

Tuesday, January 4, 2011, 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. Individuals addressing the Council should state their names and addresses for the record, and for contact information. "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. The five minute maximum time limit for each speaker applies to all "Items from the Audience." Any item not on the agenda, brought up by 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 citizens address the Council, speakers should be as specific as possible about their concerns. If several speakers 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

Swearing In – Alford Nero, Fire Chief

1. CONSENT CALENDAR

- A. Minutes Approval
- B. Award a Construction Contract to Goodland Landscape Construction of Tracy, California, for the Lincoln Park and Gazebo Renovation Project - CIP 78123 & 78126, and Authorize the Mayor to Execute the Contract
- C. Award a Construction Contract to Martin General Engineering of Rancho Cordova, California, for the Parks Hard Courts Resurfacing Project - CIP 78111 & 78121, and Authorize the Mayor to Execute the Contract
- D. Authorization of Cell Phone Allowances and Temporary Use of City Cell Phone Instruments by Employees
- E. Authorization of Amendment No. 1 to Professional Services Agreement with West Yost Associates for Aquifer Storage and Recovery Demonstration Project – Phase 1, Approval of a Negative Declaration and Authorization for the Mayor to Execute the Amendment
- F. Authorize the Appointment of Five Youth Commissioners to the Youth Advisory Commission
- G. Authorization to Enter into Cost-Sharing Agreement Between the City of Tracy and the California Department of Transportation for the Maintenance of California State Highway Electrical Facilities; and Authorization for the Mayor to Sign the Agreement
- H. Authorization of a Supplemental Appropriation in the Amount of \$28,382 from the Sewer Fund for the City's Share of Costs for Preparation of a Basin Plan Variance for Salinity
- I. Acceptance of the Overlay & Chip Seal of Various City Streets Project (FY 2009-10) – CIP 73117, Completed by International Surfacing Systems of Sacramento, California, and Authorization for the City Clerk to File the Notice of Completion
- J. Acceptance of the Slurry Seal Project (FY 2009-10) - CIP 73117, Completed by Graham Contractors, Inc. of San Jose, California, and Authorization for the City Clerk to File the Notice of Completion

- K. Adoption of a Resolution Authorizing the Execution of Two Agreements with the State Board of Equalization for the Administration of the City's Special Half Cent Sales Tax and Approval of a Supplemental Appropriation of \$40,000 from the General Fund to Cover the Board's Expense in this Regard
- L. Adoption of a Resolution Approving First Amendment to Retail Incentive Program Agreement with General Growth Properties

2. ITEMS FROM THE AUDIENCE

3. CITY COUNCIL'S INPUT AND APPROVAL OF THE FINAL DESIGN DEVELOPMENT PACKAGE FOR THE AQUATIC CENTER - CIP 78054, APPROVAL OF AMENDMENT 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RJM DESIGN GROUP, INC. FOR ADDITIONAL DESIGN AND CONSTRUCTION RELATED SERVICES FOR THE AQUATIC CENTER, AND AUTHORIZATION FOR THE MAYOR TO EXECUTE THE AMENDMENT

4. AUTHORIZATION TO WAIVE THE REQUEST FOR PROPOSAL PROCESS AND ENTER INTO NEGOTIATIONS WITH COMBINED SOLAR TECHNOLOGIES, INC. A FOR GREEN ENERGY AND THERMAL DESALINATION PROJECT FEASIBILITY AGREEMENT

5. ITEMS FROM THE AUDIENCE

6. COUNCIL ITEMS

- A. Review Appointments to Council Subcommittees

7. ADJOURNMENT

November 3, 2010, 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 given by Pastor Brian Clark, Journey Christian Church.

Roll call found Council Members Abercrombie, Maciel, Tolbert, Mayor Pro Tem Tucker and Mayor Ives present.

Leon Churchill, Jr., City Manager, presented the Employee of the Month award for November 2010, to Andrea Cipponeri, Administrative Assistant II, Development and Engineering Services Department.

Mayor Ives presented a proclamation to John Treantos, American Legion Commander, and Vaughn Gates, VFW Commander proclaiming November 11, 2010, as Veterans Day.

Mayor Ives presented a proclamation to Melissa Mullin, Street Outreach Program Manager, Family and Youth Services of San Joaquin County, proclaiming November as Homeless Youth Awareness and Runaway Prevention Month in Tracy.

Mayor Ives and Council Member Abercrombie presented Certificates of Recognition to D.A.R.E. student graduates.

1. CONSENT CALENDAR – It was moved by Council Member Abercrombie and seconded by Council Member Maciel to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - A. Minutes Approval – Closed session minutes of October 19, 2010, were approved.
 - B. Approve the Submittal of Functional Classifications for Local Streets and Roads to the State of California, Department of Transportation to Update the California Road System (CRS) Records – Resolution 2010-175 approved submittal of the local streets and roads.
2. ITEMS FROM THE AUDIENCE - Brian Van Lehn, 540 Winston Court, addressed Council regarding readings he has conducted concerning his noise issues with Leprino Foods. Mr. Van Lehn indicated the noise readings have been over 70 decibels. Mr. Van Lehn requested that any future readings by staff be conducted at the property line.

Paul Miles, 137 Mansfield, addressed Council responding to a prepared statement given by Council at the October 19, 2010, meeting. Mr. Miles indicated the prepared statement was incorrect. Mr. Miles requested that his comments be included in the minutes of this meeting.

November 3, 2010

City of Tracy
City Council
333 Civic Center Plaza
Tracy CA 95376

I write to address the prepared statement approved by this Council in closed session and delivered by Mr. Ives on Oct 5, 2010. This statement refers to allegations I have made of criminal misconduct on the part of the Tracy Police. Misconduct that includes, but is not limited to:

- Documented falsification of facts in official police reports
- Addition of further false statements and concealment of crimes by internal investigators
- Failure of the Tracy Police to respond to formal complaints

These are criminal offenses (California Penal Code §118.1, §32, §832.7). Perjury (§118.1) is a felony.

The prepared statement issued by this Council, which indicated that my allegations of criminal misconduct on the part of the Tracy Police are unfounded, is false. Each member of this Council had knowledge, or should have had knowledge had they exerted due diligence in examining the materials provided to them on April 28, 2010, that the allegations are fully supported by the testimony of multiple witnesses and by records (or by the absence thereof) within the Tracy Police Department.

By issuing this statement, this Council has moved beyond negligently failing to investigate complaints, and has taken an overt action to conceal crimes and to help the principles in these crimes evade justice. I emphasize that these crimes are not Civil Code violations, but Penal Code violations – and that they strike at the heart of our justice system: police integrity.

California Penal Code §32 states: Every person who [...] harbors, conceals or aids a principal in [a] felony, with the intent that said principal may avoid or escape from arrest, trial, conviction or punishment, having knowledge that said principal has committed such felony [...], is an accessory to such felony.

California Penal Code § 182(a)(5) further states: If two or more persons conspire to [...] commit any act injurious to the public health, to public morals, or to pervert or obstruct justice, or the due administration of the laws [...] they shall be punishable by imprisonment [...] or by a fine...

There is no exemption to these laws for Mayors or City Council Members.

My only request of this Council has been that you initiate an independent investigation of well-documented allegations that City Staff and the Tracy Police have failed to address. Rather than do so, this Council has chosen to deceive the people of Tracy, and – by any reasonable interpretation – to violate the law. The reason for this is very simple: an independent investigation would almost certainly confirm every allegation I have made

This Council owes an explanation of your actions to the People of Tracy. Moreover, each of you needs to carefully consider whether or not you have served the people of Tracy with honesty and integrity, and indeed, whether it is possible to serve with integrity under your current leadership. My opinion is clear: each of you should resign and make room for responsible, adult governance that obeys and supports the laws of the State of California.

(Signed)
Paul Miles
Tracy, CA

(Attached)

- Prepared statement issued by Mayor Ives
- April 23, 2010 letter to City Council

3. PUBLIC HEARING TO CONSIDER A REZONING FROM MEDICAL OFFICE TO MEDIUM DENSITY CLUSTER AND GENERAL PLAN MAP AMENDMENT FROM OFFICE TO RESIDENTIAL MEDIUM OF TEN LOTS (APPROXIMATELY 2.3 ACRES) ON THE SOUTH SIDE OF CARLTON WAY AND EAST AND WEST SIDES OF BESSIE AVENUE; THE APPLICANT IS YUSU HSIUNG; APPLICATION NUMBERS R10-0002 AND GPA10-0001 - Alan Bell, Senior Planner, presented the staff report. Mr. Bell stated that the proposal was to rezone ten lots from Medical Office (MO) to Medium Density Cluster (MDC) and amend the General Plan Map from Office to Residential Medium.

All ten of the lots were developed with single-family homes under residential zoning over 25 years ago. In 1988, the City amended the MO Zone to reserve an area around the hospital for medical uses that could be mutually beneficial with the hospital. The Sutter Tracy Community Hospital is located one block south of the Subject Property.

In the years after the hospital was constructed, over 25 houses in the MO Zone area (outside of the Subject Property) were replaced by or converted to medical-related uses and parking for medical uses. However, in recent years, conversions from residential to medical uses has nearly stopped and a number of factors suggest limited to no additional demand for medical offices at the Subject Property in the foreseeable future. Consequently, the owner of one lot (1561 Bessie Avenue), located at the southwest corner of Bessie Avenue and Carlton Way, submitted an application to rezone their property from MO to MDC and amend the General Plan Map from Office to Residential Medium. City staff and the Planning Commission recommended that the Council modify the proposal to include nine adjacent lots in addition to the one at 1561 Bessie Avenue.

In addition to mailing public hearing notices to Subject Property and nearby property owners, City staff mailed a description of the proposal to owners of the Subject Property and invited comments. Modifying the MO Zone and rezoning this area to residential was also the topic of a Planning Commission workshop regarding the City-wide Zoning Code Update in 2009. No comments in opposition to the proposal have been submitted to the City.

The MO Zone permits hospitals; medical, dental, and mental health offices; physical therapy; and similar medical uses. Conditionally permitted uses in the MO Zone include pharmacies and ambulance services. In order to develop medical offices in existing

single-family home neighborhoods, assembling multiple lots is typically necessary due to off-street parking requirements of medical offices. In as much as each of the ten lots is already developed with single-family homes, the cost to purchase and assemble adjacent lots for medical office development creates a significant disincentive.

Residential uses are not a permitted use in the MO Zone. The residential uses on the Subject Property are nonconforming, meaning replacement of a house destroyed by fire may be denied by the City, purchase loans or refinancing could be more difficult, and room additions or other expansions may be denied by the City.

The result of the rezoning and General Plan amendment (and the primary motivation for the applicant's request) will be that the residential uses are no longer nonconforming uses. No improvements, changes of use, or new uses are proposed for the Subject Property with this application.

The existing residential use of the ten-lot Subject Property is consistent with the existing residential uses on the north side of Carlton Way, and zoning north of Carlton Way is MDC. Changing the zone of these ten lots back to residential, consistent with the existing land uses, will help to maintain stability of the existing residential neighborhood.

On October 13, 2010, the Planning Commission conducted a public hearing to review the project. Besides comments in support of the application from the applicant, no public input was received during the hearing. The Planning Commission recommended that the City Council approve the project and adopt the Negative Declaration.

An Initial Study/Negative Declaration has been prepared, published, and noticed in accordance with California Environmental Quality Act (CEQA) Guidelines. No environmental impacts have been identified as part of the CEQA review and no public or public agency comments have been received related to the Draft Negative Declaration.

Costs to process this application are paid by the applicant through a Cost Recovery Agreement (City Council Resolution 2010-017). This application requires no specific expenditure from the General Fund.

Staff and the Planning Commission recommended that the City Council:

1. Adopt the Negative Declaration for the project;
2. Approve the General Plan Map amendment from Office to Residential Medium;
and
3. Approve the rezoning from Medical Office to Medium Density Cluster.

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

It was moved by Council Member Abercrombie and seconded by Council Member Maciel to adopt Resolution 2010-176 adopting a Negative Declaration for General Plan Map Amendment from office to residential medium and rezoning from medical office to medium density cluster for property located on the south side of Carlton Way and the east and west sides of Bessie Avenue (Assessor's Parcel Numbers 233-072-04 through 12 and 233-075-01), applicant is Yuju Hsiung, Application Numbers GPA10-0001 and R10-0002. Voice vote found all in favor; passed and so ordered.

It was moved by Council Member Abercrombie and seconded by Council Member Maciel to adopt Resolution 2010-177 approving General Plan Map Amendment from office to residential medium for property located on the south side of Carlton way and the east and west sides of Bessie Avenue (Assessor's Parcel Numbers 233-072-04 through 12 and 233-075-01), applicant is Yuju Hsiung, Application Numbers GPA10-0001. Voice vote found all in favor; passed and so ordered.

The Clerk read the title of proposed Ordinance 1154.

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

It was moved by Council Member Abercrombie and seconded by Council Member Maciel to introduce Ordinance 1154. Voice vote found all in favor; passed and so ordered.

4. RECEIVE REPORT AND APPROVE A DESIGN CONCEPT FOR THE ELEVENTH STREET – EAST TRACY OVERHEAD, BRIDGE #29C-0126, CIP 73063, FEDERAL PROJECT NO. BHLS-5192(020) - Kuldeep Sharma, City Engineer, presented the staff report. Mr. Sharma stated that after receipt of approval from the California Department of Transportation (Caltrans) for replacement of the existing Eleventh Street-East Tracy Overhead Bridge, the Council approved a Professional Services Agreement with Drake Haglan and Associates (DHA) of Sacramento, California, on October 20, 2009, to provide engineering services to complete preliminary engineering, environmental study, and final design documentation, including construction documents for the bridge.

DHA has been working to develop various design alternatives for the replacement bridge. A total of six alternatives were studied and presented to the stakeholders. Based on the results of this coordination effort and meetings with Caltrans, Alternative 3 was the most preferred and cost effective alternative. The total cost of construction is estimated at \$36 million. Initially, Caltrans had approved grant funding of \$28 million for construction of this bridge. Caltrans has conceptually approved the new cost of the bridge and staff is pursuing formal approval of increased grant funding to cover the increased cost of construction.

The preferred alternative involves replacing the existing bridge with a new structure on the same alignment. In the future, this new structure will also facilitate extension of the new MacArthur Drive by intersecting with the proposed Eleventh Street bridge structure.

The preferred alternative provides various opportunities for architectural designs on the side abutments of the bridge. DHA has completed various renderings of the bridge abutments for the Council's review. Mr. Sharma introduced Dennis Haglan of DHA who provided a brief presentation depicting project history, various alternate proposals, cost estimates, and the project schedule.

A total of \$3,154,600 is available in CIP 73063 for preliminary engineering design and environmental documentation for this project. This funding is from a combination of State Proposition 1B and State and Federal Bridge retrofit and replacement of bridges.

Staff recommended that Council receive the report and approve design Alternative 3 for replacement of Eleventh Street East Tracy Overhead Bridge.

Council Member Abercrombie asked what the recommendations were regarding anti-graffiti. Mr. Haglan indicated an anti-graffiti treatments and texture that deter graffiti were planned for the surfaces..

Council Member Maciel asked if the detours would be at ground level. Mr. Haglan indicated there would be a temporary aerial bridge used during construction. One lane in each direction would be open during construction.

Mayor Pro Tem Tucker asked what accommodations would be made for banners or entry-way signs. Mr. Haglan indicated there is opportunity for signage on the light standards.

Mayor Ives asked for a construction timeline. Mr. Sharma stated construction would start in mid-2013 and take approximately 18 months.

Mayor Pro Tem Tucker asked if the detour would be in place for the entire 18 months. Mr. Haglan stated yes.

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

Robert Tanner, 1371 Rusher Street, asked if bike trails over the bridge were necessary or if they could they be eliminated and the drive lanes enlarged. Mr. Malik indicated the plan requires including passage for various types of access.

Mayor Pro Tem Tucker indicated she was impressed with the project which would provide a face lift for that section of town.

It was moved by Mayor Pro Tem Tucker and seconded by Council Member Tolbert to adopt Resolution 2010-178 approving a design concept for the Eleventh Street – East Tracy Overhead Bridge #29C-0126, CIP 73063, Federal Project No. BHLS-5192(020). Voice vote found all in favor; passed and so ordered.

5. APPROVE COMMUNITY NEEDS PRIORITIES AND EVALUATION CRITERIA FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATIONS AND ACCEPT THE RECOMMENDATION FROM THE PARKS AND COMMUNITY SERVICES COMMISSION TO FORM A SUB-COMMITTEE TO ASSIST WITH THE EVALUATION OF CDBG APPLICATIONS - Ursula Luna-Reynosa, Economic Development Director, provided the staff report. Community Development Block Grant (CDBG) funds are allocated to cities and counties by the U.S. Department of Housing and Urban Development (HUD) for use in projects, programs and services that demonstrate a minimum of 51% benefit to low and moderate income individuals and families.

Only 15% of the annual allocation that the City receives from HUD can be used for Public Services. The Public Services category covers programs non-profit agencies provide in Tracy. Historically, the City has received the majority of CDBG applications under the Public Services category. After reviewing the applications to ensure compliance with CDBG eligibility criteria, staff has recommended that the 15% be

equally distributed among those qualified agencies. Currently the Public Facilities category is not as competitive as the Public Services category. If Public Facilities requests become more competitive (i.e. amount requested exceeds amount available); the same criteria is recommended to be used to evaluate those applications.

Council directed that the CDBG application process be revised so that those agencies that best address the local needs of the Tracy community receive priority for funding. Staff from the Police Department, Code Enforcement division, City Manager's Office, Economic Development and Parks and Community Services Department met to discuss and define Tracy's most urgent need for services.

Following several meetings and based on an independent survey and reports from various agencies, the internal committee agreed that four areas have the greatest need for services within the community at this time. Those areas are: (1) job creation, (2) emergency food and shelter, (3) domestic violence services, and (4) senior/adult services.

The City recently solicited a firm to conduct an independent survey to determine the community's top priorities. "Improve the Local Economy" took the top spot. Job creation is an eligible use of CDBG funds; therefore, staff recommended that job creation be the highest weighted criteria for determining the allocation of CDBG dollars.

Tracy Interfaith Ministries saw an increase of 29% in the number of meals served to families in Tracy from 2008 to 2009 and during the first part of 2010 the number of meals served has increased by over 9%. McHenry House has seen a 25% increase in families in need of shelter over the past year -- every day it receives an average of sixty-seven calls from families that it cannot accommodate. Therefore, staff recommended that emergency food and shelter be the second highest weighted criteria for determining the allocation of CDBG dollars.

The Police Department has seen an increase of 9% in domestic violence calls during the past year for a total of 278 calls. The local agency that serves victims of domestic violence saw 1,300 Tracy residents last year. Over the last two years, the number of calls from Tracy residents has increased 23% and the number of women seeking counseling in Tracy has increased 30%. Support group attendance has increased more than 200% in Tracy during the last year. Staff recommended domestic violence services be the third highest weighted criteria for determining the allocation of CDBG dollars.

Parks and Community Services Department staff noted that, because of budget cuts, both City and County programs have been impacted. The participants in social service programs offered at the Senior Center nearly doubled from 2008 to 2009. A slight decline occurred during the 2009/2010 fiscal year but an increase in the number of social service participants occurred this past summer. The Senior Center anticipates even higher numbers in the future. Staff recommended senior/adult services be the fourth highest weighted criteria for determining the allocation of CDBG dollars. To encourage meaningful citizen involvement, public examination and appraisal of the CDBG evaluation process, as well as to enhance program accountability, the Parks and Community Services Commission has agreed to form a three member sub-committee (the "CDBG Sub-Committee") to work with staff to assist in the development of evaluation criteria, annually determine priority areas of need and, evaluate CDBG applications and make funding recommendations. The CDBG Sub-Committee will meet

each spring and by June 30 will revisit and discuss community needs so that the process of evaluating CDBG applications based on community needs can remain flexible and responsive to current needs that may change from time to time. The CDBG Sub-Committee's recommendation will be brought to the Council for approval each year. The Parks and Community Services Commission met on Thursday, October 7, to consider its role in this process and voted to take on these additional responsibilities.

All applicants must qualify for CDBG funding based on application requirements that meet HUD national objectives. In addition, all applicants will be asked to address questions that will explain the applicant agency's programs and how those programs specifically meet the four areas of need, show the applicant agency's ability and experience to effectively serve clients within those four areas, and demonstrate measurable outcomes of success.

The results of the ranking will help staff and the CDBG Sub-Committee evaluate CDBG applications and assign value to determine funding allocation. The CDBG Sub-Committee will develop an application and ranking sheet to evaluate fiscal year 2011/2012 CDBG applications.

Staff recommended that the City Council, adopt a resolution, to:

1. Approve the four identified priority needs of the Tracy community, in weighted order, as (1) job creation, (2) emergency food and shelter, (3) domestic violence services, and (4) senior/adult services when evaluating Community Development Block Grant (CDBG) applications; and
2. Accept the recommendation of the Parks and Community Services Commission to form a three member sub-committee to work with staff in the development of evaluation criteria, evaluation of CDBG applications, and provision of funding recommendations.

Council Member Maciel asked if all the priorities dovetail from the Parks and Community Services Department, and asked how much money is available. Ms. Luna-Reynosa stated the City receives approximately \$350,000, and 15% is available for programs for which non-profits compete. Ms. Luna Reynosa indicated the committee would review the applications.

Council Member Tolbert asked if this was an effective way of funneling funds to these groups. Council Member Tolbert indicated it might not be prudent to exclude any new program that might be presented. Ms. Luna Reynosa indicated any non-profit that fell under the criteria would be eligible to apply.

Council Member Tolbert indicated the Council should leave some flexibility for programs that will address problems with new creative ideas.

Mayor Ives asked for clarification regarding eligible programs. Ms. Luna-Reynosa explained that the job creation component came from the CDBG.

Mayor Ives asked how the sub-committee would be screened to address conflicts of interest. Ms. Luna-Reynosa explained that unpaid volunteers would not create a conflict, but a board member would not be eligible to serve on the sub-committee. Mayor Ives invited public comment

Javier Zamora, 1812 Alcott Place, indicated he would like to find out how to apply for these funds. Ms. Luna-Reynosa suggested Javier contact her directly to discuss the program.

It was moved by Council Member Abercrombie and seconded by Council Member Maciel to adopt Resolution 2010-179 approving formation of a sub-committee of the Parks and Community Services Commission to assist with the evaluation of CDBG applications. Voice vote found all in favor; passed and so ordered.

6. ITEMS FROM THE AUDIENCE – None.
7. COUNCIL ITEMS - Council Member Maciel asked if a review of the EMS fee could be brought to Council at the next meeting. Leon Churchill, Jr., City Manager, stated the item would be included on the November 17 City Council agenda.

Daniel Sodergren, City Attorney, stated under Council rules, a single Council member can request an item be placed on an agenda.
8. ADJOURNMENT - It was moved by Council Member Abercrombie and seconded by Council Member Maciel to adjourn. Voice vote found all in favor; passed and so ordered. Time: 8:17 p.m.

The above agenda was posted at the Tracy City Hall on October 28, 2010. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk

November 16, 2010, 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 given by Pastor Rob Krenik, Calvary Chapel of Tracy.

Roll call found Council Members Abercrombie, Maciel, Tolbert, Mayor Pro Tem Tucker and Mayor Ives present.

Mayor Ives introduced Marilee Moon-Vanni, Secretary, California State Juvenile Officers Association, who presented the AI Trader Outstanding Service Award to Officer Chuck Baker. Mayor Ives also presented a Certificate of Commendation to Officer Baker, for being selected for the AI Trader Outstanding Service Award.

1. CONSENT CALENDAR - Following the removal of item 1-F by Mayor Pro Tem Tucker and the removal of item 1-I by Council Member Maciel, it was moved by Council Member Abercrombie and seconded by Mayor Pro Tem Tucker to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - A. Minutes Approval – Closed session minutes of November 3, 2010, were approved
 - B. Award a Construction Contract to Granite Construction of Watsonville, California, for the Holly Drive North of Grant Line Road Sidewalk Improvements - CIP 73119, Appropriate \$32,000 from the Gas Tax Fund 245 and Authorize the Mayor to Execute the Contract – Resolution 2010-180 awarded a construction contract in the amount of \$55,885 to Granite Construction .
 - C. Approval of Amendment 3 to the Professional Services Agreement (PSA) with Bellecci and Associates, Inc., to Provide Professional Services for Revising and Completing the Plans, Specifications, and Cost Estimates for the Bus Stop Improvement Project, Phase II - CIP 77539 (Formerly Bus Stop Improvement Project, Phase I - CIP 77018 and 77021), and Authorization for the Mayor to Execute the Amendment – Resolution 2010-181 approved the amendment in an amount not to exceed \$78,696.
 - D. Award a Construction Contract to MCI Engineering Inc. of Stockton, California, for the South Area Well Demolition Project - CIP 75099A, Approve an Appropriation of Funds in the Amount of \$36,125 from the Water Capital (Fund 513), and Authorize the Mayor to Execute the Contract – Resolution 2010-182 awarded a construction contract in the amount of \$62,875 (Base Bid and Additive A1) for the South Area Well Demolition and approved the appropriation.

- E. Authorize Amendment Six to the Professional Services Agreement with RBF Consulting, for the Ellis Specific Plan and Annexation Project – Resolution 2010-183 authorized the amendment in the amount of \$143,878.
- G. Authorization of Professional Services Agreements with Erler & Kalinowski, Inc. for Preparation of an Urban Water Management Plan Update and an Update of the Watershed Sanitary Survey and Authorization for the City Manager and Director of Public Works to Execute the Agreements – Resolution 2010-184 authorized the agreements at a cost of \$44,000 for the Urban Water Management Plan update and \$20,000 for the Sanitary Survey update.
- H. Authorization of a Supplemental Appropriation of \$50,000 from the Wastewater Enterprise Fund for Legal Services Provided by Downey Brand – Resolution 2010-185 authorized the appropriation.
- 1-F Authorization of an Agreement Between City of Tracy and Semitropic Water Storage District and its Improvement Districts for Participation in the Stored Water Recovery Unit for the Semitropic Water Banking and Exchange Program. Approval of a Negative Declaration and Authorization for the Mayor to Execute the Agreement - Steve Bayley, Deputy Director, Public Works Department, presented the staff report. The City has established a diverse portfolio of water supplies including a contract with the US Bureau of Reclamation (Bureau) with urban reliability, two Bureau contracts with agricultural reliability (West Side Irrigation District and Banta Carbona Irrigation District assignments), groundwater, and Stanislaus River water from the South San Joaquin Irrigation District. Anticipated future supplies include Delta water rights water from the Byron Bethany Irrigation District, additional Bureau water, and recycled water.

Reliability varies with each of these supplies. Factors affecting reliability include: annual precipitation, snow pack, reservoir capacity, conveyance capacity limitations due to endangered species, and unanticipated problems such as levee failure causing saltwater intrusion into the Delta.

Storage provides a means to increase reliability by storing water in the wet years for use during the dry years. The City is pursuing aquifer storage and recovery (ASR). ASR is the process of injecting treated drinking water into groundwater aquifers under Tracy where it remains until needed. It will be at least five years before Tracy's ASR project will be fully operational.

Another form of storage is out-of-area water banking such as in Kern County. Kern County water agencies have established several large water banks. Semitropic Water Storage District (Semitropic) is a member of the Kern County Water Agency. Water storage capacity is now available for purchase in the Semitropic Water Banking Project.

The Kern County water banks utilize both water-spreading basins to recharge the groundwater basin and in-lieu recharge. In-lieu recharge is the use of surface supplies instead of pumping groundwater. The groundwater remains to be pumped at a later date. There is approximately one million acre-feet of storage capacity with approximately 700,000 acre-feet of water in storage. The next

phase of the Semitropic project is construction of additional extraction facilities, which is underway.

In 2006, the Council authorized a pilot test to store water in Semitropic. The primary purpose of the pilot test was to determine the administrative processes and costs of transporting water supplies back and forth between Tracy and Semitropic. To store Tracy's water in Semitropic, Tracy's water would remain in the Delta-Mendota Canal, proceed into the California Aqueduct and be delivered to Semitropic. When the stored water is needed in Tracy, Semitropic would pump the stored water into the California Aqueduct and a like amount of water would be made available for Tracy to pump from the Delta-Mendota Canal. Two different administrative procedures were used to return water from Semitropic to Tracy.

The pilot test delivered 1,000 acre-feet of the City's surplus Bureau Delta-Mendota Canal supplies to Semitropic for storage. Of the 1,000 acre-feet, 100 acre-feet was returned to Tracy in 2007, 100 acre-feet was returned in 2008, 100 acre-feet was permanently left behind in the aquifer underlying Semitropic to replace losses, and 700 acre-feet remain in storage for future use by Tracy. Upon successful completion of the pilot project staff negotiated a participation agreement with Semitropic.

The actions necessary to implement participation in the storage project are approval of the agreement with Semitropic, and environmental compliance including the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). The agreement with Semitropic provides for purchase of storage capacity in Semitropic and payment by the City of the appropriate charges for putting the water into storage, annual participation fee, and later for removal of the water. The City would pay the cost to convey the water to and from Semitropic.

Staff has prepared and circulated a negative declaration in compliance with CEQA. Tracy is the lead agency. The State Clearinghouse circulated the negative declaration. The State Department of Water Resources (DWR) noted that agreements are needed to transport water through State facilities. The City will obtain agreements as needed. No comments were received from the public. As the project will utilize existing water conveyance facilities, a negative declaration is the appropriate environmental document.

Conveyance of the water through the Delta-Mendota Canal requires NEPA compliance. The US Bureau of Reclamation is the appropriate lead agency. On December 15, 2009, the Council authorized funding for the Bureau to prepare the NEPA document. The Bureau has prepared an Environmental Assessment and Finding of No Significant Impact. The review period closes on November 16, 2010. Upon approval of the Tracy/Semitropic agreement by the City and Semitropic, the Bureau must also provide an approval for the agreement to become effective. It is anticipated that Bureau approval will be obtained in 2011.

Water storage for dry years has been identified as a component of water supply in the City's Urban Water Management Plan. The City's participation is for 3,500 shares which allows 3,500 acre-feet/year of water to be returned to Tracy for up to three years for a total storage capacity of 10,500 acre-feet.

There is no fiscal impact to the General Fund. The cost to purchase adequate storage capacity for the City water supply in the water storage bank is currently \$5.1 million. The price is tied to the Consumer Price Index and the final cost will be determined at the effective date of the agreement (when Bureau approval is received). Payment is not required until the agreement is approved by the Bureau. Costs for water storage are as follows: putting water into storage is \$46 per acre-foot; annual payment for participation is \$53,000 per year; and withdrawal fees of \$46 per acre-foot plus an energy cost. Costs associated with conveying the water through the Delta-Mendota Canal and the California Aqueduct are approximately \$30 per acre-foot. The water would be purchased from the Bureau at the City's rate of \$32 per acre-foot. There are adequate funds budgeted in the Fiscal Year 2010-11 budget as Capital Improvement Project 75093.

