

Tuesday, November 5, 2013, 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 to a majority of the Council regarding an item on the agenda shall be made available for public inspection at the City Clerk's office (address above) during regular business hours.

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

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENTATIONS - Employee of the Month

Proclamation – National Law Enforcement Records and Support Personnel Day

Proclamation – Pancreatic Cancer Awareness Month

Proclamation – Homeless Youth Awareness and Runaway Prevention Month

Proclamation – Eden Housing 45th Anniversary

Certificates of Recognition - D.A.R.E.

1. CONSENT CALENDAR

A. Approval of Minutes

B. Authorize an Amendment of the City's Classification and Compensation Plan and Position Control Roster Reinstating a Full-Time Box Office Coordinator Position and Reallocating an Administrative Assistant II and a Cultural Arts Manager-Performing Arts to a Box Office Coordinator Position

C. Acceptance of the Senior Center Recreation Area CIP 78136, Completed by American Asphalt of Hayward, California, and Authorization for the City Clerk to File the Notice of Completion

D. Approve Amendment Number One to the Professional Services Agreement with Kimley-Horn and Associates for the Tracy Hills Specific Plan Amendment Subsequent Environmental Impact Report

E. Award a Construction Contract to Commercial Pump and Mechanical (CMP) of Chico, California, for the Larch Road Storm Water Pump Station Upgrades, Phase 2 CIP 76054, and Authorize the Mayor to Execute the Contract

F. Approve a Minor Amendment to the Barnes & Noble/Sports Authority Final Development Plan to Modify the Façade and Add a Loading Dock At 3150 Naglee Road - Applicant is Naos Design Group for Rouse Properties, Inc.

G. Find it is in the Best Interest of the City of Tracy to Dispense with the Bid Process in Section 2.20.180 of the Tracy Municipal Code; Authorize the Purchase of Two Triple Combination Fire Pumpers From Hi-Tech Emergency Vehicle Service, Inc.; and Authorize Staff to Negotiate a Municipal Lease for the Purchase

H. Find that it is in the Best Interests of the City to Waive the Competitive Bidding Process and Continue to Procure Centrifuge Rental Services from Karl Needham Enterprises (KNE) of Stockton, California

I. Authorization for the Chief of Police to Execute a Memorandum of Understanding between San Joaquin County Law Enforcement Agencies for the "Avoid the 10" DUI Campaign October 1, 2013, through September 30, 2014

2. ITEMS FROM THE AUDIENCE

3. APPROVE A HIGH TECHNOLOGY (HI-TECH) INCENTIVE PILOT PROGRAM

4. REVIEW AND DISCUSS COUNCIL FOLLOW-UP PROCEDURE AND PROVIDE STAFF DIRECTION
5. SECOND READING AND ADOPTION OF ORDINANCE 1189 AMENDING THE TRACY MUNICIPAL CODE (ZONING REGULATIONS) REGARDING TIME LIMITS AND EXTENSIONS FOR DEVELOPMENT REVIEW PERMITS (TMC CHAPTER 10.08, ARTICLE 30) – APPLICATION NUMBER ZA13-0002
6. ITEMS FROM THE AUDIENCE
7. STAFF ITEMS
8. COUNCIL ITEMS
9. ADJOURNMENT

September 3, 2013, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

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

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

The invocation was offered by Chaplain Jim Bush.

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

Leon Churchill, Jr., City Manager, presented the Employee of the Month award for September to Ed Mandap, Public Works.

Mayor Ives presented Certificates of Recognition to Anne Marie Fuller and daughter Rebecca Fuller for being crowned Mrs. Beauties of the Nation, and Miss Teen Beauties of the Nation 2013.

1. CONSENT CALENDAR - Following the removal of item 1-A by a member of the audience, it was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - B. Authorize Amendment of the Position Control Roster by Approving the Reclassification and Reallocation of an Accounting Technician to the Position of Payroll Coordinator – Resolution 2013-139
 - C. Authorize Amendment of the City's Classification and Compensation Plans by Approving Revisions to the Police Department Lead Communications Operator Specification – Resolution 2013-140
 - D. Authorize the Purchase of New Firearms and Exchange of Used Firearms with L.C. Action of San Jose, California -- Resolution 2013-141
 - E. Authorize a Five-Year Ground Lease Agreement Between the City of Tracy and GPX Wholesale, Inc., a California Corporation, for Nut Shell Stockpiling Operations on City Property Located at the New Jerusalem Airport and Authorize the Mayor to Execute the Agreement – Resolution 2013-142
 - A. Approval of Minutes – Paul Miles stated the minutes had been misrepresented and asked that a correction be made to his comments provided at the regular Council meeting of July 16, 2013. The word in question was “suggested”.

Mayor Ives asked Dan Sodergren, City Attorney, to address Mr. Miles' concern. Mr. Sodergren indicated the minutes for July 16, 2013 could be checked and re-submitted for Council approval at a subsequent meeting.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to approve the Regular meeting minutes of July 2, 2013, and Closed

meeting minutes of July 16, 2013. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Robert Tanner, addressed Council suggesting that a kiosk be placed in the Police Department where individuals can deposit prescription drugs that are no longer needed or out of date.

Mary Mitracos addressed Council regarding Sutter Gould's proposed new medical building on the 400 block of West Eaton Avenue. Ms. Mitracos provided Council with signed petitions and asked that: 1) the new medical building be placed at the corner of Bessie and Eaton Avenues; 2) the existing large "heritage" oak tree be saved; 3) the trash enclosure and ambulance services be placed to minimize any impact to adjacent residential homes.

Paul Miles provided Council with a letter dated September 3, 2013, which included a letter to Police Chief Gary Hampton dated September 25, 2011.

Steve Nicolou provided Council with a verbal update regarding the Tracy Airport runway and letters he has submitted to various agencies on the matter. Mr. Nicolou urged Council to return the runway length to 4,000 feet.

Sandi Taylor addressed Council regarding the need for a swim center. Ms. Taylor provided a background of the efforts to date to bring a swim center to Tracy.

3. PUBLIC HEARING TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT FOR THE CORDES RANCH DEVELOPMENT AGREEMENT, GENERAL PLAN AMENDMENT, CORDES RANCH SPECIFIC PLAN, AND CORDES RANCH SITE ANNEXATION APPLICATIONS, AND TO CONSIDER THE APPLICATIONS FOR A GENERAL PLAN AMENDMENT, CORDES RANCH SPECIFIC PLAN, PREZONING AND ANNEXATION OF THE CORDES RANCH SITE TO THE CITY OF TRACY, AND INTRODUCING AN ORDINANCE AMENDING VARIOUS TRACY MUNICIPAL CODE SECTIONS TO CREATE THE CORDES RANCH SPECIFIC PLAN ZONE DISTRICT. THIS IS ALSO A PUBLIC HEARING TO INTRODUCE AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH PROLOGIS, LP. THE CORDES RANCH SPECIFIC PLAN SITE IS APPROXIMATELY 1783 ACRES LOCATED NORTH OF SCHULTE ROAD, SOUTH OF I-205, AND EAST AND WEST OF MT HOUSE PARKWAY, APPLICATION NUMBERS GPA13-0002, A/P13-0001. APPLICANT IS DAVID BABCOCK AND ASSOCIATES. THE PROPERTY SUBJECT TO THE DEVELOPMENT AGREEMENT IS APPROXIMATELY 1238 ACRES OF LAND LOCATED NORTH OF SCHULTE ROAD AND EAST OF MOUNTAIN HOUSE PARKWAY, APPLICATION NUMBER DA11-0001; THE APPLICANT IS PROLOGIS, LP.

Council Member Manne stated he had considered this item previously as a Planning Commissioner, but since no legislative action was taken on the application he would be considering the item at this meeting.

Bill Dean, Assistant Development Services Director, provided the staff report. This is a public hearing to consider applications for a General Plan Amendment, Cordes Ranch Specific Plan, annexation of the Cordes Ranch Specific Plan site to the City of Tracy and a development agreement (DA), all of which lead to development of the Cordes Ranch

project. The applications also require minor amendments to the Tracy Municipal Code Zoning Ordinance to add the Cordes Ranch Specific Plan Zone (CRSP) to the list of zoning districts of the City and rezoning the Cordes Ranch Specific Plan area as CRSP. The zoning of the Cordes Ranch project site as CRSP, including amendment of the Zoning Map, would take effect upon annexation of the site. The foregoing first requires certification of an Environmental Impact Report (EIR) consistent with the California Environmental Quality Act (CEQA).

The Cordes Ranch Specific Plan project has undergone significant community, Planning Commission, and City Council review. Review and involvement by the Planning Commission and City Council spanned the General Plan update process (concluding in 2006) where the focus on Cordes Ranch related to land use visions for the site. This was carried forward in the comprehensive General Plan amendment process (concluding in 2011) where the City Council adjusted the City's Sphere of Influence and retained the Cordes Ranch site as a future jobs center at the same time as adjusting and shrinking the Sphere of Influence in other areas to address new Local Agency Formation Commission (LAFCo) policies. These Council decisions set the stage for comprehensive land and infrastructure planning which culminated in recent adoption of seven new City Infrastructure Master Plans that identify infrastructure solutions for the Cordes Ranch area and other development areas within the City and Sphere of Influence.

A group of four property owners representing the majority of the Cordes Ranch Specific Plan site have undertaken a comprehensive planning process to fine-tune the vision, zoning, development standards, roadway network, required infrastructure, and design standards, which are now included in the comprehensive Cordes Ranch Specific Plan.

A major element of the Cordes Ranch Specific Plan has been the attention to landscaping details outside of the public right-of-way to create an aesthetically pleasing environment. Chapter 5 of the Specific Plan identifies and illustrates these concepts, which include entry monuments along the I-205 freeway, landscaping along the freeway, and a central green area that can serve as a park, among other features to enhance streetscapes. Chapter 6 of the Specific plan describes, in general terms, several key components of the required infrastructure to serve the project, including descriptions of the storm drainage system, water and wastewater utilities, and detailed street locations and cross sections. Chapter 7 describes the efforts aimed at conserving resources during the course of the implementation of this business park, and includes water conservation measures, energy conservation measures, solid waste, and public health related measures. Chapter 8 identifies the key implementation processes, providing that future subdivisions, conditional use permits, and development review permits would be reviewed in accordance with the Specific Plan.

The Specific Plan was developed after City Council and Planning Commission review, most notably during City Council meetings on August 7, 2012, where the I-205 corridor was discussed and on November 7, 2012 when land uses, freeway signage and the proposed DA were discussed. The Planning Commission also discussed the Cordes Ranch Specific Plan on several occasions over the course of the last few years, beginning on December 21, 2011, when a hearing was conducted on the Notice of Preparation for the EIR, and on April 24, 2013, to receive comments on the Draft EIR. The Planning Commission also conducted study sessions on the draft Specific Plan and General Plan Amendment, most recently on April 10, 2013. Additionally, the applicants have met with the remaining property owners on a number of occasions, who, mainly,

own property along Mountain House Parkway and just east of Hansen Road south of I-205. The meetings explained the Specific Plan process and content of the draft Specific Plan which includes new zoning and annexation of these areas to Tracy.

The Cordes Ranch site is identified as Urban Reserve 6 in the City's General Plan, and the proposed General Plan Amendment would replace the designation of Urban Reserve 6 with the land use designations of Industrial, Office, Commercial, and Park, which would enable the underlying zoning to be implemented upon annexation. There are also a number of text changes to the General Plan clarifying tables and acreages as a result of the conversion from Urban Reserve 6 to the specific land use designations. There is also a policy change to remove reference to high density housing, which is not a component of the project.

The California Environmental Quality Act (CEQA) required a 45-day public review period on the Draft EIR which began on April 5, 2013 and extended through May 20, 2013.

The Draft EIR was published along with a 4,200 page Technical Appendices. There are several potential environmental impacts associated with implementation of the Cordes Ranch Project which generally mimic the potential impacts from development of Urban Reserve 6 that were described in the General Plan EIR, certified in 2011. The significant and unavoidable impacts are associated with the following areas: Aesthetics, Ag Resources, Air Quality, Biological Resources, Greenhouse Gas Emissions, Noise, Traffic, and Storm Drainage.

Council is requested to certify the Final EIR and adopt findings of fact, findings related to alternatives, a statement of overriding considerations, and a Mitigation Monitoring and Reporting Plan.

The Final EIR is the document that contains the responses to comments received on the Draft EIR and it includes revisions to the text and analysis in the Draft EIR made in response to comments. A month after the close of the comment period, San Joaquin County Department of Public Works submitted a letter with two comments related to road segments that cross jurisdictional boundaries. The letter and response are not included in the Final EIR because they were received after the comment period and after the Final EIR was completed. The community of Mountain House submitted a letter after the comment period addressed to the Tracy Planning Commission outlining a fiscal concern to them, which was addressed by staff at the Planning Commission hearing. Horizon Planet, ostensibly an environmental group, presented a letter at the Planning Commission identifying several environmental concerns already addressed in the EIR, which was reviewed by staff during a recess in the hearing and then responded to as the hearing resumed.

The DA would only apply to property owned by Prologis, LP (Prologis), which consists of approximately 1,200 acres of the total 1,780 acres of the Cordes Ranch Specific Plan.

The Cordes Ranch Specific Plan will become the zoning for the site upon annexation by LAFCo. The proposed ordinance would add a reference within the zoning code to the Cordes Ranch Specific Plan. This is the same process that was followed when the Northeast Industrial Area Planned Unit Development was rezoned into a Specific Plan.

Section 10.08.980 will add to the list of zone districts, the Cordes Ranch Specific Plan, and Section 10.08.3021 establishes the Cordes Ranch Specific Plan Zone and pre-zones it in anticipation of annexation by LAFCo.

Council is requested to approve annexation of the entire Cordes Ranch Specific Plan site to the City limits. This action takes the form of approving a petition to LAFCo to annex the site. LAFCo is the agency that conducts public hearings and approves the annexation.

The Planning Commission worked on the General Plan Amendment, Specific Plan, and EIR on a number of occasions, including workshop formats. On July 30, 2013, the Planning Commission conducted a public hearing to consider recommendations to the City Council on all applications. By unanimous vote, the Planning Commission recommended certification of the EIR and approval of all applications.

The Cordes Ranch project will result in 1,780-acres of industrial and commercially zoned land being added to the City limits. These lands will generate higher property taxes as land is developed, and will result in increased sales tax receipts to the City as businesses become established throughout the business park.

Staff recommended that Council conduct a public hearing on the EIR and applications for a DA with Prologs, LP, a General Plan Amendment, Cordes Ranch Specific Plan, and Annexation and Prezoning of the Cordes Ranch site to the City. Staff further recommended that Council take the following actions:

- 1) Certify the Cordes Ranch Specific Plan EIR, and make Findings of Fact, Findings related to Alternatives, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program, and
- 2) Approve a General Plan Amendment (application number GPA13-0002), and
- 3) Approve the Cordes Ranch Specific Plan, and
- 4) Introduce an ordinance approving an amendment to the Tracy Municipal Code Sections 10.08.980 and 10.08.3021 to add the Cordes Ranch Specific Plan Zone (application number ZA13-0001), and
- 5) Approve annexation of the Cordes Ranch Specific Plan site to the City of Tracy, including prezoning (application number A/P13-0001), and
- 6) Introduce an ordinance approving a development agreement with Prologis, LP for lands they own within the Cordes Ranch Specific Plan area (application number DA-11-0001)

Mr. Dean indicated revisions to the DA have occurred and that Council had been provided with a copy of those revisions. Mr. Dean further indicated there were a couple typographical errors and clarified the DA sections that were changed.

Mr. Dean stated Caltrans submitted a letter late in the process regarding traffic mitigation which staff disagrees with. Mr. Dean further stated Horizon Planet submitted a letter indicating they have not had sufficient time to review the project and make appropriate comments. Mr. Dean indicated staff has spent many months on the environmental documents and multiple opportunities have been provided for individuals to review all necessary documents. In addition, staff has contacted Horizon Planet inviting them to discuss their concerns, which they have not taken advantage of.

Mr. Dean introduced Steve Noack, Design Community Environment, who provided a presentation regarding the process and schedule for the EIR, DEIR Scope, project alternatives, comments on the DEIR, Revised DEIR, and Mitigation Monitoring Program.

Mayor Ives asked which section of the EIR addresses urban decay, which was a contention of Horizon Planet. Mr. Noack stated it was not necessary to address urban decay because the project represented new development and the nature of the businesses are unique and would not decay other businesses.

Mayor Ives opened the public hearing.

Dan Letter, Prologis, indicated their company represents 1,200 acres of the 1,700 acre project site. Mr. Letter thanked staff for their forward and creative thinking and dedication during the development of the project. Mr. Letter stated he anticipates many major users coming to the City of Tracy.

Scott Lamson, President Northwest Region, Prologis, congratulated the City for their proactive work to attract new businesses to Tracy. Mr. Lamson stated Prologis is committed to work with the City and staff on attracting high-tech industry and positioning this project as a dominate business park in Northern California.

Dave Babcock, David Babcock & Associates, provided a presentation outlining the features of the project.

Brigit Barnes, attorney for Horizon Planet, provided Council with a letter dated September 3, 2013, and stated public records have not been provided as requested. Ms. Barnes discussed urban decay disagreeing with staff's assertion that it does not need to be addressed prior to approval of the DA. Ms. Barnes voiced concerns regarding traffic, jobs balance, gas pipeline risk, soil contamination and heat islands.

Michel Bazinet, on behalf of Community First, addressed Council regarding the \$5 million community benefit fee to be paid over four years based on the Development Agreement with Prologis. Mr. Bazinet stated he believed a community benefit of \$10 million would be more appropriate based on the size of the project. Mr. Bazinet urged Council to approve the applications but defer approving the Development Agreement so that negotiation for a more reasonable community benefit fee can occur.

Barbara Hempsted, Caltrans, referred to a letter Caltrans had previously provided outlining their concerns which were not addressed in the FEIR. Ms. Hempsted asked that all of the proposed mitigation measures in Trans 1 be implemented at phase one of the Cordes Ranch project. Mr. Dean provided an example of a project or theme park which is built and opened overnight in contrast to this project which will be developed over time, one building at a time, one occupant at a time. Mr. Dean added that the mitigation measures listed in Trans 1 will be required to be constructed as development occurred.

Marsha McCray, on behalf of Community First, addressed Council regarding Prologis' opportunity to make an impact to the community. Ms. McCray urged Prologis to direct any monetary funding they provide toward the swim center.

Steve Nicolaou addressed Council stating staff has done a wonderful job representing the City's potential in this effort and asked Council to not be swayed by attempts to extract more money out of developers. Mr. Nicolaou asked Council to be prudent, consider the long term benefits of the project and the jobs that will be created in Tracy.

As there was no one further wishing to address Council on the item, the public hearing was closed.

Council Member Manne asked staff to address the mitigation measures regarding the overlay zone fronting I-205, and how the look and feel of that corridor will remain within the Council's purview. Mr. Dean indicated there were three measures: 1) land use restrictions in the zone; 2) procedurally a permit is issued by Development Services unless it requires a conditional use permit which will require Planning Commission recommendation and City Council approval; 3) heightened design standards for the corridor, all contained in the Specific Plan.

Council Member Manne stated protecting the I-205 corridor is crucial to the character of Tracy.

Council Member Rickman, referring to the I-205 corridor and the Specific Plan, stated the landscaping in and around the detention basins looked sparse. Council Member Rickman referred to general wording in the guidelines including: should, encouraged, enhanced landscaping, and quality architecture, and asked if the specific projects would return for Council consideration so Council can see what the applicants believe those words mean. Mr. Dean stated Council has been very clear in their direction and referred to Chapter 5, Section 5.2 which addresses tree spacing, species planting, etc. Mr. Dean stated a lot of thought has been brought to bear and fairly detailed in the Specific Plan, and will be brought to Council when improvement plans are reviewed.

Council Member Rickman asked if the I-205 corridor specifics will return to Council. Mr. Dean stated yes. Mr. Dean added it will be brought back in phases and includes three different property owners. Mr. Dean added that the project, across all properties, will have a unified theme and not be done in a patchwork manner.

Council Member Rickman asked for information regarding signage. Mr. Dean stated very specific signage was planned for the project and the Specific Plan addresses sign height, materials, and placement.

Council Member Rickman stated he would like to see a sign that projects a statement of "welcome to Tracy" that has a civic feel to it. Mr. Dean stated image is critical along the I-205 corridor and should be befitting of the community.

Council Member Rickman referred to the benefits Cordes Ranch is receiving through the Development Agreement and asked if it would affect the City's flexibility regarding infrastructure. Mr. Dean stated the infrastructure would not be compromised.

Mayor Ives clarified that the projects will require offsite roadway improvements and would be addressed as the uses become more specific and develop. Mr. Dean confirmed that understanding and added that each project would have specific items they would be responsible to build or undertake such as traffic analysis and water models.

Mayor Ives asked what provisions there were for long term maintenance in the project. Mr. Dean indicated the City will require a two year bond and maintenance agreement for landscaping and Prologis will have an association employed throughout their project.

Mayor Ives referred to gateway signage and asked if it will come back for Council review. Mr. Dean stated signage has been fairly designed and is outlined in the Specific Plan. Mayor Ives asked if staff was asking Council to adopt the signs in the Specific Plan. Mr. Dean stated yes.

Mayor Pro Tem Maciel stated he is impressed with the applicants and confident that they understand what the City is looking for regarding design standards and aesthetics. Mayor Pro Tem Maciel stated he believed the urban decay issue was more economic than environmental. Mayor Pro Tem Maciel indicated it was not the right time to up the ante and ask developers for additional community contributions. Mayor Pro Tem Maciel stated it may be appropriate for tenants of the project to invest in the community.

Mr. Dean thanked Caltrans for participating in the discussions and meetings. Mr. Dean stated staff has fully considered the methodology and timing of the mitigations through Trans 1 and believe the approach is sound and allows for appropriate flexibility. Regarding urban decay and heat islands, the subjects were brought up at the Planning Commission meeting which staff responded to.

Mayor Ives asked if there were any projects that the City has planned that will be adversely impacted with the addition of Cordes Ranch. Mr. Dean stated no, they will be complimentary projects.

Mayor Ives stated he would like to re-address signage and how the City can address the sentiments for those entering Tracy. Mr. Dean suggested adding a sentence in the Specific Plan which states the signage is conceptual and subject to City Council approval.

Dave Babcock indicated he does not object having signage returning to Council for approval.

Mayor Ives called for a recess at 8:46 p.m., reconvening at 8:55 p.m.

Mayor Ives asked staff if they had revised language to propose regarding signage. Mr. Dean referred to page 8-2 section 8.4, third paragraph adding two words to read as “. . . the permit process, including signage, shall include public hearings by both the Planning Commission and City Council.”

