the City, within five business days after the completion, all costs in excess of the sums due.

If the Surety assumes any part of the work, it will take the Contractor's place in all respects for that part and will be paid by the City for all work performed by it in accordance with the Agreement. If the Surety assumes the entire Agreement, all money due the Contractor at the time of its default will be payable to the Surety as the work progresses, subject to the terms of the Agreement.

The provisions of this section will be in addition to all other rights and remedies available to the City under law.

11. TERMINATION OF AGREEMENT

The City may terminate the Agreement with a 30 day notice to Contractor at City's own discretion or when conditions encountered during the work make it impossible or impracticable to proceed, or when the City is prevented from proceeding with the Agreement by act of God, by law, or by official action of a public authority.

12. PAYMENT TO CONTRACTOR

Compensation for street sweeping will be based on the actual number of curb miles swept. Quantities submitted by the Contractor for payment by the City will be according to the Bid - Schedule of Prices. Callout hours are subject to approval by the Public Works Director or

her/his designee. The Schedule of Prices contains the unit prices for the performance of services pursuant to the Agreement.

The Contractor will submit invoices on a monthly basis. Payment for services rendered per the Specifications will be made within 30 days following the month during which services have been performed, provided that the specified reports and invoices have been submitted in a timely manner.

13. LIQUIDATED DAMAGES

Failure of the Contractor to complete the work in accordance with these Specifications will result in damages being sustained by the City. Such damages are, and will continue to be, impracticable and extremely difficult to determine.

Following are cause for liquidated damages:

- a. Operation of sweeper without using sufficient water to control dust.
- b. Operation of sweeper exceeding the stated speed limits for operation.
- c. Missing scheduled sweeping days without providing prior notice to the Public Works Superintendent or her/his designee (excluding inclement weather).
- d. Any failure or refusal by the Contractor to perform in accordance with the terms of this Agreement.

When observed violating any of the foregoing on the first occurrence, the Contractor will be notified in writing by the City. The Contractor will respond within five business days with a written plan stating how compliance will be obtained. If the Contractor violates the same specification a second time, the City will have the right to withhold and retain, as a liquidated damages charge, payment of \$500 which is an estimate of one times the cost of service which was scheduled for that day. Each separate violation will result in a liquidated damages charge in the amount of \$500.

Execution of the Agreement will constitute an agreement between the City and the Contractor that the estimates for liquidated damages are reasonable. Such liquidated damages will not be construed as a penalty, and may be deducted from payments due the Contractor during or after the billing cycle in which such delay occurs.

14. PROTECTION OF EXISTING PROPERTY

The Contractor will be responsible for the protection of public and private property adjacent to the work from damages and must exercise due caution to avoid damage to such property. The Contractor must repair or replace all damaged property as a result of its operations. The sweepers shall carry an emergency spill kit in the event of a mechanical leak and must report the event to the Public Works Superintendent as soon as possible.

EXHIBIT "B"

COMPENSATION

UNIT PRICES FOR STREET SWEEPING SERVICES

ITEM DESCRIPTION	UNIT OF MEASURE	ESTIMATED ANNUAL QUANTITY	PRICE PER CURB MILE	TOTAL ANNUAL BID PRICE
Street Sweeping (includes alleys and parking lots)	Curb Mile	12,800	\$21.77	\$278,656

Emergency Callout	Cost per Hour \$95
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RESOLUTION _____

AUTHORIZING APPROVAL OF A GENERAL SERVICES AGREEMENT, NOT TO EXCEED \$285,000, WITH CONTRACT SWEEPING SERVICES FOR SERVICES REQUIRED FOR STREET, ALLEY, AND PARKING LOT SWEEPING; AUTHORIZING THE CITY MANAGER TO EXECUTE EXTENSIONS AND ANY MINOR AMENDMENTS ASSOCIATED WITH THIS AGREEMENT; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

WHEREAS, The City of Tracy currently contracts for street, alley, and parking lot sweeping with the current contract expiring on September 30, 2015, and

WHEREAS, On August 6, 2015 and August 13, 2015, staff published a Notice Inviting Bids, and reviewed the only bid received.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council approves a General Services Agreement (GSA) from October 1, 2015 through September 30, 2016 (with options to extend for five additional one-year terms), not to exceed \$285,000, with Contract Sweeping Services for services required for street, alley, and parking lot sweeping, and
2. The City Council authorizes the City Manager to execute extensions and any minor amendments associated with the GSA, and
3. The City Council authorizes the Mayor to execute the GSA.

* * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 15th day of September 2015, 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

AUTHORIZATION TO AWARD THE PURCHASE OF FIVE 35-FOOT LOW FLOOR BUSES FOR TRACER FIXED ROUTE SERVICE TO GILLIG CORPORATION UNDER THE CENTRAL CONTRA COSTA TRANSIT AUTHORITY CONTRACT 2012-MA-02, AUTHORIZE A SUPPLEMENTAL APPROPRIATION TO CIP 77550 IN THE AMOUNT OF \$2,000,000, AND APPROVE A CONTINGENCY AMOUNT OF \$50,000 FOR ANY CHANGE ORDERS NEEDED DURING PRODUCTION

EXECUTIVE SUMMARY

The City of Tracy currently has \$2,178,600 in federal grant money from the Federal Transportation Administration (FTA) 49 U.S.C. Section 5307 Grant Funding for the purchase of replacement fixed route buses. Local government agencies may make purchases using another agency's purchasing contract, a process known as "piggybacking." Generally, smaller agencies piggyback on contracts awarded by larger "host" agencies, allowing the smaller agencies to save time and obtain better prices and terms than they might be able to on their own.

Staff is seeking to purchase five buses by "piggybacking" off an existing contract between the Central Contra Costa Transit Authority (CCCTA) and Gillig Corporation (Gillig) of Hayward, California. There is an existing CIP for the purchase of fixed route replacement buses, but it only has \$700,000 appropriated to it for bus purchases. A supplemental appropriation of an additional \$2,000,000 to CIP 77550 is also requested in order to make the purchase. This purchase is paid completely with money the City receives from the FTA and the Transportation Development Act (TDA).

DISCUSSION

This City of Tracy's Tracer transit system operates both fixed route and paratransit services. The fixed route fleet consists of medium duty buses which have exceeded their useful life of seven years according to FTA standards. Staff is seeking to replace five of the fixed route buses with heavy duty buses which have a useful life of twelve years.

The Tracy Municipal Code (TMC) Chapter 2.20 Contracts and Purchasing allows the City to voluntarily participate in any cooperative purchasing agreements with other public agencies. The CCCTA has entered into a contract with Gillig Corporation of Hayward, California, for the purchase of fixed route buses and said contract allows for other federal, state, county and local entities to contract under the terms and conditions. This form of procurement is commonly referred to as "piggybacking" and is allowable as defined in the FTA Circular 4220.1F wherein grantees may assign contractual rights to purchase goods and services to other grantees if the original contract contains appropriate assignability provisions.

The City Council previously authorized application of Federal Transportation Administration (FTA) 49 U.S.C. Section 5307 Grant Funding for the purchase of fixed route buses which is spread out over the following four grants:

Grant #	FTA Amount	TDA Amount	Total
CA-90-Y823	\$471,200	\$117,800	\$589,000
CA-90-Y915	\$446,400	\$111,600	\$558,000
CA-90-Z006	\$420,000	\$105,000	\$525,000
CA-90-Z292	\$841,000	\$210,250	\$1,051,250
TOTAL	\$2,178,600	\$544,650	\$2,723,250

FTA 5307 Grant funding requires certain assurances from the City that funds will be used in a manner which complies with all federal statutes, regulations, executive orders and administrative procedures applicable to the grant.

The total cost for one Gillig Low Floor 35-foot diesel bus with recommended options will be \$518,890.34. The total base price for all five buses will be \$2,594,452. Staff is also asking that a contingency amount of \$10,000 per bus, for a total of \$50,000, be added to address any changes that may arise during the production process. There will be other costs after the new vehicles arrive such as license and registration fees, radio installation, and TRACER signage that are not included in this bid but are already included in the approved grant amounts. The total requested amount for all five buses, including the contingency, is \$2,644,452. There is a total of \$2,723,250 in grant funding available.

The existing CIP, 77550, for the purchase of fixed route replacement buses has \$700,000 appropriated to it. An additional \$2,000,000 will need to be appropriated to CIP 77550 in order to make the purchase. Of that amount, \$1,600,000 will come from FTA funds, and \$400,000 will come from TDA funds.

The new buses will be 35 feet long, with low floors for easier ADA access, and use diesel fuel. Seating capacity for the buses will be approximately 26 passengers and two wheelchair positions, or 23 passengers if three wheelchair positions are being utilized. It will take approximately 20 months from the time of order until the buses are in service.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no fiscal impact to the General Fund. The base price for five buses will be \$2,594,452. By adding in a contingency amount of \$50,000 (\$10,000 per bus) to address any changes that may arise during the production process, the total requested amount for all five buses, including the contingency, is \$2,644,452. There is a total of \$2,723,250 in grant funding currently available in the amount of \$2,178,600 from the FTA and \$544,650 in matching costs coming from the state TDA funds.

RECOMMENDATION

That City Council, by resolution, authorize the purchase of five 35-foot low floor buses for Tracer fixed route service to Gillig Corporation under the Central Contra Costa

Transit Authority Contract 2012-MA-02, authorize a supplemental appropriation to CIP 77550 in the amount of \$2,000,000, and approve a contingency amount of \$50,000 for any change orders needed during production.

Prepared by: Ed Lovell, Management Analyst II

Reviewed by: David Ferguson, Director of Public Works
Allan Borwick, Budget Officer
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

RESOLUTION _____

AUTHORIZING THE AWARD OF THE PURCHASE OF FIVE 35-FOOT LOW FLOOR BUSES FOR TRACER FIXED ROUTE SERVICE TO GILLIG CORPORATION UNDER THE CENTRAL CONTRA COSTA TRANSIT AUTHORITY CONTRACT 2012-MA-02, AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO CIP 77550 IN THE AMOUNT OF \$2,000,000, AND APPROVING A CONTINGENCY AMOUNT OF \$50,000 FOR ANY CHANGE ORDERS NEEDED DURING PRODUCTION

WHEREAS, The City Council previously authorized application for Federal Transportation Administration (FTA) 49 U.S.C. Section 5307 Grant Funding for the purchase of fixed route replacement buses in the amount of \$2,178,600, and

WHEREAS, The City has an additional \$544,650 in matching grant funds from the State of California Transportation Development Act (TDA), and

WHEREAS, Tracy Municipal Code Section 2.20.220 allows the City to voluntarily participate in cooperative purchasing agreements with other public agencies, and the Central Contra Costa Transit Authority (CCCTA) has entered into a contract with Gillig Corporation of Hayward, California, for the purchase of fixed route buses and said contract allows for other federal, state, county and local entities to contract under the terms and conditions, and

WHEREAS, CIP 77550 has \$700,000 appropriated for the purchase of fixed route replacement buses and a supplemental appropriation of \$2,000,000 is needed in order to purchase the five buses, and

WHEREAS, a contingency amount of \$50,000 is requested for any change orders needed during production;

NOW, THEREFORE, BE IT RESOLVED, That the City Council authorizes the award the purchase of five 35-foot low floor buses for Tracer fixed route service to Gillig Corporation under the Central Contra Costa Transit Authority Contract 2012-MA-02, authorizes a supplemental appropriation to CIP 77550 in the amount of \$2,000,000 and approves a contingency amount of \$50,000 for any change orders needed during production.

The foregoing Resolution _____ was adopted by the Tracy City Council on the 15th day of September 2015, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

September 15, 2015

AGENDA ITEM 1.H

REQUEST

APPROVE AMENDMENT NO. 1 TO MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TRACY AND THE GIRL SCOUTS HEART OF CENTRAL CALIFORNIA AND AUTHORIZE THE MAYOR TO EXECUTE THE AMENDMENT

EXECUTIVE SUMMARY

In 1949, the City entered into an agreement with the Girl Scouts of America (GSHCC) for the use of City owned land which houses the Girl Scout Hut. Since then, several agreements have renewed that original agreement. GSHCC will be investing in several capital upgrades to the facility, including a new roof and improved ADA access and would like to enter into a longer term agreement in order to secure its investment. This Amendment No. 1 to the existing Memorandum of Understanding will extend the term of use of the property by Girl Scouts Heart of Central California from five to ten years.

DISCUSSION

The City of Tracy and the Girl Scouts of America entered into a lease agreement in 1949 for City owned property that currently houses the Girl Scout Hut, located at 2301 Bessie Avenue, Assessor's Parcel No. 233-020-01. The Girl Scout organization in Tracy has changed names several times and the current successor is Girl Scouts Heart of Central California.

Since 1949, the original agreement has been renewed in five and ten year increments. The Girl Scouts Heart of Central California will be investing in several capital upgrades to the facility, including a new roof and improved ADA access and would like to continue to lease the City owned property for the sole right and privilege of occupying and using it for the purpose of Girl Scouts activities for a 10-year term. Upon approval, the term of the Memorandum of Understanding (MOU) will be from January 1, 2015 through December 31, 2024.

STRATEGIC PLAN

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

FISCAL IMPACT

Approval of this Amendment will minimally impact the General Fund. The annual revenue to the City is approximately \$300 per year, or \$3,000 over the term of the MOU.

RECOMMENDATION

That City Council, by resolution, approve this Amendment to the MOU with the Girl Scouts Heart of Central California and authorize the Mayor to execute the Amendment.

Agenda Item 1.H
September 15, 2015
Page 2

Prepared by: Christine Mabry, Management Analyst I

Reviewed by: Brian MacDonald, Management Analyst II
David Ferguson, Public Works Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment: A – Amendment No. 1 to the Memorandum of Understanding between the City of Tracy and Girl Scouts Heart of Central California

**CITY OF TRACY
AMENDMENT NO. 1 TO
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TRACY
AND GIRL SCOUTS HEART OF CENTRAL CALIFORNIA**

This Amendment No. 1 ("Amendment") to the Memorandum of Understanding is entered into between the City of Tracy, a municipal corporation ("City"), and Girl Scouts Heart of Central California, a California corporation ("Association").

RECITALS

- A.** The City and Girl Scouts Heart of Central California entered into Memorandum of Understanding ("Agreement") for the use of the land, management, and operations of 2301 Bessie Avenue, Assessors' Parcel No. 233-020-01 ("Premises").
- B.** To ensure that the MOU is accurate regarding the desired use of City facilities, the parties wish to amend the Section 3.1 of the MOU.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

- 1. Incorporation by Reference.** This Amendment incorporates by reference all terms set forth in the Agreement, unless specifically modified by this Amendment. The terms which are not specifically modified by this Amendment shall remain in effect.
- 2. Terms of Amendment.** Section 3.1 is amended to read as follows: "*The term of this MOU will be for a period of ten years, commencing on January 1, 2015 and ending on December 31, 2024.*"
- 3. 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.
- 4. Severability.** If 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 effect.

5. 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. This Amendment shall inure to the benefit of and be binding upon the parties and their respective successors and assigns.

The parties agree to the full performance of the terms set forth here.

City of Tracy

Girl Scouts Heart of Central California

By: _____
Michael Maciel
Title: Mayor

By: _____
Dr. Linda E. Farley
Title: Chief Executive Officer

Date: _____

Date: _____

Attest:

By: _____
Nora Pimentel
Title: City Clerk

Date: _____

Approved as to form

By: _____
Daniel G. Sodergren
Title: City Attorney

Date: _____

RESOLUTION _____

APPROVING AMENDMENT NO. 1 TO MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TRACY AND THE GIRL SCOUTS HEART OF CENTRAL CALIFORNIA AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT

WHEREAS, In 1949, the City of Tracy entered into an agreement with the Girl Scouts of America for the use of City owned land to house the Girl Scout Hut, and

WHEREAS, Several agreements have extended the original agreement, and

WHEREAS, The Girl Scouts of America will be investing in several capital upgrades to the facility, including a new roof and improved ADA access and would like to enter into a longer term agreement in order to secure its investment, and

WHEREAS, Staff recommended an amendment to the Memorandum of Understanding (MOU) with the Girl Scouts Heart of Central California to extend the term of the agreement;

NOW, THEREFORE, BE IT RESOLVED, That City Council approves Amendment 1 to the MOU between the City of Tracy and the Girl Scouts Heart of Central California and authorizes the Mayor to execute the Amendment.

The foregoing Resolution _____ was adopted by Tracy City Council on the 15th day of September 2015, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

MAYOR

CITY CLERK

AGENDA ITEM 1.I

REQUEST

APPROVAL FOR RENEWED SUPPORT OF THE RECYCLING MARKET DEVELOPMENT ZONE (RMDZ) PROGRAM AND ACTIVITIES IN SAN JOAQUIN COUNTY

EXECUTIVE SUMMARY

California Resources Code Section 42010 provides for the establishment of the Recycling Market Development Zone (RMDZ) program throughout the state, which provides incentives to stimulate the development of post-consumer and secondary materials markets of recyclables. In 1995, San Joaquin County was designated as one of forty RMDZs in California.

The San Joaquin County RMDZ includes San Joaquin County as the lead agency, and the Cities of Tracy, Manteca, Lodi, Lathrop, Ripon, Escalon, and Stockton. The San Joaquin RMDZ is dedicated to establishing, sustaining and expanding recycling-based manufacturing businesses, which is essential for market development and to assist local jurisdictions in meeting the established landfill reduction goals.

DISCUSSION

On October 1, 2002, (Resolution 2002-425) the Tracy City Council approved support for the RMDZ program and related activities to be administered by San Joaquin County in order to encourage existing and new recycling-based manufacturing businesses locating within the region to be eligible for the technical and financial incentives associated with the County's RMDZ program. Regional Programs such as the RMDZ Program is funded through AB939 fees.

The Goals and Objectives for the next five years is to convert diverted materials into recycled content value added products in in San Joaquin County and the State of California.

- The RMDZ program, through proactive monthly meetings and events (REXPO, Recycling BIN Summit, Pathways to Green Schools, Lunch at the Landfill, etc.). In addition, the RMDZ program, through the Greater Stockton Chamber of Commerce's Green Team San Joaquin program, will optimize opportunities to engage both the private and public sectors in building an economic and sustainable culture for green businesses in San Joaquin County.
- Business retention, attraction and expansion shall be greatly enhanced through the RMDZ program by leveraging collaborative partners and creating local, state and federal coordination for recycled content value added businesses in San Joaquin County.
- RMDZ Incentives include low interest loans through CalRecycle, local waste assessments performed through jurisdictions and through the Chamber's

Recycling Energy Air Conservation (REACON) team visits to businesses throughout the County.

- Different businesses resources are available through San Joaquin County's collaborative approach utilizing local, state and federal programs as additional incentives to locate in here.
- Targeted materials in the region is dictated by CalRecycle and include plastics, paper and rubber.

The San Joaquin County RMDZ designation will expire in December 2015. The renewal of the RMDZ continues to be a necessity in order to facilitate local and regional planning, coordination, to support existing recycling-based manufacturing businesses, as well as to attract private sector recycling business investments to the region. San Joaquin County RMDZ program encourages companies to relocate or establish a business in the San Joaquin County region.

STRATEGIC PLAN

This agenda item supports the Economic Development and Quality of Life Strategic Plans. Recycling-based manufacturing businesses would be a good fit for Tracy and would provide quality of life by enhancing the City's business mix and service and cultivating connections to promote positive change and progress in our community.

FISCAL IMPACT

There is no impact to the General Fund. The fees for this program are paid for through AB939 fees.

RECOMMENDATION

That the City Council, by resolution, approve renewed support of the Recycling Market Development Zone (RMDZ) program and activities in San Joaquin County.

Prepared by: Jennifer Cariglio, Management Analyst

Reviewed by: David Ferguson, Public Works Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

Attachment: Negative Declaration

INITIAL STUDY/PROPOSED NEGATIVE DECLARATION

[Pursuant to Public Resources Code Section 21080(c) and
California Code of Regulations, Title 14, Sections 15070-15071]

PROJECT TITLE:

Recycling Market Development Zone Renewal

PROJECT APPLICANT:

San Joaquin County (Lead Agency)
Department of Public Works, Solid Waste Division
1810 E. Hazelton Avenue
Stockton, California 95205

Contact Person: Claudia Gemberling, Environmental Coordinator
Phone: (209) 953-7624 FAX: (209) 468-2999
EMAIL: cgemberling@co.san-joaquin.ca.us

INTRODUCTION:

The following environmental documentation (Initial Study/Proposed Negative Declaration) has been prepared for the renewal of San Joaquin County's status as a state-designated Recycling Market Development Zone (RMDZ). This document is intended to be used by San Joaquin County and other local and state agencies in their assessment of the project as it pertains to the California Environmental Quality Act (CEQA) and, if necessary, the resource and regulatory agency permit processes.

The California Integrated Waste Management Board (CIWMB), the Responsible Agency, has determined that re-designation of a zone is not exempt from CEQA, which is based on the reasonable assumption that more recycled product manufacturing and increased business development over the next 10 years could impact the environment in the RMDZ.

This document will be circulated for public review and comment for a period of 30 days. After public review has been completed, Responses to Comments on the Initial Study/Proposed Negative Declaration will be prepared. The Initial Study/Proposed Negative Declaration and the Responses to Comments constitute the information to be considered by the lead agency (San Joaquin County). If the County determines the environmental documentation to be adequate, the County will adopt the Negative Declaration prior to making a decision on the RMDZ renewal for San Joaquin County.

PROJECT DESCRIPTION:

In 1990, the Governor and Legislature of California adopted Senate Bill (SB) 2310 (Chapter 1543, Statutes of 1990) authored by Senator Marian Bergeson (R-Newport Beach) establishing the California Market Development Zone program. The purpose of the act is to stimulate the recycling of post-consumer waste materials generated in California. Under the program, local communities, separately or in partnership, apply for a designation as a RMDZ. The incorporated cities and unincorporated areas of San Joaquin County were designated as a RMDZ in December 1995.

The RMDZ is an economic and technical assistance program providing state-funded low interest loans, engineering and technical assistance, siting and permitting assistance, and assistance with obtaining recycled feedstock. It is available primarily to manufacturers who use recycled feedstock (material that has been recovered from the waste stream and is suitable for manufacturing new

products) to make new products. Loans are made with state funds, and are available only to companies located in one of 40 RMDZ in California (Attachment A).

Pursuant to Section 17914 of Title 14 Code of California Regulations (CCR), subsequent to CEQA compliance and adoption of resolutions by all cities that wish to renew their status as part of the San Joaquin County RMDZ, along with the San Joaquin County Board of Supervisors for the unincorporated areas, the CIWMB will renew San Joaquin County's status as a RMDZ.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Environmental Coordinator
San Joaquin County Department of Public Works

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less Than Significant With Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats, however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. AESTHETICS

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

San Joaquin County has one officially designated state scenic highway, Interstate 5, from the Stanislaus County line to Interstate 580 (Caltrans 2005) and 12 scenic routes (*San Joaquin County General Plan 2010* [General Plan], Volume [V] I, page 6). San Joaquin County also has significant stands of valley oak trees as well as a number of waterways and historic buildings throughout the County (General Plan, VI, pages 4, 31; *Final Environmental Impact Report on the San Joaquin County Comprehensive Planning Program* [EIR], pages 4.15-1 – 4.15-3, 4.17-1 – 4.17-2) (Attachment B).

The San Joaquin County Development Title regulates proposed land use and zone changes to ensure that sensitive resources are not adversely affected. The General Plan provides for the protection of sensitive resources through land use designations, policies, and zoning that restrict the permitted uses and intensity of development. The General Plan establishes the policy framework for the County’s Development Title, which contains the land use regulations for the County. Among other things, the Development Title encompasses the zoning regulations, the subdivision regulations, and the various procedures for reviewing and processing development applications (*San Joaquin County Ordinance Code, Title 9, Development Title of San Joaquin County* [Development Title], Chapters 9-1500, Pages 283-720).

The proposed renewal of the County’s designation as a RMDZ does not require or ensure development of any new facilities. However, any proposals for new facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURE RESOURCES

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agriculture use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Approximately 64 percent of the total County acreage inventoried by the Farmland Mapping Program is designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. Approximately 71 percent of the agricultural lands were held under Williamson Act contracts (EIR, page 4.1-3) (Attachment C).

The proposed renewal of the County's designation as a RMDZ does not require or ensure development of any new facilities. However, any proposals for new facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

III. AIR QUALITY

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

ISSUES:	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitigation Incorporated		
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

San Joaquin County is located at the northern end of the San Joaquin Valley Air Basin. The pollution potential for this air basin is very high due to the topographic and meteorological conditions which often trap air pollutants in the valley (General Plan, VI, page VI-21). The following table identifies what areas the San Joaquin Valley Air Basin is currently not in attainment, which was obtained by the San Joaquin Valley Air Pollution Control District website (www.valleyair.org):

Pollutant	Designation/Classification	
	Federal Standards	State Standards
Ozone - One hour	Nonattainment/Extreme	Nonattainment/Severe
Ozone - Eight hour	Nonattainment/Serious	*No State Standard
PM-10	Nonattainment/Serious	Nonattainment
PM-2.5	Nonattainment	No State Standard
CO - Fresno Urbanized Area	Attainment ¹	Nonattainment ² /Moderate
CO - Remainder of Fresno County	Unclassified/Attainment	Attainment
CO - Merced, Madera and Kings Counties	Unclassified/Attainment ¹	Unclassified
CO - Kern (SJVAB portion), Tulare, Stanislaus, San Joaquin	Unclassified/Attainment ¹	Attainment
Nitrogen Dioxide	Unclassified/Attainment	Attainment
Sulfur Dioxide - Kern County (SJVAB portion)	Attainment	Attainment
Sulfur Dioxide - All Other Counties	Unclassified	Attainment
Lead (Particulate)	*No Designation*	Attainment
Hydrogen Sulfide	*No Federal Standard*	Unclassified
Sulfates	*No Federal Standard*	Attainment
Visibility Reducing Particles	*No Federal Standard*	Unclassified

Maps & Tables of the Area Designations for the State and National Ambient Air Quality Standards and Expected Peak Day Concentrations and Designation Values, Air Resources Board, January 1998; Classification letter, ARB Staff, March 16, 1993; ARB Action, November 9, 1994; ARB Action, November 21, 1996; CO: (1) 40 CFR Parts 52 and 81 -- Fresno Urbanized Area, Bakersfield Metropolitan Area, Stockton Urbanized Area and Modesto Urbanized Area redesignated on March 31, 1998, effective June 1, 1998 (2) Area has reached attainment status. The request for redesignation was approved by the Air Resources Board on September 24, 1998. The re-designation became final upon action by the California Office of Administrative Law on August 26, 1999.