Staff recommended that the Council authorize the Agreement between the City and Semitropic Water Storage District and its Improvement Districts for participation in the Stored Water Recovery Unit of the Semitropic Water Banking and Exchange Program, approve a Negative Declaration and direct staff to file a Notice of Determination with San Joaquin County.

Mayor Pro Tem Tucker asked if this was a storage reservoir in Kern County and how storing water helps the City. Mr. Bayley stated it was underground storage in Kern County. The stored water is primarily used in dry years.

Mayor Ives invited the public to address Council on the item. There was no one wishing to address Council.

It was moved by Mayor Pro Tem Tucker and seconded by Council Member Abercrombie to adopt Resolution 2010-186 authorizing an agreement between the City of Tracy and Semitropic Water Storage District and its Improvement Districts for participation in the Stored Water Recovery Unit for the Semitropic Water Banking and Exchange Program, approval of a Negative Declaration, and authorizing the Mayor to execute the Agreement. Voice vote found all in favor; passed and so ordered.

- 1-1 Authorization of a Professional Services Agreement with West Yost & Associates for Aquifer Storage and Recovery Demonstration Project and Authorization for the Mayor to Execute the Agreement – Council Member Maciel asked for clarification regarding the viability of the project. Mr. Bayley stated he didn't anticipate any significant losses. Mr. Bayley added these are for emergency uses and to deliver better quality water to customers. Mr. Bayley added there are no private wells in the area and, therefore, no access by other well users.

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

Tom Benigno, 2473 Angora Court, stated this was about putting sewer water into the aquifer. Mayor Ives indicated it was treated Sierra water, not sewer water that is proposed to be put into the aquifer.

Mayor Ives asked for information regarding drinking water analysis. Mr. Bayley indicated the City has State certified water testing facilities where some of the

testing is done, the more complicated testing is sent to contract labs. The data is submitted to the Department of Public Health, who analyzes the data, inspect City facilities, and the City comes away with top grades.

Jim Howell, 340 Hunter Trail, asked what procedures are in place to ensure contaminated water is not put into the aquifer. Mr. Bayley stated the water comes from the Goodwin Dam, and goes to the Woodward Reservoir to a water treatment plant owned by SSJID and operated by certified operators, where the water is processed. Mr. Bayley stated the water is tested every two hours. It then comes to Tracy where the distribution system is checked once a week to ensure good quality water, the same water that will be pumped into the aquifer.

Mr. Howell asked who was authorized to shut down the plant if contamination is found. Mr. Bayley stated all the operators at SSJID are authorized to shut down the plant and our plant has automatic shut downs if contamination is detected.

It was moved by Council Member Maciel and seconded by Council Member Abercrombie to adopt Resolution 2010-187 authorizing the Professional Services Agreement with West Yost & Associates for aquifer storage and recovery demonstration project and authorizing the Mayor to execute the Agreement. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE - Tom Benigno, 2473 Angora Court, addressed Council regarding the City's homeless residents. Mr. Benigno suggested homeless residents receive breakfast and asked for a resolution to provide a place for the homeless to stay. Mr. Benigno asked if Council had plans to assist the homeless in the near future.
3. THAT COUNCIL DISCUSS AND ACCEPT THIS PRELIMINARY REPORT BY THE POLICE DEPARTMENT STAFF REGARDING THE CONDITIONS OF CRIMINAL CONDUCT AND QUALITY OF LIFE ISSUES RESIDENT OR PERCEIVED IN THE CENTRAL DOWNTOWN BUSINESS DISTRICT - David Sant, Police Lieutenant, provided the staff report. Several weeks ago a group of merchants and concerned citizens penned a letter to the City Manager and Chief of Police outlining several concerns affecting the environment within the business district. Mainly, the complaints revolved around vandalism, public urination, aggressive panhandling and disruption of the quality of life in the area.

At the October 26, 2010 City Council meeting, Mr. David Helm, a local merchant, expressed concern regarding the elimination of the Downtown Dedicated Police Officer. Mr. Helm described a variety of crimes and quality of life issues that he attributed to transients and petty criminals in the area, and asked that this matter be placed on a future agenda for Council discussion.

Mr. Singh Dale, another business owner, echoed Mr. Helm's concerns stating that the redeployment of the Downtown Dedicated Police Officer was affecting his business in a negative way. He, too, requested that the matter be placed on a future agenda for Council discussion.

Police Department personnel are responding to this concern and are instituting the classic Community Oriented Policing / Problem Solving Model known under the acronym as SARA.

Scan: Review all relevant information to determine what is happening.

Analyze: Analyze all accumulated data, survey our resources and determine what “success” looks like.

Response: Develop and implement the plan.

Assess: Review what we have done, its impact and adjust further efforts accordingly.

Currently, the Police Department is gathering data to determine the Who, What, Where, When, Why and How that is effecting the downtown climate. At the same time, police patrols in cars, on foot and on bicycles are being increased. An N.R.O. (Neighborhood Resource Officer) has been assigned to coordinate any action plan implemented in this area. VIPS (Volunteers in Police Service) have been included in this effort as well as they provide non enforcement support.

The Crime Prevention Specialist will be making contact with businesses in the area to introduce and form “Business Watch” groups to educate, support and develop a more constant communication conduit with the merchants.

The City’s Crime Analyst is accumulating and analyzing the crime data over three plus years to better help assess the known (reported) criminal statistics for the area and to help identify any trends. Additional City resources such as Code Enforcement, Public Works and the City Attorney’s Office are ready to assist as necessary.

To better understand the breadth of this matter, members of the Police Department have conducted a series of meetings and contacts with business owners and patrons of the area to gain a better view of their perspective. A letter from Leon Churchill, Jr., City Manager, was hand delivered by Police Department VIPS to all businesses in the area and Police Command Staff is well into the development (Response) stage of an action plan for the downtown. It is anticipated an action plan will be completed within the next week and implemented shortly thereafter. Police Department staff will constantly assess the effectiveness of the response and adjust their activities accordingly.

Staff recommended that the Council accept this preliminary report related to activities in the Central Downtown Business District and remain receptive to further briefings as necessary.

Council Member Maciel indicated the issues in the downtown are not new and asked if the Crime Analyst was working on data. Lt. Sant stated yes. Council Member Maciel stated it sounded like the beat officers are committed to the downtown area. Lt. Sant stated old statistics were available, but the districts have changed. Lt. Sant added the Police Department is providing a broader range of police coverage, spread over a longer time period.

Council Member Abercrombie stated Council had made a decision to place an officer downtown and asked what changed to remove the officer from the downtown area. Police Chief Thiessen responded the downtown is not the only area where there are challenges or hot spots. The decision involved taking the concept of dedicated community resources to hot spots as they crop up in the City. Chief Thiessen added she conferred with staff and the decision was made to employ the philosophy where every officer in the department is involved in coming up with resolutions to chronic problems.

Council Member Abercrombie indicated he was concerned that intelligence would not be shared among multiple officers vs. a dedicated beat officer. Chief Thiessen indicated her expectation was that the six beat officers would develop and share the information.

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

Jim Howell, 340 Hunter Trail, asked when the beat officer position was eliminated, and if there were any statistics that show a drop or rise in criminal activity. Lt. Sant responded that the statistics show a marked decrease in activity for known offenses.

Dave Helm, stated the Tracy Police Department is an excellent department. However, when the beat officer was downtown there weren't as many issues and the officer dealt with them. Mr. Helm indicated the problems are not with the homeless, but with the drug addicts, alcoholics, prostitutes and crazy individuals. Mr. Helm read a letter he had received from the City Manager, and indicated he had met with the City Manager, Chief of Police, and Council Member Abercrombie. Mr. Helm indicated taking away the downtown beat officer was not OK.

Marvin Rothschild, 1632 Waverly Court, asked if a final report would be considered. Mayor Ives indicated a final report would be in order. Mr. Rothschild added he was in favor of the downtown beat officer as he has seen recent changes in the area.

Robert Tanner, 1371 Rusher Street, asked if the City Council directed that a resource officer be placed downtown, how that officer was removed without Council approval. Mayor Ives indicated it was done with Council understanding.

John Frerichs, 28 W. Tenth, stated the City has always been a kind partner with downtown business owners. Mr. Frerichs indicated the police presence in the downtown is great along with good response times. Mr. Frerichs indicated it was a luxury to have a beat officer although he understood the City had come upon tough economic times.

A downtown real estate broker indicated his wife had been robbed of her purse and that within two hours Officer Flores had captured the assailant. The broker spoke in support of Officer Flores being returned to the downtown.

Singh Dale stated a lot of people come through and use his facilities. Mr. Dale stated he could not monitor people all the time and could not call the police every time an incident occurred. Mr. Dale stated he was in support of a downtown officer because when Officer Flores was downtown, the problems were not there.

Evan Marquez, an employee of Big O Tires, stated there was a problem in the downtown area and a beat officer would help the problem. Mr. Marquez added he did not believe the police force has grown in relation to the size of the City.

The real estate broker indicated the merchants should be involved in the decisions that take place downtown.

Jan Coutrier, 1121 Michelle Avenue, on behalf of the Tracy Center Association, stated City staff and the Police Chief have met with the board and they are pleased with the efforts in the downtown area.

Melodie Potter thanked the Police Department and the City Manager for their quick response. Ms. Potter stated she had attended three meetings and trusts that the City is working on the concerns in the downtown area.

Tom Benigno, 2473 Angora Court, indicated the issues in the downtown do not take place just in the downtown, but across the City. The police have done a good job, but it is the responsibility of the property owners to secure their properties. Mr. Benigno suggested volunteers could help the police officers.

Mr. Jim Howell indicated it was clear that between July 1, 2010 and October 26, 2010, the situation in the downtown area deteriorated and was ignored.

Council Member Tolbert asked if people realized how blessed they were to be in a city of 85,000 where you can describe particular individuals who behave in an unacceptable manner. Council Member Tolbert thanked everyone for their diligence and added the City would rely on the experts and the professionals who know their jobs.

Leon Churchill, Jr., City Manager, summarized the comments received. Mr. Churchill stated the petition/letter received from the downtown merchant prompted a reaction from the City. The concerns are valid and the City is providing additional resources to address those concerns. Mr. Churchill added the beat officer was not laid off but was part of a re-structuring which is an ongoing effort. Mr. Churchill stated it comes down to whether the same face needs to be seen downtown, or whether different faces would be able to deal with the issues in the area.

Council Member Maciel stated there was no question that Officer Flores did a great job downtown and that much of his contribution was intangible. Council Member Maciel suggested the six beat officers need to address the concerns in the area, make their presence known, and meet the merchants. Council Member Maciel stated he would like to know if the police department's efforts are successful.

Mayor Pro Tem Tucker indicated what has been proposed is exactly what is needed. Mayor Pro Tem Tucker added she supported staffs' recommendation since the statistics did not bear out the need for a dedicated officer.

Mayor Ives thanked everyone for their input. Mayor Ives suggested perception is a part of it and the community needs to be shown that it is working. Mayor Ives stated Council needed to voice their desired outcome and suggested:

- Obvious pro-active policing
- Visible police presence 24/7
- Tangible diminishing crime and criminal element, and connecting socially
- Statistics and perception that the situation is improving
- Definite improvement by a date certain

Mayor Ives stated the plan has to work; that there is too much at stake.

Mayor Ives stated it was up to staff to take care of it and not up to the Council to tell staff how to do their job. Mayor Ives stated the bottom line is that it gets fixed. Council suggested bi-monthly updates on how the strategy is working.

Council accepted the report.

Mayor Ives called for a recess at 9:13 p.m. The meeting was reconvened at 9:23 p.m.

4. INTRODUCTION OF AN ORDINANCE AMENDING SECTION 3.08.580, ARTICLE 12, OF THE TRACY MUNICIPAL CODE WHICH REGULATES THE ESTABLISHMENT OF SPECIAL SPEED ZONES - Kuldeep Sharma, City Engineer, presented the staff report. Mr. Sharma stated that the use of radar equipment is one of the most effective tools for enforcing speed limits and traffic safety on City streets. To assist the Police Department in fully utilizing the equipment, it is necessary to establish speed limits in accordance with the requirements of the California Vehicle Code (CVC). To legally use radar equipment for speed enforcement, engineering and traffic surveys are needed to establish posted speeds once every five years.

Section 3.08.580, Article 12, of the Tracy Municipal Code (TMC) establishes speed zones on various streets in the City. The speed limit on streets is established on the basis of engineering and traffic surveys and the applicable traffic engineering standards. Speed limits in the vicinity of schools are posted in accordance with the requirements of the CVC and the California Manual of Uniform Traffic Control Devices. Because these surveys are good for a period of five years, the amendment to the TMC is necessary every five years to update these surveys resulting in an update of posted speeds.

An engineering and traffic survey was completed on a total of 46 segments of arterial and collector streets by the Engineering Division in October 2010. This survey is used to update the posted speeds and provide the basis for the proposed amendments to the TMC, thus resulting in continuation of special speed zones with updated speed limits.

This update to the TMC will establish radar enforceable speed limit zones for segments on arterial and collector streets including Balboa Drive, Beechnut Avenue, Beverly Place, Brookview Drive, Buthman Avenue, Central Avenue, Chester Drive, Clover Road, Corral Hollow Road, Cypress Drive, Dominique Drive, Eaton Avenue, Fourth Street, Grant Line Road, Henley Parkway, Joe Pombo Parkway, Lammers Road, Larch Avenue, Lowell Avenue, Middlefield Drive, Paradise Avenue, Pescadero Avenue, Portola Way, Richard Drive, Schulte Road, Sequoia Boulevard, Sixth Street, Tenth Street, Third Street and Valpico Road.

The speed survey shows that existing speed limits on three street segments should be changed and the posted speed on the remaining streets segments remain unchanged. The following table lists the proposed changes in speed limit on three street segments:

Street	Segment	Previously Established	Newly Established	Change
Dominique Drive	Eastlake Circle to Elissagary Drive	25	30	5 mph up
Lammers Road	Eleventh Street to City Limits south of Jaguar Run	50	40	10 mph down
Lammers Road	City limits at Redbridge Drive to Schulte Road (City Limits)	50	45	5 mph down

The following new roadway segment is added to the ordinance for radar enforcement.

Street	Segment	Previously Posted	Newly Established	Change
Corral Hollow Road	1,100' south of Linne Road to I-580	55	50	5 mph down
Corral Hollow Road	I-580 to South City Limits	55	55	-
Henley Parkway	Lowell Avenue to Bridle Creek Drive	35	35	-

The following roadway segments are changed in its limits or description.

Street	Segment	Previously Posted	Newly Established	Change
Balboa Drive	Portola Way to Clover Road	25	25	-
Joe Pombo Parkway	Grant Line Road to Bridle Creek Drive	35	35	-
Portola Way	Holly Drive to Entrada Way	25	25	-
Tenth Street	Tracy Blvd to East Street	25	25	-
Tenth Street	Civic Center Drive to Mac Arthur Drive	25	25	-

The recommendations are primarily based upon the 85th percentile speed of surveyed moving vehicles on those streets with consideration given to the existing road site conditions such as street alignment, classification, collision history, etc. These considerations allow further adjustment of the surveyed speed in accordance with the provisions of the CVC. The recommended speed limits have been adjusted for such considerations. The research indicates that posting speeds lower than the closest 85th percentile speed does not lower the speed of motorists unless the above constraints exist. In addition, Corral Hollow Road is established at a maximum speed limit of 55 mph in accordance with CVC Section 22349 (b) which sets forth maximum speed limits on a two lane undivided highway. The Police Department has reviewed the surveys and concurs with the proposed speed limits.

Enforcement of speed limits is a budgeted item and is the Police Department's responsibility. Signing and striping changes as the result of speed changes will be performed by Public Works staff. Signing and striping is also a budgeted item.

Staff recommended the Council introduce an ordinance amending Section 3.08.580, "Special Speed Zones," Article 12, of the Traffic Regulations of the Tracy Municipal Code.

Mayor Ives referred to a statement in the staff report and asked if that meant that we are posting the speed limit of what drivers are driving. Mr. Sharma indicated that was correct. Mayor Ives indicated it seems that enforcement may be necessary vs. raising

the speed limit. Mr. Sharma explained that when speed surveys are done, they are done to determine what speeds cars can safely maneuver the streets.

Mayor Ives invited members of the public to address Council.

Mr. Howell indicated there were 11 streets with average speeds higher than the posted speed but recommendations changing only four which didn't appear to be consistent. Mr. Sharma explained the speed was reduced on Lammers Road because of the change in alignment of the road. Mr. Sharma explained that Corral Hollow Road had certain considerations that allowed posted speeds lower than the survey indicated.

The Clerk read the title of proposed Ordinance 1155.

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

It was moved by Council Member Abercrombie and seconded by Council Member Maciel to Introduce Ordinance 1155. Voice vote found all in favor; passed and so ordered.

5. APPROVAL OF A TRAFFIC REPORT AND ALIGNMENT OF KAVANAGH AVENUE EXTENSION WEST OF CORRAL HOLLOW ROAD - Kul Sharma, City Engineer, presented the staff report. Mr. Sharma stated that signalization of the Kavanagh Avenue and Corral Hollow Road intersection and extension of Kavanagh Avenue west of Corral Hollow Road are both approved Capital Improvement Projects (CIP) #72050 and #73097. Completion of these projects will provide safe access to the properties located west of Corral Hollow Road between Grant Line Road and I-205 when fully developed.

The properties located on the west side of Corral Hollow Road between Grant Line Road and I-205 are designated as Infill properties and are zoned commercial. The properties are located in the Community Development Agency boundaries. There are existing residential structures on some of these properties and the rest are undeveloped lots. These properties generally have smaller frontage with deep lots and residential driveways.

Completion of construction of the above projects and widening of Corral Hollow Road between Grant Line Road and I-205 (presently under design) will provide new opportunities for development of these properties. However, existing residential driveways to these properties cannot be used from Corral Hollow Road due to traffic circulation and traffic congestion management issues.

In order to facilitate development of these properties and complete the extension of Kavanagh Avenue west of Corral Hollow Road, the City initiated a traffic study through TJKM consultants from Pleasanton. The traffic report evaluated various alternatives to reduce the number of existing residential driveways. These alternatives include frontage streets, shared driveways, and reciprocal easements.

The traffic report also evaluated the overall traffic circulation beyond these properties. The report recommends construction of a north south access road from the terminus of Kavanagh Avenue extension at the western end of these properties. This road will not

only eliminate residential frontage driveways on Corral Hollow Road, but will also provide commercial access to these properties from the Kavanagh Avenue extension. Furthermore, the extension of Kavanagh Avenue and construction of the new north/south access road will eventually connect Kavanagh Avenue with Joe Pombo Parkway running east west fronting Kaiser Permanente, and ultimately connecting with Grant Line Road to improve traffic circulation in this area. This can be accomplished at the time of development of property east of Kaiser Permanente.

The traffic report also establishes the alignment of the Kavanagh Avenue extension west of Corral Hollow Road and the north south connector road. It is essential to acquire rights-of-way for this extension. Staff has met individually and has conducted several group meetings with the property owners to address their concerns. The property owners are supportive of the Kavanagh Avenue extension and the north/south connector. The properties will be subject to Infill Development Impact fees at the time of their development.

The City will acquire rights-of-way for the Kavanagh Avenue extension and the north/south connector. Construction of the Kavanagh Avenue extension will be completed by the City after acquisition of the rights-of-way in conjunction with construction of the signal at the intersection of Kavanagh Avenue and Corral Hollow Road. Construction of the north/south road will be completed if any funding is left over from these two projects or when additional funding is available.

The project is funded from Proposition 1B and Measure K transportation sales tax.

Staff recommended the Council approve the Traffic Report and alignment of the Kavanagh Avenue extension west of Corral Hollow Road.

Mayor Ives invited members of the public to address Council. There was no one wishing to address Council on the item.

It was moved by Council Member Abercrombie and seconded by Council Member Maciel to adopt Resolution 2010-188 approving a traffic report and alignment of Kavanagh Avenue extension west of Corral Hollow Road. Voice vote found all in favor; passed and so ordered.

6. SECOND READING AND ADOPTION OF ORDINANCE 1153 AN ORDINANCE OF THE CITY OF TRACY AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF TRACY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO INCLUDE A SECOND TIER '2% AT 55 MODIFIED FORMULA AND THREE-YEAR FINAL COMPENSATION' BENEFIT FOR MISCELLANEOUS CLASSIFICATION PLAN EMPLOYEES HIRED AFTER DECEMBER 16, 2010 - The Clerk read the title of proposed Ordinance 1153.

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

It was moved by Council Member Abercrombie and seconded by Council Member Maciel to adopt Ordinance 1153. Roll call vote found all in favor; passed and so ordered.

7. SECOND READING AND ADOPTION OF ORDINANCE 1154 AN ORDINANCE OF THE CITY OF TRACY, AMENDING THE ZONING MAP OF THE CITY OF TRACY BY RECLASSIFYING PROPERTY LOCATED ON THE SOUTH SIDE OF CARLTON WAY AND EAST AND WEST SIDES OF BESSIE AVENUE APPLICATION NUMBER R10-0002 - The Clerk read the title of proposed Ordinance 1154.

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

It was moved by Council Member Abercrombie and seconded by Council Member Maciel to adopt Ordinance 1154. Roll call vote found all in favor; passed and so ordered.

8. APPROVE PURCHASE AND LEASE OPTION AGREEMENTS WITH GWF SOLAR II LLC, TO DEVELOP THE 200 ACRE CITY OWNED SCHULTE ROAD PROPERTY AS A SOLAR FARM; APPROVE A GRANT AGREEMENT WITH GWF ENERGY, LLC, FOR THE ESTABLISHMENT AND SUPPORT OF AN ALTERNATIVE ENERGY CERTIFICATE PROGRAM AT SAN JOAQUIN DELTA COLLEGE AND OTHER EDUCATIONAL AND TRAINING OPPORTUNITIES THAT WOULD SUPPORT SUCH A PROGRAM; AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENTS; AND ADOPT A NEGATIVE DECLARATION - Andrew Malik, Development and Engineering Services Director, presented the staff report. The City owns 200 acres of property on Schulte Road between Hansen and Lammers Road, west of the current City limits. The 200 acres were authorized by the United States Congress to be conveyed by the General Services Administration ("GSA") to the City pursuant to special legislation enacted in 1998. The special legislation provided that 50 acres were to be conveyed to the City at fair market value for "economic development" purposes and the remaining 150 acres were to be conveyed at no cost to the City for educational and/or recreational "public benefit" purposes.

After analyzing the property for recreational purposes in 2007, the City concluded that recreational uses for the property are no longer viable and staff began developing alternative use options for the site. On October 7, 2008, Council directed staff to: 1) work with Congressman McNerney to amend the existing property conveyance legislation to allow for renewable and/or alternative energy uses; 2) explore a City project on the site that involves renewable and/or alternative energy uses; and 3) begin negotiations to sell or lease the site to GWF for a private project that involves renewable and/or alternative energy uses.

Staff has been negotiating with GWF on terms relative to selling 50 acres of the 200 acre property and leasing the remaining 150 acres as part of a solar farm project for the site. The solar farm will be integrated with the expansion of GWF's existing peaker plant.

Concurrent with the development of the purchase and lease option agreements, staff and GWF have been working with Congressional representatives on amending the special conveyance legislation to allow for renewable and/or alternative energy uses.

With support from Congressman McNerney, the special legislation amendments are expected to be considered by Congress early next year.

GWF proposes to use the 200 acre property for the construction of a clean, solar energy plant that will generate renewable electricity. The 200 acre solar energy facility is expected to generate approximately 40 Megawatts of electricity. The solar farm will be integrated with the existing GWF Tracy Combined Cycle Plant. The solar-powered plant will be environmentally friendly and will rely on the cleanest and most efficient technology available. Either solar thermal or solar photovoltaic technology will be used.

To the extent the project uses solar thermal technology, the solar energy will be collected by parabolic trough mirrors that will concentrate the solar energy to heat a fluid similar to mineral oil called the Heat Transfer Fluid (HTF). The HTF is passed through a heat exchanger to generate steam that drives a turbine in order to generate electricity. The cooled HTF is then returned to the solar field to be reheated by the solar collectors. This process allows the generation of electricity without the combustion of additional natural gas. The improvement in efficiency from the integration of the solar-powered facility with the combined cycle facility will reduce the emissions of carbon dioxide or green house gases.

If solar photovoltaic panels are used, the solar energy will be used to power the control room, maintenance facility, transmission interconnects and the water supply and treatment facility for panel washing, for the combined cycle plants.

This solar project will also help utilities meet the ambitious renewable energy goals set by the State of California - that 33% of electricity produced annually shall come from renewable sources by 2020.

The City proposes to grant to GWF: (i) an option to lease the 150 acres, with an option to purchase the 150 acres at the end of the term of the ground lease; and (ii) an option to purchase the 50 acres. Both the Purchase Option and Lease Option, collectively, will allow GWF to implement its Solar Project as defined above. The following are general terms of the two Option Agreements:

- GWF will have options to purchase 50 acres and lease 150 acres for 30 years.
- GWF will pay any costs associated with removing the use restrictions and federal reversionary rights on the 150 acre parcel ("GSA payment").
- GWF will have the option to purchase the 150 acres at the end of the lease for fair market value minus the GSA payment.
- The options to purchase and lease are for two years and may be extended for an additional year. GWF will pay the City \$100,000 for the initial option term and \$50,000 if the options are extended.
- GWF will pay the City a \$1,000,000 public benefit fee within 30 days of the start of any commercial operation of the solar project, or no later than four years from the date the options are exercised (the "outside operation date"), whichever occurs first.

- GWF will pay rent of: (a) \$20,837 per month from the date the lease is entered into until the outside operation date; and (b) after the outside operation date, the following:
 - Year 1 – 5 \$425,000 annually
 - Year 6 – 10 \$353,382 annually
 - Year 11 – 30 \$195,353 annually
- GWF will be responsible for removing the existing Antenna Farm building from the site.

The City and GWF are interested in promoting educational and training opportunities to encourage growth in the renewable and conventional energy sector. Therefore, in connection with its Combined Cycle Project, GWF Energy, LLC, has agreed to fund a \$100,000 grant for the establishment and support of an Alternative Energy Certificate Program at Delta College and other educational and training opportunities that would support such a program ("Grant Agreement"). The City would serve as the fiscal agent for disbursement of the grant funds.

To the extent that the project uses solar thermal technology, the California Energy Commission ("CEC") will be the lead agency under CEQA for the project. The CEC has a certified regulatory program under CEQA. Under its certified program, the CEC is exempt from having to prepare an environmental impact report. Its certified program, however, does require environmental analysis of the project, including an analysis of the alternatives and mitigation measures to minimize any significant adverse effect the project may have on the environment. Therefore, the Option Agreements are not subject to CEQA to the extent that the project uses solar thermal technology. (Public Resources Code, §21080(b)(6) and Cal. Code Rgs., tit.14, §15271.)

To the extent the project does not use solar thermal technology, the Option Agreements are subject to CEQA review by the City. Therefore, the City conducted an Initial Study limited to analyzing the effects upon the environment of a solar photovoltaic energy generating project, and prepared a Negative Declaration. All identified impacts could be mitigated with the application of mitigation measures, which are listed in the Initial Study.

Upon executing the Purchase and Lease Options, there will be a \$100,000 non-refundable deposit to the City. Upon exercise of the Options, the City will receive a \$1,000,000 public benefit fee and rent payments of up to \$425,000 annually. These funds will be a positive impact on the City's General Fund.

Staff recommended the Council adopt a resolution: (a) approving the negative declaration; (b) approving and authorizing the Mayor to sign the Purchase and Lease Option Agreements with GWF; and (c) approving and authorizing the Mayor to sign the Grant Agreement with GWF Energy, LLC.

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

Mr. Howell addressed Council and asked why GWF was willing to do this project. Mayor Ives outlined various reasons.

Doug Wheller of GWF, 4300 Railroad Avenue, Pittsburg, stated staff had provided a thorough explanation of what was outlined in the agreements. Mr. Wheeler thanked Council for the action taken last October and for the opportunity given to GWF. Mr. Wheller thanked staff for working with them, Congressman McNerney's office and Senator Feinstein's office. Objectives that were set out have been realized and the funds invested by the City will be recovered with additional supplemental payments. Mr. Wheller stated the City will receive approximately 60% of their return within the first 10 years, with the balance received over the last 20 years of the lease.

Mr. Tanner indicated if photovoltaic is used there would be no energy for the City's use. Mr. Malik indicated neither option would represent energy for the City.

Mr. Wheeler added a training program will be in place to allow residents of the Tracy community to pursue career objectives.

Mayor Ives asked how many jobs would be created. Mr. Wheeler responded during construction there would be about 200 additional jobs, and 30 permanent jobs associated with both sites.

Council Member Maciel asked if criteria had been established for applying for grant funding. Mr. Sodergren stated the grant committee would further refine the grant criteria.

Mayor Ives asked for clarification on whether the City was locked in with Delta or are there other colleges the City could work with. Mr. Churchill indicated and/or would be correct.

It was moved by Council Member Abercrombie and seconded by Council Member Tolbert to adopt Resolution 2010-189 approving Purchase and Lease Option Agreements with GWF Solar II LLC, to develop the 200 acre City owned Schulte Road property as a solar farm; approving a Grant Agreement with GWF Energy, LLC, for the establishment and support of an alternative energy certificate program at San Joaquin Delta College as amended (and/or) other educational and training opportunities that would support such a program; authorizing the Mayor to execute the agreements; and adopting a Negative Declaration. Voice vote found all in favor; passed and so ordered.

9. ITEMS FROM THE AUDIENCE – None.

10. COUNCIL ITEMS

A. Decide whether Emergency Medical Service Fees should be Considered at this Meeting and, if so, Take Action to Rescind or Implement the Emergency Medical Fees Contained in Resolution No. 2009-117 - It was moved by Council Member Maciel and seconded by Council Member Abercrombie to consider the EMS fee at this meeting. Voice vote found all in favor; passed and so ordered.

Mr. Churchill reiterated what was given to the Council previously.

Mayor Ives invited members of the public to address Council. There was no one wishing to address Council on the item.

Mayor Pro Tem Tucker proposed that the EMS fee be implemented only upon non-residents.

Council Member Maciel stated he was in favor of the item when it was presented, but would like to rescind the EMS fees and let Measure E run its course.

Council Member Tolbert indicated she wished she was more confident that the economy would recover. Council Member Tolbert stated originally she had supported the EMS fee because it would allow the City to charge medical providers for the service. Council Member Tolbert indicated she agreed with Mayor Pro Tem Tucker regarding collecting fees from insurance companies for services provided and for non-residents to pay for services provided by Tracy taxpayers. Council Member Tolbert stated she would like to see it re-visited and would like to see the City take in that revenue.

Mayor Ives indicated the non-resident had some voracity and would entertain options.

Mr. Churchill indicated he would appreciate additional time to bring back other options.

Mayor Ives stated no option should include fees for Tracy residents.

It was moved by Council Member Abercrombie and seconded by Council Member Maciel to rescind Resolution 2009-117. Voice vote found all in favor; passed and so ordered.

It was moved by Council Member Abercrombie and seconded by Council Member Maciel to direct staff to bring back the lock out fee and any possible non-resident EMS fee. Voice vote found all in favor; passed and so ordered.

- B. Appointment of City Council Subcommittee to Interview Applicants for a Vacancy on the Tracy Arts Commission - Due to the resignation of Commissioner Rothschild there is a vacancy on the Tracy Arts Commission. The vacancy is being advertised and the recruitment will close on November 30, 2010. In accordance with Resolution 2004-152, a two-member subcommittee needs to be appointed to interview the applicants and make a recommendation to the full Council. Council Members Abercrombie and Maciel volunteered.

11. ADJOURNMENT - It was moved by Council Member Abercrombie and seconded by Council Member Maciel to Adjourn. Voice vote found all in favor; passed and so ordered. Time: 10:21 p.m.

The above agenda was posted at the Tracy City Hall on November 11, 2010. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

December 7, 2010, 5:45 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Ives called the meeting to order at 5:30 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Abercrombie, Elliott, Rickman, Mayor Pro Tem Maciel, and Mayor Ives present.
3. ITEMS FROM THE AUDIENCE - None
4. CLOSED SESSION –
 - A. Real Property Negotiations (Gov. Code section 54956.8)
 - Property Location: The following City-owned parcels located north of Larch Road, west of Tracy Blvd. and east of Corral Hollow Road: APN#21214006, APN321214007, and APN21215001
 - Negotiator(s) for the City: Rod Buchanan, Director of Parks and Community Services; Andrew Malik, Development and Engineering Services Director; and William Dean, Assistant Development and Engineering Services Director
 - Negotiating Parties: Representatives of Tracy Blast Development LLC
 - Under Negotiation: Price and terms of payment for the sale or lease of the property.
 - Property Location: The City-owned property located at the northeast corner of Chrisman Road and 11th Street – a portion of APN# 250-030-06
 - Negotiator(s) for the City: Ursula Luna-Reynosa, Director of Economic Development; and Andrew Malik, Development and Engineering Services Director
 - Negotiating Parties: Representatives of the Tracy Learning Center
 - Under Negotiation: Price and terms of payment for the sale or lease of the property.

B. Anticipated Litigation (Gov. Code section 54956.9(b))

- Statement made by Paul Miles at the City Council meeting of June 15, 2010, threatening litigation.

C. Pending Litigation (Gov. Code section 54956.9(b))

- *Christopher Bosch v. City of Tracy, et al.*
(San Joaquin County Superior Court Case No. 39-2010-00252419-CU-OE-STK)

5. MOTION TO RECESS TO CLOSED SESSION – Council Member Abercrombie motioned to recess the meeting to closed session at 5:30 p.m. Council Member Elliott seconded the motion. Voice vote found all in favor; passed and so ordered.

Council Member Rickman stated he would abstain from the Anticipated Litigation concerning Paul Miles due to a possible conflict of interest.

6. RECONVENE TO OPEN SESSION – Mayor Ives reconvened the meeting into open session at 7:03 p.m.
7. REPORT OF FINAL ACTION – None.
8. ADJOURNMENT – It was moved by Council Member Abercrombie and seconded by Mayor Pro Tem Maciel to adjourn. Voice vote found all in favor; passed and so ordered. Time: 7:04 p.m.

The agenda was posted at City Hall on December 16, 2010.

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.B

REQUEST

**AWARD A CONSTRUCTION CONTRACT TO GOODLAND LANDSCAPE
CONSTRUCTION OF TRACY, CALIFORNIA, FOR THE LINCOLN PARK AND
GAZEBO RENOVATION PROJECT - CIP 78123 & 78126, AND AUTHORIZE THE
MAYOR TO EXECUTE THE CONTRACT**

EXECUTIVE SUMMARY

Award of this construction contract will initiate construction to renovate Lincoln Park with new turf, landscaping and irrigation system including a new water play park, walking paths, renovation of the existing restroom and construction of a new restroom and gazebo (CIP 78123 & 78126).

DISCUSSION

Lincoln Park is one of the City's oldest and most heavily used parks located west of East Street and east of Holly Drive, south of Eaton Avenue. The scope of work for this project involves renovation of this park in accordance with the Master Plan adopted by the Parks Commission on March 4, 2010. The improvements primarily include replacing the existing turf, new landscaping and irrigation system, construction of new walking paths, renovation of the existing bathroom with skylight and new doors, construction of an additional restroom, new gazebo and a water play feature.

The project plans and specifications were prepared in-house by Engineering staff. The project specifications require construction of improvements in two phases to ensure uninterrupted use of the park facilities for the July 4th celebration. The first phase will complete renovation of the existing restroom and construction of a restroom facility, water play park feature and gazebo prior to June 20, 2011. The construction of new turf, landscaping, irrigation system and walkways will be started after July 5 in phase 2 of this project.

Due to recent cost fluctuations in the construction market, the bid schedule was divided into a base bid and additive bid items (as listed below) to allow the City flexibility in awarding the project with or without the additive bid items, depending upon the availability of funds.

The base bid items include:

- Installation of a new irrigation system with booster pump
- Removal of existing and installation of new turf
- Installation of a water play park
- Renovation of the existing restroom and construction of a new unisex restroom addition
- Replacement of the existing Gazebo

The additive bid items include:

- Installation of asphalt and decomposed granite walking paths
- Landscaping along the southern perimeter
- Installation of mobile stage pads

Effluent recycling system for the water play park

The project was advertised for competitive construction bids on November 9 and 16, 2010. Seven bids were received and publicly opened at 3:00 pm on December 7, 2010 with the following results:

<u>Contractor</u>	<u>Base Bid</u>	<u>Additive Bid</u>	<u>Total Bid</u>
Goodland Landscape, Tracy, CA	\$ 837,599.15	\$ 177,159.34	\$ 1,014,758.49
Maxicrete, Fairfield, CA	\$ 911,000.00	\$ 129,000.00	\$ 1,040,000.00
Elite Landscaping, Clovis, CA	\$ 979,225.00	\$ 150,000.00	\$ 1,129,225.00
Suarez & Munoz Construction, Hayward, CA	\$ 912,000.00	\$ 242,000.00	\$ 1,154,000.00
Tricon Construction, Rancho Cordova, CA	\$ 996,289.00	\$ 199,892.00	\$ 1,196,181.00
Star Construction, San Bruno, CA	\$ 980,000.00	\$ 275,000.00	\$ 1,255,000.00
Blossom Valley Construction, San Jose, CA	\$ 1,133,611.00	\$ 136,050.00	\$ 1,269,661.00

Goodland Landscape Construction is a local Tracy landscaping construction contractor and is the lowest monetary bidder for the base bid and total bid. Bid analysis indicates that the lowest bid is “responsive” and the bidder is “responsible”. Goodland Landscape Construction has good references and has completed similar projects for the City of Tracy and other public agencies. Since the lowest bid is 37% lower than the engineer’s estimate and is within the available budgeted amount for the project, it is recommended that the base bid and additive bid items be awarded to Goodland Landscape Construction, of Tracy, CA, for \$ 1,014,758.49.

The total cost of this project, if awarded to Goodland Landscape Construction, is as follows:

Construction Bid (Base Bid + Additive Bid)	\$1,014,758
Planning and design	\$ 75,000
Construction management, permits, inspection and design support during construction	\$ 50,000
Contingency (15%)	\$ 153,000
Project management	<u>\$ 189,000</u>
Total Construction Cost	\$1,481,758
Total Budgeted amount of the project	\$1,709,400

If the project is awarded to Goodland Landscape Construction, construction of the project will commence in January 2011, with completion expected by October 2011. The project will create approximately 30 jobs for the duration of the project.

STRATEGIC PLAN

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

FISCAL IMPACT

These are approved CIP projects, and a total of \$1,600,000 is available from General project and State Park Grant and there is no additional impact to the General Fund.

RECOMMENDATION

That City Council, award a construction contract for the Lincoln Park and Gazebo Renovation CIP 78123 & 78126 to Goodland Landscape Construction, of Tracy, CA, in the amount of \$ 1,014,758.49 and authorize the Mayor to execute the construction contract.

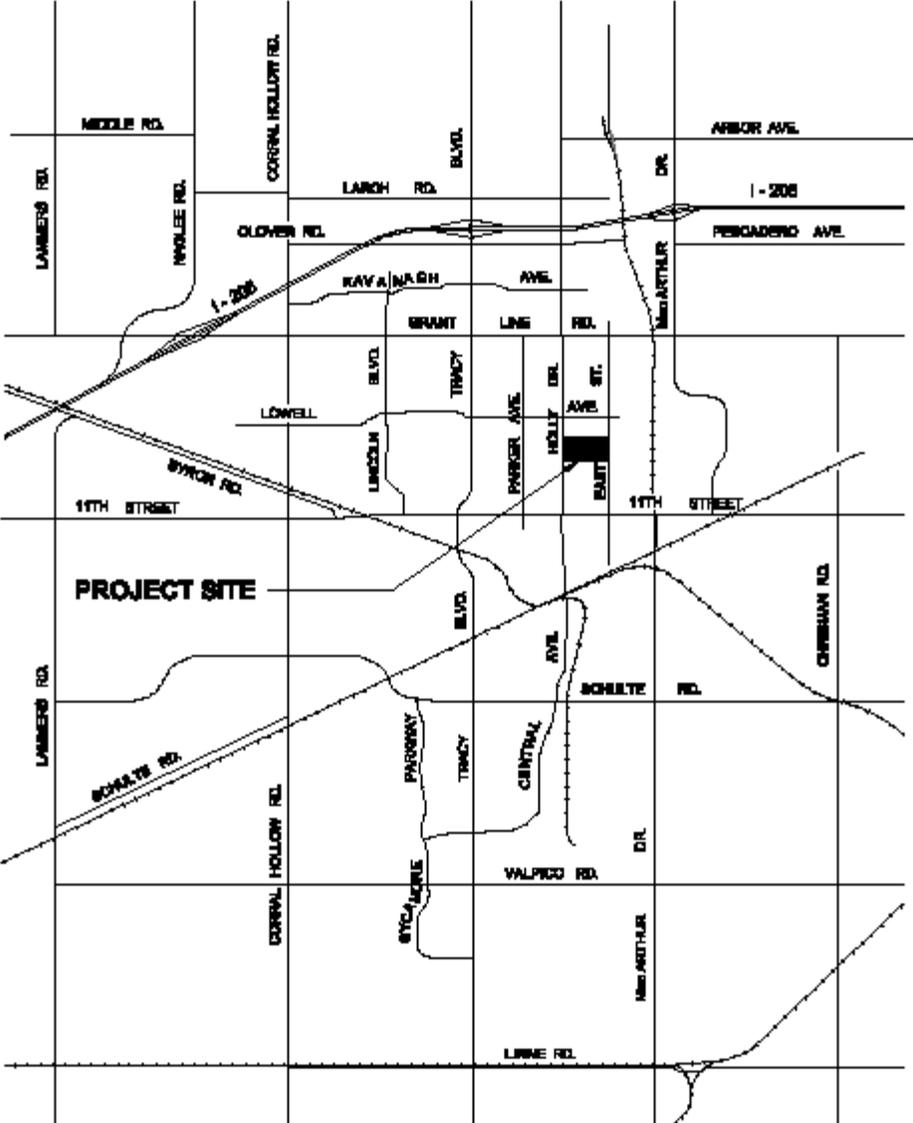
Prepared by: Binh Nguyen, Associate Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

Approved by: Andrew Malik, Development and Engineering Services Director
Leon Churchill, Jr., City Manager

Attachment: Location Map

LOCATION MAP – LINCOLN PARK RENOVATION – CIP 78123 & 78126



(CITY OF TRACY)



NOT TO SCALE

RESOLUTION _____

AWARDING A CONSTRUCTION CONTRACT TO GOODLAND LANDSCAPE
CONSTRUCTION OF TRACY, CALIFORNIA, FOR THE LINCOLN PARK AND
GAZEBO RENOVATION PROJECT - CIP 78123 & 78126, AND AUTHORIZING THE
MAYOR TO EXECUTE THE CONTRACT

WHEREAS, Lincoln Park is one of the City's oldest and most heavily used parks located west of East Street and east of Holly Drive, south of Eaton Avenue, and

WHEREAS, Due to recent cost fluctuations in the construction market, the bid schedule was divided into a base bid and additive bid items, and

WHEREAS, The project was advertised for competitive construction bids on November 9 and 16, 2010, and seven bids were received and publicly opened at 3:00 pm on December 7, 2010, and

WHEREAS, Goodland Landscape Construction is a local Tracy landscaping construction contractor and is the lowest monetary bidder for the base bid and total bid, and

WHEREAS, The total cost of this project, if awarded to Goodland Landscape Construction, is as follows:

Construction Bid (Base Bid + Additive Bid)	\$1,014,758
Planning and design	\$ 75,000
Construction management, permits, inspection and design support during construction	\$ 50,000
Contingency (15%)	\$ 153,000
City wide project management	<u>\$ 189,000</u>
Total Construction Cost	\$1,481,758
Total Budgeted amount of the project	\$1,600,000

WHEREAS, These are approved CIP projects, and a total of \$1,600,000 is available from General project and State Park Grant and there is no additional impact to the General Fund;

NOW, THEREFORE, BE IT RESOLVED, That City Council awards a construction contract for the Lincoln Park and Gazebo Renovation CIP 78123 & 78126 to Goodland Landscape Construction, of Tracy, CA, in the amount of \$ 1,014,758.49 and authorizes the Mayor to execute the construction contract.

Resolution _____

Page 2

The foregoing Resolution 2011-____ was passed and adopted by the City of Tracy City Council on the 4th day of January, 2011 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

AWARD A CONSTRUCTION CONTRACT TO MARTIN GENERAL ENGINEERING OF RANCHO CORDOVA, CALIFORNIA, FOR THE PARKS HARD COURTS RESURFACING PROJECT - CIP 78111 & 78121, AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT

EXECUTIVE SUMMARY

Award of a construction contract (CIP 78111 & 78121) to resurface and renovate badly deteriorated tennis and basketball courts at eight City parks.

DISCUSSION

The scope of work for this project involves replacing damaged asphalt, crack repair, resurfacing and painting ten deteriorated hard courts in various City Parks. This includes three tennis courts at Dr. Powers Park, one each at Kelly Park, Richard Hastie Park, Tiago Park, John Erb Park, Marlow Brothers Park, Verner Hanson Park, and Valley Oak Park.

The plans and specifications were prepared in-house by engineering staff. The project was advertised for competitive bids on October 18 and October 25, 2010. Eight bids were received and publicly opened at 2:00 pm on October 16, 2010 with the following results:

<u>Contractor</u>	<u>Total Bid</u>
Martin General Engineering, Rancho Cordova, CA	\$175,475
DRT Grading & Paving, Sunol, CA	\$179,200
Stephens Construction Company, Lodi, CA	\$181,320
Galeridge Construction, Alviso, CA	\$217,844
Sierra National Asphalts, Sacramento, CA	\$225,888
CF Contracting, Fairfax, CA	\$261,878
Rodgers Construction & Engineering, Stockton, CA	\$266,819
Tom Mayo Construction, Stockton, CA	\$272,875

Martin General Engineering is the lowest monetary bidder. Bid analysis indicates that their bid is "responsive" and the bidder is "responsible". Martin General Engineering Construction has good references and has completed similar projects for other public agencies. Based on available funds, it is recommended that the bid be awarded to Martin General Engineering of Rancho Cordova, CA, for \$175,475.

The total construction cost of this project, if awarded to Martin General Engineering, is as follows:

Construction Bid	\$175,475
Planning and design	\$ 12,300
Construction management, permits, inspection and design support	\$ 4,000
Contingency (15%)	\$ 26,321
City wide project management	\$ 24,450
Total Construction Cost	\$242,546
Total Project Budget	\$295,110

If the project is awarded to Martin General Engineering, construction of the project will commence in January 2011, with completion expected by the end of May 2011. This project will create four new jobs.

STRATEGIC PLAN

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

FISCAL IMPACT

This is an approved CIP project; funds have been appropriated and there is no additional impact to the General Fund.

RECOMMENDATION

That City Council, award a construction contract for the Parks Hard Courts Resurfacing Project - CIP 78111 & 78121, to Martin General Engineering of Rancho Cordova, CA, in the amount of \$175,475 and authorize the Mayor to execute the construction contract.

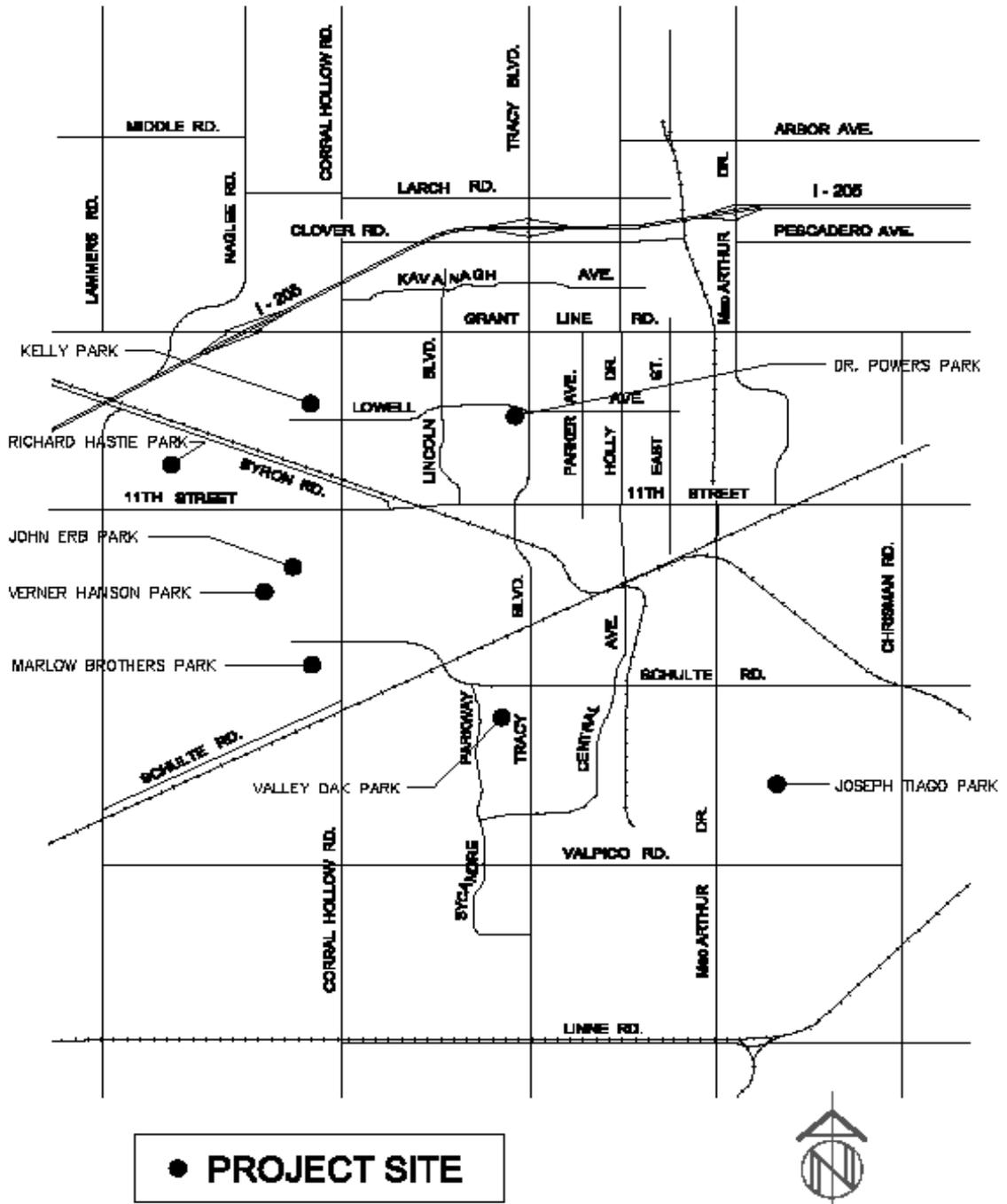
Prepared by: Binh Nguyen, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

Approved by: Andrew Malik, Development and Engineering Services Director
Leon Churchill, Jr., City Manager

Attachment: Location Map

PARKS HARDCOURTS RESURFACING CIP 78111 & 781321



RESOLUTION _____

AWARDING A CONSTRUCTION CONTRACT TO MARTIN GENERAL ENGINEERING OF RANCHO CORDOVA, CALIFORNIA, FOR THE PARKS HARD COURTS RESURFACING PROJECT - CIP 78111 & 78121, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT

WHEREAS, The scope of work for this project involves replacing damaged asphalt, crack repair, resurfacing and painting ten deteriorated hard courts in various City Parks, and

WHEREAS, The project was advertised for competitive bids on October 18 and October 25, 2010, and eight bids were received and publicly opened at 2:00 pm on October 16, 2010, and

WHEREAS, Martin General Engineering is the lowest monetary bidder, bid analysis indicates that their bid is "responsive" and the bidder is "responsible", and

WHEREAS, The total construction cost of this project, if awarded to Martin General Engineering, is as follows:

Construction Bid	\$175,475
Planning and design	\$ 12,300
Construction management, permits, inspection and design support	\$ 4,000
Contingency (15%)	\$ 26,321
City wide project management	\$ 24,450
Total Construction Cost	\$242,546

WHEREAS, This is an approved CIP project; funds have been appropriated and there is no additional impact to the General Fund;

NOW, THEREFORE, BE IT RESOLVED, That City Council awards a construction contract or the Parks Hard Courts Resurfacing Project - CIP 78111 & 78121, to Martin General Engineering of Rancho Cordova, CA, in the amount of \$175,475 and authorizes the Mayor to execute the construction contract.

The foregoing Resolution 2011-____ was passed and adopted by the City of Tracy City Council on the 4th day of January, 2011 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

AUTHORIZATION OF CELL PHONE ALLOWANCES AND TEMPORARY USE OF CITY CELL PHONE INSTRUMENTS BY EMPLOYEES

EXECUTIVE SUMMARY

Currently the City maintains a cell phone inventory and provides cell phones for use in conducting City business. Maintaining these phones and the associated accounting of the monthly service amounts is an administrative burden. Many other cities simply provide an allowance instead of maintaining phone instruments. This item would authorize a cell phone allowance to employees designated by the City Manager instead of supplying a City owned and maintained cell phone. This action would allow for temporary use of phone instruments as employees transition from the City provided phone to private plans.

DISCUSSION

At present the City provides cell phones to certain City employees to conduct City business. Cell phones are often the only way for some employees to communicate from their field work back to their home office. City Staff (Information Systems) maintains the cell phones and the monthly bills are processed by Finance Department Staff. But cell maintenance and bill processing is an administrative burden. Many cities avoid this problem by simply providing a cell phone allowance.

In order to eliminate the significant staff time to maintain a city owned cell phone system and the associated bill processing (the monthly bill is over an inch thick), it is proposed the City Council approve a cell phone allowance for employees designated by the City Manager. The existing City cell phones are a variety of ages and have little value. Upon termination of the City's current cell phone service, the phones will be turned back to the provider or deemed useless and put into electronic recycling. To facilitate the transition from City phones to private phones and plans, the City Manager would also be allowed to grant an employee the temporary use of the phone instrument until the employee can make other arrangements for a phone instrument. There is no cost to the City to permit this as the phones have no value. Nevertheless this is only a loan and the City employee will be required to return the phone instrument. City employees have always been responsible for any personal use of a City cell phone.

Staff has also completed a process to determine the business necessity for an employee to have cell phone access. Only those approved by the City Manager will receive an allowance as the City transitions from a City supplied cell phone to providing an allowance instead. There will be two allowance amounts- \$30 for regular cell phones and \$55 for those needing data capabilities. The amount of the allowances does not exceed the current amount expended on the City supplied phones and services plans. But the City will receive benefit in not having to provide technical support for the cell phones and the significant accounting process necessary to expense the monthly cell phone bills to various departments and functions.

The Police Department has unique needs as it relates to cell phone use. This need is currently being examined separately from the rest of the City. It is possible that the City will continue to supply City owned and maintained phones in the Police Department. If however, it is later determined to provide an allowance, such allowances will be those cited here.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no cost to the General Fund by this action. This is a cash neutral proposal by substituting an allowance for the current amount paid to a cell phone service provider. However, there will be significant savings of Staff time by going to a cell phone allowance instead of providing and maintaining City supplied cell phones.

RECOMMENDATION

That the City Council, by resolution authorize a cell phone allowance for employees designated by the City Manager and to permit the temporary use of cell phone equipment during the transition from City supplied cell phones to employees procuring private plans.

Prepared by: Zane Johnston, Finance and Administrative Services Director

Approved by: Leon Churchill, Jr., City Manager

RESOLUTION _____

AUTHORIZATION OF A CELL PHONE ALLOWANCE AND TEMPORARY USE OF CITY CELL PHONE INSTRUMENTS

WHEREAS, The City currently provides and maintains cell phones for use by certain City employees, and

WHEREAS, The maintenance and bill processing for these phones has become an administrative burden, and

WHEREAS, Many cities utilize a cell phone allowance instead of maintaining and providing city supplied cell phones, and

WHEREAS, Offering a cell phone allowance will not result in any additional expense over what providing and maintaining a city supplied cell phone costs, and

WHEREAS, Information Systems Division staff will work to transition existing city phone plans to employee private plans upon implementation of an allowance;

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby authorizes a cell phone allowance in the amount of \$30/month for regular plans and \$55/month for data plans for individuals designated by the City Manager and also authorizes the temporary use of City phone instruments during the employee's transition from a City supplied plan to their own privately procured plan.

* * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the _____ day of _____, 2011, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.E

REQUEST

AUTHORIZATION OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH WEST YOST ASSOCIATES FOR AQUIFER STORAGE AND RECOVERY DEMONSTRATION PROJECT – PHASE 1, APPROVAL OF A NEGATIVE DECLARATION AND AUTHORIZATION FOR THE MAYOR TO EXECUTE THE AMENDMENT

EXECUTIVE SUMMARY

The Regional Water Quality Control Board (RWQCB) staff has indicated that the State is willing to process the City's request for an Aquifer Storage and Recovery (ASR) demonstration project and identified the necessary steps. The professional services previously authorized have not been provided and are no longer required, and new services are required to proceed.

DISCUSSION

The City of Tracy has proposed a project to demonstrate the feasibility of Aquifer Storage and Recovery in Tracy. This project commenced in 2001 and was temporarily stopped in 2004 after a RWQCB hearing in which Tracy was denied a permit to proceed because of concerns about treated drinking water contaminating the underground aquifer. At the hearing, the RWQCB suggested that the Stanislaus River water would be the best water for Tracy to use for ASR.

ASR involves injecting into the groundwater basin excess treated potable surface water, via an ASR well, and extracting the stored water at a later date from the same well. If successful, the use of ASR will greatly enhance the reliability of the Tracy water supply, especially in drought conditions, by allowing surplus water in wet years to be stored for use during dry years. It will also assist in meeting the stringent salinity standards for Tracy's wastewater discharge proposed by the RWQCB, by improving Tracy's source water supply.

During the past six years staff has been proceeding towards an ASR program by having Production Well No. 8 designed and equipped as an ASR well. That well project is now complete and is located at the corner of Tracy Boulevard and Sixth Street.

The proposed ASR demonstration project will be for the short term and temporary storage of up to 300 acre-feet of treated drinking water from the Stanislaus River (the South San Joaquin Irrigation District water supply). Injection will occur during the months of January through March. The water will remain underground for a period of several months and will be extracted at various intervals during the subsequent months to determine the rate of degradation of disinfection byproducts and other geochemical changes. The movement of the water will also be monitored using data collected from monitoring wells. All water that is injected will be pumped out using Production

Well No. 8 and after testing may be pumped into the water distribution system for use.

The City Council authorized at its November 16, 2010 meeting, professional services to proceed towards obtaining approval for the project. The RWQCB staff subsequently has identified the necessary steps. West Yost Associates provided a revised scope of services which includes training for City staff to properly inject water and flushing of the well, monitoring the injection and extraction processes, evaluation of laboratory results and the test program, reporting to the RWQCB, and preparation of a final report.

A necessary step in proceeding with the project is the environmental document. Staff has prepared and circulated a negative declaration in compliance with CEQA. The State Clearinghouse circulated the negative declaration to State agencies. A comment was received from the State Water Resources Control Board (SWRCB) staff. The SWRCB noted that Tracy needed to obtain a storage right to inject water from the South San Joaquin Irrigation District (SSJID) into the aquifer under Tracy. Tracy's outside water counsel responded in writing to the SWRCB staff that the injection project will be using SSJID's pre-1914 water rights and a storage right is not needed. No comments were received from the public.

STRATEGIC PLAN

This agenda items supports the environmental sustainability strategic plan by increasing City water supply reliability, and meeting future State salinity standards for Tracy's wastewater discharge into the Delta.

FISCAL IMPACT

There is no impact to the General Fund. The compensation authorized in the original professional services agreement was \$95,000 and was not expended. The revised scope of work contained in Amendment 1 has an estimated cost of \$195,000 to perform the Phase 1 work effort; therefore a compensation increase of an additional \$100,000 is requested. This item is budgeted in Fiscal Year 2010-11 as CIP 75078 and there are adequate funds available.

RECOMMENDATION

That the City Council, by resolution, authorize Amendment No.1 to the Professional Services Agreement with West Yost Associates, approve a Negative Declaration and direct staff to file a Notice of Determination with San Joaquin County, and authorize the Mayor to execute the Amendment.

AGENDA ITEM 1.E

January 4, 2011

Page 3

Prepared by: Steve Bayley, Deputy Director of Public Works

Reviewed by Kevin Tobeck, Director of Public Works

Approved by Leon Churchill, Jr., City Manager

Attachment: Amendment No. 1 to Professional Services Agreement
Initial Study & Negative Declaration
Resolution

**CITY OF TRACY
AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT
FOR DESIGN PROFESSIONALS
AQUIFER STORAGE AND RECOVERY DEMONSTRATION PROGRAM—PHASE I**

This Amendment No. 1 (hereinafter "Amendment") to the PROFESSIONAL SERVICES AGREEMENT FOR DESIGN PROFESSIONALS for the AQUIFER STORAGE AND RECOVERY DEMONSTRATION PROGRAM—PHASE I is made and entered into by and between the City of Tracy, a municipal corporation (hereinafter "City"), and West Yost Associates (hereinafter "Consultant").

RECITALS

- A.** The City and Consultant entered into a PROFESSIONAL SERVICES AGREEMENT FOR DESIGN PROFESSIONALS (hereinafter "Agreement") for the AQUIFER STORAGE AND RECOVERY DEMONSTRATION PROGRAM—PHASE I which was approved by the City Council on November 16, 2010, pursuant to Resolution No. 2010-187.
- B.** The scope of services contained resources for preparation of studies and reports, as well as time for meetings, in order to obtain Regional Water Quality Control Board (RWQCB) approval to proceed with the project. The RWQCB has identified the steps for project approval, and the services anticipated in the Scope of Services are not required at this time. In anticipation of receiving approval from the RWQCB to proceed, a new Scope of Services has been prepared for advancing the project.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

- 1. Incorporation By Reference.** This Amendment hereby incorporates by reference all terms and conditions set forth in the Agreement, unless specifically modified by this Amendment. All terms and conditions set forth in the Agreement which are not specifically modified by this Amendment shall remain in full force and effect.
- 2. Terms of Amendment.** Exhibit A is superseded and Exhibit A-1 is incorporated by this Amendment. Section 5.1 is modified to supersede the fee of \$95,000 with the amended fee of \$195,000.
- 3. Modifications.** This Amendment may not be modified orally or in any manner other than by an agreement in writing signed by both parties, in accordance with the requirements of the Agreement.

**CITY OF TRACY
AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT
FOR DESIGN PROFESSIONALS
AQUIFER STORAGE AND RECOVERY DEMONSTRATION PROGRAM—PHASE I
Page 2 of 2**

- 4. **Severability.** In the event 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 full force and effect.

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

IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

CITY OF TRACY

WEST YOST ASSOCIATES

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

By:  _____
Steve Dalrymple
Title: President
Date: 12/23/10

Attest:

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

By:  _____
Beth Nilsen
Title: CFO
Date: 12/23/10

Approved as to form

Fed. Employer ID No.68-0370826

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

EXHIBIT A-1

AQUIFER STORAGE AND RECOVERY DEMONSTRATION PROGRAM PHASE I

SCOPE OF SERVICES

Phase I A – Program Development

TASK 1.1 – INITIAL REVIEW AND ASSESSMENT

Initial tasks to advance the project will include:

- Review of recent documents, correspondence, and activity with RWQCB and CA DPH for the project.
- Evaluate current conditions of well No. 8 with emphasis on provisions for monitoring, sampling, and instrumentation points for implementation of the test program.
- Develop summary recommendations for baseline data collection and physical improvements needed to initiate the demonstration testing program.

Task 1.2 – Develop Demonstration Program

Based on the results of Task 1.1, an ASR Demonstration Test Program will be developed. The program will include the following:

- Program scope
- Duration
- Operation Plan and Schedule
- Data Collection Scope, Methods, Schedules
- Contingency Items for Environmental Protection

The program will utilize items from the 2004 proposed test program as much as possible, and will focus on addressing regulatory areas of concern. The program will be documented in an Engineers Report, suitable for review by RWQCB and/or CA DPH.

Task 1.4 – Permitting/ Regulatory Agency Coordination

Upon development of an initial demonstration test program plan, we may need to meet with RWQCB and/or CA DPH staff (if necessary) to solicit their comments on the proposed program and discuss the implementation of the demonstration program. This task may include providing a written response to specific regulatory comments and/or concerns.

Phase I B – ASR Demonstration Program Implementation

Task 2.1 – Test Program Kick-Off Meeting

A meeting workshop will be held with Pueblo, West Yost, and City staff to establish roles, responsibilities, and communications for the test program. The test plan will be reviewed and modifications made as needed.

Task 2.2 – Test Preparation and Instrumentation

Well No. 8 facilities will be checked and tested to ensure proper operation prior to initiation of the program. Monitoring equipment will also be installed/calibrated as needed to facilitate data collection during testing.

Task 2.3 – Test Program Operational Assistance

Pueblo will supervise and initiate initial injection, storage monitoring, well backflushing, and injected water recovery operations for the first week of the test program. We will provide training and oversight of test operations and data collection/water quality sampling to City staff during this period to allow City staff to become familiar with ASR operations, and to monitor the system performance and collect necessary samples and online tests to track system performance. We envision that oversight/coordination will be frequent initially, but will decrease to a ‘data-review-only’ level after the first two months of testing.

For completeness, a discussion of the Phase II work elements is provided below. However, to be clear, these Phase II consultant services are not part of the Phase I Scope of Work, and Phase II will require subsequent City approval and a budget augmentation at a later date.

Task 2.4 – Test Reporting to RWQCB

It is anticipated that quarterly reporting on the injection test program will be required by the RWQCB. This task includes time for preparation and delivery of such reports, and review of comments from the RWQCB.

Task 2.5 – Evaluation of Test Program

Data and test results will be analyzed and compared with our original predictive models, along with evaluation for long-term and/or expanded ASR program implementation. Analysis will be ongoing, and changes to the test program may be recommended as data emerges. Program operational or analytic monitoring changes/recommendations will be made coincident with the interim test program reports as much as possible.

Task 2.6 – Final Test Program Reporting

A final report summarizing the test program operations, findings, and conclusions will be prepared upon completion of the test. Analysis of long term program feasibility, sizing, and economics will be presented, along with recommendations for ‘next steps’ in ASR development. A draft report will be circulated for City review, and a formal presentation to City administration will be prepared. Upon City review and approval, ten final report copies will be issued to the City.

**NOTICE OF AVAILABILITY
FOR
PROPOSED NEGATIVE DECLARATION**

November 22, 2010

- LEAD AGENCY:** City of Tracy
520 Tracy Boulevard
Tracy, CA. 95376
- CONTACT PERSON:** Steve Bayley (209) 831-4434
Deputy Director of Public Works
SteveB@ci.tracy.ca.us
- PROJECT TITLE:** Aquifer Storage and Recovery Demonstration
Project
- PROJECT LOCATION:** City of Tracy, San Joaquin County, California

PROJECT DESCRIPTION:

The proposed Aquifer Storage and Recovery Demonstration Project will consist of a short-term, temporary storage of up to 300 acre-feet of treated drinking water from the Stanislaus River in the groundwater aquifers under Tracy. The City's demonstration test program will involve the utilization of the City's Well No. 8 (demonstration well) for the injection, storage, and recovery of potable drinking water.

NOTICE IS HEREBY GIVEN that the City of Tracy has prepared a proposed Negative Declaration, pursuant to the requirements of CEQA, for the above described project.

PUBLIC REVIEW PERIOD: A 30 day public review period for the proposed Negative Declaration will commence on November 22, 2010 through December 22, 2010 for interested individuals and public agencies to submit written comments on the document. Any written comments must be received at the above address within the public review period. Copies of the proposed Negative Declaration are available for review at the City of Tracy at the above address and on the City website at www.ci.tracy.ca.us



City of Tracy
520 Tracy Boulevard
Tracy, CA 95376

PUBLIC WORKS DEPARTMENT

MAIN 209.831.4420

FAX 209.831.4472

www.ci.tracy.ca.us

AQUIFER STORAGE AND RECOVERY (ASR) DEMONSTRATION PROJECT

NEGATIVE DECLARATION

**PREPARED BY
CITY OF TRACY**

NOVEMBER 2010

1. PROJECT TITLE

Aquifer Storage and Recovery Demonstration Project

2. PROJECT PROPONENT AND LEAD AGENCY

City of Tracy
520 Tracy Boulevard
Tracy, CA 95376
Contact: Steve Bayley, Deputy Director of Public Works
(209) 831-4434

3. PROJECT LOCATION

The Project site is located in California's Central Valley, in San Joaquin County, within the City of Tracy (City). The location of the Project site within the City limits is shown in Figure 1. The predominant land use in the vicinity of the Project site is residential, with some proximate areas of commercial and industrial uses.

The immediate Project site is an approximate 0.85-acre parcel of land owned by the City and located at 609 W. 6th Street. The site is known as the City Corporation Yard and is situated at the northeast intersection of Tracy Boulevard and 6th Street. Access to the site is from the south, through two gates along 6th Street. The City had used the Corporation Yard in the past as a satellite facility and staging area for the Public Works Department.

The site is paved with asphalt and houses three vacant buildings (two small office type structures, and one well house), an abandoned water storage tower, and a PG&E transformer facility. A municipal water supply well (identified as the ASR Test Well) and two groundwater monitoring wells are located in the western portion of the Project site (See Figure 2). The ASR Test Well replaces the former Corporation Yard Well that failed and was legally destroyed.

The immediate Project site also includes a 4,000 square foot area that encompasses a portion of the railway easement and a portion of the City's right of way along 6th Street, west of Tracy Boulevard.

4. BACKGROUND

The City currently obtains water supply from surface water and groundwater sources. Surface water supply is derived from the Delta-Mendota Canal (DMC) and the Stanislaus River via the South San Joaquin Irrigation District (SSJID) South County Water Supply Project. The City, as a public purveyor of water, excises its appropriative right to pump groundwater from the Tulare Formation aquifer for beneficial use by the public.

The City adopted and certified the General Plan Environmental Impact Report (EIR) in September 2006 (State Clearinghouse No. 1992122069). The General Plan EIR included mitigation measures intended to prevent groundwater overdraft conditions and reduce the City's reliance on groundwater supplies as new surface water supplies were acquired. The City's 1994 Water Master Plan recommended coordinated use and management of groundwater and

surface water resources (“conjunctive use”), with the gradual phasing out of groundwater as the primary water supply as new surface water supplies were acquired.

While the City identified that surface water supplies appeared to be adequate to meet the City’s projected demand at General Plan build out, the City also developed a policy to utilize the groundwater basin as necessary to: meet the City’s water supply needs as new surface water sources were secured; serve as an emergency water supply source in the event of contamination or failure of the surface water sources; and provide a permanent source of water should adequate surface water sources never become available. An Initial Study and a Mitigated Negative Declaration (Pacific Municipal Consultants, April 2001) was prepared to evaluate the potential environmental impacts associated with the City’s Groundwater Management Policy. A mitigation measure included in the MND (MM 3.3.1) required that the City establish a groundwater monitoring well network, and develop and implement of a Groundwater Monitoring Program. The mitigation monitoring program was developed and implemented in 2001. The monitoring well network includes six of the City’s production wells, four monitoring wells located near City Production Well No. 5, and six clustered well sets (three wells each) drilled and constructed at key sites throughout the City.

The City adopted a phased approach for an ASR feasibility study. The Project team of West Yost & Associates and Padre Associates Inc. completed the first phase in 2002 by evaluating hydrogeologic conditions, water quality issues, infrastructure requirements, and economic constraints to preliminarily assess the suitability of ASR. It was determined through the study that ASR was a feasible option for the City, and the City’s Corporation Yard site was identified as a suitable location for subsequent ASR demonstration testing.

The Phase II portion of the program included the design, construction and testing of ASR facilities. The City drilled and constructed two monitoring wells at the Corporation Yard in August 2003 to collect site specific hydrogeologic data to serve as the basis of design for ASR test facilities. An ASR Demonstration Test Well was drilled and constructed in February 2004. The ASR Demonstration Test Well was also intended to replace the destroyed Corporation Yard Well. The well was drilled and constructed under a Categorical Exemption (CEQA Sections 15302 [replacement] and 15306 [data collection]) filed by the City.

In December 2003, the California Regional Water Quality Control Board, Central Valley Region (Regional Board) notified the City that the ASR testing and Demonstration Project was subject to Regional Board regulatory authority. The Regional Board suggested that the Stanislaus River water would be ideal for Tracy to use for ASR.

In 2005, the City completed construction of the South County Water Supply Project and began delivery of SSJID water to Tracy. In 2008, additional pipelines to deliver SSJID water to all parts of Tracy were completed. From December 2009 through March 2010, the Stanislaus River water served as the primary water source for Tracy residents. The City of Tracy is now able to comply with the RWQCB recommendations using SSJID water for ASR, and is requesting approval to proceed with the ASR demonstration project.

5. PROJECT PURPOSE

The City is investigating the feasibility of utilizing Aquifer Storage and Recovery (ASR) technology to optimize the conjunctive use of the existing treated surface water and groundwater supplies, enhance delivered water quality to customers, and increase the reliability of surface water supplies. The City's proposed ASR demonstration program would involve the injection of treated (potable) drinking water from the City's SSJID South County Water Supply Project into selected confined aquifer zones for storage and subsequent extraction (*i.e.*, "recovery") to gather additional technical data. The City's ASR demonstration Project is intended to demonstrate the physical ability to inject SSJID water into the groundwater basin during the winter period when demands are low and then recover this previously stored water at a subsequent time.

The specific goals of the Project include the following:

- a. Demonstrate/quantify the beneficial impacts to water levels in the basin from ASR operations.
- b. Demonstrate/verify that beneficial injection rates can be maintained for sustained periods of injection (*i.e.*, no significant loss in well efficiency).
- c. Demonstrate/quantify the effectiveness of periodic well flushing on well performance (*i.e.*, specific capacity).
- d. Verify/quantify that the recovered water meets all Title 22 drinking water standards.
- e. Verify/quantify that the recovered water does not create or exacerbate any consumer acceptance issues, *i.e.*, taste, odor, visual clarity, effervescence, etc.
- f. Verify/quantify that injected water remains geochemically stable during storage and recovery.
- g. Quantify the benefits to aquifer water quality (stability and salt balance issues) from ASR operations.
- h. Quantify the economics of ASR operations to estimate full-scale/permanent facilities costs.
- i. Quantify short-term environmental impacts associated with ASR operations, and utilize data to project/ quantify long-term impacts for a full-scale ASR Program.

6. PROJECT DESCRIPTION

The proposed ASR demonstration Project will consist of a short-term, temporary storage of up to 300 acre-feet of treated SSJID drinking water. The City's demonstration test program will involve the utilization of the City's Well No. 8 (demonstration well) for the injection, storage, and recovery of potable drinking water. Potable water from the City's distribution system will be introduced into the well via the column pipe of the existing well pump. The water will flow (under

gravity pressure) into the well and down the well casing until it reaches the perforated intervals adjacent to the Lower Tulare Formation (confined aquifer) shown in Figure 3. As the water enters the aquifer, it will form a “bubble” of potable water around the well bore at these injection (screened interval) sites, displacing the native groundwater. Movement of this bubble can occur over time if there is a significant hydraulic gradient; however, when this previously stored water is recovered (by turning on the well pump), the gradient is reversed and the bubble of water will migrate back towards the well.

The cycle of injection, storage within the aquifer, and recovery (by pumping the well) is called an ISR Cycle (for Injection-Storage-Recovery), which is the basic method of implementing an ASR program. The proposed demonstration test program will include four short-duration ISR cycles with varying lengths of injection, storage, and recovery, to assess the hydraulic, hydrogeologic, and geochemical mechanisms of the Lower Tulare Formation in the Tracy area. The estimated total injection volume will be up to 300 acre-feet of SSJID treated potable drinking water, and up to 350 acre-feet of recovery of the stored water. Each cycle will be monitored during injection, storage, and recovery to assess and quantify hydraulic and potential water quality changes in the well and near-well portions of the aquifer. The preliminary schedule of the four ISR cycles is presented in Table 1, and is graphically illustrated on Figure 4.

Table 1. Proposed ASR Demonstration Program

ISR Cycle Number	Duration, days	Injection, days	Storage, days	Recovery, days	Net Change in Storage, acre-feet
1	7	3	2	2	-5.5
2	17	7	7	3	+5.5
3	61	21	28	12	-16.5
4	123	21	90	12	-16.5
Total	208	52	127	29	-33.0

7. WATER QUALITY

The water quality of the Lower Tulare Formation in the area of the City of Tracy has been well documented through testing of the City’s municipal wells, which are perforated within this aquifer. The water quality is characterized as moderately saline (EC 1200 mmhos/cm), sodium sulfate/bicarbonate dominated, and is slightly demerited by the presence of nitrates (at 20 percent of the State MCL). Although it meets all Title 22 standards for drinking water, it has moderately high salinity, alkalinity, and hardness.

The injection source water is treated potable drinking water from the SSJID water supply. This water supply is known for its high purity and low salinity content. This water source is not only superior in quality to the City’s Delta water source (treated DMC water), but is also of significantly higher quality than the City’s native ground water (see Table 2). As shown, the quality of SSJID water not only meets current potable water quality standards, but its level of disinfection by-products is less than 20 percent of the State’s maximum allowable level of

trihalomethane (THM) compounds. These conditions are considered extremely favorable for ASR operations in that the superior quality of the injected water will be both easily tracked and beneficial to overall basin water quality. Table 2 compares the compositions of treated SSJID water, and native Lower Tulare Formation groundwater for Title 22 drinking water constituents.

Table 2. Comparison of Injected Treated Surface Water and Native Groundwater Quality (Lowest Source Values are shown in BOLD type)			
Analytical Parameter	City Well No. 8 (April 2010)	Treated Surface Water (SSJID) (proposed injectate)	Maximum Contaminant Level, MCL
PRIMARY STANDARDS			
Inorganic (ug/L)			
Arsenic	4.4	ND	10 ug/L
Barium	28	21	1,000 ug/L
Chromium (Total)	1.5	ND	100 ug/L
Copper	ND	ND	1,000 ug/L
Iron	20	ND	300 ug/L
Manganese	110	ND	50 ug/L
Zinc	ND	ND	5,000 ug/L
Fluoride (mg/L)			
Fluoride	ND	ND	2.0 mg/L
Nitrate/Nitrite (mg/L)			
Nitrate (as NO ₃)	ND	ND	45 mg/L
Nitrate + Nitrite (sum as N)	ND	ND	10 mg/L
SECONDARY STANDARDS			
Aesthetic – Related			
Alkalinity (CaCO ₃) (mg/L)	120	34	NS
Calcium (mg/L)	39	14	NS
Magnesium (mg/L)	15	2.1	NS
Sodium (mg/L)	110	4.5	NS
Chloride (mg/L)	85	13	500 mg/L (upper limit)
Sulfate (mg/L)	160	2.4	500 mg/L (upper limit)
Total Dissolved Solids (TDS) (mg/L)	510	64	1,000 mg/L (upper limit)
Conductivity (umhos/cm)	850	110	1,600 umhos/cm (upper limit)
Boron (mg/L)	1.0	ND	NS
pH unit	8.1	8.2	6.5 - 8.5 units
WATER DISTRIBUTION SYSTEM DATA			
Total Trihalomethane (THMs) (ug/L)	ND	15.6	80 ug/L
Source: Well No. 8 (April 2010 Water Quality Sample Data); SSJID (City of Tracy 2009 Consumer Confidence Report) ND = Not Detected; NS = No Standard			

8. MONITORING PROGRAM

Test data will be collected at the Demonstration Well site, and from several offsite wells. At the Demonstration Well site, hydraulic data including flow rates and flow volumes (injection and extraction), system pressures, and water level data will be routinely collected. Hydraulic data will be collected using dedicated instrumentation, including a digital, totalizing flowmeter and various pressure gauges. The Demonstration Well, and the two onsite monitoring wells, will be instrumented with dedicated pressure transducers/data loggers to automatically measure and record water level data.

a. **Monitoring Well Network.** A network of key wells has been established for the demonstration test. The wells included in the network are identified and listed in Table 3.

Table 3. Summary of Monitoring Well Network					
Well Name	Use/Status	Distance from ASR Demo Well (feet)	Depth (feet bgs)	Screened Zones (feet bgs)	Aquifer Zone
ASR Demonstration Well	Test	0	840	370- 460 510- 640 680- 820	Lower Tulare Formation
ASR MW - 1	Monitoring	35	830	370- 460 510- 640 680- 820	Lower Tulare Formation
ASR MW - 2	Monitoring	75	817	357- 447 497- 627 667- 807	Lower Tulare Formation
Lewis Manor	Production/ Active	1,700	1000	410 - 480 620 - 630 650 - 670 805 - 830 900 - 930 965 - 990	Lower Tulare Formation
PW - 5; A, B, C, D	Nestled Monitors	1,700	Various	A 420 - 460 B 610 - 670 C 810 - 830 D 910 - 930 970 - 990	Middle and Lower Tulare Formation

b. Proposed Analytic Test Program. A variety of water quality analyses will be performed during the demonstration test to assess ASR operations and to verify regulatory compliance. Samples will be collected and analyzed during each of the ISR stages of the test program:

- Injection (to verify injected water quality)
- Storage (to monitor injected water movement and quality)
- Recovery (to document stored water stability and intermixing with native groundwater)
- Maintenance Flushing (to verify waste discharge compliance and detect adverse geochemical reactions)

The analytical testing program will be structured to monitor areas of important chemical concern. The constituents to be monitored have been organized into seven primary groups as noted in Table 4.

Table 4. Summary of Analytic Laboratory Schedule for ASR Demonstration Test Program	
Group T-22:	
Purpose:	To confirm potability of injected and recovered waters.
Frequency:	At least once during each ISR cycle.
Analytes:	All California DHS Title 22 drinking water constituents.
Group G-1:	
Purpose:	Analyze all mineral, organic, and bulk properties to related to geochemical interaction.
Frequency:	At least twice for injected and recovered waters during each ISR cycle.
Analytes:	General mineral, physical, metals, trace ions, pH, Eh, temperature and natural organics.
Group G-2:	
Purpose:	Analyze key mineral ions and bulk properties to track changes in geochemical character.
Frequency:	Daily to weekly depending on ISR duration.
Analytes:	Na, Ca, Mg, SO ₄ , HCO ₃ , Cl, EC, TDS
Group DBP:	
Purpose:	Analyze disinfection byproducts, precursors, and constituents related to formation and decomposition of trihalomethanes and haloacetic acids.

Frequency:	At least once per ISR cycle and once every 3 weeks during storage.
Analytes:	THM, HAA, Cl residual, Eh, TOC, DOC
Group F-1:	
Purpose:	To monitor key parameters requiring field analysis.
Frequency:	Daily or weekly depending upon ISR cycle duration.
Analytes:	Temperature, Turbidity, Silt Density Index, pH, Eh, DO, Cl residual
Group F-2:	
Purpose:	To track "indicator" compounds associated with injectate/groundwater differentiation; primarily for "arrival indication" at monitoring wells.
Frequency:	Hourly, daily, or weekly depending upon ISR cycle duration.
Analytes:	EC, SO ₄ , I
Group W-1:	
Purpose:	Monitor character of maintenance pumping effluent for chemical indicators.
Frequency:	At least once per maintenance pumping event.
Analytes:	Turbidity, Settleable Solids, HPC, General Bioassay, Acid Solubility, TOC.

c. Hydrogeologic Test Program. The hydrogeologic test program has been developed to allow the collection of key operational and water level data. These data will be necessary for the evaluation of well performance characteristics and system hydraulics, documentation of aquifer response to ISR operations, and assessment of environmental impacts. The specific goals of the hydrogeologic test program are to:

- Establish baseline well performance characteristics (extraction and injection)
- Document distribution system hydraulics
- Identify well plugging trends during injection
- Evaluate the efficacy of backflushing operations in restoring/maintaining well performance
- Evaluate how the injected water is distributed among the various completed aquifer zones; and similarly, evaluate the percent contribution of each completed zone to the overall well production during extraction
- Refine aquifer parameter estimates

- Determine the zone of influence in the Lower Tulare Formation during injection and extraction operations, document mounding characteristics during injection, and evaluate the cone of depression during pumping
- Determine and document the hydraulic gradient in the Lower Tulare Formation during storage periods and monitor the movement of injected water

d. Offsite Well Production. Another key component of the hydrogeologic test program will be the documentation of pumpage from offsite City production wells during the test program. Production from offsite wells may alter the groundwater gradient and affect the movement of injected or stored water.

Prior to initiation of ISR cycle testing, formal testing will be performed at the Demonstration Well to establish baseline well performance characteristics during injection and extraction. The baseline testing will include injection tests, and continuous rate discharge tests. The baseline tests will be of relatively short duration (12 to 48 hours). Documentation of these parameters will provide significant data regarding the overall hydraulics of aquifer injection and storage.

Following baseline testing, ISR cycle testing will be initiated. The monitoring schedule for the hydrogeologic test program is provided in Table 5.

Table 5. Summary of Monitoring Well Network	
Monitoring Parameter	Schedule of Monitoring
Flow Rate at Demonstration Well	Daily during first week of injection/extraction, bi-weekly thereafter.
Total Flow	Daily during first week of injection/extraction, bi-weekly thereafter. Daily injection/extraction volumes will be derived using the data collected.
Line Pressures	Daily during first week of injection/extraction, bi-weekly thereafter
Water Levels at Demonstration Well and Onsite Monitoring Wells	Continuous using dedicated pressure transducers and data loggers. Sampling interval to be less than 10 minutes during injection and extraction, 30 minutes during periods of storage.
Water Levels at Offsite Network Wells	Bi-Weekly during injection/extraction operations, weekly during periods of storage.

9. PROJECT SCHEDULE

Demonstration testing will include 4 cycles of injection, storage, and recovery that will be performed over a period of 7 months. Table 6 summarized the proposed schedule of testing, assuming the commencement of the demonstration test in the Winter 2011.

Table 6. Demonstration Test Schedule

ISR Cycle	Period	Duration (days)
Injection No. 1	Winter 2011	3
Storage No. 1	Winter 2011	2
Recovery No. 1	Winter 2011	2
Injection No. 2	Winter 2011	7
Storage No. 2	Winter 2011	7
Recovery No. 2	Winter 2011	3
Injection No. 3	Winter/Spring 2011	21
Storage No. 3	Winter/Spring 2011	28
Recovery No. 3	Winter/Spring 2011	12
Injection No. 4	Spring 2011	21
Storage No. 4	Summer 2011	90
Recovery No. 4	Summer 2011	12

Following the completion of demonstration testing, the future use of the Project site and the test facilities will be evaluated. Should it be determined through demonstration testing that ASR technology is feasible, and if the City desires to pursue ASR as a conjunctive use tool, the City will prepare the appropriate CEQA documentation for long-term permanent ASR facilities and operation.

10. PROJECT BENEFITS

The City considers the use of ASR a viable means to optimizing their water supplies by developing a conjunctive use strategy. An ASR program would not only enhance the City's ability to effectively manage their groundwater basin, but would also provide the City sufficient water supplies in the event that other supplies are interrupted during an emergency, or during a prolonged drought. The ASR program will also assist in meeting stringent salinity standards for Tracy's wastewater discharge proposed by the Regional Board.

11. ENVIRONMENTAL IMPACT

The Project improves Tracy's water supply reliability and operational efficiency, especially during critically dry hydrologic years. The proposed injection and storage of treated SSJID water in the City's ASR demonstration well would occur through existing facilities. No new facilities would be constructed as a result of the proposed project. The proposed Project would not interfere with the normal operations of SSJID, nor would it impede any SSJID obligations to deliver water to other contractors or to local fish and wildlife habitat. Neither Tracy nor any SSJID water user would be changing historic land and water management practices as a result of the proposed project.

City of Tracy
ASR Demonstration Project
Negative Declaration

This Project will reduce Tracy dependence upon groundwater resources during drought years. There are no other impacts to canals, facilities, or operations for storing SSJID surface water supplies, since the Project would utilize existing facilities.

12. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and subsequent discussion on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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


Signature

11/18/10
Date

Steven G. Bayley
Printed Name

FOR

I. AESTHETICS Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a. No Impact. Tracy has identified open space and agricultural lands as their primary scenic resources. There are no identified scenic vistas in the ASR area. There would be no physical changes associated to the viewshed with the proposed Project (Project); therefore there would be no impacts to a scenic vista.

b. No Impact. There are two officially dedicated California Scenic Highway segments in the Tracy area. The first designated scenic highway is the portion of I-580 between I-205 and I-5, which offers views of the Coast Range to the west and the Central Valley’s urban and agricultural lands to the east. The scenic highways are not federally, state or locally designated in the ASR area. The Project would not result in any physical changes. There would be no impact.

c, d. No Impact. As analyzed in Impact I-a, the Project would not involve any physical changes to the existing viewsheds in the region and no new light sources would be created. There would be no impact.

II. AGRICULTURAL AND FOREST RESOURCES Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a. No Impact. The Project does not involve any change of land use and no physical changes are proposed as part of the Project. There would be no potential for farmland conversion or any potential conflict with an existing Williamson Act contract as there would be no change to the existing land uses. There would be no impact to agricultural resources.

b. No Impact. The storage of water in the City's aquifer would not result in the loss of forest land, as the Project would not change the existing land uses. Additionally, there are no forest resources in the Project vicinity. There is no impact.

c. No Impact. The Project does not involve any new construction. The water would be used to increase the reliability of Tracy's existing water supplies and may be used for development covered by and consistent with Tracy's adopted General Plan (General Plan EIR certified July 20, 2006, SCH# 1992122069). There would be no impact.

III. AIR QUALITY Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a. No Impact. The Project lies within the San Joaquin Valley Air Basin, which is managed by the San Joaquin Valley Air Pollution Control District (SJVAPCD). National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) have been established for the following criteria pollutants: carbon monoxide (CO), ozone (O₃), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), particulate matter (PM₁₀ and PM_{2.5}), and lead (Pb). The CAAQS also set standards for sulfates, hydrogen sulfide, and visibility.

Areas are classified under the Federal Clean Air Act as either “attainment”, “non-attainment” or “extreme non-attainment” areas for each criteria pollutant based on whether the NAAQS have been achieved or not. Attainment relative to the State standards is determined by the California Air Resources Board (CARB). The San Joaquin Valley is designated as a State and Federal extreme non-attainment area for O₃, non-attainment area for PM_{2.5}, and a State and Federal attainment area for CO, SO₂, PM₁₀, NO₂, and Pb (SJVAPCD, 2008).

The Project would not conflict with or obstruct the implementation of the air quality management standards. Standards set by the SJVAPCD, CARB, and Federal agencies relating to the Project would continue to apply. There would be no impact.

b. No Impact. The San Joaquin Valley is designated as a Federal and State non-attainment area for PM_{2.5} and extreme non-attainment for O₃. The SJVAPCD is the regional agency that regulates air permitting and maintains an extensive air quality monitoring network to measure criteria pollution concentrations throughout the San Joaquin Valley air basin. The Project would not involve any new construction. There would be no impact.

c, d. No Impact. As discussed in Impact III-b, the Project would not result in any new construction; therefore no new emissions would be created by the participation in the ASR demonstration project. There would be no impact.

e. No Impact. The Project would not be a source of odors; therefore, there would be no impact.

IV. BIOLOGICAL RESOURCES Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a. No Impact. The Stanislaus River contains habitat; however no construction activities would occur as a result of the Project. The ASR Demonstration Project would utilize existing infrastructure. There would be no impacts to biological resources.

b. No Impact. Riparian habitats typically occur adjacent to waterways. The Project site is located in the central part of Tracy, away from waterways. There is no new construction associated with the Project and no proposed change in land uses. There would be no impact.

c. No Impact. The Project site is located approximately 3 miles away from freshwater ponds and wetlands. No construction or earthmoving activities would take place as a part of the Project; therefore, there would be no impact.

d. No Impact. The Project would not involve any grading or expansion of the existing water storage facilities. Therefore the Project would not interfere with the movement of any wildlife species or the use of native wildlife nursery sites. There would be no impact.

e. No Impact. The Project does not involve tree removal, grading or expansion of the existing facilities and would not conflict with any existing or proposed preservation policies or ordinances. There would be no impact.

f. No Impact. The Project would not conflict with the adopted San Joaquin County Multi-Species Habitat Conservation and Open Space Plan. Therefore, the Project would have no impact.

Table 7. Special-Status Plant Species in the Project Area

Common Name (Scientific Name)	Status	Nearest Known Location
Large-flowered fiddleneck (<i>Amsinckia grandiflora</i>)	F: E S: E CNPS: 1B	Location Information Suppressed
Big tarplant (<i>Blepharizonia plumose</i>)	F: None S: None CNPS: 1B	Tracy
Round-leaved filaree (<i>Erodium macrophyllum</i>)	F: None S: None CNPS: List 2	Thos. Hanan Ranch, 2 miles SE of Tracy
Caper-fruited tropidocarpum (<i>Tropidocarpum capparideum</i>)	F: None S: None CNPS: List 1A	Tracy

Status Codes:

F = Federal Listing

S = State Listing

CNPS = California Native Plant Society

List 1A Plants considered extinct in California

List 1B Plants considered rare or endangered in California and elsewhere (CNPS, 2001)

List 2 Plants considered rare or endangered in California, more common elsewhere (CNPS, 2001)

List 3 Plants for which more information is needed, review list (CNPS, 2001)

List 4 Plants of limited distribution (CNPS)

Discussion:

No special-status plant species have been reported or observed in the vicinity of the Project site. Due to the lack of habitat, no special-status plants are expected to occur within the Project site. Special-status plant species that have been reported within 5 miles of the Project site are identified in Table 5. Locations of known populations of special-status plant species and their approximate distance from the Project site are also identified in the Table 5.

Table 8. Special-Status Wildlife Species in the Project Area

Common Name (Scientific Name)	Status	Nearest Known Location
REPTILES		
California tiger salamander (<i>Ambystoma californiense</i>)	F: Proposed Threatened S: None CDFG: SC	5.4 Miles SSW of Tracy, South of Interstate 580

Table 8. Special-Status Wildlife Species in the Project Area

Common Name (<i>Scientific Name</i>)	Status	Nearest Known Location
Western pond turtle (<i>Emys marmorata</i>)	F: None S: None CDFG: SC	Corral Hollow Creek, 2.0 Miles West of Interstate 580 on Corral Hollow Road
BIRDS		
Burrowing owl (<i>Athene cunicularia</i>)	F: None S: None CDFG: SC	Along Union Pacific RR Tracks, South of Tracy
Swainson's hawk (<i>Buteo swainsoni</i>)	F: None S: Threatened	East Side of Ferry Road, 2 Miles SW of Tracy
California horned lark (<i>Eremophila alpestris actia</i>)	F: None S: None CDFG: SC	SW of Tracy Municipal Airport, South of Tracy
MAMMALS		
San Joaquin pocket mouse (<i>Perognathus inornatus inornatus</i>)	F: None S: None	~5 Miles SSW of Tracy

Status Codes:

CDFG: SC= California Department of Fish and Game Species of Special Concern
 F: Federal Listing
 S: State Listing

Discussion:

As indicated above (Tables 8), review of the California Department of Fish and Game Natural Diversity Data Base (CNDDDB, 2004) identified several special-status species within five miles of the Project site. However, the Project site has been previously disturbed. Although a variety of special status animal species are known to occur within the Project region, the lack of habitat at the Project site would preclude breeding or foraging of these species. Short-term foraging on the site could occur by more mobile species (e.g., birds), Project activities would not impact such species and would not interfere with the maintenance of populations of these species in the region. Thus, no short-term or long-term project-specific or cumulative impacts to special status species are anticipated to result from Project implementation.

The Project site does not contain wetland habitat. Additionally, the Project site is located a sufficient distance from any natural wetlands such that no impacts would result.

A significant impact to a migration corridor would result if a Project would substantially interfere with the use of said area by fish or wildlife. This could occur through elimination of native vegetation, erection of physical barriers, or intimidation of fish or wildlife via introduction of noise, light, development, or increased human presence. The Project is limited to the temporary testing of existing facilities within a fenced maintenance yard. Therefore, it would not impede the movement of wildlife through any wildlife migration or movement corridors. No impacts to migration corridors would result.

The Project would not significantly impact biological resources, and would not conflict with any tree protection ordinance, or other local policies or ordinances established to protect sensitive species or habitats. There are no habitat conservation plans or natural community conservation plans that apply to the Project site. Therefore, the proposed Project would not conflict with such plans. No impact would result.

V. CULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a, b. No Impact. The Project does not involve any new construction or earthmoving activities. As there would be no grading or construction associated with the Project, there would not be any impacts to historical or archaeological resources.

c, d. No Impact. The Project would not involve any new construction or ground disturbance; therefore there would not be potential to uncover any historical, paleontological or cultural resources. There would be no impact.

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VI. GEOLOGY AND SOILS Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a-i. No Impact. There are five faults within 45 miles of Tracy: Black Butte, Greenville, Calaveras, Hayward, and San Andreas. However, the California Geologic Survey does not list Tracy or San Joaquin County on its list of cities and counties affected by Alquist-Priolo Earthquake Fault Zones, as of May 1, 1999. There would be no impact.

a-ii. No Impact. Any impacts regarding strong seismic ground shaking have been discussed in Impact VI-a-i. There would be no impact.

a-iii. No Impact. No subsidence prone soils or oil or gas production is involved with the Project. There would be no impact.

a-iv. No Impact. No geologic landforms exist on or near the Project site that would result in a landslide event. There would be no impact.

b. No Impact. The Project would utilize existing ground water storage facilities and would require no new construction. No grading or earthmoving activities are associated with the Project. There would be no impact.

c, d. No Impact. There is no new construction and no earthmoving activities associated with the Project. There would be no impact.

e. No Impact. The Project would not include the use of septic tanks or other alternative waste water disposal system. There would be no impact.

VII. GREENHOUSE GAS EMISSIONS Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a, b. No Impact. The Project does not include construction, earthmoving activities, or a change in land use. There is no new or different air emissions associated with Project implementation. There would be no impact.

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VIII. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion:

a. No Impact. There would be no transport, use or disposal of hazardous materials. There would be no impact.

b. No Impact. The Project would not create a significant hazard to the public or the environment as the Project would not discharge hazardous materials into the environment. There would be no impact.

c. No Impact. The Project involves no new construction and would not emit hazardous emissions, involve hazardous materials, or create a hazard to the schools in any way. There would be no impact.

d. No Impact. The Project does not involve land that is listed as a hazardous materials site pursuant to Government Code Section 65962.5 and is not included on a list compiled by the Department of Toxic Substances Control. There would be no impact.

e. No Impact. The Project would comply with safety and development restrictions for the Tracy Municipal Airport as specified in the Airport Land Use Compatibility Plan Update for San Joaquin County (July 2009). The Project would not result in any safety hazards to people working or living around the Project site. There would be no impact.

f. No Impact. Any impacts regarding private airstrips have been discussed in Impact VII-e. There would be no impact.

g. No Impact. The Project occurs on an existing groundwater storage facility site and would not interfere with the emergency response and evacuation procedures outlined in the City of Tracy Emergency Plan, revised in November 1997. The Emergency Plan establishes the Standardized Emergency Management System required by State law, and includes information on mutual aid agreements, hierarchies of command, and different levels of response in emergency situations. There would be no impact.

h. No Impact. The City of Tracy General Plan Environmental Impact Report (EIR) identifies that no part of Tracy has a high wildland fire hazard designation as quantified by the California Department of Forestry. There would be no impact.

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IX. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j)	Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a. No Impact. The Project does not involve any new construction, earthmoving activities or change in land use and would not violate any water quality standards nor would it impact waste discharge requirements. There would be no impact.

b. No Impact. The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. The Project involves groundwater injection and subsequent recovery. There would be no impact.

c, d. No Impact. No grading or construction would occur as a result of the Project. Drainage patterns would not be altered as a result of the Project, nor would an increase in surface water runoff occur. There would be no impact.

e, f. No Impact. No grading or construction is proposed as part of the Project. The Project would not contribute to runoff water or degrade water quality. There would be no impact.

g. No Impact. The Project site is not located within a 100-year flood area housing or areas that would impede or redirect flood flows. There would be no impact with regard to flood related events on residential uses.

h. No Impact. The Project would not include any new construction or expansion of the existing facilities; therefore the Project would not impede or redirect flood flows. There would be no impact.

i. No Impact. The Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. There would be no impact.

j. No Impact. The Project is located inland across the coastal mountain range from the Pacific Ocean. The nearest large body of water is the Bethany Reservoir, which is located approximately 5 miles west of Tracy. Seiches are earthquake-generated waves within enclosed or restricted bodies of water. Due to the distance to the nearest fault as discussed in the analysis of Impact VI-a-I and the separation to the nearest large body of water, there would be no potential for seiche or tsunami to occur. There would be no impact.

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X. LAND USE AND PLANNING Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a, b. No Impact. The Project would utilize existing groundwater facilities and is not proposing the construction of new facilities. The Project would be in conformance with all land use policies. There would be no impact.

c. No Impact. Tracy has adopted the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The Project would comply with the SJMSCP. No new facilities would be constructed; therefore the Project would not conflict with any of the goals of the SJMSCP. There would be no impact.

XI. MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a. No Impact. The Project would not be within an area identified as a mineral resource zone for Tracy or ASR. There are no known minerals to be present at the Project site. There would be no impact.

b. No Impact. The Project site is not delineated on a local land use plan as a locally important mineral resource recovery site; therefore, the existence of the Project would not result in the loss of availability of any mineral resources. There would be no impact.

XII. NOISE Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a, b. No Impact. No construction is proposed with the Project and as such, there would be no impact resulting from noise or vibration.

c, d. No Impact. The Project proposes to utilize existing ground water storage facilities which would not increase noise levels in the vicinity of the Project. There would be no impact.

e. No Impact. The Project would comply with the Airport Land Use Compatibility Plan Update for San Joaquin County (July 2009) as described in impact VIII-e. The Project would use existing ground water facilities and would not expose people residing or working in the Project area to increased noise levels. There would be no impact.

f. No Impact. As discussed in impact VIII-e there are no private airstrips in the vicinity of the Project. The Project would not expose people residing or working in the Project area to excessive noise levels. There would be no impact.

XIII. POPULATION AND HOUSING Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a. No Impact. The Project would utilize existing ground water storage facilities. No new construction is associated with the Project. The Project would improve the reliability of Tracy's existing water supply and may be used for development covered by and consistent with Tracy's adopted General Plan (General Plan EIR certified July 20, 2006, SCH# 1992122069). There would be no impact.

b. No Impact. No housing or people would be displaced as the Project does not involve the addition of any new housing. No new construction is associated with the Project. There would be no impact.

c. No Impact. Any impacts regarding the displacement of people have been discussed in Impact XIII-b. There would be no impact.

City of Tracy
 ASR Demonstration Project
 Negative Declaration

XIV. PUBLIC SERVICES Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a. No Impact. The Project would not include any construction. The Project would utilize existing water conveyance and pumping facilities to transfer the water. There would not be an additional need for public services. There would be no impact.

Fire Protection: The City of Tracy would continue to provide fire protection services to the Project site. No new construction is identified with this Project and no change in existing land use is associated with this Project, therefore, no additional services would be required. There would be no impact.

Police Protection: The City of Tracy would continue to provide police protection services to the Project site. Emergency response is adequate to the Project site. As discussed in Impact XIII-a, no new construction is proposed for this Project. The Project would not impact existing law enforcement services.

Schools: As discussed in Impact XIII-a, the Project would not include construction of any residential structures, nor change the existing land use. The Project would not result in an increase of population that would require additional school facilities. There would be no impact.

Parks: As the Project would not induce population growth, the Project would not create a need for additional park or recreational services. There would be no impact.

Other public facilities: No other facilities are needed or would be impacted by the Project. There would be no impact.

XV. RECREATION Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a. No Impact. The Project would not increase the demand for recreational facilities nor put a strain on the existing recreational facilities. There would be no impact.

b. No Impact. This Project does not include recreational facilities nor would it require the construction or expansion of recreational facilities. There would be no impact.

XVI. TRANSPORTATION/TRAFFIC Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

City of Tracy
 ASR Demonstration Project
 Negative Declaration

b)	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a, b. No Impact. The Project would not involve any construction. The Project would utilize existing groundwater storage facilities. The Project would not cause an increase in local traffic as there would be no change to the existing land uses. There would be no impact to the circulation system.

a. No Impact. No new construction is proposed as part of the Project. Existing infrastructure would be used to store the water; therefore the Project would not result in a change in air traffic patterns. There would be no impact.

b. No Impact. No roadway design features are associated with this Project and there would be no change in the existing land use which would result in an incompatible use. There would be no impact.

c. No Impact. No roads would be modified as a result of this Project. As discussed in Impact VIII-g; there would be no impact to any emergency access.

d. No Impact. The Project would not conflict with any adopted transportation policies or plans. The Project would not alter the existing operating conditions nor modify any aspect of the surrounding circulations system. There would be no impact.

e. No Impact. The City of Tracy General Plan (July 2006) contains policies promoting the use of alternative transportation programs including walking, biking, and transit use. There are no new facilities proposed as part of the Project. The Project would not cause an increase in

local traffic as there would be no change in the existing land use; therefore the Project would not conflict with alternative transportation programs. There would be no impact.

XVII. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a, b. No Impact. The Project proposes to store water using existing facilities. The Project would not generate any new water or wastewater treatment requirements. There would be no impact.

c. No Impact. There would be no new facilities proposed as part of the Project. As existing ground water storage facilities would be used, the Project would have virtually no change in the amount of stormwater drainage capacity needed to operate. There would be no impact.

d. No Impact. No new or expanded water entitlements would be required for the Project. There would be no impact.

e. No Impact. As discussed in Impact XVII-a and XVII-b, the Project would not generate additional wastewater. There would be no impact.

f. No Impact. There would be no new construction associated with the Project. As the Project would not generate an increase in solid waste, there would be no need for an increase in solid waste capacity for the Project. There would be no impact.

g. No Impact. The Project would continue to comply with any federal, state, and local regulations. There would be no impact.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion:

a. No Impact. The analysis conducted in this Initial Study results in a determination that the Project would have no effect on the local environment. The Project would involve no potential for significant impacts through the degradation of the quality of environment, the reduction in the habitat or population of fish or wildlife, including endangered plants or animals, the elimination of a plant or animal community or example of a major period of California history or prehistory. There would be no impact.

b. No Impact. The Project would not result in any cumulatively considerable impacts to biological or cultural resources. The Project would not include any construction or earth moving activities or a change in land use. There would be no impact. ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

c. No Impact. The Project would not result in substantial adverse effects on human beings, either directly or indirectly. There would be no adverse effects on human beings resulting from implementation of the Project. There would be no impact.

PREPARERS



520 Tracy Boulevard
Tracy, CA 95376

Steve Bayley, Deputy Director of Public Works

Vanessa Carrera, Management Analyst

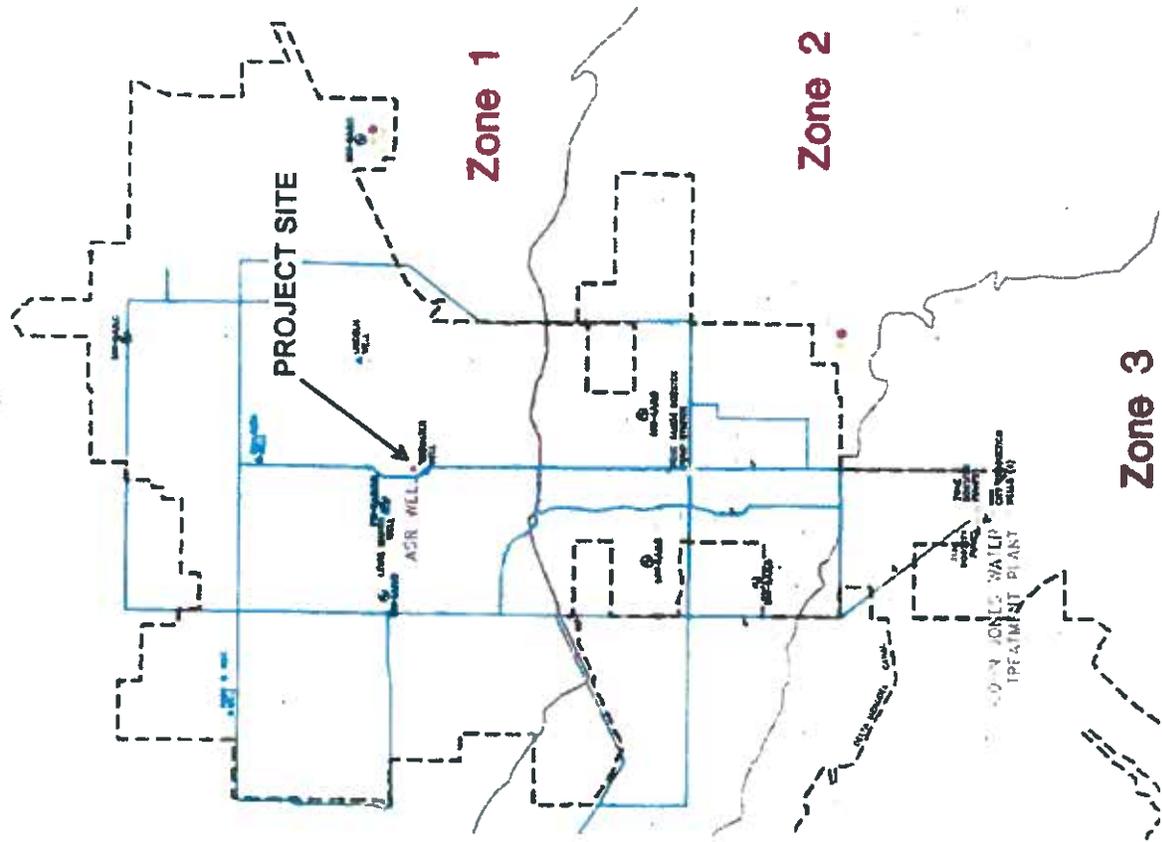
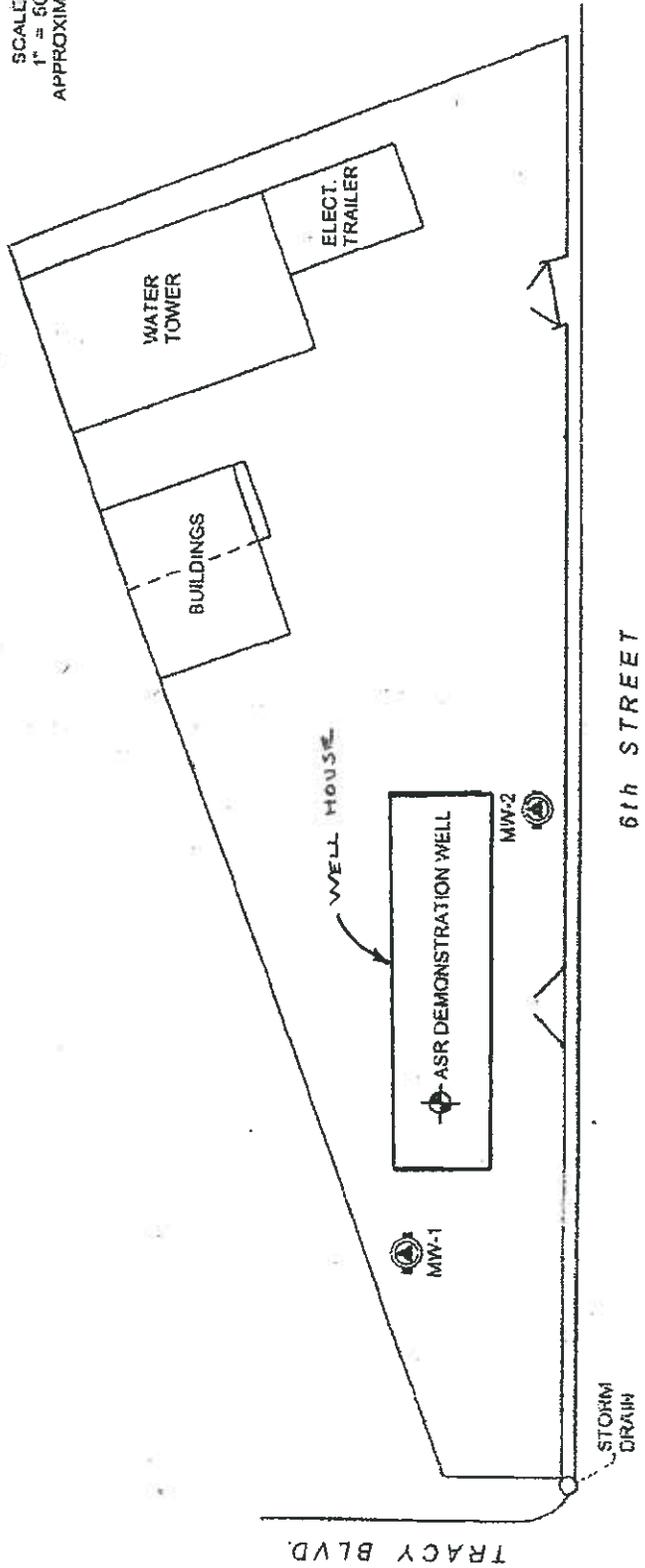


FIGURE 1
PROJECT LOCATION MAP

SCALE:
1" = 50'
APPROXIMATE



- LEGEND**
- EXISTING WELL
 - ASR DEMONSTRATION WELL

FIGURE 2
ASR DEMONSTRATION WELL SITE

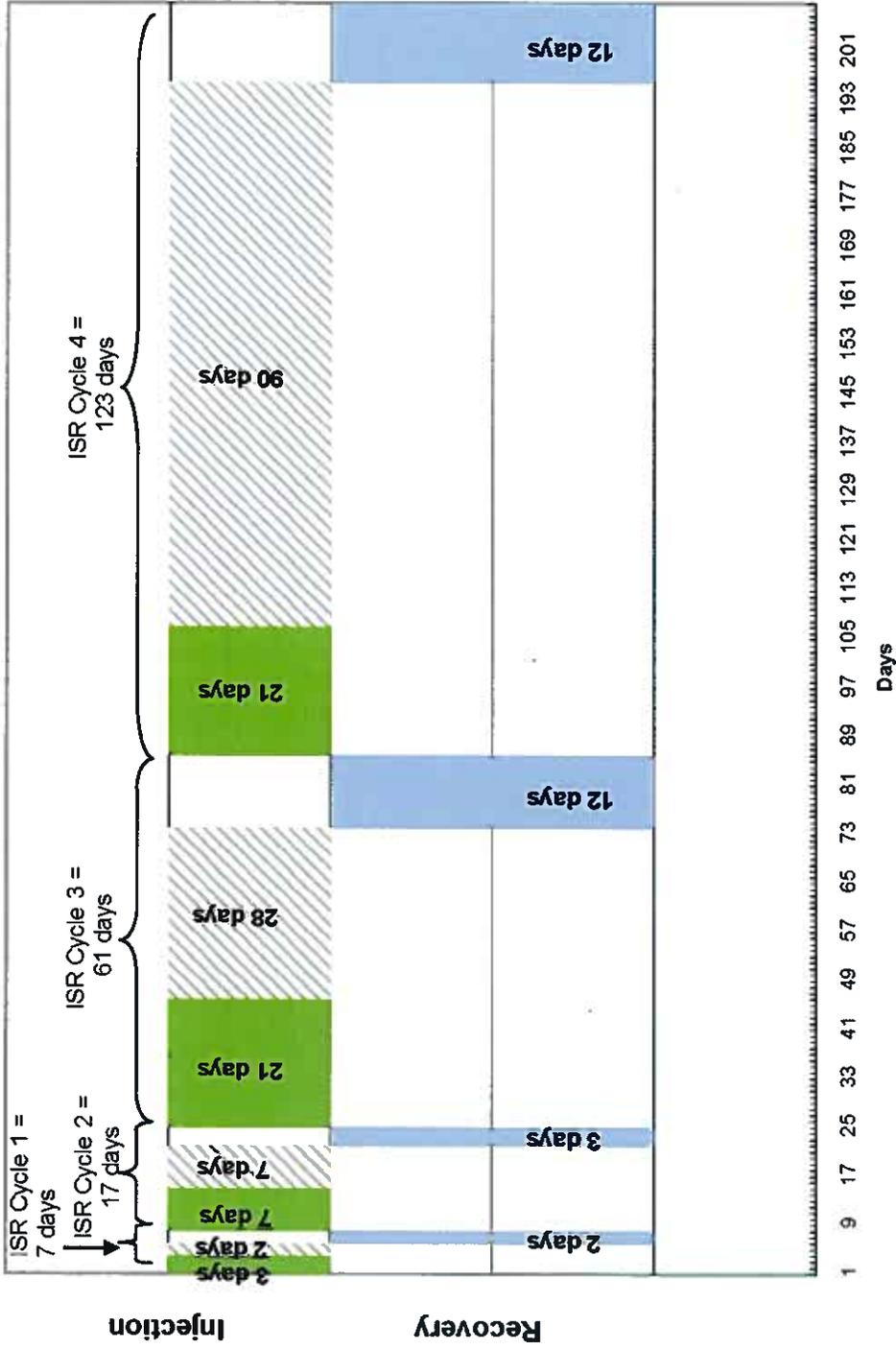


FIGURE 4
PROPOSED ASR DEMONSTRATION PROGRAM

RESOLUTION _____

AUTHORIZING AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT
WITH WEST YOST ASSOCIATES FOR AQUIFER STORAGE AND RECOVERY
DEMONSTRATION PROJECT - PHASE 1, APPROVAL OF A NEGATIVE DECLARATION AND
AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT

WHEREAS, The City of Tracy has proposed a project to demonstrate the feasibility of Aquifer Storage and Recovery (ASR) in Tracy, and

WHEREAS, This project commenced in 2001 and was temporarily stopped in 2004 after a RWQCB hearing in which Tracy was denied a permit to proceed because of concerns about treated drinking water contaminating the underground aquifer. At the hearing, the RWQCB suggested that the Stanislaus River water would be the best water for Tracy to use for ASR, and

WHEREAS, Production Well No. 8 is designed and equipped as an ASR well and is located at the corner of Tracy Boulevard and Sixth Street, and

WHEREAS, The proposed ASR demonstration project will be for the short term and temporary storage of up to 300 acre-feet of treated drinking water from the Stanislaus River (the South San Joaquin Irrigation District water supply), and

WHEREAS, Injection will occur during the months of January through March; water will remain underground for a period of several months and will be extracted at various intervals during the subsequent nine months to determine the rate of degradation of disinfection byproducts and other geochemical changes, and

WHEREAS, The movement of the water will also be monitored using data collected from monitoring wells, and

WHEREAS, All water that is injected will be pumped out using Production Well No. 8 and after testing, may be pumped into the water distribution system for use, and

WHEREAS, The services to be provided by West Yost Associates includes training for City staff to properly inject water and flushing of the well, monitoring the injection and extraction processes, evaluation of laboratory results and the test program, and

WHEREAS, A Negative Declaration in compliance with California Environmental Quality Act has been prepared, and

WHEREAS, The Negative Declaration was circulated for public review from November 22, 2010 to December 22, 2010 including to the State Clearinghouse within the State of California Office of Planning and Research and no comments were received from the public, and

WHEREAS, There is no impact to the General Fund. The cost of these professional services is estimated to be \$195,000; this item is budgeted in Fiscal Year 2010-11 as CIP 75078 and there are adequate funds available;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the City Council hereby approves the Aquifer Storage and Recovery Demonstration Project – Phase 1 and directs staff to prepare and file a Notice of Determination with the County Clerk of San Joaquin County in accordance with Sections 15075 and 15096 of Title 14 of the California Code of Regulations.

2. That the City Council hereby authorizes the Amendment No. 1 to the Professional Services Agreement for Design Professionals with West Yost Associates, and authorizes the Mayor to execute the amendment.

* * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 4th day of January, 2011, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

January 4, 2011

AGENDA ITEM 1.F

REQUEST

AUTHORIZE THE APPOINTMENT OF FIVE YOUTH COMMISSIONERS TO THE YOUTH ADVISORY COMMISSION

EXECUTIVE SUMMARY

The bylaws of the Youth Advisory Commission set the minimum number of appointed commissioners at eleven, with no maximum limit. A selection panel was established and they have made recommendations for five youth to be appointed for a 6-month term to fill the existing vacancies on the Youth Advisory Commission.

DISCUSSION

The bylaws of the Youth Advisory Commission call for a minimum of 11 commissioners, but do not limit the total number of youth commissioners that may sit on the commission. Instead, the bylaws are crafted to allow all qualified teens, who wish to have a voice in their community, to be involved in the Commission. Currently the Commission has 6 Commissioners appointed and 5 vacancies.

The City recruits new commissioners on an ongoing basis to fill any vacancies created by outgoing Commissioners. The bylaws of the Youth Advisory Commission call for a selection panel to review new applications and make recommend selections to City Council for appointment. This year's panel consisted of Recreation Coordinator Jolene Jauregui, Recreation Leader III Courtney Campbell, and Recreation Leader II Beatrice Amezquita.

The interview panel conducted five youth interviews on November 17, 2010. The following individuals are being recommended to serve a 6-month term, from February 1, 2011 to July 31, 2011: Arashpreet Gill, Inyoung Hong, Rajan Makker; Michelle Mizuno, and Aloukika Shah

FISCAL IMPACT

There is no impact on the General Fund.

RECOMMENDATION

Staff recommends that the City Council approve, by resolution, the appointment of five youth commissioners to the Youth Advisory Commission based upon the interview and selection panel recommendations.

Prepared by: Kim Scarlata, Recreation Services Supervisor
Reviewed by: Rod Buchanan, Director of Parks and Community Services
Approved by: Leon Churchill, Jr., City Manager

RESOLUTION _____

AUTHORIZING THE APPOINTMENT OF FIVE YOUTH COMMISSIONERS
TO THE YOUTH ADVISORY COMMISSION

WHEREAS, The bylaws of the Youth Advisory Commission call for a minimum of eleven commissioners, but do not limit the total number of youth commissioners that may sit on the commission; and

WHEREAS, The eligibility criteria and selection process of YAC commissioners are established; and

WHEREAS, The City recruits new commissioners on an ongoing basis to replace the outgoing commissioners and existing vacancies, and has established a recommendation selection panel to recommend appointees to City Council; and

WHEREAS, The recommendation selection panel recommended the following five youths for a six month term, from February 1, 2011 to July 31, 2011: Arashpreet Gill, Inyoung Hong, Rajan Makker; Michelle Mizuno, and Aloukika Shah.

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby approves the appointment of the five new Youth Commissioners identified above to the Youth Advisory Commission.

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the _____ day of _____, 2011, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.G

REQUEST

AUTHORIZATION TO ENTER INTO COST-SHARING AGREEMENT BETWEEN THE CITY OF TRACY AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF CALIFORNIA STATE HIGHWAY ELECTRICAL FACILITIES; AND AUTHORIZATION FOR THE MAYOR TO SIGN THE AGREEMENT

EXECUTIVE SUMMARY

At the State's request, this item seeks to consolidate all current cost-sharing agreements with the California Department of Transportation for the maintenance of flashing-beacons, traffic-signals, traffic-signal systems, safety-lighting, and sign-lighting now in place at the intersection of State highway routes and City streets/roads. The cost distribution shall remain at 50% for maintenance performed by the State Department of Transportation and billed to the City of Tracy.

DISCUSSION

The State and City typically enter into cooperative agreements for each highway improvement project where such improvements intersect with City streets. Examples of such areas are I-205 and Grantline Road, I-205 and Naglee Road, I-205 and Tracy Boulevard. After the highway ramps have been constructed, the State maintains the improvements and bills the City for 50% (fair share portion) of the labor, equipment, material costs, and electricity for traffic signal systems and bills for safety and sign lighting based on calculated unit-costs derived by averaging the State's District-wide costs for the similar aforementioned expenditures.

For ease in administration, the State wishes to consolidate the cooperative agreements into a single cost-sharing agreement without changing the existing cost formulas or maintenance responsibilities. Exhibit "A" identifies those areas that will be consolidated into a single cost-sharing agreement.

STRATEGIC PLAN:

This agenda item, in itself, does not relate to the Council's seven strategic plans. The continued cost sharing with the State, however, supports the organizational effectiveness strategic plan and specifically implements the following goal and objectives:

Goal 3: Preserve and maintain existing community assets

Objective 3a: To fund maintenance and replacement of community amenities

FISCAL IMPACT

There will be no additional impact to the budget by this action of consolidating existing agreements.

AGENDA ITEM 1.G

January 4, 2011

Page 2

General, Transportation Development Act and Gas Tax Funds are allocated each year (approximately \$20,000) for the City's proportionate share of maintenance costs.

RECOMMENDATION

That the City Council, by resolution, authorize a cost-sharing Agreement between the City of Tracy and the California Department of Transportation for the maintenance of California state highway electrical facilities, and authorize the Mayor to sign the Agreement.

Prepared by Anne Bell, Management Analyst II
Reviewed by Kevin Tobeck, Director of Public Works
Approved by Leon Churchill, Jr., City Manager

**AGREEMENT FOR SHARING COST OF STATE HIGHWAY
ELECTRICAL FACILITIES WITH CITY OF TRACY**

THIS AGREEMENT is made effective this 4th day of January, 2011, by and between the State of California, acting by and through the Department of Transportation, hereinafter referred to as "STATE" and the CITY of Tracy, hereinafter referred to as "CITY".

- I. This Agreement shall supersede any previous Agreement and/or Amendments thereto for sharing State-incurred costs with the CITY.
- II. The cost of operating and maintaining flashing-beacons traffic-signals, traffic-signal systems, safety-lighting, and sign-lighting now in place at the intersection of any State Highway Route and any CITY street/road shall be shared as shown in Exhibit "A".
- III. Basis for Billing:
 - A. It is agreed that monthly billings for flashing-beacons, traffic-signals, and traffic-signal systems shall be based on actual intersection costs, which are as follows:
 - Maintenance
 - Labor, including overhead assessment
 - Other expenses
 - Equipment
 - Materials
 - Miscellaneous expenses
 - Electrical energy
 - B. It is agreed that monthly billings for safety-lighting and sign-lighting shall be based on calculated unit-costs derived by averaging STATE's District-wide costs each month. Costs are as follows:
 - Maintenance
 - Labor, including overhead assessment
 - Other expenses
 - Equipment
 - Materials
 - Miscellaneous expenses
 - Electrical energy
 - C. It is agreed that monthly billings invoiced to CITY for STATE-owned and maintained electrical facilities identified in Exhibit "A" will be based on actual costs paid by STATE, when derived from utility company billings. STATE will bill CITY monthly in arrears for any CITY share of electrical facilities expenses shown in Exhibit "A".

- IV. Exhibit "A" will be amended, as necessary by written concurrence of both parties, to reflect changes to the system.
- V. STATE costs and expenses assumed under the terms of this Agreement are conditioned upon the passage of the annual State of California Budget by the Legislature, the allocation of funding by the California Transportation Commission as appropriate, and the encumbrance of funding to the District Office of STATE to pay the billings by CITY.
- VI. This Agreement shall remain in full-force and effect until amended by the mutual consent of the parties or terminated by either party upon thirty (30) days' notice to the other party.
- VII. Neither CITY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by STATE under or in connection with any work, authority or jurisdiction arising under this Agreement. It is understood and agreed that STATE shall fully defend, indemnify and save harmless the CITY and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this Agreement with the exception of those actions of STATE necessary to cure a noticed default on the part of CITY.
- VIII. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction arising under this Agreement. It is understood and agreed that CITY shall fully defend, indemnify and save harmless STATE and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CITY under this Agreement.
- IX. Labor Code Compliance: Prevailing Wages

If the work performed on this Project is done under contract and falls within the Labor Code section 1720(a)(1) definition of a "public work" in that it is construction, alteration, demolition, installation, repair or maintenance CITY must conform to the provisions of Labor Code sections 1720 through 1815, all applicable regulations and coverage determinations issued by the Director of Industrial Relations. CITY agrees to include prevailing wage requirements in its contracts for public work. Work performed by CITY'S own forces is exempt from the Labor Code's prevailing wage requirements.

- X. Prevailing Wage Requirements in Subcontracts

CITY shall require its contractors to include prevailing wage requirements in all subcontracts funded by the Agreement when the work to be performed by the subcontractor is a "public work" as defined in Labor Code Section 1720(a)(1). Subcontracts shall include all Prevailing Wage requirements set forth in CITYS contracts.

The PARTIES are empowered by Streets and Highways Code Section 114 & 130 to enter into this Agreement and have delegated to the undersigned the authority to execute this Agreement on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

THE CITY OF TRACY
TRANSPORTATION

STATE OF CALIFORNIA
DEPARTMENT OF

By: _____
Brent H. Ives
City Mayor

CINDY MCKIM
Director of Transportation

Attest:

By: _____
CITY

By:
Deputy District Director
Maintenance

By: _____
CITY Attorney

By:
**Attorney
Department of Transportation

***Approval by STATE'S Attorney is not required unless changes are made to this form, in which case, the draft will be submitted to Headquarters for review and approval by STATE's Attorney as to form and procedures.*

EXHIBIT "A"

TRAFFIC SIGNAL AND LIGHTING AGREEMENT
Caltrans and City of Tracy

BASIS OF COST DISTRIBUTION

State-Owned and maintained
Billed by the State

No.	State Route	Post Mile	Location Description	Type of facility		Type Code	Units	Cost Distribution	
								State	City
1	205	5.190	GRANTLINE & NAGLEE	EA09D	Signal	P	N/A	50.0%	50.0%
				00519A	200W	E	0.50	50.0%	50.0%
				00519B	200W	E	0.50	50.0%	50.0%
				00519D	200W	E	0.50	50.0%	50.0%
				00519C	200W	E	0.50	50.0%	50.0%
2	205	5.460	E/ 205 & GRANTLINE	EA091	Signal	P	N/A	50.0%	50.0%
				00546P	310W	E	1.00	50.0%	50.0%
				00546N	310W	E	1.00	50.0%	50.0%
				00546L	310W	E	1.00	50.0%	50.0%
				00546M	310W	E	1.00	50.0%	50.0%
3	205	5.490	W/ 205 & NAGLEE	EA089	Signal	P	N/A	50.0%	50.0%
				00549B	310W	E	1.00	50.0%	50.0%
				00549D	310W	E	1.00	50.0%	50.0%
				00549C	310W	E	1.00	50.0%	50.0%
				00549A	310W	E	1.00	50.0%	50.0%
4	205	5.550	W/S GRANTLINE RD 600' E/O GRANTLINE RD OC	000824	200W	L	0.50	50.0%	50.0%
				000825	200W	L	0.50	50.0%	50.0%
				000826	200W	L	0.50	50.0%	50.0%
				000827	200W	L	0.50	50.0%	50.0%
				000828	200W	L	0.50	50.0%	50.0%
				000829	200W	L	0.50	50.0%	50.0%
				000830	200W	L	0.50	50.0%	50.0%
				000831	200W	L	0.50	50.0%	50.0%
5	205	7.050	W/S TRACY RD S/S OF E/B OFF RAMP	000838	200W	L	0.50	50.0%	50.0%
				000839	200W	L	0.50	50.0%	50.0%
				000840	200W	L	0.50	50.0%	50.0%
				000841	200W	L	0.50	50.0%	50.0%
6	205	7.060	TRACY BLVD 7 205	EA077	Signal	P	N/A	50.0%	50.0%
				EA078	Signal	P	N/A	50.0%	50.0%
				00706D	200W	E	0.50	50.0%	50.0%
				00706E	200W	E	0.50	50.0%	50.0%
				00706F	200W	E	0.50	50.0%	50.0%
7	205	8.120	MC ARTHUR & 205	00812D	200W	E	0.50	50.0%	50.0%
				00812E	200W	E	0.50	50.0%	50.0%
				00812F	200W	E	0.50	50.0%	50.0%
				00812A	200W	E	0.50	50.0%	50.0%
				00812B	200W	E	0.50	50.0%	50.0%
				00812C	200W	E	0.50	50.0%	50.0%
				EA074	Signal	P	N/A	50.0%	50.0%
				EA075	Signal	P	N/A	50.0%	50.0%
8	205	8.170	E/S MC ARTHUR RD 440' S/O RTE 205	000848	200W	L	0.50	50.0%	50.0%
				000849	200W	L	0.50	50.0%	50.0%
				000850	200W	L	0.50	50.0%	50.0%
				000851	200W	L	0.50	50.0%	50.0%

RESOLUTION _____

APPROVING A COST SHARING AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF CALIFORNIA STATE HIGHWAY ELECTRICAL FACILITIES LOCATED IN THE CITY LIMITS; AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT

WHEREAS, The State of California, through its Department of Transportation has presented an Agreement for Cost-Sharing for the maintenance of the State highway electrical facilities in the City of Tracy, effective as of January 4th, 2011 and to remain in effect until amended or terminated.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the Cost Sharing Agreement with the California Department of Transportation for the maintenance of California State highway electrical facilities located in the City limits, and authorizes the Mayor to sign the Agreement.

* * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on this 4th day of January 2011, by the following vote:

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

MAYOR

ATTEST

City Clerk

January 4, 2011

AGENDA ITEM 1.H

REQUEST

AUTHORIZATION OF A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$28,382 FROM THE SEWER FUND FOR THE CITY'S SHARE OF COSTS FOR PREPARATION OF A BASIN PLAN VARIANCE FOR SALINITY

EXECUTIVE SUMMARY

The City's wastewater discharge to Old River is saltier than allowed by State regulation. The Regional Water Quality Control Board (RWQCB) staff has indicated that an approach for compliance is for them to adopt a Basin Plan variance for the cities of Tracy, Stockton, Manteca and Fresno. The Central Valley Clean Water Association (CVCWA), of which the City is a member, is willing to have the technical studies prepared. The City's share of the cost is \$28,382.

DISCUSSION

The salinity standard contained in the Central Valley Basin Plan is very onerous and cannot be met without expensive wastewater treatment. Removal of the salt from the City's wastewater effluent will require the use of reverse osmosis, thermal desalinization, or other treatment processes. Additionally, salinity source control measures would need to be adopted and enforced on residents, businesses and industry.

Removal of the salt from the City's wastewater does not reduce the amount of salt in the Old River significantly, and would have a de minimus beneficial impact on water quality in Old River. The City is pursuing all possible methods to remain in compliance and to avoid imposition of this salinity standard on the City.

A suggested approach recommended by the Executive Officer of the Regional Water Quality Control Board is to seek a variance for Tracy, Manteca and Stockton in the Southern Delta, and Fresno in the Tulare Basin. Funding is needed to provide the technical case studies to show the need for a variance. The benefit of the variance approach is that if the Delta salinity standard is relaxed in the future, there would have been no onerous requirement placed in the City's discharge permit which could be very difficult to remove.

The City is a member of the CVCWA. CVCWA has agreed to manage the consultant that would prepare the technical case studies and coordinate with the RWQCB. The proposed contract is a time and materials contract and could be stopped before completion of the work if fatal flaws are discovered.

Staff recommends the City participate in preparation of a variance because it will allow the City to be compliance while long term solutions to salinity are evaluated.

STRATEGIC PLAN

This agenda items supports the environmental sustainability strategic plan by allowing compliance with State salinity standards for Tracy's wastewater discharge into the Delta.

FISCAL IMPACT

There is no impact to the General Fund. This item was not anticipated or budgeted and will require supplemental funding.

RECOMMENDATION

That the City Council, by resolution, authorize a supplemental appropriation from the Sewer fund in the amount of \$28,382.

Prepared by: Steve Bayley, Deputy Director of Public Works

Approved by: Kevin Tobeck, Director of Public Works

Approved by Leon Churchill, Jr., City Manager

RESOLUTION _____

AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$28,382 FROM THE SEWER FUND FOR THE CITY'S SHARE OF COSTS FOR PREPARATION OF A BASIN PLAN VARIANCE FOR SALINITY

WHEREAS, The City is pursuing all possible methods to remain in compliance and to avoid imposition of this salinity standard on the City.

WHEREAS, A suggested approach recommended by the Executive Officer of the Regional Water Quality Control Board is to seek a variance for Tracy, Manteca and Stockton in the Southern Delta, and Fresno in the Tulare Basin, and

WHEREAS, Funding is needed to provide the technical case studies to show the need for a variance, and

WHEREAS, The City is a member of the CVCWA and CVCWA has agreed to manage the consultant that would prepare the technical case studies and coordinate with the RWQCB, and

WHEREAS, The proposed contract is a time and materials contract and could be stopped before completion of the work if fatal flaws are discovered, and

WHEREAS, There is no impact to the General Fund. This item was not anticipated or budgeted and will require supplemental funding;

NOW, THEREFORE, BE IT RESOLVED That the City Council authorizes a supplemental appropriation in the amount of \$28,382 from the Sewer fund.

* * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 4th day of January, 2011, by the following vote:

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

MAYOR

ATTEST:

AGENDA ITEM 1.1

REQUEST

ACCEPTANCE OF THE OVERLAY & CHIP SEAL OF VARIOUS CITY STREETS PROJECT (FY 2009-10) – CIP 73117, COMPLETED BY INTERNATIONAL SURFACING SYSTEMS OF SACRAMENTO, CALIFORNIA, AND AUTHORIZATION FOR THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

EXECUTIVE SUMMARY

The contractor has completed construction of the Overlay & Chip Seal of Various City Streets Project (FY 2009-2010) - CIP 73117, in accordance with plans, specifications, and contract documents. Project costs are within the available budget. Staff recommends Council accept the project to enable the City to release the contractor's bonds and retention.

DISCUSSION

On May 18, 2010, City Council awarded a construction contract to International Surfacing Systems of Sacramento, California, in the amount of \$562,045.90, for the Overlay & Chip Seal of Various City Streets Project (FY 2009-2010) - CIP 73117.

This project was completed as part of the City's annual street improvement program and consisted of the application of a rubberized asphalt concrete overlay on 3 arterial streets and placement of an asphalt rubber chip seal on 12 residential street segments located throughout the City, as listed in Exhibit A. Candidate streets were selected based on recommendations from the City's Pavement Management System, which performs life-cycle and cost-benefit analysis to identify the highest-ranked streets for improvement. Street selection was coordinated with the City's Public Works Street Maintenance Division. The project plans and specifications were prepared in-house by Engineering Division staff.

The scope of work for this project also included grinding, patching of ruts and depressions before resurfacing, and adjustment of existing manholes, water valves, and survey monuments to grade.

No change orders were issued. Project construction contract unit prices are based on estimated engineering quantities. Actual payment is based on field measured quantities installed by the contractor. According to the City's inspection records, actual field measurement quantities are under the contract quantities in the amount of (\$35,856.29). These quantities were deducted in accordance with the bid unit prices listed in the contract and are listed as under run quantities.

Status of budget and project costs is as follows:

A. Construction Contract Amount	\$562,045.90
B. Change orders	\$ 0
C. Under run of Quantities	(35,856.29)

C. Design, construction management, inspection, Testing, & miscellaneous expenses	\$ 40,965.89
D. Project Management Charges	<u>\$ 45,754.96</u>
Total Project Costs	\$612,910.46
Budgeted Amount	\$630,800.00

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

STRATEGIC PLAN

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

FISCAL IMPACT

CIP 73117 is an approved Capital Improvement Project with sufficient funding and there will be no fiscal impact to the General Fund.

RECOMMENDATION

That City Council, by resolution, accept the Overlay & Chip Seal of Various City Streets Project (FY 2009-2010) - CIP 73117, completed by International Surfacing Systems of Sacramento, 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: Paul Verma, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

Approved by: Andrew Malik, Development and Engineering Services Director
Leon Churchill, Jr., City Manager

Attachment – Exhibit A

STREET SUMMARY

ASPHALT RUBBER CHIP SEAL PROJECT - (FY 2009-2010) CIP NO. 73117

S NO	Street	From	To	(FT) Length	(FT) Width	Area SF	Add'l Area for bulb	Total Area SF
Base Bid (Sheet 1)								
1	PONTE MIRA WY	KAVANAGH AVE	S END	1167	32	37344	2430	39774
2	GEORGIA DR	KAVANAGH AVE	SUELLEN DR	574	36	20664		20664
3	BUTLER CT	KAVANAGH AVE	S END	348	36	12528	2430	14958
4	SUELLEN DR	LINCOLN BLVD	ATLANTA DR	1773	36	63828		63828
5	ATLANTA DR	SUELLEN DR	KAVANAGH AVE	686	36	24696		24696
6	GOME CT	KAVANAGH AVE	S END	466	28	13048	2430	15478
7	RHETT ct	KAVANAGH AVE	S END	470	28	13160	2430	15590
8	BELLE CT	O'HARA DR	W END	250	36	9000	2430	11430
9	PLANTATION CT	O'HARA DR	W END	265	36	9540	2430	11970
10	PLANTATION DR	O'HARA DR	GERALD CT.	238	28	6664		6664
11	GERALD CT	PLANTATION DR	S END	320	28	8960	2430	11390
12	CARLTON WY	HOLLY DR	PARKER AVE	1094	32	35008		35008
							SFT	271450
							SYD	30,161
Additive Bid (Sheet 1) "A"								
1	LINCOLN BLVD	KAVANAGH AVE	NORTH END	710	36	25560		25560
2	DRONERO CT	DRONERO WY	END	321	32	10272	2430	12702
3	DRONERO WY	PONTE MIRA WY	DRONERO CT	1040	32	33280		33280
4	PONTE MIRA WY	DRONERO WY	KAVANAGH AVE	461	32	14752		14752
							SFT	86294
							SYD	9,588
Additive Bid (Sheet 1) "B"								
1	SCARLETT PL	W END	CARREEN CT	1046	36	37656		37656
2	CARREEN CT	SCARLETT PL	S END CDS	262	36	9432	2430	11862
							SFT	49518
							SYD	5,502

RESOLUTION _____

ACCEPTING THE OVERLAY & CHIP SEAL OF VARIOUS CITY STREETS PROJECT
(FY 2009-10) – CIP 73117, COMPLETED BY INTERNATIONAL SURFACING
SYSTEMS OF SACRAMENTO, CALIFORNIA, AND AUTHORIZING THE CITY CLERK
TO FILE THE NOTICE OF COMPLETION

WHEREAS, On May 18, 2010, City Council awarded a construction contract to International Surfacing Systems of Sacramento, California, in the amount of \$562,045.90, for the Overlay & Chip Seal of Various City Streets Project (FY 2009-2010) - CIP 73117, and

WHEREAS, This project was completed as part of the City’s annual street improvement program

WHEREAS, No change orders were issued, and

WHEREAS, According to the City’s inspection records, actual field measurement quantities are under the contract quantities in the amount of (\$35,856.29), and

WHEREAS, Status of budget and project costs is as follows:

Construction Contract Amount	\$562,045.90
Change orders	\$ 0
Under run of Quantities	(35,856.29)
Design, construction management, inspection, Testing, & miscellaneous expenses	\$ 40,965.89
Project Management Charges	<u>\$ 45,754.96</u>
Total Project Costs	\$612,910.46

WHEREAS, CIP 73117 is an approved Capital Improvement Project with sufficient funding and there will be no fiscal impact to the General Fund;

NOW, THEREFORE, BE IT RESOLVED, That City Council accepts the Overlay & Chip Seal of Various City Streets Project (FY 2009-2010) - CIP 73117, completed by International Surfacing Systems of Sacramento, 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.

Resolution _____

Page 2

The foregoing Resolution 2011-___ was passed and adopted by the City of Tracy City Council on the 4th day of January, 2011 by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.J

REQUEST

**ACCEPTANCE OF THE SLURRY SEAL PROJECT (FY 2009-10) - CIP 73117,
COMPLETED BY GRAHAM CONTRACTORS, INC. OF SAN JOSE, CALIFORNIA,
AND AUTHORIZATION FOR THE CITY CLERK TO FILE THE NOTICE OF
COMPLETION**

EXECUTIVE SUMMARY

The contractor has completed the construction contract for the Slurry Seal Project (FY 2009-10) - CIP 73117, in accordance with plans, specifications, and contract documents. Project costs are within the available budget. Staff recommends Council accept the project to enable the City to release the contractor's bonds and retention.

DISCUSSION

On May 18, 2010, City Council awarded a construction contract to Graham Contractors, Inc., of San Jose, California, in the amount of \$98,506.60, for the Slurry Seal of Various City Streets (FY 2009-2010) - CIP 73117.

This project was completed as part of the City's annual street improvement program and consisted of the application of a slurry seal on approximately 12 residential street segments located throughout the City. Candidate streets were selected on the basis of recommendations from the City's Pavement Management Program, which performs life-cycle and cost-benefit analysis to identify the highest-ranked streets for improvement. Street selection was coordinated with the Public Works Street Maintenance Division. The project plans and specifications were prepared in-house by Engineering Division staff.

This project also included the slurry seal and new striping in the Downtown Parking District parking lot located north of Tenth Street and west of Central Avenue. Funding for this work was paid for by the Downtown Parking District from assessments paid by property owners of the businesses.

The scope of work for this project also included grinding, patching of ruts and depressions before resurfacing, and adjustment of existing manholes, water valves, and survey monuments to grade.

No change orders were issued. The project construction contract unit prices are based on estimated engineering quantities. Actual payment is based on field measured quantities installed by the contractor. According to the City's inspection records, actual field measurement quantities are under the contract quantities in the amount of (\$11,134.25). These quantities were deducted in accordance with the bid unit prices listed in the contract and are listed as under run quantities.

Status of budget and project costs is as follows:

A. Construction Contract Amount	\$98,506.60
B. Change orders	\$ 0
C. Under run of Quantities	(11,134.25)
D. Design, construction management, inspection, Testing, & miscellaneous expenses	\$ 10,000.00
E. Project Management Charges	<u>\$ 10,000.00</u>
Total Project Costs	\$107,371.75
Budgeted Amount	\$120,000.00

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

STRATEGIC PLAN

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

FISCAL IMPACT

CIP 73117 is an approved Capital Improvement Project with sufficient funding and there will be no fiscal impact to the General Fund.

RECOMMENDATION

That City Council, by resolution accept the Slurry Seal of Various City Streets (FY 2009-2010) Project - CIP 73117, completed by Graham Contractors, Inc., of San Jose, 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: Paul Verma, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

Approved by: Andrew Malik, Development and Engineering Services Director
Leon Churchill, Jr., City Manager

STREET SUMMARY

SLURRY SEAL PROJECT - (FY 2009-2010) CIP NO. 73117

S NO	Street	From	To	(FT) Length	(FT) Width	Area SF	Add'l Area for bulb	Total Area SF
Base Bid (Sheet 1)								
1	PONTE MIRA WY	KAVANAGH AVE	S END	1167	32	37344	2430	39774
2	GEORGIA DR	KAVANAGH AVE	SUELLEN DR	574	36	20664		20664
3	BUTLER CT	KAVANAGH AVE	S END	348	36	12528	2430	14958
4	SUELLEN DR	LINCOLN BLVD	ATLANTA DR	1773	36	63828		63828
5	ATLANTA DR	SUELLEN DR	KAVANAGH AVE	686	36	24696		24696
6	GOMES CT	KAVANAGH AVE	S END	466	28	13048	2430	15478
7	RHETT ct	KAVANAGH AVE	S END	470	28	13160	2430	15590
8	BELLE CT	O'HARA DR	W END	250	36	9000	2430	11430
9	PLANTATION CT	O'HARA DR	W END	265	36	9540	2430	11970
10	PLANTATION DR	O'HARA DR	GERALD CT.	238	28	6664		6664
11	GERALD CT	PLANTATION DR	S END	320	28	8960	2430	11390
12	CARLTON WY	HOLLY DR	TRACY BLVD	2524	32	80768		80768
	PARKING LOT							58000
							SFT	375210
							SYD	41,690
	Pavement Repair in Parking Lot 1 syd							
Additive Bid (Sheet 1) "A"								
1	LINCOLN BLVD	KAVANAGH AVE	NORTH END	710	36	25560		25560
2	DRONERO CT	DRONERO WY	END	321	32	10272	2430	12702
3	DRONERO WY	PONTE MIRA WY	DRONERO CT	1040	32	33280		33280
4	PONTE MIRA WY	DRONERO WY	KAVANAGH AVE	461	32	14752		14752
							SFT	86294
							SYD	9,588
Additive Bid (Sheet 1) "B"								
1	SCARLETT PL	W END	CARREEN CT	1046	36	37656		37656
2	CARREEN CT	SCARLETT PL	S END CDS	262	36	9432	2430	11862
							SFT	49518
							SYD	5,502

RESOLUTION _____

ACCEPTING THE SLURRY SEAL PROJECT (FY 2009-10) - CIP 73117, COMPLETED BY GRAHAM CONTRACTORS, INC. OF SAN JOSE, CALIFORNIA, AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, On May 18, 2010, City Council awarded a construction contract to Graham Contractors, Inc., of San Jose, California, in the amount of \$98,506.60, for the Slurry Seal of Various City Streets (FY 2009-2010) - CIP 73117, and

WHEREAS, This project was completed as part of the City's annual street improvement program, and

WHEREAS, No change orders were issued, and

WHEREAS, According to the City's inspection records, actual field measurement quantities are under the contract quantities in the amount of (\$11,134.25), and

WHEREAS, Status of budget and project costs is as follows:

Construction Contract Amount	\$ 98,506.60
Change orders	- 0 -
Under run of Quantities	(11,134.25)
Design, construction management, inspection, Testing, & miscellaneous expenses	\$ 10,000.00
Project Management Charges	<u>10,000.00</u>
Total Project Costs	\$107,371.75

WHEREAS, CIP 73117 is an approved Capital Improvement Project with sufficient funding and there will be no fiscal impact to the General Fund;

NOW, THEREFORE, BE IT RESOLVED, That City Council accepts the Slurry Seal of Various City Streets (FY 2009-2010) Project - CIP 73117, completed by Graham Contractors, Inc., of San Jose, California, and authorizes the City Clerk to record the Notice of Completion with the San Joaquin County Recorder. The City Engineer, in accordance with the terms of the construction contract, will release the bonds and retention payment.

Resolution _____

Page 2

The foregoing Resolution 2011-___ was passed and adopted by the City of Tracy City Council on the 4th day of January, 2011 by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.K

REQUEST

ADOPTION OF A RESOLUTION AUTHORIZING THE EXECUTION OF TWO AGREEMENTS WITH THE STATE BOARD OF EQUALIZATION FOR THE ADMINISTRATION OF THE CITY'S SPECIAL HALF CENT SALES TAX AND APPROVAL OF A SUPPLEMENTAL APPROPRIATION OF \$40,000 FROM THE GENERAL FUND TO COVER THE BOARD'S EXPENSE IN THIS REGARD

EXECUTIVE SUMMARY

Measure E authorized a special half cent sales tax within Tracy city limits. The State Board of Equalization (BOE) collects and administers all sales tax matters. This action will approve two agreements with the BOE regarding the special Tracy sales tax. It also authorizes a supplemental appropriation to cover the BOE administrative expenses in this matter.

DISCUSSION

Sales and use tax is collected by businesses on certain sales transactions and then remitted to the State Board of Equalization (BOE). The City receives 1% of the current sales tax rate of 8.75% (City of Tracy) if the transaction occurred within the City limits. The remaining 7.75% goes to the State and other purposes. In November 2010, Tracy voters approved Measure E which will provide an additional half cent local sales tax to the one cent (1%) the City currently receives. This tax will begin to be collected by businesses on April 1, 2011. The half cent will be reported separately from the one cent. As such, it is necessary to approve two agreements with the BOE to collect and administer this special tax on behalf of the City. The two agreements are attached.

The BOE will have a variety of work to do to implement the Measure E authorized special sales tax in Tracy. This includes providing notice to all sales tax permit holders within Tracy of the new tax rate and follow up in this regard, as well as making programming changes within the BOE computer system. State law allows the BOE to charge a one time set up fee to the jurisdiction in an amount not to exceed \$175,000. However, it is believed the actual costs will be less than this. The actual amount will depend upon a number of variables including how many other jurisdictions are implementing a special tax at the same time. The BOE reports that in a recent election 16 new districts were approved and the total implementation cost for these new districts was \$401,000 resulting in the preparatory costs per district ranging from approximately \$16,000 to \$40,000. The BOE estimates Tracy's Measure E preparatory cost will fall within this range.

In addition to the one time fee, the BOE will charge an ongoing administrative fee just as it does for the City's current 1% share of the sales tax. The Board administers the Sales and Use Tax program. The purpose of this program is to collect Sales Tax revenue for the state, cities and counties, and special tax jurisdictions. The cost to administer the Sales Tax program is recovered from these entities based on a legislatively approved costing model. The model allocates most of the administrative cost to each entity based on revenue, with the exception of costs associated with processing returns which are allocated based on workload metrics.

The preparatory (one time set up) fee will be billed directly to the City while the on-going administrative charges will be deducted from revenue received. As is the case with the current 1% the City does not expense the ongoing administrative fee but only records the net sales tax revenue after BOE administrative expenses are deducted. As the preparatory costs will be billed on an invoice to the City of Tracy and not deducted from sales tax remittances, a supplemental appropriation will be needed in the amount of \$40,000 to pay for this cost. That invoice is expected in May about 30 days after the City's new special half cent sales tax begins April 1, 2011.

STRATEGIC PLAN

This item is routine and does not pertain to one of the City's seven strategic plans.

FISCAL IMPACT

Measure E is projected to provide additional sales tax revenue of approximately \$4.6 million per year. As the special sales tax begins April 1, 2011 there will be one quarter in FY 10-11 which will receive additional sales tax. This is estimated to be approximately \$1 million. This additional revenue was not budgeted as part of the FY 10-11 budget. As such, there will be sufficient extra revenue to cover the BOE one time preparatory fee estimated at \$40,000.

RECOMMENDATION

It is recommended the City Council adopt the attached resolution authorizing the execution of two agreements with the State Board of Equalization for the administration of the City's special half cent sales tax and approval of a supplemental appropriation from the General Fund of \$40,000 to cover the Board's preparatory fee in this regard.

Prepared by: Zane Johnston, Finance & Administrative Services Director

Approved by: Leon Churchill, Jr., City Manager

**AGREEMENT FOR STATE ADMINISTRATION
OF CITY TRANSACTIONS AND USE TAXES**

The City Council of the City of _____ has adopted, and the voters of the City of _____ (hereafter called "City" or "District") have approved by the required majority vote, the City of _____ Transactions and Use Tax Ordinance (hereafter called "Ordinance"), a copy of which is attached hereto. To carry out the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code and the Ordinance, the State Board of Equalization, (hereinafter called the "Board") and the City do agree as follows:

**ARTICLE I
DEFINITIONS**

Unless the context requires otherwise, wherever the following terms appear in the Agreement, they shall be interpreted to mean the following:

1. "District taxes" shall mean the transactions and use taxes, penalties, and interest imposed under an ordinance specifically authorized by Revenue and Taxation code Section 7285.9, and in compliance with Part 1.6, Division 2 of the Revenue and Taxation Code.

2. "City Ordinance" shall mean the City's Transactions and Use Tax Ordinance referred to above and attached hereto, Ordinance No. _____, as amended from time to time, or as deemed to be amended from time to time pursuant to Revenue and Taxation Code Section 7262.2.

**ARTICLE II
ADMINISTRATION AND COLLECTION
OF CITY TAXES**

A. Administration. The Board and City agree that the Board shall perform exclusively all functions incident to the administration and operation of the City Ordinance.

B. Other Applicable Laws. City agrees that all provisions of law applicable to the administration and operation of the State Sales and Use Tax Law which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code shall be applicable to the administration and operation of the City Ordinance. City agrees that money collected pursuant to the City Ordinance may be deposited into the State Treasury to the credit of the Retail Sales Tax Fund and may be drawn from that Fund for any authorized purpose, including making refunds, compensating and reimbursing the Board pursuant to Article IV of this Agreement, and transmitting to City the amount to which City is entitled.

C. Transmittal of money.

1. For the period during which the tax is in effect, and except as otherwise provided herein, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City periodically as promptly as feasible, but not less often than twice in each calendar quarter.

2. For periods subsequent to the expiration date of the tax whether by City's self-imposed limits or by final judgment of any court of the State of California holding that City's ordinance is invalid or void, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City not less than once in each calendar quarter.

3. Transmittals may be made by mail or electronic funds transfer to an account of the City designated and authorized by the City. A statement shall be furnished at least quarterly indicating the amounts withheld pursuant to Article IV of this Agreement.

D. Rules. The Board shall prescribe and adopt such rules and regulations as in its judgment are necessary or desirable for the administration and operation of the City Ordinance and the distribution of the district taxes collected thereunder.

E. Preference. Unless the payor instructs otherwise, and except as otherwise provided in this Agreement, the Board shall give no preference in applying money received for state sales and use taxes, state-administered local sales and use taxes, and district transactions and use taxes owed by a taxpayer, but shall apply moneys collected to the satisfaction of the claims of the State, cities, counties, cities and counties, redevelopment agencies, other districts, and City as their interests appear.

F. Security. The Board agrees that any security which it hereafter requires to be furnished by taxpayers under the State Sales and Use Tax Law will be upon such terms that it also will be available for the payment of the claims of City for district taxes owing to it as its interest appears. The Board shall not be required to change the terms of any security now held by it, and City shall not participate in any security now held by the Board.

G. Records of the Board.

When requested by resolution of the legislative body of the City under section 7056 of the Revenue and Taxation Code, the Board agrees to permit authorized personnel of the City to examine the records of the Board, including the name, address, and account number of each seller holding a seller's permit with a registered business location in the City, pertaining to the ascertainment of transactions and use taxes collected for the City. Information obtained by the City from examination of the Board's records shall be used by the City only for purposes related to the collection of transactions and use taxes by the Board pursuant to this Agreement.

H. Annexation. City agrees that the Board shall not be required to give effect to an annexation, for the purpose of collecting, allocating, and distributing District transactions and use taxes, earlier than the first day of the calendar quarter which commences not less than two months after notice to the Board. The notice shall include the name of the county or counties annexed to the extended City boundary. In the event the City shall annex an area, the boundaries of which are not coterminous with a county or counties, the notice shall include a description of the area annexed and two maps of the City showing the area annexed and the location address of the property nearest to the extended City boundary on each side of every street or road crossing the boundary.

ARTICLE III
ALLOCATION OF TAX

A. Allocation. In the administration of the Board's contracts with all districts that impose transactions and use taxes imposed under ordinances, which comply with Part 1.6 of Division 2 of the Revenue and Taxation Code:

1. Any payment not identified as being in payment of liability owing to a designated district or districts may be apportioned among the districts as their interest appear, or, in the discretion of the Board, to all districts with which the Board has contracted using ratios reflected by the distribution of district taxes collected from all taxpayers.

2. All district taxes collected as a result of determinations or billings made by the Board, and all amounts refunded or credited may be distributed or charged to the respective districts in the same ratio as the taxpayer's self-declared district taxes for the period for which the determination, billing, refund or credit applies.

B. Vehicles, Vessels, and Aircraft. For the purpose of allocating use tax with respect to vehicles, vessels, or aircraft, the address of the registered owner appearing on the application for registration or on the certificate of ownership may be used by the Board in determining the place of use.

ARTICLE IV **COMPENSATION**

The City agrees to pay to the Board as the Board's cost of administering the City Ordinance such amount as is provided for by law. Such amounts shall be deducted from the taxes collected by the Board for the City.

ARTICLE V **MISCELLANEOUS PROVISIONS**

A. Communications. Communications and notices may be sent by first class United States mail to the addresses listed below, or to such other addresses as the parties may from time to time designate. A notification is complete when deposited in the mail.

Communications and notices to be sent to the Board shall be addressed to:

State Board of Equalization
P.O. Box 942879
Sacramento, California 94279-0073
Attention: Executive Director

Communications and notices to be sent to the City shall be addressed to:

Unless otherwise directed, transmittals of payment of District transactions and use taxes will be sent to the address above.

B. Term. The date of this Agreement is the date on which it is approved by the Department of General Services. The Agreement shall take effect on October 1, 2010. This Agreement shall continue until December 31 next following the expiration date of the City Ordinance, and shall thereafter be renewed automatically from year to year until the Board completes all work necessary to the administration of the City Ordinance and has received and disbursed all payments due under that Ordinance.

C. Notice of Repeal of Ordinance. City shall give the Board written notice of the repeal of the City Ordinance not less than 110 days prior to the operative date of the repeal.

ARTICLE VI
ADMINISTRATION OF TAXES IF THE
ORDINANCE IS CHALLENGED AS BEING INVALID

A. Impoundment of funds.

1. When a legal action is begun challenging the validity of the imposition of the tax, the City shall deposit in an interest-bearing escrow account, any proceeds transmitted to it under Article II. C., until a court of competent jurisdiction renders a final and non-appealable judgment that the tax is valid.

2. If the tax is determined to be unconstitutional or otherwise invalid, the City shall transmit to the Board the moneys retained in escrow, including any accumulated interest, within ten days of the judgment of the trial court in the litigation awarding costs and fees becoming final and non-appealable.

B. Costs of administration. Should a final judgment be entered in any court of the State of California, holding that City's Ordinance is invalid or void, and requiring a rebate or refund to taxpayers of any taxes collected under the terms of this Agreement, the parties mutually agree that:

1. Board may retain all payments made by City to Board to prepare to administer the City Ordinance.

2. City will pay to Board and allow Board to retain Board's cost of administering the City Ordinance in the amounts set forth in Article IV of this Agreement.

3. City will pay to Board or to the State of California the amount of any taxes plus interest and penalties, if any, that Board or the State of California may be required to rebate or refund to taxpayers.

4. City will pay to Board its costs for rebating or refunding such taxes, interest, or penalties. Board's costs shall include its additional cost for developing procedures for processing the rebates or refunds, its costs of actually making these refunds, designing and printing forms, and developing instructions for Board's staff for use in making these rebates or refunds and any other costs incurred by Board which are reasonably appropriate or necessary to make those rebates or refunds. These costs shall include Board's direct and indirect costs as specified by Section 11256 of the Government Code.

5. Costs may be accounted for in a manner, which conforms to the internal accounting, and personnel records currently maintained by the Board. The billings for such costs may be presented in summary form. Detailed records will be retained for audit and verification by City.

6. Any dispute as to the amount of costs incurred by Board in refunding taxes shall be referred to the State Director of Finance for resolution and the Director's decision shall be final.

7. Costs incurred by Board in connection with such refunds shall be billed by Board on or before the 25th day of the second month following the month in which the judgment of a court of the State of California holding City's Ordinance invalid or void becomes final. Thereafter Board shall bill City on or before the 25th of each month for all costs incurred by Board for the preceding calendar month. City shall pay to Board the amount of such costs on or before the last day of the succeeding month and shall pay to Board the total amount of taxes, interest, and penalties refunded or paid to taxpayers, together with Board costs incurred in making those refunds.

CITY OF

STATE BOARD OF EQUALIZATION

By _____
(Signature)

By _____
(Executive Director)

(Typed Name)

(Title)

**AGREEMENT FOR PREPARATION TO ADMINISTER AND OPERATE
CITY'S TRANSACTIONS AND USE TAX ORDINANCE**

In order to prepare to administer a transactions and use tax ordinance adopted in accordance with the provision of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, the City of _____, hereinafter called *City*, and the STATE BOARD OF EQUALIZATION, hereinafter called *Board*, do agree as follows:

1. The Board agrees to enter into work to prepare to administer and operate a transactions and use tax in conformity with Part 1.6 of Division 2 of the Revenue and Taxation Code which has been approved by a majority of the electors of the City and whose ordinance has been adopted by the City.

2. City agrees to pay to the Board at the times and in the amounts hereinafter specified all of the Board's costs for preparatory work necessary to administer the City's transactions and use tax ordinance. The Board's costs for preparatory work include costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Board's staff and for taxpayers, and other appropriate and necessary preparatory costs to administer a transactions and use tax ordinance. These costs shall include both direct and indirect costs as specified in Section 11256 of the Government Code.

3. Preparatory costs may be accounted for in a manner which conforms to the internal accounting and personnel records currently maintained by the Board. The billings for costs may be presented in summary form. Detailed records of preparatory costs will be retained for audit and verification by the City.

4. Any dispute as to the amount of preparatory costs incurred by the Board shall be referred to the State Director of Finance for resolution, and the Director's decision shall be final.

5. Preparatory costs incurred by the Board shall be billed by the Board periodically, with the final billing within a reasonable time after the operative date of the ordinance. City shall pay to the Board the amount of such costs on or before the last day of the next succeeding month following the month when the billing is received.

6. The amount to be paid by City for the Board's preparatory costs shall not exceed one hundred seventy-five thousand dollars (\$175,000) (Revenue and Taxation Code Section 7272.)

7. Communications and notices may be sent by first class United States mail. Communications and notices to be sent to the Board shall be addressed to:

STATE BOARD OF EQUALIZATION
P. O. BOX 942879
SACRAMENTO, CALIFORNIA 94279-0073
ATTENTION: EXECUTIVE DIRECTOR

Communications and notices to be sent to City shall be addressed to:

8. The date of this agreement is the date on which it is approved by the Department of General Services. This agreement shall continue in effect until the preparatory work necessary to administer City's transactions and use tax ordinance has been completed and the Board has received all payments due from City under the terms of this agreement.

CITY OF _____

STATE BOARD OF EQUALIZATION

By _____
(Signature)

By _____
(Executive Director)

(Typed Name)

(Title)

(Rev. 11/02)

RESOLUTION _____

AUTHORIZING THE EXECUTION OF TWO AGREEMENTS WITH THE STATE BOARD OF EQUALIZATION FOR THE ADMINISTRATION OF THE CITY'S SPECIAL SALES TAX AND APPROVING A SUPPLEMENTAL APPROPRIATION OF \$40,000 FROM THE GENERAL FUND TO COVER THE BOARD'S PREPARATORY EXPENSE

WHEREAS, Sales and use tax is collected by businesses on certain sales transactions and then remitted to the State Board of Equalization (BOE), and

WHEREAS, The BOE currently provides administration and collection services for the City's existing 1% share of the current sales tax, and

WHEREAS, Tracy voters approved Measure E in November 2010 that would provide for a special one half cent sales tax in Tracy beginning April 1, 2011, and

WHEREAS, The BOE will have one time set up and other expenses associated with implementing and collecting this new special half cent sales tax on behalf of the City of Tracy, and

WHEREAS, Two agreements to have the BOE perform administration and collection of the City's special half cent sales tax will be needed;

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby authorizes the execution of two agreements with the State Board of Equalization for the administration of the City's special half cent sales tax and also authorizes a supplemental appropriation of \$40,000 for the City's General Fund to provide for the BOE one time preparatory expenses in this regard.

* * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the _____ day of _____, 2011, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.L

REQUEST

ADOPTION OF A RESOLUTION APPROVING FIRST AMENDMENT TO RETAIL INCENTIVE PROGRAM AGREEMENT WITH GENERAL GROWTH PROPERTIES

EXECUTIVE SUMMARY

The City entered into a Retail Incentive Program Agreement with General Growth Properties on July 17, 2010. The Agreement contains timeliness requirements that were not achieved, and GGP seeks an amendment in order to receive incentive funding from the City of Tracy.

DISCUSSION

General Growth Properties (GGP) and the City of Tracy entered into a Retail Incentive Program Agreement with the broad goal of re-energizing West Valley Mall, and the specific goal of securing Macy's as an anchor tenant. The Agreement called for a City retail incentive payment of \$2,750,000 to GGP. Macy's was secured as an anchor tenant enjoys brisk sales exceeding expectations according to GGP officials.

The original Agreement called for GGP to satisfy certain conditions by November 14, 2010 as conditions precedent to the disbursement of the retail incentive payment. GGP did not timely meet these conditions. GGP is requesting that the November 14, 2010 deadline to meet these conditions be removed. All other requirements of the Agreement remain in place. In consideration for this Amendment, GGP is proposing that the City be entitled to a credit in the amount of \$5,000 to be taken against the amount payable by the City with respect to Gap's first draw request.

STRATEGIC PLAN

The proposed action is consistent with the City's Economic Development strategy.

FISCAL IMPACT

There is no impact to the General Fund by this action. City Council Resolution 2010-095 approved the supplemental appropriation of \$2,750,000 from the Residential Specific Plan (RSP) Fund for this purpose. The RSP fund represents capital funds left at the conclusion of the RSP program. By agreement with the RSP developers the City retained these funds to construct any remaining infrastructure items to serve the RSP area. The remaining item originally envisioned to serve the RSP area but not yet constructed is the McArthur Drive extension (South McArthur aligning with North McArthur at 11th Street). Since the City has been unable to secure a new at grade railroad crossing from the railroad, this road segment has never been constructed. Through the RSP settlement agreement however, the City is under no obligation to use the RSP capital funds to construct this road segment. As such, the RSP fund is a discretionary capital fund of the City. After this payment, the balance of the RSP fund is approximately \$6 million.

RECOMMENDATION

It is recommended the City Council adopt the attached resolution authorizing the execution of the amendment between GGP and the City of Tracy. The transaction fulfills commitments by both parties and further cements Tracy's reputation as an aggressive and committed participant in economic development.

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

ATTACHMENTS

Attachment "A": Proposed Retail Incentive Agreement Amendment

FIRST AMENDMENT TO RETAIL INCENTIVE PROGRAM AGREEMENT

THIS FIRST AMENDMENT TO RETAIL INCENTIVE PROGRAM AGREEMENT (the "First Amendment") is made and entered into as of January ____, 2011 by and between the City of Tracy, a municipal corporation (the "City") and GGP DEVELOPMENT, LLC, a Delaware limited liability corporation (the "Owner").

Recitals

A. The City and Tracy Mall Partners, L.P. entered into a Retail Incentive Program Agreement on July 17, 2010 (the "Agreement").

B. Owner is the Assignee to the Agreement under an Assignment and Assumption of Retail Incentive Program Agreement dated September 27, 2010.

C. The City and Owner wish to amend the Agreement as set forth in this First Amendment.

NOW, THEREFORE, the parties hereto agree as follows:

Section 1. Preconditions for Disbursement.

(a) The first clause of Section 2.3 of the Agreement is hereby amended by deleting the following phrase therefrom:

"within one hundred twenty (120) days following the Effective Date of this Agreement"

Section 2. Consideration for Amendment. In consideration of the execution and delivery of this First Amendment by the City, the City shall be entitled to a credit in the amount of \$5,000 to be taken against the amount payable by the City with respect to the Owner's first draw request.

Section 3. Ratification. The Agreement, as hereby amended, is hereby in all respects ratified and confirmed, and the terms, provisions and covenants contained in the Agreement as hereby amended shall apply and inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

Section 4. Counterparts. This First Amendment may be executed in any number of

counterparts, each of which shall constitute an original document.

IN WITNESS WHEREOF, the parties hereto have duly executed and delivered this First Amendment as of the day and year first above written.

CITY:

CITY OF TRACY, a municipal corporation

Date: _____, 2011

By: _____

Its: _____

APPROVED AS TO FORM:

Owner:

GGP DEVELOPMENT, LLC,
a Delaware limited liability company

Date: _____, 2011

By: _____

Authorized Signatory

RESOLUTION _____

AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE RETAIL INCENTIVE PROGRAM AGREEMENT WITH GENERAL GROWTH PROPERTIES

WHEREAS, The City entered into a Retail Incentive Program Agreement with General Growth Properties on July 17, 2010, and

WHEREAS, The Agreement called for General Growth Properties to satisfy certain conditions by November 14, 2010, and General Growth Properties did not timely meet these conditions, and

WHEREAS, General Growth Properties has requested that the November 14, 2010 deadline to meet these conditions be removed with all other requirements of the Agreement to remain in place;

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby authorize the execution to the First Amendment to the Retail Incentive Program Agreement with General Growth Properties.

The foregoing Resolution _____ was adopted by the Tracy City Council on the 4th day of January, 2011, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 3

REQUEST

CITY COUNCIL'S INPUT AND APPROVAL OF THE FINAL DESIGN DEVELOPMENT PACKAGE FOR THE AQUATIC CENTER - CIP 78054, APPROVAL OF AMENDMENT 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RJM DESIGN GROUP, INC. FOR ADDITIONAL DESIGN AND CONSTRUCTION RELATED SERVICES FOR THE AQUATIC CENTER, AND AUTHORIZATION FOR THE MAYOR TO EXECUTE THE AMENDMENT

EXECUTIVE SUMMARY

On March 2, 2010, Council approved a preliminary design of the Aquatic Center (Center), CIP 78054, and directed staff to include additive bid items in the bid documents to take advantage of any potential savings due to lower construction costs of the base bid amenities of the project.

On July 6, 2010, Council approved a Professional Services Agreement with RJM Design Group, Inc., (RJM) for completion of the design and construction documents related to the Center. Since that date, staff and RJM have completed a thorough design review process which included input from the public, stakeholders and the Parks and Community Services Commission. A few Center enhancements have been proposed by the consensus input of these groups primarily for the purposes of revenue generation, functionality, convenience, and physical constraints of the utility infrastructure. These changes would require additional services from the consultant to complete the construction documents. Staff requests that Council provide input on the proposed changes and consider approval of an amendment to RJM's Professional Services Agreement for a not to exceed amount of \$155,562 for these additional services.

DISCUSSION

On March 2, 2010, Council approved a conceptual design for the Center and directed staff to design the Center in its entirety. City Council also directed staff to include five amenities in the base bid and provide additive bid items for three extra amenities listed below.

Base Bid:

1. Lazy River
2. Waterslides
3. Activity Pool
4. Wet Play Structure
5. Sprayground

Bid Additives:

1. Flow Rider
2. 52-Meter Competitive Pool
3. Recreation/Swim Lesson Pool

On July 6, 2010, City Council approved a Professional Services Agreement with RJM to complete design and construction documents for the Center for a not to exceed amount of \$1,197,550.

Since the award of this agreement, RJM has conducted meetings with staff, Parks and Community Services Commission and neighboring Ellis development representatives to receive input on the Design Development Package for the Center. The design was presented to the Parks and Community Services Commission for input at its October 7, 2010 meeting. Based on input from the stakeholders, RJM has completed the proposed Center Design Development Package for Council consideration.

PROPOSED DESIGN DEVELOPMENT PACKAGE ELEMENTS

The proposed Center Design Development Package will create a unique and beautiful project for Tracy that produces an immediate timeless quality as well as a civic focal point. The proposed architectural statement of buildings influenced by Coastal Resort Victorian precedents will make the Center feel like a resort for the recreation and swimming needs of Tracy. Please see Exhibits A (Site Plan), B (Bidding Diagram), C (Architectural Elevation Front) and D (Architectural Elevation Rear) for further examples of the proposed Center.

A few Center enhancements and adjustments have been proposed by the consensus input of stakeholders primarily for the purposes of revenue generation, functionality, convenience, and physical constraints of the utility infrastructure and are summarized as follows:

Base Bid

1. Add Retail Building for a limited line of accessories;
2. Add High-velocity Waterslide to appeal to teenagers;
3. Reduce the footprint of the Main Pump Room and Restrooms by adding to the Recreation Pool bid additive¹; and

Bid Additives

1. Add Multi-Purpose/Party Rental Room for programming, activities and private functions;
2. Add Restroom Building to the south end of the project for convenience

Water Infrastructure

Additionally, the water connection to both the Center and the adjacent Ellis Development are proposed from the existing Corral Hollow water line installed in 1992 to serve the Patterson Pass Industrial area. Additional on-site water infrastructure improvements are necessary to serve these two concurrent projects. RJM's original scope of work was to identify fair share costs of such improvements required for development of the Center. The water analysis has been completed for different scenarios of development of these two concurrent projects. The Center is responsible for its fair share cost of \$1.59 million toward these improvements.

¹ Removing the Recreation Pool architectural requirements from the main pump room and pool building, and placing them in their own building in a future phase, will save approximately \$426,500 in construction costs from the base bid construction estimates.

PROJECT BUDGET AND SCHEDULE

Design

The breakdown of costs for designing the additional buildings and water supply is shown below. See Exhibit E for Amendment 1 to the Professional Services Agreement with RJM.

Base Bid

1.	Retail Building:	\$ 15,283*
2.	High-velocity Waterslide:	\$ 5,000
3.	Recreation Pool Pump Room and Restrooms:	\$ 26,823*
4.	Water Supply Infrastructure:	\$ 42,787

Bid Additives

1.	Multi-purpose/rental room:	\$ 47,540*
2.	Volleyball Restrooms ² :	\$ 18,129*
	Total Additional Design Services:	\$155,562

* Due to the economy of scale of designing these four buildings concurrently, a reduction in design fees of \$14,231 (15%) was negotiated and is shown in the additional fees as presented above.

Construction Estimate

The updated design and construction cost estimates including the Aquatic Center's fair share cost of water infrastructure improvements are as follows:

o Planning and design including Amendment 1 to the PSA	\$ 1,353,112
o Base Bid (Phase 1) construction costs	\$12,793,333
o Fair Share cost of water infrastructure improvements	<u>\$ 1,590,000</u>
o Total Base Bid (Phase 1) Project Cost	\$15,736,445
o Total Project Budget	\$13,241,000

Due to the favorable construction bidding environment, the City may realize substantial savings in construction costs and the final project costs may be within the budgeted amount. However, additional funding would be required to award the construction contract if the bids received reflect the estimated construction costs. Furthermore, if City Council decides to award any or all additive bid items listed below with the base bid, more funding will be needed. Since the extent of additional funding and the Council's decision of award of additive bid items will not be known until the opening of the construction bids, staff recommends deferral of a decision on the funding options until that time.

The Design Development Package estimated construction cost for additive bid items is as follows:

Original Bid Additives

1. Flow Rider	\$1,770,515
2. Recreation Pool	\$3,005,375
3. Competition Pool Area	\$7,448,730

² Design of Volleyball Courts were included in original design contract and did not include proposed associated restrooms

Recommended Bid Additives

As a result of input received during the Design Development Package process, the following two new bid additives are also recommended:

1. Beach Volleyball/Soccer inc. Restrooms \$1,929,924
2. Multi-purpose Building \$1,018,781

PROJECT TIMELINE

The overall project is currently on schedule. The design completion milestone has been delayed by a month, however, the duration of the bidding period and construction can be shortened by the same amount to avoid an impact on the project's overall schedule for completion. Following is the original timeline submitted to Council at the March 2, 2010 meeting along with the new projected timelines.

NO.	DESCRIPTION	PREVIOUS PROJECTED COMPLETION DATES	NEW PROJECTED COMPLETION DATES
1	Completion of Plans and Specifications	6/2011	7/2011
2	City Council Award of Construction Contract	10/2011	10/2011
3	Completion of Construction	4/2013	4/2013

STRATEGIC PLAN

This agenda item supports the organizational effectiveness strategic plan and specifically implements the following goal and objectives:

Community Amenities Priority

Goal 1: Create a community with a wide range of amenities

Objective 1a: Identify the amenities desired by the community

FISCAL IMPACT

There is no impact to the General Fund. The cost of Amendment 1 to the agreement with RJM will be paid from the project budget. The current available funding for this project is \$13,241,000. This includes the future receipt of \$10 million from a developer contribution as per the Ellis Development Agreement. At present the construction estimate for the base bid amenities, water supply, design costs (but not construction) of the three original bid additives (Flow rider, recreation pool and 53 meter competition pool), and this proposed PSA for necessary changes and the addition of two bid additives (multi-purpose building and sand volleyball/restroom area) is expected to cost \$15,736,445. There is no current

identified funding for this projected project budget shortfall of \$2,495,445. Due to the favorable construction bidding environment, the City may realize substantial savings in construction costs and the final project costs may be within the budgeted amount.

The original three bid additives if constructed are expected to add \$12,224,620 to the cost of this project (\$1,770,515 Flow Rider, \$3,005,375 Recreation Pool, \$7,448,730 Competition Pool). The bid additives proposed to be designed by this request would add another \$2,948,705 to the construction cost (\$1,929,924 Beach Volleyball, \$1,018,781 Multipurpose Room). As such the total construction project estimate to construct all base bid items, original bid additives and these proposed additional bid additives totals \$30,909,770, at full buildout.

The estimated operating expenses required by the various amenities in the base budget are expected to be within the projected revenue from admission and rental fees as prepared by RJM. The additional base bid design elements included in this proposed Amendment are anticipated to increase revenue generating potential for the long term operation of the Center.

RECOMMENDATION

That City Council provide input and approve the revised final design development package for the Aquatic Center – CIP 78054, approve Amendment 1 to the Professional Services Agreement with RJM for additional design and construction related services for the Aquatic Center in the amount of \$155,562, and authorize the Mayor to execute the Amendment.

Prepared by: Floyd Lewis, Recreation Supervisor, Parks and Community Services
Paul Verma, Senior Civil Engineer

Reviewed by: Rod Buchanan, Parks and Community Services Director
Andrew Malik, Development and Engineering Services Director
Kuldeep Sharma, City Engineer

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

Attachments:

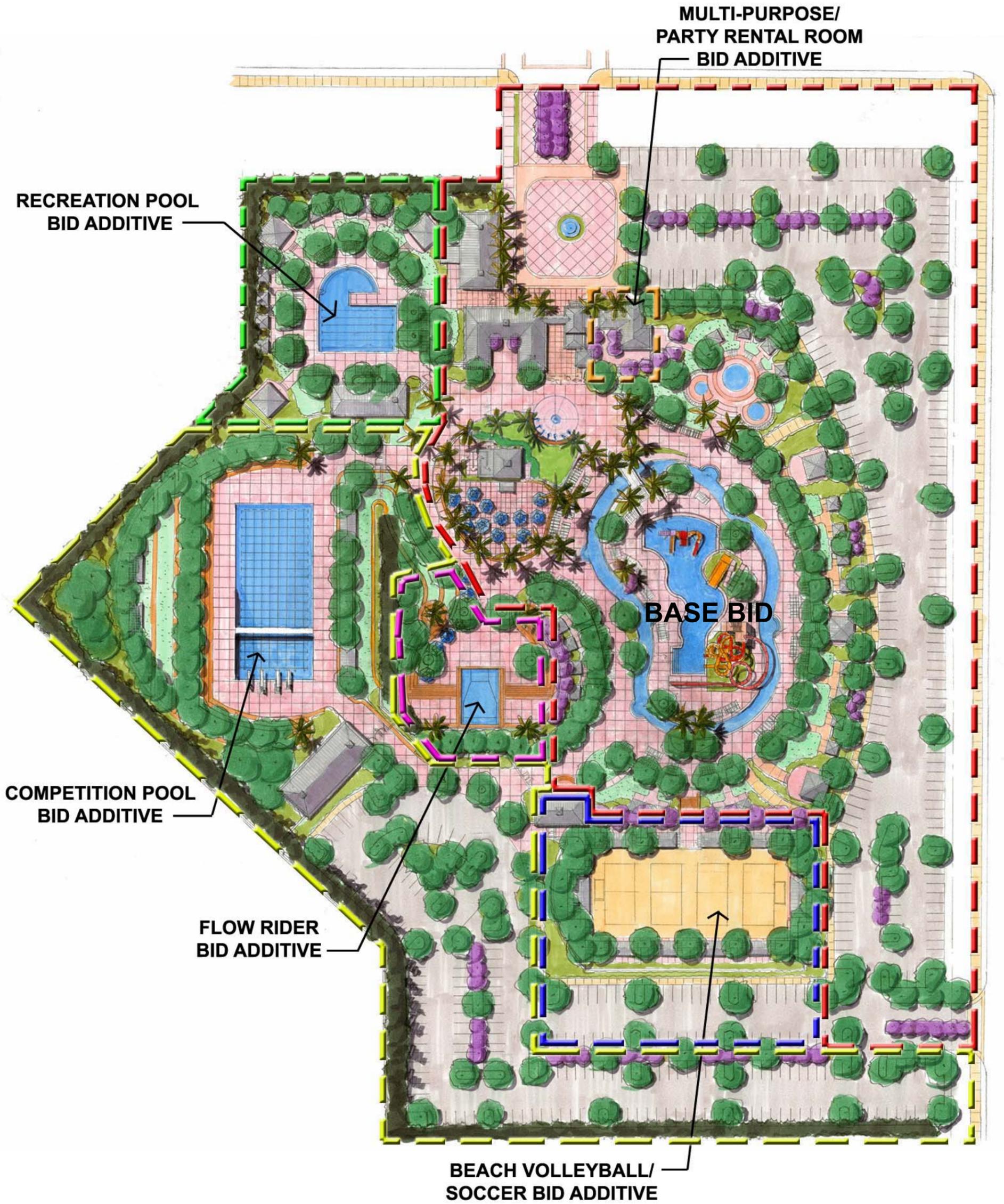
- Exhibit A: Site Plan
- Exhibit B: Bidding Diagram
- Exhibit C: Architectural Elevation Front
- Exhibit D: Architectural Elevation Rear
- Exhibit E: Amendment No. 1 to agreement with RJM Design Group

EXHIBIT A



12/21/2010

DESIGN DEVELOPMENT SITE PLAN



BIDDING/PHASING DIAGRAM

AQUATIC CENTER
CITY OF TRACY, CALIFORNIA



FRONT VIEW AT PROJECT ENTRY PLAZA

AQUATIC CENTER
CITY OF TRACY, CALIFORNIA



REAR VIEW BIRD'S EYE PERSPECTIVE

AQUATIC CENTER
CITY OF TRACY, CALIFORNIA

EXHIBIT E
AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT
DESIGN SERVICES FOR THE AQUATIC CENTER (CIP 78054)

This Amendment No. 1 (hereinafter "Amendment") to the Professional Services Agreement is made and entered into by and between the City of Tracy, a municipal corporation (hereinafter "CITY"), and RJM Design Group Inc., a California Corporation (hereinafter "CONSULTANT").

RECITALS

- A.** CITY and CONSULTANT entered into a Professional Services Agreement (hereinafter "Agreement") for the Aquatic Center which was approved by the CITY's City Council on July 6, 2010, pursuant to Resolution No. 2010-110.
- B.** At the request of the CITY and in compliance with the term of the Agreement, on November 8, 2010, CONSULTANT submitted a proposal to perform the services as described in this Amendment 1 to the referenced Professional Service Agreement. After negotiations between CITY and CONSULTANT, the parties have reached an agreement for the performance of the services in accordance with the term set forth in this Amendment. On January 4, 2011, the CITY's City Council adopted Resolution No. 2011-____, which authorized the execution of this Amendment.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Incorporation by Reference. This Amendment hereby incorporates by reference all terms and conditions set forth in the Agreement, unless specifically modified by this Amendment. All terms and conditions set forth in the Agreement which are not specifically modified by this Amendment shall remain in full force and effect.

2. Terms of Amendment:

A. Subsection a. of Section 1. Scope of Work of the Agreement is hereby amended to read as follows:

"CONSULTANT shall perform the services described in Exhibit "A" attached hereto and incorporated herein by reference and in Exhibit "1" attached to Amendment No. 1 to this Agreement and incorporated herein by reference. The services shall be performed by, or under the direct supervision of, CONSULTANT's Authorized Representative: **John Courtney**. CONSULTANT shall not replace its Authorized Representative, nor shall CONSULTANT replace any of the personnel listed in Exhibit "A" of the Agreement and Exhibit "1" of Amendment No. 1 to the Agreement, nor shall CONSULTANT use any subcontractors or subconsultants, without the prior written consent of the CITY."

CITY OF TRACY

Amendment No. 1 to Professional Services Agreement with RJM Design Group

Page 2 of 8

B. A new subsection c. is hereby added to Section 5.1, COMPENSATION, of the Agreement to read as follows:

“c. For services performed by CONSULTANT in accordance with Amendment No. 1 to this Agreement, CITY shall pay CONSULTANT on a time and expense basis, at the billing rates set forth in Exhibit “2,” of said Amendment No. 1 to this Agreement which is incorporated herein by reference. CONSULTANT’s fee for services provided under Amendment No. 1 shall not exceed One Hundred-Fifty-Five Thousand-Five-Hundred-Sixty-Two Dollars (\$155,562). CONSULTANT’s billing rates shall cover all costs and expenses of every kind and nature for CONSULTANT’s performance of this Agreement. No work shall be performed by CONSULTANT in excess of the Not To Exceed amount without the prior written approval of 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.** In the event 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 full force and effect.

INTENTIONALLY LEFT BLANK

CITY OF TRACY

Amendment 1 to Professional Services Agreement with RJM Design Group, Inc.

Aquatic Center

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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 on behalf of the respective legal entities of the Subdivider and the City. This Amendment shall inure to the benefit of and be binding upon the parties thereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

CITY OF TRACY

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

Attest:

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

CONSULTANT
RJM Design Group, Inc.

By: _____
Robert J. Mueting
Title: President
Date: _____

By: _____
Larry P. Ryan
Title: Secretary
Date: _____

Approved as to form

By: _____
Dan Sodergren
Title: City Attorney
Date: _____

EXHIBIT 1

SCOPE OF WORK FOR AMENDMENT 1 TO PROFESSIONAL SERVICES
AGREEMENT WITH RJM DESIGN GROUP FOR THE TRACY AQUATIC
CENTER

1. **SCOPE OF WORK FOR ARCHITECTURAL ADDITIONS:**

- a. **Project Description:** The desires of CITY for the project have changed to include additional buildings that were not part of the original scope of services. The following paragraph describes the new program.
 1. Building #1 - Multi-Purpose Building: This building will contain a dividable multipurpose room, offices, and restrooms and will be approximately 1,800 square feet in size.
 2. Building #2 - Recreation Pool Facilities: This building will contain Men's and Women's restrooms and changing facilities consisting of: 5 toilets, 3 urinals, 6 lavatories, 7 showers, and exterior lockers. It will have a pool equipment room for the recreational pool and will be approximately 2,400 square feet.
 3. Volleyball Restrooms: Building will have two sets of restrooms, one accessible from the volleyball area and the other from the pool deck. Building will be +/- 1200 s.f.
 4. Retail Building to house the sales and storage of sundries, products and miscellaneous items and is approximately 200 s.f. in size.
- b. All new buildings will be separate structures from each other and from those already provided in the Contract. Construction Documents will be provided as a single set. Buildings will be bid separately as desired by CITY.
- c. The following items will be included in the drawings:
 1. Architectural Design
 2. Structural Engineering
 3. Mechanical Engineering
 4. Plumbing Engineering
 5. Electrical Engineering
 6. Landscape Architectural Design
 7. Fire Sprinkler performance specification for design/build construction.

2. **SCOPE OF WORK FOR WATER DELIVERY SYSTEM**

a. **Project Description:**

Design a water delivery system including water transmission line, trenches, valving, backflow protection and point of connection design to tie into the CITY water system approximately 1,900 linear feet from the project site.

Provide Preliminary Design, Design Development, Construction Documents, Agency Processing and Approvals, Bidding Assistance and Construction Observation Services for the following disciplines required to complete the project:

1. Geotechnical Engineering
2. Civil Engineering
2. Structural Engineering
3. Electrical Engineering

3. **SCOPE OF WORK FOR ADDING HIGH-SPEED WATER SLIDE**

a. Project Description:

Design a high-velocity water slide approximately 45 feet above pool deck in the Activity Pool area. Coordinate utility requirements (water, power, sewer, mechanical equipment, structural design).

Provide Construction Documents, Agency Processing and Approvals, Bidding Assistance and Construction Observation Services for the new slide.

Fee Schedule:

The above referenced scope of services are estimated to cost no more than, and shall not exceed, the following amounts and shall be paid on a time and expense basis at the rates set forth in Exhibit "2":

1. Architectural Design Fees (Dahlin Group):	\$ 82,500
RJM Administrative Fee:	\$ 12,375
Landscape Architectural Design Fees (RJM):	\$ 12,900
2. Engineering Design Fees (West Yost):	\$ 37,206
RJM Administrative Fee:	\$ <u>5,581</u>
3. <u>Design Fees for New High Speed Slide:</u>	\$ 5,000
NOT TO EXCEED TOTAL	\$155,562

CITY OF TRACY

Amendment No. 1 to Professional Services Agreement with RJM Design Group

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**EXHIBIT 2
AMENDMENT NO. 1
AQUATIC CENTER
STANDARD HOURLY FEE SCHEDULE**

- A. CITY agrees to pay CONSULTANT as compensation for all authorized work included in the Scope of Services heretofore stated, at the hourly rates below.
- B. Billings for all time and materials and contract extension work shall be in accordance with the level of work performed and will be broken into the categories listed above.
- C. CONSULTANT shall be compensated for work completed on a monthly basis. Invoices shall be paid based on the hours of work completed each month.
- D. CONSULTANT's fee shall be subject to adjustment if this Scope of Services is modified in writing executed by all parties. These fee adjustments, if any, shall be documented by Addendum to this Agreement signed by both parties.

CONSULTANT's compensation for the additional services set forth in the scope of work as amended by this Amendment will be on an hourly basis as follows:

RJM Design Group, Inc.

PRINCIPAL LANDSCAPE ARCHITECT	\$155.00 per hour
ASSOCIATE LANDSCAPE ARCHITECT	\$135.00 per hour
LANDSCAPE ARCHITECT / PROJECT MANAGER	\$120.00 per hour
JOB CAPTAIN/LANDSCAPE DESIGNER	\$105.00 per hour
CADD TECHNICIAN	\$ 90.00 per hour
DRAFTSPERSON	\$ 75.00 per hour
WORD PROCESSOR	\$ 60.00 per hour

Urban Design Associates

MANAGING PRINCIPAL	\$295.00 per hour
PRINCIPAL/PROJECT ARCHITECT	\$190.00 per hour
PROJECT MANAGER	\$150.00 per hour
PROJECT DESIGNER	\$150.00 per hour
PROJECT ILLUSTRATOR	\$150.00 per hour
GRAPHIC DESIGNER	\$110.00 per hour

Aquatic Design Group

PRINCIPAL	\$195.00 per hour
PROJECT ENGINEER	\$165.00 per hour
SR. PROJECT MANAGER (DESIGN)	\$135.00 per hour
SR. PROJECT MANAGER (CONSTRUCTION)	\$135.00 per hour
PROJECT MANAGER (DESIGN)	\$ 125.00 per hour
PROJECT MANAGER (CONSTRUCTION)	\$ 125.00 per hour
CADD TECHNICIAN	\$ 100.00 per hour

Dahlin Group

SENIOR PRINCIPAL	\$210.00 per hour
PRINCIPAL	\$190.00 per hour
SENIOR ARCHITECT, PROJECT MANAGER	\$160.00 per hour

CITY OF TRACY

Amendment No. 1 to Professional Services Agreement with RJM Design Group

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ARCHITECT, PROJECT DESIGNER	\$130.00 per hour
DESIGNER/DRAFTER III	\$115.00 per hour
DESIGNER/DRAFTER II	\$104.00 per hour
DESIGNER/DRAFTER I	\$ 94.00 per hour
INTERN AND CLERICAL	\$ 65.00 per hour

Gates + Associates

PRINCIPAL LANDSCAPE ARCHITECT	\$155.00 per hour
ASSOCIATE LANDSCAPE ARCHITECT	\$130.00 per hour
LANDSCAPE DESIGNER	\$105.00 per hour
IRRIGATION DESIGNER	\$120.00 per hour
SIGNAGE / GRAPHIC DESIGNER	\$110.00 per hour
CADD	\$ 90.00 per hour

CBG Engineers

PRINCIPAL	\$220.00 per hour
PROJECT MANAGER	\$190.00 per hour
SENIOR ENGINEER/SURVEYOR/PLANNER	\$170.00 per hour
PROJECT ENGINEER/SURVEYOR/PLANNER	\$160.00 per hour
DESIGN ENGINEER/SURVEYOR/PLANNER	\$145.00 per hour
ASSOCIATE ENGINEER II/SURVEYOR/PLANNER	\$130.00 per hour
ASSOCIATE ENGINEER I/SURVEYOR/PLANNER	\$115.00 per hour
ASSISTANT ENGINEER II/SURVEYOR/PLANNER	\$105.00 per hour
ASSISTANT ENGINEER I/SURVEYOR/PLANNER	\$90.00 per hour
CAD TECHNICIAN III	\$130.00 per hour
CAD TECHNICIAN II	\$115.00 per hour
CAD TECHNICIAN I	\$105.00 per hour
3-PERSON SURVEY CREW	\$300.00 per hour
2-PERSON SURVEY CREW	\$240.00 per hour
CLERICAL	\$55.00 per hour

J. R. Conkey & Associates

COST ESTIMATOR	\$130.00 per hour
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Glumac

PRINCIPAL/VICE PRESIDENT	\$225.00 per hour
ASSOCIATE	\$205.00 per hour
PROJECT MANAGER	\$185.00 per hour
DESIGNER	\$ 105.00 per hour

Giacalone Design Services

PRINCIPAL	\$175.00 per hour
SENIOR ENG./PROJECT MANAGER	\$145.00 per hour
ELECTRICAL DESIGNER	\$125.00 per hour
ADMINISTRATIVE ASSISTANT	\$ 80.00 per hour

ENGEO

PRESIDENT	\$250.00 per hour
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CITY OF TRACY

Amendment No. 1 to Professional Services Agreement with RJM Design Group

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PRINCIPAL ENGINEER/GEOLOGIST	\$200.00 per hour
ASSOCIATE ENGINEER/GEOLOGIST	\$185.00 per hour
SENIOR ENGINEER/GEOLOGIST	\$165.00 per hour
PROJECT ENGINEER/GEOLOGIST/MANAGER	\$145.00 per hour
STAFF ENGINEER/GEOLOGIST	\$125.00 per hour
CONSTRUCTION SERVICES MANAGER	\$125.00 per hour
SENIOR CONSTRUCTION SERVICES TECHNICIAN	\$105.00 per hour
CONSTRUCTION SERVICES TECHNICIAN	\$ 93.00 per hour
ENVIRONMENTAL TECHNICIAN	\$110.00 per hour

Fehr and Peers

PRINCIPAL	\$170.00-\$290.00 per hour
SENIOR ASSOCIATE	\$165.00-\$225.00 per hour
ASSOCIATE	\$100.00-\$195.00 per hour
SENIOR ENGINEER/PLANNER	\$120.00-\$175.00 per hour
ENGINEER/PLANNER	\$90.00-\$140.00 per hour
SENIOR TECHNICAL SUPPORT	\$100.00-\$155.00 per hour
ADMINISTRATIVE SUPPORT	\$60.00-\$120.00 per hour
TECHNICIAN	\$95.00-\$120.00 per hour
INTERN	\$60.00-\$90.00 per hour

West Yost Associates

PRINCIPAL/VICE PRESIDENT	\$216.00 per hour
ENGINEERING MANAGER	\$206.00 per hour
PRINCIPAL ENGINEER/SCIENTIST	\$188.00 per hour
SENIOR ENGINEER/SCIENTIST/GIS ANALYST	\$169.00 per hour
ASSOCIATE ENGINEER/SCIENTIST	\$151.00 per hour
DESIGNER/CAD OPERATOR	

RESOLUTION _____

APPROVING FINAL DESIGN DEVELOPMENT PACKAGE FOR THE AQUATIC CENTER – CIP 78054, APPROVING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RJM DESIGN GROUP, INC. FOR ADDITIONAL DESIGN AND CONSTRUCTION RELATED SERVICES FOR THE AQUATIC CENTER IN THE AMOUNT OF \$155,562 AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT NO. 1

WHEREAS, On July 6, 2010 Council adopted Resolution Number 2010-110 authorizing the Mayor to execute an agreement between the City of Tracy and RJM Design Group, Inc. (RJM) for design services for the Aquatic Center; and

WHEREAS, Since the execution of this agreement, representatives of RJM, City staff, the Parks and Community Services Commission and interested community members have provided input on the Design Development Package; and

WHEREAS, These revisions have created a change in scope which requires an amendment to existing agreement between the City and RJM to perform these services.

NOW, THEREFORE, BE IT RESOLVED, That the City Council approves Amendment Number 1 to the Professional Services Agreement with RJM Design Group, Inc. for additional design and construction related services for the Tracy Aquatic Center in the amount of \$155,562 -CIP 78054, and authorizes the Mayor to execute Amendment no. 1 on behalf of the City.

* * * * *

The foregoing Resolution _____ was passed and adopted by the City Council of the City of Tracy on the _____ day of _____, 2011, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 4

REQUEST

AUTHORIZATION TO WAIVE THE REQUEST FOR PROPOSAL PROCESS AND ENTER INTO NEGOTIATIONS WITH COMBINED SOLAR TECHNOLOGIES, INC. A FOR GREEN ENERGY AND THERMAL DESALINATION PROJECT FEASIBILITY AGREEMENT

EXECUTIVE SUMMARY

On April 20, 2010 City Council authorized Combined Solar Technologies, Inc. (CST) to conduct a Green Energy Pilot Project at the Wastewater Treatment plant. The pilot project has demonstrated how thermal desalination can be used to remove salt from Tracy's wastewater. Staff requests authorization to proceed with agreement negotiations with CST for feasibility analysis for development of a green energy plant.

DISCUSSION

City staff has received many proposals related to renewable energy. The proposal from CST is differentiated from the others as it provides a public benefit to the daunting, ongoing challenge of reducing the salinity of Tracy's wastewater. CST operates its business in Tracy and specializes in creating renewable systems that support the production of clean water and green energy. The company prides itself in developing American-made systems and hiring staff locally.

CST has constructed a 100,000 gallon per day full-scale project for Musco Family Olive Tracy facility which is currently operating. The Musco Olive project uses olive pits to fuel boilers that produce steam which is used to generate electricity for the olive plant, and uses the heat energy to thermal desalinate the boiler brine. The steam condensate is essentially distilled water and is blended back into the effluent. Musco Olive received a permit from the Air Board to operate this facility. CST and Musco Olive would be pleased to provide a tour for City Council and interested citizens of their energy and desalination project.

The proposed Green Energy project for the Tracy Wastewater Treatment Plant (WWTP) would utilize the same technology and would use a renewable fuel source such as the City's wastewater sludge or readily available walnut shells. The electricity generated would be used at the WWTP, the salts contained in the boiler would be evaporated into solid waste for disposal, and the condensed steam would be blended with the effluent.

The Green Energy project is at the very beginning stages and there is a significant amount of information needed to formulate an optimally sized project. Initial thoughts are that a 600,000 gallon per day project would provide significant reduction of salts. A project of this size is estimated to cost on the order of \$20 million and have a seven year payback period resulting in positive cash flow in future years.

If authorized by City Council, staff will negotiate with CST for the preparation of a detailed feasibility analysis study.

Environmentally, the project furnishes many benefits. The electricity would be generated from renewable energy sources and reduce the reliance on the use of fossil fuels. The reactors have near zero air emissions. The thermal desalination process reduces the amount of salinity in the wastewater effluent.

Staff believes there is potential for grant funding of this type of renewable energy project. Project financing will take research and evaluation to determine the optimal method. Project options include the project being entirely privately owned and the City contracting to purchase the electrical power and operation of the thermal desalination, or the project could be a public/private venture.

Staff recommends entering negotiations with CST for preparation of a detailed feasibility analysis study and requests City Council to authorize the waiving of the Request for Proposal process in accordance with Tracy Municipal Code. After the agreement terms are negotiated, the agreement will be presented to City Council for consideration.

STRATEGIC PLAN

This agenda item supports the Environmental Sustainability Strategic Plan by generating electricity from renewable resources and improving wastewater effluent water quality.

FISCAL IMPACT

There is no fiscal impact, other than staff time associated with negotiating this agreement.

RECOMMENDATION

That the City Council, by resolution, waive the Request for Proposal process and authorize staff to enter into negotiations with CST for a Green Energy and Thermal Desalination Project Feasibility Agreement.

Prepared by: Steve Bayley, Deputy Director of Public Works

Reviewed by: Kevin Tobeck, Director of Public Works

Approved by: Leon Churchill Jr., City Manager

RESOLUTION _____

WAIVING THE REQUEST FOR PROPOSAL PROCESS AND ENTERING INTO NEGOTIATIONS WITH COMBINED SOLAR TECHNOLOGIES, INC. A FOR GREEN ENERGY AND THERMAL DESALINATION PROJECT FEASIBILITY AGREEMENT

WHEREAS, The Green Energy project is at the very beginning stages and there is a significant amount of information needed to formulate an optimally sized project, and

WHEREAS, Initial thoughts are that a 600,000 gallon per day project would provide significant reduction of salts. A project of this size is estimated to cost on the order of \$20 million and have a seven year payback period resulting in positive cash flow in future years, and

WHEREAS, Project options include the project being entirely privately owned and the City contracting to purchase the electrical power and operation of the thermal desalination, or the project could be a public/private venture, and

WHEREAS, There is no fiscal impact other than staff time associated with negotiating this agreement;

NOW, THEREFORE BE IT RESOLVED That City Council waives the Request for Proposal process and authorizes staff to enter into negotiations with CST for a Green Energy and Thermal Desalination Project Feasibility Agreement.

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 4th day of January, 2011, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

January 4, 2011

AGENDA ITEM 6.A

REQUEST

REVIEW APPOINTMENTS TO COUNCIL SUBCOMMITTEES

EXECUTIVE SUMMARY

Annual appointment of Council Members to various subcommittees.

DISCUSSION

Appointments to Council subcommittees are reviewed on an annual basis. The appointments were last reviewed on February 16, 2010; therefore, it is necessary to review and update the appointments for 2011.

Attached is the list of appointments approved by the Council for 2010 (Exhibit A). Some committees may need to be deleted from the list if they are no longer active or if Council participation is no longer required. Likewise, active committees not on the list may need to be added.

Council members may be reappointed to the same committees on which they are currently serving, or new assignments can be made upon request. A number of new assignments will need to be made due to the retirement of two Council Members in December 2010.

STRATEGIC PLAN

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

FISCAL IMPACT

None

RECOMMENDATION

That the City Council, by motion, deletes or adds to the attached list of committees, and makes appointments to the remaining committees as appropriate.

Prepared by: Carole Fleischmann, Assistant City Clerk

Reviewed by: Maria Hurtado, Assistant City Manager

Approved by: Leon Churchill, Jr., City Manager

Attachments: Exhibit A - List of Council Appointments for 2010

2010 - COUNCIL COMMITTEES/COMMISSIONS

Committee/Commission	Meetings Held	Council Members
City/Chamber Liaison	Quarterly (January, April, July, and October),	Mayor Ives Council Member Tolbert
City/Schools Liaison	Every other month	Mayor Pro Tem Tucker Council Member Maciel
Investment Review Committee	Quarterly	Council Member Abercrombie Council Member Maciel
South County Fire Authority	Quarterly	Mayor Ives Council Member Abercrombie Mayor Pro Tem Tucker, Alternate
*Tracy Area Public Facilities Financing Agency	As needed, with an annual meeting in May	Mayor Pro Tem Tucker Council Member Abercrombie
**City Selection Committee	Annually, additional meetings as needed	Mayor Ives
**Community Development Block Grant Policy Advisory Committee	As needed, in conjunction with the distribution of the CDBG grants.	Council Member Tolbert
**Council of Governments	Monthly, in Stockton at 5:30 p.m. on the fourth Thursday of the month.	Mayor Ives Mayor Pro Tem Tucker, Alternate
**Duel Vocational Institution, Advisory Committee	Alternate Months	Council Member Tolbert
**San Joaquin County Water Advisory Commission	Monthly	Mayor Ives, Alternate
**San Joaquin Partnership	Monthly, on the fourth Thursday of each month	Mayor Ives Mayor Pro Tem Tucker, Alternate
**San Joaquin Regional Rail Commission	Monthly	Mayor Ives
**Solid Waste Management Plan Advisory Task Force	As needed	Council Member Abercrombie Alternate
**Special City Selection Committee, SJVAPCD	As needed	Council Member Abercrombie Council Member Maciel, Alternate

*Ad Hoc Committee **Outside Agencies

COUNCIL COMMITTEES - 2010

Following is a current list of both standing committees and ad hoc committees. Some of these appointments are City of Tracy appointments to a larger body, while others are City directed activities only.

I. **STANDING COMMITTEES**

A. **City/Chamber Liaison Committee**

1. Brent H. Ives, Mayor
2. Evelyn Tolbert, Council Member
3. Leon Churchill, Jr., City Manager

Meets quarterly (January, April, July, and October), typically on the third Monday of the designated month at 5:00 p.m. at the Chamber to discuss issues of concern to both the City and the Chamber, i.e. Fourth of July activities, Downtown activities, Bean Festival, etc.

B. **City/Schools Liaison Committee**

1. Suzanne Tucker, Mayor Pro Tem
2. Michael Maciel, Council Member
3. Leon Churchill, Jr., City Manager
4. Police Chief
5. Kuldeep Sharma, City Engineer
6. Andrew Malik, Director of Development and Engineering Services
7. Director of Parks and Community Services

Meets every other month with School District officials to discuss issues of mutual concern, i.e. school pedestrian routes, bus routes, facilities, crossing guards, etc. Meetings are typically held on the third Thursday of the designated month at 1:00 p.m. in the TUSD Administration Office.

C. **Community Access Committee – (Disbanded by Council - City Council meeting 03/06/07)**

D. **Economic Development Committee (Disbanded by Resolution 2007-207 – City Council meeting 8/21/07)**

E. Investment Review Committee

1. Stephen Abercrombie, Council Member
2. Michael Maciel, Council Member
3. Ray McCray, Treasurer
4. Zane Johnston, Director of Finance and Administrative Services
5. Leon Churchill, Jr., City Manager

Meets on a quarterly basis to address issues involving investment of the City's funds and management of the City's portfolio. Meetings are usually held on the last Monday of the quarter at 5:30 p.m. in Room 109 at City Hall.

F. South County Fire Authority (SCFA)

1. Brent H. Ives, Mayor
2. Stephen Abercrombie, Council Member
3. Suzanne Tucker, Mayor Pro Tem (Alternate)

The SCFA consists of four members - two Council Members appointed annually by the City Council, and two Board Members of the Tracy Rural Fire Protection District appointed annually by the Board. The Board of Directors meets on a quarterly basis, and has the responsibility to manage and administer the fire protection services provided to the jurisdictional area of the South County Fire Authority.

G. Tracy Tomorrow and Beyond (Disbanded by Resolution 2007-081 – City Council meeting 5/1/07)

II. AD HOC COMMITTEES

A. **Downtown Revitalization Task Force** – (Disbanded by Council - City Council meeting 01/06/09)

B. **Community Park Design Subcommittee** (Disbanded by Council - City Council meeting 01/02/07)

C. Tracy Area Public Facilities Financing Agency (TAPFFA)

1. Suzanne Tucker, Mayor Pro Tem
2. Stephen Abercrombie, Council Member
3. Zane Johnston, Director of Finance and Administrative Services

TAPFFA was formed as a Joint Power Authority between the City, Tracy School District, and Jefferson School District. The JPA was authorized to issue Mello-

Roos bonds primarily to build new schools in the Residential Specific Plan area. With the ultimate build out of the TAPFFA area usually only a brief annual meeting of the TAPFFA Board of Directors is necessary in order to approve the budget and levy the necessary tax for the duration of the bonds. Meets as needed. The annual meeting is normally held in May.

III. THIRD AGENCY MEMBER APPOINTMENTS

A. City Selection Committee

1. Brent H. Ives, Mayor

This committee is composed of the Mayors of the cities in San Joaquin County and addresses issues related to membership and appointments to regional boards, such as LAFCO, Delta Protection Agency, and the San Joaquin Valley Unified Air Pollution Control District, etc.

B. Community Development Block Grant Policy Advisory Committee

1. Evelyn Tolbert, Council Member

Meets as needed in conjunction with the distribution of the CDBG grants.

C. Council of Governments (COG)

1. Brent H. Ives, Mayor
2. Suzanne Tucker, Mayor Pro Tem (Alternate)

The Council of Governments meets monthly and deals with regional issues, including transportation issues, habitat mitigation, regional rail issues, airport land use matters, etc. Meetings are held in Stockton at 5:30 p.m. on the fourth Thursday of the month.

D. Deuel Vocational Institution, Citizens Advisory Committee

Contact: Martina Virrey, Community Partnership Manager (209/830-3891) or martina.virrey@cdcr.ca.gov

1. Evelyn Tolbert, Council Member
2. Rick Golphin, Deputy Police Chief

This subcommittee serves in an advisory capacity to Deuel Vocational Institution, a state prison located to the southeast of Tracy. The subcommittee's primary objective is to promote effective communication between the Institution and the community at large. California Penal Code Section 5056 requires two persons shall be appointed for two year terms from nominations submitted by the local City Council in whose district the prison is located. Individuals nominated may be elected officials or

involved residents of the City. Meetings are normally held on the second Thursday of odd numbered months from 9:00 a.m. to 10:00 a.m.

E. Local Transportation Authority Citizens Advisory Committee (COG) Contact: COG (468-3913)

1. Vacant (Citizen appointed by Mayor)

F. San Joaquin County Library Task Force – (Disbanded by Council - City Council meeting 01/06/09)

G. San Joaquin County Water Advisory Commission

Contact: Mel Lytle, San Joaquin County Public Works Dept. (468-3000)

1. Kevin Tobeck, Public Works Director
2. Brent H. Ives, Mayor (Alternate)

Appointed by the Board of Supervisors, this Commission acts in an advisory capacity to the San Joaquin County Flood Control and Water Conservation District. Consists of 22 members from the various cities and water agencies in San Joaquin County. Meets monthly.

H. San Joaquin Partnership

Contact: Chris Youngsma, (956-3380)

1. Brent H. Ives, Mayor
2. Suzanne Tucker, Mayor Pro Tem (Alternate)

The San Joaquin Partnership is a non-profit, private-public economic development corporation assisting business and industry to locate into San Joaquin County. Meets on the fourth Thursday of each month.

I. San Joaquin Regional Rail Commission

Contact: Rail Commission staff (468-3025)

1. Brent H. Ives, Mayor

The San Joaquin Regional Rail Commission oversees the development of rail services on a regional basis. Meets monthly.

J. Solid Waste Management Plan Advisory Task Force

Contact: Tom Horton, SJC Public Works Department – (209/468-3066)

1. Stephen Abercrombie, Council Member
2. Kevin Tobeck, Director of Public Works

This task force is comprised of elected representatives of the governmental agencies responsible for preparing the County Integrated Waste Management Plan. Duties of the task force include: identifying solid waste management issues of County-wide or regional concern; facilitating the development of multi-jurisdictional arrangements for the marketing of recyclable materials; developing goals, policies and procedures consistent with guidelines and regulations adopted by the Department of Resources Recycling and Recovery, and advising the Board of Supervisors on matters pertaining to the County-wide Household Hazardous Waste Program. Meets as needed.

K. Special City Selection Committee, SJVAPCD

Contact: Sayed Sadredin, Executive Director – (559/230-6036)

1. Stephen Abercrombie, Council Member
2. Michael Maciel, Council Member (Alternate)

The Committee is charged with making appointments of city representatives to the San Joaquin Valley Air Pollution Control District's Governing Board.