Mayor Ives thanked the owners, developers and partners of the team for their work on the project. Mayor Ives stated this project is significant to Tracy and will be the largest business park in Northern California and a game changer for the City. Mayor Ives stated this project puts the City in a position to attract the type of jobs the City has been looking for. Mayor Ives thanked Council and staff for their efforts stating the City has turned a corner when the worlds' largest industrial developer believes Tracy is business friendly.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2013-143 certifying the Cordes Ranch Specific Plan Final

Environmental Impact Report and adoption of Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the Cordes Ranch Specific Plan Project. Voice vote found all in favor; passed and so ordered.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2013-144 approving a General Plan Amendment, the Cordes Ranch Specific Plan, and Petition for annexation of the Cordes Ranch site into the City of Tracy, Application Numbers GPA13-0002 and A/P13-0001. Voice vote found all in favor; passed and so ordered.

The Clerk read the title of Proposed Ordinance 1187.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to waive the reading of the text. Voice vote found all in favor; passed and so ordered.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to introduce Ordinance 1187. Voice vote found all in favor; passed and so ordered.

The Clerk read the title of Proposed Ordinance 1188.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to waive the reading of the text. Voice vote found all in favor; passed and so ordered.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to introduce Ordinance 1188. Voice vote found all in favor; passed and so ordered.

4. UPDATE ON CITY-INITIATED ABATEMENT OF NUISANCES AT 1690 DUNCAN DRIVE - Ana Contreras, Code Enforcement Manager, provided the staff report. On November 1, 2011, Code Enforcement staff presented Council with a request to conduct a public hearing declaring the existence of weeds, rubbish, refuse and flammable material at 1690 West Duncan Drive and 2200 Martin Road, both owned by Olga Mullins. Council conducted public hearings without protest to the declarations and ultimately voted in favor of staff's recommendation by adopting Resolution 2011-209 declaring the weeds, rubbish, refuse and flammable material to be a public nuisance at the two locations. Council approved funding to cover the cost of said abatements and directed staff to hire a contractor to abate the nuisances, with the cost of abatement filed against the property as a tax lien by the San Joaquin County Auditor Controller.

On August 3, 2013, staff received information concerning the continued substandard condition of the property located at 1690 West Duncan Drive. Upon researching case history for this address, staff discovered the case was prematurely closed by former staff just prior to their retirement late last year.

After becoming aware of the current condition at 1690 West Duncan Drive, staff reinstated the abatement process and a city-initiated abatement is currently underway. On August 22, 2013, staff met with the property owner regarding the continued violations at 1690 West Duncan Drive and at the conclusion of the meeting, the owner agreed to enter into a Voluntary Consent to Abate Public Nuisance agreement. This agreement allows the City, with property owner approval, to proceed with abatement for inspecting

and abating all existing nuisance conditions without the need for a court-ordered inspection/abatement warrant.

Staff will schedule recurring code inspections to ensure the property remains compliant.

Funding for this abatement was approved by City Council Resolution 2011-209 on November 1, 2011; however, since adopting this resolution, the property owner has agreed to take financial responsibility for the contractor's cost associated with the abatement.

Staff recommended Council accept staff's report regarding the abatement of nuisances located at 1690 West Duncan Drive. Per Tracy Municipal Code, the property owner is liable for the cost of abatement and will be billed for the actual cost of the City contractor's services, plus a twenty-five percent administrative charge. An agreement for monthly payments over a one year period to cover these costs has also been executed by the property owner. After following the procedures set forth in the Tracy Municipal Code, any unpaid assessments will be filed with the San Joaquin County Auditor Controller's office to establish a lien on the property if needed.

Mayor Ives asked that Council be informed when the abatement is complete. Mayor Ives asked what type of follow up will be done to keep this from recurring. Ms. Contreras stated on-going inspections are allowed and would occur every three months.

Mayor Ives invited members of the public to address Council on the item.

Paul Miles expressed concern regarding the property owners' understanding of what she was signing. Ms. Contreras stated the appropriate agencies were involved in the process.

Marla Israel, coordinator of the local neighborhood Watch Group, addressed Council providing a history of health and safety issues at the property. Ms. Israel cited additional problems at the subject property including fallen leaves blocking water runoff, burning of household garbage on no burn days, and swarms of termites emanating from the residence. Ms. Israel suggested continued monitoring of the property and provided suggestions for improved customer service.

Mayor Ives reminded staff that when Council provides explicit direction and commits funding, it requires follow up.

5. APPROVAL OF A PURCHASE AND SALES AGREEMENT WITH SURLAND COMMUNITIES LLC FOR THE DISPOSITION OF THE CITY-OWNED 150-ACRE SCHULTE ROAD SITE (APN 209-230-30) AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT – Andrew Malik, Development Services Director, provided the staff report. The Schulte Road property is approximately 200-acres in total and is located on the south side of Schulte Road, west of Lammers Road.

On May 21, 2013, Council directed staff to begin negotiations with Surland Communities LLC to purchase and/or lease the 200-acre Schulte Road site. This agenda item represents the approval of the Purchase and Sales Agreement with Surland Communities LLC for 150 acres of the 200-acre Schulte Road site.

The City and Surland have been negotiating a Purchase and Sales Agreement for 150 acres of the 200-acre Schulte Road site. A copy of the Purchase and Sales Agreement will be distributed prior to the meeting. Staff will be negotiating a lease and/or purchase agreement with Surland for the remaining 50 acres of the Schulte Road property in the near future.

The 150 acres Surland is purchasing is subject to restrictions that the property be used for educational and/or recreational purposes. However, Congressional legislation authorizes the removal of the use restrictions and reversionary rights on the 150 acres in exchange for the City paying the General Services Administration (GSA) fair market value for the property. GSA has determined that fair market value for the property is \$1.6 million. GSA has given the City until November 1, 2013, to pay this amount.

Tracy Municipal Code provides that the disposition of real property shall be by competitive proposals unless the City Council, by resolution, determines that other procedures are in the best interest of the City. The City previously issued a Request for Proposals for this property. Because of the time lines established by GSA for payment for the removal of the use restrictions, staff believes that an additional competitive process is not in the City's best interests.

Pursuant to the Purchase and Sale Agreement, Surland will be purchasing the property for \$1.6 million, which represents the cost to remove the use restrictions and reversionary rights on the property.

There is no impact to the General Fund as a result of approving this Purchase and Sales Agreement with Surland. If the Purchase and Sales Agreement is approved, the City may save approximately \$1 million in Residential Area Specific Plan (RSP) funds previously appropriated in that Surland would now purchase the 150-acre property instead of the City paying the purchase cost.

Staff recommended that Council approve the Purchase and Sales Agreement with Surland for the disposition of 150 acres of the City-owned 200-acre Schulte Road site (APN 209-230-30) and authorize the Mayor to execute the agreement.

Mayor Ives invited members of the public to address Council on the item.

Robert Tanner asked why Surland could not purchase the property directly from GSA. Dan Sodergren, City Attorney, stated staff was working out that last detail through escrow instructions.

Mr. Tanner asked why the City should approve the agreement before receiving concrete information from GSA. Mr. Sodergren stated there are other options available, but this action starts the 45-day escrow period.

Paul Miles asked what the benefit was to the City of Tracy. Mr. Malik explained that when the Residential Specific Plan (RSP) from the 1980s was closed out, there were funds available for the City to use for public uses. It's a reference to funds the City has discretion to use. Mr. Malik added that since a private user is interested in the property, the City would not have to use the approximate \$1 million in RSP funds.

Mr. Miles asked for clarification regarding ownership of the property. Mr. Malik stated the City owns the property with restrictions.

Mayor Ives provided a history of the property.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2013-145 approving a Purchase and Sales Agreement with Surland Communities LLC for the disposition of 150 acres of City-owned 200-acre Schulte Road site (APN 209-230-30) and authorizing the Mayor to execute the agreement,

6. SECOND READING AND ADOPTION OF ORDINANCE 1186 AN ORDINANCE OF THE CITY OF TRACY REZONING A 47.1-ACRE PARCEL, LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND KAGEHIRO DRIVE, ASSESSOR'S PARCEL NUMBER 242-040-36, FROM LOW DENSITY RESIDENTIAL (LDR) ZONE TO PLANNED UNIT DEVELOPMENT (PUD) ZONE. THE APPLICANT AND PROPERTY OWNER IS CORRAL HOLLOW DEVELOPMENT, LLC. APPLICATION NUMBER PUD13-0001

The Clerk read the title of proposed Ordinance 1186.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to waive the reading of the text.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Ordinance 1186. Roll call vote found all in favor; passed and so ordered.

7. ITEMS FROM THE AUDIENCE – None.
8. STAFF ITEMS – None.
9. COUNCIL ITEMS – Council Member Rickman encouraged residents to support their local high school football teams. Council Member Rickman invited everyone to the Tracy Bean Festival being held September 7 and September 8 in downtown Tracy.

Council Member Manne asked that Council be provided with an update on the aquatics center.

10. ADJOURNMENT - It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adjourn. Voice vote found all in favor; passed and so ordered. Time 9:30 p.m.

The above agenda was posted at the Tracy City Hall on August 29, 2013. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

City Clerk

AGENDA ITEM 1.B

REQUEST

AUTHORIZE AN AMENDMENT OF THE CITY'S CLASSIFICATION AND COMPENSATION PLAN AND POSITION CONTROL ROSTER REINSTATING A FULL-TIME BOX OFFICE COORDINATOR POSITION AND REALLOCATING AN ADMINISTRATIVE ASSISTANT II AND A CULTURAL ARTS MANAGER-PERFORMING ARTS TO A BOX OFFICE COORDINATOR POSITION

EXECUTIVE SUMMARY

The City Manager's Office is requesting to reallocate funding from existing, vacant positions to add a full-time Box Office Coordinator position to the Cultural Arts Division. The cost of this position, including salary and benefits is approximately \$81,398; it will be absorbed through salary savings by deleting; one Administrative Assistant II and a Cultural Arts Manager-Performing Arts position that was vacated in August 2013. Upon a six-month evaluation of the performing arts services, it was determined that a Box Office Coordinator position is necessary to better align operational responsibilities and tasks. This position was previously eliminated as part of the City restructuring plan due to the recession.

DISCUSSION

The FY 2013-14 General Fund budget reflects funding for an Administrative Assistant II and a Cultural Arts Manager-Performing Arts position, which was subsequently vacated and left unfilled in August 2013. This decision provided the fiscal flexibility to reassess the operational needs of the Cultural Arts Division, resulting in the redeployment of administrative responsibilities to the Recreational Division and hiring of an additional full-time Theatre Operations and Technical Assistant.

Further assessment concluded that the existing Administrative Assistant II position was not appropriate for the support required for the Box Office operations. Therefore, it was recommended to reallocate the remaining funds from the vacant Cultural Arts Manager-Performing Arts and Administrative Assistant II position to fund a Box Office Coordinator. The responsibilities of the Box Office Coordinator are much broader in nature, requiring the coordination and oversight of box office daily activities, monitoring of sales and transactions, supervising of part-time box office staff and ticket sales, responding to questions and inquiries of patrons and rental clients, assisting in the preparation and monitoring of the annual budget and Grand Theatre website, and preparing and presenting written and oral reports as necessary.

The estimated cost to fund a new, full-time Box Office Coordinator is approximately \$81,398. However, the reallocation of the Administrative Assistant II and remaining salary savings from the Cultural Arts Manager-Performing Arts position is valued at approximately \$99,631, which is sufficient to cover the expenses of the Box Office Coordinator position. The proposed reallocation will result in an estimated savings of \$18,233.

It is anticipated that these funds will be available to enhance performing arts programming and other arts education activities.

STRATEGIC PRIORITY

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

FISCAL IMPACT

There is no fiscal impact to the General Fund related to this item. The estimated cost to fund a new, full-time Box Office Coordinator is approximately \$81,398. However, the reallocation of the Administrative Assistant II and remaining salary savings from the Cultural Arts Manager–Performing Arts position is valued at approximately \$99,631, which is sufficient to cover the expenses of the Box Office Coordinator position. The proposed reallocation will result in an estimated savings of \$18,233. If approved, the reallocation will become effective on November 16, 2013.

RECOMMENDATION

That the City Council, by resolution, authorize an amendment of the City's Classification and Compensation Plan and Position Control Roster to reinstate a full-time Box Office Coordinator and reallocate an Administrative Assistant II and a Cultural Arts/Performing Arts Manager to a Box Office Coordinator position.

Prepared by: Kim Scarlata, Recreation Services Program Manager

Reviewed by: Jenny Haruyama, Administrative Services Director
Maria A. Hurtado, Assistant City Manager

Approved by: R. Leon Churchill Jr., City Manager

RESOLUTION _____

AUTHORIZING AN AMENDMENT OF THE CITY'S CLASSIFICATION AND COMPENSATION PLAN AND POSITION CONTROL ROSTER REINSTATING A FULL-TIME BOX OFFICE COORDINATOR POSITION AND REALLOCATING AN ADMINISTRATIVE ASSISTANT II AND A CULTURAL ARTS MANAGER – PERFORMING ARTS POSITION TO A BOX OFFICE COORDINATOR POSITION

WHEREAS, The City has Classification and Compensation Plan and a Position Control Roster, and

WHEREAS, The Cultural Arts Division of the City Manager's Office has completed a operational assessment and determined it is in the best interest and efficiency of the Cultural Arts Division to reallocate one Administrative Assistant II and Cultural Arts Manager-Performing Arts position to a Box Office Coordinator to further the organizational efficiency goals of the City, and

WHEREAS, The personnel expenses associated with this reallocation will result in an anticipated operational savings of \$18,233;

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby authorizes the Administrative Services Director to amend the City's Classification and Compensation Plan and the Position Control Roster as follows:

1. Reinstate the previously deleted Box Office Coordinator Position to the Position Control Roster.
2. Reallocate a full-time Administrative Assistant II and Cultural Arts Manager-Performing Arts to a Box Office Coordinator position in the Cultural Arts Division.

* * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 5th day of November, 2013, 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

**ACCEPTANCE OF THE SENIOR CENTER RECREATION AREA CIP 78136,
COMPLETED BY AMERICAN ASPHALT OF HAYWARD, CALIFORNIA, AND
AUTHORIZATION FOR THE CITY CLERK TO FILE THE NOTICE OF COMPLETION**

EXECUTIVE SUMMARY

The contractor has completed construction of the Senior Center Recreation Area, CIP 78136, in accordance with project plans, specifications, and contract documents. Project costs are within the available budget. Staff recommends Council accept the project to enable the City to release the contractor's bond and retention.

DISCUSSION

On August 21, 2012, City Council awarded a construction contract to American Asphalt of Hayward, California, in the amount of \$187,400 for construction of the Senior Center outdoor recreation area.

The project involved construction of an ADA accessible outdoor recreation area which included fencing, a 16' x 24' shade structure, two concrete accessible picnic tables, two pieces of fitness equipment, two 12" raised garden beds, new plants and trees, and horseshoe pit.

The project plans and specifications were prepared in-house.

Two change orders were issued in the amount of \$49,215.98 for this project, which consisted of installation of a Galvacore wall in lieu of welded wire fabric fence, construction of additional retaining wall, irrigation work, and other related miscellaneous items.

Status of budget and project costs is as follows:

A. Construction Contract Amount	\$ 187,400.00
B. Change Orders	\$ 49,215.98
C. Design, Construction Management, Inspection, Testing, & Miscellaneous expenses	\$ 41,490.72
D. Project Management Charge	<u>\$ 11,706.80</u>
Total Project Costs	\$ 289,813.50
Budgeted Amount	\$ 290,606.00

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

STRATEGIC PLAN

This agenda item supports the City Council's Strategic Plan for Quality of Life through implementation of the local priorities for CDBG funds, which includes senior services.

FISCAL IMPACT

CIP 78136 is an approved Capital Improvement Project with sufficient funding from Community Development Block Grant (CDBG) funds with no fiscal impact to the General Fund.

RECOMMENDATION

That City Council, by resolution, accept construction of the Senior Center Recreation Area, CIP 78136, completed by American Asphalt of Hayward, California, and authorize the City Clerk to record the Notice of Completion with the San Joaquin County Recorder. The City Engineer, in accordance with the terms of the construction contract, will release the bonds and retention payment.

Prepared by: Moheb Argand, Associate Civil Engineer

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

Approved by: R. Leon Churchill, Jr., City Manager

RESOLUTION _____

ACCEPTING THE SENIOR CENTER RECREATION AREA CIP 78136, COMPLETED BY AMERICAN ASPHALT OF HAYWARD, CALIFORNIA, AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, On August 21, 2012, City Council awarded a construction contract to American Asphalt of Hayward, California, in the amount of \$187,400 for construction of the Senior Center outdoor recreation area, and

WHEREAS, The contractor has completed construction of the Senior Center Recreation Area CIP 78136, in accordance with project plans, specifications, and contract documents. Project costs are within the available budget. Staff recommends Council accept the project to enable the City to release the contractor's bond and retention, and

WHEREAS, Two change orders were received in the net amount of \$49,215.98, and

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

A. Construction Contract Amount	\$187,400.00
B. Change Orders	\$ 49,215.98
C. Design, Construction Management, Inspection, Testing, & Miscellaneous expenses	\$ 41,490.72
D. Project Management Charg	<u>\$ 11,706.80</u>
Total Project Costs	\$289,813.50

WHEREAS, CIP 78136 is an approved Capital Improvement Project with sufficient funding from Community Development Block Grant (CDBG) funds and there will be no fiscal impact to the General Fund;

NOW, THEREFORE BE IT RESOLVED That City Council accepts construction of the Senior Center Recreation Area, CIP 78136, completed by American Asphalt of Hayward, California, and authorizes the City Clerk to record the Notice of Completion with the San Joaquin County Recorder. The City Engineer, in accordance with the terms of the construction contract, will release the bonds and retention payment.

The foregoing Resolution 2013-_____ was adopted by the Tracy City Council on the 5th day of November, 2013, 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 ONE TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES FOR THE TRACY HILLS SPECIFIC PLAN AMENDMENT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

EXECUTIVE SUMMARY

Additional work has become necessary to prepare the Tracy Hills Specific Plan Amendment Environmental Impact Report (EIR). This request is to approve an amendment to the Professional Services Agreement (PSA) for Kimley-Horn and Associates (KHA) to complete the work.

DISCUSSION

On May 7, 2013, the City Council approved a PSA (Resolution 2013-063) with KHA to prepare the Environmental Impact Report for the Tracy Hills Specific Plan Amendment project. Subsequently, additional work has been requested for preparation of the EIR related to ongoing changes in the project description (requiring additional meetings, coordination, and analysis), and additional items of the EIR to be prepared by KHA, including a biological survey and technical report, a proposed elementary school, and a potential communication tower. The additional work is outlined in the PSA, Attachment A. The proposed amendment includes an additional amount up to \$97,590.

STRATEGIC PLAN

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

FISCAL IMPACT

This PSA amendment will not impact the General Fund. The City and the project developer have a Cost Recovery Agreement through which the developer pays consultant costs and staff time to review and process the application.

RECOMMENDATION

Staff recommends that the City Council approve the PSA Amendment Number 1 to the Tracy Hills Specific Plan Amendment Subsequent Environmental Impact Report, and authorize the Mayor to execute the Amendment.

Agenda Item 1.D
November 5, 2013
Page 2

Prepared by: Alan Bell, Senior Planner

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

Approved by: R. Leon Churchill, Jr., City Manager

ATTACHMENTS:

Attachment A - Amendment No. 1 to PSA - Kimley-Horn and Associates, Inc.

**CITY OF TRACY
AMENDMENT NO. 1 TO
PROFESSIONAL SERVICES AGREEMENT
TRACY HILLS SPECIFIC PLAN AMENDMENT
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

This Amendment No. 1 ("Amendment") to the Professional Services Agreement for the Tracy Hills Specific Plan Amendment Subsequent Environmental Impact Report is entered into between the City of Tracy, a municipal corporation ("City"), and Kimley-Horn and Associates, Inc. ("CONSULTANT").

RECITALS

- A. The City and CONSULTANT entered into a Professional Services Agreement ("Agreement") for the Tracy Hills Specific Plan Amendment Subsequent Environmental Impact Report which was approved by the City Council on May 7, 2013, under Resolution No. 2013-063.
- B. The project developer has asked that the City's CEQA CONSULTANT expand their scope regarding topics such as biological resources and a proposed elementary school; and additional review, coordination and analysis beyond what was originally anticipated has become necessary.

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 1, Scope of Services, is amended to include the additional work set forth in Exhibit A1, attached hereto and incorporated herein.

Section 5, Compensation, is amended to increase the not-to-exceed amount from \$434,095.00 to \$531,685.00, and CONSULTANT shall perform no work on Optional Tasks identified in Exhibit A1, without written direction from the City.
- 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 Professional Services Agreement
Tracy Hills Specific Plan Amendment Subsequent Environmental Impact Report
Page 2 of 2

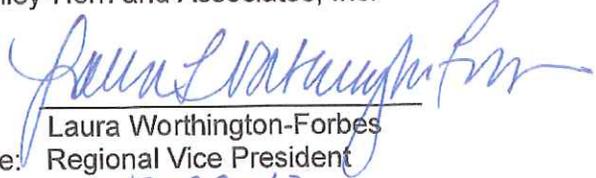
5. Signatures. The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Amendment. This Amendment shall inure to the benefit of and be binding upon the parties and their respective successors and assigns.

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

City of Tracy

Kimley-Horn and Associates, Inc.

By: _____
Brent H. Ives
Title: Mayor
Date: _____

By: 
Laura Worthington-Forbes
Title: Regional Vice President
Date: 10-29-13

Attest:

By: _____
Sandra Edwards
Title: City Clerk
Date: _____

By:  (PV(69464))
Scott Colvin
Title: Assistant Secretary
Date: 10/29/13

Approved as to form

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

Exhibit A1
Dated October 23, 2013.

Consultant shall perform the following Additional Services:

Task 1: Biological Resources Technical Report and EIR Section (to be prepared by RBF Consulting (“RBF”) as a subconsultant to Kimley-Horn)

Literature Review

RBF will review all technical and focused survey reports previously prepared for the project and other vicinity data for the general area to determine which sensitive biological resources are likely to occur onsite or within the adjacent areas. It should also be noted, that after several negotiation with USFWS three conservation areas within the Tracy Specific Plan area have been accepted by USFWS as designated conservation areas under the SJCOG HCP. The first of three conservation areas was set aside as mitigation for the development of Phase I of the Tracy Hills Specific Plan. The remaining two conservation areas are available for mitigation for other projects, including subsequent phases of the Tracy Specific Plan.

A database search of the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California listings regarding sensitive biological resources known to occur in the region and vicinity of the site will also be conducted. Additional information sources will be consulted including the California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Service (USFWS), and historic/current aerial photographs, as appropriate, to define the habitat requirements for sensitive species potentially occurring onsite. This will allow RBF to focus its field visit on those sensitive biological resources present or likely to be present onsite.

Habitat Assessment

RBF will conduct a brief reconnaissance survey of the project site to document that existing site conditions have not changed from the previously conducted habitat assessments and focused surveys. In particular, the assessment of the Phase I area will be minimal and will be used to quickly document that existing site conditions remain unchanged from the habitat assessments and focused surveys previously conducted for the Phase I area and that were used by USFWS to assess impacts and determine the required mitigation for the proposed development of Phase I. As noted above, this mitigation has already been accepted by USFWS as part of the SJCOG HCP. The survey will also document the extent of riparian habitats potentially occurring within the project footprint. Notes will be taken on all plant and wildlife species observed. This survey will confirm previously documented site conditions as part of developing an understanding of the overall project setting and biological resources occurring in the area. This data will be used to devise an appropriate clearance/conservation strategy for future projects and may include compliance with previous conservation planning efforts, e.g., the ongoing conservation program under the SJMSCP.