The proposed renewal of the County's designation as a RMDZ does not require or ensure development of any new facilities. However, any proposals for new facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
----------------	---	---	---	----------------------

compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

IV. BIOLOGICAL RESOURCES

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

San Joaquin County contains several habitat areas of major importance. The Sacramento-San Joaquin Delta, which serves as a transition area between freshwater rivers draining the Central

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Valley and the saline San Francisco Bay Estuary, enables a diverse set of species to flourish in the water, the marshlands, and the surrounding riparian vegetation. The Delta is particularly important to birds along the Pacific Flyway, anadromous fish, and many fur-bearing animals. The Delta and the rivers support a commercial and recreational fishery containing many important species. The foothills in the southwestern portion of the County contain a desert-like habitat which supports several important species of plants and animals. The most well-known of these are the San Joaquin kit fox and several birds of prey. The Sierra Nevada foothills contain mostly grassland and oak trees. The floor of the Central Valley, which contains productive agricultural soils, also support game birds and small mammals where some vegetative cover remains, as well as riparian habitat along the many waterways. The agricultural area of San Joaquin County is the major habitat in the state for Swainson’s hawk, a state threatened species. Valley oak trees, once common throughout the valley as well as in the foothills are now scarce (General Plan, VI, pages VI-29 – VI-32) (Attachment D).

In order to address concerns with impacts to sensitive resources, San Joaquin County adopted the *San Joaquin County Multi-Species Habitat Conservation and Open Space Plan* (Plan) in 2004. The key purpose of the Plan was to 1) provide a strategy for balancing the need to conserve open space and the need to convert open space to non-open space uses while protecting the region’s agricultural economy; 2) preserve landowner property rights; 3) provide for the long-term management of plant, fish, and wildlife species, especially those that are currently listed, or may be listed in the future, under the Federal Endangered Species Act and California Endangered Species Act; 4) provide and maintain multiple-use open spaces which contribute to the quality of life of the residents of San Joaquin County; and 5) accommodate a growing population while minimizing costs to project proponents and society at large (San Joaquin Council of Government, www.sjcoq.org).

San Joaquin County has a tree ordinance policy for the removal of native oak trees, heritage oak trees, and historical tree as well as for riparian habitats for projects requiring discretionary approval (Development Title, Chapter 9-1505, pages 589-593).

The proposed renewal of the County’s designation as a RMDZ does not require or ensure development of any new facilities. However, any proposals for new facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

V. CULTURAL RESOURCES

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

San Joaquin County contains many physical links with its historic and prehistoric past. Historical sites, buildings and objects are reminders of the County's unique heritage and its place in the development of the state and nation. Historic preservation seeks the identification and protection of these reminders. Programs of historic preservation exist at the County level, and are linked with those of cities and with state and federal preservation programs. The County contains sites and structures which have been identified and listed on the National Register of Historic Places or designated as California State Historical Landmarks or Points of Historical Interest (General Plan, VI, page VI-37, Development Title, Chapter 9-1053, pages 523-524).

The types of known archaeological cultural resources in the County include Native Californian occupation sites (often called middens), cemeteries, isolated burials, quarry sites, petroglyph (rock carvings) and pictograph (rock paintings) sites. Sites are often found in areas that have been organically enriched by the accumulation of domestic debris. Other archaeological sites are those where certain activities occurred (e.g., kill sites) or resources (e.g., stone, vegetal, clay, paint pigments) were obtained or processed (e.g., bedrock mortars) (EIR, page 4.15-1).

At least 226 cultural resources have been recorded in San Joaquin County since the late 1800s. Of these sites, 182 are archaeological cultural resources, 40 are historical cultural resources, and four sites exhibit both archaeological and historical components. About 23 percent of the total recorded sites have been found in the Stockton-Lodi area, 10 percent in the Thornton area, and 7 percent in the Lockeford area. Other sites are scattered throughout the County. At least 29 historical sites within the County are listed on the National Register of Historic Places. Seventeen of these sites are located in Stockton, two in Lockeford, three in Lodi, six in Tracy, and one in Woodbridge. There are at least 23 California Historical Landmarks in the County (EIR, pages 4.15-1 – 4.15-3).

The proposed renewal of the County's designation as a RMDZ does not require or ensure development of any new facilities. However, any proposals for new facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

VI. GEOLOGY AND SOILS

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Rupture of a known earthquake fault, | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?				
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Geologic hazards in San Joaquin County include subsidence, expansive soils, erosion, and soil instability leading to landslides. Subsidence, expansive soils, and erosion occur in the Delta, and pose serious problems for agricultural production. Expansive soil conditions are a concern for urban development in the Tracy and the Stockton-French Camp areas. Slope stability hazards are most confined to the foothills and mountain terrain that border the San Joaquin Valley, the steep banks of the major rivers which pass through the Valley floor, and the levees of the Delta (General Plan, VI, page V-3) (Attachment E).

Of the known faults in San Joaquin County, none are classified by the State Geologist as active. Localized ground shaking and liquefaction are the most significant seismic hazards of the County. The most likely sources of these hazards are from the San Andreas, Hayward, Calaveras, Midland, Green Valley-Concord, or Tracy-Stockton Faults (General Plan, VI, pages V-1 – V-2). Strong ground-shaking from an earthquake could cause significant damage, especially to unreinforced masonry buildings built before 1933. Mobile homes and structures not properly secured to foundations can be vulnerable during ground shaking. Areas which have the greatest potential for liquefaction are those areas where the water table is less than 50 feet below the surface and soils

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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are predominantly clean, comprised of relatively uniform sands, and are of loose to medium density (General Plan, VI, page V-3) (Attachment E).

The proposed renewal of the County's designation as a RMDZ does not require or ensure development of any new facilities. However, any proposals for new facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The County Public Works Department, Solid Waste Division, maintains and implements a County Hazardous Waste Management Plan which addresses 1) hazardous waste generators; 2) emergency response programs; 3) transportation, storage, collection, treatment and disposal of hazardous wastes generated within San Joaquin County; 4) the siting of hazardous waste facilities; and 5) enforcement activities (General Plan, VI, page V-12; Development Title, Chapter 9-1050, pages 522-523). The County Planning Division oversees the land use permitting process for any hazardous waste treatment or disposal facilities (EIR, page 4.19-2).

The County Office of Emergency Services (OES) reviews emergency response plans of industries; maintains an inventory of hazardous materials and waste as identified in required business plans, and educates businesses about hazardous materials. The OES also inspects businesses with hazardous materials or waste and responds to hazardous materials incidents (EIR, page 4.19-2).

Throughout much of its history, most of San Joaquin County has supported agricultural land use. Modern agricultural practices have included the application of fertilizers, herbicides, and pesticides to improve crop yields. The storage, use, and application of agricultural chemicals is controlled by state regulations enforced by the California Department of Food and Agriculture (CDFA) and the County Agricultural Commissioner's office. The Agricultural Commissioner also monitors the disposal of pesticide containers. While limited data are available on the range of residual concentrations of agricultural chemicals in soils within the County, several of the agricultural chemicals used within the County have been identified as potentially harmful to human health and environmental quality including DDT, used extensively throughout the Central Valley, and dibromochloropropane (DBCP), used extensively for pest control in vineyards within the north-central portion of the County. A statewide sampling program conducted by the CDFA found DDT residues in surface and subsurface soils at detectable concentrations in all of the samples collected from sites in 32 counties, including two sites in San Joaquin County and DBCP was identified at levels above the state drinking water standard in numerous wells in the Lodi area and 15 of 16 wells sampled within San Joaquin County. In addition, nitrates can accumulate in soil as the result of fertilizer use, bacterial contamination from livestock waste, and operation of household septic systems. In areas of highly permeable soils and shallow groundwater levels, the nitrates may migrate to and contaminate groundwater. Nitrates have been identified at levels above state

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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drinking water standards in water supply wells in the Tracy, Ripon, Stockton, and Lodi areas (EIR, pages 4.19-4 – 4.19-5).

The County Environmental Health Division (EHD) regulates large and small quantity hazardous waste generators and administers the underground storage tank program. EHD currently oversees investigation and cleanup of contaminated underground tank sites under a contract with the State Water Resources Control Board. Enforcement of County hazardous material regulations is under the jurisdiction of the OES. The Air Pollution Control District regulates air emissions from industrial operations and from contaminated soils. Most of the leaking underground fuel tanks are located within incorporated areas of the County. A relatively high frequency of sites of groundwater contamination has been identified in the Stockton and Tracy areas. The shallow depth to groundwater in these areas contributes to the potential for degradation of the groundwater quality from leaking underground tanks. Several petroleum and natural gas pipelines are located within the County. Both active and abandoned lines are present. Leaks and spills of hydrocarbon products have occurred along pipelines within the County. Major releases from pipelines include a puncture of the Chevron supply pipeline near Grant Line and Corral Hollow Roads (southwestern portion of County) as well as suspected leaks from the pipeline(s) supplying the Port of Stockton. Sites of soil contamination have also been identified along the Southern Pacific Pipeline in the Tracy area (EIR, pages 4.19-3 – 4.19-4).

In addition, oil and gas wells have been drilled, which potentially contain petroleum products and metals at concentrations detrimental to human health. State regulations control management of drilling fluids, however, in the past the drilling fluids were commonly disposed in pits constructed near the well sites or spread onto the land surface. Oil and gas fields in San Joaquin County are located within all planning areas except Ripon, Escalon, and Linden. Abandoned wells have been identified at the proposed sites of the Mountain House and New Jerusalem proposed communities and Forest Oaks Expanded Community (EIR, page 4.19-5).

The proposed renewal of the County's designation as a RMDZ does not require or ensure development of any new facilities. However, any proposals for new facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

VIII. HYDROLOGY AND WATER QUALITY

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year floodplain hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

San Joaquin County's water resources include surface water and groundwater. Four major rivers and numerous creeks and sloughs comprise a network of waterways in the County (Attachment F). The groundwater system which supplies a large proportion of domestic and irrigation water is

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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recharged along the rivers and the alluvial fans of the rivers (Attachment F). Portions of the system are being depleted and water quality has begun to suffer. Overdrafting of the aquifers has resulted in the intrusion of poor quality saline waters from the Delta groundwater (General Plan, VI, page VI-24).

In compliance with state and federal requirements, San Joaquin County has developed a Storm Water Management Program that establishes local oversight of the state general permit system and more effective control of storm water quality impacts in order to protect our rivers and the Delta by involving and educating our residents in storm water pollution prevention, regulating storm water runoff from construction sites, investigating non-storm water discharges, and reducing non-storm water run-off from municipal operations. Construction sites with land disturbances greater than or equal to one acre are required to develop and submit to the San Joaquin County Public Works Department a Storm Water Pollution Prevention Plan to be implemented, which specifies Best Management Practices (BMPs) to prevent construction pollutants and erosion material from contacting storm water. In addition, the landowner is responsible for obtaining coverage under the Construction General Permit by filing a Notice of Intent (NOI) prior to construction activities (www.sjgov.org; County Ordinance Code, Title 5, Division 10).

Flooding in San Joaquin County can result from heavy storms, snow melt with heavy runoff, levee failure, dam failure, and localized drainage problems. Of these, levee failure has caused most of the recent major floods. Typically, a breach of a levee under non-flood conditions would have localized effects, however, under severe storms a breach can lead to a series of levee failures. Many of the Delta levees are unstable and, without extensive rehabilitation, can be expected to fail (General Plan, VI, page V-5). Virtually all of the area west of Interstate 5 and north of Interstate 205 lies within a floodprone area. In addition, there are large areas of land along the Mokelumne River, Lone Tree Creek, the South Fork of South Little John's Creek, and Mormon Slough that are subject to a 100-year flood (a flood that has a one percent chance of occurring in any given year) (General Plan, VI, page V-5) (Attachment G). San Joaquin County has established a levee setback requirement of ten feet from the toe of the levee of the landside or waterside levee toe or within 25 feet of the top of either bank of any natural or manmade stream without obtaining approval the San Joaquin County Public Works Department (Development Title, Title 9, 1605.18, page 600-1).

The proposed renewal of the County's designation as a RMDZ does not require or ensure development of any new facilities. However, any proposals for new facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

IX. LAND USE AND PLANNING

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The San Joaquin County General Plan establishes general land use categories (designations) for the unincorporated portions of the County. The County’s Zoning Ordinance implements the General Plan’s goals and policies. Similarly, each of the seven incorporated cities in the County has adopted General Plans and has designated land use categories.

Land use designations are created to accommodate various types of uses and businesses. Zoning Ordinances set standards for land use entitlements and approval of those uses and businesses. If a business benefits from the countywide RMDZ and is allowed by land use designation and zoning, then that business would be compatible with the County General Plan if located in an unincorporated area and with city general plan designations if in a city.

The RMDZ Renewal affects businesses based in existing zones from Agricultural to Industrial as well as Residential for home-based businesses (from loans, grants, permits assistance, and partnerships). The RMDZ re-designation will not change existing or planned land uses in any of the cities or in the unincorporated areas. Any existing or new manufacturing use within the designated RMDZ area is eligible for participation in the program and is anticipated to be consistent with the existing General Plans and Zoning designations of the cities and County. This program will operate and be administered by local government agencies and by the framework of the existing zoning and other applicable codes and ordinances. Separate CEQA documentation may be required for individual projects within the RMDZ.

San Joaquin County adopted the *San Joaquin County Multi-Species Habitat Conservation and Open Space Plan* in 2004 to provide a strategy for balancing the need to conserve open space and natural resources within the County and the need to convert open space to non-open space uses while protecting the region’s agricultural economy and accommodating a growing population (San Joaquin Council of Government, www.sjcoq.org).

The proposed renewal of the County’s designation as a RMDZ does not require or ensure development of any new facilities. However, any proposals for new facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. MINERAL RESOURCES

Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The primary extractive resources in San Joaquin County are sand, gravel, and natural gas. Peat soil, placer gold and silver are extracted to a much lesser extent (Attachment H). These are all nonrenewable resources. The County seeks to protect these resources and manage their production in an environmentally sound manner. Reclamation plays a central role in determining the impact of extractive activities on the environment by controlling waste and erosion and rehabilitating streambeds. Sand and gravel are important resources used primarily for construction materials such as asphalt and concrete. Because materials are costly to transport, they are extracted as close as possible to their use (General Plan, pages VI-15 – VI-17, Development Title 9-1525, page 594).

Natural gas is located in several fields under San Joaquin County. Its extraction is less disruptive to the landscape than sand gravel extraction. Most activity occurs in the vicinity of the Delta (General Plan, pages VI-16 – VI-17).

The proposed renewal of the County’s designation as a RMDZ does not require or ensure development of any new facilities. However, any proposals for new facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

XI. NOISE

Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundbourne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

In San Joaquin County, noise is principally generated by vehicular traffic, trains, occasional aircraft flyovers, industrial sources, and agricultural machinery. Of these, traffic noise affects the most people. The major traffic noise sources in the County are State Route (SR) 99, Interstate 5 (I-5), SR 4, SR 12, SR 88, SR 120, Interstate 580 (I-580), Interstate 205 (I-205), SR 132, and SR 33. Primary arterials are also significant noise sources in the urban areas of Tracy, Stockton, Manteca, Lodi, Ripon, and Escalon. Rail noise is significant along the many rail lines in the County, and aircraft noise is significant in the vicinity of the County's five airports. The major railroads traversing the County are the Union Pacific, Atchison Topeka & Sante Fe (ATSF), and the Southern Pacific (Attachment I). The railroads generate an L_{dn} of 60 decibels (dB) at distances of up to 700 feet. The Union Pacific and Southern Pacific railroads impact the most people, particularly through the communities of Tracy, Stockton, Manteca, and Lodi. The significant airports in San Joaquin County are Kingdon Air Park, Lodi Air Park, Lodi Airport, New Jerusalem Airport, Tracy Municipal Airport, and the Stockton Metropolitan Airport (Attachment I). In general, the airports are located away from existing residential and other sensitive land uses (EIR, pages 4.12-1 – 4.12-13; General Plan, VI, V-10, pages V10-11).

The proposed renewal of the County's designation as a RMDZ does not require or ensure development of any new facilities. However, any proposals for new facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XII. POPULATION AND HOUSING

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The proposed renewal of the County's designation as a RMDZ does not require or ensure development of any new facilities. However, any proposals for new facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

XIII. PUBLIC SERVICES

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Fire protection within San Joaquin County is provided by city fire departments and special fire protection districts in the unincorporated areas of the County. The rural fire districts are primarily staffed by volunteer fire fighters with the addition of a few professional staff members. Fire protection problems in the County include water availability, response time, and accessibility. Fire hazards in the County include wild (grass and brush) fires, peat fires, and chemical fires. Wild fires

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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are an annual hazard in the County and account for more than half of the fires in the unincorporated areas. The major cause of wild fires is human activities. High hazard areas include outlying residential parcels, open lands adjacent to residential areas, and non-irrigated parklands (EIR, page 4.6-1).

Police services in San Joaquin County are provided either by the cities in the incorporated areas or by the County Sheriff's Department in the unincorporated areas. The California Highway Patrol assists in maintaining routine patrols and investigating traffic accidents on public roads in unincorporated areas (EIR, page 4.6-6).

The proposed renewal of the County's designation as a RMDZ does not require or ensure development of any new facilities. However, any proposals for new facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

XIV. RECREATION

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Parks and recreation facilities and enjoyment of the County's water resources, the rivers and the Delta, are significant factors contributing to the quality of life for thousands of residents not only in San Joaquin County but the State of California as well. In addition, preservation of the County's natural resources which contribute to outdoor recreational opportunities is essential to maintaining the character and quality of life County residents enjoy. The County provides regional parks, as well as local parks for many unincorporated neighborhoods and communities (General Plan, VI, page IV-71) (Attachment J).

The proposed renewal of the County's designation as a RMDZ does not require or ensure development of any new facilities. However, any proposals for new facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XV. TRANSPORTATION/TRAFFIC

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Public travel to, through, and around San Joaquin County occurs primarily by automobiles on an extensive freeway and road network, and to a lesser degree by bus, rail, and air transit services (EIR, page 4.10-1) (Attachment I). Transportation of goods occurs through a road and rail network, as well as by a deep water port in Stockton. The County's circulation system is part of a larger, area-wide network of transportation modes, its functioning will impact upon and will be affected by circulation patterns in adjoining areas. The potential for negative spillovers can be minimized through mutual cooperation on behalf of those involved in transportation planning. The San Joaquin County Council of Governments (COG) is the regional transportation planning agency in the County. The County's objectives and policies for transportation are intended to be consistent with those from the Regional Transportation Plan prepared by the COG (General Plan, V1, page IV-84). The San Joaquin County road standards propose an level of service (LOS) of C or better on all County roads except in a city area where the city has adopted a LOS D and LOS D on all freeways and state highways (EIR, pages 4.10-1 – 4.10-13). Intersections shall operate at an

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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overall LOS D or better on minor arterials and roadways of higher classification; and LOS C on all other roads (San Joaquin County Traffic Impact Study Guidelines).

The proposed renewal of the County's designation as a RMDZ does not require or ensure development of any new facilities. However, any proposals for new facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Wastewater in the County is treated by community/regional collection and treatment systems, package treatment plants, and individual on-site treatment systems. Community/regional treatment systems are large public wastewater treatment systems consisting of a network of collection lines, a treatment facility, and a disposal system (Attachment K). Package treatment plants serve smaller developments and often use aeration to enhance degradation of organic matter in wastewater. Individual on-site treatment systems generally consist of a septic tank and leach field. The type of system employed is determined by various factors including the type and density of development, amount of wastewater generated, soil characteristics, depth to groundwater, and composition of wastewater (EIR, page 4.3-1). Discharge of wastewater, pollutants, substances, or material of any kind into the County storm drainage which interferes with the operation or performance of the County storm drainage system or which violates any condition of the NPDES Permit or any other Federal, State, or local regulation is prohibited (County Ordinance Code, Title 5, Division 6).

San Joaquin County's water resources include surface water and groundwater. Four rivers and numerous creeks and sloughs comprise a network of waterways in the County (see Attachment F). The groundwater system which supplies a large proportion of domestic and irrigation water is recharged along the rivers and the alluvial fans of the rivers (see Attachment F). Portions of the system are being depleted and water quality has begun to suffer. Overdrafting of the aquifers has resulted in the intrusion of poor quality saline waters from the Delta groundwater (General Plan, VI, page VI-24). In the developed areas, water agencies acquire water from ground or surface supplies, treat it if necessary, and distribute it to users. The water agencies include the cities, public districts empowered to provide water, and quasi-public agencies, such as California Water Service. Potable water in rural areas generally comes from individual wells. All urban communities in the County have public water systems, except French Camp (General Plan, VI, page IV-62).

Solid waste management and disposal is governed by the San Joaquin County Solid Waste Management Plan, which defines programs for recycling, resource recovery, and disposal. Solid waste occurs at eight landfill sites in the County (four are for residential and commercial/industrial solid waste, and four are for special purposes) and some disposal occurs in Sacramento and Stanislaus Counties (Attachment L). Three of the County's landfills are expected to reach capacity by 2010. In order to maintain the health and sanitation of the County, efforts are being made to prolong the life of these facilities, through expansion and/or recycling, or to develop new landfills (General Plan, VI, page IV-68; County Ordinance Code, Title 5, Division 2).

The proposed renewal of the County's designation as a RMDZ does not require or ensure development of any new facilities. However, any proposals for new facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of fish and wildlife species, cause a fish or wildlife population to drop below

ISSUES:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project area considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Renewal of San Joaquin County as a state-designated RMDZ does not have the potential to adversely affect human beings or the environment as any proposed facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

REFERENCES

California Integrated Waste Management Board. 2005. Recycling Market Development Zone. www.ciwmb.ca.gov/RMDZ.com.

Final Environmental Impact Report on the San Joaquin County Comprehensive Planning Program. May 1992. Baseline Environmental Consulting. Prepared for San Joaquin County Community Development Department. Volume I. Emeryville, California.

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San Joaquin County Multi-Species Habitat Conservation and Open Space Plan. 2004. San Joaquin Council of Governments. 2005. www.sjcoq.org. Sections, Habitat.

San Joaquin County Ordinance Code. 1995. Matthew Bender & Company, Inc., 1995. Charlottesville, VA.

San Joaquin County Traffic Impact Study Guidelines. June 2002. San Joaquin County Department of Public Works.

San Joaquin Valley Air Pollution Control District. 2005. www.valleyair.org. Public Information. Ambient Air Quality Standards and Valley Attainment Status.

Recycling Market Development Zone Renewal

Negative Declaration Addendum

SCH No. 2005072092
July 2015

Lead Agency:

San Joaquin County Department of Public Works
1810 East Hazelton Avenue
Stockton, CA 95205
Attn: Mrs. Ashlen McGinnis
(209) 468-3085



1. Introduction

Project Title:

Recycling Market Development Zone Renewal

Lead Agency Name and Address:

San Joaquin County Department of Public Works
1810 East Hazelton Avenue
Stockton, CA 95205

Contact Person and Phone Number:

Ashlen McGinnis - (209) 468-3085

Project Location:

Various Locations throughout San Joaquin County

Project Sponsor Name and Address:

San Joaquin County
Department of Public Works, Solid Waste Division
1810 East Hazelton Avenue
Stockton, CA 95205

1.1 Purpose of Addendum

The Recycling Market Development Zone Renewal (renewal) and associated Initial Study/ Negative Declaration (IS/ND) was approved by San Joaquin County (County) in August 2005 (State Clearinghouse No. 2005072092). The 2005 IS/ND made many references to the 2010 San Joaquin County General Plan and EIR. The County is in the final stages of updating the General Plan and much of the information provided in the IS/ND is out of date. No changes have been made to the renewal or impacts, and no new impacts have been identified. The County has prepared this addendum to provide California Environmental Quality Act issues listed in the IS/ND as it pertains to the revised 2035 Draft General Plan and EIR and all changes reflect updated information in these source materials.

1.2 Regulatory Setting

This document has been prepared to comply with the requirements of the California Environmental Quality Act (CEQA) (California Public Resources Code §21000, et seq.) pursuant to Section 15164 (*Addendum to an EIR or Negative Declaration*) of the CEQA Guidelines (Title 14: California Code of Regulations)

15164. Addendum to an EIR or Negative Declaration

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR [Environmental Impact Report] or negative declaration have occurred.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

(d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Pursuant to §15164(e) set forth above, this addendum provides a brief explanation of the decision not to prepare a subsequent MND pursuant to Section 15162:

15162. Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known or could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following;

A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

C. Mitigation measures or alternative previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

- (b) *If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.*
- (c) *Once a project has been approved, the lead agency's role in the project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.*
- (d) *(A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.*

2. Amendment to the Initial Study/Negative Declaration

The IS/ND evaluated the following environmental issues: aesthetics; air quality; biological resources; cultural resources; geology and soils; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise; public services; recreation; transportation/traffic; and utilities and service systems. These issues are re-evaluated in this Addendum for the proposed changes to the County Draft 2035 General Plan and EIR and how it corresponds to the Recycling Market Development Zone Renewal. Each section below corresponds to the original environmental checklist for the resource areas assessed in the IS/ND.

Discussion of Impacts

I. AESTHETICS

San Joaquin County has two ~~one~~ officially designated state scenic highways, Interstate 5 and I-580, in addition to) ~~from the Stanislaus County line to Interstate 580 (Caltrans 2005)~~ and 12 26 local scenic routes (*San Joaquin County 2035 General Plan Draft Environmental Impact Report [EIR]* , pages 4.L-2 and 4.L-3). San Joaquin County also has significant stands of valley oak trees as well as a number of waterways, mountain ranges, and historic buildings throughout the County (*San Joaquin County General Plan 2035 [General Plan]*, Volume II, Chapter 12).

III. AIR QUALITY

San Joaquin County is located at the northern end of the San Joaquin Valley Air Basin (SJVAB). The pollution potential for this air basin is very high due to the topographic and meteorological conditions which often trap air pollutants in the valley (General Plan, Appendix 14A, page 14A-1). The following table identifies what areas are currently not in attainment in the San Joaquin Valley Air Basin.

