

Tuesday, October 6, 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.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENTATIONS

- Employee of the Month
- Swearing In Two Police Officers
- Fire Prevention Week Proclamation (October 4-10)
- Domestic Violence Awareness Month Proclamation
- Anti-bullying Month Proclamation
- Make a Difference Day Proclamation
- TriLink Presentation

1. CONSENT CALENDAR

- A. Adopt Council Minutes – Regular meeting minutes of September 1, 2015, September 15, 2015 and closed session minutes of September 8, 2015 and September 15, 2015.
- B. Adoption of Ordinance 1199 an Ordinance of the City of Tracy, California, Amending Title 9, Chapter 9.52, Entitled “Floodplain Regulations”
- C. Adoption of Ordinance 1200 an Ordinance of the City of Tracy Adopting a New Chapter 9.66 of the Tracy Municipal Code Entitled “Small Residential Rooftop Solar Systems”
- D. Approve Amendment Number 3 to the Master Professional Services Agreement With SNG & Associates, Inc. for Staff Support and Plan/Map Review Services
- E. Approve Amendment Number 1 to the Master Professional Services Agreement With West Yost Associates, Inc., for Various Water Pressure and Capacity Analyses
- F. Approval of a Reduction of the Central Business District Zone Parking In-Lieu Fee to \$0 as a Five Year Pilot Program With a Check-In Point With City Council at Three Years

2. ITEMS FROM THE AUDIENCE

- 3. AWARD A CONSTRUCTION CONTRACT TO MCGUIRE AND HESTER OF OAKLAND CALIFORNIA, FOR CONSTRUCTION OF SPORT FIELDS WITHIN THE PHASE I AREA OF THE LEGACY FIELDS SPORTS COMPLEX – CIP 78153, AUTHORIZE A TRANSFER OF \$141,893 FROM GENERAL FUND 301 TO CIP 78153, AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT
- 4. DISCUSS AND PROVIDE DIRECTION ON POSSIBLE AMENDMENTS TO TRACY MUNICIPAL CODE CHAPTER 3.04 REGARDING PARTICIPATION REQUIREMENTS FOR LOCAL NON-PROFIT ORGANIZATIONS SELLING “SAFE AND SANE” FIREWORKS

5. ITEMS FROM THE AUDIENCE
6. COUNCIL ITEMS
7. ADJOURNMENT

September 1, 2015, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

Web Site: www.ci.tracy.ca.us

Mayor Maciel called the City Council meeting to order at 7:15 p.m. and led the Pledge of Allegiance.

Roll call found Council Members Mitracos, Vargas, Young, Mayor Pro Tem Rickman and Mayor Maciel present.

Troy Brown, City Manager presented Lupe Torres, Utilities Division, with the August 2015 Employee of the Month award and Kami Ysit, Police Department with the September 2015 Employee of the Month award.

1. CONSENT CALENDAR

ACTION Following the removal of item 1C and 1F; it was moved by Mayor Pro Tem Rickman and seconded by Council Member Young to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered. Motion carried 5:0

- A. Adopt Council Minutes – Special meeting minutes of June 16, 2015, and July 21, 2015, and regular meeting minutes from July 21, 2015 were approved.
- B. Authorize the Appointment of Five Youth Commissioners to the Youth Advisory Commission – Resolution 2015-139 authorized appointment of commissioners.
- D. Approve Amendment One to the Master Professional Services Agreement (HA 13-01) with Harris and Associates for Development Program Management Services and Authorize the Mayor to Execute the Amendment – Resolution 2015-140 approved amendment one to a Master Professional Services Agreement.
- E. Authorize Federal Fiscal Year 2015 Grant Application for Section 5307 U.S. Department of Transportation Federal Transportation Administration Funds in the Amount of \$2,499,648 for Tracer Public Transportation Services. Bus Radio Replacement and for Replacement Fixed Route Buses, Certification of Application Assurances; and Authorize the City Manager or Designee to Execute the Grant Documents – Resolution 2015-141 authorized Federal Fiscal Year 2015 grant application.
- C. Authorize the Purchase of Five Patrol Vehicles from Folsom Chevrolet of Folsom, California

This item was pulled by Mr. Anderson who expressed his concern that the City did not use the dealership in town to purchase the vehicles.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-142 authorizing the purchase of patrol vehicles. Voice vote found all in favor; passed and so ordered.

F. Approve the Final Subdivision Map, Subdivision Improvement Agreement, and Deferred Improvement Agreement for Ellis Phase 1A, Tract 3764, Authorization for the Mayor to Execute the Subdivision Improvement Agreement and Deferred Improvement Agreement, and Authorization for the City Clerk to File the Agreements with San Joaquin County Recorder

This item was pulled by Mr. Anderson who inquired that after all the controversy regarding Ellis over the past 13 years, why the adoption of the final map was on the Consent Calendar instead of a regular item. Mr. Anderson indicated the map still identifies the area for the swim center in the northeast area. Mr. Anderson added the end of a runway is not a place to put houses and the map does not clarify what happens in Airport Safety Zone.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-143 approving the Final Subdivision Map, Subdivision Improvement Agreement, and Deferred Improvement Agreement for Ellis Phase 1A. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Timothy Parker, former Public Safety Committee Member for the League of California Cities, requested a proclamation on behalf of the 100 Black Men of America, an organization who believe in mentoring African American youth education, health and wellness and economics.

Roger Birdsall provided an update on the Notre Dame De Namur ribbon cutting and announced that classes are in session. Mr. Birdsall provided his cell phone number for anyone who would like more information.

Priscilla Hilton spoke about the residence abandoned on Grant Line Road and inquired when would the City move forward on the future Chrisman interchange and coordinate efforts with Cal Trans and the County of San Joaquin.

Craig Saalwaechter spoke about the loss to the community with the passing of Arnold Barton who was known and seen every day at the corner of 6th and Central. Mr. Saalwaechter acknowledged the “Are You Okay Program” through the Police Department and encouraged the community to become involved.

Mr. Barton’s sons Jeff and Anthony Barton thanked the Police Department and the community which made Tracy a good place for their father to live in.

Marcus Savage, Ygrene Energy Fund, Property Assessed Clean Energy (PACE) provider, spoke about a mortgage refinancing program for the City which increases revenue that benefits property owners in Tracy.

3. UPDATE AND DISCUSS RESPONSE TO COUNCIL'S REQUEST REGARDING THE HOMELESS ISSUE IN THE CITY OF TRACY

Ana Contreras, Code Enforcement Manager, presented the staff report.

Council comments and questions followed.

Marvin Rothschild stated that the staff report was a good one; Mr. Rothschild shared his personal endeavors in assisting the homeless and provided suggestions to reduce the homeless problem.

Steven Thompson shared with the Council the 2015 San Joaquin County Sheltered Homeless Report. Mr. Thompson stated that the City has limited resources to address the homeless issue. He suggested that the City provide a facility that the city has already which is being used as storage to provide services.

Rhonda Henderson shared her personal experience feeding the homeless and suggested turning the old animal shelter on Larch Road into something where the homeless could shower and provide them with other resources. Ms. Henderson stated that the report was good but not accurate there are more than everyone realizes.

Earl Barries, Licensed Therapist, talked about the different categories of homeless that the staff report mentioned and made some clarifications.

Sue Miller representative of the Seventh Day Adventist Church spoke about the effort the Church makes to feed the homeless on the 2nd Thursday of each month and they partner with the First Presbyterian Church who feed the homeless on the 1st Thursday of the each month. Ms. Miller emphasized the need for a centralized location to feed the homeless.

Conrad Levoit shared an article that was recently in the Tracy Press related to the homeless issue at Dr. Powers Park. Mr. Levoit urged the Council that now is the time to make something happen.