Biological Technical Report

RBF will prepare an updated biological technical report with the results from the habitat assessment that will document all plant and wildlife species and habitats recorded as occurring on the project site, the site's potential to support state, federal and SJMSCP listed species, and whether the site supports potential jurisdictional features. The report will include a detailed map of the plant communities occurring onsite and their respective acreages. The report will include a brief analysis of the project impacts to biological

resources, suggestions for further studies that may be needed prior to future development, and suggested mitigation measures, if necessary.

The analysis will summarize potential for the grassland habitats as well as the various riparian habitats to provide suitable habitat for San Joaquin kit fox, burrowing owl, Alameda whipsnake, large-flowered fiddleneck, California red-legged frog, California tiger salamander, and raptor species, as well as the available Take Authority for impacts to those species under the SJCOG HCP.

Task 2: Meetings/Coordination Associated with the Biological Resources Scope

RBF biologists will be available to attend and participate in up to three (3) City hearings/meetings. Attendance of the meetings will be performed on a time and material basis not-to-exceed \$2,000 per meeting.

Additionally, RBF will provide coordination with personnel from the City, applicant, other consultants, and regulatory agencies (i.e., USACE, USFWS, CDFW) that will include required correspondence or telephone calls between the reviewing staff related to the permits or points of clarification, and coordination with other consultants, if necessary. Coordination will be provided on a time and material basis not-to-exceed \$4,000.

Task 3: Analysis of Traffic Impacts Associated with Proposed School

Kimley-Horn will study the two intersections off Aqueduct Road to the school site for the AM and PM school peak hours and two intersections on the local access roads. These intersections were not included in the original contract dated 6/4/2013, as this school site was not known at that time. The analysis will also include an evaluation of the local streets and potential impacts through the neighborhood to the school site. Conceptual traffic flow patterns will be recommended through the school site, including drop-off and pick-up areas. School trips are currently not included in the Citywide travel demand model and trips will be estimated based on typical school trip generation rates on ITE and reductions taken for potential pass-by trips from parents going to work.

Task 4: Analysis of Proposed School Impacts in the SEIR

Kimley-Horn will address the impacts associated with the proposed school site in the Tracy Hills Specific Plan Amendment (SPA) Subsequent Environmental Impact Report (SEIR). The SEIR sections that will include a site specific school analysis consist of the following: land use and planning, transportation/traffic, hazards and hazardous materials, public services/utilities, and noise. This analysis will incorporate the results of the coordination between the Tracy Hills applicant and the School Facilities Planning Division (as required by the Department of Education Code of Regulations) and the results of a health risk assessment (HRA). This task assumes that the HRA (to be prepared and provided by the applicant) will analyze the risk associated with the school site's proximity to the underground pipeline and the aqueduct.

Task 5: Additional Traffic Scope Associated with Phase I Modifications

Kimley-Horn will prepare a new traffic analysis for seven intersections as a result of the Tracy Hills SPA Phase I land use modifications.

Task 6: Analysis of Proposed Water Tank Impacts in the SEIR

Kimley-Horn will incorporate and cross-reference the physical and environmental impacts associated with the proposed water tank to be located within the Tracy Hills future phase area in the SEIR. At minimum, cross references will be provided in the following sections: (1) Project Description; (2) Public

Services/Utilities; and, (3) Biological Resources. This task assumes that the proposed water tank will be analyzed in a separate CEQA document to be prepared by CH2MHill.

Task 7: Analysis of Communication Towers Site

Kimley-Horn will analyze potentially significant environmental impacts associated with the potential location of a public safety communication systems and facilities (tower) within or near the Tracy Hills Specific Plan site. The system may include services for multiple law enforcement, emergency response, and other public agencies. Our understanding (to date) is that the facilities may include a 150-foot tall (or taller) tower, supporting multiple antennae along with equipment buildings and related ground-mounted facilities. If the specific location for the tower cannot be identified for inclusion in the SEIR, the tower will be included as a mitigation measure and may, as a result, be subject to future environmental review.

Task 8: Analysis of Aesthetics

Given the evolution of the proposed project since development of Kimley-Horn's approved scope of work, the project team (Kimley-Horn/City staff) has identified Aesthetics/Visual Resources as a topical area of potential environmental concern that should be evaluated as part of the SEIR. KHA will analyze potentially significant aesthetic impacts associated with the proposed modifications/refinements to the 1998 Specific Plan [including possible entryway features], as well as the potential siting of a communications tower within or near the Tracy Hills Specific Plan site. Kimley-Horn will also update/confirm and/or validate the prior conclusions in the Tracy Hills Specific Plan EIR aesthetics section that the impact remains significant and unavoidable. This task does not include preparation of visual simulations.

Task 9: Additional Coordination and Meeting Attendance

At the request of the City, Kimley-Horn participated in additional project meetings/conference calls between May 2013 and August 2013 as a result of the Tracy Hills SPA Phase I land use modifications. Project meetings included telephone and in-person meetings with the City and the project applicant. This task accounts for the additional coordination with the City and applicant as a result of multiple land use changes for Phase I and the Project. This task assumes up to 62 hours of staff time.

OPTIONAL BIOLOGICAL TASKS

The detailed habitat assessment, proposed in Task 1 above, will determine which focused surveys may be required. Where applicable, it may be appropriate to assume presence of a species, e.g., if present only in the proposed conservation area, and if acceptable to the wildlife agencies. If focused surveys are required, it will be necessary to determine how many surveys for a particular species may be required. Focused surveys often have a limit on the number of acreages a single biologist can survey. Large areas will require several biologists or additional surveys to provide complete coverage. However, for budgeting purposes, the following optional tasks are presented in anticipation of focused surveys that the wildlife agencies may require for sensitive plants and listed wildlife species. Focused surveys will be recommended only for those areas determined to provide suitable habitat for that species and where the wildlife agencies will not accept the results of a suitability assessment as an indication of the presence or absence of a species.

Task 10: Focused Raptor Species Surveys, including Burrowing Owls

A burrowing owl focused survey was conducted in 2010 (Berryman Ecological) for the Tracy 580 Business Park Suitable burrows and burrowing owl have been observed on the project site during the habitat assessments, but a protocol survey has not been conducted for the entire Tracy Hills Specific Plan Area or Conservation Area. An accurate determination of what raptor species are present onsite will be an

important consideration for areas to be conserved and suggested management actions needed to effectively manage those areas for their conservation value. It is recommended that a focused survey be conducted in accordance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation in order to provide adequate documentation for the entire project site.

Task 11: Focused Sensitive Plant Survey

Although previous focused surveys for sensitive plants (1991, LSA) were negative, the surveys were conducted over 20 years ago and are not consistent with California Department of Fish and Wildlife’s (CDFW) 2009 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. CDFW will likely require formal focused surveys for sensitive plants in compliance with their 2009 protocols. Surveys need to be conducted during the 2014 spring blooming season. This will allow the use of the detailed habitat assessment, Task 1 above, to be completed and help determine which sensitive plant species have a moderate or high potential to occur onsite. A sensitive plant survey will be conducted for the Tracy Hills Specific Plan area and on the Conservation Area.

Task 1 Updated Biological Resources Technical Report	\$ 7,000
Task 2 Meetings/Coordination Associated with the Biological Resources Scope	\$ 10,000
Task 3 Analysis of Traffic Impacts Associated with Proposed School	\$ 17,700
Task 4 Analysis of Proposed School Impacts in the SEIR	\$ 5,500
Task 5 Additional Traffic Scope Associated with Phase I Modifications	\$ 16,800
Task 6 Analysis of Proposed Water Tank Impacts in the SEIR	\$ 1,760
Task 7 Analysis of Communication Towers Site	\$ 3,500
Task 8 Analysis of Aesthetics	\$ 6,000
Task 9 Additional Coordination and Meeting Attendance	\$ 15,830

Total Lump Sum Fee \$ 84,090

Optional Tasks:

Task 10 Focused Raptor Species Surveys, including Burrowing Owls	\$ 7,500*
Task 11 Focused Sensitive Plant Survey	\$ 6,000*

Total Lump Sum Fee for Optional Tasks \$ 13,500

Total Lump Sum Fee including Optional Tasks \$ 97,590

**Cost shown is a maximum and contingent on field verification of suitable habitat/survey size for specified species.*

RESOLUTION 2013 _____

APPROVING AMENDMENT NUMBER ONE TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES FOR THE TRACY HILLS SPECIFIC PLAN AMENDMENT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

WHEREAS, On May 7, 2013, the City Council approved a Professional Services Agreement (PSA) (Resolution Number 2013-063) with Kimley-Horn and Associates (KHA) to prepare the Tracy Hills Specific Plan Amendment project Subsequent Environmental Impact Report (EIR), and

WHEREAS, After approval of the Agreement, additional work was requested of KHA to complete the EIR, such as changes in the project description, biological survey and technical report, and analysis of a proposed school, and

WHEREAS, KHA submitted a proposal to complete the additional work at a cost not to exceed \$97,590, and

WHEREAS, A Cost Recovery Agreement is in place through which the developer pays consultant costs to prepare the EIR;

NOW, THEREFORE, BE IT RESOLVED, That the Tracy City Council approves PSA Amendment Number 1 to the Tracy Hills Specific Plan Amendment Subsequent EIR and authorizes the Mayor to execute the Agreement.

* * * * *

The foregoing Resolution 2013-_____ was passed and adopted by the Tracy City Council on the 5th day of November, 2013, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

CITY CLERK

AGENDA ITEM 1.E

REQUEST

AWARD A CONSTRUCTION CONTRACT TO COMMERCIAL PUMP AND MECHANICAL (CMP) OF CHICO, CALIFORNIA, FOR THE LARCH ROAD STORM WATER PUMP STATION UPGRADES, PHASE 2 CIP 76054, AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT

EXECUTIVE SUMMARY

Award of this construction contract will facilitate construction of Larch Road Storm Water Pump Station Upgrades, Phase 2. Staff is recommending City Council award a construction contract to the lowest responsive responsible bidder for the Larch Road Storm Water Pump Station Upgrades, Phase 2.

DISCUSSION

The Larch Road Storm Water Pump Station, located at the wastewater treatment plant, was installed in 1979. This pump station consists of three 35 inch diameter, 18,000 gpm main pumps and one 14 inch diameter 4,000 gpm low flow pump. As a pilot study, one main pump was refurbished in 2008 under the Phase 1 project. During that study it was found that the impeller, driveshaft and discharge columns for the remaining three pumps were worn out and needed replacement and/or refurbishing. The current Phase 2 project involves refurbishing the remaining three pumps and the existing motor control center programmable logic controller (PLC).

Plans and specifications for this project were prepared in-house. The project was advertised for construction bids on August 16, 2013 and August 23, 2013. A total of six bids were received on October 1, 2013 as follows:

<u>Contractors</u>	<u>Bid Amounts</u>
CPM, CHICO	\$154,146.00
HOWK SYSTEMS, MODESTO	\$191,560.00
AMG ENGINEERING, ANTIOCH	\$217,760.52
CONCO WEST, MANTECA	\$219,500.00
PUMP REPAIR SERVICE, SAN FRANCISCO	\$262,940.00
GSE CONSTRUCTION, LIVERMORE	\$317,400.00

The lowest monetary bid is from Commercial Pump and Mechanical (CPM) of Chico, California, in the amount of \$154,146.00. The bid analysis indicates that the bid is responsive and the bidder is responsible and has completed similar projects with other public agencies. Status of project funding is as follows:

Construction Bid Amount	\$ 154,146
Contingency (10%)	\$ 15,000
Construction Management & Inspection	\$ 2,000
Citywide Project Management	\$ 3,000
Total Project Cost	\$ 174,146
Available Budget	\$ 175,000

STRATEGIC PLAN

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

FISCAL IMPACT

There will be no impact to the General Fund. This is an approved FY 2013/14 Capital Improvement Program project funded through the Storm Water Utilities Enterprise Fund.

RECOMMENDATION

Staff recommends that City Council, by resolution award a construction contract to Commercial Pump and Mechanical (CPM) of Chico, California in the amount of \$154,146 for the Larch Road Storm Water Pump Station Upgrades, Phase 2 CIP 76054 and authorize the Mayor to execute the contract.

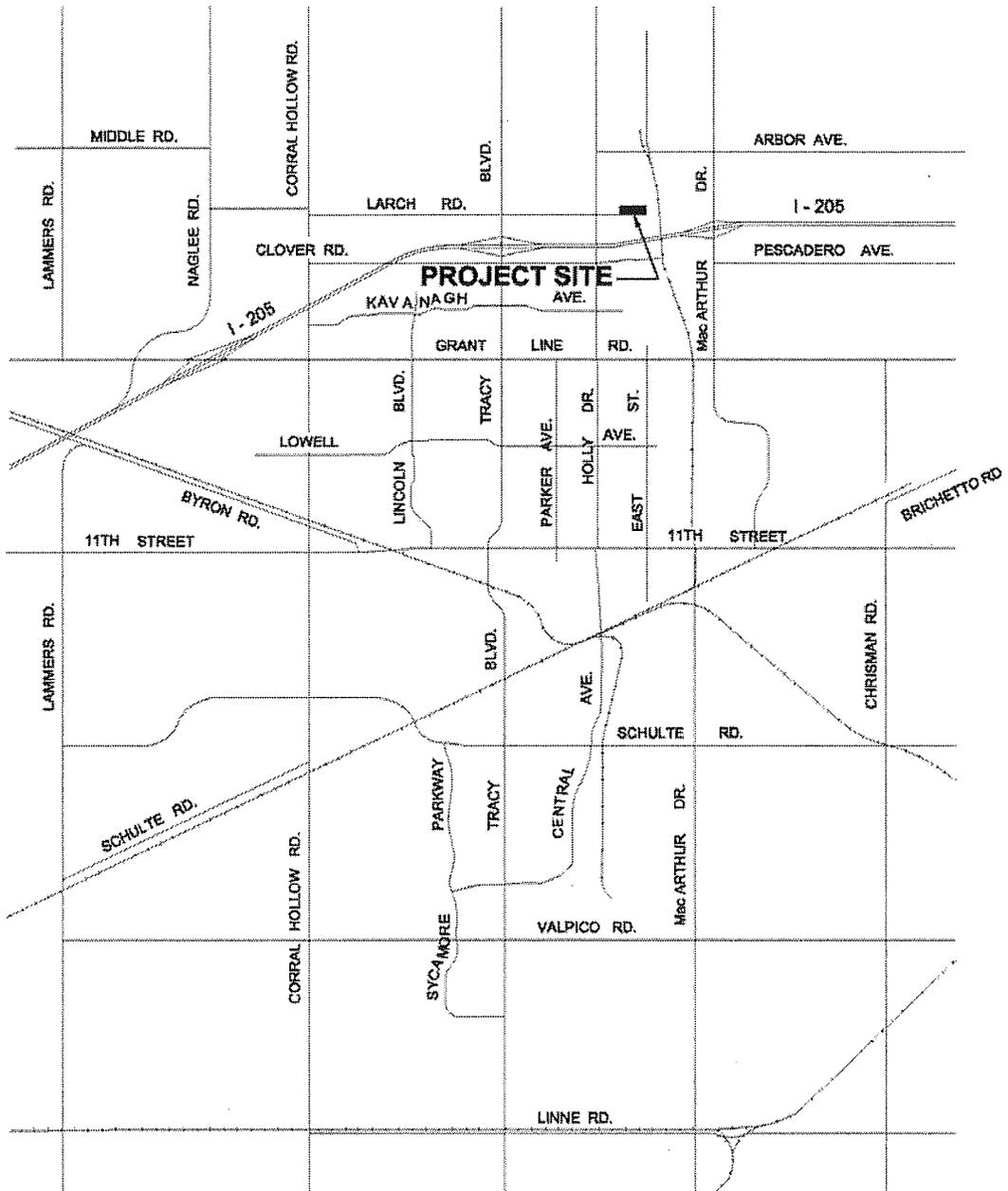
Prepared by: Binh Nguyen, Associate Civil Engineer
Zabih Zaca, Senior Civil Engineer

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

Approved by: R. Leon Churchill, Jr., City Manager

ATTACHMENTS

Attachment A - Vicinity Map



CITY OF TRACY



NOT TO SCALE

RESOLUTION 2013 - _____

AWARDING A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE RESPONSIBLE BIDDER FOR THE LARCH ROAD STORM WATER PUMP STATION UPGRADES, PHASE 2, CIP 76054 AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT

WHEREAS, The subject pump station was built in 1979 within the Waste Water Treatment Plant vicinity with four individual pumps, and

WHEREAS, The subject pumps were nearing the end of their useful lives, and the first pump was refurbished in 2008, and the pilot study recommended replacement or refurbishing all three remaining pumps, and

WHEREAS, City Council has approved funding for the subject Capital Improvement Project in the amount of \$175,000 for FY 2013-14, and

WHEREAS, Plans and specifications were prepared in house, and the project was advertised for construction bids on August 16, 2013 and August 23, 2013, and

WHEREAS, A total of six bids were received on October 1, 2013, and

WHEREAS, The lowest monetary bid is from CMP, of CHICO, California, in the amount of \$154,146, and

WHEREAS, The bid analysis indicates that the bid is responsive and bidder is responsible, and

WHEREAS, The contractor has good references and has completed similar projects for other Cities and public agencies, and

WHEREAS, The anticipated cost for construction of this project, if awarded to CMP, Chico is estimated as follows:

Construction Bid Amount	\$ 154,146
Contingency (~15%)	\$ 15,000
Construction Management & Inspection	\$ 2,000
City Wide Project Management	<u>\$ 3,000</u>
Total Project Cost	\$ 174,146

WHEREAS, A total of \$175,000 is available for this project;

* * * * *

NOW, THEREFORE BE IT RESOLVED, That City Council awards a construction contract to CMP of Chico, California, in the amount of \$154,146 for the Larch Road Storm Water Pump Station upgrades, CIP 76054, and authorizes the Mayor to execute the construction contract.

The foregoing Resolution _____ was adopted by the City Council on the 5th day of November, 2013, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

November 5, 2013

AGENDA ITEM 1.F

REQUEST

APPROVE A MINOR AMENDMENT TO THE BARNES & NOBLE/SPORTS AUTHORITY FINAL DEVELOPMENT PLAN TO MODIFY THE FAÇADE AND ADD A LOADING DOCK AT 3150 NAGLEE ROAD - APPLICANT IS NAOS DESIGN GROUP FOR ROUSE PROPERTIES, INC.

EXECUTIVE SUMMARY

This agenda item involves a minor amendment to a Final Development Plan for the Barnes & Noble/Sports Authority building within the West Valley Mall to allow for façade modification including signage, and the addition of a larger loading dock.

DISCUSSION

Background

On June 19, 2001, City Council approved a Preliminary and Final Development Plan (PDP/FDP) for the Barnes & Noble project, which was described as 27,500 square foot retail building with a café in the I-205 Specific Plan area attached to the West Valley Mall (Attachment A). The building has been occupied by Barnes & Noble since its construction in 2002. A new tenant, Sports Authority, is now seeking to occupy the space and has submitted an application to make slight revisions to the façade.

Proposed Amendment

The property owner of the building has interest from Sports Authority to occupy the building for retail sporting goods sales. There are two main changes that are proposed to the exterior of the building, including a re-facing of the western (entry) façade to accommodate Sports Authority's corporate image, and the addition of a larger loading dock at the southeast corner of the building to accommodate larger delivery trucks.

The entry façade is currently comprised entirely of stucco and glass, with an open cornice and diagonal score lines in the stucco at the entry. It is painted in earth tones that include a dark rust orange to emphasize the entry (Attachment B). The proposed minor amendment to the Final Development Plan (FDP) would change the entry color and material to red Omega-Lite (smooth shiny finish) panels, installed in a pattern of squares. The cornice would be filled in to become a solid rather than open piece, painted in off-white, and the stucco surrounding the entry as well as the accent columns are to be painted light brown. The remainder of the building face will not change in color or material.

The proposal also includes changing the signage, which was previously approved with the FDP, and the proposed new signage is consistent in size and location with the existing signs.

Due to the nature of the business and the materials they stock, Sports Authority requires a larger loading dock, to be located on the southeast corner of the building (Attachment D) adjacent to and across the drive aisle from the loading dock at JC Penney. The addition of this larger delivery area with screening walls, along with a new trash compactor and small trash enclosure will cause the removal of some existing landscaping along the south side of the building. This landscaping will be replaced on the east side of the mall with the addition of trees along the ring road in equal number of those to be removed adjacent to the project site (three to four).

The proposed changes to the site plan, adding the loading dock and revising the façade requires a minor amendment to the FDP because they are new additions that were not a part of the original project approval, as shown in Attachments C and D.

Planning Commission Discussion

The Planning Commission met and discussed the proposed amendment on October 23, 2013, and after discussing delivery times and the look of the proposed ACM façade material recommended approval of the minor amendment.

Environmental Document

The proposed PDP/FDP amendment is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332, pertaining to infill projects smaller than five acres in size substantially surrounded by urban uses. In accordance with CEQA Guidelines, no further environmental assessment is required.

FISCAL IMPACT

This agenda item will not require any expenditure of funds. The staff time spent processing the application was funded by the receipt of the required application processing fees.

STRATEGIC PLAN

This agenda item supports the Economic Development Strategic Plan, related to retail recruitment. The ability to quickly re-tenant existing anchor retail space in a timely manner is essential in the property owner's ability to attract potential new tenants to vacant spaces within the West Valley Mall.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council approve the minor amendment to the Barnes & Noble/Sports Authority Final Development Plan to reface the façade at the western entry of the building and add a large loading dock with screening at the southeast corner of the building, based on the findings contained in the City Council Resolution dated November 5, 2013.