(www.valleyair.org):

Pollutant	Designation/Classification	
	<u>Federal Standards^a</u>	<u>State Standards^b</u>
Ozone - One hour	No Federal Standard ^f Nonattainment/Extreme	Nonattainment/Severe
Ozone - Eight hour	Nonattainment/Extreme ^e Serious	Nonattainment *No State Standard
PM-10	Attainment ^c Nonattainment/Serious	Nonattainment
PM-2.5	Nonattainment ^d	Nonattainment No State Standard
Carbon Monoxide - Fresno Urbanized Area	Attainment/Unclassified	Attainment/Unclassified Nonattainment ² /Moderate
CO— Remainder of Fresno County	Unclassified/Attainment	Attainment
CO— Merced, Madera and Kings Counties	Unclassified/Attainment	Attainment
CO— Kern (SJVAB portion), Tulare, Stanislaus, San Joaquin	Unclassified/Attainment	Attainment
Nitrogen Dioxide	Attainment/Unclassified	Attainment
Sulfur Dioxide	Attainment/Unclassified	Attainment
Lead	No Designation/Classification	Attainment

Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility Reducing Particles	No Federal Standard	Unclassified
Vinyl Chloride	No Federal Standard	Attainment

^a See 40 CFR Part 81

^b See CCR Title 17 Sections 60200-60210

^c On September 25, 2008, EPA redesignated the San Joaquin Valley to attainment for the PM10 National Ambient Air Quality Standard (NAAQS) and approved the PM10 Maintenance Plan.

^d The Valley is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the Valley as nonattainment for the 2006 PM2.5 NAAQS on November 13, 2009 (effective December 14, 2009).

^e Though the Valley was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved Valley reclassification to extreme nonattainment in the Federal Register on May 5, 2010 (effective June 4, 2010).

^f Effective June 15, 2005, the U.S. Environmental Protection Agency (EPA) revoked the federal 1-hour ozone standard, including associated designations and classifications. EPA had previously classified the SJVAB as extreme nonattainment for this standard. EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan on March 8, 2010 (effective April 7, 2010). Many applicable requirements for extreme 1-hour ozone nonattainment areas continue to apply to the SJVAB. ~~Maps & Tables of the Area Designations for the State and National Ambient Air Quality Standards and Expected Peak Day Concentrations and Designation Values, Air Resources Board, January 1998; Classification letter, ARB Staff, March 16, 1993; ARB Action, November 9, 1994; ARB Action, November 21, 1996; CO: (1) 40 CFR Parts 52 and 81—Fresno Urbanized Area, Bakersfield Metropolitan Area, Stockton Urbanized Area and Modesto Urbanized Area redesignated on March 31, 1998, effective June 1, 1998 (2) Area has reached attainment status. The request for redesignation was approved by the Air Resources Board on September 24, 1998. The re-designation became final upon action by the California Office of Administrative Law on August 26, 1999.~~

IV. BIOLOGICAL RESOURCES

San Joaquin County contains several habitat areas of major importance. The Sacramento-San Joaquin Delta, which serves as a transition area between freshwater rivers draining the Central Valley and the saline San Francisco Bay Estuary, enables a diverse set of species to flourish in the water, the marshlands, and the surrounding riparian vegetation. The Delta is particularly important to birds along the Pacific Flyway, anadromous fish, and many fur-bearing animals. The Delta and the rivers support a commercial and recreational fishery containing many important species. The grassland foothills in the eastern and southwestern portion of the County contain a desert-like habitat which supports several important species of plants and animals. The most well-known of these are the San Joaquin kit fox, California red-legged frog, California tiger salamander, and several birds of prey. ~~The Sierra Nevada foothills contain mostly grassland and oak trees.~~ The floor of the Central Valley, which contains productive agricultural soils, also support game birds and small mammals where some vegetative cover remains, as well as riparian habitat along the many waterways. The agricultural area of San Joaquin County is the major habitat in the state for Swainson's hawk, a state threatened species, and the Burrowing owl, a California Species of Special Concern. Valley oak trees, once common throughout the valley as well as in the foothills are now scarce (EIR, Part 5, Chapter 4).

In order to address concerns with impacts to sensitive resources, San Joaquin County adopted the *San Joaquin County Multi-Species Habitat Conservation and Open Space Plan* (SJMSCP) in 2004. The key purpose of the SJMSCP was to 1) provide a strategy for balancing the need to conserve open space and the need to convert open space to non-open space uses while protecting the region's agricultural economy; 2) preserve landowner property rights; 3) provide for the long-term management of plant, fish,

and wildlife species, especially those that are currently listed, or may be listed in the future, under the Federal Endangered Species Act and California Endangered Species Act; 4) provide and maintain multiple-use open spaces which contribute to the quality of life of the residents of San Joaquin County; and 5) accommodate a growing population while minimizing costs to project proponents and society at large (San Joaquin Council of Governments, www.sjcoq.org).

V. CULTURAL RESOURCES

San Joaquin County contains many physical links with its historic and prehistoric past. Historical sites, buildings and objects are reminders of the County's unique heritage and its place in the development of the state and nation. Historic preservation seeks the identification and protection of these reminders. Programs of historic preservation exist at the County level, and are linked with those of cities and with state and federal preservation programs. The County contains sites and structures which have been identified and listed on the National Register of Historic Places or designated as California State Historical Landmarks or Points of Historical Interest (General Plan, Chapter 13, page 13-29, Development Title, Chapter 9-1053, pages 523-524).

The types of known archaeological cultural resources in the County include Native Californian occupation sites (often called middens), cemeteries, isolated burials, quarry sites, petroglyph (rock carvings) and pictograph (rock paintings) sites. Sites are often found in areas that have been organically enriched by the accumulation of domestic debris. Other archaeological sites are those where certain activities occurred (e.g., kill sites) or resources (e.g., stone, vegetal, clay, paint pigments) were obtained or processed (e.g., bedrock mortars) (EIR, Part 4, Chapter 4-E).

At least 5,152 ~~cultural~~ documented historical resources have been recorded in San Joaquin County, based on the Central California Information Center (CCIC) ~~since the late 1800s~~. Of these sites, ~~482~~ 271 are prehistoric archaeological ~~cultural resources~~ sites, 313 are historical ~~historical-era cultural resources~~ archaeological sites, and ~~four~~ 15 are multi-component archaeological sites, and 4,553 are historic-era buildings ~~exhibit both archaeological and historical components~~. About 23 percent of the total recorded sites have been found in the Stockton-Lodi area, 10 percent in the Thornton area, and 7 percent in the Lockeford area. Other sites are scattered throughout the County. At least ~~29~~ 34 historical sites within the County are listed on the National Register of Historic Places. ~~Seventeen of these sites are located in Stockton, two in Lockeford, three in Lodi, six in Tracy, and one in Woodbridge~~. There are at least ~~23~~ 26 California Historical Landmarks in the County (EIR, Part 4, page 4.E-8).

VI. GEOLOGY AND SOILS

Geologic hazards in San Joaquin County include subsidence, expansive soils, erosion, and seldom, soil instability ~~leading to landslides~~. Subsidence, expansive soils, and erosion occur in the Delta, and pose serious problems for agricultural production. Expansive soil conditions are a concern for urban development in the Tracy and the Stockton-French Camp areas. Slope stability hazards are most confined to the foothills and mountain terrain that border the San Joaquin Valley, the steep banks of the major rivers which pass through the Valley floor, and the levees of the Delta (EIR, page 4.I-6).

Of the known faults in San Joaquin County, none are classified by the State Geologist as active. Localized ground shaking and liquefaction are the most significant seismic hazards of the County. The most likely sources of these hazards are from the Hayward, San Andreas, Calaveras, ~~Midland~~ Marsh Creek-Greenville, ~~Tracy-Stockton~~ Faults, Green Valley-Concord, or Mt. Diablo Thrust (EIR, page 4.I-7). Strong ground-shaking from an earthquake could cause significant damage, especially to unreinforced masonry buildings built before 1933. Dam and levee failure protection is critical, as well as reservoir

failure which could occur in the event of a high magnitude earthquake. ~~Mobile homes and structures not properly secured to foundations can be vulnerable during ground shaking.~~ Areas which have the greatest potential for liquefaction are those areas where the water table is less than 50 feet below the surface and soils are predominantly clean, comprised of relatively uniform sands, and are of loose to medium density. According to the Working Group of California Earthquake Probabilities 2008, there is a 93 percent probability of an earthquake with a 6.7 magnitude or greater to occur in the next 30 years (General Plan, Chapter 14, Section 14.1).

VII. HAZARDS AND HAZARDOUS MATERIALS

The County Public Works Department, Solid Waste Division, ~~maintains and~~ implements a County Hazardous Waste Management Plan which addresses 1) hazardous waste generators; 2) emergency response programs; 3) transportation, storage, collection, treatment and disposal of hazardous wastes generated within San Joaquin County; 4) the siting of hazardous waste facilities; and 5) enforcement activities (EIR, page; Development Title, Chapter 9-1050, pages 522-523). ~~The County Planning Division oversees the land use permitting process for any hazardous waste treatment or disposal facilities (EIR, page 4.19-2).~~

The County Office of Emergency Services (OES) reviews emergency response plans of industries; whereas the San Joaquin County Environmental Health Department (SJCEHD) maintains and implements the County Hazardous Material Management Plan and California Accidental Release Prevention programs. The OES SJCEHD maintains an inventory of hazardous materials and waste as identified in required business plans, and educates businesses and the public about hazardous materials. The SJCEHD also inspects businesses with hazardous materials or waste and responds to hazardous materials incidents (EIR, page 4.K-15).

~~The County Environmental Health Division (EHD) SJCEHD regulates large and small quantity hazardous waste generators and administers the underground storage tank program. SJCEHD currently oversees investigation and cleanup of contaminated underground tank sites under a contract with the State Water Resources Control Board. Enforcement of County hazardous material regulations is under the jurisdiction of the OES SJCEHD (EIR, page 4.K-3). The Air Pollution Control District regulates air emissions from industrial operations and from contaminated soils. Most of the leaking underground fuel tanks are located within incorporated areas of the County. A relatively high frequency of sites of groundwater contamination has been identified in the Stockton and Tracy areas. The shallow depth to groundwater in these areas contributes to the potential for degradation of the groundwater quality from leaking underground tanks. Several petroleum and natural gas pipelines are located within the County. Both active and abandoned lines are present. Leaks and spills of hydrocarbon products have occurred along pipelines within the County. Major releases from pipelines include a puncture of the Chevron supply pipeline near Grant Line and Corral Hollow Roads (southwestern portion of County) as well as suspected leaks from the pipeline(s) supplying the Port of Stockton. Sites of soil contamination have also been identified along the Southern Pacific Pipeline in the Tracy area (EIR, pages 4.19-3 — 4.19-4).~~

~~In addition, oil and gas wells have been drilled, which potentially contain petroleum products and metals at concentrations detrimental to human health. State regulations control management of drilling fluids, however, in the past the drilling fluids were commonly disposed in pits constructed near the well sites or spread onto the land surface. Oil and gas fields in San Joaquin County are located within all planning areas except Ripon, Escalon, and Linden. Abandoned wells have been identified at the proposed sites of the Mountain House and New Jerusalem proposed communities and Forest Oaks Expanded Community (EIR, page 4.19-5).~~

VIII. HYDROLOGY AND WATER QUALITY

San Joaquin County's water resources include surface water and groundwater. Four major rivers and numerous creeks and sloughs comprise a network of waterways in the County. The groundwater system which supplies a large proportion of domestic and irrigation water is recharged along the rivers and the alluvial fans of the rivers. Portions of the system are being depleted and water quality has begun to suffer. Overdrafting of the aquifers has resulted in the intrusion of poor quality saline waters from the Delta groundwater (EIR, page 4.J-6).

In compliance with state and federal requirements, San Joaquin County has developed a Stormwater Management Program that establishes local oversight of the state general permit system and more effective control of stormwater quality impacts in order to protect our rivers and the Delta by involving and educating our residents in stormwater pollution prevention, regulating stormwater runoff from construction sites, investigating non-stormwater discharges, and reducing non-stormwater run-off from municipal operations. Construction sites with land disturbances greater than or equal to one acre are required to develop and submit to the San Joaquin County Public Works Department a Stormwater Pollution Prevention Plan to be implemented, which specifies Best Management Practices (BMPs) to prevent construction pollutants and erosion material from contacting stormwater. In addition, the landowner is responsible for obtaining coverage under the Construction General Permit by filing a Notice of Intent (NOI) prior to construction activities (www.sjgov.org; County Ordinance Code, Title 5, Division 10).

Flooding in San Joaquin County can result from heavy storms, snow melt with heavy runoff, levee failure, dam failure, and localized drainage problems. Of these, levee failure has caused most of the recent major floods. Typically, a breach of a levee under non flood conditions would have localized effects, however, under severe storms a breach can lead to a series of levee failures. Many of the Delta levees are unstable and, without extensive rehabilitation, can be expected to fail (General Plan, VI, page V-5). Virtually all of the area west of Interstate 5 and north of Interstate 205 lies within a flood prone area. In addition, there are large areas of land along the Mokelumne River, Lone Tree Creek, the South Fork of South Little John's Creek, and Mormon Slough that are subject to a 100-year flood (a flood that has a one percent chance of occurring in any given year) (General Plan, VI, page V-5) (Attachment G). San Joaquin County has established a levee setback requirement of ten feet from the toe of the levee of the landside or waterside levee toe or within 25 feet of the top of either bank of any natural or manmade stream without obtaining approval the San Joaquin County Public Works Department (Development Title, Title 9, 1605.18, page 600-1).

IX. LAND USE AND PLANNING

San Joaquin County adopted the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan in 2004 2001 to provide a strategy for balancing the need to conserve open space and natural resources within the County and the need to convert open space to non-open space uses while protecting the region's agricultural economy and accommodating a growing population (San Joaquin Council of Government, www.sjcog.org).

X. MINERAL RESOURCES

The primary extractive resources in San Joaquin County are sand, ~~natural gas~~, and gravel aggregate. Peat soil, placer gold and silver are extracted to a much lesser extent. These are all nonrenewable resources. The County seeks to protect these resources and manage their production in an environmentally sound manner. Reclamation plays a central role in determining the impact of extractive

activities on the environment by controlling waste and erosion and rehabilitating streambeds. Sand and gravel are important resources used primarily for construction materials such as asphalt and concrete. Because materials are costly to transport, they are extracted as close as possible to their use (EIR, pages 4.O-1 – 4.O-9, Development Title 9-1525, page 594).

~~Natural gas is located in several fields under San Joaquin County. Its extraction is less disruptive to the landscape than sand gravel extraction. Most activity occurs in the vicinity of the Delta (General Plan, pages VI-16 – VI-17).~~

XI. NOISE

In San Joaquin County, noise is principally generated by vehicular traffic, trains, occasional aircraft flyovers, industrial sources, and agricultural machinery. Of these, traffic noise affects the most people. The major traffic noise sources in the County are State Route (SR) 99, Interstate 5 (I-5), SR 4, SR 12, SR 88, SR 120, Interstate 580 (I-580), Interstate 205 (I-205), SR 132, and SR 33. Primary arterials are also significant noise sources in the urban areas of Tracy, Stockton, Manteca, Lodi, Ripon, and Escalon. Rail noise is significant along the ~~many rail lines in the County, and aircraft noise is significant in the vicinity of the County's five airports~~ Union Pacific Railroad (UPRR) and Burlington Northern Santa Fe Railroad (BNSF). ~~The major railroads traversing the County are the Union Pacific, Atchison Topeka & Santa Fe (ATSF), and the Southern Pacific (Attachment I). The railroads generate an L_{dn} of 60 decibels (dB) at distances of up to 700 feet. The Union Pacific and Southern Pacific railroads impact the most people, particularly through the communities of Tracy, Stockton, Manteca, and Lodi. The significant airports in San Joaquin County are Kingdon Air Park, Lodi Air Park, Lodi Airport, New Jerusalem Airport, Tracy Municipal Airport, and the Stockton Metropolitan Airport. In general, the airports are located away from existing residential and other sensitive land uses (EIR, pages 4.H-13– 4.H-26).~~

XIII. PUBLIC SERVICES

~~Fire protection within San Joaquin County is provided by city fire departments, special fire protection districts, the California Department of Forestry, and Fire Protection (CAL FIRE) in the unincorporated areas of the County. The rural fire districts are primarily staffed by volunteer firefighters, paid firefighters, reserve firefighters, and administrative staff with the addition of a few professional staff members. Fire protection problems in the County include water availability, response time, and accessibility. Fire hazards in the County include wild (grass and brush) fires, peat fires, and chemical fires. Wild fires are an annual hazard in the County and account for more than half of the fires in the unincorporated areas. The major cause of wild fires is human activities. High hazard areas include outlying residential parcels, open lands adjacent to residential areas, and non-irrigated parklands (EIR, Part 9).~~

Police services in San Joaquin County are provided either by the cities in the incorporated areas or by the County Sheriff's Department in the unincorporated areas. The California Highway Patrol assists in maintaining routine patrols and investigating traffic accidents on public roads in unincorporated areas (EIR, Part 9).

There are 14 school districts, serving 145,000 students in the County. The facilities conditions are between excellent and adequate, and enrollment trends began to decline in 2008 presumed to have been caused mostly by the economic downturn (EIR, Part 9).

XIV. RECREATION

Various regional, state, and federal parks are located within the county. Four of the facilities are listed under federal and state wildlife facilities, where three of them are managed by the State Department of Fish and Wildlife: the White Slough Wildlife Area, Woodbridge Ecological Preserve, and the Corral Hollow Ecological Preserve. There are 13 regional parks within the County (EIR, Part 9).

Parks and recreation facilities and enjoyment of the County's water resources, the rivers and the Delta, are significant factors contributing to the quality of life for thousands of residents not only in San Joaquin County but the State of California as well. In addition, preservation of the County's natural resources which contribute to outdoor recreational opportunities is essential to maintaining the character and quality of life County residents enjoy. The County provides regional parks, as well as local parks for many unincorporated neighborhoods and communities (EIR, Part 9).

XV. TRANSPORTATION/TRAFFIC

Public travel to, through, and around San Joaquin County occurs primarily by automobiles on an extensive freeway and road network, and to a lesser degree by bus, rail, and air transit services (EIR, Part 4). Transportation of goods occurs through a road and rail network, as well as by a deep water port in Stockton. The County's circulation system is part of a larger, area-wide network of transportation modes; its functioning will impact upon and will be affected by circulation patterns in adjoining areas. The potential for negative spillovers can be minimized through mutual cooperation on behalf of those involved in transportation planning. The San Joaquin County Council of Governments (COG) is the regional transportation planning agency in the County. The County's objectives and policies for transportation are intended to be consistent with those from the Regional Transportation Plan prepared by the COG (EIR, page 4.D-33). The San Joaquin County road standards propose an level of service (LOS) of C or better on all County roads except in a city area where the city has adopted a LOS D and LOS D on all freeways and state highways (EIR, Part 4). Intersections shall operate at an overall LOS D or better on minor arterials and roadways of higher classification; and LOS C on all other roads (San Joaquin County Traffic Impact Study Guidelines).

XVI. UTILITIES AND SERVICE SYSTEMS

Wastewater in the County is treated by community/regional collection and treatment systems, package treatment plants, and individual on-site treatment systems. Community/regional treatment systems are large public wastewater treatment systems consisting of a network of collection lines, a treatment facility, and a disposal system. ~~Package treatment plants serve smaller developments and often use aeration to enhance degradation of organic matter in wastewater. Individual on-site treatment systems generally consist of a septic tank and leach field. The type of system employed is determined by various factors including the type and density of development, amount of wastewater generated, soil characteristics, depth to groundwater, and composition of wastewater (EIR, page 4.3-1).~~ Discharge of wastewater, pollutants, substances, or material of any kind into the County storm drainage which interferes with the operation or performance of the County storm drainage system or which violates any condition of the NPDES Permit or any other Federal, State, or local regulation is prohibited (County Ordinance Code, Title 5, Division 6).

San Joaquin County's water resources include surface water and groundwater. Four rivers and numerous creeks and sloughs comprise a network of waterways in the County. The groundwater system which supplies a large proportion of domestic and irrigation water is recharged along the rivers and the alluvial fans of the rivers. A comprehensive water demand and supply analysis does not exist at this time.

However, some cities with the County have based their analysis on the Urban Water Management Plans baseline measurements. The current baseline year is 2010 with future projections to 2035. Groundwater levels have declined and will most likely continue to decline as areas are urbanized. Any future water supply demands would only be permitted in accordance with the Integrated Regional Water Quality Management Plan (EIR, page 4.N-51 – 4.N-57). ~~Portions of the system are being depleted and water quality has begun to suffer. Overdrafting of the aquifers has resulted in the intrusion of poor quality saline waters from the Delta groundwater (General Plan, VI, page VI-24). In the developed areas, water agencies acquire water from ground or surface supplies, treat it if necessary, and distribute it to users. The water agencies include the cities, public districts empowered to provide water, and quasi-public agencies, such as California Water Service. Potable water in rural areas generally comes from individual wells. All urban communities in the County have public water systems, except French Camp (General Plan, VI, page IV-62).~~

Solid waste management and disposal is governed by the San Joaquin County Solid Waste Management Plan, which defines programs for recycling, resource recovery, and disposal. Solid waste occurs at ~~eight~~ three disposal/landfill sites facilities in the County, ~~(four are for residential and commercial/industrial solid waste, and four are for special purposes),~~ Foothill Landfill, North County Landfill, and Lovelace Materials Recovery Facility and Recycle Center ~~and some disposal occurs in Sacramento and Stanislaus Counties.~~ Three of the County's landfills are expected to reach capacity by ~~2010~~ 2020 and possibly through 2054 (EIR, page 4.N-25). ~~In order to maintain the health and sanitation of the County, efforts are being made to prolong the life of these facilities, through expansion and/or recycling, or to develop new landfills (General Plan, VI, page IV-68; County Ordinance Code, Title 5, Division 2).~~

3. Conclusion

As previously stated, no changes have been made to the project design that would require major revisions of the Initial Study/ Negative Declaration. Renewal of San Joaquin County as a state-designated RMDZ does not have the potential to adversely affect human beings or the environment as any proposed facilities or expansions of existing facilities requiring discretionary approval in the unincorporated areas and incorporated cities of San Joaquin County as a result of this zone designation would be subject to CEQA compliance with the respective local planning division during the application process. Therefore, no impact is anticipated.

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Ashlen McGinnis

Printed Name

Date

Environmental Coordinator

Title

San Joaquin County Department of Public Works
Agency

RESOLUTION _____

AUTHORIZING APPROVAL FOR RENEWED SUPPORT OF THE RECYCLING MARKET DEVELOPMENT ZONE (RMDZ) PROGRAM AND ACTIVITIES IN SAN JOAQUIN COUNTY

WHEREAS, California Resources Code Section 42010 provides for the establishment of the Recycling Market Development Zone (RMDZ) program throughout the state, which provides incentives to stimulate the development of post-consumer and secondary materials markets of recyclables, and

WHEREAS, San Joaquin County RMDZ includes San Joaquin County as the lead agency, and the Cities of Tracy, Manteca, Lodi, Lathrop, Ripon, Escalon, and Stockton, and

WHEREAS, San Joaquin RMDZ is dedicated to establishing, sustaining and expanding recycling-based manufacturing businesses, which is essential for market development and to assist local jurisdictions in meeting the established landfill reduction goals, and

WHEREAS, The San Joaquin County RMDZ designation will expire in December 2015, and

WHEREAS, Regional Programs such as the RMDZ Program is funded through AB939 fees, and

WHEREAS, The renewal of the RMDZ continues to be a necessity in order to facilitate local and regional planning, coordination, to support existing recycling-based manufacturing businesses, as well as to attract private sector recycling business investments to the region, and

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves renewed support for the San Joaquin County Recycling Market Development Zone (RMDZ).

* * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 15th day of September 2015, by the following vote:

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

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.J

REQUEST

ACCEPTANCE OF THE ANIMAL SHELTER PROJECT - CIP 71064, COMPLETED BY D. G. GRANADE INC OF SHINGLE SPRINGS, CALIFORNIA, AND AUTHORIZATION FOR THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

EXECUTIVE SUMMARY

The contractor has completed construction of the new Animal Shelter in accordance with project plans, specifications, and contract documents. Project costs are within the available budget. Staff recommends Council accept the project to enable the City to release the contractor's bonds and retention.

DISCUSSION

On April 15, 2014, City Council awarded a construction contract to D.G Granade Inc., of Shingle Springs, California, for the Animal Shelter Project - CIP 71064, in the amount of \$3,462,600.

The scope of work for the Tracy Animal Shelter included construction of a 59' by 158' single-slope pre-engineered metal building covering the outdoor portion of 32 dog kennels and 5,600 square foot of conditioned shelter space below. The conditioned shelter space is a 10-foot high wood-framed structure design with a wood truss joist ceiling system and plywood deck above. Exterior materials included metal roofing, tubular skylights, metal siding, exterior cement plaster, fiberglass thermal wall insulation, and aluminum storefront window systems. Interior materials included sheet vinyl, epoxy resinous coating on concrete, fiberglass reinforced plastic panels, acoustical tile ceilings, water-resistant polyethylene acoustical panels, painted gypsum board walls and ceilings, casework and equipment and signage. Doors included wood and metal, fiberglass reinforced plastic used in kennels.

Building systems included mechanical evaporative cooling, split system heat pump, potable water and sanitary plumbing, fiberglass trench drains at kennels, electrical lighting, normal power, fire alarm, distributed antenna system and other low voltage system. Equipment and specialties included central cleaning system, dog and cat caging systems, dog doors, various animal equipment items, commercial washer, dryer, and dish washer, stainless steel counters, casework and miscellaneous toilet room specialties.

Plans and specifications for the Animal Shelter were prepared by Indigo Hammond and Playle Architects, of Davis, California.

Six change orders were issued in the amount of \$339,498.98 for this project which consisted of adding eight parking spaces per bid Alternate 4, installation of additional waste water drains for the kennels to improve the waste water drainage, raising the height of the pre-engineered building to increase more attic space, installation of solar

tube skylights and roof flashing to prevent roof leakage, installation of temporary enclosure and heating for epoxy coating the Kennels during the winter season, installation of lights in the attic space to facilitate maintenance activities, installation of plumbing and electrical for washer and dryer, installation of electrical conduit and wiring for flag pole lighting, installation of garbage disposal and miscellaneous unforeseen items encountered during construction.

Status of budget and project costs is as follows:

A. Construction Contract Amount	\$3,462,600.00
B. Change orders	\$ 339,498.98
C. Design, construction management, inspection, Testing, & miscellaneous expenses	\$ 541,264.02
D. Project Management Charges	\$ 108,425.00
E. Land Acquisition	\$ 325,502.00
Total Project Costs	\$4,777,290.00
Budgeted Amount	\$5,395,460.00

The project has been completed within the available budget, on schedule, per plans, specifications and City of Tracy standards. The unused funds will be transferred as listed in the Fiscal Impact section of this report.

STRATEGIC PLAN

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

FISCAL IMPACT

Animal Shelter - CIP 71064 is an approved Capital Improvement Project with sufficient funding from General Project Fund 301. All remaining unused funds in the amount of \$618,170 have already been returned as part of the FY15-16 appropriation to the fund balances.

