

August 6, 2013, 6:00 p.m.

City Council Chambers, 333 Civic Center Plaza

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

Mayor Ives called the meeting to order at 6:00 p.m., and led the Pledge of Allegiance.

The invocation was provided by Pastor Scott McFarland, Journey Christian Church.

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

1. CONSENT CALENDAR - Following the removal of items 1-D, 1-G and 1-H, it was moved by Council Member Rickman and seconded by Mayor Pro Tem Maciel to adopt the consent calendar. Roll call vote found all in favor; passed and so ordered.
 - A. Approval of Minutes – Regular meeting minutes of June 4 and June 18, 2013, closed session minutes of June 4 and June 18, 2013, and special meeting minutes of June 18, 2013, were approved.
 - B. Approval of an Agreement with the Tracy Unified School District (TUSD) and Authorization for the Mayor to Execute the Agreement; Accept Funding for Drug Abuse And Resistance Program (DARE) to be used for Supplies, T-Shirts, and Graduation Expenses for Fiscal Year 2013-14, in the Amount of \$10,000 – Resolution 2013-108 approved the agreement.
 - C. Authorize the Appointment of Six Youth Commissioners to the Youth Advisory Commission – Resolution 2013-109 authorized the appointments.
 - E. Rescind Resolution 2013-076, Approve the Revised Lathrop-Tracy Purchase, Sale and Amendment Agreement, Authorize the Mayor to Execute the Agreement, Authorize a Supplemental Appropriation from the Wastewater Fund and Establish a Loan to the Water Fund in the Amount of \$5 Million – Resolution 2013-110 rescinded Resolution 2013-076 and approved the revised agreement.
 - F. Authorization of Amendment No. 22 to Professional Services Agreement No. CH8 with CH2M Hill for Preparation of Wastewater Treatment Plant 2013-15 NPDES Permit Studies and Authorization for the Mayor to Execute the Amendment – Resolution 2013-111 authorized the amendment.
 - I. Award A Professional Services Agreement (PSA) No. DE 2 with Dokken Engineering to Provide Professional Services to Prepare Project Approval and Environmental Documents (PA & ED) for the I-205 / Chrisman Road New Interchange Project CIP 73109, Federal No. HPLULN-5192 (034), for a Not-to-Exceed Amount of \$826,919, Authorize the Director of Development Services to Acquire Additional Services if Needed up to an Amount of \$80,000, Authorize Transfer of \$239,838 from CIP 73014 to 73109, and Authorize the Mayor to Execute the Agreement – Resolution 2013-112 awarded the agreement.

- J. Acceptance of the Jackson Alley and 9th Street Storm Drainage Improvement CIP 73134A, Completed by Extreme Excavation of Tracy, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2013-113 accepted the project.
- K. Acceptance of the Monitoring Wells Abandonment Project – CIP 71033, Completed by Technicon Engineering Services, Inc., of Fresno, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2013-114 accepted the project.
- L. Rescind Resolution 2013-077 and Approve Four Reimbursement Agreements with Cordes Ranch Property Owners for the Acquisition of Water Supply – Resolution 2013-115 rescinded Resolution 2013-077 and approved the agreements.
- M. Approval of Amendment Number Four to the Professional Services Agreement with Design, Community and Environment, Inc. for the Preparation of an Environmental Impact Report, Assistance with the Preparation of a Specific Plan and Annexation for the Cordes Ranch Specific Plan Project – Resolution 2013-116 approved Amendment Four.
- N. Approval of a Real Property Purchase Agreement with Maria O. Silva Revocable Trust and Bernadine (A.K.A. Bernardine) Silva for Acquisition of the Right-of-Way for a Storm Drainage Channel in the North East Industrial (NEI) Area and Authorize the Mayor to Execute the Agreement – Resolution 2013-117 approved the agreement.
- D. Approval of a Wholesale Water Agreement Between Byron Bethany Irrigation District and the City of Tracy for Water Supply for Tracy Hills, Find the CEQA Negative Declaration Adequate for the City's Use, and Authorize the Mayor to Execute the Agreement – Steve Bayley, Project Specialist, provided the staff report. The subject agreement provides water supply for a portion of the Tracy Hills Specific Plan area. This land was annexed into the City in 1998 and was annexed into the Byron Bethany Irrigation District (BBID) in 1999. The subject agreement, in conjunction with a water exchange agreement between BBID and the US Bureau of Reclamation (USBR), will provide for BBID's water to be pumped into the Delta-Mendota Canal (DMC) and delivered to the City's John Jones Water Treatment Plant.

BBID will construct the necessary pump station and pipeline between their facilities and the DMC. Water will then be pumped into the DMC, conveyed to Tracy and, after treatment, potable water will be pumped to serve the Tracy Hills development. The agreement provides for delivery of up to 4,500 acre-feet per year. Delivery of the water is to be scheduled through the USBR and is subject to conveyance capacity being available in the DMC. The agreement has a term of approximately 40 years, through February 28, 2053.

BBID is the lead agency for CEQA and has prepared and adopted a Negative Declaration.

There is no fiscal impact to the General Fund. The City, through water rates, will fund maintenance of the BBID pump station and will pay for the delivered

water. Staff recommended that Council approve the Wholesale Water Agreement between Byron Bethany Irrigation District and the City of Tracy, find the CEQA negative declaration adequate for the City's use, and authorize the Mayor to execute the agreement.

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

Dave Anderson addressed Council voicing concerns that the development will be in existence long past the 40 year contract. Mr. Anderson asked where the water could come from after 40 years. Mr. Bayley indicated staff considered the water source to be reliable and stated a contract cannot be negotiated into perpetuity. Mr. Bayley added that the City has successive rights of renewal on the agreement.

It was moved by Council Member Rickman and seconded by Mayor Pro Tem Maciel to adopt Resolution 2013-118 approving a Wholesale Water Agreement between Byron Bethany Irrigation District and the City of Tracy for Water Supply for Tracy Hills, finding the CEQA Negative Declaration Adequate for the City's use, and authorizing the Mayor to execute the Agreement. Voice vote found all in favor; passed and so orders.

G. Adopt a Resolution Authorizing the City Manager to Sign Terms and Conditions of Accepting Airport Improvement Program Grants; Execute Grant Agreements AIP #3-06-0259-014-2013 and AIP #3-06-0259-015-2013 in the amount of \$600,000 with the Federal Aviation Administration for an Update to the Airport Layout Plan, Reimbursement for a Pavement Maintenance and Management Plan, and Reimbursement for Engineering and Design Work on the Airport Pavement Project

Dave Anderson, President Tracy Airport Association, provided Council with a copy of the deed for the Tracy Airport. Mr. Anderson requested that Council approve the item with a stipulation that the airport runway remain at 4,002 feet. Leon Churchill, Jr., City Manager, indicated documents that will be submitted are based on prior Council and action leading to that decision.

Roger Birdsall addressed Council regarding shortening of the runway length. Mr. Birdsall stated that records show that the runway length has been at 4,000 feet since 1980. Mr. Birdsall asked that Council re-consider the runway length.

Mayor Pro Tem Maciel asked if the handout provided by Mr. Anderson was supported by the Tracy Airport Association. Mr. Anderson provided a verbal response from the audience that was inaudible.

Council Member Rickman asked Mr. Churchill how the City was benefiting from a shorter runway length and safety zone. Mr. Churchill indicated the issue regarding the safety zone has been addressed as dictated by State regulations for safety zones based on airport length. Mr. Churchill stated the demarcation line between a small and a medium size cone is indeed 4,000 feet in length. Mr. Churchill indicated the City is submitting plans consistent with those regulations. Mr. Churchill added that a smaller cone does allow more homes to be built as part of the Ellis development. Mr. Churchill stated there are public policy advantages for a City that has a dearth of housing development while seeking to maintain a land use balance between commercial, industrial and residential uses.

Council Member Rickman asked if the three feet difference in runway length affects what type of plane can land. Mr. Anderson provided a response from his seat that was inaudible.

Mayor Ives asked if certain types of airplanes would no longer be able to land at the airport because of a change in runway length. Mr. Churchill indicated based on exhaustive research, staff had no verification of that information.

Council Member Young clarified that she would always support the economic value of the airport. Council Member Young stated that during the last Council discussion all Council Members voiced support for the airport.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2013-119 authorizing the City Manager to sign terms and conditions of accepting Airport Improvement Program Grants; executing Grant Agreements AIP #3-06-0259-014-2013 and AIP #3-06-0259-015-2013 in the amount of \$600,000 with the Federal Aviation Administration for an Update to the Airport Layout Plan, Reimbursement for a Pavement Maintenance and Management Plan, and Reimbursement for Engineering and Design Work on the Airport Pavement Project. Voice vote found all in favor; passed and so ordered.

- H. Approval of Task Order No. 3 with R.W. Brandley, Consulting Airport Engineer, for an Update of the Airport Layout Plan for the Tracy Municipal Airport Required for Implementation of a Federal Aviation Grant, Authorize the Mayor to Execute the Task Order, Authorize use of \$79,650 from the Airport Fund for the Completion of the Task Order until Reimbursement from the Federal Aviation Administration

Dave Anderson, President Tracy Airport Association, stated that when the airport plan is drawn, the Tracy Airport Association, the Aircraft Owners Association and the California Pilots Association will push the City to follow the agreement it made when the property was transferred to the City. Mr. Anderson urged Council to do due diligence.

Mayor Pro Tem Maciel asked if the City had a civil engineer measure the runway length. Ed Lovell, Management Analyst, indicated an engineer surveyed the runway and determined its length to be 3,996 feet and 9 inches.

Mayor Pro Tem Maciel asked if the Airport currently complies with all safety regulations. Mr. Lovell stated yes.

Council Member Rickman asked if a corporate jet could land at the Tracy Airport. Mr. Lovell stated yes.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2013-120 approving Task Order No. 3 with R.W. Brandley, Consulting Airport Engineer, for an update of the Airport Layout Plan for the Tracy Municipal Airport required for Implementation of a Federal Aviation Grant, authorizing the Mayor to execute the Task Order, authorizing use of \$79,650 from the Airport Fund for the completion of the Task Order until

Reimbursement from the Federal Aviation Administration. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – None.
3. COUNCIL ITEMS – Council Member Rickman invited everyone to the last Block Party scheduled for August 16, 2013, where music from the 80's will be featured.
4. ADJOURNMENT – It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adjourn. Voice vote found all in favor; passed and so ordered. Time: 6:27 p.m.

The above agenda was posted at the Tracy City Hall on August 1, 2013. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

City Clerk