Prepared by: Victoria Lombardo, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Director

Approved by: R. Leon Churchill, Jr., City Manager

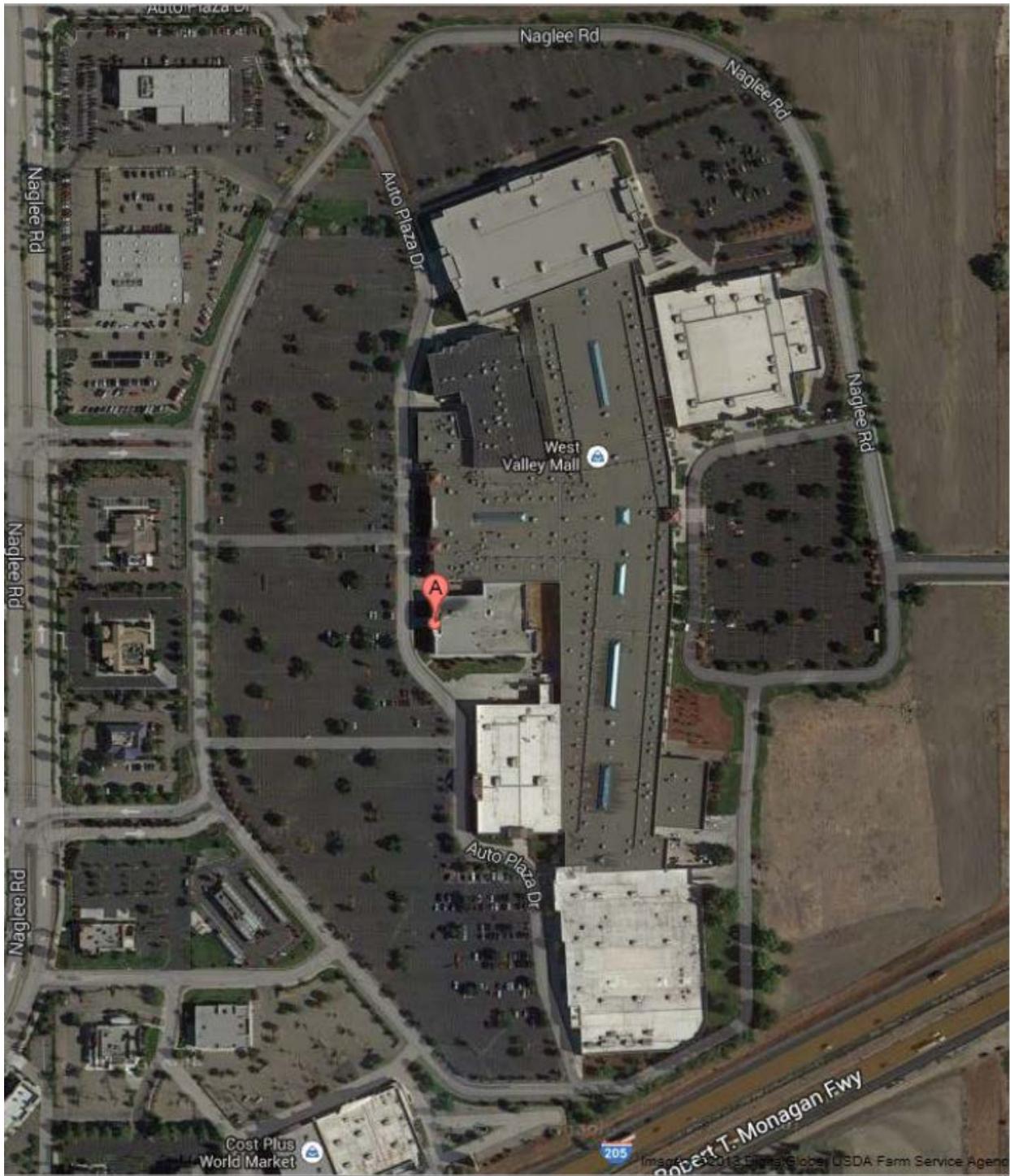
ATTACHMENTS

A—Location Map

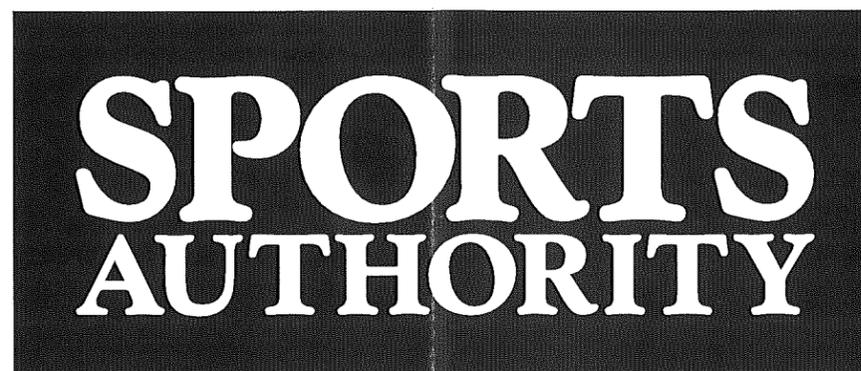
B—Photo of Existing Barnes & Noble

C—Color Renderings of Proposed Sports Authority, Showing Sign Details

D—Site Plan, Landscaping







Site Number: 715
 Site Name: Tracy CA

3150 Naglee Rd
 Tracy, CA 95304

Design: N/A
 Date: April 15, 2013

RECEIVED
 OCT 07 2013
 CITY OF TRACY
 D.E.S.



Vendor

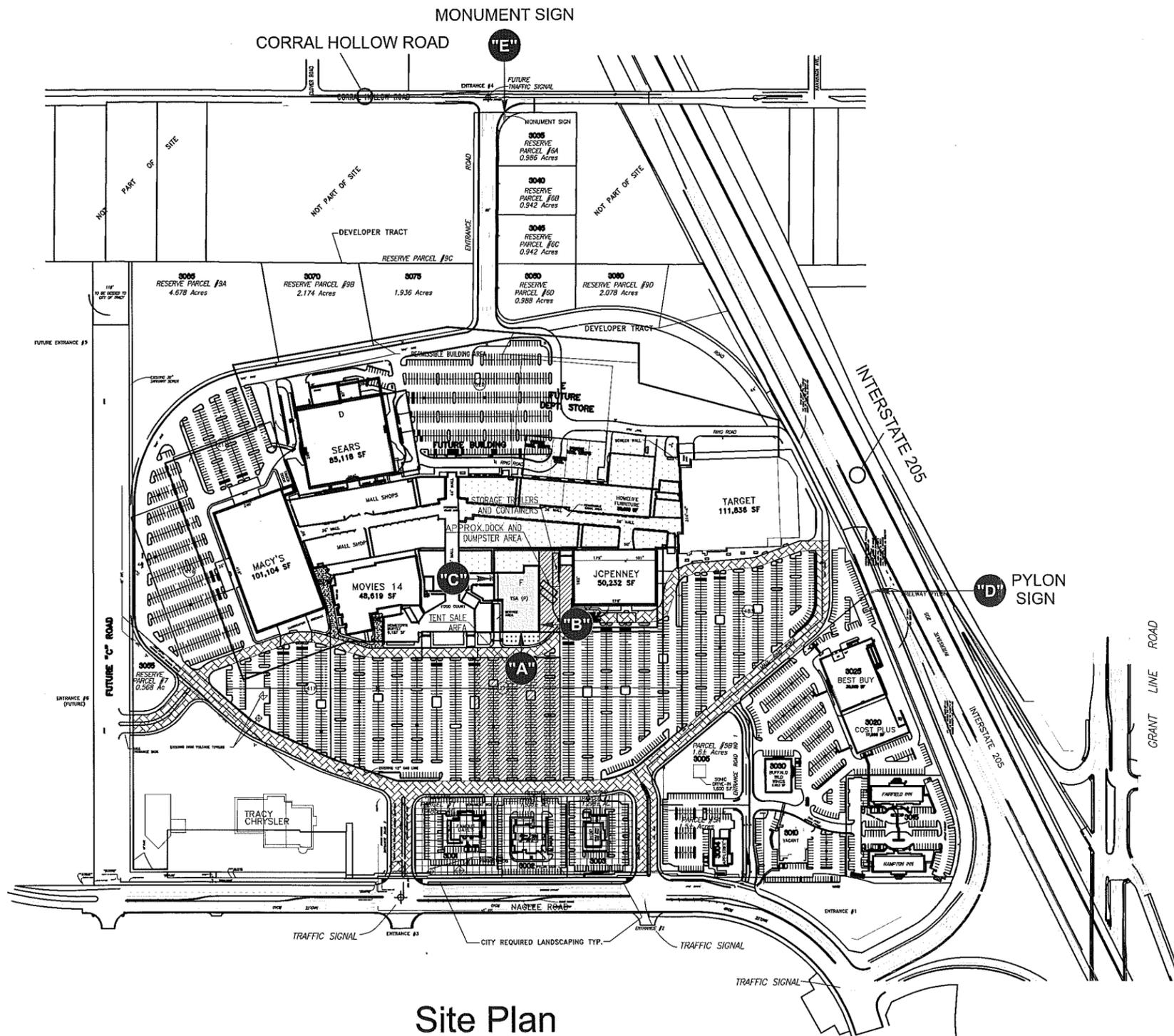
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No.	Date	Revision
R1	050213	UPDATE ELEVATIONS - 'B' TO SAC5.5SR
R2	071713	ADD STORE # - ADD PYLON PANEL OPTION
R3	072413	NEW INTERIOR MALL ENTRY ELEVATION
R4	073113	ADJUST LOCATION OF SIGN 'C'

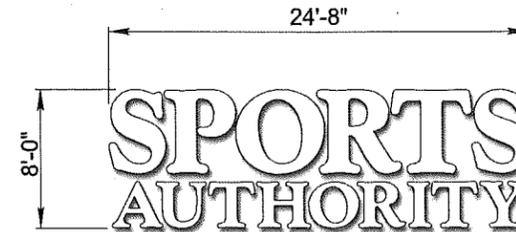
Location
Site Number: 715
Site Name: Tracy CA
Address: 3150 Naglee Rd Tracy, CA 95304
File Name: SA-715 TracyCA-R4-073113-C

COVER

PAGE 1



Site Plan
SCALE: 1"=100'



SAC8.0SW

Sports Authority Stacked Channel Letters

"A" SCALE: 3/16"=1'-0"

197.0 SF



SAC5.5SR

Sports Authority Stacked Channel Letters

"B" SCALE: 1/4"=1'-0"

93.5 SF

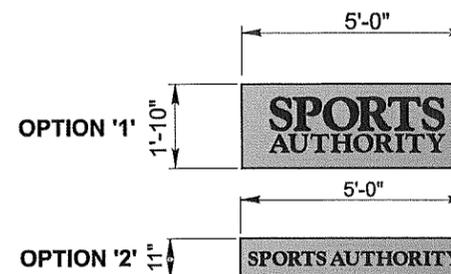


SAF1.5LW

Sports Authority Linear Channel Letters

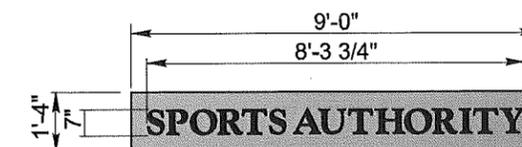
"C" SCALE: 3/8"=1'-0"

32.1 SF



"D" PYLON TENANT PANEL

SCALE: 1/2"=1'-0"



"E" MONUMENT TENANT PANEL

SCALE: 1/2"=1'-0"



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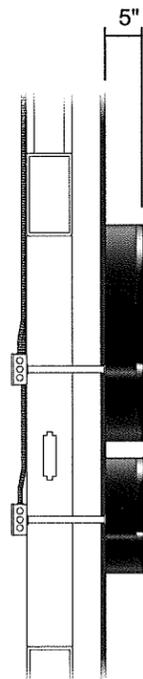
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SITE

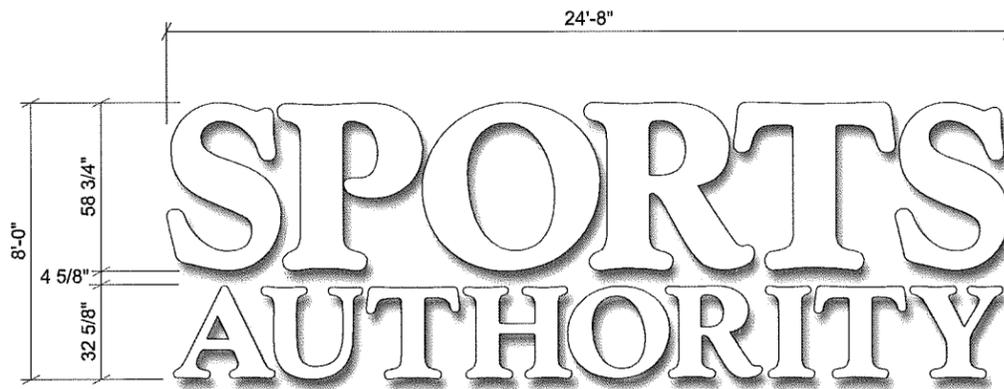
PAGE 2



STOREFRONT ENTRY



Typical End Detail
SCALE: NTS



SAC8.0SW

Sports Authority Stacked Channel Letters

SCALE: 3/16"=1'-0"

197.0 SF

- ACRYLIC FACE CHANNEL LTRS -
- WHITE ACRYLIC FACES
- 1" BLACK TRIMCAP
- 5" DEEP BLACK (GLOSS) ALUMINUM RETURNS
- INTERNAL WHITE LED ILLUMINATION

NOTE: LETTERS WILL BE MOUNTED TO A RED OMEGA-LITE PANEL BACKGROUND AREA BY OTHERS



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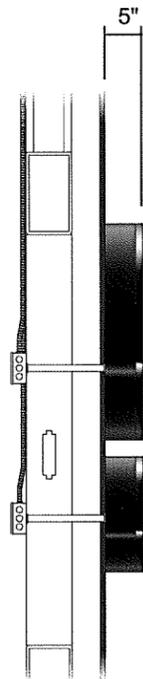
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Location
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Address: 3150 Naglee Rd Tracy, CA 95304
File Name: SA-715 TracyCA-R4-073113-C

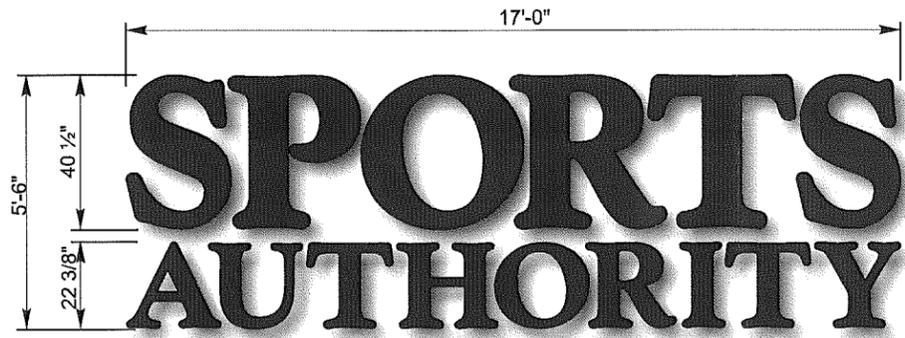
FRONT ELEV



SIDE ELEVATION



Typical End Detail
SCALE: NTS



SAC5.5SR

Sports Authority Stacked Channel Letters

"B"

SCALE: 1/4"=1'-0"

93.5 SF

ACRYLIC FACE CHANNEL LTRS -

- WHITE ACRYLIC FACES W/ 1ST SURFACE RED VINYL (3632-33)
- 1" BLACK TRIMCAP
- 5" DEEP BLACK (GLOSS) ALUMINUM RETURNS
- INTERNAL WHITE LED ILLUMINATION

NOTE: LETTERS WILL BE DIRECT WALL MOUNT



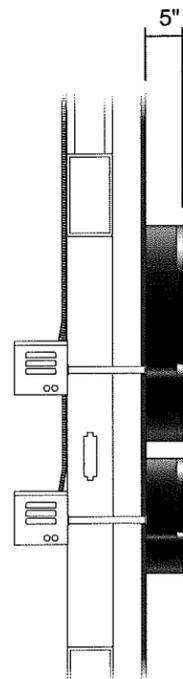
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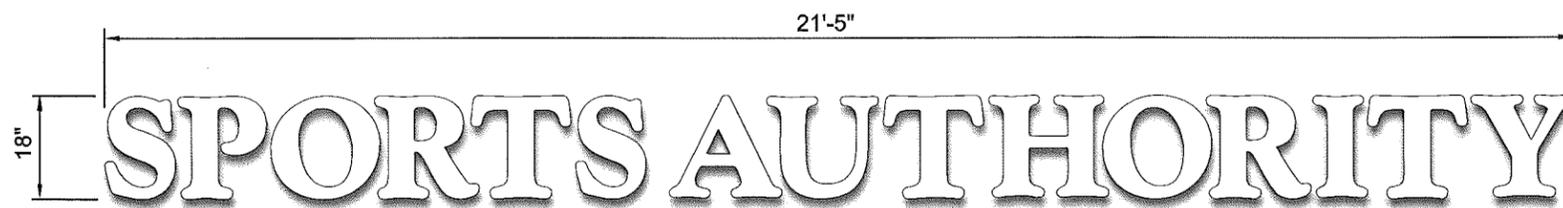
Location
Site Number: 715
Site Name: Tracy CA
Address: 3150 Naglee Rd Tracy, CA 95304
File Name: SA-715 TracyCA-R4-073113-C



INTERIOR MALL ENTRY



Typical End Detail
SCALE: NTS



SAF1.5LW
Sports Authority Linear Channel Letters

SCALE: 3/8"=1'-0"

32.1 SF

- ACRYLIC FACE CHANNEL LTRS -
- WHITE ACRYLIC FACES
 - 1" BLACK TRIMCAP
 - 5" DEEP BLACK (GLOSS) ALUMINUM RETURNS
 - INTERNAL WHITE LED ILLUMINATION

NOTE: LETTERS WILL BE MOUNTED TO A RED OMEGA-LITE PANEL BACKGROUND AREA BY OTHERS

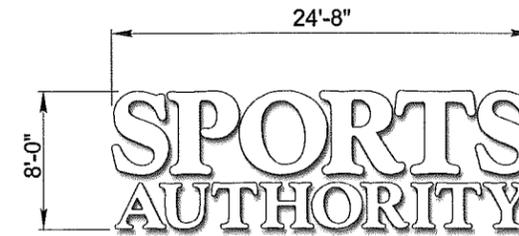
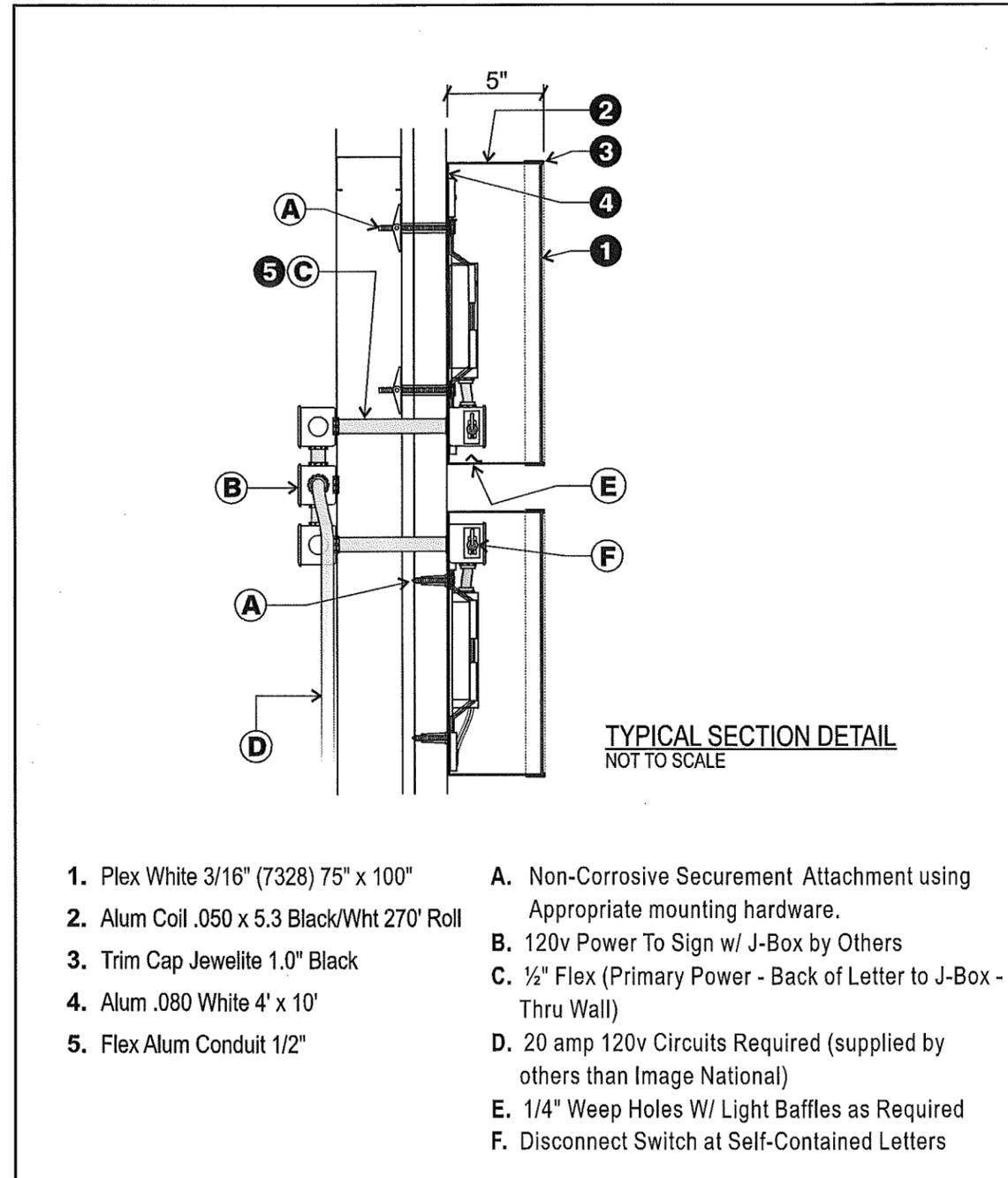


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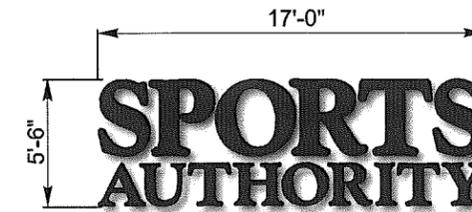
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Location
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Address: 3150 Naglee Rd Tracy, CA 95304
File Name: SA-715 TracyCA-R4-073113-C

INTERIOR LTRS



SAC8.0SW
Sports Authority Stacked Channel Letters
"A" SCALE: 3/16"=1'-0" 197.0 SF



SAC5.5SR
Sports Authority Stacked Channel Letters
"B" SCALE: 1/4"=1'-0" 93.5 SF



SAF1.5LW
Sports Authority Linear Channel Letters
"C" SCALE: 3/8"=1'-0" 32.1 SF



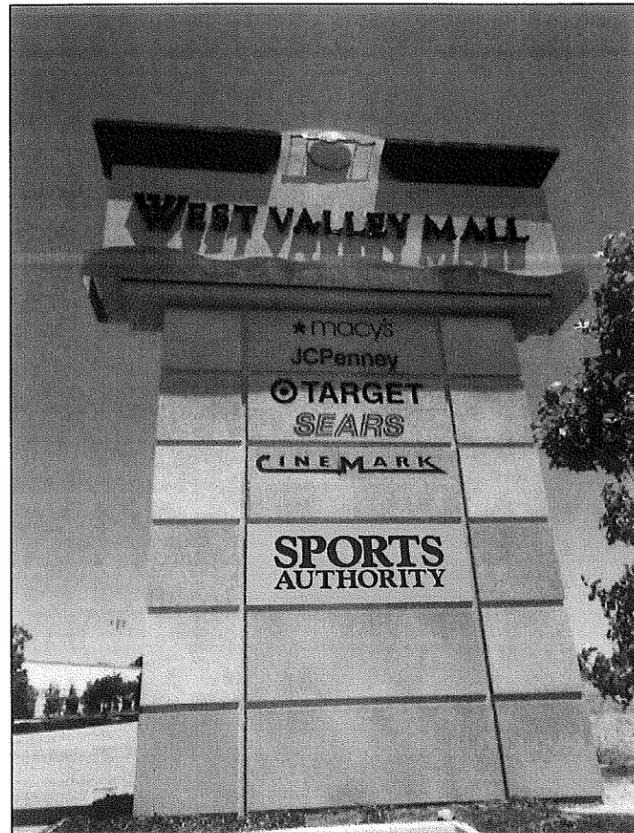
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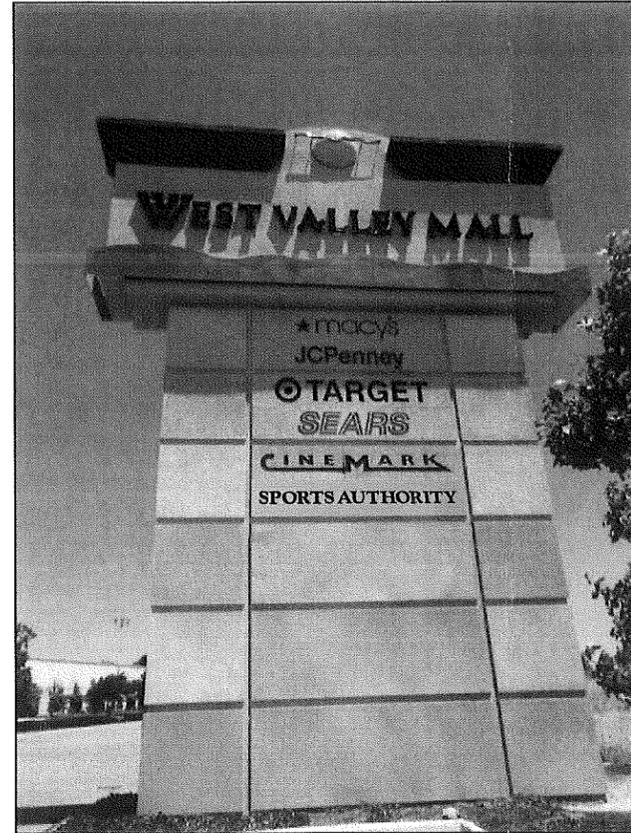
Location
Site Number: 715
Site Name: Tracy CA
Address: 3150 Naglee Rd Tracy, CA 95304
File Name: SA-715 TracyCA-R4-073113-C

**FREEWAY PYLON EXHIBIT
LOCATED ON CORRAL HOLLOW ROAD**

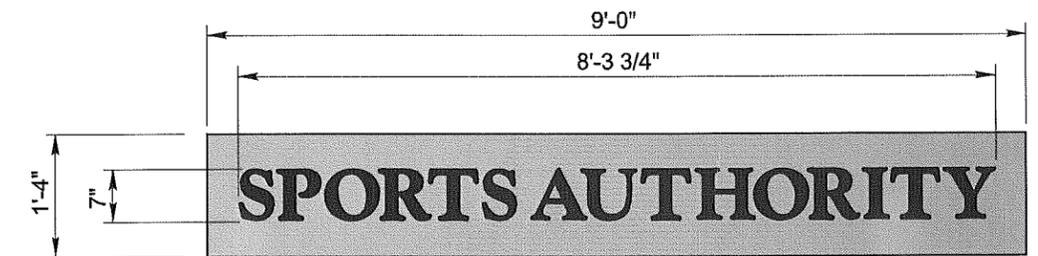
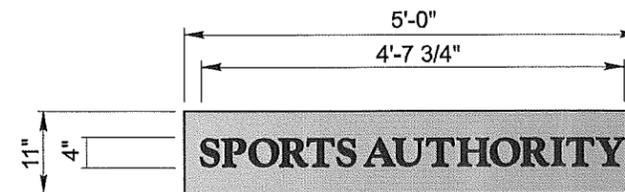
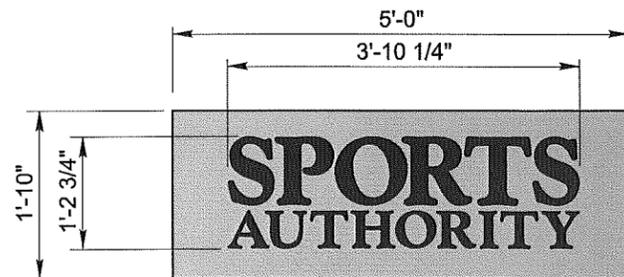
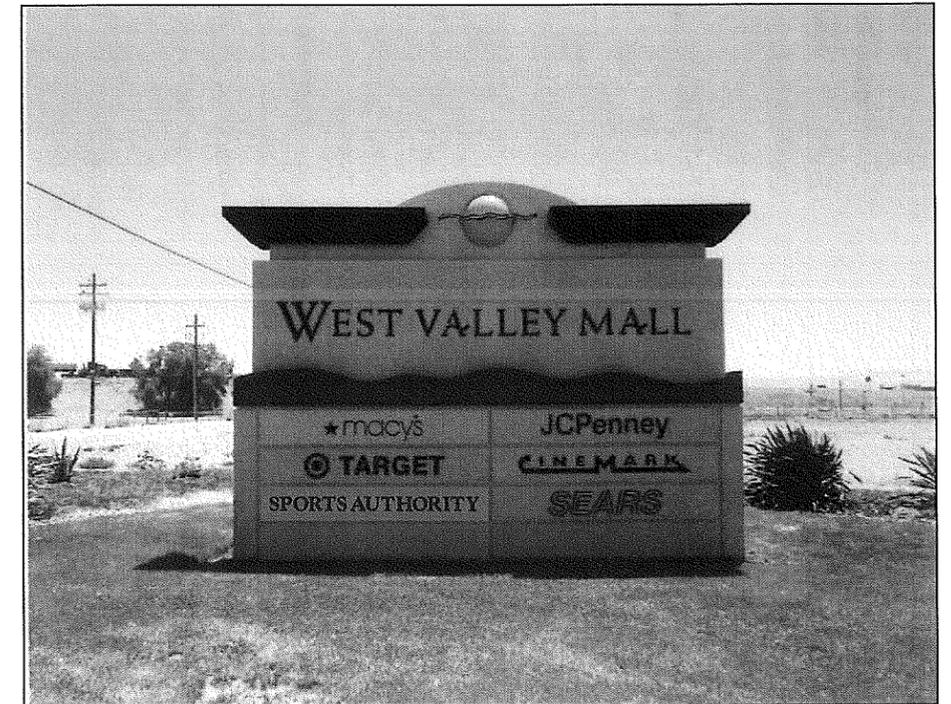
OPTION '1'



OPTION '2'



**MONUMENT PYLON EXHIBIT
LOCATED ON INTERSTATE 205**



**ROUTED ALUMINUM / ACRYLIC BACKUP
TENANT PANEL - '2' REQ'D**

SCALE: 1/2"=1'-0"

- ROUTED ALUMINUM PAINTED & TEXTURED TO MATCH EXISTING PANELS
- WHITE ACRYLIC BACKUP W/ 1ST SURFACE RED VINYL (3M 3632-33)

NOTE: MEASUREMENTS ARE ESTIMATED - MUST BE VERIFIED WITH FIELD SURVEY

**ROUTED ALUMINUM / ACRYLIC BACKUP
TENANT PANEL - '2' REQ'D**

SCALE: 1/2"=1'-0"

- ROUTED ALUMINUM PAINTED & TEXTURED TO MATCH EXISTING PANELS
- WHITE ACRYLIC BACKUP W/ 1ST SURFACE RED VINYL (3M 3632-33)

**ROUTED ALUMINUM / ACRYLIC BACKUP
TENANT PANEL - '2' REQ'D**

SCALE: 1/2"=1'-0"

- ROUTED ALUMINUM PAINTED & TEXTURED TO MATCH EXISTING PANELS
- WHITE ACRYLIC BACKUP W/ 1ST SURFACE RED VINYL (3M 3632-33)

NOTE: MEASUREMENTS ARE ESTIMATED - MUST BE VERIFIED WITH FIELD SURVEY



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R4	073113	ADJUST LOCATION OF SIGN 'C'

Location
Site Number: 715
Site Name: Tracy CA
Address: 3150 Naglee Rd Tracy, CA 95304
File Name: SA-715 TracyCA-R4-073113-C

SITE PLAN LANDSCAPING

DOCUMENT TOO LARGE TO INCLUDE IN PACKET
COPIES AVAILABLE AT CITY OF TRACY CITY HALL

RESOLUTION _____

APPROVING A MINOR AMENDMENT TO THE BARNES & NOBLE/SPORTS AUTHORITY
FINAL DEVELOPMENT PLAN TO MODIFY THE FAÇADE AND ADD A LOADING DOCK AT
3150 NAGLEE ROAD
ASSESSOR'S PARCEL NUMBER 212-050-52
APPLICATION NUMBER D13-0011

WHEREAS, The City Council adopted the I-205 Corridor Specific Plan and certified its Environmental Impact Report on August 21, 1990, and approved a subsequent Negative Declaration approved on July 6, 1999, and

WHEREAS, Naos Design Group, on behalf of Rouse Properties, Inc., submitted an application to amend the Barnes & Noble/Sports Authority Final Development plan to modify the façade and add a loading dock (Application Number D13-0011) on September 9, 2013, and

WHEREAS, The subject property is located within the I-205 Corridor Specific Plan area, with a land use designation of Commercial Center, which allows retail sporting goods stores as a permitted land use, and

WHEREAS, The Planning Commission conducted a public meeting to review and consider the application on October 23, 2013 and recommended City Council approval of the proposed amendment;

NOW, THEREFORE BE IT RESOLVED, That the Tracy City Council does hereby approve a minor amendment to the Barnes & Noble/Sports Authority Final Development plan to modify the façade and add a loading dock, Application Number D13-0011, subject to the conditions contained in Exhibit 1 to this Resolution, and based on the findings below.

1. The establishment, maintenance, and operation of the proposed façade improvements and loading dock, with their associated landscape and hardscape improvements are compatible with the land use, design, and operational characteristics of the neighboring properties. It will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use and its associated structures, or to the general welfare of the City because the project is consistent with the land use, design, and other elements of the I-205 Specific Plan, the City of Tracy General Plan, and applicable requirements of Chapter 10.08 of the Tracy Municipal Code, including, but not limited to, Article 26, Off-Street Parking Requirements, and Article 30, Development Review.
2. The project will not adversely affect or impair the benefits of occupancy, most appropriate development, property value stability, or the desirability of property in the vicinity because the site design and architectural elements of the project as designed and conditioned, are an architecturally compatible addition to the parcel, and will not adversely visually impair the benefits of the properties in the vicinity, as the project design is consistent with adjacent building design within the West Valley Mall Complex.
3. The project, as designed and conditioned, will not cause any significant environmental impact, because it is categorically exempt from the California Environmental Quality Act Pursuant to CEQA Guidelines Section 15332, pertaining to infill projects smaller than five

acres surrounded by urban uses that are consistent with the Zoning and General Plan designations and not having any significant environmental effects. An analysis of the project shows that there will be no significant on-site impacts as a result of this particular project. There is also no evidence of any significant impacts to occur off-site as a result of the project, such as traffic, air quality, land use and other potential cumulative impacts.

The foregoing Resolution _____ was adopted by the Tracy City Council on the 5th day of November, 2013, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

Exhibit 1 - Conditions of Approval

**Conditions of Approval for Sports Authority Loading Dock and
Façade Improvements
Application No. D13-0011
November 5, 2013**

1. These Conditions of Approval shall apply to the real property described as 3150 Naglee Road, Assessor's Parcel Number 212-050-52 Application Number D13-0011 (hereinafter "Project").
2. The following definitions shall apply to these Conditions of Approval:
 - a. "Applicant" means any person, or other legal entity, defined as a "Developer".
 - b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
 - c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General, the Tracy Municipal Code, I-205 Corridor Specific Plan, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
 - d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
 - e. "Conditions of Approval" shall mean the conditions of approval applicable to the façade improvements and loading dock, Application Number D13-0011.
 - f. "Project" means the real property consisting of the building located at 3150 Naglee Road, Assessor's Parcel Number 212-050-52.
 - g. "Subdividor" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
3. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for California

Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").

4. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
5. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, dated February 1, 2011, and the I-205 Corridor Specific Plan Negative Declaration dated July 6, 1999.
6. Except as otherwise modified herein, all construction shall be consistent with the site plan and architectural renderings received by the Development Services Department on October 7, 2013.
7. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan for the new landscape improvements consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, I-205 Corridor Specific Plan, and Water Efficient Landscape Guidelines on private property, to the satisfaction of the Development Services Director.
8. All improvements shall be consistent with the Tracy Municipal Code, Standard Plans, and other applicable City Regulations.
9. Prior to the issuance of a building permit, a detailed plan of the trash enclosure shall be approved, showing solid metal doors, an interior concrete curb, a minimum height of seven feet, and exterior materials and color compatible with the adjacent building exterior.
10. Any bollards to be located within public view shall be painted to match the adjacent building exterior.

AGENDA ITEM 1.G

REQUEST

FIND IT IS IN THE BEST INTEREST OF THE CITY OF TRACY TO DISPENSE WITH THE BID PROCESS IN SECTION 2.20.180 OF THE TRACY MUNICIPAL CODE; AUTHORIZE THE PURCHASE OF TWO TRIPLE COMBINATION FIRE PUMPERS FROM HI-TECH EMERGENCY VEHICLE SERVICE, INC.; AND AUTHORIZE STAFF TO NEGOTIATE A MUNICIPAL LEASE FOR THE PURCHASE

EXECUTIVE SUMMARY

The Fiscal Year 2013/14 adopted budget includes \$500,000 for the purchase of new triple combination fire pumpers (fire engines). The Fire Department solicited bids on August 15, 2013. The bid process was open until September 18, 2013 at which time three sealed bids were received from fire apparatus manufacturers. The lowest bid received was from KME Fire Apparatus in the amount of \$423,945. Recognizing the potential need to purchase multiple units during the fiscal year, the bid also included a request to procure apparatus through a municipal lease/purchase option.

After an internal review process, staff determined that awarding the purchase of fire engines to KME Fire Apparatus was not in the best interest of the City even though it was the low bidder. Staff requests Council to find it is in the best interest of the City of Tracy to dispense with the bid process in section 2.20.180 of the Tracy Municipal Code (TMC) and award a contract to the second lowest bidder, HI-TECH Emergency Vehicle Service, Inc. (HI-TECH).

DISCUSSION

Tracy Municipal Code (TMC) section 2.20.180 (a) requires formal competitive bids on equipment purchases over \$50,000, subject to certain exceptions, and requires City Council approval of purchases of \$50,000 or more with the purchase award going to the lowest responsible bidder. TMC Section 2.20.180 (b)(4) provides that the procedure under this section may be dispensed with when, in the determination of the City Council, compliance with the procedure is not in the best interest of the City for those commodities, equipment or general services the costs of which equal or exceed \$50,000.

On September 18, 2013 following a formal bid process, three sealed bids were received. The lowest bid received was from KME Fire Apparatus (KME) in the amount of \$423,945. Additional bids were received from HI-TECH Emergency Vehicle Service, Inc. (HI-TECH) in the amount of \$475,999 and Pierce Manufacturing in the amount of \$535,950. All prices represented the full cost, including sales tax.

Bids Received

Manufacturer	Location	Bid Amount
KME	Nesquehoning, PA	\$423,945
HI-TECH	Oakdale, CA	\$475,999
Pierce Manufacturing, Inc.	Appleton, WI	\$535,950

Review Process

The Fire Department convened a cross-departmental team to review the bid proposals. Members of the team were from the Fire Department, Public Works, and personnel from the City's contracted maintenance facility in the City of Livermore. Proposals were rated under the following categories: Specification Compliance; Proximity of Apparatus Service Center; Strength of Warranty; Conformity with Existing Fleet; Apparatus Budget; and References.

Specification Compliance: After review of the proposals, review team members most frequently listed the bid from HI-TECH as the most responsive. In addition, various review team members took field trips to neighboring agencies to physically review apparatus that closely represented the product provided in the bid documents. The unit shown from KME did not represent what was presented in their bid.

Proximity of Service Center: Of significant concern is the proximity of the service center for not only warranty repairs, but non-warranty repairs. Pierce units are serviced in Modesto, California. The HI-TECH units are serviced at their facility in Oakdale, California. The KME units are primarily serviced in Sacramento and after speaking with references, it was discovered that some warranty work is performed in Ontario, CA. The distance of KME's service center(s) cause concern for the amount of time the apparatus is out of service when in need of repair.

Conformity with Existing Fleet: The department has experience with two of the manufacturers: HI-TECH and Pierce. The Department's most recent apparatus purchase in 2008 is from HI-TECH and several existing units are from Pierce. The City has never purchased a KME unit.

Apparatus Budget: Two of the three bids were under the apparatus budget of \$500,000. Pierce Manufacturing Inc.'s bid exceeded the proposed budget by \$35,950.

References: A check of references resulted in mixed reviews of the KME units. Contra Costa County Fire District recently purchased several KME units, yet it was excluded from the bidder's reference list. Follow-up conversations with shop personnel from Contra Costa County Fire District were unfavorable, and chronic issues with electrical systems were a common complaint regarding KME units. Visits to other jurisdictions owning KME units (Santa Clara County and Felton Fire District) yielded a more positive review, although electrical issues were cited.

Fire Department Equipment Replacement Fund

The Department currently uses a pooled vehicle replacement fund (Fund 606) to replace all fire apparatus, staff and utility vehicles. This account is funded each year through an annual deposit of \$191,200. The current balance of this account for FY 13/14 is \$769,150.

Lease Purchase Option

Lease purchasing for the City is not new. The City used a lease purchasing program to purchase the existing ladder truck in 1998 with associated interest rates for approximately 10 years. A ten year lease period is typical for safety apparatus. If the

City were to make an outright purchase of a single fire pumper at \$475,999, a balance of only \$293,151 would remain in Fund 606. The remaining balance in Fund 606 would not be sufficient to sustain anticipated replacement needs within the next five years. The replacement of the existing ladder truck in FY 14/15 is anticipated to be greater than \$1 million alone. One method to insure there are sustainable funds for future replacement needs is to lease purchase units during FY 13/14.

As a condition of the bid package, staff required bidders to provide options offering a municipal financing/lease purchase for one to three units. All bidders provided a municipal financing/lease purchase option with associated interest rates.

After the bid amounts were known, staff explored financing options through financial institutions not associated with any of the bidding parties. Holman Capital Corporation of Rancho Santa Margarita, California provided a competitive proposal to lease purchase the equipment.

The proposal received from Holman Capital was more competitive than that of the bid proposer. If Council elects to pursue the lease purchase option, staff would enter into negotiations with Holman Capital to complete the process.

Lease Provider	Rate & Term	Principal (2 units)	Interest (2 units)	Total Lease Purchase Payments
Holman Capital Inc.	3.4% @ 10 yr	\$948,743.20	\$178,373.60	\$1,127,116.80
First Municipal Leasing Corporation (Provided by HI-TECH)	3.95% @ 10 yr	\$952,693.47	\$ 218,969.40	\$1,171,662.60

Most municipal financing/lease purchasing provide a purchase option throughout the life of the lease. The City could at a later date elect to pay off the remainder of the lease at any scheduled payment during the ten year term without penalty. If the lease purchase option is selected, anticipated payments are approximately \$112,000 annually.

CONCLUSION

After review of all proposals, Department staff found HI-TECH's bid to be the most responsive and within budget. Staff believes it is in the best interest of the City to award the bid to HI-TECH over KME due to the concerns regarding KME's bid as set forth above in this staff report. In addition, a municipal lease/purchase option provides needed flexibility with existing vehicle replacement funds and allows staff to build the fund without depleting it for future purchases.

FISCAL IMPACT

The FY 13/14 adopted budget includes \$500,000 for the purchase of a new triple-combination fire pumper (fire engine). The recommended fire engine from HI-TECH has a purchase price of \$475,999 which is \$24,001 below the budgeted amount.

Should the City Council elect to lease purchase two units as requested, the Fire Department vehicle replacement fund would require an annual obligation of approximately \$112,000 for ten years. The vehicle replacement fund is funded annually

by \$191,200. Choosing this option would allow the City to meet the lease purchase payment obligation and continue to deposit approximately \$80,000 per year into the fund. Further, this option would maintain the existing fund balance less the first payment, approximately \$657,000 as a base for future vehicle needs.

RECOMMENDATION

Staff recommends that the City Council find it is in the best interest of the City to dispense with the bid process set forth in TMC section 2.20.180 and award the purchase of two triple combination fire pumpers to HI-TECH Emergency Vehicle Service, Incorporated.

Staff further recommends Council authorize staff to negotiate a municipal lease with Holman Capital.

Prepared by: David A. Bramell, Fire Division Chief

Reviewed by: Alford Nero, Fire Chief
Jenny Haruyama, Administrative Services Director

Approved by: R. Leon Churchill, Jr., City Manager

RESOLUTION _____

FINDING IT IN THE BEST INTEREST OF THE CITY TO DISPENSE WITH THE BID PROCESS IN SECTION 2.20.180 OF THE TRACY MUNICIPAL CODE; AUTHORIZING THE PURCHASE OF TWO TRIPLE COMBINATION FIRE PUMPERS FROM HI-TECH EMERGENCY VEHICLE SERVICE, INC AND AUTHORIZING STAFF TO NEGOTIATE A MUNICIPAL LEASE FOR THE PURCHASE

WHEREAS, The FY13/14 adopted budget contains funding for the Fire Department to purchase a triple combination fire pumper, and

WHEREAS, On August 15, 2013 the Fire Department solicited a competitive bid process receiving bids from three fire apparatus manufacturers, and

WHEREAS, Awarding the purchase to the lowest bid received is not in the best interest of the City of Tracy because the manufacturer received poor references, chronic electrical issues with equipment were noted and provided a distant service center, and

WHEREAS, It is in the best interest of the City of Tracy to dispense with Section 2.20.180 of the Tracy Municipal Code and award a contract to the second lowest bidder, HI-TECH Emergency Vehicle Service, Inc. of Oakdale, California, and

WHEREAS, Staff desires to enter into a municipal lease purchase for two triple combination fire pumpers in an effort to capitalize on the 2013 bid purchase price and to reserve vehicle replacement funds for future anticipated purchases, and

WHEREAS, The Fire Department's vehicle replacement fund would not be sustainable for future anticipated purchases after an outright purchase of a single triple combination fire pumper, and

WHEREAS, Based upon the purchase price, municipal lease purchase payments are within the City's annual contribution to the vehicle replacement fund while maintaining the existing fund balance for future purchases;

NOW, THEREFORE, BE IT RESOLVED, That the City Council finds it in the best interest of the City of Tracy to dispense with the bid process in Section 2.20.180 of the Tracy Municipal Code and authorizes the purchase of two triple combination fire pumpers from HI-TECH Emergency Vehicle Service, Inc, and authorizes staff to negotiate a municipal lease for the purchase.