Chad Wood, Board Member of the Boys and Girls Club, shared his observation of how the community has changed and the problem is that the City does not have the proper tools to address the issue. Mr. Wood suggested the City add another tool to help make the environment safe. One thing not talked about in the report is what activities take place in the parks during the day. Next step to consider is what can be done with the nonprofits to help clean up the parks.

Lisa Balogh agreed with most of the report but did not agree with the statement about putting the homeless on a bus to go to another city to receive assistance, they are citizens of Tracy and that is not right. Ms. Balogh voiced her concern about arresting the homeless for being in the park; this is not how to gain trust. Ms. Balogh urged the Council to think about the use of the fire station.

Robert Tanner inquired about the 122 inventoried referenced in the staff report include mobile homeless; also of the 10-12 people who are panhandling in the city are they being sent back to their city.

James Young stated that resources are much needed and shared a personal story about how services helped his nephew turn his life around who once was homeless.

Randy Smith shared a few suggestions to address the needs of the homeless.

Mayor Maciel called a recess at 9:15 p.m.

Mayor Maciel reconvened the meeting at 9:26 p.m.

Council comments and questions ensued.

Mayor Maciel acknowledged an email submitted to the Council by Desiree related to the homeless issue.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas directing staff to continue with Operations Helping Hands outreach efforts and to amend ordinance from infraction to misdemeanor for panhandling and sleeping in parks and bring back a staff report related to a potential day camp ordinance. Voice vote found all in favor; passed and so ordered.

4. ACCEPT THE REPORT OF THE CITY CLERK DECLARING SUFFICIENCY OF ADULT RESIDENTIAL ALLOTMENT INITIATIVE PETITION; AND DISCUSS AND PROVIDE DIRECTION ON WHETHER TO (1) PREPARE AN INFORMATIONAL REPORT ON THE PROPOSED INITIATIVE MEASURE AND, IF THE DIRECTION IS TO PREPARE THE REPORT, APPROPRIATE \$20,000 FROM THE CITY'S GENERAL FUND; OR (2) ORDER A SPECIAL ELECTION AND APPROPRIATE \$275,776 FROM THE CITY'S GENERAL FUND AND, IF THE SPECIAL ELECTION IS ORDERED, DIRECT THE CITY ATTORNEY REGARDING PREPARATION OF AN IMPARTIAL ANALYSIS, SET THE DATES FOR SUBMITTAL OF BALLOT ARGUMENTS, AND DETERMINE WHETHER TO ALLOW REBUTTAL ARGUMENTS

Council Member Mitracos recused herself from discussion and vote due to a conflict of interest.

Dan Sodergren, City Attorney, provided a brief summary. William Dean, Assistant Development Services Director, provided a brief overview of what the 9212 report would include.

City Council comments and questions followed.

Jeff Schroeder representative of Ponderosa Homes urged the Council to move forward without the 9212 report and call the election and offered to reimburse the City for the election cost.

The following residents expressed being in favor of calling the election and moving forward: Mary Hawkins, Michael Lucciani, Dale Drare, Wayne Schneider, Mickey Wallin, Roger Birdsall, Roy Hawkins, and Gene Birk.

Robert Tanner expressed concern regarding the cost of the election but was pleased to hear that there is an offer to pay for the cost.

Dave Anderson reiterated that it doesn't make sense to give \$20,000 to a consultant.

Council comments and questions continued.

ACTION Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Rickman to adopt Resolution 2015-144 directing that a proposed ordinance be submitted to the voters at a special election to be held on December 1, 2015 and appropriating \$275,776 from the City's General Fund for the costs associated with verifying signatures and holding the special election. Council voted not to prepare an informational report. Voice vote found Council Member's Vargas, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor. Council Member Mitracos abstained; passed and so ordered.

ACTION Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Rickman to adopt Resolution 2015-145 directing the preparation of an impartial analysis. Voice vote found Council Member's Vargas, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor. Council Member Mitracos abstained; passed and so ordered.

The consensus of the Council was not to file an opposing argument.

ACTION Motion was made by Council Member Vargas and seconded by Mayor Pro Tem Rickman to adopt Resolution 2015-146 providing for the filing of arguments and rebuttal arguments. Voice vote found Council Member's Vargas, Young, Mayor Pro Tem Rickman and Mayor Maciel in favor. Council Member Mitracos abstained; passed and so ordered.

5. CITY COUNCIL DISCUSSION AND DIRECTION REGARDING A REQUEST FROM TRACY CITY CENTER ASSOCIATION (TCCA) RELATED TO DOWNTOWN PARKING REQUIREMENTS AND PARKLETS

Scott Claar, Associate Planner, Development Services presented the staff report.

Council comments and questions followed.

Dino Margaros, Tracy City Center Association provided a brief presentation.

Council comments and questions continued.

The consensus of the Council was to move forward with the pilot and add a three-year check in point.

6. RECEIVE PRESENTATION AND PROVIDE INPUT ON CITY OF TRACY, OPEN GOV WEBPAGE

Vanessa Carrera, Management Analyst, City Manager's Office presented the staff report. Robert Harmon, Senior Accountant provided a demo of the interactive portal.

Council comments and questions followed.

The Council was pleased with the Open Gov Webpage presentation, no formal action was required.

7. APPROVE CITY'S RESPONSES TO THE 2014-2015 SAN JOAQUIN COUNTY GRAND JURY REPORT ON DONATION BINS (CASE NO. 1410)

Scott Claar, Associate Planner, Development Services, presented the staff report.

Council comments and questions followed.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Mitracos to adopt Resolution 2015-147 approving the City's responses to the Grand Jury Report. Voice vote found all in favor; passed and so ordered.

8. CITY MANAGER'S QUARTERLY REPORT

Troy Brown, City Manager, presented the quarterly report.

By consensus the Council accepted the quarterly report.

9. ITEMS FROM THE AUDIENCE – There were no speakers

10. COUNCIL ITEMS

A. APPOINT FIVE APPLICANTS TO THE BOARD OF APPEALS TO HEAR AN APPEAL ON AN ADMINISTRATIVE DECISION PERTAINING TO ENFORCEMENT RELATED TO REGULATIONS LISTED IN THE TRACY MUNICIPAL CODE

Nora Pimentel, City Clerk presented the staff report.

Action Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to appoint Phillip Aubin, Dennis Alegre, Jerry Yerian, James Caling and John Davis to the Board of Appeals. Voice vote found all in favor; passed and so ordered.

Council Member Vargas requested staff look into the possibility of installing a sidewalk from Kimball school going south to the Redbridge community. Mayor Pro Tem Rickman supported the request. Staff was directed to return in November with a staff report of what it would entail to install a sidewalk and when.

Council Member Young reported that she attended the 2nd Women's Symposium hosted by the California Black Chamber Foundation "Women Changing the Political Landscape" in Sacramento. Council Member young requested erecting a commemorative plaque in honor of Mr. Arnold Barton's memory. Mayor Maciel supported the request. Staff was directed to bring back a staff report related to plaque installation.

Mayor Maciel requested information on the Schulte and Chrisman properties. Mayor Maciel would like to know what the feasibility and potential revenue is if the properties were sold. Council Member Young supported the request. Staff was directed to return within a year with this information.

Mayor Maciel would like to revisit the term limits ordinance and discuss amending the section that relates to Council Member appointments to fill an unexpired term. Unexpired terms should not be considered a full term and should allow Council Members to have the opportunity to serve two full terms if elected. Mayor Maciel also would like to discuss amending the Mayor's term from two-years to four-years. Council Member Vargas supported the request. Staff was directed to return within a year with this information.

11. ADJOURNMENT- Time 11:50 p.m.

ACTION Motion made by Mayor Pro Tem Rickman and seconded by Council Member Young, to adjourn the meeting. Voice vote found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on August 25, 2015. The above are action minutes. A recording is available at the Office of the City Clerk.