RECOMMENDATION

That City Council by resolution accept construction of the Animal Shelter Project – CIP 71064, completed by D.G. Granade Inc., of Shingle Springs, California, and authorize the City Clerk to record the Notice of Completion with the San Joaquin County Recorder. The City, in accordance with the terms of the construction contract, will release the bonds and retention payment.

Agenda Item 1.J
September 15, 2015
Page 3

Prepared by: Paul Verma, Senior Civil Engineer

Reviewed by: Robert Armijo, City Engineer
Andrew Malik, Development Services Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

RESOLUTION 2015- _____

ACCEPTING THE ANIMAL SHELTER PROJECT - CIP 71064, COMPLETED BY D. G. GRANADE INC., OF SHINGLE SPRINGS, CALIFORNIA, AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS On April 15, 2014, City Council awarded a construction contract to D.G Granade Inc., of Shingle Springs, California, for the Animal Shelter Project - CIP 71064, in the amount of \$3,462,600, and

WHEREAS, The contractor has completed construction of the Animal Shelter Project - CIP 71064, in accordance with plans, specifications, and contract documents, and

WHEREAS, Six change orders were issued in the amount of \$339,498.98, and

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

A. Construction Contract Amount	\$ 3,462,600.00
B. Change orders	\$ 339,498.98
C. Design, construction management, inspection, Testing, & miscellaneous expenses	\$ 541,264.02
D. Project Management Charges	\$ 108,425.00
E. Land Acquisition	\$ 325,502.00
Total Project Costs	\$4,777,290.00
Budgeted Amount	\$5,395,460.00

WHEREAS, The Animal Shelter Project - CIP 71064, is an approved Capital Improvement Project with sufficient funding from General Project Fund 301. All remaining unused funds in the amount of \$618,170 have already been returned as part of the FY15-16 appropriation to the fund balances;

NOW, THEREFORE BE IT RESOLVED That City Council accepts construction of the Animal Shelter Project – CIP 71064, completed by D.G. Granade Inc., of Shingle Springs, 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 2015-_____ was adopted by City Council on the 15th day of September, 2015, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.K

REQUEST

ACCEPTANCE OF THE ASPHALT CONCRETE PAVEMENT RECONSTRUCTION OF THE NORTHERN HALF OF GRANT LINE ROAD FROM HOLLY DRIVE TO APPROXIMATELY 600 FEET EAST OF MACARTHUR DRIVE, CONSTRUCTED BY PACIFIC GAS AND ELECTRIC (PG&E)

EXECUTIVE SUMMARY

Pacific Gas and Electric (PG&E) has completed the installation of a new PG&E gas pipeline and pavement reconstruction of the northern half of Grant Line Road from Holly Drive to approximately 600 feet east of MacArthur Drive in accordance with the Roadway Reconstruction Agreement, project plans, and specifications. Staff recommends City Council accept the improvements as completed to enable the City to release the PG&E bond.

DISCUSSION

On July 1, 2014, City Council approved a Roadway Reconstruction Agreement with PG&E, for the pavement reconstruction of the northern half of Grant Line Road from Holly Drive to approximately 600 feet east of MacArthur Drive.

The Scope of this agreement included replacement of an existing PG&E eight inch diameter gas pipeline along and under the westbound lanes of Grant Line Road from Holly Drive to the eastern City limits. The existing pipeline replaced is approximately 4,200 feet in length. Replacement of the gas pipeline was mandated by the California Public Utility Commission (CPUC) in response to the San Bruno explosion which occurred in 2010.

As a result of replacement of the existing pipeline, PG&E was conditioned that the entire intersections of Holly Drive/Grant Line Road, East Street/Grant Line Road, and MacArthur Drive/Grant Line Road and the northern half of Grant Line Road in between these intersections and approximately 600 feet east of Macarthur Drive would be resurfaced with a two-inch lift of rubberized asphalt concrete. Traffic loops will be replaced and damaged pavement marking and striping will be replaced.

PG&E has completed all work required to be done in accordance with the Agreement, and has requested acceptance of the public improvements.

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. PG&E is responsible for all costs of the gas main replacement and reconstruction of the affected portion of Grant Line Road. PG&E has paid the City cost of processing the agreement including plan checking, testing, and inspection fees.

RECOMMENDATION

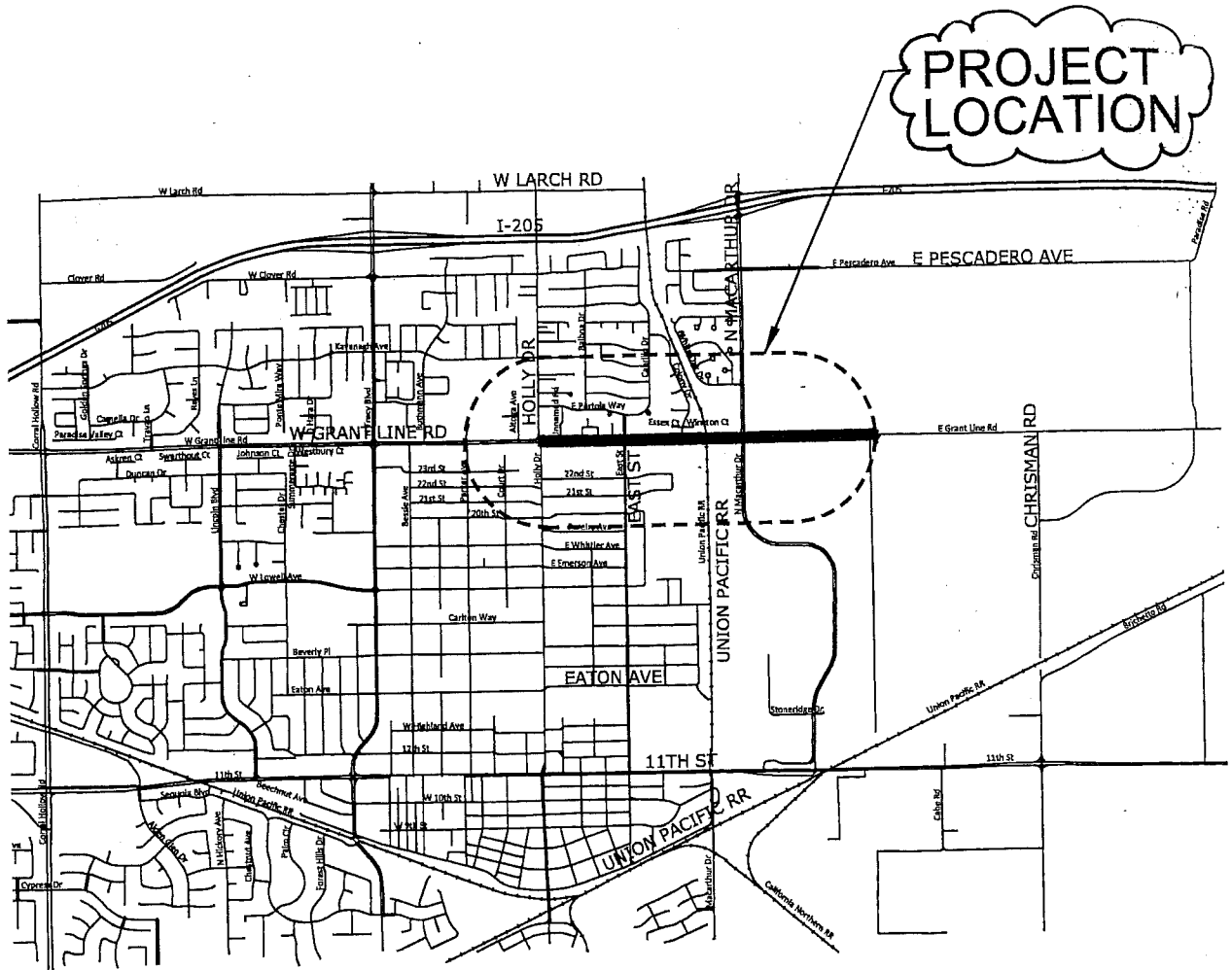
That City Council, by resolution, accept the pavement reconstruction of the northern half of Grant Line Road from Holly Drive to approximately 600 feet east of MacArthur Drive as complete in accordance with the Roadway Reconstruction Agreement with PG&E, including the project plans and specifications. The Development Services Department will notify PG&E to prepare and record a Notice of Completion with San Joaquin County Recorder. Lastly, the City Engineer will release all bonds in accordance with the terms of the Roadway Reconstruction Agreement.

Prepared by: Paul Verma, Senior Civil Engineer

Reviewed by: Robert Armijo, City Engineer
Andrew Malik, Development Services Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

Attachment - Vicinity Map



VICINITY MAP
NOT TO SCALE

RESOLUTION 2015-_____

ACCEPTING THE ASPHALT CONCRETE PAVEMENT RECONSTRUCTION OF THE NORTHERN HALF OF GRANT LINE ROAD FROM HOLLY DRIVE TO APPROXIMATELY 600 FEET EAST OF MACARTHUR DRIVE, CONSTRUCTED BY PACIFIC GAS AND ELECTRIC (PG&E)

WHEREAS, On July 1, 2014, City Council approved a Roadway Reconstruction Agreement with PG&E, for the pavement reconstruction of the northern half of Grant Line Road from Holly Drive to approximately 600 feet east of MacArthur Drive, and

WHEREAS, PG&E has completed all work required to be done in accordance with the Agreement, and has requested acceptance of the public improvements, and

WHEREAS, PG&E is responsible for all costs of gas main replacement and reconstruction of the affected portion of Grant Line Road;

NOW, THEREFORE, BE IT RESOLVED, That City Council accepts the Asphalt Concrete Pavement Reconstruction of the Northern Half of Grant Line Road from Holly Drive to approximately 600 feet east of MacArthur Drive Project as complete in accordance with the Roadway Reconstruction Agreement with PG&E, including the project plans and specifications. The Development Services Department will notify the PG&E to prepare and record a Notice of Completion with San Joaquin County. Lastly, the City Engineer will release all bonds in accordance with the terms of the Subdivision Improvement Agreement.

* * * * *

The foregoing Resolution 2015-_____ was passed and adopted by the Tracy City Council on the 15^h day of September, 2015, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.L

REQUEST

ACCEPTANCE OF THE POLICE RADIO EQUIPMENT ROOM COOLING SYSTEM PROJECT - CIP 71050A, COMPLETED BY COMFORT AIR, INC. OF STOCKTON, CALIFORNIA, AUTHORIZATION FOR THE CITY CLERK TO FILE THE NOTICE OF COMPLETION, AND AUTHORIZATION FOR THE CITY ENGINEER TO RELEASE THE BONDS AND RETENTION PAYMENT

EXECUTIVE SUMMARY

The project generally included the design-build of an independent cooling system for the radio equipment room in the police building.

The contractor has completed construction of the design-build of an independent cooling system for the Radio Equipment Room in the Police Building Project, CIP - 71050A, in accordance with project plans, specifications, and contract documents. Project costs are within the available budget. Staff recommends Council accept the project to enable the City engineer to release the contractor's bonds and retention.

DISCUSSION

The scope of work of this project consisted of the design-build of an independent cooling system for radio equipment rooms in the police building, complying with all requirements of a City building permit. The plans and specifications were prepared in-house by engineering staff.

The project was advertised for informal bids on the City of Tracy website and builder's exchanges on April 23, 2015, and four bids were received on May 20, 2015.

On July 15, 2015, the City Manager, in accordance with TMC 2.20.260, executed the agreement with the lowest monetary bidder Comfort Air, Inc. of Stockton, California, in the amount of \$7,790 for the Police Radio Equipment Room Cooling System Project - CIP 71050A.

No change orders were issued for this project and the status of budget and project costs are as follows:

A. Construction Contract Amount	\$7,790.00
B. Design, Construction Inspections	\$1,960.17
C. Citywide Project Management	<u>\$ 2,744.24</u>
Total Project Costs	\$12,494.41
Budgeted Amount	\$13,000.00

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

STRATEGIC PLAN

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

FISCAL IMPACT

CIP 71050A, is an approved Capital Improvement Project with sufficient funding; there will be no fiscal impact to the General Fund.

RECOMMENDATION

That City Council accept, by resolution, the Police Radio Equipment Room Cooling System Project - CIP 71050A, completed by Comfort Air, Inc. of Stockton, 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: Moheb Argand, Associate Civil Engineer
Paul Verma, Senior Civil Engineer

Reviewed by: Robert Armijo, City Engineer
William Dean, Assistant Development Services Director
Andrew Malik, Development Services Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

RESOLUTION 2015-_____

ACCEPTING THE POLICE RADIO EQUIPMENT ROOM COOLING SYSTEM PROJECT - CIP 71050A, COMPLETED BY COMFORT AIR, INC. OF STOCKTON, CALIFORNIA, AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY ENGINEER TO RELEASE THE BONDS AND RETENTION PAYMENT

WHEREAS, The scope of work of this project consisted of the design-build of an independent cooling system for radio equipment rooms in the police building, and

WHEREAS, The project was advertised for informal bids on the City of Tracy website and builder's exchanges on April 23, 2015, and four bids were received on May 20, 2015, and

WHEREAS, On July 15, 2015, the City Manager, in accordance with TMC 2.20.260, executed the agreement with the lowest monetary bidder Comfort Air, Inc. of Stockton, California, in the amount of \$7,790 for the Police Radio Equipment Room Cooling System Project - CIP 71050A, and

WHEREAS, the status of budget and project costs are as follows:

A. Construction Contract Amount	\$7,790.00
B. Design, Construction Inspections	\$1,960.17
C. Citywide Project Management	<u>\$ 2,744.24</u>
Total Project Costs	\$12,494.41
Budgeted Amount	\$13,000.00

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

WHEREAS, CIP 71050A, is an approved Capital Improvement Project with sufficient funding; there will be no fiscal impact to the General Fund;

NOW, THEREFORE, BE IT RESOLVED, That City Council accepts the Police Radio Equipment Room Cooling System Project - CIP 71050A, completed by Comfort Air, Inc. of Stockton, 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.

* * * * *

Resolution _____
Page 2

The foregoing Resolution 2015-_____ was passed and adopted by the Tracy City Council on the 15^h day of September, 2015, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.M

REQUEST

ACCEPTANCE OF TRINITY LANE SUBDIVISION IMPROVEMENTS, TRACT 3820, COMPLETED BY PULTE HOMES CORPORATION, A MICHIGAN CORPORATION

EXECUTIVE SUMMARY

Pulte Homes Corporation, a Michigan corporation (Subdivider) has completed the Subdivision Improvements of Trinity Lane, Tract 3820, in accordance with the Subdivision Improvement Agreement, project plans, and specifications. Staff recommends City Council accept the improvements as completed to enable the City to release the developer’s bond.

DISCUSSION

On September 16, 2014, City Council approved the Subdivision Improvement Agreement for Trinity Lane, Tract 3820, the subdivision of a 4.32-acre parcel into 60 residential lots. This subdivision is generally located at the northeast corner of Lammers Road and Feteira Way and is within the boundaries of the Plan “C” development area. Carlson, Barbee & Gibson, Inc. Civil Engineers Inc., of San Ramon, California prepared the improvement plans titled “Improvement Plans for Trinity Lane, Tract 3820.

Pulte Homes Corporation, the developer of Trinity Lane, Tract 3820, has completed all work required to be done in accordance with the Agreement, and has requested acceptance of the subdivision public improvements. The estimated cost of infrastructure improvements is as follows:

Cost Breakdown:

Road	\$ 45,350
Water	\$170,250
Storm Drainage	\$ 12,950
Miscellaneous & Contingency)	<u>\$ 22,850</u>
Total	\$251,405

A total of 276 square feet has been dedicated as part of the public right-of-way. The project carries a one-year warranty bond for all public improvements.

STRATEGIC PLAN

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

FISCAL IMPACT

There will be no fiscal impact to the General Fund.

RECOMMENDATION

That City Council, by resolution, accept the Trinity Lane Subdivision Improvements, Tract 3820, completed by Pulte Homes Corporation in accordance with the Subdivision Improvement Agreement for Trinity Lane, Tract 3820, including the project plans and specifications. The Development Services Department will notify the Developer to prepare and record a Notice of Completion with the San Joaquin County Recorder. Lastly, the City Engineer will release all bonds in accordance with the terms of the Subdivision Improvement Agreement.

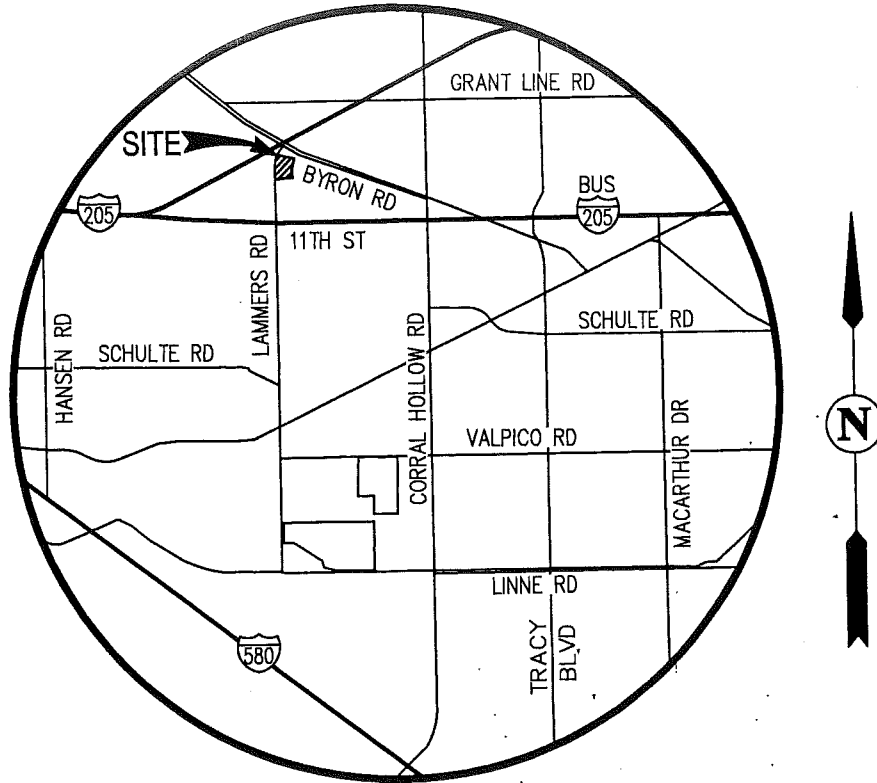
Prepared by: Paul Verma, Senior Civil Engineer

Reviewed by: Robert Armijo, City Engineer
Bill Dean, Interim Development Services Director
Andrew Malik, Interim Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment A - Vicinity Map



VICINITY MAP

NOT TO SCALE

RESOLUTION 2015-_____

ACCEPTING THE TRINITY LANE SUBDIVISION IMPROVEMENTS,-TRACT 3820, COMPLETED BY PULTE HOMES CORPORATION, A MICHIGAN CORPORATION (SUBDIVIDER)

WHEREAS, On September 16, 2014, City Council approved the Subdivision Improvement Agreement for Trinity Lane, Tract 3820, and

WHEREAS, Pulte Homes Corporation, the developer of Trinity Lane, Tract 3820, has completed all work required to be done in accordance with the Agreement, and has requested acceptance of the subdivision public improvements, and

WHEREAS, The estimated cost of infrastructure improvements are as follows:

Road	\$ 45,350
Water	\$170,250
Storm Drainage	\$ 12,950
Miscellaneous & Contingency)	<u>\$ 22,850</u>
Total	\$251,405

WHEREAS, A total of 276 square feet has been dedicated as part of the public right-of-way;

NOW, THEREFORE, BE IT RESOLVED, That City Council acceptS the improvements as complete in accordance with the Subdivision Improvement Agreement for Trinity Lane, Tract 3820, including the project plans and specifications. The Development Services Department will notify the Developer to prepare and record a Notice of Completion with San Joaquin County. Lastly, the City Engineer will release all bonds in accordance with the terms of the Subdivision Improvement Agreement.

The foregoing Resolution 2015-_____ was passed and adopted by the Tracy City Council on the 15^h day of September, 2015, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.N

REQUEST

ADOPT A RESOLUTION RESCINDING RESOLUTION 2015-144 AND DIRECTING THAT A PROPOSED ORDINANCE BE SUBMITTED TO THE VOTERS AT A SPECIAL ELECTION TO BE HELD ON DECEMBER 8, 2015 AND APPROPRIATING \$275,776 FROM THE CITY'S GENERAL FUND FOR THE COSTS ASSOCIATED WITH VERIFYING SIGNATURES AND HOLDING THE SPECIAL ELECTION

EXECUTIVE SUMMARY

On September 1, 2015, the City Council adopted Resolution 2015-144 ordering a special election be held on December 1, 2015 to consider an initiative measure. Since that time, staff has had additional discussions with the San Joaquin Registrar of Voter's Office. The Registrar of Voter's Office is now recommending that the election be held on December 8, 2015 rather than December 1, 2015.

DISCUSSION

On September 1, 2015, the City Council adopted Resolution 2015-144 ordering a special election be held on December 1, 2015 to consider an initiative measure. Since that time, staff has had additional discussions with the San Joaquin Registrar of Voter's Office. The Registrar of Voter's Office is now recommending that the election be held on December 8, 2015 rather than December 1, 2015.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no fiscal impact with this agenda item.

RECOMMENDATION

Adopt a resolution rescinding Resolution 2015-144 and directing that a proposed ordinance be submitted to the voters at a special election to be held on December 8, 2015 and appropriating \$275,776 from the City's General Fund for the costs associated with verifying signatures and holding the special election.

Prepared by: Nora Pimentel, City Clerk

Reviewed by: Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

RESOLUTION 2015-

RESCINDING RESOLUTION 2015-144 AND DIRECTING THAT A PROPOSED ORDINANCE BE SUBMITTED TO THE VOTERS AT A SPECIAL ELECTION TO BE HELD ON DECEMBER 8, 2015 AND APPROPRIATING \$275,776 FROM THE CITY'S GENERAL FUND FOR THE COSTS ASSOCIATED WITH VERIFYING SIGNATURES AND HOLDING THE SPECIAL ELECTION

WHEREAS, on June 4, 2015, proponents Eugene Birk, Wayne Schneider, and Carl Roy Hawkins, filed in the City Clerk's Office a Notice of Intent to Circulate Petition for the purpose of adopting an initiative measure; and

WHEREAS, on July 20, 2015, the initiative petitions were filed in the Office of the City Clerk; the total number of raw signatures submitted by the proponents was 8,235; the total number of Random Sample signatures verified by the San Joaquin County Registrar of Voters was 500 and the total number of sufficient signatures was 397 (79.400%), valid signatures percentage required for Sample Verification 67.524%; and

WHEREAS, the minimum number of 5,087 (61.38.5%) signatures required to call a special election was met; and

WHEREAS, on September 1, 2015 the City Council adopted Resolution 2015-144 ordering a special election be held on December 1, 2015; and

WHEREAS, Since that time, it has been determined that the special election should be held on December 8, 2015 rather than December 1, 2015.

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. Resolution 2015-144 is rescinded.

SECTION 2. A special election is ordered to be held on Tuesday, December 8, 2015, to submit the following question to the qualified electors of the City of Tracy:

Shall an ordinance be adopted establishing a new Active Adult Residential Allotment Program in the City's Municipal Code; exempting such program from the City's Growth Management Ordinance; and allocating 600 Active Adult Residential Allotments to property located at the southeast corner of Corral Hollow and Valpico Roads?	YES
	NO

SECTION 3. The proposed complete text of the ordinance submitted to the voters is attached as Exhibit A.

SECTION 4. The City Council appropriates \$275,776 from the City's General Fund to the City Clerk's election account to pay for the estimated cost of verifying signatures on the petitions and for holding the special election.

SECTION 5. The measure shall pass by 50% + 1.

The foregoing Resolution 2015- , was passed and adopted by the Tracy City Council on the 15th day of September, 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

Exhibit A

RECEIVED
CITY CLERK'S OFFICE

2015 JUN -4 PM 1:44

CITY OF TRACY
TRACY, CA

We, the People of the City of Tracy, do hereby find, determine, resolve, adopt and ordain as follows:

SECTION 1. Purpose, Intent, Findings and Declarations.

(a) We, the undersigned, registered, qualified voters of California, residents of the City of Tracy, hereby propose resolution, ordinance and related actions relating to active adult residential development, and petition you to immediately submit this Initiative Measure to the City Council for submission to the voters of the City of Tracy at a special election pursuant to Elections Code section 9214, or the next regular municipal election for which it qualifies.

(b) For individuals aged 55 and older, very few residential opportunities currently exist in Tracy with on-site amenities, the ability to connect with peers in a social setting and a recreation-at-home lifestyle. This Initiative Measure is intended to facilitate the development of quality, safe, senior / active adult housing (also referred to in this Initiative Measure as "Active Adult Residential" or "AAR") communities within Tracy, which will promote a lifestyle, a "place," and welcoming community for those older individuals encompassed by the protections of California Civil Code Sections 51.2, 51.3 and 51.4, the Federal Fair Housing Act, and Title 24 of the California Code of Regulations (hereinafter referred to as "Active Adults"). This Initiative Measure also amends the General Plan, Tracy Municipal Code and other controlling local laws to adopt a process whereby proponents of Active Adult Residential projects (the property) may obtain Active Adult Residential Allotments, separate from the City's Growth Management Ordinance, but only when all of the following take place: (i) the Active Adult Residential Allotments are approved (adopted) through a ballot measure (in accordance with the Elections Code, including without limitation, sections 9214, 9215, 9222) for a particular piece of property, (ii) City-involved planning decisions are made approving the project (with full City discretion), and (iii) the project is restricted by the property developer to Active Adult residents. Finally, this Initiative Measure reclassifies a vacant property, known as Urban Reserve 9, as an Area of Special Consideration under Tracy's General Plan intended for low-density residential uses, and sets up a program by which a limited number of Active Adult Residential Allotments could be issued to this area if: (i) Approval by the City of a specific plan for the property (with the City retaining full discretion and authority over that specific plan process and approval) takes place; and (ii) Restriction of the property by the owner to Active Adult development, as encompassed by California Civil Code Sections 51.2, 51.3 and 51.4, the Federal Fair Housing Act, and Title 24 of the California Code of Regulations, takes place.

(c) The growing number of older citizens present a unique and important housing opportunity for any community: Many are still active in the workplace, some are retired, and some are employed but not part of traditional work patterns (including traditional workforce commute patterns). This diversity of retirement timelines has caused significant housing shifts from patterns established by previous generations. Active Adult communities often have a population density (occupants per dwelling unit) of approximately half that of typical, market-rate, single family detached residential subdivisions. Consistent with such higher retirement levels and reduced population counts, these communities generally have fewer vehicular trips (particularly during peak employment-related commute periods), and hence create fewer impacts on traffic and the local transportation network. Likewise, such communities generally do not have resident school-aged children and therefore impose fewer burdens on local public school systems. Further, these age-restricted developments have lower water and sewer demands, and overall lower impacts on public services and facilities. In short, Active Adult communities do not result in the same impacts as typical residential subdivisions. Finally, Active Adult communities create positive benefits for the community, including providing new sources of skilled and experienced workers for local businesses, volunteers for civic organizations and nonprofits, and new consumers desirous of supporting local businesses.

(d) Consistent with controlling law, promoting Active Adult housing will help to satisfy projected regional housing needs. In the future, qualifying senior/Active Adult Residential projects could be developed as small, medium or large master planned communities which may consist of a mix of residential densities and housing types at low, medium and high densities, or residential mixed-use developments. This measure is intended to facilitate planned residential developments at a range of affordability and housing type levels in order to accommodate the growing housing needs of older citizens, and provide new land for open space, trails, and recreational amenities. It also ensures that the development of AAR communities occurs in an approved and orderly fashion by limiting the number of Active Adult Residential Allotments that can occur separate from the City's Growth Management Ordinance.

(e) Under this Initiative Measure, new development on the property within the area formerly known as Urban Reserve 9, as well as future properties that qualify for Active Adult Residential Allotments through a ballot measure (in accordance with the Elections Code, including without limitation, sections 9214, 9215, 9222), will be subject to environmental review under the California Environmental Quality Act, will be subject to discretionary processes under Planning and Zoning law, the Subdivision Map Act, and all other controlling federal, state and local law, will require developer restriction on the property comprising the residential development to Active Adult in order to operate separate from the City's Growth Management Ordinance, will require public review and input, and involve and require discretionary City consideration through the City's normal entitlement and approval processes.

(f) This Initiative Measure is not intended to impede the provision of new Active Adult housing on property that does not wish to secure Active Adult Residential Allotments, is not intended to provide the exclusive means of providing new Active Adult housing, and shall not be construed as imposing any new restrictions or requirements on the development of senior housing that is otherwise conforming to California Civil Code Sections 51.2, 51.3 and 51.4, the Federal Fair Housing Act, and Title 24 of the California Code of Regulations, the City's General Plan, Municipal Code, Growth Management Ordinance and all other applicable rules and regulations. In other words, this Initiative Measure only seeks to facilitate generally the development of property for communities for Active Adults within Tracy, to reclassify a specific identified piece of vacant property as an Area of Special Consideration where Active Adult development could be encouraged, and establishes a program by which a limited number of Active Adult Residential Allotments could be issued to the property comprising this area if a Specific Plan for development of that property is approved by the City and the property and its development are age-restricted by the property developer. This Initiative Measure does not change the status quo for other properties or for developers of other types of age-qualified housing on other properties in Tracy, which shall remain regulated by the City's Growth Management Ordinance.

SECTION 2. General Plan Amendments.

(a) We, the people of the City of Tracy, do hereby amend the City of Tracy General Plan, as set forth in this Section 2. This Initiative Measure neither amends nor deletes existing General Plan text by implication; all amendments are made expressly as follows: when new text is added to the General Plan by this Initiative Measure, that new text is shown as underscored (i.e., new text). When existing General Plan text is deleted by this Initiative Measure, that deleted text is shown as struck through (i.e., ~~deleted text~~). Additionally, amendments to the General Plan effectuated by this Initiative Measure are cited by Element or other relevant major section of the General Plan, and then the particular Exhibits, Figures, Objectives, Goals, Policies, and/or Actions that are being added, deleted or revised, and the approximate page in the existing General Plan where the text before revision resides. Inaccuracies in citation shall not nullify the amendments effectuated by this Initiative measure.

(b) The following amendments are hereby made to the City of Tracy General Plan:

(1) The first paragraph of Section A.2 of the Land Use Element at page 2-9, "Growth Management Ordinance," is hereby amended to read as follows:

The City of Tracy adopted a residential Growth Management Ordinance (GMO) in 1987, which was amended in 2000 by the voter-initiated Measure A. In general terms, the goal of the GMO is to achieve a steady and orderly growth rate that allows for the adequate provision of services and community facilities, and includes a balance of housing opportunities. Under the GMO, builders must obtain a Residential Growth Allotment (RGA) in order to secure a residential building permit. The GMO limits the number of RGAs and building permits to an average of 600 housing units per year for market rate housing, with a maximum of 750 units in any single year. There are exceptions for affordable housing.¹ The GMO shall not apply to Active Adult Residential (AAR) property that has secured "Active Adult Residential Allotments" through a ballot measure, in accordance with the Elections Code, including without limitation, sections 9214, 9215, 9222, and pursuant to Chapter 10.18 of the City's Municipal Code. The initiative measures that sets such Active Adult Residential Allotments for a particular property may set the annual number of building permits that may be issued for such particular property, thereby setting the maximum annual rate of potential development of such property's senior housing that is otherwise conforming to California Civil Code Sections 51.2, 51.3 and 51.4, the Federal Fair Housing Act, and Title 24 of the California Code of Regulations and the City's General Plan. Active Adult development that does not seek Active Adult Residential Allotments pursuant to Chapter 10.18 of the Municipal Code shall be subject to the GMO.

Implementation of the GMO to meet the goals and policies of the General Plan, including concentrated growth, infill development, and affordable housing as high priorities, is through the Growth Management Ordinance Guidelines, which are adopted by resolution of the City Council. The GMO Guidelines include a map that establishes an "RGA Eligibility Area" showing the area where property owners are eligible to apply for RGAs. The Guidelines also include specific qualitative and quantitative criteria for the allocation of RGAs with said criteria periodically updated as provided by the resolution.

(2) Section A.2 of the Land Use Element at page 2-9, "Growth Management Ordinance," footnote 1, second paragraph, is hereby amended to read as follows:

[FN1] Through implementation of this General Plan and the GMO, Tracy is projected to have a population of approximately 109,000 people in the year 2025. This number is based on an estimate of the number of residential units allowed per year multiplied by the number of years multiplied by the

number of people per residential unit (units x years x people per unit), and adding that to the population of Tracy in 2000, which was approximately 57,000 people, according to the US Census.

Between the years 2000 and 2025, the number of residential units allowed under the City's Growth Management Ordinance is 15,000 units (600 per year times 25 years). Exceptions to allow for additional affordable housing ~~is~~ are included. The General Plan Housing Element also has a target of 1,200 affordable units during this same time period, which in addition to the number of units allowed under the Growth Management Ordinance would bring the total number of units to 16,200, resulting in an additional 52,000 people (using a multiplier of 3.21 persons per household), or a total population of 109,000 in the year 2025. Finally, the General Plan recognizes and authorizes Chapter 10.18 of the City's Municipal Code to exempt from the Growth Management Ordinance Active Adult Residential property that has received Active Adult Residential Allotments through a ballot measure (in accordance with the Elections Code, including without limitation, sections 9214, 9215, 9222). Because Active Adult Residential units are generally of lower density than non-Active Adult market-rate housing (to be conservative, an assumption of 2.0 persons per household is used) and because currently 600 Active Adult Residential Allotments have been authorized through a ballot measure for the property/area formerly known as Urban Reserve 9 (and is now referred to as the Tracy Village property), which is designated "Residential Low" under the General Plan, these additional units would result in an additional 1,200 people, for a total projected population of 110,200 in the year 2025.

(3) Table 2-2 of the Land Use Element at page 2-14, "General Plan Land Use Designations (City Limits and SOI)" is hereby amended to re-designate land from Urban Reserve to Residential Low as follows:

Table 2-2 General Plan Land Use Designations (City Limits and SOI)

Land Use Designation	City Limits (Acres)	SOI (Acres)	Total
Residential Very Low	193	266	459
Residential Low	3,583	296,430	3,879,013
Residential Medium	1,503	29	1,532
Residential High	217	31	248
TR – Ellis	-	287	287
Commercial	766	498	1,263
Office	544	--	544
Downtown	116	--	116
Village Center	123	8	131
Industrial	2,282	1,733	4,015
Urban Reserve	172	3,872-3,738	4,044-3,910
Public Facilities	990	66	1,057
Park	251	516	767
Open Space	81	3,469	3,551
Aggregate	10	163	172
Agriculture	-	916	916

1. Acreages have been rounded.
2. Information about the land use mix envisioned for areas with Urban Reserve designations are provided in the descriptions and statistical profiles on pp. 54-87.
3. Table has been updated under Amendment.

(4) Figure 2-2 of the Land Use Element at page 2-15 (General Plan Land Use Designations) is hereby amended by this Initiative Measure to reflect the re-designation of "Urban Reserve 9" to "Residential Low." An enlarged portion of Figure 2-2 of the Land Use Element at page 2-15 (General Plan Land Use Designations), as amended by this Initiative Measure, is attached to this Initiative Measure as *Attachment A*, and is incorporated herein by this reference as if set forth herein in full, in order to show in diagram form the location and re-designation of "Urban Reserve 9" to "Residential Low."

(5) Section C of the Land Use Element at page 2-38 is hereby amended to add Policy P8 under Objective LU-1.4, as follows:

P8. The City shall encourage Active Adult communities to meet the needs of an aging population and to offer a variety of housing and recreational choices as part of its efforts to promote equal housing opportunities in the City's housing market for all age ranges.

(6) Figure 2-4 of the Land Use Element at page 2-52 (Areas of Special Consideration) is hereby amended by this Initiative Measure to include a new Area of Special Consideration No. 11, Tracy Village Specific Plan Area, located as more particularly shown on *Attachment B* to this Initiative Measure, which is attached hereto and is incorporated herein by this reference as if set forth herein in full.

(7) Section D of the Land Use Element (Areas of Special Consideration) at page 2-59 is hereby amended to include the following new Area of Special Consideration No. 11, Tracy Village Specific Plan Area, as follows:

11. Tracy Village Specific Plan Area.

The Tracy Village Specific Plan Area property is a single rectangular shaped parcel comprising approximately 134 acres located on Valpico Road just east of Corral Hollow Road, and is the area formerly known as Urban Reserve 9. The property is currently outside of the City's territorial limits, but is within its sphere of influence, and is adjacent to the City on two sides. The property is currently undeveloped and used for agricultural uses, and is surrounded on three sides by existing residential neighborhoods. The vision for this property is a low-density, master planned residential community. This property has the potential to facilitate and promote an "active adult" lifestyle, a "place" for our older citizens, a welcoming community for those individuals encompassed by the protections of California Civil Code Sections 51.2, 51.3 and 51.4, the Federal Fair Housing Act, and Title 24 of the California Code of Regulations. It is anticipated that future development on the site will be governed by the Tracy Village Specific Plan (when adopted by City), which will establish specific zoning criteria and permitted uses, including the creation of park and recreational amenities, consistent with the goals and policies of the General Plan. This General Plan allows and encourages but does not require active adult development. The property was allotted six hundred (600) Active Adult Residential Allotments by initiative measure, subject to certain prerequisites. Two primary prerequisites to the availability and use of those 600 Active Adult Residential Allotments on the Tracy Village Specific Plan Area property set by that initiative measure are: (i) Approval by the City of a specific plan for the property (with the City retaining full discretion and authority over that specific plan process and approval); and (ii) Restriction of the property by the owner to active adult development encompassed by California Civil Code Sections 51.2, 51.3 and 51.4, the Federal Fair Housing Act, and Title 24 of the California Code of Regulations. Pursuant to that initiative measure, if either of those prerequisites are not satisfied, the six hundred (600) Active Adult Residential Allotments shall not be available to the Tracy Village Specific Plan Area property, and instead the Tracy Village Specific

Plan Area property shall be subject to the City's Growth Management Ordinance (GMO). Additionally, that initiative measure set a maximum annual issuance of two-hundred (200) building permits for habitable structures.

(8) Section E.9 of the Land Use Element at page 2-78 is hereby amended to read as follows:

[The Urban Reserve 9 General Plan designation has been deleted and replaced with the "Residential Low" General Plan designation, as shown in Figure 2-2, General Plan Land Use Designations.]

~~9. Urban Reserve 9~~

~~This area, located to the east of Corral Hollow Road is approximately 130 acres. The land use envisioned for this area is predominantly residential at a mixture of densities with some neighborhood park uses. When development occurs, the following additional General Plan policies apply:~~

~~9a. The acreages assigned to land uses in the statistical profile for this Urban Reserve are intended as guidelines; the overall distribution and mixture of residential densities may change.~~

~~9b. Future development in this Urban Reserve should strive for a goal of creating neighborhoods that have a well-integrated mixture of housing types with an average density of six dwelling units per acre.~~

~~9c. Consideration should be given to the relationship between the location, intensity of land uses and site layout along the boundary shared by this Urban Reserve and adjacent areas, including the surrounding residential uses.~~

(9) Table 2-11 of the Land Use Element at page 2-79, "Statistical Profile: Urban Reserve 9," is hereby deleted in its entirety:

~~TABLE 2-11 STATISTICAL PROFILE: URBAN RESERVE 9~~

Land Use Designation*	Acrees	Adjusted Gross Acrees	% of Total Land	Assumed Density^b	Approximate # of Homesites^c
Residential-Low	57	48	44%	4.35	210
Residential-Medium	43	37	34%	9	330
Residential-High	17	14	13%	18.75	260
Park	13		10%		
Total Acrees	130	110			800 du

~~* Does not include land for Public Facility or Open Space designations. Distribution of land uses may change as a result. These uses will be determined at the time of a Zoning District, Specific Plan or PUD.~~

~~^b Assumed density (du/acre) is less than maximum allowed in a particular land use designation.~~

~~^c Dwelling units (du) numbers have been rounded to the nearest 10.~~

~~Note: Table has been updated under Amendment.~~

SECTION 3. Amendments to the City of Tracy's Municipal Code and Zoning Ordinance.

(a) We, the people of the City of Tracy, do hereby amend the City of Tracy's Municipal Code, as set forth in this Section 3. This Initiative Measure neither amends nor deletes existing City of Tracy Municipal Code text by implication; all amendments are made expressly as follows: when new text is added to the City of Tracy Municipal Code by this Initiative, that new text is shown as underscored (i.e., new text). When existing Municipal Code text is deleted by this Initiative that deleted text is shown as struck through (i.e., ~~deleted text~~). Additionally, amendments to the City of Tracy Municipal Code effectuated by this Initiative are cited by chapter, section and/or other relevant demarcation in the City of Tracy Municipal Code, and then the particular Exhibits, Figures, Objectives, Goals, Policies, and/or Actions that are being added, deleted or revised. Inaccuracies in citation shall not nullify the amendments effectuated by this Initiative Measure.

(b) We, the people of the City of Tracy, do hereby adopt the following new Section 10.12.021, added to Chapter 10.12, Residential Growth Management Plan, of the City of Tracy's Municipal Code, to read as follows:

10.12.021 – Exemption For Certain Active Adult Residential Uses.

(a) Residential development on property that has obtained Active Adult Residential Allotments pursuant to Chapter 10.18 of the Municipal Code is unlike typical residential property in important ways. The senior housing development on such property generates fewer vehicular trips resulting in improved air quality over typical residential subdivisions, imposes fewer burdens on local public school systems and public services, creates lower demand for athletic fields, and has lower water and sewer demands. Such AAR communities are also recognized as providing a new source of skilled and experienced volunteers for civic organizations and nonprofits, as well as supporting local businesses and creating additional community benefits such as parks and other recreational amenities.

(b) For these reasons, the development of property that has been allocated "Active Adult Residential Allotments" through a ballot measure (in accordance with the Elections Code, including without limitation, sections 9214, 9215, 9222) are not subject to this GMO or the GMO Guidelines and shall not require any residential growth allotment under the GMO. In addition, new AAR units constructed with Active Adult Residential Allotments shall not be counted against the annual residential growth allotment allotments under this chapter. Finally, the term "residential building permits" as set forth in section 10.12.110 of this chapter shall be construed as meaning only residential building permits for residential units which have not been allotted Active Adult Residential Allotments through the initiative process and chapter 10.18 of the Tracy Municipal Code.

(c) We, the people of the City of Tracy, do hereby adopt the following new Chapter 10.18, Active Adult Residential Allotments, to the City of Tracy Municipal Code, to read as follows:

Chapter 10.18. Active Adult Residential Allotments

Article I. General Provisions

10.18.010 - Authority and reference to chapter.

This chapter 10.18 of the Tracy Municipal Code may be referred to as "Active Adult Residential Allotments Ordinance" (also referred to as "AAR Allotments").

10.18.020 - Purpose.

The purpose and intent of this chapter is to facilitate the General Plan goal of developing Active Adult Residential communities within the City of Tracy by creating a process whereby Active Adult Residential Allotments (AAR Allotments) may be allocated to specific properties within the City of Tracy through the initiative process, separate from the City's Growth Management Ordinance.

10.18.030 – Definitions

Unless otherwise provided in this chapter, the definitions set forth in chapter 10.08 (Zoning Regulations), chapter 12.08 (Subdivision Ordinance), and title 9 (Building Regulations) of this Code shall apply to this chapter. In the event that the definitions or provisions of the Zoning Regulations, the Subdivision Ordinance, or the Building Regulations, or any other provisions of this Code conflict with any provisions of this chapter, then this chapter shall control to the extent necessary to administer and effectuate the purpose of this chapter.

Article 2. Active Adult Residential Allotments.

10.18.040 – Limitations

AAR Allotments shall be allocated in accordance with this chapter and through a ballot measure (in accordance with the Elections Code, including without limitation, sections 9214, 9215, 9222), as required by this chapter. Once allotted through such initiative process to a particular property, such AAR shall not be transferred to any other property.

Article 3. Implementation.

10.18.050 – Requirements

(a) An Active Adult Residential Allotment (or residential growth allotment, for projects which do not have Active Adult Residential Allotments) shall be required for any dwelling unit to be constructed on property as a condition of issuance of building permits. Prior to the issuance of building permits for the development of AAR units pursuant to this chapter, applicants shall demonstrate to the satisfaction of the City of Tracy's Director of Development and Engineering Services that such units are subject to a Specific Plan or Planned Unit Development Permit that establish dwelling unit and population density, design, and neighborhood compatibility standards, including but not limited to the following: (1) the maximum and minimum number of residential units allowed and the average number of people per unit; (2) the density ranges allowed in terms of dwelling units per acre, and the maximum and minimum numbers of each such residential housing type; (3) the criteria that will be used to establish the location/mix of residential design and housing types; and (4) the park and recreational uses. In addition, in order for a property awarded AAR Allotments through a ballot measure (in accordance with the Elections Code, including without limitation, sections 9214, 9215, 9222) to use such AAR Allotments pursuant to the AAR Allotment process set forth in this chapter, residential occupancy of said property shall be limited by the property developer (through deed restriction, condition of land development approval, lease, and/or other enforceable manner) to Active Adults (persons qualifying under California Civil Code Sections 51.2, 51.3 and 51.4, the Federal Fair Housing Act, Title 24 of the California Code of Regulations, and related controlling law).

(b) "Active Adult Residential Allotments" is the phrase used to denote the approval through a ballot measure (in accordance with the Elections Code, including without limitation, sections 9214, 9215, 9222) of a specific maximum number of AAR residential units allowed for a named property. Once such specific Active Adult Residential Allotments are approved through such initiative process, then such approved Active Adult Residential Allotments may be used only on the AAR property named through such initiative process. In other words, through such initiative process, the maximum number of Active Adult Residential Allotments shall be determined, and shall be assigned only to that property designated by such initiative measure. Because of such initiative-process-determined AAR Allotments, AAR properties that have received such Active Adult Allotments are not subject to the City's Growth Management Ordinance (GMO), as explained in the City's General Plan and Municipal Code, including without limitation, this chapter.

10.18.060 – Other Senior Housing

This Active Adult Residential Allotments Ordinance does not provide the exclusive means of providing new Active Adult housing, and shall not be construed as imposing any new restrictions or requirements on the development of senior housing that is otherwise conforming to California Civil Code Sections 51.2, 51.3 and 51.4, the Federal Fair Housing Act, and Title 24 of the California Code of Regulations, the City's General Plan, Municipal Code, Growth Management Ordinance and all other applicable rules and regulations. This Active Adult Residential Allotments Ordinance only applies to those properties identified in a ballot measure (in accordance with the Elections Code, including without limitation, sections 9214, 9215, 9222) as being qualified to secure Active Adult Residential Allotments, if the requirements of the General Plan, this chapter, and said initiative measure are satisfied. This chapter provides for, and does not change the status quo for properties and developments of other types of age-qualified housing in Tracy. For those properties and developers who do not wish to avail themselves of the Active Adult Residential Allotments this chapter provides for, all of the other relevant controlling law shall apply, including without limitation California Civil Code Sections 51.2, 51.3 and 51.4, the Federal Fair Housing Act, and Title 24 of the California Code of Regulations, the City's General Plan, the Tracy Municipal Code, and the Growth Management Ordinance (GMO).

Article 4. Urban Reserve Area 9/ Tracy Village Specific Plan Area.

10.18.070 – Allocation of Active Adult Allotments.

(a) By a ballot measure (this Initiative Measure), Six hundred (600) Active Adult Residential Allotments are allocated to the property/area formerly known as Urban Reserve 9, now referenced as the Tracy Village Specific Plan property, located at the southeast corner of Corral Hollow and Valpico Roads. This Article 4 and its sections were included in a ballot measure (this Initiative Measure) and provide the details of that allocation of Active Adult Allotments to the Tracy Village Specific Plan property.

(b) An individual (one (1)) Active Adult Residential Allotment shall be required for each individual dwelling unit to be developed as an AAR residential unit on the Tracy Village Specific Plan property, and possession of such an Active Adult Residential Allotment shall be a condition of building permit issuance.

(c) No more than two-hundred (200) residential building permits may be issued by City for the Tracy Village Specific Plan property in any given calendar year.

10.18.080 – Exclusive Use/No Transfers of AAR Allotments Allowed.

(a) All or any part of said six hundred (600) Active Adult Residential Allotments allocated to the Tracy Village Specific Plan property by this Initiative Measure shall only be used on the Tracy Village Specific Plan property, and shall not be transferred (in whole or part) to any other project or property.

(b) Said six hundred (600) Active Adult Residential Allotments allocated to said Tracy Village Specific Plan property shall not expire.

10.18.090 – Application of Articles 1, 2, 3 and 4.

The general provisions of Articles 1, 2 and 3 of this Chapter 10.18, Active Adult Residential Allotments, shall apply to the six hundred (600) Active Adult Residential Allotments allocated to the Tracy Village Specific Plan property by this Article 4.

SECTION 4. Implementation.

(a) Nothing in this Initiative Measure shall be construed to preclude, prohibit or limit the City from complying with any requirements under state housing law. To the extent that any provision of this Initiative Measure can be read to conflict with state housing law, it shall be interpreted to allow for compliance with state housing law, consistent with the effectuation of all the purposes and provisions of this Initiative Measure.

(b) Once adopted by this Initiative Measure, and upon application by the then-relevant owner(s) of the property (or portion of property) in question, the General Plan amendment, zoning and pre-zoning provisions of this Initiative Measure may be revised by the City without a subsequent vote of the people of the City of Tracy, provided such proposed revision(s) is conducted pursuant to controlling California law, including without limitation the California Environmental Quality Act and the Planning and Zoning law.

(c) Additional approvals and permits outside of the scope of this Initiative Measure (e.g., subdivision maps, building permits, etc.) will be necessary or desirous to the development of the Tracy Village Specific Plan property. Such approvals and permits may be approved, issued, revised and otherwise acted upon without a subsequent vote of the people of the City of Tracy. Additionally, nothing in this Initiative Measure is intended to remove the legal requirement that the City and all responsible agencies fully comply with the California Environmental Quality Act, Planning and Zoning Law, the Subdivision Map Act, and any and all other relevant laws prior to taking action on such subsequent approvals and permits for the Tracy Village Specific Plan property.

(d) In accordance with the ruling in *L.I.F.E. Committee v. City of Lodi* (1989) 213 Cal.App.3d 1139, this Initiative Measure does not pass judgment on whether or not the annexation of the Tracy Village Specific Plan property to the City is required, and does not say "yea" or "nay" to such annexation. However, in order to effectuate the implementation of this Initiative Measure, we the people of the City of Tracy hereby express our desire that the City of Tracy take all steps necessary to process and submit requests to the San Joaquin County Local Agency Formation Commission ("LAFCO") (which steps include without limitation, CEQA compliance, pre-zoning and other pre-approvals for all related parcels) for LAFCO's action on, and approval of, the annexation of the Tracy Village Specific Plan property to the City of Tracy in order to effectuate the development of this property as proposed and authorized in this Initiative Measure. This Initiative Measure does not and cannot increase or decrease the discretion of the City and LAFCO to determine those actions. However, we the people absolutely desire that such actions take place, and trust that the City and LAFCO will consider our voices when they act.

(e) This Initiative Measure envisions and supports future City, LAFCO and other public agency actions that will implement this Initiative Measure (for example, annexation of the Tracy Village Specific Plan property to the City, etc.), including those actions that may result in future amendments to the General Plan, Tracy Municipal Code and all other local laws and approvals.

SECTION 5. Conflicting Measures.

(a) This Initiative Measure shall be deemed to conflict with any other initiative measure appearing on the same ballot if such other initiative measure(s) address(es) any of the following subjects, whether it does so by specific application or as a more general enactment that could otherwise be applied in a manner that addresses any of the following subjects: age-restricted development, active adult development, GMO inclusions and exclusions addressing age-restricted/active adult development.

(b) In the event that this Initiative Measure and any other initiative measure are approved by the voters at the same election, and this Initiative Measure receives a greater number of affirmative votes than any other such measure or measures, this measure shall control in its entirety and the other measure or measures shall be rendered void and without any legal effect. If this Initiative Measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than any other conflicting initiative measure, this Initiative Measure shall take effect to the extent permitted by law.

SECTION 6. Construction.

(a) This Initiative Measure shall be liberally construed to effectuate its purposes.

(b) This Initiative Measure shall be interpreted so as to be consistent with all federal, state and City of Tracy laws, rules and regulations.

SECTION 7. Severability, Cure and Re-Approval.

(a) If any portion, section, phrase, sentence or word (collectively, "portion") of this Initiative Measure, or a portion's application to a particular situation, is held invalid by a court of competent jurisdiction, then that portion shall be considered severed from this Initiative Measure and the remaining portions of this Initiative Measure shall remain in legal force and effect. We, the people of the City of Tracy, declare that we would have adopted this Initiative Measure, and each portion of it, irrespective of the fact that any other portion, or application to a situation, be held invalid.

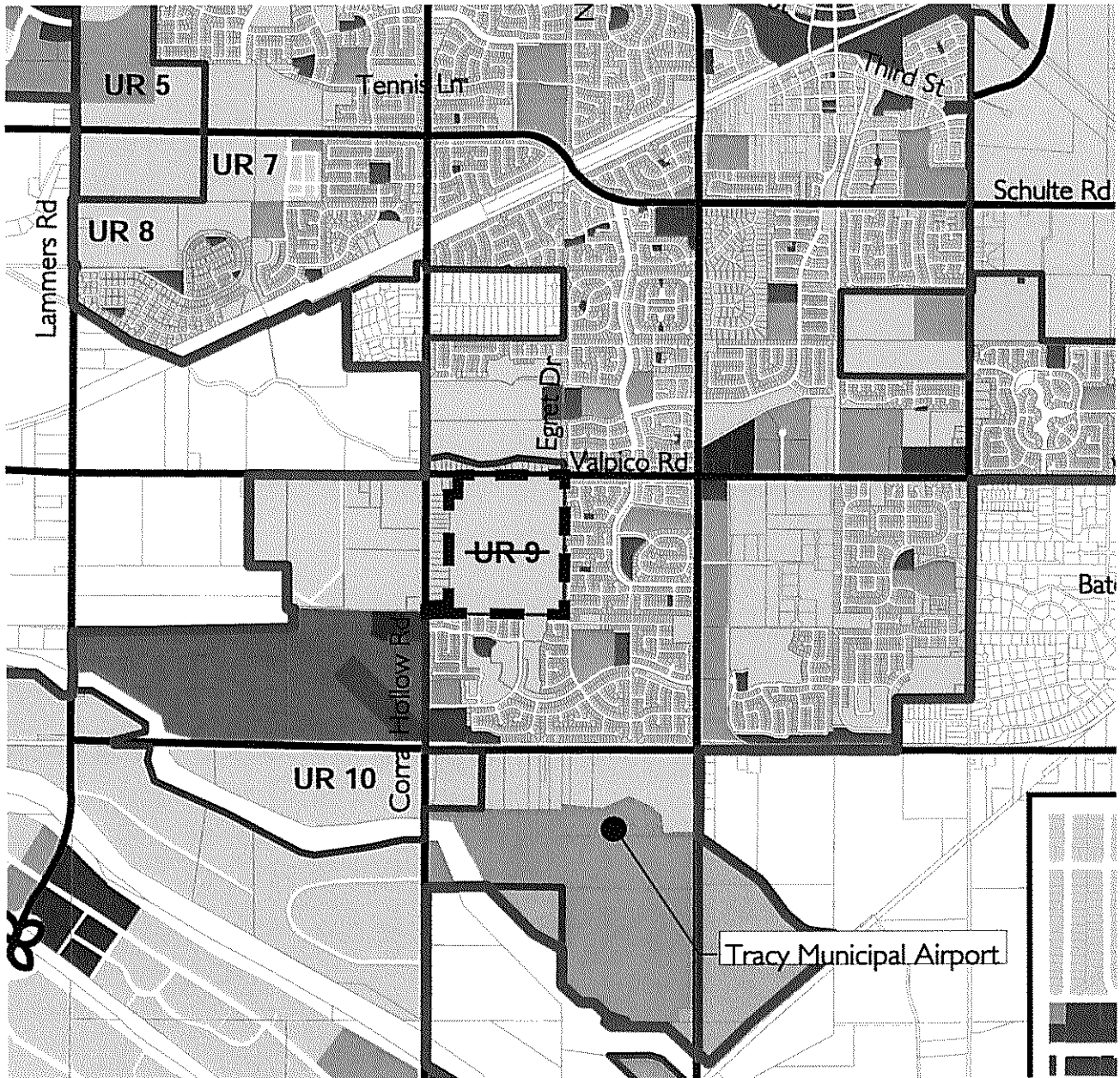
(b) If any portion of this Initiative Measure is held by a court of competent jurisdiction to be invalid, we the people indicate our strong desire that: (1) the City Council shall use its best efforts to sustain and reenact that portion; and (2) the Council shall implement this Initiative Measure by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative Measure.

SECTION 8. Adopted Date; Effective Date; Statute of Limitations.


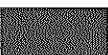





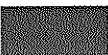


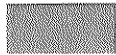
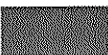

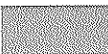
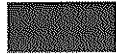

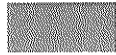


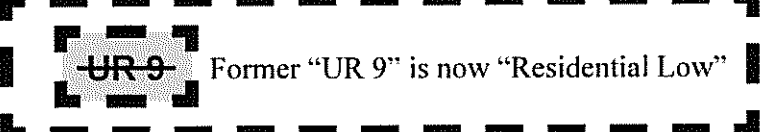
(a) If a majority of the voters vote in favor of this Initiative Measure, then this Initiative Measure shall be considered adopted, and shall be considered to go into effect, in accordance with the provisions of Elections Code section 9217. If, instead, this Initiative Measure is adopted without alteration by a majority of the City Council in accordance with the provisions of Elections Code sections 9214 or 9215, then this Initiative Measure shall be considered adopted and effective upon such date of adoption by such City Council majority.

(b) Unless a shorter statute is enacted by the State Legislature, all provisions of this Initiative Measure shall be deemed subject to Government Code Section 65009(c), and no action or proceeding challenging all or any part of this Initiative Measure shall be maintained unless commenced and service made upon the City of Tracy within 90 days of this Initiative Measure's adoption, either by the voters or by the City Council, as provided above.

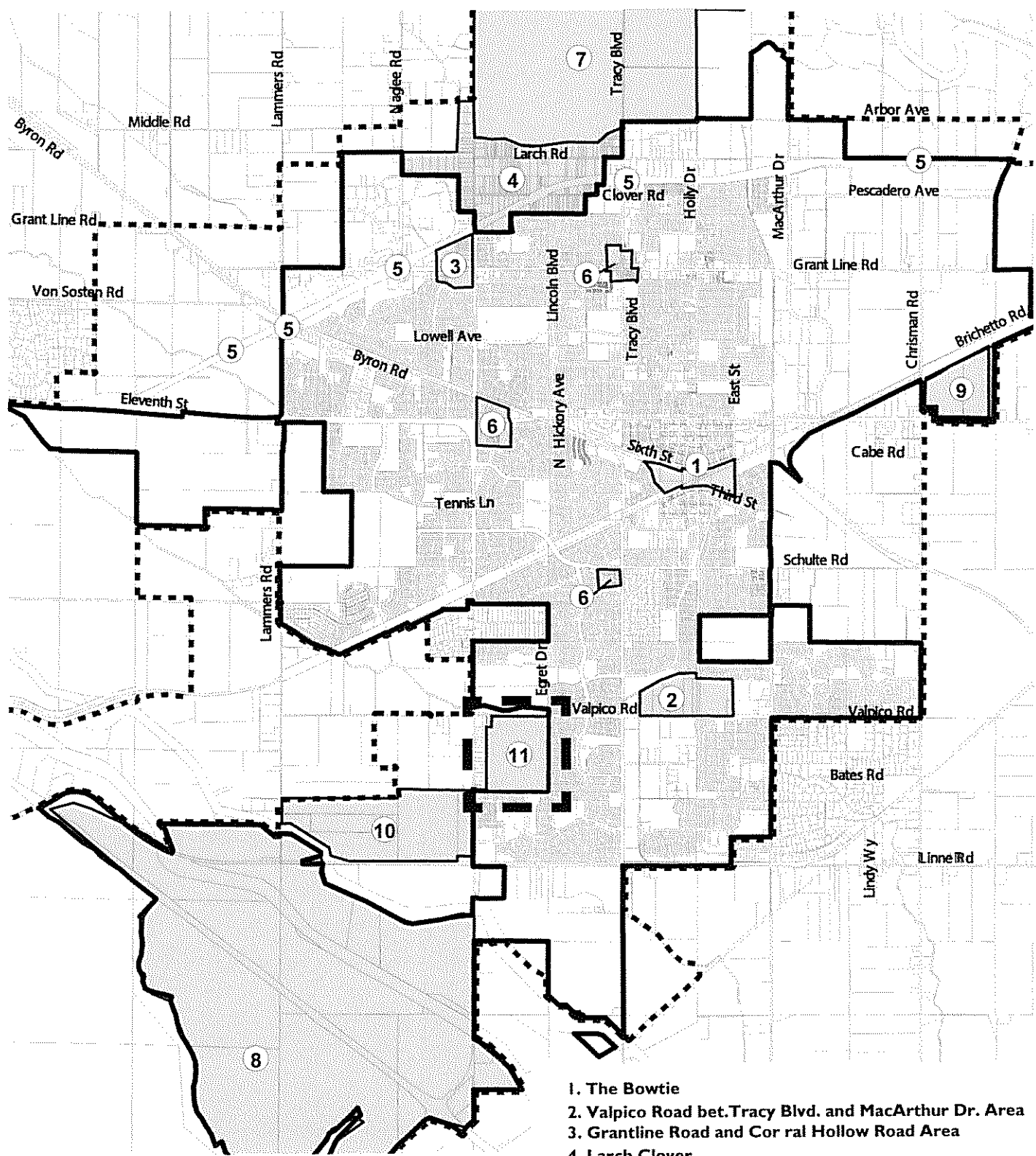
Attachment A: Tracy General Plan Land Use Designations, Figure 2-2



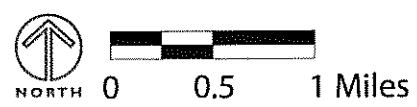
Legend



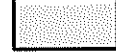
- | | | | |
|---|---------------------------------|--|--|
|  | Sphere of Influence |  | Downtown |
|  | City Limits |  | Village Center |
|  | Residential Very Low |  | Public Facilities |
|  | Residential Low |  | Park |
|  | Residential Medium |  | Open Space |
|  | Residential High |  | Agriculture |
|  | Traditional Residential - Ellis |  | Aggregate |
|  | Commercial |  | Urban Reserve |
|  | Office |  | Major Arterial/Expressway/Boulevard |
|  | Industrial |  | Former "UR 9" is now "Residential Low" |

Attachment B: Tracy General Plan Areas of Special Consideration, Figure 2-4



- 1. The Bowtie
- 2. Valpico Road bet. Tracy Blvd. and MacArthur Dr. Area
- 3. Grantline Road and Corral Hollow Road Area
- 4. Larch Clover
- 5. I-205 Entryways
- 6. Potential Village Centers
- 7. Holly Sugar Agricultural Area
- 8. Tracy Hills Specific Plan
- 9. Chrisman Road Property
- 10. Ellis/Tracy Airport Outer Approach Zone Property
- 11. Tracy Village



-  City Limits
-  Sphere of Influence
-  Areas of Special Consideration

AREAS OF SPECIAL CONSIDERATION

FIGURE 2-4

AGENDA ITEM 1.O

REQUEST

AUTHORIZE AMENDMENT NUMBER ONE TO THE MASTER PROFESSIONAL SERVICES AGREEMENT WITH RENNE SLOAN HOLTZMAN SAKAI LLP FOR SPECIAL COUNSEL TO CONDUCT LABOR NEGOTIATIONS WITH MULTIPLE EMPLOYEE GROUPS AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT

EXECUTIVE SUMMARY

This agenda item would authorize an amendment to the City's approval of the Master Professional services Agreement with Renne Sloan Holtzman Sakai LLP. Currently, the agreement has a "not to exceed" limit of \$100,000 to conduct labor negotiations with five of the nine employee groups, which has already been met. This Amendment would change the "not to exceed" amount of the MPSA to allow the City to continue utilizing Renne Sloan Holtzman Sakai, LLP as special counsel to conclude negotiations and allow for contingencies that may arise out of the negotiations process.

DISCUSSION

On August 5, 2014 City Council approved a Master Professional Services Agreement (MPSA) with Renne Sloan Holtzman Sakai LLP for special counsel to conduct labor contract negotiations with our represented labor groups. All nine employee group contracts expired as of June 30, 2015. Five of those nine contracts are currently working through the negotiations process. Renne Sloan Holtzman Sakai LLP will also be assisting the City with the four remaining unrepresented groups.

In fiscal year 2014/15, \$100,000 was budgeted to cover the costs to begin the labor negotiations process. Due to significant changes in the labor laws since we last negotiated in 2012, there was a significant amount of work that needed to be done at the onset of negotiations in order to prepare for the possibility of contingencies. Additionally, while negotiations are progressing, they are moving slower than anticipated and are requiring significantly more time. This amendment will change the not to exceed limit of the MPSA to \$200,000. All of this amount may not be used and is dependent on how negotiations progress.

STRATEGIC PLAN

This agenda item supports the City's Governance Strategy and Business Plan, and specifically implements the following goals and objectives:

Governance Strategy

Goal 1: Further develop an organization to attract, motivate, develop, and retain a high-quality, engaged, high-performing, and informed workforce.

Objective 1b: Affirm organizational values.

FISCAL IMPACT

There is no additional General Fund fiscal impact as a result of amending this MPSA. Approximately \$ 100,000 was allocated to the Administrative Services Departments FY 2015/16 operating budget in anticipation of labor negotiations possibly extending into the current fiscal year. The additional funding will also include any labor related legal assistance needed after conclusion of labor negotiations to further clarify or implement the contracts.

RECOMMENDATION

That the City Council, by resolution, approve the Amendment to the Master Professional Services Agreement for Renne Sloan Holtzman Sakai LLP and authorize the Mayor to execute the Amendment.

Prepared by: Judy Carlos, Human Resources Analyst

Reviewed by: Midori Lichtwardt, Human Resources Division Manager
V. Rachele McQuiston, Administrative Services Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENT

Exhibit A: Amendment No. 1 to the Master Professional Services Agreement with Renne Sloan, Holtzman Sakai LLP

**CITY OF TRACY
AMENDMENT NO. 1 TO
MASTER PROFESSIONAL SERVICES AGREEMENT
RENNE SLOAN HOLTZMAN SAKAI LLP**

This Amendment No. 1 (Amendment) to the Master Professional Services Agreement is entered into between the City of Tracy, a municipal corporation (City), and RENNE SLOAN HOLTZMAN SAKAI LLP.

Recitals

- A.** The City and RENNE SLOAN HOLTZMAN SAKAI LLP entered into a Master Professional Services Agreement (Agreement) for special counsel to conduct labor negotiations on behalf of the City, which was approved by the City Council on August 5, 2014, under Resolution No. 2014-116.
- B.** The CITY desires to increase the “not to exceed” total compensation under this agreement to \$200,000 from the current amount of \$100,000 in anticipation of ongoing negotiations with multiple employee labor groups.

Now therefore, the parties mutually agree as follows:

1. Incorporation by Reference. This Amendment incorporates by reference all terms set forth in the Agreement, unless specifically modified by this Amendment. The terms which are not specifically modified by this Amendment will remain in effect.

2. Terms of Amendment. The first sentence of Section 5.1 is amended to read as follows:

For services performed by Consultant under this Agreement, City shall pay Consultant on a time and expense basis, at the billing rate amounts set forth in Exhibit “B”, and Not to Exceed the amount set forth in each individual Task Order, provided however that the aggregate total of all Task Orders under this agreement is not to exceed \$200,000.

3. 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.

4. Severability. If 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 effect.

5. 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. This Amendment shall inure to the benefit of and be binding upon the parties and their respective successors and assigns.

The parties agree to the full performance of the terms set forth here.

City of Tracy

Renne Sloan Holtzman Sakai LLP

By: _____
Michael Maciel
Title: Mayor
Date: _____

By: _____
Dania Torres Wong
Title: Partner
Date: _____

Attest:

By: _____
Nora Pimentel, City Clerk

Approved as to form

City Business License # 73673

By: _____
Daniel G. Sodergren, City Attorney

RESOLUTION 2015 - _____

APPROVING AMENDMENT NUMBER ONE TO THE MASTER PROFESSIONAL SERVICES AGREEMENT WITH RENNE SLOAN HOLTZMAN SAKAI LLP FOR SPECIAL COUNSEL TO CONDUCT LABOR NEGOTIATIONS WITH MULTIPLE EMPLOYEE GROUPS AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT

WHEREAS, Multiple employee labor contracts expired on June 30, 2015; and

WHEREAS, The City desires to continue to retain special counsel to continue negotiations on behalf of the City; and

WHEREAS, City Council approved a Master Professional Services Agreement on August 5, 2014, with Renne Sloan Holtzman Sakai LLP;

NOW THEREFORE BE IT RESOVLED, that the City Council hereby approves Amendment Number One to the Master Professional Services Agreement with Renne Sloan Holtzman Sakai LLP (Exhibit A), to conduct labor negotiations with multiple employee groups and authorize the Mayor to sign the agreement Not to exceed \$200,000.

The foregoing resolution 2015-_____ was adopted by the Tracy City Council the 15th day of September, 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.P

REQUEST

AWARD A CONSTRUCTION CONTRACT TO TRACY GRADING AND PAVING OF TRACY, CA FOR 11TH STREET GATEWAY FOUNTAIN RENOVATION PROJECT – CIP 73151, AUTHORIZE AN APPROPRIATION OF FUNDS FROM GAS TAX FUND 245 AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT

EXECUTIVE SUMMARY

City Council is requested to award a contract for renovation of the 11th Street Gateway Fountain. The project includes removal and replacement of existing decorative tiles on the fountain walls which have discolored and started falling off due to age and weather impacts. The project also includes replacement of the existing worn out pumping system as additive bid items.

DISCUSSION

This project involves renovation of the 11th Street Gateway Fountain located in the median, east of the Lammers Road intersection. The decorative tiles on the fountain walls have discolored and are falling due to age and wear and tear from weather effects. Since the fountain is a gateway monument while entering in to the City from the West, the tiles need to be restored. In addition, the existing pumping system involving motor, valves and filters, has been worn out by wear and tear and need to be replaced for proper functioning of the fountain.

Initially, the scope of the project was limited to the replacement of the fountain tiles. However, during the design phase, replacement of the pumping system was added through three additive bid items as follows:

- Additive bid item A: Demolition of existing pump vault
- Additive bid item B: New pump system
- Additive bid item C: New electrical lighting fixtures and upgrades to power system

It was intended that the additive bid items would be awarded only if the lowest monetary bid was competitive and additional funding could be obtained for this project.

Plans and specifications were prepared in-house by staff. The removal and replacement of the decorative tiles is part of the base bid. Replacement of the pumping system is through three additive bid items as mentioned above. The project specifications require that the project's low bid will be evaluated on the base bid amount.

The project was advertised on August 21 and 28, 2015, and two bids were received and publicly opened at 4:00 p.m. on Wednesday September 2, 2015, with the following results:

Contractor	Base Bid	Additive Alternate Bid A	Additive Alternate Bid B	Additive Alternate Bid C	Recommended Award Base Bid Plus Additive Bid Items A and C
Tracy Grading and Paving, Tracy, CA	\$59,000	\$26,800	\$79,780	\$24,000	\$109,800
California Waters Development, Santa Ana, CA	\$235,840	\$7,830	\$102,860	\$152,740	\$396,410

The bid received from Tracy Grading and Paving is the lowest monetary bid based upon the base bid amount. The amount of additive bid items is also compatible as compared to its original installation cost. Bid analysis indicate that the lowest monetary bid is responsive and the bidder is responsible. Bidder has the appropriate contractor's license in active standing with the State of California, and has completed similar projects for the city.

In order to complete construction of this project beyond the base bid scope of work, additional funding will be required. Staff recommends that in addition to the base bid, work involved in additive bid items A and C be completed under this construction contract. Installation of the new pump system will be deferred until the recycling water project is complete and recycled water is delivered to the landscape medians at this location.

The total estimated cost of this project, if awarded to the lowest bidder, is as follows:

Description

Construction Bid (Base Bid + Additive Bid items A and C)	\$109,800
Design, Construction, Testing & Inspection	\$5,000
Construction Contingency (10%)	<u>\$10,980</u>
Total Construction Cost	<u>\$125,780</u>
Available Funding	\$85,000
Additional Funding Required	\$40,780

With regards to the construction contingency amount, Tracy Municipal Code Section 2.20.090(b) authorizes the City Manager to approve change orders up to the contingency amount approved by Council if needed during construction.

STRATEGIC PLAN

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

FISCAL IMPACT

This is an approved Capital Improvement Project for Fiscal Year 2014-15 with available funding of \$85,000 from the Gas Tax Fund 245. An additional appropriation of \$40,780 is needed from the Gas Tax Fund to complete construction of the base bid and additive bid items A and C.

RECOMMENDATION

That City Council, by resolution, award a construction contract to Tracy Grading and Paving of Tracy, California, for the base bid and additive bid items A and C, in the amount of \$109,800 for the 11th Street Gateway Fountain Renovation Project – CIP 73151, authorize an appropriation of \$40,780, from the Gas Tax Fund, authorize City Manager to approve change orders up to the specified project contingency amount of \$10,980, if needed, and authorize the Mayor to execute the construction contract.

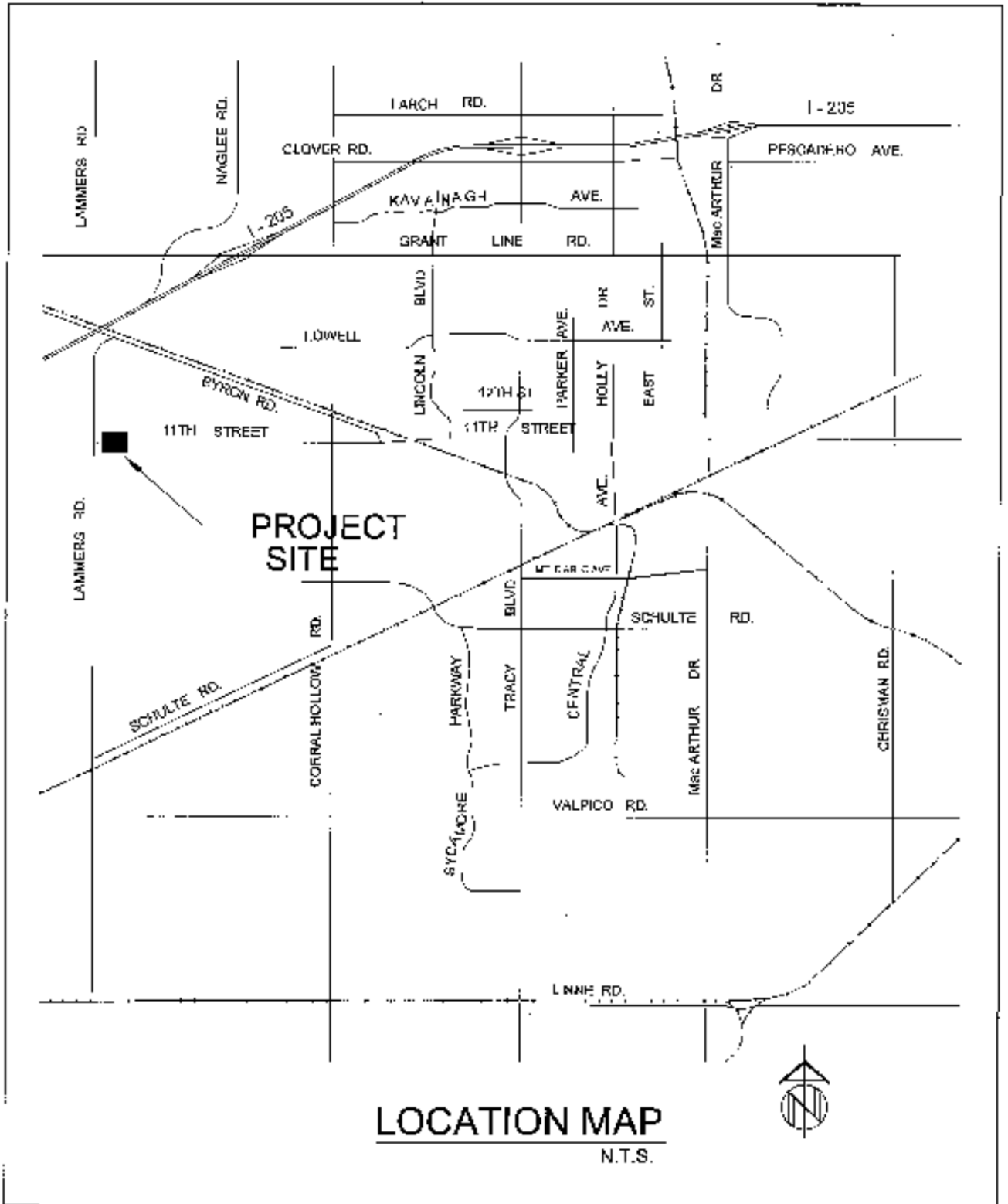
Prepared by: Binh Nguyen, Associate Civil Engineer

Reviewed by: Kul Sharma, Utilities Director
Andrew Malik, Development Services Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENT

Attachment A: Location Map



RESOLUTION 2015- _____

AWARDING A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR 11TH STREET GATEWAY FOUNTAIN RENOVATION PROJECT – CIP 73151, AUTHORIZING AN APPROPRIATION FROM THE GAS TAX FUND 245 AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT

WHEREAS, This project involves renovation of the 11th Street Gateway Fountain located in the median, east of the Lammers Road intersection, and

WHEREAS, Plans and specifications were prepared in-house by staff, and

WHEREAS, The project was advertised on August 21, and 28, 2015, and

WHEREAS, Two bids were received and publicly opened at 4:00 p.m. on Wednesday September 2, 2015, and

WHEREAS, This is an approved Capital Improvement Project for Fiscal Year 2014-15 with available funding of \$85,000 from the Gas Tax Fund, and

WHEREAS, An additional appropriation of \$40,780, is needed from the Gas Tax Fund 245 to complete construction of the base bid and additive bid items;

NOW, THEREFORE BE IT RESOLVED, That City Council awards a construction contract to Tracy Grading and Paving, of Tracy, California, for the base bid and additive bid items A and C in the amount of \$109,800, for the 11th Street Gateway Fountain Renovation Project – CIP 73151, authorizes an appropriation of \$40,780, from the Gas Tax Fund, authorizes the City Manager to approve change orders up to the specified project contingency amount of \$10,980, if needed, and authorizes the Mayor to execute the construction contract.

* * * * *

The foregoing Resolution 2015-_____ was adopted by City Council on the 15th day of September, 2015, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 3

REQUEST

CITY COUNCIL DISCUSSION AND DIRECTION REGARDING LAND USE, DEVELOPMENT STANDARDS, AND DESIGN GUIDELINES ALONG INTERSTATE 205 (I-205) FROM TRACY BOULEVARD TO THE EAST CITY LIMIT, AND INTRODUCTION AND ADOPTION OF AN INTERIM ORDINANCE PROHIBITING THE ISSUANCE OF ANY LAND USE ENTITLEMENT OR BUILDING PERMIT FOR CERTAIN WAREHOUSE AND DISTRIBUTION USES ALONG THE I-205 CORRIDOR BETWEEN TRACY BOULEVARD TO THE EASTERN CITY LIMIT

EXECUTIVE SUMMARY

In response to City Council direction on July 21, 2015, staff recommends a three-step planning process to evaluate appropriate development regulations and design standards for land uses along the I-205 Corridor. Staff also recommends considering an interim ordinance prohibiting the issuance of any land use entitlement or building permit for certain warehouse and distribution uses along the I-205 Corridor between Tracy Boulevard to the eastern City limit while this portion of the I-205 corridor is being studied.

DISCUSSION

On July 21, 2015, the City Council discussed potential land use and design guideline alternatives for property along the I-205 Corridor. The discussion followed City Council consideration of a development application (DCT Industrial) during the previous City Council meeting. The focus of the discussion is related to the character of development along the I-205 freeway corridor and the image projected to travelers passing through Tracy along the freeway.

This topic presents an opportunity to discuss a process to re-evaluate land use and design alternatives for new development along the I-205 corridor from Tracy Boulevard east to the east City limit line.

Recommended Planning Process

Should City Council choose to review development regulations and design standards for this part of the I-205 Corridor, staff recommends a three-step process:

Step 1 City Council consideration of modified development regulations, including such things as development setbacks, landscaping requirements, and possible other, new site development standards related to building placement. Such development standards could be modeled after the recently approved Cordes Ranch Specific Plan, which places specific limitations on development within 500 feet of the freeway.

Time: Three to five months to process through Planning Commission and

City Council first reading of an ordinance. The ordinance would take effect 30 days after a second reading.

Step 2 Analyze and adopt changes, as necessary, to the permitted land uses along the affected portion of the I-205 Corridor. Such land use limitations could be modeled after the Cordes Ranch Specific Plan.

Time: Six to twelve months depending on the level of CEQA review.

Step 3 Evaluate and adopt design guidelines, as necessary, to address site planning, architecture, height, size of structures, landscaping, circulation, and other design details of a project.

Time: Six to nine months depending on the level of detail and specificity in design standards.

The new regulations that may result from this process could take the form of an overlay zone, affecting the relevant portions of the I-205 Corridor. Any new regulations may require amending the General Plan, specific zoning districts, one or more specific plans, or rezoning specific property.

To the extent that General Plan designations or zoning districts or designations are amended, the process will include notice to affected property owners, public hearings by and recommendation from the Planning Commission, and CEQA documentation.

Given the time it will take to complete all three steps and the fact that some of the work is specialized related to design and architecture, the City Council may consider professional support during this analysis in the way of planning or design consultant services. If this is the desire of the City Council, an RFP could be published to select a consultant.

Consideration of an Interim Ordinance

As a result of the time it will take to complete this process, including public outreach, property owner coordination, and the ordinance drafting process, staff is recommending that the Council adopt a limited interim ordinance to preserve the status quo while this process is being undertaken.

State law authorizes a city to adopt, as an urgency measure, an interim ordinance prohibiting such uses that may conflict with a general plan, specific plan, or zoning proposal that the city is considering, without following the procedures otherwise required for adoption of a zoning ordinance. However, such an urgency measure requires a four-fifths vote of the City Council for adoption. An interim ordinance remains in effect for 45 days, but may be extended for up to two years.

Attached is an interim ordinance for City Council consideration that is narrowly tailored to only warehouse and distribution type land uses in the I-205 Corridor from Tracy Boulevard to the eastern City limit. This ordinance does not preclude the approval of all other permitted land uses across the various zoning districts. While approving an interim ordinance would temporarily forestall a limited number of permit

approvals for this area, it would not stop the processing of development applications.

STRATEGIC PLANS

The proposal is a routine item and is not related to the Council's Strategic Plans.

FISCAL IMPACT

This agenda item will not require any specific expenditure from the General Fund.

RECOMMENDATION

Staff recommends that the City Council take the following action:

- 1) Direct staff to begin a planning process to address the I-205 Corridor, and
- 2) Introduce and adopt an interim ordinance prohibiting the issuance of any land use entitlement or building permit for certain warehouse and distribution uses along the I-205 Corridor between Tracy Boulevard to the eastern City limit.

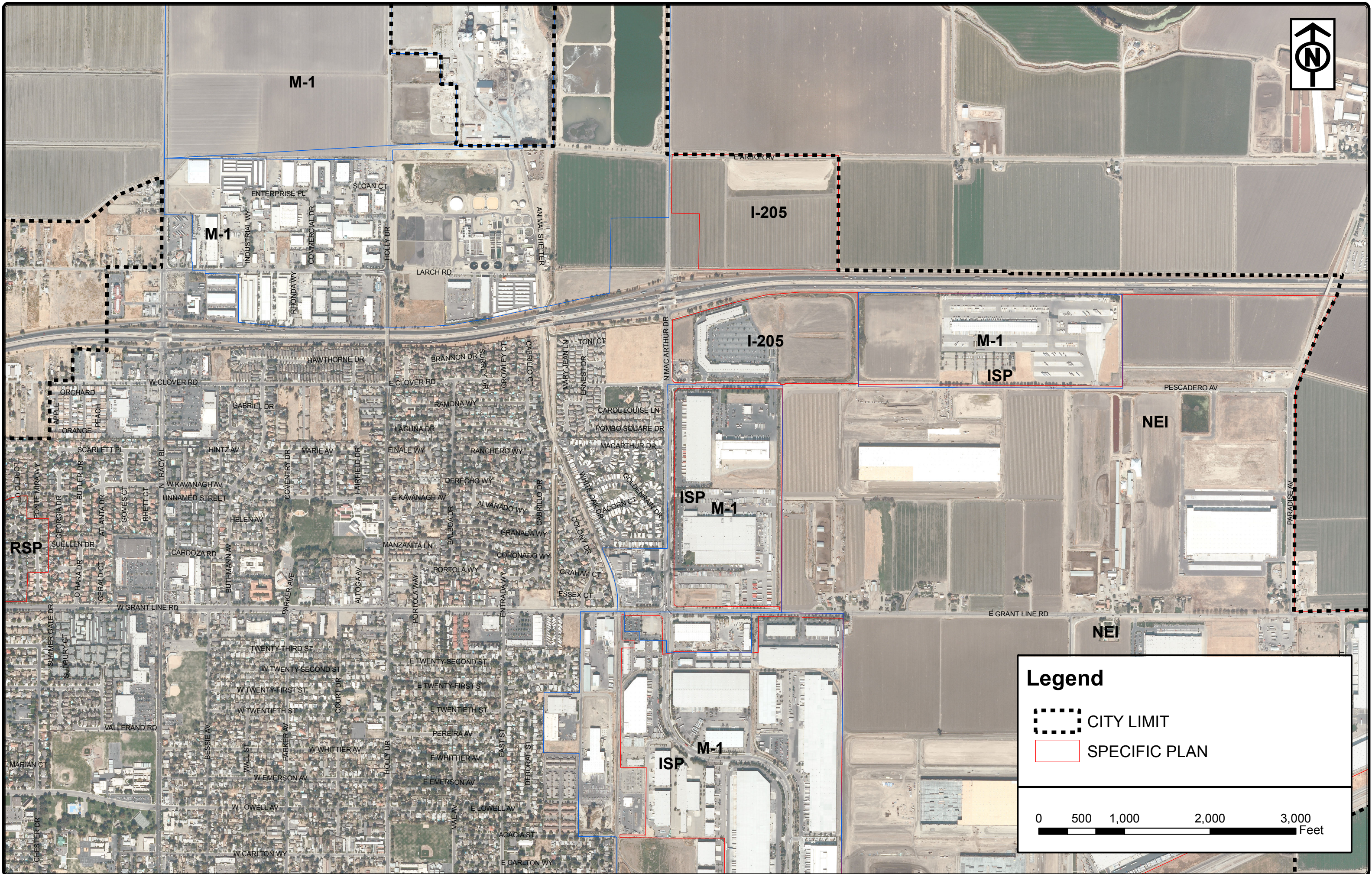
Prepared by: Alan Bell, Senior Planner
Bill Dean, Assistant Development Services Director

Reviewed by: Andrew Malik, Development Services Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment A – Air Photo of Potential Study Area: I-205 Corridor from Tracy Boulevard East to the City Limit



M-1

I-205

M-1

I-205

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ISP

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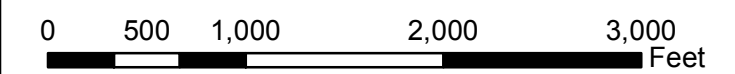
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Legend

 CITY LIMIT

 SPECIFIC PLAN



ORDINANCE _____

AN INTERIM ORDINANCE OF THE CITY OF TRACY PROHIBITING THE
ISSUANCE OF ANY LAND USE ENTITLEMENT OR BUILDING PERMIT FOR
CERTAIN WAREHOUSE AND DISTRIBUTION USES ALONG THE I-205
CORRIDOR BETWEEN TRACY BOULEVARD TO THE EASTERN CITY LIMIT

The City Council of the City of Tracy does ordain as follows:

SECTION 1. FINDINGS

The City Council of the City of Tracy finds and declares that:

A. Interstate 205 ("I-205") runs through the northern-most part of the City and connects to Interstates 580 and 5. Areas that are adjacent to I-205 ("I-205 Corridor") are of vital importance to the City because they are visual entryways to the City and serve a significant function in preserving the City's economic vitality, and

B. Large buildings, particularly with long expanses, built along I-205, may lack aesthetic appeal, block views of the City and nearby scenic resources, or create an imposing presence, negatively affecting the impression of the City's image and character to people traveling along I-205, and

C. Some areas of the I-205 Corridor are governed by the I-205 Corridor Specific Plan. A major amendment to the I-205 Corridor Specific Plan was adopted by the City Council in 1999 (Resolution No. 99-240). Since that time, there have been a number of amendments to the I-205 Specific Plan, and

D. Other areas of the I-205 Corridor are governed by different specific planning areas and zoning districts, including: the Industrial Area Specific Plan; the Northeast Industrial Specific Plan; the Light Industrial Zone (M-1); the Highway Service Zone (HS); the Planned Unit Development Zone (PUD); the Medium Density Cluster Zone (MDC); and the Low Density Residential Zone (LDR), and

E. In 2011, the City adopted a major update of its General Plan, and

F. The General Plan recognizes the aesthetic importance of the I-205 Corridor, and

G. The Community Character Element of the General Plan provides in relevant part that:

Tracy is at the crossroads of three Interstate highways that carry many visitors, in addition to residents, through the city. Thus, aesthetically pleasing entryways and visual landmarks that signal a sense of arrival to Tracy are important components that contribute to the City's character. (Community Character Element, p. 3-5.); and;

H. The Land Use Element of the General Plan identifies parts of the I-205 Corridor as "areas of special consideration" and provides in relevant part that:

Areas around I-205 off-ramps, including areas on Eleventh Street, Grant Line Road, Tracy Boulevard and MacArthur Drive, serve as entryways to the City. Special attention should be given to the types of uses and design of these areas to ensure that development is visually attractive.

5a. Entryway locations include, but are not limited to: Paradise Road, Chrisman Road, Lammers Road, MacArthur Drive, Grant Line Road and Eleventh Street, where these streets intersect I-205.

5c. Follow the guidance for entryways in the City's Civic Art Plan. (Land Use Element, p. 2-55.); and

I. The Economic Development Element of the General Plan also recognizes that the I-205 Corridor serves a significant function in preserving the City's economic vitality and sets forth the following objective and policies:

Objective ED-6.5 Support and expand the I-205 Specific Plan.

Policies

P1. The following types of businesses are encouraged in the I-205 Specific Plan area:

- ◆ Office or tech/flex office development to support the retail base with daytime customer clientele.
- ◆ Big box and regional destination/lifestyle retail development.
- ◆ Restaurants.

P2. The City shall support efforts to ensure that the I-205 Specific Plan area remains a regional retail destination. (Land Use Element, p. 4-15 – 4-16.)

J. The General Plan also calls for the City to “[t]ake actions necessary to ensure that Specific Plans are in conformance with the General Plan.” (Land Use Element, p.2-34.); and

K. On July 17, 2015, the City received an application for a Preliminary and Final Development Plan to construct a 795,732 square foot, 37 foot high, industrial distribution building within the I-205 Corridor Specific Plan on a parcel of land adjacent to I-205; and

L. The City anticipates receiving other similar land use applications for warehouse and distribution buildings on properties within the I-205 Corridor in the near future; and

M. The City believes that the General Plan's goals and policies related to preserving the visual and economic importance of the I-205 Corridor may be better furthered by incorporating updated development standards and the design standards in the existing specific

plans and zoning districts that govern warehouse and distribution type uses in the I-205 Corridor; and

N. On July 21, 2015, the City Council directed City staff to begin studying options for the land uses, development standards, and design standards along portions of the I-205 Corridor from Tracy Boulevard to the eastern City limit; and

O. Government Code section 65858 authorizes the City to adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council is considering or studying or intends to study within a reasonable time; and

P. There is a pending land use application for a distribution use in the I-205 Corridor that may conflict with, and undermine, any new land uses, development standards, and design standards that the City may implement as a result of the current study of the I-205 Corridor which is being undertaken. This study is intended to better further the visual and economic goals and objectives of the City's General Plan. Therefore, there is a current and immediate threat to the public health, safety, or welfare.

Q. The approval of this pending application, and additional subdivisions, use permits, variances, building permits, or development review permits, or preliminary or final development plans related to the warehouse and distribution uses listed below would be a threat to public health, safety, or welfare.

SECTION 2. INTERIM PROHIBITION

During the time this Ordinance is in effect, no approvals shall be given for any subdivisions, use permits, variances, building permits, development review permits, or preliminary or final development plans for property fronting or abutting I-205 from Tracy Boulevard to the eastern City limit and that relate to the following uses:

- a. "Warehouse and distribution facilities" in the Industrial Area Specific Plan.
- b. "Warehouse and distribution" in the I-205 Corridor Specific Plan.
- c. "Warehouse and distribution facilities" in the Northeast Industrial Specific Plan.
- d. "Warehousing and storage (Use Group 53)" in the Light Industrial Zone (M-1).

SECTION 3. EFFECTIVE DATE AND DURATION

This Ordinance is an urgency ordinance enacted under Government Code sections 65858 and 36937 and takes effect immediately upon adoption. This Ordinance remains in effect for 45 days unless extended by the City in accordance with Government Code section 65858.

SECTION 4. WRITTEN REPORT

Pursuant to subdivision (d) of Government Code section 65858, ten days before the expiration of this Ordinance, or any extension of it, the City Council shall issue a written report describing the measures taken to alleviate the condition that led to the adoption of the ordinance.

SECTION 5. ENVIRONMENTAL REVIEW

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to sections 15606(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in section 15378) of the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3).

SECTION 6. PUBLICATION

This Ordinance shall be published once in the Tri-Valley Times, a newspaper of general circulation, within fifteen (15) days from and after its final passage and adoption.

* * * * *

The foregoing Ordinance _____ was enacted as an interim, urgency ordinance on the _____ day of September, 2015, by the following vote, which is at least 4/5ths of the City Council:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 4

REQUEST

RECEIVE STATUS REPORT ON THE CITY'S AQUATIC CENTER DESIGN

EXECUTIVE SUMMARY

The purpose of this staff report is to provide Council with an update on design efforts for the Aquatic Center to be built at the Ellis property. The City is prepared to commence updating the conceptual design of the Aquatic Center. This will include public outreach to ensure that as many of the community's need are met as possible.

DISCUSSION

In 2011, City Council approved a conceptual design for a multi-phased Aquatics Center to be built at the Ellis site. The cost for the initial phase of the project exceeded the available budget, so additional options were considered. Ultimately, in 2014, it was decided that the Joe Wilson Pool should be renovated in order to meet some of the recreational and educational aquatic needs in the community.

With the reconstruction of the Joe Wilson Pool underway, the focus has now turned to the development of the Aquatic Center at the Ellis site. City staff and the Ellis property developer, The Surland Companies, have identified a 16 acre site which is suitable to build an aquatic facility. The 16 acre site is in a different location, being situated further south, and is configured differently than in the original conceptual design. Additionally, in 2014, the Tracy Unified School District (TUSD) terminated its Memorandum of Understanding (MOU) with the City, which allowed the City full access to a 50-meter pool during the summer months. These circumstances within the City have created a need to revisit the design of the aquatic center.

There is currently approximately \$4.5 million available in a CIP for the aquatics center. The City is expected to receive an additional \$8 million from Surland in September 2016 as part of their development agreement. This will leave the City with a total of \$12.5 million to develop an aquatic center.

An informal RFP was released, and five proposals were received to provide the City with consulting work leading to the development of a conceptual plan for the Aquatic Center. After review internally by staff, Aquatic Design Group was selected to perform the work. They have entered into a PSA with the City which was signed by the City Manager since the cost of the work was under \$50,000. Staff and the consultant will be working toward a site concept for the aquatics center and the eventual design of competition swim amenities.

Aquatic Design Group brings over 30 years of experience in the aquatic industry. Their approach is one that will work closely with staff and community stakeholders to ensure consensus building and result in a project that can be designed and built given the budgetary constraints. Their process will be one that designs a facility based on the needs of the community. Aquatic Design Group will hold three community meetings to

gather input, provide alternative conceptual designs with estimated costs, and include operational cost and revenue projections. The final conceptual design will then be presented to City Council for approval.

Staff has already begun meeting with Aquatic Design Group to provide preliminary information on the project. The first community meeting to gather input will be held in mid-October. It is estimated that the timeline for this effort will be as follows:

DATE	MILESTONE
September 2015	Meet with staff; Review existing information
October 2015	First Community Workshop
December 2015	Second Community Workshop
February 2016	Public Workshop @ Parks Commission
March 2016	Design presented to City Council approval

STRATEGIC PLAN

This agenda item supports the City Council approve Quality of Life Strategy;

Goal 1: Improve current recreation and entertainment programming and services to reflect the community and match trending demands

Goal 2: Address City amenities and facility usage with an emphasis on accessibility and streamlined services.

FISCAL IMPACT

There is no fiscal impact in receiving this status update.

RECOMMENDATION

Staff recommends City Council receive the status report on the City's Aquatic Center design.

Prepared by: Ed Lovell, Management Analyst II

Reviewed by: David Ferguson, Director of Public Works
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

AGENDA ITEM 5

REQUEST

AWARD A CONSTRUCTION CONTRACT FOR THE JOE WILSON POOL RECONSTRUCTION PROJECT - CIP 78152, TO THE LOWEST RESPONSIVE BIDDER, AUTHORIZE AN ALLOCATION OF FUNDS FROM THE GENERAL FUND 301, AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT

EXECUTIVE SUMMARY

On July 21, 2015, City Council directed staff to review the plans and specifications of the Joe Wilson Pool Reconstruction Project prepared by RJM design group for any major omissions and surprises and to ensure the project construction can be completed within the recommended budget. The City Council also wanted staff to bring back its recommendation for award of the construction contract at its September 15, 2015 meeting.

Staff reviewed the improvement plans and specifications and met with the consultant and the lowest bid contractor and concluded that the plans and specifications as prepared met the intended scope of work and there were no major discrepancies which could result in additional funding during construction. The scope of work listed in the specifications and shown in the improvements plans is the bare minimum work needed to make the Joe Wilson Pool functional and operational.

Staff recommends that City Council award the contract to the lowest bidder and authorize an additional appropriation of funds. If the Council rejects the bids and authorizes staff to re-advertise the bid, the City may not achieve better results due to existing market conditions.

DISCUSSION

Background

On July 21, 2015, staff recommended that City Council award a construction contract for the Joe Wilson Pool Reconstruction Project - CIP 78152, to Diede Construction Inc., of Woodbridge, California, in the amount of \$4,331,000. Additional funding of \$1,820,000 was required to cover the total cost of construction of this project. An allocation of \$1,300,000 was requested from the funds received from the Tracy Unified School District for not using their aquatic facilities after the Joe Wilson Pool is available for use by the public. An additional appropriation of \$520,000 was requested to this project from General Fund 301 to cover the construction cost.

During the discussion, City Council was concerned about the cost over runs and potential need of additional funds to complete construction of this project if there were discrepancies in the project plans and specifications. After discussion, City Council directed staff to perform a detailed review of plans and specifications prepared by RJM Design Group (RJM) for any major omissions and surprises which could increase the cost of the project beyond the budgeted amount including the additional appropriation as requested by the staff. Since then staff has reviewed the plans and specifications in-house and had numerous meetings with the consultant and contractor to assess the

concerns raised by City Council. Based upon our review, staff believes that the project construction can be completed within the recommended funding in accordance with the plans and specifications as prepared by RJM. Staff did not find major discrepancies which could result in the need for additional funding during construction.

Project Scope

The scope of work for the Joe Wilson Pool Reconstruction project consists of the demolition, reconstruction, and widening of the existing swimming pool including all its accessories, site improvements, equipment and mechanical systems, pool pump room renovations, improvements, and modifications. The pool building renovations and improvements consist of selected demolition and renovation of finish surfaces, roofing, passive solar system, plumbing replacements and modifications, electrical improvements, and equipment replacement. Site improvements include grading, utilities, parking areas, fencing, walkways, landscaping, lighting, and other civil improvements.

Construction Bids

After completion of the project plans and specifications by the Consultant, the project was advertised for competitive bids on May 8 and May 15, 2015. The bid document was divided into a base bid and six additive bid items to allow flexibility to award the construction contract based on the base bid with or without the additive bid items, depending upon the bid amounts and availability of funds. The six additive bid alternatives included construction of the following items:

- A1 Splash Pad (Inside Pool Fence)
- A2 Splash Pad (Outside of Pool Fence)
- A3 Arbor Shade Structure
- A4 30' x 30' Shade Structure
- A5 Relocated Shade Canopies
- A6 Install a Fire Hydrant

The following five bids were received and publicly opened at 2:00 p.m., on June 23, 2015, with the following results:

Contractor	Base Bid	A1	A2	A3	A4	A5	A6
Diede Construction	\$4,331,000	\$398,000	\$625,000	\$108,000	\$153,000	\$18,000	\$12,000
Bobo Construction	\$4,409,000	\$420,000	\$540,000	\$134,000	\$125,000	\$50,000	\$13,000
Gonsalves & Stronck	\$4,729,000	\$433,600	\$620,500	\$135,300	\$ 85,700	\$16,500	\$21,700
Zovich Construction	\$4,840,100	\$415,000	\$425,000	\$123,000	\$140,000	\$20,000	\$15,000
Tricon Construction	\$5,137,212	\$330,000	\$530,000	\$150,000	\$120,000	\$25,000	\$20,000

The lowest base bid amount of \$4,331,000 is approximately \$1.5 million higher than the engineer's estimate. Award of the construction contract as recommended requires additional funds as listed in this agenda item. The contract documents require that the contract be awarded on the basis of the lowest base bid amount without regard to the amounts of the additive bid items. Diede Construction Inc., of Woodbridge, California is the lowest monetary bidder. Bid analysis indicates the lowest monetary bid is responsive and the bidder is responsible. Diede Construction Inc. has the appropriate contractor's

license in active standing with the State of California and has completed similar projects for other public agencies.

Staff recommends City Council award a construction contract to the qualified contractor for the base bid only due to the lack of funds for additive alternative bid items.

Since the project construction has a limited budget amount of \$3.16 million, the status of funding if the construction contract is awarded to Diede Construction Inc., is as follows:

<u>Construction Cost</u>	<u>Base Bid</u>
Contractor's Base Bid	\$4,331,000
Construction Contingency @ 10%	\$ 433,100
Construction Management and Inspection (5%)	<u>\$ 216,000</u>
Total Construction Cost	\$4,980,100
Available Budget for Construction	<u>\$3,160,000</u>
Additional Appropriation of Funds	\$1,820,100

The recommended contingency amount for this project is \$433,100, which may be used for any unforeseen conditions and additional improvements during construction. Tracy Municipal Code Section 2.20.090(b) authorizes the City Manager to approve change orders up to the contingency amount approved by Council.

Construction Schedule

According to the contract documents, the original schedule of the project was as follows:

- If City Council had awarded the construction contract by July, 21, 2015, the contractor was required to complete construction by February 29, 2016. It was intended to have the pool ready for use for the 2016 season which starts in May 2016.

However, if City Council awards construction of this project tonight as recommended, there is a delay of approximately two months to the original schedule resulting in moving of a majority of the construction activities in the rainy season. If inclement weather is encountered during construction, the project could be shut down for a period of five to six months and the construction completion date will move to end of July or August 2016.

As a result, the City will negotiate with the Tracy Unified School District to allow the use of their aquatic facilities by the general public.

STRATEGIC PLAN

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

FISCAL IMPACT

This is an approved Capital Improvement Project – 78152, with an allocated budget of \$3.53 million. Out of this amount, \$0.37 million has been spent on design by the Consultant, with a remaining available fund of \$3.16 million for construction purposes. In order to award this construction contract, additional funding in the amount of \$1,820,100 is needed. This amount can be partially paid by the \$1.3 million scheduled to be received from the Tracy Unified School District for the City stopping use of their facilities for swimming purposes. The remaining \$520,100 needs to be appropriated from the General Fund.

RECOMMENDATION

That City Council, by resolution, award a construction contract for the Joe Wilson Pool Reconstruction Project - CIP 78152, to Diede Construction Inc., of Woodbridge, California, in the amount of \$4,331,000, authorize an allocation of \$1,300,000 to be received from the Tracy Unified School District to this project and authorize an appropriation of \$520,000 from the General Fund 301 to CIP 78152, authorize the City Manager to approve change orders up to the specified project contingency amount of \$433,100 if needed, and authorize the Mayor to execute the construction contract.

Prepared by: Paul Verma, Senior Civil Engineer

Reviewed by: Kul Sharma, Utilities Director
Andrew Malik, Development Services Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

RESOLUTION 2015- _____

AWARDING A CONSTRUCTION CONTRACT FOR THE JOE WILSON POOL RECONSTRUCTION PROJECT - CIP 78152, TO THE LOWEST RESPONSIVE BIDDER, AUTHORIZING AN ALLOCATION OF FUNDS FROM THE GENERAL FUND 301, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT

WHEREAS On July 21, 2015, staff recommended that City Council award a construction contract for the Joe Wilson Pool Reconstruction Project - CIP 78152, to Diede Construction Inc., of Woodbridge, California, in the amount of \$4,331,000, and

WHEREAS, An allocation of \$1,300,000 was requested to be authorized for this project from the funding received from the Tracy Unified School District for not using their aquatic facilities after the Joe Wilson Pool is available for use by the public, and

WHEREAS, An additional appropriation of \$520,000 was requested to this project from General Fund 301 to cover the construction cost, and

WHEREAS, City Council directed staff to perform a detailed review of plans and specifications prepared by RJM Design Group for any major omissions and surprises which could increase the cost of the project beyond the budgeted amount including the additional appropriation, and

WHEREAS, Staff believes that the project construction can be completed within the recommended funding in accordance with the plans and specifications as prepared by RJM, and

WHEREAS, After completion of the project plans and specifications by the Consultant, the project was advertised for competitive bids on May 8 and May 15, 2015, and

WHEREAS, Five bids were received and publicly opened at 2:00 p.m., on June 23, 2015, and

WHEREAS, In order to award this construction contract, additional funds in the amount of \$1,820,000 are needed, and

NOW, THEREFORE BE IT RESOLVED, That City Council awards a construction contract for the Joe Wilson Pool Reconstruction Project - CIP 78152, to Diede Construction Inc., of Woodbridge, California, in the amount of \$4,331,000, authorizes an allocation of \$1,300,000 to be received from the Tracy Unified School District to this project and authorizes an appropriation of \$520,000 from the General Fund 301 to CIP 78152, authorizes the City Manager to approve change orders up to the specified project contingency amount of \$433,100 if needed, and authorizes the Mayor to execute the construction contract.

* * * * *

The foregoing Resolution 2015-_____ was adopted by City Council on the 15th day of September, 2015, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 6

REQUEST

AUTHORIZATION FOR THE CITY TO ENTER INTO AMENDMENT NO. 1 TO THE LEASE AGREEMENT WITH AGRA TRADING FOR THE LEASE OF THE HOLLY SUGAR SOUTHERLY PAVED DRYING BED AND AUTHORIZE THE MAYOR TO EXECUTE THE AMENDMENT

EXECUTIVE SUMMARY

The City has requested that Agra Trading vacate the Holly Sugar southerly paved solar drying beds which they presently lease. The current lease expires on September 30, 2015. A proposed Amendment No. 1 to the lease agreement will allow Agra Trading a month-to-month lease, not to exceed six months, which will allow enough time for Agra Trading to remove the existing materials from the site.

DISCUSSION

In 2010, the City leased the City owned Holly Sugar southerly property with paved drying beds to Agra Trading for the purposes of storing, drying and distributing agricultural by-products such as walnut shells, tomato pumice, olive pits and peach pits. Much of the agricultural by-products are transported to Stockton for use in a waste to energy facility.

Unfortunately, over the past five years the stored materials on site have generating strong odors on windy days and there have been two fires. Due to these ongoing issues the City does not want to enter into a long-term renewal of the lease and has requested Agra Trading to vacate the site. Agra Trading has existing stockpiled materials which will require an estimated six months to remove. Amendment No. 1 to the lease agreement will extend the term of the existing lease to be month to month allowing six months for the existing materials to be removed. Amendment No. 1 requires the other terms of the lease, such as insurance and indemnification of the City, to remain in effect.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no fiscal impact to the General Fund. The lease amendment will provide \$4,000 per month income to the Wastewater Enterprise Fund within the next six months.

RECOMMENDATION

That the City Council, by resolution, authorize the City to enter into Amendment No. 1 to the Lease Agreement with Agra Trading for lease of the Holly Sugar southerly solar drying bed and authorize the Mayor to execute the agreement.

ATTACHMENTS

Attachment A: Amendment No. 1 to lease agreement
Attachment B: Letter from Agra Trading dated September 1, 2015

Prepared by: Steve Bayley, Project Specialist

Reviewed by: Kuldeep Sharma, Utilities Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

**CITY OF TRACY
AMENDMENT NO. 1 TO
LEASE AGREEMENT**

This Amendment No. 1 (“Amendment”) to the Lease Agreement between is made and entered into by and between the CITY OF TRACY, a municipal corporation (hereinafter “City”), and Agra Trading, LLC, a California Limited Liability Company (hereinafter “Lessee”).

RECITALS

- A. The CITY and LESSEE entered into a Lease Agreement (“Agreement”) for the use of real property including approximately 40 acres of paved drying bed. The Lease Agreement was approved by the City Council on September 21, 2010, under Resolution No. 2010 – 163.
- B. City and Lessee desire to amend the lease to extend the term, which is the subject of this Amendment.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

- 1. Incorporation by Reference.** All terms and conditions set forth in the Agreement which are not specifically modified by this Amendment shall remain in full force and effect.
- 2. Amendment.** Section 1, Term, is amended as follows:
 - “**1. Term:** This Lease Agreement will commence on October 1, 2015 and will continue month to month unless terminated by either City or Lessee not to exceed six months. City or Lessee may terminate this Agreement upon one month’s written notice to the other.”
- 3. 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.

THIS AREA INTENTIONALLY LEFT BLANK

4. 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 Arnaudo Bros. and the City.

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

LESSEE: AGRA TRADING

By: _____

General Manager

Date: _____

By: _____

President and Managing Member

LESSOR: CITY OF TRACY

By: _____

Michael Maciel
Mayor

Date: _____

Attest: _____

City Clerk

Date: _____

APPROVED AS TO FORM:

City Attorney

Date: _____



9-1-2015

Mr. Troy Brown
City Manager, Tracy
333 Civic Center Plaza
Tracy, CA 95376

Dear Mr. Brown

As you know Agra Marketing has a lease with the City of Tracy for the property located at 20150 south Tracy Blvd, Tracy CA. This lease is set to expire on September 30th, 2015. We would like to notify you we will no longer be leasing the property. Agra Marketing would like to request a 6 month extension on the current lease with a month to month term. We will use this time to transition our business operations to a relationship with a new land lord. We appreciate the business relationship we have had with the City of Tracy and will always hold you and City of Tracy in our highest regard.

Respectfully

A handwritten signature in black ink that reads "Nicholas B Cartwright". The signature is fluid and cursive, with a large, stylized "X" at the end.

Nicholas B Cartwright
V.P. Operations
Agra Marketing Group

RESOLUTION 2015-_____

AUTHORIZING THE CITY TO ENTER INTO AMENDMENT NO. 1 TO THE LEASE AGREEMENT WITH AGRA TRADING FOR THE LEASE OF THE HOLLY SUGAR SOUTHERLY PAVED DRYING BED AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT

WHEREAS, In 2010, the City leased to Agra Trading the Holly Sugar southerly paved solar drying area for the purposes of storing, drying and distributing agricultural by-products such as walnut shells, tomato pumice, olive pits and peach pits, and

WHEREAS, The City does not want to enter into a long-term renewal of the lease and has requested Agra Trading to vacate the site, and

WHEREAS, Agra Trading has existing stockpiled materials which will require an estimated six months to remove, and

WHEREAS, Amendment No. 1 will amend the term of the existing lease to a month to month lease, commencing October 1, 2015, not to exceed six months;

NOW, THEREFORE, BE IT RESOLVED That the City Council hereby authorizes the City to enter into Amendment No. 1 to Lease Agreement with Agra Trading for lease of the Holly Sugar southerly drying bed and authorizes the Mayor to execute the amendment.

* * * * *

The foregoing Resolution 2015-_____ was passed and adopted by the Tracy City Council on the 15th day of September, 2015, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 7

REQUEST

INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 9.52, FLOODPLAIN REGULATIONS, OF THE TRACY MUNICIPAL CODE

EXECUTIVE SUMMARY

The Federal Emergency Management Agency (FEMA), conducted an Ordinance Review of the City of Tracy in the Spring of 2011. Natural Hazards Program Specialist, Jane Hopkins provided a letter and checklist for changes required to be made to the Floodplain Regulations. Staff has completed the requested changes and seeks Council approval for the modifications to the Tracy Municipal Code Chapter 9.52, Floodplain Regulations.

DISCUSSION

FEMA conducts surveys of local ordinances on an infrequent basis. The purpose of these surveys is to determine if the local agencies have adopted Floodplain Regulations and to review the process by which these regulations are enforced. Ms. Hopkins' letter to then Mayor, Brent Ives, on June 29, 2011, commends the City of Tracy for properly enforcing its Floodplain regulations.

"FEMA's evaluation of Tracy's floodplain management program indicates that the City is appropriately and effectively enforcing floodplain requirements. The City's administrative practices and procedures should effectively ensure full compliance with NFIP construction standards."

The report continues to indicate that there are, however, improvements that need to be made to the current program. A ten item list of improvements was provided to the City. The basis for the changes came from the evaluator's comparison of the Tracy Municipal Code, Title 9, Section 9.52, to the "California Model Floodplain Ordinance", the underlying state regulations, and the related FEMA (Federal) standards.

These issues are mostly administrative in nature, however, due to evolving regulations at both the State and Federal levels, changes are to be expected after 20 years. Some examples of these items are:

"Amend the definition of 'Development' to include the phrase, 'storage of equipment and materials', as specified in the Code of Federal Regulations Section..."

"Notification of Other Agencies Section". This section is missing. Please correct this omission, as per Code of Federal Regulations..."

"Section 9.52.120 – Establishment of development permits is incomplete. There must be mention of base flood elevation, utilities, grading plans, lowest floor, storage of equipment, etc., as per CFR..."

Staff has coordinated the changes to the Tracy Municipal Code with Ms. Hopkins, to ensure that the proposed changes would be in compliance with State and Federal requirements, and properly coordinated with the provisions of the California Model Floodplain Ordinance.

The original letter from Ms. Hopkins has been provided for review as an attachment for Council to better understand the administrative nature of the requested changes (Attachment A). A redlined version of the ordinance is attached showing the proposed additions (Attachment B).

In addition, sections 9.52.150 subsection 3(c)(1) and 9.52.180 subsections a(1) and b(1) have been revised to state "... one foot above the base flood elevation" to coincide with the City's General Plan Safety Element section 2. Development in Flood Hazard Areas.

STRATEGIC PLAN

This agenda item supports the Public Safety strategy in relation to the adoption of the 2013 California Codes and specifically implements the following goals:

Goal 2: Promotes public health, safety and community welfare.

FISCAL IMPACT

Adoption of the ordinance should have a neutral fiscal impact. The changes to the ordinance have required an investment of staff time. However, these are off-set by our statutory requirement to provide adequate floodplain management. Additionally, proper management of floodplain requirements should help keep insurance costs from increasing in an unreasonable manner which could directly affect the operation of local businesses and the finances of local property owners.

RECOMMENDATION

It is recommended that City Council introduce an ordinance amending Tracy Municipal Code Chapter 9.52, Floodplain Regulations.

Prepared by: Kevin Jorgensen, Chief Building Official, Fire Code Official

Reviewed by: William Dean, Assistant Development Services Director
Andrew Malik, Development Services Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment A: Letter from Jane Hopkins

Attachment B: Proposed ordinance, showing additions

U.S. Department of Homeland Security
1111 Broadway, Suite 1200
Oakland, CA 94607-4052



FEMA

June 29, 2011

The Honorable Brent Ives
Mayor, City of Tracy
City Hall
333 Civic Center Plaza
Tracy, CA 94566-0802

Dear Mayor Ives:

Thank you for the courtesy extended by City staff during the recent Community Assistance Visit on May 2, 2011. The purpose of the meeting was to provide your staff with the most current information on the National Flood Insurance Program (NFIP), give them an opportunity to discuss concerns they might have had, and assess the city's enforcement of the local floodplain management ordinance that was adopted to meet requirements of the NFIP.

FEMA's evaluation of Tracy's floodplain management program indicates that the City is appropriately and effectively enforcing floodplain requirements. The City's administrative practices and procedures should effectively ensure full compliance with NFIP construction standards. There are, however two serious deficiencies in Tracy's Floodplain Management Program. The ordinance requires follow-up actions, and a written procedure needs to be developed for substantial damage/substantial improvement determinations. There are a few other highly-recommended changes to the City's ordinance, and for additional procedural documentation. Ordinance language suggestions have been provided to the appropriate City staff and a draft ordinance is due to FEMA Region IX by October 1, 2011. After the necessary changes have been adopted by the City Council, a signed and dated copy of the new ordinance is due to this office.

Currently 87 policies are in force for residential and commercial buildings in Tracy representing \$27,334,400.00 in coverage. Loss payments totaling \$ \$18,652.00 have been made on 7 claims since Tracy joined the NFIP. There have been no repetitive losses.

If you have any questions, or if I can be of any assistance, please call 510-627-7183.

Sincerely,

Jane Hopkins
Community Compliance
National Flood Insurance Program

Cc: Mr. Kevin Jorgensen, Chief Building Official, City of Tracy
Mr. Leon Churchill, City Manager, City of Tracy
Mr. Ray Lee, CA Department of Water Resources

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY, CALIFORNIA, AMENDING
TITLE 9, CHAPTER 9.52, ENTITLED "FLOODPLAIN REGULATIONS"

WHEREAS, The Federal Emergency Management Agency (FEMA) conducted an ordinance review and recommended some mainly administrative changes to the City's Floodplain Regulations (Chapter 9.52); and

WHEREAS, Staff has proposed these conforming changes to comply with the recommendations.

NOW, THEREFORE, The City Council of the City of Tracy hereby ordains as follows:

SECTION 1: Tracy Municipal Code Section 9.52.050, Definitions, is hereby amended as follows:

A. The following definitions are amended. Other definitions are unchanged.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage or equipment and/or materials."

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before January 24, 1991~~the effective date of the floodplain management regulations adopted by the city.~~"

"Flood Insurance Rate Study" means the official report provided by the Federal Emergency Management Agency's Insurance Administration that includes flood profiles and the water surface elevation of the base flood and the Flood Insurance Rate Map."

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter~~Section 9.52.150.~~"

"New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after January 24, 1991~~the effective date of a floodplain management regulation adopted by the city~~ and includes any subsequent improvements to such structures."

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after January 24, 1991~~the effective date of floodplain management regulations adopted by the city.~~" "Special Flood Hazard Area (SFHA)" means an area in the floodplain subject to a one percent or greater chance of flooding in

| [any given year therefore](#) having special flood or flood-related erosion hazards, and shown on a Flood Insurance Rate Map as Zone A, AO, A1-A30, AE, A99, AH, VI-V30, VE or V.”

B. The following definitions are added, in alphabetical order:

““Flood Proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.”

““Violation” means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.”

SECTION 2: Tracy Municipal Code Section 9.52.060, Lands to which this chapter applies, is hereby amended to read, in its entirety, as follows:

“9.52.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City. Areas of special flood hazard are those identified by the Federal Emergency Management Agency in the scientific and engineering report entitled The Flood Insurance Study of the City of Tracy, dated [January 24, 1991](#), and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This Flood Insurance Study and [Flood Insurance Rate Map](#) is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the Floodplain Administrator. The study and maps are on file in the office of the Development [Services](#) Director, [333 Civic Center Plaza](#), Tracy, California.”

SECTION 3: Tracy Municipal Code Section 9.52.070, Compliance, is hereby amended as follows:

“9.52.070 - Compliance.

No new construction, or substantial improvement of a structure or other development that would require a building or grading permit pursuant to the applicable provisions of the [California](#) Building Code as adopted and modified in Title 9 of the Code shall take place in an area of special flood hazard without full compliance with the terms of this chapter and other applicable flood control regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute an infraction. Nothing herein shall prevent the City from taking such lawful action as is necessary to prevent or remedy any violation.”

SECTION 4: Tracy Municipal Code Section 9.52.120, Establishment of development permits, is hereby amended as follows:

“9.52.120 - Establishment of development permits.

A development permit shall be obtained before any construction or development begins within an area of special flood hazard established by Section 9.52.060 of this chapter. Applications for development permits shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (a) The proposed elevations, in relation to mean sea level and base flood elevation, of the lowest floor elevation (including basement) of all structures;
- (b) Proposed elevation, in relation to mean sea level and base flood elevation, to which any structure will be floodproofed;
- (c) All appropriate certifications listed in subsection (d) of Section 9.52.140 of this chapter; and
- (d) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(e) A complete grading plan for the site showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, utilities including electricity, phone, cable, gas, water and sewer, drainage facilities, floodways; and the locations of the foregoing.”

SECTION 5: Tracy Municipal Code Section 9.52.130, Designation of the floodplain administrator, is hereby amended as follows:

“9.52.130 - Designation of the floodplain administrator.

The City Development Services Director, or his/her designee, is appointed as the Floodplain Administrator to administer and implement this chapter by granting or denying development permits in accordance with the provisions of this chapter.”

SECTION 6: Subsections (c) and (d) of the Tracy Municipal Code Section 9.52.140, Duties and responsibilities of the floodplain administrator, are hereby amended as follows:

“9.52.140 - Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

-
- “(c) Notification of other agencies
 - (1) Alteration or relocation of a watercourse:
 - i. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 - ii. Submit evidence of such notification to the Federal Emergency Management Agency; and

- iii. Assure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.
- (2) Base Floor Elevation changes due to physical alterations:
 - i. Within six months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
 - ii. All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on Conditional Letters of Map Revisions (CLOMRs). Approved CLOMRs allow construction of the proposed floor control project and land preparation as specified in the “start of construction” definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

- (3) Changes in corporate boundaries:
Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of the city clearly delineating the new corporate limits.
- (d) Obtain and maintain for public inspection and make available as needed:
 - (1) The certification required by Section 9.52.150 (c)(1) (Elevation and Floodproofing) indicating the lowest floor elevation;
 - (2) The certification required by Section 9.52.150 (c)(2) (Elevation and Floodproofing, of nonresidential structures) indicating the lowest floor elevation;
 - (3) The certification required by Section 9.52.150 (c)(3) and (4) (Elevation and floodproofing, wet floodproofing standards);
 - (4) The certification of elevation required by subsection 9.52.170(b) (Standards for subdivisions); and
 - (5) The certification required by subsection 9.52.200 (floodway Floodways).
- (e) Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 9.52.210, 9.52.220 and 9.52.230; and
- (f) Make action to remedy violations of this chapter as set forth in Section 9.52.070.”

SECTION 7: Subsection (c) of the Tracy Municipal Code Section 9.52.150, Standards of construction, is hereby amended as follows:

9.52.150 - Standards of construction.

....
"(c) Elevation and Floodproofing.

(1) New construction and substantial improvements shall have the lowest floor elevation, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards set forth in subsection (3) of this subsection. Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

(2) Nonresidential construction shall either be elevated to conform with subsection (1) of this subsection or, together with attendant utility and sanitary facilities:

(i) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(iii) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.

(3) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(i) Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. Fifty Percent of the provided openings shall be located on each of two separate wall lines (sides). The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

(ii) Be certified to comply with a local floodproofing standard Federal Insurance Administration of Federal Emergency Management Agency.

(4) Manufactured homes shall also meet the standards set forth in Section 9.52.180 of this chapter.”

SECTION 8: Tracy Municipal Code Section 9.52.170, Standards for subdivision, is hereby amended as follows:

“9.52.170 - Standards for subdivision.

(a) All preliminary subdivision proposals shall identify the flood hazard area and the base flood elevation. The documents shall clearly indicate the Lowest Adjacent Grade and the Highest Adjacent Grade prior to the alteration of the existing topography before grading (cut or fill).

(b) All final subdivision plans will provide the lowest floor elevation of proposed structures and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer and provided to the Floodplain Administrator and a Letter of Map Revision will be submitted to FEMA in accordance with Section 9.52.140(c).

(c) All subdivision proposals shall be consistent with the need to minimize flood damage.

(d) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(e) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.”

SECTION 9: Tracy Municipal Code Section 9.52.190, Standards for recreational vehicles, is hereby amended as follows:

“9.52.190 - Standards for recreational vehicles.

All recreational vehicles placed on sites within a floodplain shown on the community's Flood Insurance Rate Map will either:

(a) Be on the site for fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(c) Meet the permit requirements of Section 9.52.120 (Establishment of development permits) and the elevation and anchoring requirements for manufactured homes in Section 9.52.180 of this chapter. “

SECTION 10: Tracy Municipal Code Section 9.52.210, Variance procedure, is hereby amended as follows:

“9.52.210 - Variance procedure.

The variance criteria set forth in this section of the chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. Though these standards vary from jurisdiction to jurisdiction, in general, a properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

| **The** need is so compelling, and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood chapter are quite rare. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

| (a) The **Development Services** Director shall hear and decide appeals and requests for variance from the requirements of this chapter.

| (b) In passing upon such requests, the **Development Services** Director shall consider all evaluations and all relevant factors, all standards specified in other sections of this chapter; and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger of life and property due to flooding;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in time of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(c) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that: (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as Twenty-Five and no/100ths (\$25.00) Dollars for One

Hundred and no/100ths (\$100.00) Dollars of insurance coverage; and (2) such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Board in the Office of the San Joaquin County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(d) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.”

SECTION 11: Subsection (g) of the Tracy Municipal Code Section 9.52.220, Conditions for variances, is hereby amended as follows:

9.52.220, Conditions for variances.

....

“(g) Upon consideration of the factors of Section 9.52.210 and the purposes of this chapter, the Development Services Director may attach such conditions to the granting of variances as he or she deems necessary to further the purposes of this chapter.”

SECTION 12: Tracy Municipal Code Section 9.52.240, Violations—Penalties, is hereby amended to read, in its entirety, as follows:

“9.52.240 Violations—Penalties.

This chapter may be enforced through any of the means or procedures set forth in Title 1 of this code.”

SECTION 13: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 14: This Ordinance shall take effect thirty days after its final passage and adoption.

SECTION 15: This Ordinance shall be published once in the TriValley Times, a newspaper of general circulation, within fifteen days from and after its final passage and adoption.

* * * * *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the _____ day of _____, 2015, and finally adopted on the _____ day of _____, 2015, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 8

REQUEST

INTRODUCTION OF AN ORDINANCE ADOPTING A NEW CHAPTER 9.66 OF THE TRACY MUNICIPAL CODE ENTITLED “SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS”

EXECUTIVE SUMMARY

Assembly Bill 2188 amends provisions of the Government Code and imposes upon each city and county in California a mandate to adopt a local ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

DISCUSSION

Government Code Section 65850.5(a) states that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems. In furtherance of that objective, Section 65850.5(g)(1) requires that on or before September 30, 2015, every city and county must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

While this new State mandate encourages an expedited permit process, it does not require any specific time frames to issue a permit. However, the City currently expedites the processing of such applications by reviewing and issuing applications in a timely manner. Since January 1, 2013, 1,698 solar photovoltaic (PV) permits have been issued. The City has taken 1.6 days, on average, to review these submittals provided by varying contractors. The applicant/contractor is notified as soon as the permit is ready to be issued. Then, as soon as the City is requested to perform an inspection, an inspection is performed within 24 hours of the request. Usually, the inspection is requested on one day, and then an inspector arrives on site to perform the required inspection on the next business day.

The City also currently accepts and approves such applications at the building counter and electronically through the City’s website. Under its current process, the City already expedites the review of such applications.

The City, however, is required to adopt the ordinance mandated by Government Code Section 65850.5(g)(1). The attached ordinance is intended to satisfy that requirement. The ordinance codifies the requirements of Section 65850.5(g)(1).

STRATEGIC PLAN

This agenda item aligns with the Economic Development Strategy in relation to the intentional streamlining of the plan review process and specifically implements the following goal:

Goal 4: Position Tracy as the preferred location for start-up companies and entrepreneurial investments.

FISCAL IMPACT

Adoption of this ordinance will not have a fiscal impact. The fees collected at permit issuance will not change. As noted, the Building Safety and Fire Prevention Division is currently providing expedited review and electronic submittal of applications for small residential rooftop solar systems.

RECOMMENDATION

That City Council introduces the ordinance adding Chapter 9.66 to the Tracy Municipal Code.

Prepared by: Kevin Jorgensen, Chief Building Official

Reviewed by: William Dean, Assistant Development Services Director
Andrew Malik, Development Services Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENT

A: Ordinance adding a new chapter 9.66, Small Residential Rooftop Solar Systems

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY ADOPTING A NEW CHAPTER 9.66 OF THE TRACY MUNICIPAL CODE ENTITLED "SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS"

WHEREAS, AB 2188 (Chapter 521, Statutes 2014) amended Civil Code Section 714 and Government Code Section 65850.5(a), both related to the expedited review of small residential rooftop solar systems. It is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems, and

WHEREAS, Every city and county is required to adopt an ordinance consistent with AB 2188 before September 30, 2015, and

WHEREAS, Since January 1, 2013, the City of Tracy has taken, on average, only 1.6 days to review small residential rooftop solar energy systems, and

WHEREAS, Although the City already has expedited the review of such permits, it is required to adopt this ordinance, and

WHEREAS, The adoption of the Ordinance will not have a fiscal impact as fees collected at submittal and permit issuance will not change;

NOW, THEREFORE, The City Council of the City of Tracy does hereby ordain as follows:

SECTION 1: The adoption of this ordinance is not subject to the California Environmental Quality Act because it is not a project which has the potential for causing a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. §15061(b)(3).)

SECTION 2. A new chapter 9.66, Small Residential Rooftop Solar Systems, is added to the Tracy Municipal Code to read as follows:

**"CHAPTER 9.66
SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS**

Sections:

- 9.66.010 Authority; Purpose; Applicability**
- 9.66.020 Definitions**
- 9.66.030 Requirements for expedited review and inspections**

9.64.010 Authority; Purpose; Applicability.

(a) Authority. This chapter is adopted under the authority of Government Code Section 65850.5.

(b) Purpose. The purpose of this chapter is to adopt an expedited, streamlined solar permitting process for small residential rooftop solar energy systems.

(c) Applicability. This chapter applies to the permitting of a small residential rooftop solar energy system.

9.66.020 Definitions

In this chapter:

“Small residential rooftop solar energy system” means a system that meets all of the following:

- 1) A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
- 2) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes, and to Civil Code Section 714(c).
- 3) A solar energy system that is installed on a single or duplex family dwelling.
- 4) A solar panel or module array that does not exceed the City’s maximum legal building height as set forth in Municipal Code Title 10, Planning and Zoning. (Gov’t. Code §65850.5.)

“Solar energy system” means either of the following:

- 1) A solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating; or
- 2) A structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating. (Civil Code § 801.5.)

9.66.030 Requirements for expedited permitting.

(a) Application. An applicant for a small residential rooftop solar energy system shall submit a building permit application on the form provided by the city, accompanied by each item of information listed in the city’s small residential rooftop solar energy checklist. (Both the application form and the checklist are available online.)

An application that satisfies the application and checklist requirements will be considered complete, and the city will issue the building permit. If an application is incomplete, the city will issue a written correction notice detailing each deficiency.

(b) Inspection. When a building permit is issued for a small residential rooftop solar energy system, the city will require only one inspection (which may include a consolidated inspection). However if the system fails inspection, the city may perform one or more subsequent inspections.”

SECTION 3: This Ordinance shall take effect 30 days after its adoption.

SECTION 4: This Ordinance shall be published in the Tri-Valley Times, a newspaper of general circulation, within 15 days after its adoption.

* * * * *

Ordinance _____

Page 2

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 15TH day of September, 2015, and finally adopted on the _____ day of _____, 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK