



Handout received from Alice English during
Items from the Audience - 12/17/2019
Council Meeting

Returned to Department to be completed: _____
Date complete form received by City Attorney's Office: _____

City of Tracy
FINAL AGREEMENT ROUTING FOR SIGNATURES

INITIATING DEPARTMENT/PROJECT MANAGER:

Fill out top of this form for any agreement/contract/amendment/task order/MOU. Attach two originals.
Write N/A next to any box or blank that is not applicable. [Bracketed references below are to the instruction sections.]

Signatures needed (check one) [§A.1]:

- Mayor signature (see TMC §2.20.090 re: signature authority.)
Council approval date: N/A; Resolution No. N/A
- City Manager signature (see TMC §2.20.090 re: signature authority. Generally, up to \$50,000.)
- Department Director signature (see TMC §2.20.100. Generally, up to \$25,000)

- Exhibits A through B are attached. [Exhibits are labeled and listed on Agreement, after signatures. §A.3.]
- Obtained vendor/other party signatures, and have attached two originals. [§C.2.b.]
- Confirmed corporate, LLC or Limited Partnership status, if applicable. (<http://kepler.sos.ca.gov>) [§C.2.b.]
- Insurance documents. Copy of insurance documents is attached and Department has reviewed for compliance, or this is an Amendment, or a Task Order, and original Agreement or Master PSA was checked to confirm the insurance is current. For questions, contact Judy Carlos, Risk Manager. [§C.2.a.]
- If approved by Council, Department has inserted in the Agreement the Council meeting date and Resolution No. [§A.4.a; §C.3.]

Document title: Professional Services Agreement

Contractor/Vendor: Sow A Seed

Agreement amount for entire term: \$30,000.00

(If Master PSA exists, state: (a) not-to-exceed amount and (b) sum total of all existing and proposed Task Orders, combined, on the date submitted.)

Project Manager: Vanessa Carrera

Phone No. 209-831-6102

Comments: N/A

Finance: Acct. # 63106-5559 where funds are budgeted and available, or Cost recovery deposit # N/A that will cover the expenditure.

Business license # 79532.
(Contact Rosemarie Marquez, Business License Division for questions.)

Legal: Previously reviewed by City Attorney's Office, and no changes made since then.
DOC REVIEW # 17-307

Recording: Check box if this document should be recorded at the County Recorder's Office.
(City Clerk's Office will record. Recording No. and date: _____)

ROUTING INSTRUCTIONS (in this order).

Each Department below, please check applicable box, initial and date when approved:

- City Attorney: Reviewed and Executed: [Signature] 8/16/17
- Finance: Funds budgeted and/or available, or Council approval date: _____
Business license issued: _____
- City Clerk: Final -- all signatures completed.

Note: City Clerk keeps one fully executed original. City Clerk will send the second original to the Department's administrative assistant who will copy it for Department records and mail it to the name and address in the contract. City Clerk's Office will handle recording with County Recorder's Office, when applicable.

ATTACHMENT C
BUDGET NARRATIVE ADDENDUM

Below is a Source of Sow A Seed Community Foundation's matching funds.

- ✓ • **Tracy Unified School District - Contract**
- ✓ • **San Joaquin County Probation Department - Contract**
- **Sutter Health - Grant**
- ✓ • **Fireworks Sales - Fundraising Event**
- **Vegas In The Valley - Fundraising Event**
- **General Community Outreach - Contributions / Donations**
- **Volunteers**

Agenda Item 3.C - Amendment to Conditions of Approval - C.4.14

December 17, 2019 Council Meeting

Item No. 3C

C.4.14 If the Project contains overhead utilities, the Developer shall underground existing overhead utilities such as electric, TV cable, telephone, and others. Each dry utility shall be installed at the location approved by the respective owner(s) of dry utility and the Developer shall coordinate such activities with each utility owner. All costs associated with the undergrounding shall be the sole responsibility of the Developer and no reimbursement will be due from the City. Developer shall submit undergrounding plans. After the undergrounding is complete, Developer shall install a residential street light to replace the existing cobra head. The undergrounding and street light installation will be completed prior to the first residential unit's final inspection.

Developer may request that the undergrounding be deferred per the Tracy Municipal Code. If the deferral is approved, Developer shall repair the cobra head or otherwise cause the cobra head to function.

Handout – Agenda Item 3.F

Good morning,

I am reaching out on behalf of Byron-Bethany Irrigation District (BBID).

We reviewed the upcoming City Council agenda and noticed an item related to the City's recycled water program; specifically, the interest of the Private Public Infrastructure Group LLC (PPIG) in purchasing the City's unused recycled water.

As you might imagine, BBID and West Side Irrigation District (WSID), which BBID currently manages, have interest in this development, as well as the project in general. We view the city's recycled water as a potential source of water in times of drought or regulatory pumping restrictions. We recognize that a potential partnership with PPIG is in its infancy; however, we are curious: would local water agencies like BBID and WSID still be first in line for the city's unused recycled water before it would be sold to PPIG?

We would love an opportunity to meet with the appropriate party at the City to more fully understand the project.

Thanks so much!

Best,

Nick Janes
Director of Public Affairs
Byron-Bethany Irrigation District
630.915.6493
n.janes@bbid.org

Handout – Agenda Item 3.F

From: Robert Mehlhaff <rmehlhaff@mehlhaff-law.com>

Sent: Monday, December 16, 2019 3:51 PM

To: Web - City Manager <CM@cityoftracy.org>; CAO <main-CAO@cityoftracy.org>

Subject: Proposed Exclusive Sale of Recycled Water

Dear Ms. Haruyama (City Manager) and Ms. Leticia Ramirez (Interim City Attorney)

I represent Mike Sandhu. He has brought to my attention that the City Council will once again be discussing the proposed sale of surplus recycled water, this time to Private Public Infrastructure Group (PPIG).

Please note:

- (1) that “The use of all water now appropriated, or that may hereafter be appropriated, *for sale*, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law.” [Cal. Const. Art. X, Sec. 5];
- (2) that “Prior to making any change in the point of discharge, place of use, *or purpose of use of treated wastewater*, the owner of any wastewater treatment plant shall obtain approval of the board [i.e., Water Resources Control Board] for that change. The board shall review the changes pursuant to the provisions of Chapter 10 (commencing with Section 1700) of Part 2 of Division 2.” [Cal. Water Code, sec. 1211];
- (3) that the procedure referenced in Cal. Water Code sec. 1211 (i.e., “the board shall review the changes pursuant to the provisions of Chapter 10 (commencing with Section 1700)” requires a showing of “a reasonable likelihood that the proposed change will not injure any other legal user of water.” [Cal. Water Code, sec. 1701.2(d), sec. 1701.3(b)(1)].

Be advised that if the City proceeds along the proposed lines of entering into a contract with any private person or organization, such as PPIG, without *first* obtaining the review of the proposed change in “the purpose of use” of the treated wastewater in conformance with the foregoing authorities will result in litigation to void the City’s actions.

In February of this year I wrote to the City Council and City Manager. I reiterate the objections made at that time:

1. As the letter dated January 11, 2018, from attorney Mark Connolly to the City pointed out, such use violates the terms of the grant obtained by the City to make the requisite improvements to facilitate such delivery and sale.
2. If the treated waters are “surplus property” of the City, the procedures to selling such property to the highest bidder should be followed.

3. My client is unaware of any facts suggesting that the City has obtained the consent of the State Water Resources Control Board to change the point of discharge, place of use and purpose of use of its treated waste water?

(see Water Code § 1211: "(a) Prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater, the owner of any wastewater treatment plant shall obtain approval of the board for that change. The board shall review the changes pursuant to the provisions of Chapter 10 (commencing with Section 1700) of Part 2 of Division 2.")

Sincerely yours,

Robert Mehlhaff
Law Offices of Robert Mehlhaff
4600 S. Tracy Blvd., Ste. 114
PO Box 1129
Tracy, CA 95378-1129

Tel: (209) 835-3232
Fax: (209) 835-7251

Attorney for Mike Sandhu