Mayor

ATTEST:

City Clerk

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

REGULAR MEETING
MINUTES

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

City Council Chambers, 333 Civic Center Plaza

Web Site: www.ci.tracy.ca.us

Mayor Maciel called the City Council meeting to order at 7:26 p.m. and led the Pledge of Allegiance.

Invocation was led by Pastor Kal Waetzig, Saint Paul's Lutheran Church.

Roll call found Council Members Mitracos, Vargas, Young, Mayor Pro Tem Rickman and Mayor Maciel present.

Mayor Maciel announced that item three was pulled to a future date.

Mayor Maciel presented Certificate of Recognition to outgoing Youth Advisory Commissioner Serena Cho.

Mayor Maciel presented Certificates of Appointment to incoming Youth Commissioners Sim Bhatia, Yash Taneja, Connie Chan, Michelle Cho, and Joseph Sales.

Darren Kumar, Regional Manager, Rising Sun Energy Center provided an update on the first Rising Sun Energy Center's California Youth Energy Services Program in partnership with PG&E who provided to a limited number of Tracy residents no-cost energy and water conservation services.

1. CONSENT CALENDAR

ACTION Following the removal of item 1.D, 1.F, 1.N and 1.P; it was moved by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered. Motion carried 5:0

- A. Accept City Treasurer's Annual Review and Approve Revised City Investment Policy – Resolution 2015-148 approved 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) – Resolution 2015-149 approved the 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 – Resolution 2015-150 authorized amendment of the City’s Position Control Roster.
- E. Authorize the Purchase of Three Vehicles (Ford Taurus) from Tracy Ford of Tracy, California – Resolution 2015-151 authorized the purchase of vehicles.
- 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 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 – Resolution 2015-152 authorized the purchase of five 35-foot low floor buses, a supplemental appropriation to CIP 77550 and a contingency amount of \$50,000 for change orders needed.
- 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 – Resolution 2015-153 approved amendment No. 1 to Memorandum of Understanding.
- I. Approval for Renewed Support of the Recycling Market Development Zone (RMDZ) Program and Activities in San Joaquin County – Resolution 2015-154 approved Recycling Market Development Zone Program.
- 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 – Resolution 2015-155 accepted the animal shelter project.
- 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) – Resolution 2015-156 accepted the asphalt concrete pavement reconstruction.
- 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 – Resolution 2015-157 accepted the police radio equipment room cooling system project.
- M. Acceptance of Trinity Lane Subdivision Improvements, Tract 3820, Completed by Pulte Homes Corporation, a Michigan Corporation – Resolution 2015-158 accepted the Trinity Lane subdivision improvements.
- 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 – Resolution 2015-159 authorized amendment number one to a Master Professional Services Agreement.

- D. Authorize the Purchase of Emergency Equipment and Installation from Lehr Auto Electric of Sacramento, California

Robert Tanner pulled item 1D and asked for clarification on the purchase of equipment as stated in the resolution.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Mitracos to adopt Resolution 2015-160 authorizing the purchase of emergency equipment and installation. Voice vote found all in favor; passed and so ordered.

- 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

Council Member Young pulled this item for clarification and suggested that staff find ways to notice residents regarding the street sweeping schedule.

Trina Anderson spoke about the airport needing sweeping services and inquired if the airport was included in this agreement.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-161 approving a General Services Agreement. Voice vote found all in favor; passed and so ordered.

- 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

Robert Tanner pulled this item to inquire about the fiscal impact related to the upcoming special election.

Jeff Schroeder, Ponderosa Homes, stated that the offer to reimburse the City for the election cost still stands.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-162 rescinding Resolution 2015-144 and directing to hold a special election on December 8, 2015. Voice vote found all in favor; passed and so ordered.

- 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

Council Member Vargas pulled this item for further discussion related to branding. The Council requested that the fountain reflect the City colors and City seal.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-163 awarding construction contract for 11th Street Gateway Fountain renovation project. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE

Ann Marie Fuller, Chair and Danette Poole, Vice Chair of the Tracy Arts Commission, reported that the first Tracy Arts Cultural Festival which took place in August 2015, at Lincoln Park was a success and thanked all those who came out in support. Ms. Fuller mentioned a few locations where folks could make donations to the victims affected by the Valley fire.

Marvin Rothschild stated that his inquiry about the homeless situation and his request to utilize the Fire Station has not been formally addressed and requested that it be agendaized for the next meeting for discussion.

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 – This item was pulled to be brought back at a future date.

4. RECEIVE STATUS REPORT ON THE CITY'S AQUATIC CENTER DESIGN

Ed Lovell, Management Analyst, Public Works, presented the staff report.

Dennis Berkshire, Aquatics Design Group provided an update on the aquatic center conceptual design.

March conceptual design, stakeholder meetings in Octo, December, Ask Lovell to provide timeline.

David Anderson inquired if the consultant has been informed that the potential site for the pool is under the airport flight path. Mr. Anderson suggested that this item be presented to the Transportation Commission and Airport Land Use Commission.

Michell Bazinet spoke as one of the stakeholders and was pleased to see that there is a detailed plan for the aquatic center.

Marsha McCray was pleased to hear that the City has continued to move forward with the project but voiced her concern about going through the process again and ending up in square one again as occurred 10 years ago. Ms. McCray looks forward to hearing that there is a concept and dollar amount six months from now for the project.

Council comments and questions followed. Upon consensus the Council accepted the report.

Mayor Maciel called for a recess at 8:50 p.m.

Mayor Maciel reconvened the meeting at 9:00 p.m.

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

Kul Sharma, Utilities Director, presented the staff report.

David Anderson expressed being in favor of approving the project.

Council comments and questions followed.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-164 awarding construction contract for the Joe Wilson Pool reconstruction project with the addition of additives A1, A3, A4 and A5. Voice vote found Council Members Mitracos, Vargas, and Mayor Pro Tem Rickman in favor. Council Member Young and Mayor Maciel opposed; passed and so ordered.

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

Steve Bayle, Project Specialist, Public Works, presented the staff report.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Mitracos to adopt Resolution 2015-165 authorized the City to enter into amendment No. 1 to Lease Agreement. Roll call vote found all in favor; passed and so ordered.

7. INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 9.52, FLOODPLAIN REGULATIONS, OF THE TRACY MUNICIPAL CODE

Kevin Jorgensen, Floodplain Administrator, Development Services presented the staff report.

Nora Pimentel, City Clerk read the title of the Ordinance into the record.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to waive reading of the full text of the ordinance. Voice vote found all in favor; passed and so ordered.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to introduce Ordinance 1199. Voice vote found all in favor; passed and so ordered.

8. INTRODUCTION OF AN ORDINANCE ADOPTING A NEW CHAPTER 9.66 OF THE TRACY MUNICIPAL CODE ENTITLED "SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS"

Kevin Jorgensen, Chief Building Official, presented the staff report.

Council comments and questions followed. Council Member Mitracos wanted to be assured that the application and checklist are on the website.

Nora Pimentel, City Clerk read the title of the Ordinance into the record.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to waive reading of the full text of the ordinance. Voice vote found all in favor; passed and so ordered.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to introduce Ordinance 1200. Voice vote found all in favor; passed and so ordered.

9. ITEMS FROM THE AUDIENCE – There were no speakers.

10. COUNCIL ITEMS

Mayor Pro Tem Rickman announced the following upcoming events: September 26, 2015 the Downtown Tracy Wine Stroll from 6:00 p.m. – 9:00 p.m. presale tickets are \$25 and \$35 at the door; St. Bernard's Harvest Festival September 25-27, 2015. Mayor Pro Tem Rickman mentioned that there are some great upcoming attractions at the Grand Theatre.

Council Member Vargas expressed that there are deficiencies that need to be addressed related to the level of public safety services which are not being met. The City is projected to grow and the impact to public safety is a concern. Council Member Vargas asked the City Manager when this item would be brought to Council's attention

Troy Brown, City Manager, responded that over the next several weeks Council will be inundated with consultants, meetings, and reports from staff on what the City is going to do with the Fire Governance Structure and develop ways for Standard of Cover.

Council Member Vargas added she had reviewed the information and did not see a succession plan for replacement of stations or major ticket items.

Mr. Brown responded that there will be heavy discussions regarding the implementation of the Facilities Master Plan which was not included in the Council packet and there would be more extensive discussions on the Fire Standard of Cover.

Council Member Mitracos reported that there was a fire on her street over the weekend and expressed her gratitude to the Fire Department who responded quickly, Council

Member Mitracos also expressed her gratitude to the Public Works Department and Police Department.

Council Member Young announced an upcoming event taking place on Saturday, September 19, 2015 from 7:00 p.m. to 11:00 p.m. at the Tracy Community Center, tickets are \$50.

11. ADJOURNMENT- Time 10:12 p.m.

ACTION Motion made by Mayor Pro Tem Rickman and seconded by Council Member Young, to adjourn the meeting. Voice vote found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on September 8, 2015. The above are action minutes. A recording is available at the Office of the City Clerk.

Mayor

ATTEST:

City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

September 8, 2015, 5:00 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Maciel called the meeting to order at 5:00 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Mitracos, Vargas, Young, Mayor Pro Tem Rickman and Mayor Maciel present.
3. ITEMS FROM THE AUDIENCE – None
4. CLOSED SESSION

Labor Negotiations (Gov. Code, § 54957.6)

Employee Organizations:

Tracy Police Managers Association
Tracy Police Officers Association
Tracy Firefighters' Association
Teamsters Local 439, IBT
Tracy Mid-Managers' Bargaining Unit

City's designated representatives:

Troy Brown, City Manager
Stephanie Garrabrant-Sierra, Assistant City Manager
Rachelle McQuiston, Administrative Services Director
Midori Lichtwardt, Human Resources Manager
Dania Torres Wong, Esq.

5. MOTION TO RECESS TO CLOSED SESSION – Mayor Pro Tem Rickman motioned to recess the meeting to closed session at 5:01 p.m. Council Member Vargas seconded the motion. Voice vote found all in favor; passed and so ordered.
6. RECONVENE TO OPEN SESSION – Mayor Maciel reconvened the meeting into open session at 7:27 p.m.
7. REPORT OF FINAL ACTION – There was no report of final action.
8. ADJOURNMENT - Council Member Young motioned to adjourn. Mayor Pro Tem Rickman seconded the motion. Voice vote found all in favor; passed and so ordered. Time: 7:27 p.m.

The agenda was posted at City Hall on September 3, 2015. The above are action minutes.

ATTEST:

Mayor

City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

September 15, 2015, 5:45 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Maciel called the meeting to order at 5:45 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Mitracos, Vargas, Young, Mayor Pro Tem Rickman and Mayor Maciel present.
3. ITEMS FROM THE AUDIENCE – None
4. CLOSED SESSION

Labor Negotiations (Gov. Code, § 54957.6)

Employee Organizations:

Tracy Police Managers Association
Tracy Police Officers Association
Tracy Firefighters' Association
Teamsters Local 439, IBT
Tracy Mid-Managers' Bargaining Unit

City's designated representatives:

Troy Brown, City Manager
Stephanie Garrabrant-Sierra, Assistant City Manager
Rachelle McQuiston, Administrative Services Director
Midori Lichtwardt, Human Resources Manager
Dania Torres Wong, Esq.

Anticipated Litigation (Gov. Code, § 54956.9)

Significant exposure to litigation pursuant to paragraph (3) of subdivision (e) of Government Code section 54956.9. One case. This is based on the letter the City received on September 14, 2015 from John P. Antonakos, J.D., LL.M., a copy of which is available in the City Clerk's Office.

6. MOTION TO RECESS TO CLOSED SESSION – Mayor Pro Tem Rickman motioned to recess the meeting to closed session at 5:45 p.m. Council Member Vargas seconded the motion. Voice vote found all in favor; passed and so ordered.
7. RECONVENE TO OPEN SESSION – Mayor Maciel reconvened the meeting into open session at 7:19 p.m.
8. REPORT OF FINAL ACTION – There was no report of final action.
9. ADJOURNMENT - Mayor Pro Tem Rickman motioned to adjourn. Council Member Vargas seconded the motion. Voice vote found all in favor; passed and so ordered. Time: 7:19 p.m.

The agenda was posted at City Hall on September 14, 2015. The above are action minutes.

ATTEST:

Mayor

City Clerk

October 6, 2015

AGENDA ITEM 1.B

REQUEST

ADOPTION OF ORDINANCE 1199 AN ORDINANCE OF THE CITY OF TRACY, CALIFORNIA, AMENDING TITLE 9, CHAPTER 9.52, ENTITLED “FLOODPLAIN REGULATIONS”

EXECUTIVE SUMMARY

Ordinance 1199 was introduced at the Council meeting held on September 15, 2015. Ordinance 1199 is before Council for adoption.

DISCUSSION

The Federal Emergency Management Agency (FEMA) conducted an ordinance review and recommended some mainly administrative changes to the City’s Floodplain Regulations. Ordinance 1199 was introduced at the Council meeting held on September 15, 2015, to amend Tracy Municipal Code Chapter 9.52, Floodplain Regulations to comply with FEMA’s recommendations.

Ordinance 1199 is before Council for adoption.

STRATEGIC PLAN

This agenda item does not relate to the Council’s four strategic plans.

FISCAL IMPACT

None.

RECOMMENDATION

That Council adopt Ordinance 1199.

Prepared by: Adrienne Richardson, Deputy City Clerk

Reviewed by: Nora Pimentel, City Clerk
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS:

Attachment A – Ordinance 1199

ORDINANCE 1199

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.”

“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 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, 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.” “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 (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 1199 was introduced at a regular meeting of the Tracy City Council on the 15th day of September, 2015, and finally adopted on the 6th day of October, 2015, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.C

REQUEST

**ADOPTION OF ORDINANCE 1200 AN ORDINANCE OF THE CITY OF TRACY
ADOPTING A NEW CHAPTER 9.66 OF THE TRACY MUNICIPAL CODE ENTITLED
“SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS”**

EXECUTIVE SUMMARY

Ordinance 1200 was introduced at the Council meeting held on September 15, 2015.
Ordinance 1200 is before Council for adoption.

DISCUSSION

Assembly Bill 2188 amends Civil Code Section 714 and Government Code Section 65850.5(a), both related to the expedited review of small residential rooftop solar systems. The amended provisions of the Government Code impose 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. Ordinance 1200 was introduced at the Council meeting held on September 15, 2015, to add a new Chapter 9.66 to the Tracy Municipal Code entitled “Small Residential Rooftop Solar Systems”.

Ordinance 1200 is before Council for adoption.

STRATEGIC PLAN

This agenda item does not relate to the Council’s four strategic plans.

FISCAL IMPACT

None.

RECOMMENDATION

That Council adopt Ordinance 1200.

Prepared by: Adrienne Richardson, Deputy City Clerk

Reviewed by: Nora Pimentel, City Clerk
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS:

Attachment A – Ordinance 1200

ORDINANCE 1200

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.

* * * * *

The foregoing Ordinance 1200 was introduced at a regular meeting of the Tracy City Council on the 15TH day of September, 2015, and finally adopted on the 6th day of October, 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.D

REQUEST

APPROVE AMENDMENT NUMBER 3 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT WITH SNG & ASSOCIATES, INC. FOR STAFF SUPPORT AND PLAN/MAP REVIEW SERVICES

EXECUTIVE SUMMARY

SNG & Associates, Inc. has been assisting Engineering staff in review and processing of land development projects since April 2014. Due to current workload demands and development activities, additional services are anticipated to assist staff in providing timely review and approval of several projects recently submitted or anticipated to be submitted. This request is to approve an amendment to the Master Professional Services Agreement (MPSA) with SNG & Associates, Inc. to continue to provide staff support to be as efficient as possible with regard to plan/map review services.

DISCUSSION

On April 15, 2014, the City Council approved a Master Professional Services Agreement (MPSA) (Resolution Number 2014-055) with SNG & Associates, Inc. (SNG) for staff support and plan/map review services to Engineering Division staff. The current projects that SNG is assisting Engineering Division staff include International Park of Commerce, Tracy Hills, Grant Line Apartments, Stringer Property, Tracy Lakes, Primrose Phase 1 and 2, Barcelona Infill, Berg Properties, Aspire II, DCT Industrial, Harvest in Tracy Apartments, Middlefield Apartments, Ridgeline Industrial, El Pollo Loco Restaurant, and numerous other miscellaneous tasks and projects.

Twenty-five Task Orders have been approved or are in process for assistance needed with development projects. These Task Orders will utilize the original funding that was approved as part of the MPSA and Amendment Nos. 1 and 2. In order to continue staff support and review services for current and anticipated projects, additional task orders are needed to be approved requiring additional funding. The proposed amendment includes an additional amount not to exceed \$300,000.

SNG is a firm that has special expertise and the appropriate resources to assist the City in providing entitlement review, plan review, and other services related to serving our development clients. SNG also has the capacity to scale its resources in response to the City's development related work requests. The scale of the Development Review Section services can vary widely dependent upon market pressures. The Development Review Section is currently in the process of filling a Senior Engineer Position previously approved by Council. Furthermore, the City's Engineering Division is currently participating in a planning process to evaluate staff augmentation (i.e. potential new staff hires) of the Development Review Section. This planning process includes a short term and long term evaluation (one and five years respectively) of staffing needs.

STRATEGIC PLAN

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

FISCAL IMPACT

This MPSA amendment will not impact the General Fund. The City requires upfront payment or a Cost Recovery Agreement from the project applicants through which the applicants (developers) pay consultant costs and staff time to review and process the applications.

RECOMMENDATION

Staff recommends that the City Council approve the Amendment Number 3 to the Master Professional Services Agreement with SNG & Associates, Inc. for staff support and plan/map review services in the amount of \$300,000, and authorize the Mayor to execute the Amendment.

Prepared by: Criseldo Mina, Senior Civil Engineer

Reviewed by: Robert Armijo, City Engineer
Andrew Malik, Development Services Director

Approved by: Troy Brown, City Manager

ATTACHMENT

Attachment A – Amendment Number 3 to Master Professional Services Agreement

City of Tracy
AMENDMENT NO. 3 TO
MASTER PROFESSIONAL SERVICES AGREEMENT
STAFF SUPPORT AND PLAN/MAP REVIEW SERVICES

This Amendment No. 3 (Amendment) to the Master Professional Services Agreement is entered into between the City of Tracy, a municipal corporation (City), and SNG & Associates, Inc., a California Corporation (Consultant).

Recitals

- A.** The City and Consultant entered into a Master Professional Services Agreement ("Agreement") for Staff Support and Plan/Map Review Services which was approved by the City Council on April 15, 2014, under Resolution No. 2014-055.
- B.** Several development applications and projects were submitted for review and approval in the recent months, and a significant number of new projects are anticipated to submit applications in the near future. Several Task Orders have been approved under this Agreement to-date, and it is anticipated that more Task Orders will be needed to assist staff in managing the increasing workload and in providing timely review of the projects.

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.** Section 4, Compensation is hereby amended to change the Not to Exceed amount to \$1,300,000.00.
- 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

Consultant
SNG & Associates, Inc.

By: _____
Michael Maciel
Title: Mayor
Date: _____

By: _____
Nanda K. Gottiparthi
Title: President
Date: 9/21/2015

Attest:

By: _____
Nora Pimentel, City Clerk

By: _____
Nanda K. Gottiparthi
Title: Secretary
Date: 9/21/2015

Approved as to form

City Business License #: 82026

By: _____
Daniel G. Sodergren, City Attorney

RESOLUTION 2015-_____

APPROVING AMENDMENT NUMBER 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH SNG & ASSOCIATES, INC. FOR STAFF SUPPORT AND PLAN/MAP REVIEW SERVICES

WHEREAS, On April 15, 2014, the City Council approved a Master Professional Services Agreement (MPSA) (Resolution Number 2014-055) with SNG & Associates, Inc. (SNG) for staff support and plan/map review services to Engineering staff, and

WHEREAS, Due to current workload demands and development activities, additional services are anticipated to assist staff in providing timely review and approval of several projects that have been recently submitted or are anticipated to be submitted in the near future, and

WHEREAS, additional task orders are needed to be approved requiring additional funding estimated at an amount not to exceed \$300,000, and

WHEREAS, The City will require upfront payment or a Cost Recovery Agreement from the project applicants through which the applicants (developers) pay consultant costs and staff time to review and process the applications;

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the Amendment Number 3 to the Master Professional Services Agreement with SNG & Associates, Inc. for staff support and plan/map review services in the amount of \$300,000 and authorizes the Mayor to execute the Amendment.

* * * * *

The foregoing Resolution 2015-_____ was passed and adopted by the Tracy City Council on the 6th day of October, 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

CITY CLERK

AGENDA ITEM 1.E

REQUEST

APPROVE AMENDMENT NUMBER 1 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT WITH WEST YOST ASSOCIATES, INC., FOR VARIOUS WATER PRESSURE AND CAPACITY ANALYSES

EXECUTIVE SUMMARY

In 2014, the City selected West Yost Associates, Inc., (WYA) through a formal Request for Proposal process to evaluate and perform water analysis for various development projects. WYA has been working with staff to complete the scope of work in a timely manner. WYA has assisted the City with such projects as the International Park of Commerce, Tracy Hills, Ellis, and many more. This request is to approve an amendment to the Master Professional Services Agreement with West Yost Associates, Inc., to continue to provide various water system evaluations in the development review process.

DISCUSSION

On August 5, 2014, City Council approved a Master Professional Services Agreement (MPSA) (Resolution 2014-113) with WYA for the evaluation of impacts of proposed development projects on the City's water system facilities and operations for a not-to-exceed amount of \$600,000. WYA was selected following a formal Request for Proposal request. Since then, several review analysis and water designs have been completed by the firm. This work has consisted of water system hydraulic analysis, design services, technical peer review and other related services to evaluate the impact of proposed development projects (including International Park of Commerce, Tracy Hills and Ellis) on the City's water system. This work is highly specialized and therefore consultant assistance is sought.

Eight Task Orders have been approved under this Agreement to date, and one Task Order is pending approval. These task orders will utilize the original funding of \$600,000 that was approved as part of the MPSA. In order to continue providing the various water pressure, design and capacity analyses for various projects, additional task orders are needed to be approved which will require additional funding.

The proposed amendment includes a request for an additional amount not-to-exceed \$550,000.

STRATEGIC PLAN

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

FISCAL IMPACT

This MPSA amendment will not impact the General Fund. The City will require upfront payment or a Cost Recovery Agreement from project applicants through which the applicants (developers) pay consultant costs and staff time to complete such work.

RECOMMENDATION

Staff recommends that the City Council approve Amendment Number 1 to the Master Professional Services Agreement with West Yost Associates, Inc., for various water pressure and capacity analyses services for an additional amount not to exceed \$550,000, and authorize the Mayor to execute the Amendment.

Prepared by: Criseldo Mina, 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

ATTACHMENTS

Attachment A – Amendment Number 1 to Master Professional Services Agreement

**CITY OF TRACY
AMENDMENT NO. 1 TO
MASTER PROFESSIONAL SERVICES AGREEMENT MPSA-WYA
VARIOUS WATER PRESSURE & CAPACITY ANALYSES**

This Amendment No. 1 ("Amendment") to the Master Professional Services Agreement is entered into between the City of Tracy, a municipal corporation ("City"), and West Yost Associates, Inc. (a California Corporation) (Consultant).

RECITALS

- A.** The City and Consultant entered into a Master Professional Services Agreement ("Agreement") for the Various Water Pressure & Capacity Analyses which was approved by the City Council on August 5, 2014, under Resolution No. 2014-113.
- B.** Several development applications and projects have been submitted for review and approval in recent months, and a significant number of new projects are anticipated to submit applications in the near future. Work conducted under this Agreement has consisted of water system hydraulic analysis, design services, technical peer review and other related services to evaluate the impact of proposed development projects on the City's water system. Eight Task Orders have been approved under this Agreement to date, and one is pending approval. It is anticipated that additional services will be required to support the new development proposals to ensure that the City's existing and planned water system infrastructure facilities are adequate to meet the needs of existing users and proposed development projects.

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 5 Compensation is hereby amended to change the Not to Exceed amount to \$1,150,000.
- 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.

CITY OF TRACY
Amendment No. 1 to Master Professional Services Agreement
West Yost Associates, Inc.
Page 2 of 2

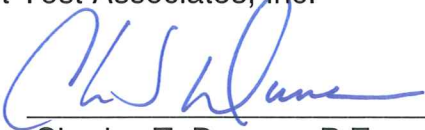
5. Signatures. The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Amendment. This Amendment shall inure to the benefit of and be binding upon the parties and their respective successors and assigns.

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

City of Tracy

Consultant
West Yost Associates, Inc.


By: _____
Michael Maciel
Title: Mayor
Date: _____

By:  _____
Charles T. Duncan, P.E.
Title: President
Date: 9-11-15

Attest:

Fed. Employer ID No. 68-0370826

By: _____
Nora Pimentel
Title: City Clerk
Date: _____

By:  _____
John D. Goodwin
Title: CFO/Treasurer
Date: 9-11-15

Approved as to form

By: _____
Daniel G. Sodergren
Title: City Attorney
Date: _____

RESOLUTION 2015-_____

APPROVING AMENDMENT NO. 1 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT WITH WEST YOST ASSOCIATES FOR VARIOUS WATER PRESSURE AND CAPACITY ANALYSES

WHEREAS, On August 5, 2014, City Council approved a Master Professional Services Agreement (MPSA) (Resolution 2014-113) with West Yost Associates, Inc., for the evaluation of impacts of proposed development projects on the City's water system facilities and operations for a not-to-exceed amount of \$600,000, and

WHEREAS, Eight Task Orders have been approved under this Agreement to date, and one Task Order is pending approval, and

WHEREAS, These task orders will utilize the original funding of \$600,000 that was approved as part of the MPSA, and

WHEREAS, In order to continue providing the various water pressure, design and capacity analyses for various projects, additional task orders are needed to be approved which will require additional funding, and

WHEREAS, The proposed amendment includes a request for an additional amount not-to-exceed \$550,000, and

WHEREAS, This MPSA amendment will not impact the General Fund. The City will require upfront payment or a Cost Recovery Agreement from project applicants through which the applicants (developers) pay consultant costs and staff time to complete such work;

NOW, THEREFORE, BE IT RESOLVED, That City Council approves Amendment No. 1 to the Master Professional Services Agreement with West Yost Associates for various water pressure and capacity analyses services for an additional amount not to exceed \$550,000, and authorizes the Mayor to execute the Amendment.

* * * * *

The foregoing Resolution 2015-_____ was passed and adopted by the Tracy City Council on the 6th day of October, 2015, by the following vote:

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

MAYOR

ATTEST

CITY CLERK

AGENDA ITEM 1.F

REQUEST

**APPROVAL OF A REDUCTION OF THE CENTRAL BUSINESS DISTRICT ZONE
PARKING IN-LIEU FEE TO \$0 AS A FIVE YEAR PILOT PROGRAM WITH A CHECK-
IN POINT WITH CITY COUNCIL AT THREE YEARS**

EXECUTIVE SUMMARY

This agenda item involves a City-initiated proposal to reduce the Central Business District (CBD) Zone Parking In-Lieu Fee to \$0 as a five-year pilot program with a check-in point with City Council at three years.

BACKGROUND

Under City regulations, a new building or new business that requires more parking than the previous use of the building must provide off-street parking spaces or pay an in-lieu fee. The Parking In-Lieu Fee is an option only available in the CBD Zone. The City Council substantially reduced the Parking In-Lieu Fee in August 2002, as one measure to encourage the revitalization of Downtown. Prior to the reduction, the fee was approximately \$9,287 per parking space, which could add up significantly depending on the number of additional parking spaces required. The current fee (adopted in August 2002) is based on a formula and varies depending on the size of the business. As an example, a 2,000 square foot tenant space being converted from a retail store to a restaurant may need to pay a one-time fee of approximately \$200 per parking space (roughly \$3,000 total), if they do not supply any new off-street parking. The funds are placed into a City account for the purpose of providing parking in the CBD Zone.

On September 1, 2015, City Council considered a request from the Tracy City Center Association (TCCA) for a City-initiated reduction of the CBD Zone Parking In-Lieu Fee to \$0 for a trial period of five years. TCCA stated that the Parking In-Lieu Fee makes it difficult for new businesses to locate in the Downtown and emphasized that there is currently plenty of parking available. At the conclusion of the agenda item, City Council directed staff to prepare a future agenda item to reduce the CBD Zone Parking In-Lieu Fee to \$0 as a five-year pilot program with a check-in point with City Council at three years, which would allow the City time to gauge its effect on the Downtown and provide an opportunity to reexamine the fee amount in the future.

Note: As part of the agenda item on September 1, 2015, City Council also directed staff to prepare a pilot program to allow parklets in the public right-of-way, which was also requested by TCCA. The pilot program for parklets will be brought to City Council at a future agenda, once TCCA has submitted the design concept and City staff has prepared the draft guidelines.

DISCUSSION

The Parking In-Lieu Fee was originally put in place prior to recent City actions that added Downtown parking. During the past 12 years, the City installed over 300 public

parking spaces in the Downtown, including two public parking lots on the north side of W. Ninth Street (approximately 102 spaces) and two public parking lots south of Sixth Street, near the Transit Station (approximately 212 spaces). In addition to these efforts, TCCA has secured 10-year lease agreements with multiple property owners to make two private parking lots available for public use in the Downtown (totaling approximately 159 spaces).

In 2007, a Downtown parking analysis was performed by Walker Parking Consultants, as part of the Downtown Specific Plan process. Walker's analysis included an inventory of the parking available Downtown, including both public and private spaces. The total number of parking spaces identified in the Downtown was approximately 1,730, of which, approximately 1,024 were identified as public spaces. Walker's analysis also included multiple surveys of parking usage/availability. Walker's findings indicated that parking in the Downtown is generally underutilized even during peak demand periods. However, the findings also noted that utilization of certain parking areas (such as the on-street spaces on W. Tenth Street) was higher than the overall average, indicating that there is the potential for better utilization of Downtown parking as a whole.

A reduction of the CBD Zone Parking In-Lieu Fee to \$0 for a five-year pilot program with a check-in point with City Council at three years would likely not pose a significant issue to funding future parking facilities because the current fee is relatively insignificant compared with the actual cost of developing such facilities. Since 1998, the City has collected approximately \$45,000 from the Parking In-Lieu fee. If additional public parking facilities are needed in the future, the City would likely need to consider other funding sources, with or without the Parking In-Lieu Fee. Furthermore, with the current supply of existing public parking in the Downtown, additional parking facilities may not be needed.

Separate from this agenda item, City staff will explore the potential for increasing the visibility of public parking signs in the Downtown to improve parking utilization and the perception of parking availability.

STRATEGIC PLAN

This agenda item relates to the Council's Economic Development Strategy, Objective 2c:

Collaborate with and support the Tracy City Center Association (TCCA) in an effort to increase the drawing power of the Downtown.

FISCAL IMPACT

This agenda item does not require any specific expenditure from the General Fund.

RECOMMENDATION

Staff recommends that the City Council approve a reduction of the Central Business District Zone Parking In-Lieu Fee to \$0 as a five-year pilot program with a check-in point with City Council at three years.

Agenda Item 1.F
October 6, 2015
Page 3

Prepared by: Scott Claar, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Director
Andrew Malik, Development Services Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

RESOLUTION _____

ADOPTING A REVISED CENTRAL BUSINESS DISTRICT ZONE PARKING IN-LIEU FEE AS A FIVE-YEAR PILOT PROGRAM

WHEREAS, Pursuant to Section 10.08.3470(c) of the Tracy Municipal Code, buildings enlarged, reconstructed, remodeled, or structurally altered in the Central Business District (CBD) Zone shall either provide parking, or pay an in-lieu fee as set by City Council resolution for the purpose of providing parking in the CBD Zone, and

WHEREAS, On October 3, 1989, City Council adopted Resolution 89-391, which established the CBD Zone parking in-lieu fee at \$7,400 per parking space with an adjustment to occur at least once per year based on a construction cost index, and

WHEREAS, On August 20, 2002, City Council adopted Resolution 2002-362, which rescinded Resolution 89-391 and adopted a revised CBD Zone parking in-lieu fee that is formula-based and significantly lower than the previous fee, and

WHEREAS, During the past 12 years, the City installed over 300 public parking spaces in the Downtown, including two public parking lots on the north side of W. Ninth Street (totaling approximately 102 spaces) and two public parking lots south of Sixth Street near the Transit Station (totaling approximately 212 spaces), and

WHEREAS, A parking analysis performed for the City by Walker Parking Consultants in 2007 identified approximately 1,730 parking spaces in the Downtown and indicated that parking in the Downtown is generally underutilized even during peak demand periods, and

WHEREAS, The Tracy City Center Association (TCCA) has stated that the parking in-lieu fee amount makes it difficult for new businesses to locate in the Downtown and has emphasized that there is currently plenty of parking available, and

WHEREAS, TCCA has requested that the City reduce the parking in-lieu fee to \$0 for at least five years, in order to spur revitalization of the Downtown, and

WHEREAS, A reduction of the CBD Zone parking in-lieu fee to \$0 as a five-year pilot program with a check-in point with City Council at 3 years, would allow the City time to gauge its effect on the Downtown and provide an opportunity to reexamine the fee amount in the future;

NOW, THEREFORE BE IT RESOLVED, That City Council does hereby adopt a revised CBD Zone parking in-lieu fee of \$0 as a five-year pilot program, effective beginning October 6, 2015, and ending October 6, 2020, with a check-in point with City Council at 3 years. Following the five-year effective period, the previous CBD Zone parking in-lieu fee established by Resolution 2002-362 shall resume in effect, unless by City Council resolution, subsequent extensions of this pilot program are adopted or the parking in-lieu fee is otherwise revised.

* * * * *

Resolution _____
October 6, 2015
Page 2

The foregoing Resolution 2015-_____ was passed and adopted by the Tracy City Council on the 6th day of October 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

AWARD A CONSTRUCTION CONTRACT TO MCGUIRE AND HESTER OF OAKLAND CALIFORNIA, FOR CONSTRUCTION OF SPORT FIELDS WITHIN THE PHASE I AREA OF THE LEGACY FIELDS SPORTS COMPLEX – CIP 78153, AUTHORIZE A TRANSFER OF \$141,893 FROM GENERAL FUND 301 TO CIP 78153, AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT.

EXECUTIVE SUMMARY

After completion of the value engineering and the design of the sports fields, the project was advertised for construction bids. The project bid document is divided in to a base bid and three additive alternates. The base bid includes construction of six playable soccer fields, four playable Babe Ruth fields, and three playable Little League fields. The additive alternates include undergrounding improvements for one Babe Ruth field, two soccer fields and backstop netting for three Little League fields. The City has received four bids. The lowest bid is below the engineer's estimate. However, the City has allocated \$5.1 million to complete construction of this project. The total cost of construction including inspections and construction contingencies for the base bid plus additive bid alternate item C is estimated to exceed the available budget by \$141,893. An appropriation of this amount will be needed to complete construction of this project.

DISCUSSION

The City has been working with various sports leagues for the past several months to implement development of multiple sports fields in Legacy Fields within the available budget and the reasonable time line. The City Council subcommittee worked closely with the sports leagues and staff to develop a strategy to achieve the desired goals. Staff, in coordination with the sports leagues, completed value engineering of the proposed improvement plans. The value engineering involved various modifications and improvements to the original plans by providing essential minimum improvements to make the fields playable.

City Council, on June 9, 2015, approved a Professional Services Agreement with Verde Design Inc., of Santa Clara, California, to prepare construction documents for construction of sixteen sports fields for Phase I of the Legacy Fields Complex – CIP 78153. This included the design of six soccer fields and seven baseball fields with playable improvements and design of subsurface improvements to one baseball field and two soccer fields so that respective leagues can complete the remaining improvements.

The scope of work generally includes clearing and grubbing of existing surface, earthwork and grading operations, installation of new concrete paving, drainage, limited fencing, backstops, edge bands, athletic furnishings, irrigation, natural turf/grass, and other related items.

The project improvement plans and specifications were completed by Verde Design Inc., of Santa Clara, California. The bid documents were divided into a base bid and three 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 base bid and three additive bid alternatives included construction of the following items:

Base Bid: Includes Improvements for six Soccer Fields and seven Baseball Fields (four Babe Ruth and three Little League) with playable game-ready improvements which includes, but is not limited to, clearing and grubbing of existing surface, earthwork and grading operations, consisting of new concrete paving, drainage, limited fencing, backstops, edge bands, athletic furnishings, irrigation, natural turf, and other related items.

Additive Bid Alternate A: Subsurface improvements to one baseball field. Subsurface improvements consist of clearing and grubbing of existing surface, fine grading, drainage, wood header, and irrigation.

Additive Bid Alternate B: Subsurface improvements to two soccer fields consisting of clearing and grubbing of existing surface, fine grading, drainage, netting and irrigation.

Additive Bid Alternate C: Provide overhead netting system at the Little League backstops.

The project was advertised for competitive construction bids on August 21, and August 28, 2015, and a total of four (4) bids were received and publicly opened at 2:00 p.m. on September 23, 2015, with the following results:

No	Contractor	Grand Total Base Bid	Alternate A	Alternate B	Alternate C
1	McGuire and Hester, Oakland CA	\$4,610,485.00	\$128,819.00	\$359,751.00	\$27,600.00
2	Suarez & Munoz Construction Inc., Hayward CA	\$4,786,707.00	\$112,072.52	\$362,094.00	\$32,000.00
3	Stockbridge General contracting Inc., Clovis CA	\$5,121,918.00	\$228,415.00	\$604,265.00	\$33,000.00
4	Goodland Landscape Construction Inc., Tracy CA	\$5,854,750.50	\$187,456.00	\$574,765.75	\$28,000.00

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. McGuire and Hester of Oakland, California, is the lowest monetary bidder with a total base bid amount of \$4,610,485.00.

Staff has reviewed and completed an evaluation for the need of construction of additional additive alternate bid items A, B, and C. Staff recommends that Additive Alternate C, providing an overhead netting system at the Little League backstops, in the amount of \$27,600, be awarded along with the base bid to address safety concerns. This was also recommended by the project consultant and the Public Works Department. The total amount for the Base Bid and Additive Alternate C is \$4,638,085. Due to the lack of funding, staff is not recommending Additive Alternates A and B.

Bid analysis indicates the lowest monetary bid is responsive and the bidder is responsible. McGuire and Hester have the appropriate contractor's license in active standing with the State of California and have completed similar projects for other public agencies.

The total estimated cost of this project if only the base bid is awarded to McGuire and Hester is as follows:

<u>Construction Cost</u>	<u>Base Bid</u>
Contractor's Base Bid plus Additive Alternate C	\$4,638,085
Contingency @ 10%	\$ 463,808
Construction Management 3%	<u>\$ 140,000</u>
Total Construction Cost	\$5,241,893
Available Budget	\$5,100,000
Additional Appropriation Required	\$141,893

Construction of this project will start immediately after execution of the contract documents. The estimated completion date for the baseball fields is April 30, 2016, and September 15, 2016, for the soccer fields, weather permitting. In case of inclement weather, the contractor will be entitled time extension in accordance with the contract documents.

Tracy Municipal Code Section 2.20.090(b) authorizes the City Manager to approve change orders up to the contingency amount approved by City Council. The recommended contingency amount for this project is \$463,808

STRATEGIC PLAN

This agenda item is consistent with the City Council's adopted Quality of Life Strategy and meets the goal of enhancing the City's amenities.

FISCAL IMPACT

The Legacy Fields Sports Complex Project - CIP 78153, is an approved Capital Improvement Project with total funding in the amount of \$5,100,000. An additional appropriation in the amount of \$141,893, is needed to complete construction of this project for the base bid and Additive Alternate C.

RECOMMENDATION

That City Council, by resolution, award a construction contract for the Legacy Fields Complex- CIP 78153, to McGuire and Hester of Oakland, California, for the base bid and bid alternate C in the total amount of \$4,638,085, authorize the City Manager to approve change orders up to the specified project contingency amount of \$ 463,808, if needed, authorize an appropriation of funds in the amount of \$141,893, from General fund 301 to CIP 78153 and authorize the Mayor to execute the construction contract.

Prepared by: Paul Verma, Senior Civil Engineer

Reviewed by: Robert Armijo, City Engineer
Kuldeep 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 TO MCGUIRE AND HESTER OF OAKLAND CALIFORNIA, FOR CONSTRUCTION OF SPORT FIELDS WITHIN THE PHASE I AREA OF THE LEGACY FIELDS SPORTS COMPLEX – CIP 78153, AUTHORIZING A TRANSFER OF \$141,893 FROM GENERAL FUND 301 TO CIP 78153, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT

WHEREAS, This project involves construction of sixteen sports fields for Phase I of the Legacy Fields Complex – CIP 78153, including the design of six soccer fields and seven baseball fields with playable improvements, and

WHEREAS, Improvement plans and specifications were completed by Verde Design Inc., of Santa Clara, California, and

WHEREAS, The project was advertised for construction bids on August 21, and August 28, 2015, and

WHEREAS, Four bids were received and publicly opened at 2:00 p.m. on September 23, 2015, and

WHEREAS, This is an approved Capital Improvement Project for Fiscal Year 2014-15 with available funding of \$5,100,000, and

WHEREAS, An additional appropriation of \$141,893 is needed from General Fund 301 to complete construction of the base bid and additive bid item C;

NOW, THEREFORE BE IT RESOLVED, That City Council awards a construction contract for the Legacy Fields Complex - CIP 78153, to McGuire and Hester of Oakland, California, for the base bid and bid alternate C in the total amount of \$4,638,085, authorizes the City Manager to approve change orders up to the specified project contingency amount of \$463,808, if needed, authorizes an appropriation of funds in the amount of \$141,893, from General fund 301 to CIP 78153, and authorizes the Mayor to execute the construction contract.

* * * * *

The foregoing Resolution 2015-_____ was adopted by City Council on the 6th day of October, 2015, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 4

REQUEST

DISCUSS AND PROVIDE DIRECTION ON POSSIBLE AMENDMENTS TO TRACY MUNICIPAL CODE CHAPTER 3.04 REGARDING PARTICIPATION REQUIREMENTS FOR LOCAL NON-PROFIT ORGANIZATIONS SELLING “SAFE AND SANE” FIREWORKS

EXECUTIVE SUMMARY

During the June 16, 2015 City Council meeting, the Council directed staff to revisit the ordinance contained within the Tracy Municipal Code dealing with fireworks (Chapter 3.04), specifically reviewing local businesses and nonprofit participation requirements. The Council expressed concern that the existing ordinance may not adequately limit eligible nonprofit organizations to being from Tracy. Staff has reviewed the ordinance to clarify current requirements and has provided additional language for consideration. Additional language may strengthen the existing ordinance to ensure safe and sane fireworks sales permits are limited to organizations that exist within and directly benefit Tracy.

DISCUSSION

On June 16, 2015 at the City of Tracy regular council meeting, the City Council requested staff revisit Chapter 3.04 of the Tracy Municipal Code (TMC) as it pertains to defining local nonprofit eligibility to sell fireworks. The City Council requested a process that ensures Safe and Sane Fireworks Sales permits are limited to nonprofit organizations located within Tracy and that proceeds directly benefit the community. Section 3.04.010 describes eligible nonprofit organizations as follows:

Nonprofit organizations means the applicant is a local nonprofit organization which shall mean any nonprofit association, club, or corporation organized for veteran, patriotic, welfare, religious, civic betterment, youth or charitable purposes as defined by Section 501(c) of the Internal Revenue Code of the United States. A local nonprofit organization must have its principal and permanent meeting place in the City of Tracy. The organization must have obtained nonprofit status and have been organized and established in the City for a minimum of one continuous year preceding the filing of the application for permit. The organization must also have a bona fide membership of at least twenty (20) members who reside in the City, which will be verified each year.

The existing language in the TMC requires local nonprofit organizations to be from the City of Tracy and requires the non-profit to have its permanent and principal meeting place be within the city limits. Principal meeting place is not explicitly defined within the ordinance. When determining eligibility of nonprofit organizations in the past, it has been discovered that an organization may have a principal meeting place in Tracy but may primarily exist and benefit an outside community. Council may consider adding

language to the existing ordinance to assist staff with determining the eligibility of nonprofit organizations. Possible additions may include, but are not limited to, the following:

1. Require that the principal meeting place of the nonprofit organization have a Tracy address on file with the California Secretary of State that matches the address provided on the city application.
2. Require that the principal meeting place have a Tracy address on file with the State of California Department of Justice Office of the Attorney General as a charitable organization that matches the address provided on the city application.
3. Require nonprofit organizations to file a post sales report indicating how proceeds directly benefit the local community
4. The organization must be one which provides direct and regular community services which benefits the residents of the City of Tracy.

Should Council recommend changes to Chapter 3.04 of the TMC, staff would bring the desired changes back to Council to amend the ordinance.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no fiscal impact with this agenda item.

RECOMMENDATION

That the City Council provide direction on possible amendments to Tracy Municipal Code Chapter 3.04 regarding participation requirements for local non-profit organizations selling "Safe and Sane" fireworks.

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