Resolution _____
Page 2

The foregoing Resolution _____ was adopted by the Tracy City Council on the 5th day of November, 2013 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.H

REQUEST

FIND THAT IT IS IN THE BEST INTERESTS OF THE CITY TO WAIVE THE COMPETITIVE BIDDING PROCESS AND CONTINUE TO PROCURE CENTRIFUGE RENTAL SERVICES FROM KARL NEEDHAM ENTERPRISES (KNE) OF STOCKTON, CALIFORNIA

EXECUTIVE SUMMARY

City Council authorization is requested for continued Centrifuge Rental Services from KNE for dewatering of wastewater sludge at the Wastewater Treatment Plant (WWTP).

DISCUSSION

A centrifuge is used to dewater wastewater sludge and increase solids concentration up to 25 percent. This significantly reduces the volume of sludge, and reduces transportation costs for sludge disposal. The City has used KNE periodically for six years to furnish and maintain a rental centrifuge, which City staff operates. KNE is the only business in our county that provides centrifuge rental services, and ongoing service from this company has been excellent.

In 2007, the Tracy WWTP facility expansion project was completed. This project permanently eliminated four existing sludge drying beds to make room for new aeration basins and disinfection facilities. Starting at that time, a centrifuge was rented from KNE to provide periodic sludge dewatering capacity, especially during the winter months. As a result, the rental centrifuge was employed and currently remains in use. A rental centrifuge will be needed until the Capital Improvement Project for the WWTP Phase 2B expansion is completed. This project includes permanent facilities for sludge dewatering.

In 2012, staff solicited informal quotes from waste service companies in northern California for centrifuge rental services. The following quotes were obtained:

Dehydration & Environmental Systems
Rio Vista, California
\$1 million for one-year centrifuge rental

KNE
Stockton, California
\$90,000 for one-year centrifuge rental (since increased to \$96,000)

It is in the best interest of the City to continue centrifuge rental services with KNE as they provide the lowest possible cost for services within the region.

KNE also provides services and equipment for drying the centrifuged sludge once it is deposited on the drying beds. The hourly cost for furnishing and operating the

equipment is \$125 per hour and approximately 150 hours are utilized per year for a total cost of approximately \$19,000.

STRATEGIC PLAN:

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

FISCAL IMPACT:

The cost of the centrifuge rental is \$8,000 per month. Staff anticipates rental services will be needed for the entire year for a rental expense of \$96,000. The Tracy Purchasing Ordinance requires City Council approval for purchases over \$50,000 per year. The rental is month to month and the City will not be charged a rental fee in the event the centrifuge is not used.

There are adequate funds available for centrifuge rental in the City's FY 2013-14 adopted wastewater operating budget.

RECOMMENDATION:

That the City Council find it is in the best interests of the City to waive the competitive bidding process and continue to procure centrifuge rental services from Karl Needham Enterprises of Stockton, California.

Prepared by: Steve Bayley, Project Specialist

Reviewed by: David Ferguson, Director of Public Works

Approved by: R. Leon Churchill, Jr., City Manager

RESOLUTION _____

FINDING IT IS IN THE BEST INTERESTS OF THE CITY TO WAIVE THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING CONTINUING TO PROCURE CENTRIFUGE RENTAL SERVICES FROM KARL NEEDHAM ENTERPRISES (KNE) OF STOCKTON, CALIFORNIA

WHEREAS, The City has used KNE periodically for six years to furnish and maintain a rental centrifuge, which City staff operates, and

WHEREAS, KNE is the only business in our region which provides centrifuge rental services, and

WHEREAS, The cost of the centrifuge rental is \$8,000 per month, and

WHEREAS, The Tracy Purchasing Ordinance requires City Council approval for purchases over \$50,000 per year;

NOW, THEREFORE, BE IT RESOLVED, That the City Council finds it is in the best interests of the City to waive the competitive bidding process and authorizes continuing to procure rental centrifuge rental services from Karl Needham Enterprises of Stockton, California.

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 5th day of November, 2013, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.1

REQUEST

AUTHORIZATION FOR THE CHIEF OF POLICE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN SAN JOAQUIN COUNTY LAW ENFORCEMENT AGENCIES FOR THE “AVOID THE 10” DUI CAMPAIGN OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014

EXECUTIVE SUMMARY

The proposed Memorandum of Understanding (MOU) would be between San Joaquin County Law Enforcement Agencies comprised of the Stockton Police Department, Manteca Police Department, Lodi Police Department, Tracy Police Department, Ripon Police Department, San Joaquin County Sheriff’s Department, Lathrop Police Department, San Joaquin County Probation Department, and the California Highway Patrol (“Agencies”). These agencies comprise ten law enforcement agencies located within San Joaquin County that will participate in the California Office of Traffic Safety funded Avoid the 10-DUI Campaign.

DISCUSSION

The Stockton Police Department will serve as the host agency for a regional DUI effort in San Joaquin County, and administer the project with the California Office of Traffic Safety including submitting all required financial and programmatic reports. The Stockton Police Department will reimburse agencies promptly when invoiced for project-related costs. Eligible costs include hourly overtime costs for officers, sergeants, community services officers, dispatchers, and clerical positions.

These agencies will work cooperatively to reduce alcohol related fatal and injury traffic collisions in San Joaquin County.

Agencies will assign staff to assist with all project related enforcement activities, to include specific dates such as Memorial Day, Labor Day, Winter Holiday, 4th of July, and other holidays and events described in the grant.

The Agencies agreed to take turns coordinating and hosting enforcement operations on a mutually agreeable rotational basis with the other participating agencies.

STRATEGIC PLAN

This agenda item relates to the Public Safety Strategic Priority in the Council’s Strategic Plan. The Public Safety Strategic Plan focuses on promoting a responsive public safety system that includes civic engagement and partnerships, community involvement, public education and offering prevention, intervention and suppression services that meet the needs of Tracy residents. Specifically, Goal 4 is to reduce the number of major injury collisions through public awareness of traffic safety and increasing traffic related enforcement by 5%.

FISCAL IMPACT

The costs are estimated based on an overtime hourly rate range of \$40 hour to \$90 hour based on position and fiscal year enforcement. The overtime reimbursement and benefits costs will reflect actual costs of the personnel conducting the appropriate operation up to the maximum range specified.

The Stockton Police Department is responsible for ensuring that the overtime costs do not exceed \$179,247 aggregate total for all participating agencies.

RECOMMENDATION

Staff recommends that the City Council authorize the Chief of Police to execute the Memorandum of Understanding between the San Joaquin County Law Enforcement agencies for the "AVOID THE 10" DUI Campaign October 1, 2013 through September 30, 2014.

Prepared by: Lani Smith, Division Manager

Reviewed by: Gary R. Hampton, Chief of Police
Jenny Haruyama, Administrative Services Director

Approved by: R. Leon Churchill, Jr., City Manager

ATTACHMENT:

Attachment A - Memorandum of Understanding

**MEMORANDUM OF UNDERSTANDING
BETWEEN SAN JOAQUIN COUNTY LAW ENFORCEMENT AGENCIES FOR
THE "AVOID THE 10" DUI CAMPAIGN
OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014
Grant Number: AL1417**

This Memorandum of Understanding ("MOU") is entered into on October 1, 2013, for a term of one year to expire on September 30, 2014, between the Stockton Police Department, Manteca Police Department, Lodi Police Department, Tracy Police Department, Ripon Police Department, Escalon Police Department, Lathrop Police Department, San Joaquin County Sheriff's Department, San Joaquin County Probation Department, and the California Highway Patrol ("Agencies"). These Agencies comprise the 10 law enforcement entities located within San Joaquin County that will participate in the California Office of Traffic Safety ("OTS") Avoid the 10 – DUI Campaign, as funded by OTS grant number AL1417 ("GRANT").

These Agencies will work cooperatively to reduce alcohol related fatal and injury traffic collisions in San Joaquin County. In furtherance of that goal, all agree to fully support the goals and objectives of the OTS Grant.

THE STOCKTON POLICE DEPARTMENT AGREES TO:

1. Serve as the host agency for a regional DUI effort in San Joaquin County, and administer the project with OTS including submitting all required financial and programmatic reports;
2. Reimburse Agencies promptly when invoiced for project-related costs. Eligible costs include hourly overtime costs for officers, deputies, sergeants, community service officers, dispatchers, clerical positions and Reserve Officers as applicable. Straight time costs will only be reimbursed for Community Service Officers and Reserve Officers. Administrative overhead will not be reimbursed;
3. Participate in all project related enforcement activities and take turns coordinating and hosting enforcement operations on a mutually agreeable rotational basis with participating agencies;
4. Schedule project related meetings as needed to coordinate activities and fund travel for Agencies through Contractual Services to OTS sponsored conferences;
5. Ensure that the total amount for reimbursable overtime expenses from this grant shall not exceed \$179,247 total aggregate for all participating Agencies (excluding Stockton Police Department); and
6. Ensure that the total amount for reimbursable overtime expenses from this grant shall not exceed \$120,753 total for the Stockton Police Department.

THE MANTECA POLICE DEPARTMENT, LODI POLICE DEPARTMENT, TRACY POLICE DEPARTMENT, RIPON POLICE DEPARTMENT, ESCALON POLICE DEPARTMENT, LATHROP POLICE DEPARTMENT, SAN JOAQUIN COUNTY SHERIFF'S DEPARTMENT, SAN JOAQUIN COUNTY PROBATION DEPARTMENT, AND THE CALIFORNIA HIGHWAY PATROL AGREE TO:

1. Assign staff to assist with all project-related enforcement activities, to include:
 - a. Memorial Day holiday
 - b. Labor Day holiday period
 - c. Winter holiday period
 - d. 4th of July holiday
 - e. Other holidays and events as described in the Grant
2. Take turns coordinating and hosting enforcement operations on a mutually agreeable rotational basis with the other participating agencies;
3. Attend project related meetings to schedule and coordinate activities and send one representative to OTS sponsored conferences when applicable;
4. Submit invoices and proper documentation (copies of salary schedules and overtime payroll records) to the Stockton Police Department within 15-days after the end of each quarter. Final claims not received by October 15, 2014, will not be reimbursed
5. Budgeted grant activities will be conducted by agency personnel on an overtime basis. Grant funded operations may be conducted by personnel such as a Sergeant, Officer, Corporal, Deputy, Community Service Officer, Reserve Officer, Traffic Technician, and Dispatcher depending on the titles used by the agency. Personnel will be deployed as needed to accomplish the grant goals and objectives. Costs are estimated based on an overtime hourly rate range of \$40.00 hr. to \$90.00 hr. based on position and fiscal year of the enforcement action. Overtime reimbursement (OT hourly rate and benefit) will reflect actual costs of the personnel conducting the appropriate operation up to the maximum range specified;
6. Collect and submit statistics on project activities necessary for completion of specific grant reporting requirements prior to being reimbursed for expenses incurred from this Grant;
7. Assume responsibility for the conduct and actions of their personnel; and
8. Ensure that overtime costs do not exceed \$179,247 aggregate total for all participating agencies.

The undersigned affirms that he or she has the authority to execute this Memorandum of Understanding on behalf of the agency he or she represents. The parties may execute this agreement in counterparts, each of which is deemed an original and all of which only constitute one original.

Stockton Police Department

Chief of Police Eric Jones

Date

Name (Please Print)

Manteca Police Department

Chief of Police Nick Obligacion

Date

Name (Please Print)

Lodi Police Department

Chief of Police Mark Helms

Date

Name (Please Print)

Tracy Police Department

Chief of Police Gary Hampton

Date

Name (Please Print)

Ripon Police Department

Chief of Police Edward Ormonde

Date

Name (Please Print)

Escalon Police Department

Chief of Police Milt Medieros

Date

Name (Please Print)

Lathrop Police Department

Chief of Police Danelle Hohe

Date

Name (Please Print)

San Joaquin County

Sheriff Steve Moore

Date

Name (Please Print)

San Joaquin County Probation Department

Chief Probation Officer Stephanie James

Date

Name (Please Print)

California Highway Patrol

Captain Rob Patrick

Date

Name (Please Print)

RESOLUTION _____

AUTHORIZING THE CHIEF OF POLICE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN SAN JOAQUIN COUNTY LAW ENFORCEMENT AGENCIES FOR THE "AVOID THE 10" DUI CAMPAIGN OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014

WHEREAS, The law enforcement agencies of San Joaquin County desire to work cooperatively to reduce alcohol related fatal and injury traffic collisions in San Joaquin County, and

WHEREAS, The Office of Traffic Safety ("OTS") Avoid the 10-DUI Campaign will be comprised of the Stockton Police Department, Manteca Police Department, Lodi Police Department, Tracy Police Department, Ripon Police Department, San Joaquin County Sheriff's Department, Lathrop Police Department, San Joaquin County Probation Department, and the California Highway Patrol ("Agencies"), and

WHEREAS, The Memorandum of Understanding articulating the details of the agreement is agreeable to the Tracy Police Department, and

WHEREAS, The term of the agreement will be October 1, 2013 through September 30, 2014;

NOW, THEREFORE, BE IT RESOLVED, That the City Council does hereby authorize entry into a Memorandum of Understanding (MOU) with the San Joaquin County Law Enforcement Agencies for the "Avoid the 10" DUI Campaign October 1, 2013 through September 30, 2014 and authorizes the Chief of Police to sign the MOU.

* * * * *

The foregoing Resolution _____ is hereby passed and adopted by the Tracy City Council this 5th day of November, 2013, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 3

REQUEST

APPROVE A HIGH-TECHNOLOGY (HI-TECH) INCENTIVE PILOT PROGRAM

EXECUTIVE SUMMARY

This staff report requests that Council discuss and approve the City of Tracy's Hi-Tech Incentive Pilot Program.

DISCUSSION

On April 30, 2012, the Council allocated \$300,000 from the Residential Specific Plan (RSP) fund balance towards the development of a business incubator to support start-up ventures in the early stages of development to ensure their growth and profitability. This effort would contribute to the local economy by increasing the City's tax base and creating new jobs. To test this assumption, a Business Accelerator Feasibility Study was conducted and completed in November 2012.

Since then, several critical factors emerged suggesting that the City may want to explore alternative approaches to the business incubator. First, within the last year, i-GATE Innovation Hub, an organization dedicated to connecting entrepreneurs and investors to promote regional prosperity, accelerated their Business Incubator Program, leveraging its partnership with Lawrence Livermore Lab and other key businesses and expanding its network to increase innovation opportunities in the region. The City has been able to refer start-ups to i-GATE, helping to diversify the local economy. The City also created a partnership with The Indus Entrepreneurs (TiE) Silicon Valley, an organization which promotes entrepreneurship through mentoring, networking, and education. This collaboration resulted in a successful entrepreneur event on September 18, 2013, at the Grand Theatre Center for the Arts, exposing local technology companies to venture capitalists and entrepreneurs to discuss their business goals.

Given that these resources already exist to support start-ups, coupled with the City's economic development advantages, including its proximity to Silicon Valley, affordable land and housing and skilled workforce, the City is in a unique position to recruit high-technology (hi-tech) companies. The City proposes to test these assumptions through a temporary Hi-Tech Incentive Pilot Program to stimulate business growth and job creation, and manufacturing job retention and/or expansion. The sections below discuss the proposed pilot program in more detail.

Hi-Tech Incentive Pilot Program

The purpose of the Hi-Tech Incentive Pilot Program is to increase the viability of current and future hi-tech businesses in Tracy. It is intended to provide various incentives to eligible companies interested in locating within the city limits. It also serves as a retention tool for existing hi-tech companies in Tracy that are interested in expanding.

The program goals are to encourage hi-tech business development through incentives that attract eligible, new companies to Tracy, and retain existing businesses with a desire to expand their operations. The attached proposed Hi-Tech Incentive Pilot Program (Attachment A) further outlines the program, providing an overview of its goals, applicable guidelines, and proposed incentives.

Program Incentives

The program reflects four proposed incentives: (1) Plan Concierge Services & Expedited Plan Review Rebate, (2) Use Tax Rebate, (3) Building and Planning Rebates, and (4) A High Wage Incentive.

1. Plan Concierge Services & Expedited Plan Review Rebate

Feedback from businesses indicated that concierge services and expedited plan review is one critical component in their site selection decision when relocating or expanding in a community. Key elements of this incentive include:

- Expedited plan review services that require a building permit associated with tenant improvement construction or equipment installation;
- Rebate of up to \$5,000 of the expedited plan review fee to qualifying companies;
- Ten business day turn-around for the first submittal of building plans, with all subsequent submittals at 5 business days; and
- Next day inspection services as part of the building permit process to ensure timely completion of construction.

2. Use Tax Rebate

Businesses also indicated that Use Tax Rebates could play an important role in deciding to locate in one community over another. In this instance, the City would remit a portion of Use Tax dollars back to an eligible company. Use tax is applicable when an item is purchased (e.g. equipment) for use in California from an out of state retailer; if a city is deemed as the first functional use, the Use Tax would be distributed directly to the agency, rather than through the countywide pooling process. Firms that designate the City of Tracy as the first function use would be eligible for a Use Tax reimbursement of up to 50% conditioned upon a direct public benefit. The table below outlines the different rebate tiers available to qualified companies:

<u>Net New Use Tax Received By the City</u>	<u>Rebate Percentage</u>
Tier 1: \$0 – \$200,000	Up to 20%
Tier 2: \$200,001 - \$500,000	Up to 30%
Tier 3: \$500,001 and greater	Up to 50%

3. Building & Planning Rebates

Another hi-tech business incentive is the rebate of a portion of the building, plumbing, mechanical, and electrical permit and plan check fees paid for as part of a commercial or tenant improvement building permit application. The City would rebate 75% of the building permit and plan check fees, up to a maximum of \$20,000, for fees associated with tenant improvement or equipment installation costs. In addition, the fees paid as part of a Development Review application or those

associated with other discretionary permits from the Planning Division, may be eligible for a rebate up to a maximum of \$10,000. Any rebate of Building and/or Planning fees will be contingent upon the issuance of a Certificate of Occupancy.

The table below illustrates an example of how a building and planning fee rebate would be applied to a construction project valued at \$475,000. Under this scenario, the City would typically collect a total of \$14,319 in fees; the incentive program would rebate approximately \$11,835 back to the eligible business.

Building and Planning Charges	FY 13/14 Adopted Fees	
Development Review	\$3,914	} Planning Fee Rebate: \$3,914 + \$470 = \$4,384
Sign Permit	\$ 470	
Commercial Building Fee	\$3,094	} Building Permit Rebate: \$9,935 x 75% = \$7,451
Commercial Plan Check Fee	\$2,011	
Commercial SMIP Fee	\$ 100	
Digitizing Fees	\$ 45	
Electrical Permit	\$1,200	
Mechanical Permit	\$1,010	
Plumbing Permit	\$1,160	
MEP Plan Check Fee	\$ 845	
Processing Fee	\$ 94	
Special Inspections	\$ 376	
TOTAL:	\$14,319	

4. High Wage Incentive

A high wage incentive would also be made available to new and existing hi-tech companies that meet a specified “Head of Household” threshold. For the purposes of this pilot program, it is recommended that “Head of Household” be defined as a job compensated at a minimum of \$52,000 annually and receive some level of employer sponsored healthcare benefits. This proposed Head of Household requirement is similar to those in neighboring communities, such as the City of Livermore. However, the City will continue to further refine the Head of Household annual compensation requirement and provide a policy recommendation to Council within the next 12 months.

To receive the high wage incentive, new hi-tech companies must have at least 50% of their workforce at the Head of Household level. Existing hi-tech businesses must have expanded their workforce by a minimum of 25% with new Head of Household jobs to participate in the program. All Head of Household jobs must be permanent, full-time positions.

Qualified hi-tech businesses would receive \$1,000 per eligible employee, per year, for a period of up to 5 years. All jobs created and/or relocated must be maintained for a period of 12 months. Companies must also verify applicable salaries and the required length of employment.

The proposed Hi-Tech Incentive Pilot Program would be made available through the reallocation of budgeted Residential Specific Plan (RSP) funds originally intended for a Business Incubator Program. There is approximately \$238,483 to fund the pilot program, which would be made available until the funds were expended.

Any financial related incentive would be brought forward to Council prior to execution. Implementation of the financial incentives is at the discretion of the City Council.

STRATEGIC PLAN:

This agenda item supports the Economic Development Strategic Plan and specifically implements the following goal and objectives:

Goal 1: Create head-of-household jobs reflective of the City's target industries and skill sets of the local labor force.

Objective 1a: Focus business recruitment efforts on targeted industries.

Objective 1b: Foster relationships with existing businesses to support the overall upgrade and expansion of employment opportunities.

Goal 4: Position Tracy as the preferred location for start-up companies and entrepreneurial investment.

Objective 4a: Explore opportunities for the development of existing incubator and entrepreneur programs in the region.

Objective 4b: Attract start-up companies and entrepreneurs from the Silicon Valley and Bay Area region.

FISCAL IMPACT

Approximately \$238,483 in RSP (Residential Specific Plan) funds has been budgeted for a Business Incubator Program. These funds would be re-allocated to support the proposed Hi-Tech Incentive Pilot Program. The Hi-Tech Incentive Pilot Program would be made available until the funds are expended. There is no impact to the General Fund.

RECOMMENDATION

Staff recommends that the City Council approve the High Technology (Hi-Tech) Incentive Pilot Program.

Prepared by: Amie Mendes, Economic Development Analyst
Jenny Haruyama, Administrative Services Director
Gary Hampton, Police Chief
Monica Gutierrez, Management Analyst II
Scott Claar, Associate Planner
Ed Lovell, Management Analyst II

Reviewed by: Maria A. Hurtado, Assistant City Manager

Approved by: R. Leon Churchill, Jr., City Manager

ATTACHMENTS

Attachment A: Hi-Tech Incentive Pilot Program

City of Tracy Hi-Tech Incentive Pilot Program

A. Executive Summary

High-Technology (Hi-Tech) research and development, manufacturing and services are highly desired economic activities. The hi-tech industry workforce is highly paid, possesses strong skills and has a higher educational attainment. Diversifying the local economy to include hi-tech, benefits the city's job growth, educational attainment, STEM (Science, Technology, Engineering and Mathematics) programs, sales tax base and quality of life.

Tracy possesses unique advantages to recruit and retain hi-tech companies. These advantages include skilled workforce, commuter population eager to work near home, high median income, supportive local government, excellent quality of life, affordable housing and its location.

The City of Tracy is committed to fostering business growth and enhancing the local economy through hi-tech developments.

B. Purpose

The purpose of the Hi-Tech Incentive Pilot Program is to increase the viability of current and future Hi-Tech businesses in Tracy. It is intended to provide various incentives to eligible hi-tech companies interested in locating within city limits. It is also intended to be a retention tool geared towards current hi-tech companies in Tracy who are interested in expanding.

C. Goals

The program goals are to: encourage hi-tech business development through incentives that attract eligible, new companies to Tracy, and retain existing businesses with a desire to expand their operations.

D. Eligibility

The following list is the eligibility criteria of the Hi-Tech Incentive Pilot Program:

- Company must locate within the City limits.
- Should meet the definition of "Hi-Tech"
- Existing businesses must be expanding operations in Tracy. Expansion should also include permanent staffing increases.

E. Definition of High Tech

The hi-tech industry is a mix of research, manufacturing and service related businesses including but not limited to, a variety of industries that produce innovative, technologically advanced products and services. These industries cross one another and may have multiple official classification codes through the National American Industry Classification System (NAICS).

The City of Tracy's incentive program applies to hi-tech businesses which utilize significant research and development, computing, telecommunications and/or scientific instrumentation technologies; those that manufacture hi-tech products (e.g., a manufacturer of medical equipment); or provide services based on computing, telecommunications technologies and/or scientific instrumentation (e.g., an Internet Service Provider).

F. Program Guidelines

The incentives listed below are available for all new hi-tech businesses or existing hi-tech businesses that meet the minimum eligibility requirements listed in Section D, Eligibility. Details of the financial related incentives must be reflected in a written agreement approved by the City Attorney and subsequently by City Council, after making findings that the company meets the below criteria. Each financial incentive agreement must be approved by the City Council only after making findings that:

1. The net financial benefit to the public is larger than the financial incentive;
2. The agreement represents a direct public benefit;
3. There are identified City or other funds that are available to make the financial incentive;
4. The financial incentive is secured by an appropriate form of financial security, if any direct financial assistance is involved.

G. Incentives

Plan Concierge Services & Expedited Plan Review Rebate

The City of Tracy will offer expedited plan review services to qualified hi-tech companies that require a building permit associated with tenant improvement construction or equipment installation. Additionally, companies may be eligible for a rebate of the expedited plan review fee paid as part of a commercial or tenant improvement building permit application. The City will rebate up to \$5,000 of the expedited plan review fee associated with a building permit application. Additionally, City staff will ensure that all efforts are made to provide a 10 business day turn-around for the first submittal of building plans, with all subsequent submittals at 5 business days. Additionally, the City of Tracy will offer advanced team meetings with an applicant prior to plan submittal to ensure that all departments are involved in the initial

application process. Next day inspection services will be available as part of the building permit process to ensure timely completion of construction.

Use Tax Rebate

The City of Tracy may allocate a portion of Use Tax dollars back to an eligible company. Use tax is applicable when an item is purchased (e.g. equipment) for use in California from an out of state retailer; if a city is deemed as the first functional use, the Use Tax would be distributed directly to the agency, rather than through the countywide pooling process. Firms that designate the City of Tracy as the first function use would be eligible for a Use Tax reimbursement of up to 50% conditioned upon a direct public benefit.

Participating companies may request in writing, 45 days after the close of the reporting quarter, a claim for rebate to the City. City staff will verify the claim to ensure the California State Board of Equalization has received the Use Tax allocation. Upon verification, the City will process the appropriate rebate for the participating company as outlined below:

<u>Net New Use Tax Received By the City</u>	<u>Rebate Percentage</u>
Tier 1: \$0 – \$200,000	Up to 20%
Tier 2: \$200,001 - \$500,000	Up to 30%
Tier 3: \$500,001 and greater	Up to 50%

Building & Planning Rebates

A hi-tech company may be eligible for a rebate of a portion of the building, plumbing, mechanical, and electrical permit and plan check fees paid for as part of a commercial or tenant improvement building permit application. The City will rebate 75% of the building permit and plan check fees, up to a maximum of \$20,000, for fees associated with tenant improvement or equipment installation costs. In addition, the fees paid as part of a Development Review application or those associated with other discretionary permits from the Planning Division, may also be eligible for a rebate up to a maximum of \$10,000. Any rebate of Building and/or Planning fees will be contingent upon the issuance of a Certificate of Occupancy.

their workforce by a minimum of 25% with new “Head of Household” jobs to participate in the program. All “Head of Household” jobs must be permanent, full-time positions.

The high wage incentive includes a payment of \$1,000 per eligible employee, per year, for a period of up to 5 years. All jobs created and or/relocated must be maintained for a period of 12 months. Companies must also verify applicable salaries and the required length of employment.

H. City Council Review and Decision

For any financial related incentives, a proposed performance contract will be submitted to the City Council for its review and decision, based on the findings set forth in Section C, Program Guidelines. Approval of a performance contract is within the discretion of the City Council.

A qualified Hi-Tech business may participate in one or all of the above listed incentive categories. All applications to participate in the Hi-Tech Incentive Pilot Program shall be submitted to the Economic Development Division located at 333 Civic Center Plaza, Tracy, CA 95376. Questions about the program or requests for an application may be sent via email to the City of Tracy Economic Development Division: econdev@ci.tracy.ca.us or by calling 209.831.6490.

RESOLUTION _____

APPROVING A HIGH TECHNOLOGY (HI-TECH) INCENTIVE PILOT PROGRAM

WHEREAS, On April 30, 2012, the Council allocated \$300,000 from the Residential Specific Plan (RSP) fund balance towards the development of a business incubator, and

WHEREAS, The City's goal is to contribute to the local economy by increasing the tax base and creating new jobs, and

WHEREAS, A Business Accelerator Feasibility Study was completed on November 30, 2012, and

WHEREAS, The purpose of the Hi-Tech Incentive Program is to increase the viability of current and future Hi-Tech businesses in Tracy, and

WHEREAS, The goals are to attract and encourage Hi-Tech development in Tracy, and provide support to Hi-Tech companies interested in establishing their operations in Tracy, or existing Hi-Tech companies interested in expanding, and

WHEREAS, The four incentives proposed in the program include: (1) Plan Concierge Services & Expedited Plan Review Rebate, (2) Use Tax Rebate, (3) Building and Planning Rebates, and (4) A High Wage Incentive, and

WHEREAS, There is no impact to the General Fund, a total of \$238,483 in RSP (Residential Specific Plan) funds are budgeted for a business incubator program and funds will be re-allocated to the Hi-Tech Incentive Pilot Program;

NOW, THEREFORE, BE IT RESOLVED, That City Council approves a Hi-Tech Incentive Pilot Program.

* * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 5th day of November, 2013, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 4

REQUEST

REVIEW AND DISCUSS COUNCIL FOLLOW-UP PROCEDURE AND PROVIDE STAFF DIRECTION

EXECUTIVE SUMMARY

On October 1, 2013, Council requested that staff review the current Council follow-up procedure and provide options for consideration as it relates to communicating actions taken regarding pending or completed Council referrals. The City Council articulated an objective for more timely responses to its requests.

DISCUSSION

On October 1, 2013, Council directed staff to outline the City Administration's Council follow-up procedure and provide alternative methods to ensure clarity around the request and timely completion of Council referrals. The City Council described concerns over the lack of timeliness to its requests, and asked for methods for improvement. The City's practice is to schedule a Council follow-up meeting the day following a Council meeting. This meeting reviews the actions taken by Council, required internal coordination, and Council referrals. In preparation of the meeting, a Council action summary sheet is developed, which confirms, schedules, and assigns Council follow-up items. A determination is also made as to whether the follow-up item will be communicated to Council via an informational memorandum from the City Manager or by placing an item on the Council agenda. The following section describes the City's practice in more detail.

Summary of Action Sheet:

The City Clerk's Office develops a Council summary document, which outlines all Council actions taken for each agenda item during a Council meeting. This includes Council votes, resolution numbers, a brief description of public, staff, and Council comments, and Council referrals. This serves as an internal planning tool for future Council meeting agendas and a mechanism to document and track Council actions and voting record. Attached is a sample action sheet (Attachment A: Summary of Action).

Council Follow-Up Requests Tracking Form:

The Council Follow-Up Request tracking form tracks Council requests from previous Council meetings and items from the audience that require follow up. The attached Council Follow-Up Request form includes: (1) the name of the requesting party, (2) the Council meeting date, (3) the agenda item number, (4) the request, (5) the staff assigned to respond to that request, (6) the due date, and (7) the status of the item (Attachment B: Council Follow-Up Requests).

Senior staff (including the City Manager, Assistant City Manager, City Attorney, and all

Department Heads) hold a Council Follow-Up meeting every two weeks, the day after each Council meeting to review both the Summary of Actions and the Council Follow-Up Request tracking form. At these Council Follow-Up meetings, action items are discussed, new Council requests are assigned to specific staff members, and due dates are established. These pending items are tracked and discussed at subsequent Council Follow-Up meetings where the status on each item is provided by assigned staff. The action requested remains on the Council Follow-Up tracking form until the item is completed or resolved.

Department Head (DH) Agenda Review Calendar:

If any of the action items listed on the Council Follow-Up tracking form require the subsequent placement of an item on a future Council agenda, that item is added to the Department Head (DH) Agenda Review Calendar (Attachment C: DH Agenda Review Calendar). Senior staff meets every other Tuesday to discuss upcoming Council meeting agenda items to ensure a balanced agenda calendar and prioritization of agenda reports.

The City Council receives a copy of the DH Agenda Review Calendar every two weeks, as an informational item. Please note that the DH Agenda Review Calendar is a planning tool and changes frequently due to a number of factors that impact timing of agenda items.

Options for Council Consideration:

Below are some options for Council consideration to enhance the timeliness of communications of pending Council follow up requests. Council may choose to pursue any one or combination of options listed below.

Option One: Amend the City Council Meeting Procedures to Establish Clear Time Frames for Completion and/or Follow-Up of Council Member's Requests

Under the current Procedures for Preparation, Posting and Distribution of Agenda and the Conduct of Public Meetings ("City Council Meeting Procedures"), upon the concurrence of a majority of the Council that a Council Member's request for an item should be researched and agendaized, the City Manager determines when to place the item on a future agenda based on time necessary to complete the research and staff workload considerations and the effect of City Council established priorities. The City Council Meeting Procedures could be amended to include direction from the City Council on when it would like the item to be placed on a future agenda and/or establish default times for updates. For example, an update on a City Council request could be automatically placed on the City Council agenda every month until completion.

Option Two: Provide a copy of the Council Summary Sheet and Council Follow-Up Request tracking form to Council on a bi-monthly basis

Staff can provide Council with a copy of the summary of action sheet, along with the Council Follow-Up Requests on a bi-monthly basis. Council already receives the DH Agenda Review Calendar on a monthly basis and adding these two additional planning

tools can easily be incorporated. This additional information will enhance communication with Council and provide a status of items being tracked.

Option Three: Other.

Council may determine a different preferred follow-up procedure and timeline.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no fiscal impact with this agenda item.

RECOMMENDATION

It is recommended that City Council review and discuss the Council follow-up procedure.

Prepared by: Maria A. Hurtado, Assistant City Manager

Approved by: R. Leon Churchill, Jr., City Manager

ATTACHMENTS

Attachment A - Summary of Action Items

Attachment B - Council Follow-Up Requests

Attachment C - Department Head Agenda

Attachment D - Resolution 2008-140 and Procedures for Preparation, Posting and Distribution of Agenda and the Conduct of Public Meetings



ATTACHMENT A

City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

CITY MANAGER'S OFFICE

MAIN 209.831.6000
FAX 209.831.6120
www.ci.tracy.ca.us

SUMMARY October 15, 2013

SOUTH COUNTY FIRE AUTHORITY – 5:45 P.M.

4. Approval of Minutes – Regular meeting minutes of July 16, 2013, were approved.
5. RECEIVE AND ACCEPT THE FIRE CHIEF'S INFORMATION UPDATE – Report accepted.
6. ACCEPT A REPORT ON THE SOUTH COUNTY FIRE AUTHORITY EMERGENCY RESPONSE PERFORMANCE FOR THE FIRST QUARTER OF FISCAL YEAR 2013/2014 – Report accepted.

CLOSED SESSION – 6:30 P.M.

7. Report of Final Action - None.

REGULAR MEETING – 7:00 P.M.

1. CONSENT CALENDAR – Following the removal of 1-B by Council Member Rickman it was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - A. Approval of Minutes – Regular meeting minutes of August 20, 2013, were approved.
 - B. Approve a Minor Amendment to the Aspire (formerly Tracy Sierra Development) Apartment Project Planned Unit Development Final Development Plan and Off-Street Parking Space Reduction – The Project is Located on Approximately 10.8 Acres on the North Side of Pavilion Parkway, Northeast of the Intersection of Pavilion Parkway and Power Road – Application Number PUD13-0005 – Applicant is Tracy 300 L.P. – Resolution 2013-163 (Council Member Rickman opposed).
 - C. Acceptance of Yosemite Vista Unit 2, Phase 2, Tract 3495, for Bright Development – Resolution 2013-161.
 - D. Authorize Amendment of the City's Classification and Compensation Plans and Position Control Roster by Approving the Establishment of a Class Specification and Pay Range for a Part-Time, Limited Service Police Range Master in the Police Department – Resolution 2013-162.

2. ITEMS FROM THE AUDIENCE - Tim Heinrich, on behalf of Circle B. Ranch neighbors, addressed Council regarding traffic and safety concerns while entering and exiting the subdivision. Mr. Heinrich asked that the vegetation be trimmed to increase visibility at the two access intersections of the subdivision and that Council consider improvements including lighted crosswalks and traffic signals.

Steve Nicolaou provided Council with a handout from the Secretary of State showing the California Franchise Tax Board suspended Turlock Air Center's powers, rights and privileges on March 1, 2013. Mr. Nicolaou stated based on that suspension, Turlock Air Center is not authorized to do business in the State of California.

Steve Stuhmer, Turlock Air Center, stated he had spoken with the State Board of Equalization and they show him in good standing.

Paul Miles, addressed Council regarding allegations of an illegal agreement with Surland Companies and referenced documents he provided at the October 1, 2013, Council meeting. Mr. Miles stated that denial by staff of an agreement between the City of Tracy and Surland was unacceptable.

Dave Helm provided Council with a document that included a newspaper article, copies of Statements of Economic Interest filed by Mayor Ives, and a copy of a complaint filed with the Fair Political Practices Commission concerning Mayor Ives. Mr. Helm stated he objected to Mayor Pro Tem Maciel's characterization of individuals provided at the October 1, 2013, Council meeting. Mr. Helm provided a history of various Council actions including funds paid to rename a street near the auto dealers, Surland Communities given free wastewater facility usage, Growth Management Ordinance and Residential Growth Allotment process being changed, and fuel sales rates changing.

3. PUBLIC HEARING TO RECEIVE PUBLIC TESTIMONY FOR ANNUAL UNMET TRANSIT NEEDS, CITY OF TRACY, FISCAL YEAR 2013-14 – Report accepted. Mayor Ives asked staff to provide Council with a list of operational needs when the Annual Transit Report is presented.
4. PUBLIC HEARING TO APPROVE AN AMENDMENT TO THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN (SJMSCP) DEVELOPMENT FEE, RESULTING IN AN INCREASE IN FEES FOR 2014 – Resolution 2013-164.
5. PUBLIC HEARING TO INTRODUCE AN ORDINANCE AMENDING THE TRACY MUNICIPAL CODE (ZONING REGULATIONS) REGARDING TIME LIMITS AND EXTENSIONS FOR DEVELOPMENT REVIEW PERMITS (TMC CHAPTER 10.08, ARTICLE 30) – APPLICATION NUMBER ZA13-0002 – Ordinance 1189 was introduced.

6. DISCUSS AND PROVIDE DIRECTION ON THE (1) AIRPORT IMPROVEMENTS AND TIMELINE PRIOR TO FINALIZING THE AIRPORT DESIGN AND LAYOUT PLAN, AND (2) REVIEW ITEMS RELATED TO SAN JOAQUIN COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT AN APPLICATION TO AMEND THE ELLIS SPECIFIC PLAN FROM SURLAND COMMUNITIES, LLC. IS NOT CONSISTENT WITH THE SAN JOAQUIN COUNTY AIRPORT LAND USE COMMISSION'S AIRPORT LAND USE COMPATIBILITY PLAN – Council directed staff to maintain the Airport runway length at 4,002 feet; Council directed staff to pursue the overrule process (Council Member Rickman opposed).
7. ITEMS FROM THE AUDIENCE – None.
8. STAFF ITEMS
 - A. Receive and Accept City Manager Informational Update – Report accepted.
9. COUNCIL ITEMS

Council Member Manne announced that the Pregnancy Resource Center's Annual Fundraising Banquet and silent action is being held Thursday, October 17, at 6:30 p.m., at the Holy Family Center at 12100 W. Valpico Road.

Council Member Rickman wished everyone a safe and happy Halloween.

Council Member Young voiced thankfulness that she would not have to wear the Tracy High jersey any longer.
10. ADJOURNMENT – Time: 11:55 p.m.

**COUNCIL FOLLOW-UP REQUESTS
(Updated 10/15/13)**

	Requesting Party	Council Meeting Date	Item #	Item	Action Requested	Assigned To	Due Date	Status
115	Wayne Schneider	4/16/13	2	Audience	Tracy Sports Hall of Fame	Maria	5/17/13	<ul style="list-style-type: none"> • Staff awaiting plaque from Sports Hall of Fame Group (ETA 10/11) and final determination of its placement in City Hall • Staff recommended preference for installation location: 1) next to Council Chamber door on south end (next to info. table) 2) Below TV next to Council Chamber; 3) Wall next to Chamber exterior doors near fire alarm
83	MPT Maciel	12/6/11	10	Council Items	Discussion item re Code of Conduct for elected officials Communication Policy item	CAO/CM	Jan 2014	<ul style="list-style-type: none"> • Currently scheduled for Jan.
	MPT Maciel	1/17/12	14.A	Council Items				
120	C.M. Rickman	7/16/13	3	Regular	Wastewater Rates – When award of the construction contract returns for Council consideration, include in staff report both “authorization to award contract” and “discuss whether or not to modify rate table”	Dave F - Steve B	Feb 2014	Award of contract anticipated for February

	Requesting Party	Council Meeting Date	Item #	Item	Action Requested	Assigned To	Due Date	Status
122	Resident	9/3/13	4	Regular	Resident requested follow up of public health issues at 1690/1700 Duncan Drive: 1) garbage/leaves in gutter blocking storm drain causing flooding; 2) burning household garbage in fireplace on no burn days; 3) swarms of termites emanating from residence.	Andrew/Ana	10/1/13 Proposed new due date (10/31)	<ul style="list-style-type: none"> • 1690 Duncan –final load to be removed by 10/22 which will close the case • 1700 Duncan - Several attempts have been made to inspect property; owner uncooperative • Working to obtain necessary documents to submit inspection warrant; expected by end of Oct. • Waiting for affidavits from neighbors • Staff updating resident throughout process
124	C.M. Rickman	10/1/13	6b	Council Items	Agenda item re process for Tracking Council requests (9/17 Council consensus to direct staff to return with discussion item)	Maria	11/5/13	Report to address: current process for tracking items; identify possible gaps; receive input from Council on how frequently feedback is provided to Council

125	Council	10/15/13	3	Regular	Council requested a list of operational needs when the Annual Transit Report is provided. Concerns raised at meeting: Bus stop by DMV is located at the intersection, paint the curbs red where the bus stop are located, buses don't have the diamond E license plates on them, drivers driving too fast and slamming on the brakes, Winco bus stop, needs cement, Boys and Girls Club stop, no sidewalk to Tracy Blvd., mistreatment of ADA passengers, drivers say that wheelchair passengers are causing them to be late, inconsistent application rules (cell phones, open containers, etc.)	Ed L.	12/3/13	Item scheduled for Dec. 3
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ATTACHMENT C: Department Head (DH) Agenda Review

(Distributed 10/31/13)

DEPARTMENT DIRECTOR AGENDA REVIEW MEETINGS

1st and 3rd Tuesday

November 5, 2013, 9:00 a.m. - 12 noon

Room 109, City Hall

Guest Facilitator: Kul Sharma
Council Meeting Agenda Review
Group Calendar Review
Department Director Roundtable
City Manager's Items

**OCTOBER 29 – SINGLE TOPIC ITEM – Enterprise Resource Planning System (ERP) Demo
9:00 a.m. – 9:20 a.m. - Council Chambers**

NOVEMBER 5, 2013 - CLOSED SESSION – 5:30 p.m.

NOVEMBER 5, 2013 - CC REGULAR MEETING – 7:00 p.m. (Items due 5:00 p.m. 10/24)

- PRESENTATIONS - Employee of the Month – CCO
- Proclamation – National Law Enforcement Records and Support Personnel Day – CCO
- Proclamation – Pancreatic Cancer Awareness Month – CCO
- Proclamation - Homeless Youth Awareness and Runaway Prevention Month – CCO
- Proclamation – Eden Housing 45th Anniversary - CCO
- D.A.R.E. Certificates of Recognition

CONSENT

1. Authorize an amendment of the City's Classification & Compensation Plan reinstating a full-time Box Office Coord and reallocating an Admin. Asst. II and Cultural Arts Manager-Performing Arts to a Box Office Coordinator position – CMO/Cul Arts
2. Acceptance of the Senior Center Recreation Area – CIP 78138 - DS
3. Amend PSA w/Kimley Horn re Tracy Hills – DS
4. Award a Construction contract re Larch Rd. Storm Water Pump Upgrades – CIP 76054 – DS
5. Approve Minor FDP Amendment re Barnes & Noble/Sports Authority - DS
6. Award Bid for Triple-Combination Fire Pumper – FD
7. Authorization to Waive the Competitive Bidding Process for Centrifuge Rental Services – PW
8. Approve a MOU between the San Joaquin Law Enforcement Agencies to Participate in The Office of Traffic Safety "Avoid the 10" DUI Campaign - PD

REGULAR

1. Approve a High Tech Incentive Package – CMO/DS
2. Second Read Ordinance 1189 - CCO

STAFF

COUNCIL

(Distributed 10/31/13)
DEPARTMENT DIRECTOR AGENDA REVIEW MEETINGS
1st and 3rd Tuesday
November 5, 2013, 9:00 a.m. - 12 noon
Room 109, City Hall

NOVEMBER 19, 2013 – CLOSED SESSION – 5:30 p.m.

NOVEMBER 19, 2013 - CC REGULAR MEETING – 7:00 p.m. (Items due 5:00 p.m. 11/7)
- City Manager Report – Info due to Vanessa 12:00 p.m. 11/13/13
- PRESENTATIONS -

CONSENT

1. Approve Annual Report of Development Impact Fee Revenues and Expenditures, and Making Findings as to Unexpended Funds – ASD/CAO
2. Approve Public Hwy Overpass Crossing Agreement re Maintenance of Eleventh St. Bridge w/UPRR – DS
3. Rescind Resolution and Approve new Agreements w/PG&E re WSID facility relocation – DS
4. Approve Amendment to PSA w/Kimley Horn re Cordes Ranch - DS
5. Amend OIA Storm Drainage Improvement re Gateway – DS
6. Appropriation of Additional CDBG Funding FY 2013-14 – DS
7. Approve Amendment 3 to PSA w/Drake Haglan re Eleventh St. Overhead Bridge - DS
8. Approve MOU w/Women's Center Youth & Family Services – PD
9. Authorize the City Manager to Reallocate Funds for Two Part-Time Facility Attendant Positions, One Part-Time Clerical Aid Position, and One Part-Time Recreation Leader III Position , and Add One full-time Recreation Coordinator I Position to the Public Works, Community Facilities Division – PW
10. Approve Extension of a Lease Agreement w/Mizuno Farms re property at Eleventh St., & Chrisman Road - PW
11. Approve Amended City of Tracy, Sports Field Reservation Handbook – PW

REGULAR

1. PH – Adoption of Fire Code Amendments- DS
2. PH – Adopt City-Wide Development Impact Fees – DS
3. PH – Charging Station Fees - PW

STAFF

1. City Manager Report

COUNCIL

(Distributed 10/31/13)
DEPARTMENT DIRECTOR AGENDA REVIEW MEETINGS
1st and 3rd Tuesday
November 5, 2013, 9:00 a.m. - 12 noon
Room 109, City Hall

DECEMBER 3, 2013 – CC WORKSHOP – Ratepayer Workshop – 5:00 p.m.
DECEMBER 3, 2013 – CLOSED SESSION – 6:00 p.m.
DECEMBER 3, 2013 - CC REGULAR MEETING – 7:00 p.m. (Items due 5:00 p.m. 11/21)
- **PRESENTATIONS - Employee of the Month**
- **YAC Annual Report**

CONSENT

1. Approval of US Bureau of Reclamation Interim Renewal Contracts for Water Service - PW
2. Approve PSA re Facility Reservation Software System for hosted licensing, training and implementation services – PW
3. Acceptance of the Twelfth Street Sidewalk Improvements – CIP 73132/73134 - DS

REGULAR

1. Approve Annual Transit Report – PW
2. Intro Ordinance Chapter 3.12 re Preferential Parking - DS
3. Accept Comprehensive Annual Financial Report (CAFR) for FY Ended 6/30/13 and Budget Update – ASD

STAFF

COUNCIL

DECEMBER 17, 2013 – FISCAL REVIEW WORKSHOP – 5:00 p.m.
DECEMBER 17, 2013 – CLOSED SESSION – 6:00 p.m.
DECEMBER 17, 2013 - CC REGULAR MEETING – 7:00 p.m. (Items due 5:00 p.m. 12/05)
- **City Manager Report – Info due to Vanessa 12:00 p.m. 12/11/13**
- **PRESENTATIONS -**

CONSENT

1. Acceptance of Offsite Improvements re McDonald's – DS
2. Approve MRF Budget – PW
3. Approve Licensening Agreement for ERP System – CIP 79411 – ASD
4. Award a Construction Contract re Slurry Seal Project (FY 2012-13) – CIP 73130B – DS
5. Award a Construction Contract re Tracy Blvd. Overlay Project – CIP 73130A – DS

REGULAR

STAFF

1. City Manager Report

(Distributed 10/31/13)
DEPARTMENT DIRECTOR AGENDA REVIEW MEETINGS
 1st and 3rd Tuesday
 November 5, 2013, 9:00 a.m. - 12 noon
 Room 109, City Hall

COUNCIL

Highlighted items have been received by the City Manager

No.	Target Meeting Date	Agenda Item	Agenda Placement
1.	Jan. 2014	Council Protocol – CAO/CMO Council Vacancy Options – CAO/CMO	Regular
2.		Recognize Employee of the Year - CCO	Presentation
3.		PH – Approve the PD’s Recommendation to Appropriate Monies Received Through the Public Safety “Cops” Grant Program – PD	Regular
4.		Strategic Priorities Update – CMO	Regular
5.		Approve Recognized Obligation Payment Schedule (ROPS) – ASD	Consent
6.	Jan. 14, 2014	South County Fire Authority Meeting	Regular Meeting
7.	Jan. 20	Measure E Residents’ Oversight Committee	Regular Meeting
8.	Jan. 21	Joint Workshop – Council/Parks & Community Services	Special
9.	Feb. 2014	PH – Consider Allocation of CDBG and Home Funds for FY 14-15 – DS	Regular
10.		FY 13-14 Mid-Year Budget Update – ASD	Regular
11.		Authorization to submit Annual Claim to State of CA through SJCOG for TDA Funds for 12/13 – PW	Consent
12.		Approve MOU re Aquatic Center – DS	Regular
13.	March	Annual Police Department Report - PD	Regular

(Distributed 10/31/13)
DEPARTMENT DIRECTOR AGENDA REVIEW MEETINGS
 1st and 3rd Tuesday
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Room 109, City Hall

14.		Approve Annual Alcohol Permit for Special Events – PW	Consent
15.		Authorize Amendment to Conflict of Interest Code – CCO	Consent
16.	April	CIP Workshop FY 14-15 - ASD	Workshop
17.	Apr. 15	Measure E Residents Oversight Committee	Regular Meeting
18.	June	Annual Investment Policy Review – ASD	Consent
19.		Measure E Residents' Oversight Committee Annual Report – ASD	Regular
20.	July	Strategic Priorities Update – CMO	Regular
21.		Council Designation of Voting Delegate and up to Two Voting Alternates for the League of California Cities - CCO	Council
22.	August	Appoint YAC Commissioners – CMO/Rec	Consent
23.		Council Determine their position on Resolutions to be considered at the Business Meeting of the LOCC Annual Conference - CCO	Council

UPCOMING GUEST FACILITATORS	
11/19/13	Dan Sodergren
12/03/13	David Ferguson
12/17/13	Jenny Haruyama
01/07/14	Gary Hampton
01/21/14	Leon Churchill
02/04/14	Maria Hurtado
02/18/14	Andrew Malik
03/04/14	Al Nero

RESOLUTION 2008-140

RESCINDING RESOLUTION 2007-258 AND
ESTABLISHING UPDATED COUNCIL POLICIES AND PROCEDURES

WHEREAS, On November 6, 2007, the Council adopted Resolution 2007-258 which revised the "Procedures for Preparation, Posting and Distribution of Agenda and the Conduct of Public Meetings, and

WHEREAS, On July 15, 2008, Council desired to modify the Procedures related to, Public Access to Materials Distributed after the Agenda has been Posted or at Council Meetings, Non-agendized Items, and Presentations to the Council, and

WHEREAS, There is no fiscal impact to the General Fund;

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby rescinds Resolution 2007-258 and adopts the "Procedures for Preparation, Posting and Distribution of Agenda and the Conduct of Public Meetings" attached as Exhibit "A."

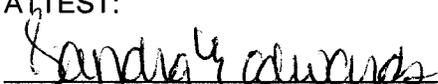
* * * * *

The foregoing Resolution 2008-140 was adopted by the Tracy City Council on the 15th day of July 2008, by the following vote:

AYES:	COUNCIL MEMBERS:	ABERCROMBIE, SUNDBERG, TOLBERT, TUCKER, IVES
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE



 Mayor

ATTEST:


 City Clerk

**PROCEDURES FOR PREPARATION, POSTING
AND DISTRIBUTION OF AGENDA
AND THE CONDUCT OF PUBLIC MEETINGS**
(Exhibit "A" to Resolution No. 2008-140; July 15, 2008)

Applicability

The procedures outlined below relating to the preparation, posting and distribution of agendas applies to the City Council, the Community Development Agency, the South County Fire Authority, the Public Facilities Corporation, the Tracy Operating Partnership Joint Powers Authority, and all City Boards, Commissions, and Committees. The procedures outlined below relating to the conduct of Council meetings apply only to the City Council. All City Council meetings shall be open to the public; however, the City Council may hold closed sessions as authorized by state law.

A. Preparation, Posting and Distribution of Agenda

Purpose of Agenda

The agenda process serves four purposes:

- As a communication mechanism, the agenda informs City staff, City Council, the public and the press.
- As a compliance mechanism, the agenda process ensures compliance with mandated state laws.
- As a decision-making mechanism, the agenda process regularly brings City business to the City Council for consideration and action. Agenda items should contain enough background information so City Council can obtain a full understanding of the issues. The agenda item should conclude with a staff recommendation so City Council has the benefit of staff input prior to making a final decision.
- As a historical reference that can be kept as a record of proceedings and actions as needed for future actions and/or litigation.

Agenda

As set forth above, the purpose of the agenda is to provide a framework within which Council meetings can be conducted and to effectively implement the approved Council programs, goals and budget. Staff shall work within the policies established by Council and not place matters on the agenda that are outside the scope of existing work programs and priorities except as approved by a majority of the Council, or to inform the Council of matters necessary to the proper operation and well-being of the City.

The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting.

Distribution of Agenda

At a minimum the posting and distribution of all agendas shall be done in accordance with the Ralph M. Brown Act ("Brown Act") (California Government Code sections 54950 et seq.). Agendas for regular meetings shall be posted 72 hours prior to the meeting; special meeting agendas shall be posted not less than 24 hours prior to the meeting. All agendas shall be posted in the following locations: City Hall, the Community Center, the library, the City's website, and other locations as may be required by a particular Board or Commission's Bylaws. Posting of agendas at City Hall shall be the official location for purposes of Brown Act compliance.

The agenda packets are provided to City Council Members on the Thursday (or Friday) prior to City Council meeting. Distribution to the staff, public and media shall occur immediately after distribution to the City Council. The City will provide, by mail, a copy of the agenda cover sheet and the specific item relating to any individual and/or company which has an item on any given Council agenda.

Agenda subscriptions are available from the receptionist at City Hall, 333 Civic Center Plaza, Tracy, (Tel: 209/831-6000). A paperless version of the agenda is available at a cost of \$2 per disc; a paper copy costs \$35 per month (\$17.50 per agenda) to be pre-paid not less than 10 days prior to any regular Council meeting. A full copy of the agenda shall be provided in an indexed binder and shall be available for review by the public at City Hall during normal operating hours. Copies of individual agenda items will be provided at a cost of \$.15 per page. Copies of the agenda are also available at the Library and the agenda is posted on the City's website www.ci.tracy.ca.us.

Public Access to Written Materials after the Agenda has been Posted or Distributed at Council Meetings

On occasion, Council may receive written materials either after the Agenda has been posted or at a Council meeting. These written materials are typically related to an agenda item or handed out during Items from the Audience. Once the Council receives these written materials they become a public record. A copy will be kept in a file at the City Clerk's Office and posted on the City's website under "Materials Distributed at Council Meetings" 48 hours after the Council meeting.

B. Conduct of Council Meetings

Council Meetings

Council meetings are held on the first and third Tuesdays of the month, unless the meeting date falls on a holiday as defined in California Government Code Section 6700. No meeting shall be held on such a holiday, but a regular meeting shall be held at 7:00 p.m. on the next business day thereafter, as required by California Government Code Section 54954. Special meetings are scheduled as necessary.

Council meetings are broadcast live on Channel 26. Reruns of the preceding Council meeting are shown every Wednesday at 8:00 p.m. and every Saturday at 9:00 a.m. on Channel 26. Videotapes and DVD recordings of City Council meetings are available. Videotapes cost \$3 per tape and DVDs cost \$2.

Order of Business

The suggested order of business of Council meetings shall be as follows. However, the City Manager may make exceptions to the order as needed.

1. Roll Call
2. Pledge of Allegiance
3. Invocation
4. Proclamations and Awards
5. Consent Calendar
6. Items from the Audience
7. Continued Public Hearings
8. New Public Hearings
9. Regular Items including Introduction and Second Readings of Ordinances
10. Items from the Audience
11. Staff Items
12. Council Items
13. Adjournment

The regular order of business may be changed or suspended for any purpose at any particular meeting by the Mayor.

The Council may determine whether it will consider any new items after 11:00 p.m. and shall determine which specific items will be considered. If an item is continued due to the lateness of the hour, the item shall be automatically placed on the agenda for the next regularly scheduled City Council meeting unless otherwise scheduled by motion action of the Council.

Consent Calendar

All items listed on the Consent Calendar are considered to be routine matters or consistent with previous City Council direction. One motion, a second and a roll call vote may enact the items listed on the Consent Calendar. There will be no separate discussion of Consent Calendar items unless members of the City Council, City staff or the public request discussion on a specific item at the beginning of the meeting.

Public Access/Items from the Audience

It is the policy of the City Council that members of the public be allowed to address the Council on any agenda item or other matter within the Council's jurisdiction. Each member of the public will be allowed a maximum of five (5) minutes for public input or testimony. At the Mayor's discretion, additional time for testimony may be granted. Individuals addressing the Council shall state their names and addresses for the record, to ensure accuracy in the minutes and for contact information. The public shall be given an opportunity to speak on "Items of Interest to the Public." Agendas for regular meetings will have two opportunities for "Items from the Audience." The first opportunity will be limited to a 15-minute maximum period. The second opportunity will not have a maximum time limit. The five (5) minute maximum time limit per speaker will apply to all "Items from the Audience." The City Clerk shall be the timekeeper.

Non-Agendized Items (Items from the Audience and Council Items)

No matters, other than those on the posted agenda, shall be acted upon by the Council. However, items may be added to the agenda (such as emergency matters) as permitted in the Brown Act. Brief announcements, brief responses or questions for clarification, may be made to statements or questions raised on items not on the agenda.

Action on any item not on the agenda shall be deferred until the item is properly listed on the agenda for a subsequent Council meeting unless added due to an immediate need as permitted under state law.

Council Member Request for Matters to be Discussed by Council

The intent of this policy is to provide an orderly means through which an individual Council Member can raise an issue for discussion and possible direction by the City Council. The policy described below has two parts. The first part is to enable the Council Member to place a matter in front of the Council. The second part is to enable the Council to determine whether staff time should be spent on the issue.

Part 1: Council Members wishing to have a matter discussed by the City Council may do so by one of two means:

1. During a Council meeting, under "Council Items," a Council Member may request that a matter be placed on a future agenda for discussion. The Council Member will state the meeting date for which he/she wishes the item to be agendized.
2. In advance of a Council meeting, a Council Member may contact the City Manager, or his/her designee, via telephone, email, or in person and convey the desired title of the agenda item and desired meeting date. The desired title must be conveyed before 12:00 p.m. on the Wednesday prior to the Council meeting. This will give the City Clerk's Office time on the following Thursday to finalize the agenda and post it within the required timeframe. Requests received after this deadline shall be placed on the agenda for the following regularly-scheduled meeting. The item will then be added under the "Council Items" section of the agenda in the order it was received. It is the Council Member's option to prepare a one page summary report for the City Clerk's Office to include in the Council agenda packet. The one page summary will identify the Council Member who made the request and briefly describe the nature of the item.

Staff will not spend time preparing any reports or analyses on the requested item. The only staff assistance provided at this initial stage would be to help the Council Member frame the issue, if needed, so that the Council and public clearly understand the request.

Part 2: Consideration of the Council Member's Request: When the item is called at the Council meeting, the Council Member who made the request will describe the item. The Council discussion will be limited to determining whether staff time and City resources should be spent researching the particular agenda item and whether to direct staff to conduct further analysis on the item. Council will not take action on the item itself.

Concurrence that staff time and City resources will be devoted to the item does not signify approval of the item. It only indicates that the Council wishes to have it studied further. Additionally, the Council may, at any time, decide to drop the matter, even after the matter has been analyzed by staff.

Upon the concurrence of a majority of the Council that the item should be researched and agendized, the City Manager will determine when to place the item on a future agenda based on time necessary to complete the research and staff workload considerations and the effect on City Council established priorities.

Members of the Public - Request for Agenda Items

When a member of the public raises an item at a Council meeting which requires attention, such items shall be referred to staff for follow-up. If the requesting member of the public is not satisfied with staff's response to his/her question, the member of the public may request a Council Member to sponsor his/her item for discussion at a future Council meeting. In such cases, the sponsoring Council Member shall follow those procedures described under "Council Member Request for Agenda Items." Placing an item from a member of the public on a Council agenda does not imply or guarantee a decision or action different from that taken by staff in the initial follow-up to the question or request.

Public Hearings

Public hearings are required for a variety of City Council actions such as most changes to the Tracy Municipal Code, zoning revisions, some annexations, street vacations, weed abatement, liens, fee increases, etc. Whenever the law provides that publication of a notice shall be made, such notice shall be published in a newspaper of general circulation for the period prescribed, the number of times, and in the manner required. Each speaker will be allowed a maximum of five (5) minutes for public input or testimony. At the Mayor's discretion, additional time for testimony may be granted. The City Clerk shall be the timekeeper.

Presentations to the Council

Letters and written communications: 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. Letters submitted with a request that they be read into the record will be done so only upon a request of the majority of the Council.

PowerPoint (or similar): Staff and members of the public who wish to make PowerPoint, Video or similar presentations to the Council will utilize the City's audio/visual equipment. Staff and members of the public are required to provide the City Clerk's Office with the DVD/CD/Video (or email copy) of the presentation no later than 24 hours prior to the Council meeting.

Additionally, eight (8) hard copies of the presentation material shall be provided to the City Clerk's Office for inclusion in the record of the meeting and for distribution to Council, City Attorney and City Manager.

Americans with Disabilities Act

The City of Tracy is in compliance with the Americans with Disabilities Act and will make all reasonable accommodations for the disabled. To allow for such reasonable accommodations, persons requiring assistance or auxiliary aids to participate at a City meeting, should contact the City Manager's Office at (209) 831-6000 at least 24 hours prior to the meeting.

Workshops

The purpose of a workshop is to inform the policy body on complex issues. Workshops provide an opportunity for the Council to review documents and request additional information. However, no final Council action shall be taken on workshop items.

Procedure for Invocations

Any member of the public who wishes to offer an invocation prior to the opening of a regular City Council meeting shall contact the City Clerk. The City Clerk shall select a mutually agreeable City Council meeting date for the invocation.

Minutes

The City Clerk's office shall be responsible for the preparation and distribution of the Council minutes. The minutes shall be summary minutes and shall reflect the sense of the discussion and any action taken, or recommendation made, with respect to each item considered at the meeting. A written report or written communication presented at a City Council meeting will be referenced in the minutes with the name and title of the author, date of the report or communication, subject of the communication or title of report, and the action taken on the matter. Unless a reading of the minutes is requested by a Council Member, the minutes may be approved as a Consent Calendar item.

No minutes or written record of closed sessions of the City Council shall be kept, except as required by state law or as directed by the majority vote of the City Council. The Council shall report at a public meeting any action taken in closed session, as required by Government Code Section 54957.1.

The City Clerk shall include a report on posting of the agenda in the minutes.

Rules of Decorum – Enforcement

While the Council is in session, all persons shall preserve the order and decorum of the session. The standards of order and decorum shall be governed by common sense. Any person who disrupts the orderly course of the meeting is guilty of an infraction and may be called out of order by the Mayor and barred from further participation during that session of the Council in accordance with the Brown Act and the California Penal Code.

(Exhibit "A" to Resolution No. 2008-140)

November 5, 2013

AGENDA ITEM 5

REQUEST

SECOND READING AND ADOPTION OF ORDINANCE 1189 AN ORDINANCE OF THE CITY OF TRACY AMENDING TRACY MUNICIPAL CODE SECTIONS 10.08.4020 (ACTION BY COMMUNITY DEVELOPMENT DIRECTOR) AND 10.08.4080 (TIME LIMITS) REGARDING DEVELOPMENT REVIEW APPROVALS AND ADDING SECTION 10.08.257, DEFINITION OF DIRECTOR

EXECUTIVE SUMMARY

Ordinance 1189 was introduced at the Council meeting held on October 15, 2013. Ordinance 1189 is before Council for a second reading and adoption.

DISCUSSION

Ordinance 1189 was introduced at the Council meeting held on October 15, 2013, to amend Tracy Municipal Code Sections 10.08.4020 (Action by Community Development Director) and 10.08.4080 (Time Limits) regarding development review approvals and adding Section 10.08.257, Definition of Director. The proposed amendment will increase the time limit for the life of the development review permit and establish provisions for permit extensions, creating flexibility in the duration of development review approval and allowing for extensions of time if the applicant does not obtain a building permit prior to development review expiration.

Ordinance 1189 is before Council for a second reading and adoption.

STRATEGIC PLAN

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

FISCAL IMPACT

None.

RECOMMENDATION

That Council adopt Ordinance 1189 following its second reading.

Prepared by: Adrienne Richardson, Deputy City Clerk

Reviewed by: Sandra Edwards, City Clerk

Approved by: R. Leon Churchill, Jr., City Manager

ATTACHMENTS

Attachment A – Ordinance 1189

ORDINANCE 1189

AMENDING TRACY MUNICIPAL CODE SECTIONS 10.08.4020 (ACTION BY
COMMUNITY DEVELOPMENT DIRECTOR) AND 10.08.4080 (TIME LIMITS)
REGARDING DEVELOPMENT REVIEW APPROVALS
AND ADDING SECTION 10.08.257, DEFINITION OF DIRECTOR

The City Council of the City of Tracy ordains as follows:

SECTION 1. A new Section 10.08.257, Director, is added to the Definitions of Title 10.08 (Zoning Regulations) of the Tracy Municipal Code to read as follows:

“10.08.257 Director.

“Director” means the City’s Director of Development Services or his or her designee. It includes any former title for the position, such as community development director.”

SECTION 2. Section 10.08.4020, Action by the Community Development Director, of the Tracy Municipal Code is amended and renamed to read as follows:

“10.08.4020 Hearing and application. The Director shall schedule a noticed public hearing on the extension. After considering the application and the information received at the hearing, the Director shall approve, conditionally approve or deny the application. The Director may instead refer the application to the Planning Commission for decision.”

SECTION 3. Section 10.08.4080, Time Limit, of the Tracy Municipal Code amended and renamed to read as follows:

10.08.4080 Time Limits; Extensions.

(a) Time limits. A development review permit approval lapses two years after the date it became effective unless: (1) by condition of the permit a greater time is allowed, up to three years, based on the size, complexity or other project characteristics; or (2) a building permit is issued and construction is begun and diligently pursued toward completion.

(b) Extensions.

(1) The development review permit is automatically extended (without separate notice or public hearing) for a corresponding period of time if the Planning Commission approves extension of a conditional use permit for the same project, under Section 10.08.4250.

(2) The property owner may apply for one or more extensions before the development review permit has lapsed. Submittal of the application for extension together with the application fee suspends the expiration date until the decision on the extension, and the City will not issue a building permit during the period of suspension.

(3) The approval body for the original permit shall conduct a public hearing. If the original approval body was the Director, he or she may refer the extension request to the Planning Commission for a public hearing and decision.

(4) The Director (or Planning Commission upon referral) may approve an extension for up to three years if it finds there are no substantial changes in: (i) the project; or (ii) the circumstances, City policies, standards, or law that affect the approval.

(5) The decision may be appealed under Section 10.08.4040.”

SECTION 4. This ordinance applies to any unexpired development review permit at the time this ordinance takes effect, automatically extending the period of initial approval to a total of two years.

SECTION 5. The City Council finds that this Tracy Municipal Code Amendment is not subject to CEQA under CEQA Guidelines Section 15061(b)(3), which applies to projects that do not have the possibility to have a significant effect on the environment.

SECTION 6. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 7: This Ordinance shall be published once in the Tri-Valley Herald, a newspaper of general circulation, within 15 days from and after its final passage and adoption.

The foregoing Ordinance 1189 was introduced at a regular meeting of the Tracy City Council held on the 15th day of October, 2013, and finally passed and adopted by said Council at its regular meeting on the ____ day of _____, 2013, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK