TRACY CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, August 20, 2013, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza *Web Site: www.ci.tracy.ca.us*

Americans With Disabilities Act - The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6000) 24 hours prior to the meeting.

Addressing the Council on Items on the Agenda - The Brown Act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council's consideration of the item, provided no action shall be taken on any item not on the agenda. Each citizen will be allowed a maximum of five minutes for input or testimony. At the Mayor's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

Consent Calendar - All items listed on the Consent Calendar are considered routine and/or consistent with previous Council direction. A motion and roll call vote may enact the entire Consent Calendar. No separate discussion of Consent Calendar items will occur unless members of the City Council, City staff or the public request discussion on a specific item at the beginning of the meeting.

Addressing the Council on Items not on the Agenda – The Brown Act prohibits discussion or action on items not on the posted agenda. Members of the public addressing the Council should state their names and addresses for the record, and for contact information. The City Council's Procedures for the Conduct of Public Meetings provide that "Items from the Audience" following the Consent Calendar will be limited to 15 minutes. "Items from the Audience" listed near the end of the agenda will not have a maximum time limit. Each member of the public will be allowed a maximum of five minutes for public input or testimony. However, a maximum time limit of less than five minutes for public input or testimony may be set for "Items from the Audience" depending upon the number of members of the public wishing to provide public input or testimony. The five minute maximum time limit for each member of the public applies to all "Items from the Audience." Any item not on the agenda, brought up by a member of the public shall automatically be referred to staff. In accordance with Council policy, if staff is not able to resolve the matter satisfactorily, the member of the public may request a Council Member to sponsor the item for discussion at a future meeting. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

Presentations to Council - Persons who wish to make presentations which may exceed the time limits are encouraged to submit comments in writing at the earliest possible time to ensure distribution to Council and other interested parties. Requests for letters to be read into the record will be granted only upon approval of the majority of the Council. Power Point (or similar) presentations need to be provided to the City Clerk's office at least 24 hours prior to the meeting. All presentations must comply with the applicable time limits. Prior to the presentation, a hard copy of the Power Point (or similar) presentation will be provided to the City Clerk's office for inclusion in the record of the meeting and copies shall be provided to the Council. Failure to comply will result in the presentation being rejected. Any materials distributed to a majority of the Council regarding an item on the agenda shall be made available for public inspection at the City Clerk's office (address above) during regular business hours.

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

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

CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION
ROLL CALL
PRESENTATIONS
- Employees of the Month
- Swearing in Police Officers
- Introduction of Public Works Director

1. CONSENT CALENDAR

A. Approval of Minutes

B. Approve Professional Services Agreement No. RM-2 with Rajappan & Meyer Consulting Engineers, Inc., of San Jose, California, to Provide Professional Services for Completion of Final Design, Plans, Specifications and Cost Estimates (PS & E), and right-of-way Plates and Legal Descriptions for the I-205/Lammers Road/Eleventh Street New Interchange Project, CIP 73084, Federal Project No. Demo3LN-5192 (021), Authorize the Development Services Director to Approve Amendments to this Agreement for Additional Services, if Needed, up to the Amount of $200,000, and Authorize the Mayor to Execute the Agreement

C. Award a Construction Contract to the Lowest Responsive Responsible Bidder for Installation of Fiber Optics from City Hall to the Transit Station CIP 77543, and Authorize the Mayor to Execute the Contract

D. Acceptance of the Lincoln Park Well & Production Well #1 Rehabilitation Project – CIP 75076, Completed by Zim Industries of Fresno, California, and Authorization for the City Clerk to File the Notice of Completion

E. Acceptance of the Road Closing and Improvements at Railroad Crossings Project – CIP 73137, Completed by MCI Engineering of Stockton, California, and Authorization for the City Clerk to File the Notice of Completion

F. Approval of Master Professional Services Agreement (MPSA) HA13-01 with Harris and Associates, Approval of Task Order No. 1 To MPSA HA13- 01 for Providing Program Management Services for Multiple Projects

G. Authorize Amendment of The City's Classification and Compensation Plans and Position Control Roster by Establishing a New Classification and Salary Range for Building and Fire Inspector I/II; and Reallocate Two Vacant Fire Inspector Positions to Building and Fire Inspector I/II in the Building Safety and Fire Prevention Division of the Development Services Department

H. Authorize an Amendment of the City's Classification and Compensation Plans and Position Control Roster by Approving the Establishment of a New Limited Services Classification Specification and Salary Range for Facility Attendant; Reclassify Five (5) Incumbent Recreation Leader II Employees to the Facility Attendant Classification in the Community Facilities Division of the Public Works Department; and Authorize a FY 13/14 Supplemental Budget Appropriation

I. The City Council of the City of Tracy Acting as the Governing Body of the Successor Agency for the Community Development Agency of the City of Tracy Approving the Recognized Obligation Payment Schedule (ROPS)

J. Authorize the Purchase of Four Chevrolet Caprice PPV Sedans from Wondries Fleet Sales of Alhambra, California

K. Accept a Grant From the California Office of Traffic Safety and Appropriate $69,731 of Reimburseable Funds From the General Fund to the Police Department's Fiscal Year 2013-14 Budget for the Selective Traffic Enforcement Program (STEP) Grant

L. Accept a Grant From the California Office of Traffic Safety and Appropriate $39,118 of Reimburseable Funds From the General Fund to the Police Department's Fiscal Year 2013-14 Budget for the Sobriety Checkpoint Grant Program and Authorize the Police Chief to Execute the Grant Agreement

2. ITEMS FROM THE AUDIENCE

3. PUBLIC HEARING TO FORGO STANDARD PROCUREMENT PROCESSES TO CONTRACT WITH PG&E FOR LED STREET LIGHT RETROFIT PROGRAM; CONSIDER APPROVAL OF PG&E STREET LIGHT AGREEMENT, SUBMITTAL OF THE ON-BILL FINANCIAL SUPPLEMENT AND CUSTOMIZED RETROFIT INCENTIVE APPLICATION FOR STREET LIGHT RETROFIT PROGRAM AND AUTHORIZE THE MAYOR TO EXECUTE ANY ASSOCIATED AGREEMENTS AND APPLICATIONS

4. PUBLIC HEARING TO CONSIDER AN APPLICATION TO AMEND A VESTING TENTATIVE SUBDIVISION MAP ON AN 18.6-ACRE PARCEL TO CREATE 105 LOTS, AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN (PDP/FDP) AMENDMENT TO ALLOW FOR THE CONSTRUCTION OF 105 SINGLE-FAMILY HOMES LOCATED WITHIN THE 18.6 ACRE INFILL SITE ON THE WEST SIDE OF MAC ARTHUR DRIVE, NORTH OF VALPICO ROAD. THE APPLICANT IS VALLEY OAK PARTNERS AND OWNERS ARE DERONE W. AND D.A THRASHER- APPLICATION NUMBERS TSM13-0002 AND PUD13-0002

5. PUBLIC HEARING TO CONSIDER REZONING A 47.1-ACRE PARCEL FROM LOW DENSITY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT, APPROVAL OF A CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLAN, AND APPROVAL OF A VESTING TENTATIVE SUBDIVSION MAP FOR A 252-LOT RESIDENTIAL SUBDIVISION, KNOWN AS KAGEHIRO PHASE 3, LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND KAGEHIRO DRIVE, ASSESSOR'S PARCEL NUMBER 242-040-36. THE APPLICANT AND PROPERTY OWNER IS CORRAL HOLLOW DEVELOPMENT, LLC. APPLICATION NUMBERS PUD13-0001 AND TSM12-0001

6. PUBLIC HEARING TO ADOPT AND APPROVE BY IMPLEMENTING RESOLUTION, THE ESTABLISHMENT OF ROADWAYS, WATER, WASTEWATER,STORM, RECYCLED WATER, PARKS AND PUBLIC BUILDING DEVELOPMENT IMPACT FEES, FINANCE AND IMPLEMENTATION PLAN (FIP), INCLUDING INFRASTRUCTURE TECHNICAL ANALYSIS, REPORTS, STUDIES, AND THE CAPITAL IMPROVEMENT PROGRAM FOR THE ELLIS PROGRAM AREA

7. APPROVE AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT BY AND BETWEEN THE CITY OF TRACY AND WT MITCHELL GROUP, INC. FOR THE CITY-OWNED PROPERTY LOCATED AT 729/741 CENTRAL AVENUE AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT

8. DISCUSS AND APPROVE THE FORMATION OF A SENIOR STEERING COMMITTEE AND AUTHORIZE A FY 13/14 SUPPLEMENTAL APPROPRIATION OF $10,000

9. CONSIDERATION OF APPOINTMENT OF TWO COUNCIL MEMBERS TO SERVE AS CITY REPRESENTATIVES ON A JOINT CITY/COUNTY CRIMINAL JUSTICE TASK FORCE

10. ACCEPT CONSULTANT UPDATE ON CITY COST ALLOCATION PLAN

11. SECOND READING AND ADOPTION OF ORDINANCE 1185 AN ORDINANCE OF THE CITY OF TRACY INCREASING WASTEWATER RATES

12. ITEMS FROM THE AUDIENCE

13. STAFF ITEMS

    A. RECEIVE AND ACCEPT THE CITY MANAGER INFORMATIONAL UPDATE

14. COUNCIL ITEMS

    A. THE LEAGUE OF CALIFORNIA CITIES REQUEST THAT THE CITY COUNCIL DETERMINE THEIR POSITION ON TWO RESOLUTIONS TO BE CONSIDERED AT THE 2013 ANNUAL BUSINESS MEETING OF THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

15. ADJOURNMENT

TRACY CITY COUNCIL SPECIAL MEETING MINUTES

May 13, 2013, 4:00 p.m.

Tracy Municipal Airport, 5749 S. Tracy Blvd *Web Site: www.ci.tracy.ca.us*

1. Call to Order – The meeting was called to order at 4:00 p.m.

2. Council Members Rickman, Young, Mayor Pro Tem Maciel and Mayor Ives were in attendance.

3. Items from the Audience – None

4. SITE VISIT/TOUR FOR REPRESENTATIVES FROM THE OFFICES OF SENATOR BOXER; SENATOR FEINSTEIN, AND CONGRESSMAN DENHAM TO LEARN ABOUT THE CITY OF TRACY'S 2013 AIRPORT IMPROVEMENT PROGRAM GRANT APPLICATION – Rod Buchanan, Interim Public Works Director, acknowledged Bob Rucker, District Director for Congressman Jeff Denham, Sarah Moffat, Field Representative for U.S. Senator Dianne Feinstein, and Ameen I. Khan, Director for Central and Eastern California, U.S. Senator Barbara Boxer, and thanked them for their support regarding the 2013 Airport Improvement Program Grant Application.

   At the end of January the City of Tracy submitted a grant application to the Federal Aviation Administration for the 2013 Airport Improvement Grant Program, which includes three engineering and construction projects that are required for the continued operation of the airport. The application covers the following projects, which are proposed for 2013:

   - Reimbursement for Pavement Evaluation/Pavement Maintenance Management Program
   - Reimbursement for Engineering Design – Reconstruction of Runways, Taxiways and Aprons
   - Reconstruction of Runways, Taxiways and Aprons

   Mr. Buchanan provided a copy of the Airport Layout Plan and indicated the location of the runways, taxiways, and ramp areas that are in need of reconstruction. The overview was followed by a walking tour of Runway 08/26. Staff indicated the pavement deficiencies, and led a discussion regarding structural issues and the consequent need for a more thorough reconstruction effort than what would be achieved by the application of an asphalt-overlay.

5. Adjournment – The meeting adjourned at approximately 5:00 p.m.

The above are summary minutes. The above agenda was posted at Tracy City Hall on May 9, 2013.

_____
Mayor

Attest:

_____
City Clerk

August 20, 2013

AGENDA ITEM 1.B

REQUEST

APPROVE A PROFESSIONAL SERVICES AGREEMENT NO. RM-2 WITH RAJAPPAN & MEYER CONSULTING ENGINEERS, INC., OF SAN JOSE, CALIFORNIA, TO PROVIDE PROFESSIONAL SERVICES FOR COMPLETION OF FINAL DESIGN, PLANS, SPECIFICATIONS AND COST ESTIMATES (PS & E), AND RIGHT-OF-WAY PLATES AND LEGAL DESCRIPTIONS FOR THE I-205/LAMMERS ROAD/ELEVENTH STREET NEW INTERCHANGE PROJECT, CIP 73084, FEDERAL PROJECT NO. DEMO3LN-5192 (021), AUTHORIZE THE DEVELOPMENT SERVICES DIRECTOR TO APPROVE AMENDMENTS TO THIS AGREEMENT FOR ADDITIONAL SERVICES, IF NEEDED, UP TO THE AMOUNT OF $200,000, AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT

EXECUTIVE SUMMARY

The City has been working with the California Department of Transportation (Caltrans) for the last ten years to finalize the Project Study Report (PSR) and complete Environmental documentation for the proposed I-205/Lammers Road/ Eleventh Street Interchange project.

The subject project Environmental Impact Report (EIR) documentation, based on the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), has been completed and was approved by Caltrans on November 11, 2012. The next phase is to complete the final design, right-of-way and probable construction cost estimates. Due to work load constraints and the specialized nature of the work involved, services of a qualified consultant are required.

DISCUSSION

The City's previous General Plan identified a new interchange at Interstate 205 (I-205) and Lammers Road. This interchange will serve the west side of Tracy. Since interchange projects on highways and freeways involve coordination and approval from various state and federal agencies, including Caltrans, the approval process takes a number of years before construction can start. In 2011, Cattellus Development Corporation, owner of the real property north of I-205 in the vicinity of this intersection, took the initiative to engage Caltrans to begin the concept design process of the interchange. The Project Study Report (PSR) has been completed and was approved by the Federal Highway Administration (FHWA) on February 15, 2006.

Project Environmental Impact Report (EIR) based on the requirements of California Environmental Quality Act (CEQA), State CEQA Guidelines, California Department of Transportation (Caltrans) Standard Environmental Reference, and Federal Highway Administration's (FHWA) (US Department of Transportation's) National Environmental Policy Act (NEPA) regulations was completed and approved by Caltrans and the FHWA on November 7, 2012.

The next phase of this project is to complete the design, identify the right-of-way takes, probable construction cost estimates, and construction documents, which include project plans, specifications and construction cost estimates (PS&E).

In order to complete this phase of work, a team of dedicated engineers and draft persons are needed for a longer period of time (minimum 2 years). Due to staffing constraints and the specialized work involved, services of an experienced consultant are necessary.

Therefore, proposals for this phase of work were solicited in accordance with the Tracy Municipal Code, Section 2.20 "Request for Proposals" (RFP) from qualified consultants and posted on the City website. Staff received one proposal from Rajappan & Meyer Consulting Engineers, Inc. of San Jose, California. City and Caltrans staff evaluated the proposal and the consultant was found to be the best qualified consultant based on project approach, understanding, and experience with similar projects.

The scope of services is expected to extend over two years. Staff negotiated an agreement (Attachment A) and fees for the above work based on a lump sum price not-to-exceed $3,799,894, which is reasonable, fair, and within the available budget.

Due to the complexity of work and extensive coordination with Caltrans, the Professional Services Agreement also provides a contingency amount of $200,000, which may be used on an as-needed basis for amendment of this agreement with approval from the Development Services Director. This will streamline the approval process, reduce delays, and prevent the stoppage of work.

STRATEGIC PLAN

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

FISCAL IMPACT

There will be no impact to the General Fund as this was an approved CIP project in Fiscal Year 2011-2012. Funding for the final design, right-of-way plates and legal descriptions, and preparation of construction documents is available from the Safe, Accountable, Flexible, Efficient, Transportation Equity Act, a Legacy for Users (SAFETEA-LU) grant.

RECOMMENDATION

That City Council approve, by resolution, Professional Services Agreement No. RM-2 with Rajappan & Meyer, Inc., of San Jose, California, to provide professional services on a time and expense basis, for a not-to-exceed amount of $3,799,894 for the completion of final design plans, specifications and cost estimates (PS & E), and right-of-way plates

and legal descriptions for the I-205/Lammers Road/Eleventh Street new Interchange project, CIP 73084, Federal Project No. DEMO3LN-5192(021); authorize the Development Services Director to approve Amendments to this Agreement for additional services, if needed, up to an amount of $200,000; and authorize the Mayor to execute the Agreement.

Prepared by: Zabih Zaca, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

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

ATTACHMENTS

Attachment A: Professional Services Agreement No. RM-2 with Rajappan & Meyer, Inc.

Attachment A

CITY OF TRACY
PROFESSIONAL SERVICES AGREEMENT RM-1
PROFESSIONAL SERVICES FOR FINAL DESIGN, RIGHT OF WAY SERVICES AND PREPERATION OF CONSTRUCTION DOCUMENTS
FOR
I-205/LAMMERS ROAD/ELEVENTH STREET NEW INTERCHANGE PROJECT
CIP 73084, FEDERAL PROJECT NO. DEMO3LN-5192(021)

This PROFESSIONAL SERVICES AGREEMENT (hereinafter "Agreement") is made and entered into by and between the City of Tracy, a municipal corporation (hereinafter "CITY"), and RAJAPPAN & MEYER CONSULTING ENGINEERS, INC., a California Corporation (hereinafter "CONSULTANT").

RECITALS

A. CONSULTANT is a registered professional engineer in the State of California.

B. CONSULTANT services are needed for the design and preparation of plans, specifications, cost estimate, right of way services, for I-205/Lammers Road/Eleventh Street New Interchange along I-205 freeway, hereinafter ("PROJECT").

C. On December 12, 2012, CITY issued a Request For Proposals for the final design, PS&E, and right of way services for the I-205/Lammers Road/Eleventh Street Interchange, hereinafter ("PROJECT"). On January 10, 2013, staff received one proposal from an engineering firm. Staff evaluated the proposal. The CONSULTANT proposal was the most responsive to the City's RFP. After negotiations between CITY and CONSULTANT, the parties have reached an agreement for the performance of services in accordance with the terms set forth in this Agreement. On August 20, 2013, the City Council authorized the execution of this Agreement, pursuant to Resolution No. 2013-____.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **SCOPE OF SERVICES.** CONSULTANT shall perform the services described in **Exhibit "A"**, attached hereto and incorporated herein by reference. The services shall be performed by, or under the direct supervision of, CONSULTANT's Authorized Representative: Keith G. Meyer. CONSULTANT shall not replace its Authorized Representative, nor shall CONSULTANT replace any of the personnel listed in **Exhibit "B,"** (Project Team) nor shall CONSULTANT use any other subcontractors or sub-consultants, without the prior written consent of the CITY.

2. **TIME OF PERFORMANCE.** Time is of the essence in the performance of services under this Agreement and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. CONSULTANT shall commence performance within 10 days of the effective date of this Agreement, and shall complete all required services no later December 31, 2015, with major milestone submittals dates in accordance with **Exhibit "D."** Any services for which times for performance are not specified in this Agreement shall be commenced and completed by CONSULTANT in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the CONSULTANT. CONSULTANT shall submit all requests for extensions of time to the CITY in writing no later than ten (10) days after the

start of the condition, which purportedly caused the delay, and not later than the date on which performance is due. CITY shall grant or deny such request at its sole discretion.

3. **INDEPENDENT CONTRACTOR STATUS.** CONSULTANT is an independent contractor and is solely responsible for all acts of its employees, agents, or sub-consultants, including any negligent acts or omissions. CONSULTANT is not CITY's employee and CONSULTANT shall have no authority, express or implied, to act on behalf of the CITY as an agent, or to bind the CITY to any obligation whatsoever, unless the CITY provides prior written authorization to CONSULTANT. Contractors and CONSULTANTS are free to work for other entities while under contract with the CITY. Contractors and CONSULTANTS are not entitled to CITY benefits.

4. **SUBCONTRACTING.**

   4.1. The CONSULTANT shall perform the work contemplated with resources available within its own organization; and no portion of the work pertinent to this contract shall be subcontracted without written authorization by the CITY's Contract Manager, except that, which is expressly identified in the approved Cost Proposal.

   4.2. Any subcontract in excess of $25,000 entered into as a result of this contract, shall contain all the provisions stipulated in this contract to be applicable to subcontractors.

   4.3. Any substitution of subconsultants must be approved in writing by the CITY's Contract Manager,

5. **EQUIPMENT PURCHASE.**

   5.1. Prior authorization in writing, by the CITY's Contract Manager shall be required before the CONSULTANT enters into any unbudgeted purchase order, or subcontract exceeding $5,000 for supplies, equipment, or CONSULTANT services. The CONSULTANT shall provide an evaluation of the necessity or desirability of incurring such costs.

   5.2. For purchase of any item, service or consulting work not covered in the CONSULTANT's Cost Proposal and exceeding $5,000 prior authorization by the CITY's Contract Manager; three competitive quotations must be submitted with the request, or the absence of bidding must be adequately justified.

   5.3. Any equipment purchased as a result of this contract is subject to the following: "The CONSULTANT shall maintain an inventory of all nonexpendable property. Nonexpendable property is defined as having a useful life of at least two years and an acquisition cost of $5,000 or more. If the purchased equipment needs replacement and is sold or traded in, the CITY shall receive a proper refund or credit at the conclusion of the contract, or if the contract is terminated, the CONSULTANT may either keep the equipment and credit the CITY in an amount equal to its fair market value, or sell such equipment at the best price obtainable at a public or private sale, in accordance with established CITY procedures; and credit the CITY in an amount equal to the sales price. If the CONSULTANT elects to keep the equipment, fair market value shall be determined at the CONSULTANT's expense, on the basis of a competent independent appraisal of such equipment. Appraisals shall be obtained from an appraiser mutually agreeable to by the CITY and the CONSULTANT, if it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by the CITY." 49 CFR, Part 18 requires a

credit to Federal funds when participating equipment with a fair market value greater than $5000.00 is credited to the project.

5.4. All subcontracts in excess $25,000 shall contain the above provisions.

6. CONFLICT OF INTEREST.

6.1. The CONSULTANT shall disclose any financial, business, or other relationship with CITY that may have an impact upon the outcome of this contract, or any ensuing CITY construction project. The CONSULTANT shall also list current clients who may have a financial interest in the outcome of this contract, or any ensuing CITY construction project, which will follow.

6.2. The CONSULTANT hereby certifies that it does not now have, nor shall it acquire any financial or business interest that would conflict with the performance of services under this agreement.

6.3. Any subcontract in excess of $25,000 entered into as a result of this contract, shall contain all of the provisions of this Article.

6.4. The CONSULTANT hereby certifies that neither CONSULTANT, nor any firm affiliated with the CONSULTANT will bid on any construction contract, or on any contract to provide construction inspection for any construction project resulting from this contract. An affiliated firm is one, which is subject to the control of the same persons through joint-ownership, or otherwise.

6.5. Except for subcontractors whose services are limited to providing surveying or materials testing information, no subcontractor who has provided design services in connection with this contract shall be eligible to bid on any construction contract, or on any contract to provide construction inspection for any construction project resulting from this contract.

7. COMPENSATION.

7.1. The method of payment for this contract will be based on lump sum. The total lump sum price paid the consultant will include compensation for all work and deliverables, including travel and equipment described in Exhibit A of this contract. No additional compensation will be paid to the CONSULTANT, unless there is a change in the scope of the work or the scope of the project. In the instance of a change in the scope of work or scope of the project, adjustment to the total lump sum compensation will be negotiated between the Consultant and the CITY. Adjustment in the total lump sum compensation will not be effective until authorized by contract amendment and approved by the CITY.

7.2. Progress payments to CONSULTANT shall be made monthly in arrears based on the percentage of work completed by the CONSULTANT. If CONSULTANT fails to submit the required deliverable items according to the schedule set forth in the Exhibit A, the CITY shall have the right to delay payment and/or terminate this Agreement in accordance with the provisions of Article 6 Termination. Within thirty (30) days after the CITY's receipt of invoice, CITY shall make payment to the CONSULTANT based upon the services described on the invoice and approved by the CITY.

7.3. COST PRINCIPLES.

7.3.1. The CONSULTANT agrees that the Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq., shall be used to determine the allowability of cost individual items.

7.3.2. The CONSULTANT also agrees to comply with federal procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

7.3.3. Any costs for which payment has been made to CONSULTANT that are determined by subsequent audit to be unallowable under 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq., are subject to repayment by CONSULTANT to the CITY.

8. **REBATES, KICKBACKS OR OTHER UNLAWFUL CONSIDERATION.** The CONSULTANT warrants that this contract was not obtained or secured through rebates kickbacks or other unlawful consideration, either promised or paid to any CITY employee. For breach or violation of this warranty, CITY shall have the right in its discretion; to terminate the contract without liability; to pay only for the value of the work actually performed; or to deduct from the contract price; or otherwise recover the full amount of such rebate, kickback or other unlawful consideration.

9. **PROHIBITION OF EXPENDING CITY STATE OR FEDERAL FUNDS FOR LOBBYING.** The CONSULTANT certifies to the best of his or her knowledge and belief that:

9.1. No state, federal or CITY appropriated funds have been paid, or will be paid by-or-on behalf of the CONSULTANT to any person for influencing or attempting to influence an officer or employee of any state or federal agency; a Member of the State Legislature or United States Congress; an officer or employee of the Legislature or Congress; or any employee of a Member of the Legislature or Congress, in connection with the awarding of any state or federal contract; the making of any state or federal grant; the making of any state or federal loan; the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any state or federal contract, grant, loan, or cooperative agreement.

9.2. If any funds other than federal appropriated funds have been paid, or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency; a Member of Congress; an officer or employee of Congress, or an employee of a Member of Congress; in connection with this federal contract, grant, loan, or cooperative agreement; the CONSULTANT shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

9.3. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, US. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

9.4. The CONSULTANT also agrees by signing this document that he or she shall require that the language of this certification be included in all lower-tier subcontracts, which exceed $100,000, and that all such sub recipients shall certify and disclose accordingly.

10. TERMINATION. The CITY may terminate this Agreement by giving ten (10) days written notice to CONSULTANT. Upon termination, CONSULTANT shall give the CITY all original documents, including preliminary drafts and supporting documents, prepared by CONSULTANT for this Agreement. The CITY shall pay CONSULTANT for all services satisfactorily performed in accordance with this Agreement; up to the date notice is given.

11. OWNERSHIP OF WORK. All original documents prepared by CONSULTANT for this Agreement, whether complete or in progress, are the property of the CITY, and shall be given to the CITY at the completion of CONSULTANT's services, or upon demand from the CITY. No such documents shall be revealed or made available by CONSULTANT to any third party without the prior written consent of the City.

12. AUDIT AND RECORDS:

12.1 CONSULTANT shall maintain, in accordance with generally accepted accounting principles and practices, complete books, accounts, records and data with respect to actual time devoted and costs incurred for Services under this Agreement. Such documentation shall be supported by properly executed payrolls, invoices, contracts and vouchers evidencing in detail the nature and propriety of any charges and sufficient to allow a proper audit of the Services. All checks, payrolls, invoices, contracts and other accounting documents pertaining in whole or in part to the Services shall be clearly identified and readily accessible.

12.2 RETENTION OF RECORDS/AUDIT. For the purpose of determining compliance with Public Contract Code 10115, et seq. and Title 21, California Code of Regulations, Chapter 21, Section 2500 et seq., when applicable and other matters connected with the performance of the contract pursuant to Government Code 8546.7; the CONSULTANT, subcontractors, and the CITY shall maintain all books, documents, papers, accounting records, and other evidence pertaining to the performance of the contract, including but not limited to, the costs of administering the contract. All parties shall make such materials available at their respective offices at all reasonable times during the contract period and for three years from the date of final payment under the contract. The state, the State Auditor, CITY, FHWA, or any duly authorized representative of the federal government shall have access to any books, records, and documents of the CONSULTANT that are pertinent to the contract for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested. Subcontracts in excess of $25,000 shall contain this provision.

12.3 AUDIT REVIEW PROCEDURES

12.3.1 Any dispute concerning a question of fact arising under an interim or post audit of this contract that is not disposed of by agreement, shall be reviewed by the CITY'S CHIEF FINANCIAL OFFICER.

12.3.2 Not later than 30 days after issuance of the final audit report, the CONSULTANT may request a review by the CITY'S CHIEF FINANCIAL OFFICER of unresolved audit issues. The request for review will be submitted in writing.

12.3.3 Neither the pendency of a dispute nor its consideration by the CITY will excuse the CONSULTANT from full and timely performance, in accordance with the terms of this contract.

13. **ATTORNEY'S FEES.** In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.

14. **INDEMNIFICATION.** CONSULTANT shall indemnify, defend, and hold harmless the CITY (including its elected officials, officers, agents volunteers, and employees) from and against any and all claims, demands, damages, liabilities, costs, and expenses (including court costs and attorney's fees) arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of CONSULTANT in the performance of services under this Agreement or failure to comply with any obligations contained in the Agreement, except such loss or damage which is caused by the sole active negligence or willful misconduct of the City.

15. **BUSINESS LICENSE.** Prior to the commencement of any work under this Agreement, CONSULTANT shall obtain a City of Tracy Business License.

16. **INSURANCE.**

16.1 General. CONSULTANT shall, throughout the duration of this Agreement, maintain insurance to cover CONSULTANT, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.

16.2 Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) "per occurrence" coverage shall be maintained in an amount not less than $2,000,000 general aggregate and $1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

16.3 Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") "claims made" coverage shall be maintained in an amount not less than $1,000,000 per accident for bodily injury and property damage.

16.4 Workers' Compensation coverage shall be maintained as required by the State of California.

16.5 Professional Liability "claims made" coverage shall be maintained to cover damages that may be the result of errors, omissions, or negligent acts of CONSULTANT in an amount not less than $1,000,000 per claim.

16.6 Endorsements. CONSULTANT shall obtain endorsements to the automobile and commercial general liability with the following provisions:

16.6.1. The CITY (including its elected officials, officers, employees and agents shall be named as an additional "insured."

16.6.2. For any claims related to this Agreement, CONSULTANT's coverage shall be primary insurance with respect to the CITY. Any insurance maintained by the CITY shall be excess of the CONSULTANT's insurance and shall not contribute with it.

16.7 Notice of Cancellation. CONSULTANT shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to

the CITY should the policy be canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.

16.8 Authorized Insurers. All insurance companies providing coverage to CONSULTANT shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

16.9 Insurance Certificate. CONSULTANT shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City, no later than five (5) days after the execution of this Agreement.

16.10 Substitute Certificates. No later than thirty (30) days prior to the policy expiration date of any insurance policy required by this Agreement, CONSULTANT shall provide a substitute certificate of insurance.

16.11 CONSULTANT's Obligation. Maintenance of insurance by the CONSULTANT as specified in this Agreement shall in no way be interpreted as relieving the CONSULTANT of any responsibility whatsoever (including indemnity obligations under this Agreement), and the CONSULTANT may carry, at its own expense, such additional insurance as it deems necessary.

17. ASSIGNMENT AND DELEGATION. This Agreement and any portion thereof shall not be assigned or transferred, nor shall any of the CONSULTANT's duties be delegated, without the written consent of the CITY. Any attempt to assign or delegate this Agreement without the written consent of the CITY shall be void and of no force and effect. Consent by the CITY to one assignment shall not be deemed to be a consent to any subsequent assignment.

18. NOTICES.

18.1 All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the respective party as follows:

To CITY:
Director of Development Services
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

To CONSULTANT
Keith G. Meyer – Vice President
Rajappan & Meyer Consulting Engineers, Inc.
1038 Leigh Ave. Suite 100
San Jose, CA 95126

18.2 Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) three working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

19. MODIFICATIONS. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

20. WAIVERS. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

21. **SEVERABILITY.** In the event a court of competent jurisdiction holds any term of this Agreement invalid, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect.

22. **JURISDICTION AND VENUE.** The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

23. **ENTIRE AGREEMENT.** This Agreement comprises the entire integrated understanding between the parties concerning the services to be performed for this project. This Agreement supersedes all prior negotiations, representations, or agreements.

24. **COMPLIANCE WITH THE LAW.** CONSULTANT shall comply with all local, state, and federal laws, whether or not said laws are expressly stated in this Agreement.

25. **STANDARD OF CARE.** Unless otherwise specified in this Agreement, the standard of care applicable to CONSULTANT's services will be the degree of skill and diligence ordinarily used by reputable professionals performing in the same or similar time and locality, and under the same or similar circumstances.

INTENTIONALLY LEFT BLANK

26. SIGNATURES. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the CONSULTANT and the CITY. This Agreement shall inure to the benefit of and be binding upon the parties hereto 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: _____

Approved As To Form:

By: Daniel G. Sodergren
Title: CITY ATTORNEY
Date: _____

CONSULTANT

Rajappan & Meyer
Consulting Engineers, Inc.

By: Keith G. Meyer
Title: Chief Financial Officer
Date: 8/5/13
Fed. Employer ID No. 77-0363612

By: Bala Rajappan
Title: President
Date: _____

SCOPE OF SERVICES

The Scope of Services is divided into seven tasks, summarized below. Submittals will be made in the number and type specified in the current edition of the California Department of Transportation (CALTRANS) publication entitled "Guide for the Submittal of Plans, Specifications, and Estimates, and where applicable, OSFP Information and Procedures Guide of the Division of Structures," unless noted otherwise below.

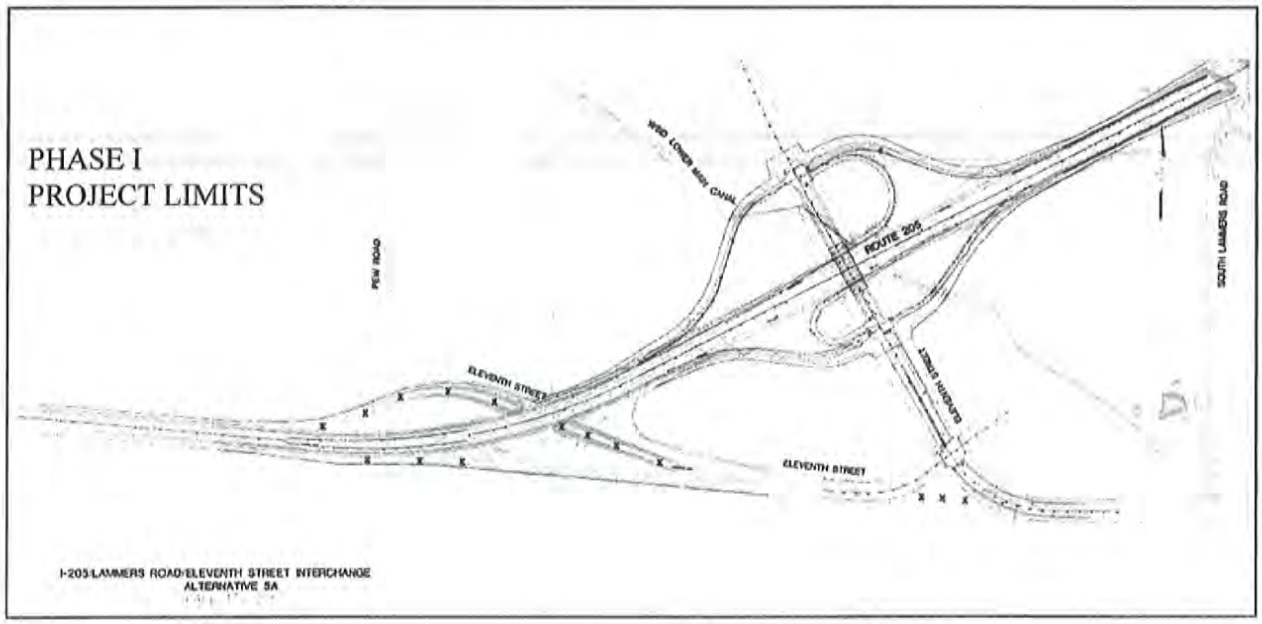
TASK 1. PROJECT MANAGEMENT
TASK 2. PRELIMINARY ENGINEERING AND PRELIMINARY DESIGN (35%)
TASK 3. RIGHT OF WAY ENGINEERING/ACQUISITION
TASK 4. FINAL DESIGN - UNCHECKED (65%)
TASK 5. FINAL PS&E - CHECKED (95%) WITH BEES
TASK 6. FINAL PS&E (100%) WITH BEES
TASK 7. PROJECT ADVERTISEMENT AND BID SUPPORT

PROJECT LIMIT ASSUMPTIONS

For Preliminary Design, Right of Way Engineering and Final Design, the "PHASE 1 PROJECT" is assumed, as follows:

- **Interchange Configuration**: Existing Eleventh Street Ramps on I-205 will be replaced by a full partial cloverleaf (Type L-9) interchange at a realigned Eleventh Street. Loop on ramps would be provided in the southwest and northeast quadrants. Eleventh Street and would be realigned as a 6-lane arterial road north of Eleventh Street with an overcrossing at I-205 and would extend north only to the westbound on and off ramps. Phase 1 of the project will not construct improvements up to Von Sosten Road.
- **Bridge Structures:** One bridge structure will be designed in the Phase 1 Alternative 5A configuration: I-205/Eleventh Street OC. Three-span cast-in-place concrete box girder bridge with short seat abutments on piles across I-205. The maximum span length is 169' across the freeway.
- **Auxiliary Lanes:** A 12 ft. wide auxiliary lane will be constructed in both eastbound and westbound direction on I-205 from the existing auxiliary lane near the Hansen Road overcrossing to Eleventh Street. No auxiliary lane will be provided in the westbound direction on I-205 from Grant Line Road to Eleventh Street. An acceleration lane would be constructed in the eastbound direction on I-205 up to the UPRR overcrossing. To keep the proposed auxiliary lane construction within the existing freeway right-of-way, a new retaining wall combined with concrete barrier will be provided. A deceleration lane only in the westbound direction to the exit ramp at Eleventh Street would be constructed. This assumes that Caltrans will approve an advisory design exception for not constructing the westbound auxiliary lane from Grant Line Road.
- **Local Intersections.** Two signalized intersections would be provided at eastbound and westbound ramp intersections. The interchange will be connected to existing Eleventh Street south of I-205.

The limits of the PHASE 1 PROJECT are shown below.



TASK 1. PROJECT MANAGEMENT

Rajappan & Meyer Consulting Engineers (R&M) will provide project management for the entire duration of the Agreement schedule. The design schedule is anticipated to be 24 months. The management functions are described in detail in the following:

1.1 Project Management

R&M's management activities will consist of administration, coordination and quality control as stated in the following:

- R&M's Project Manager (PM) will coordinate day-to-day dissemination of information, schedule, conduct and record Project Team meetings, schedule reviews, identify potential schedule delays, and, as directed by the City, attend conferences with government, public or private agencies or others interested in the Project.
- The PM, or his designee, will prepare and submit minutes of all coordination meetings attended within five working days after the meeting. The PM will carry out the instructions received from the City and CALTRANS and will transmit direction to the R&M team. The PM will manage, coordinate, and maintain continuous cost control of all R&M's team effort. The PM, or his representative, will conduct and document analysis of subconsultant costs; negotiate subconsultant agreements, pricing, and changes; and maintain project files.
- R&M will supervise, coordinate, and monitor design for conformance with CALTRANS' standards and policies.
- R&M will interface with CALTRANS' Project Development and the Division of Structures to assure format consistency of all deliverables.
- R&M will assure that all documents requiring CALTRANS' oversight review are prepared in accordance with CALTRANS' standards, guidelines, and procedures.

- R&M will coordinate design effort with all team members, including subconsultants. Coordination also includes the following agencies:
    - CALTRANS (all offices, departments, divisions, and groups as directed by
    - CALTRANS Project Development, including CALTRANS DOS)
    - Utility companies
    - CITY OF TRACY Development Services Division
    - SAN JOAQUIN COUNTY
    - San Joaquin Council of Governments

1.2 Meetings and Coordination

Project Development Team (PDT) meetings will be held every month through the life of the project (R&M to chair and record the meetings). The purpose of the PDT will be to expedite decisions, facilitate a forum for product review and comment, and establish methods and priorities for resolution of design issues. R&M will conduct regular monthly design coordination meetings with the CITY. The location for the meetings will be a location to be determined by the CITY. These meetings will alternate with the PDT meetings. R&M will attend Workshop and Safety Review Meetings with CALTRANS and other agencies to resolve the project issues, as needed. 24 meetings are budgeted.

1.3 Schedule Control

R&M will develop and maintain a Work Plan and submit updates to the CITY. The Work Plan will identify each sub-task and deliverable. The Work Plan will be prepared during the first 30 days of Preliminary Engineering. The R&M will prepare a detailed CPM network schedule indicating all design activities including appropriate reviews by the CITY and outside agencies, tasks, deliverables, and input requirements with the appropriate milestones clearly identified. R&M will submit updated electronic progress schedule on a bi-monthly basis. The PM will notify the CITY within seven days of any impacts that may affect schedule milestones.

1.4 Quality Control

R&M will conduct quality control reviews of its submittals prior to submittal to the CITY and CALTRANS. It is anticipated that quality reviews will be done at the following times.

- Completion of 65% PS&E
- Completion of 95% PS&E
- Completion of 100% PS&E

R&M will develop and maintain a Quality Assurance Plan during the life of the project and shall ensure that the QAP processes are adhered by R&M and its subconsultants.

1.5 Cost Control

The project design cost estimate includes all work efforts based on the defined scope within the project limits including all roadway and bridge design work, utility relocations, environmental mitigation measures, right-of-way acquisition related tasks, reports, and other related professional services. The design cost estimate also includes reasonable allowances for those items of work that cannot be definitively quantified and is based on the team's technical judgment and its considerable experience in executing similar projects. R&M will not perform any extra work without prior written authorization from the CITY.

1.6 Project Invoicing and Status Reporting

R&M will submit invoices every four weeks to the CITY in a format approved by the CITY. The invoices will segregate costs by phase, activity, and sub-task corresponding to the design Work Plan; invoices will include the status of the current billings compared to established budgets. R&M will prepare and submit progress reports to the CITY with each invoice.

1.7 Project Files and Document Control

R&M will maintain project files in accordance with applicable CALTRANS' Uniform Filing System categories and, when applicable, CALTRANS[1] Bridge Memo to Designers. The appropriate document control procedure will be established and maintained by R&M.

ESTIMATED TOTAL BUDGET FOR TASK NO. 1 SERVICES = $328,146

TASK 2. PRELIMINARY ENGINEERING AND PRELIMINARY DESIGN

The purpose of this task is to determine right-of-way, utilities easements, construction quantities, cost estimates, and permit requirements for the Project, including highway and structures. R&M activities will include the following:

2.1 Fact Sheets

We anticipate processing one advisory design exception fact sheet to eliminate the WB auxiliary lane from Grant Line Road and widening of the UPRR bridge. This fact sheets will address traffic operations, cost savings and will be submitted early in the design process. No additional fact sheets are anticipated in the project other than those prepared in PA/ED phase. **Should additional fact sheets be required, additional budget will be required.**

2.2 Mapping, Supplemental Surveys and Survey Control Data (STANTEC)

Stantec under the contract to R&M, will perform necessary mapping, supplemental aerial mapping and ground surveys required to complete the design for the Phase 1 Project. Work tasks include:

a) Records Research – Stantec under contract to R&M will perform research for existing horizontal and vertical control monuments with CALTRANS and NGS available for use in establishing the primary control network. Stantec under contract to R&M will coordinate with CALTRANS D10 to establish the project control Datum. In addition, Stantec under contract to R&M will research record maps and deeds with the CITY, San Joaquin County BLM CALTRANS and the City of Tracy in order to perform a complete existing monument search.

b) Submittal A Photogrammetric Mapping Package – R&M will prepare and provide to the CALTRANS D10 Mapping Coordinator a complete Submittal A as required by the CALTRANS Office of Photogrammetry for approval prior to aerial flight. The limits will be for the ULTIMATE PROJECT.

c) Mission Planning and GPS Surveys - STANTEC under contract to R&M will perform mission planning to confirm satellites symmetry during the planned observation periods, create an observation plan, establish primary control points and flight panels, perform GPS observations to the specifications outlined in Chapter 5 and 6 of the Survey Manual, perform a Digital Level run over the primary control points and the vertical flight panels to the specifications outlined in Chapter 8 of the Survey Manual, post process GPS Static Surveys, perform Minimal and Final Least Squares Adjustments, and prepare the Project Control Report for approval. Horizontal control will be based on the North American Datum of 1983 (NAD83) and converted to the California Coordinate System of 1983, Zone 2 as referenced by available published survey control monuments. All units will be in US Survey feet. Vertical control will be based on the National Geodetic Vertical Datum 1988 (NGVD88). Units are imperial.

d) Submittal B Photogrammetric Mapping Package - STANTEC under contract to R&M will prepare and provide to the CALTRANS D10 Mapping Coordinator the Project Control Report for approval prior to performing Aerotriangualtion Report. Upon approval STANTEC will submit the balance of Submittal B package for approval.

e) Aerial Survey - STANTEC will prepare an aerial topographic survey compiled at a scale of 1"=50' (English units) with two (2) foot contour intervals as required by CALTRANS. R&M will have the aerial subconsultant provide a one (1) foot contour interval for design engineers' use. STANTEC will prepare ABC mapping submittals to CALTRANS D10 and HQ. STANTEC will perform orthographic rectification and provide digital color orthophoto.GPS plans, Control survey and leveling to verify selected published/project control. R&M to follow CALTRANS ABC process.

f) Submittal C Photogrammetric Mapping Package - STANTEC under contract to R&M will prepare and provide to the CALTRANS D10 Mapping Coordinator a complete Submittal C as required by the CALTRANS Office of Photogrammetry for approval upon completion of the aerial mapping.

g) Supplemental Topographic Surveys - STANTEC will perform supplemental ground surveys to complete the design. These surveys will include establishing supplemental horizontal and vertical control, locating existing visible features such as: trees in areas of proposed construction (over 6" dbh), fences, lighting, striping, berms, curbs; sidewalks, utility vaults, manholes, drainage structures, ditches, and invert elevations for storm and sanitary sewer manholes. Along State Route 99, conform elevations, fog lines and lane lines (where necessary), walls, fences and other features will be located by STANTEC using current technology, such as reflectorless instruments or High Definition Scanning, to maintain safety of field staff and the general public. In addition, STANTEC will survey up to ten (10) pothole locations.

2.3 Highway Plan Sheets (R&M)

R&M will prepare, coordinate and submit Design Plan Sheets for the Interim Project in English units for highway design and assure that interface information is provided to the other design disciplines. The following sheets will be provided:

a) Geometric Base Sheets will be updated t 1"=50' scale on 22" x 34" plan sheets. Skeleton base sheets will include basic layout information and identify all major construction features.
b) Typical Cross Sections for the highway will be based on the approved standard sections including pavement structural sections.
c) Utility Relocation/Occupation Plans. R&M will identify, propose final locations, and prepare plans for utilities that are affected by the Project such as water, sewer, gas, electric, cable TV, and telephone.
d) Retaining Wall Layout Sheets will be prepared at 1' -20' or other suitable scale.
e) Drainage Layout Sheets will be prepared at 1" = 50' scale showing existing and proposed system.
f) Pavement Delineation will be prepared at 1" = 50' scale.

2.4 Type Selection (I-205 OVERCROSSING)

R&M will prepare a draft Type Selection Report for the I-205 overcrossing bridge and retaining walls associated with the Phase I project. Upon completion of Preliminary Design, R&M will submit and make a presentation for review and approval of a Bridge General Plan for each structure. This is the "Structure Type Selection" process and no further design work will be performed until written approval of the structure type is received from the Division of Structures. Upon completion of review by CALTRANS DOS, a Type Selection Review Meeting will be held in Sacramento, at which R&M will be prepared to discuss and provide information on foundation requirements, falsework requirements, seismic and aesthetic considerations, traffic handling, construction cost, and other pertinent information that is needed to determine the proper structure type. Ten copies of the proposed General Plan, General Plan Estimate, and Type Selection Memo will be submitted for review two weeks prior to the "Structure Type Selection" Review Meeting. The results of the meeting will be summarized in writing by R&M within two weeks following the meeting.

2.5 Design Reports

R&M will submit Design Reports for highways and structures, and provide all design interface information to its subconsultants for preparation of other reports. Each submittal will contain sufficient design calculations and other information based upon established CALTRANS[1] design criteria. The following Design Reports will be prepared:

a) Updated Drainage Report (R&M) (INTERIM PROJECT)

R&M will prepare an updated project drainage report at the preliminary design stage. The drainage report will describe existing drainage conditions, specific drainage system conditions or constraints which may affect the project design, drainage flows by system, hydraulic analyses by drainage system, proposed drainage system modifications and improvements, and any off site drainage facilities or modifications which affect other agency facilities or agreements. The updated Drainage Design Report will be submitted with the 65%, 95%, and Final design submittal packages. As part of the preparation of the Drainage Design Report all drainage hydrology and hydraulic calculations will be performed. Hydrology and hydraulic calculations will establish;

- The location and tributary watersheds of all drainage inlets;
- All pavement drainage calculations;
- The location, size, profile, and materials of all storm drains;
- The discharge points and outlet conditions for all drainage facilities;
- The 10-year and 25-year hydrology and hydraulic conditions (or per local CALTRANS District guidance) to all stormwater treatment facilities, (this does not include the stormwater WQF or WQV design which is part of the SWDR);

- Retention basin location and sizing (per local CALTRANS District guidance);
- Infiltration trench location and sizing;
- Pump station storm water storage box volume calculations;
- Identify changed conditions between existing and project conditions.

To meet the project drainage design requirements for the highway and local streets, preparation of the Drainage Design Report will include coordination with the CITY, CALTRANS, and the project team. During each milestone of the project, the design of the drainage facilities developed for the Drainage Design Report will be submitted to the R&M plans production staff. R&M will be responsible for reviewing the content of the Drainage Plan sheets, the Drainage Profile sheets, the Drainage Detail sheets and the Drainage Quantity sheets.

b) Foundation Report and Log of Test Borings (PARIKH) (INTERIM PROJECT)
PARIKH, under contract to R&M, will prepare foundation reports and log of test borings for the bridge structures. Following is a task breakdown for the proposed work.

- Research and Data Collection: Review of readily available geologic and soil literature in the vicinity of the site including review of any as-built drawings and existing LOTB, if any.
- Permits/USA Clearances: Comply with the Caltrans Permit requirements.
- Field Exploration: For the various bridge structures, drill borings and/or CPT tests. These explorations will provide an evaluation of subsurface conditions for the proposed structure. The boring locations will depend upon the available access and the boring data from previous studies. Explorations will provide an evaluation of subsurface conditions for the proposed new bridge structures. The explorations will consist of drilled borings and Cone Penetrometer Tests (CPT) as deemed appropriate. Borings and CPT's drilled or advanced by PARIKH will include approximately four (4)) test borings and two (2) CPT's advanced to depths of 80 to 100 feet below existing grade. The exploration locations will depend upon available access and boring data from previous studies. Traffic control is anticipated at this time. Subsurface soil conditions encountered in each test boring at the time of drilling will be classified and continuously logged. "Relatively undisturbed" and bulk samples of substrata from test borings will be obtained. The borings will be drilled and capped in accordance with the permit requirements. Classify and continuously log subsurface soil conditions encountered in each test boring at the time of drilling. Obtain "relatively undisturbed" and bulk samples of substrata from test borings. The borings will be drilled and capped in accordance with the permit requirements.
- Laboratory Testing: Perform laboratory tests on representative soil samples such as moisture density, consolidation tests, unconfined compression, gradation analyses, corrosion tests and Plasticity Index test, as necessary.
- Soils Analysis/Evaluation: Perform engineering analyses and develop design recommendations for the proposed foundations. LRFD design requirements will be required for all structures.
- Prepare Draft Foundation Memos (Type Selection Letter): Prepare preliminary recommendations for foundations and provide a Type Selection Memos with the LOTB for each of the structures.
- Prepare Final Foundation Reports: Prepare detail reports including design recommendations for foundation types and footing elevations lateral design capacities, pile foundation recommendations or spread footings.
- Discuss seismic considerations, evaluate the liquefaction potential and comment on the site soil conditions from this standpoint. Information related to Caltrans Seismic design criteria

(SDC v 1.4) such as depth to rock like material, etc. shall be provided. Information related to the recently revised Seismic design guidelines and the ARS curves will be provided.

- Prepare a final Foundation report for each of the structures.
- Using the general plan as a base map, we will provide boring logs.
- Design Review Consultation through final design.

c) Geotechnical Design and Materials Report (PARIKH) (INTERIM PROJECT)

PARIKH, under contract to R&M will prepare a combined Geotechnical Report for the roadway, embankment, overhead sign structures and retaining walls. The borings for the proposed bridge structures may be used for this study. These explorations will provide an evaluation of subsurface conditions for the proposed roadway portion of the project. The boring locations will depend upon the available access and any boring data from previous studies. We anticipate using a truck mounted auger drill rig (or mud-rotary drill rig if needed) for our work. Some traffic control is assumed at this time in areas where necessary.

- Classify and continuously log subsurface soil conditions encountered in each test boring at the time of drilling. Obtain "relatively undisturbed" and bulk samples of substrata from test borings. The borings will be drilled and capped in accordance with the permit requirements. Generally the borings are required to be backfilled with cement grout.
- Field Explorations will provide Explorations will provide an evaluation of subsurface conditions for the new retaining walls, roadway, embankment and overhead signs. The explorations will consist of drilled borings and Cone Penetrometer Tests (CPT) as deemed appropriate. Based on the PSR document for Alt 5A, Borings and CPT's drilled or advanced by PARIKH will include the following:

PROJECT ELEMENT	NUMBER OF BORINGS	APPROXIMATE DEPTHS
E LINE (LARGE EMBANKMENTS TO 25') 2@55', 2@50', 2@20', 1@30',1@15',1@40'	9	**15' TO 55'**
ER 1 LINE 1@40', 1@60'	2	40-60'
ER2 LINE 3@15',1@40, 1@20'	5	15-40'
ER 3 LINE 2@10,1@20',1@40''	4	10-40'
EL1 LINE 3@10 , 1 @20'	4	10-20'
EL 2 LINE 2@10, 1 @20'	3	10-20'
EL 3 LINE 1@10 , 2@20'	3	10-20'
ROUTE 205 RAMPS 6@10'	6	10'
LOCAL STREETS 4@10'	4	10'
RETAINING WALL (RW1 &1400' AND RW2 @2400')	5	30'
OVERHEAD (4 SIGNS AT 2 OF-RAMPS ASSUMED)	4	30'
TOTAL GDMR EXPLORATIONS	**49**	**10'- 60'**

The exploration locations will depend upon available access and boring data from previous studies. Traffic control is anticipated at this time. Subsurface soil conditions encountered in each test boring at the time of drilling will be classified and continuously logged. "Relatively undisturbed" and bulk samples of substrata from test borings will be obtained. The borings will be drilled and capped in accordance with the permit requirements.

- Laboratory Testing: Perform laboratory tests on representative soil samples such as moisture density, unconfined compression, consolidation, gradation analyses, Rvalue tests, corrosion tests and Plasticity Index test, as necessary.
- Soils Analysis/Evaluation: Perform engineering analyses and develop design recommendations for the embankments, soundwalls and retaining walls, and pavement design. Slope stability and settlement evaluation of proposed embankments will also be considered as appropriate.
- Prepare Draft Geotechnical Design and Materials Report: Prepare preliminary recommendations for pipe culverts, embankments, retaining wall, soundwalls, overhead sign structures and pavement design.
- Prepare Final Geotechnical Design and Materials Report: Prepare detail report including design recommendations for embankment foundation, soundwalls, overhead sign structures and retaining walls and pavement sections. Also specified in the report will be information on recommended slopes, groundwater conditions, corrosion evaluations, etc.
- Using the general plan as a base map, we will provide boring logs using the standard Caltrans LOTB sheets.

d) Aerially Deposited Lead. (GEOCON) (INTERIM PROJECT)

GEOCON, under contract to R&M, will prepare an evaluation and report of aerially deposited lead at specific areas of roadway construction. Tasks include:

- Prepare Health and Safety Plan and work plan for City and Caltrans approval. GEOCON will prepare a work plan and health and safety plan. The work plan will state the purpose of the investigation, the proposed scope of work, and the proposed methods for sampling and analysis. GEOCON standard sampling protocols will be included in the sampling plan. The health and safety plan will be included within the work plan and will include information relevant to the project and appropriate health and safety procedures to be followed during completion of the field work portion of the investigation. An appropriate encroachment permit may be required prior to start of field work. This proposal does not include the acquisition of an encroachment permit because it is unknown if we can proceed under the general construction permit for the project.
- Field Activities and Laboratory Analyses. Prior to soil sampling activities, the soil sampling locations will be marked in white paint. GEOCON will contact Underground Service Alert (USA) 48 hours prior to conducting field work to notify local utilities of the proposed subsurface work. USA provides a partial location service free of charge for major utility lines. GEOCON assumes one pre-work site meeting to verify where sample locations will occur. The soil sampling borings will be placed at approximately 300-foot intervals along each of the unpaved shoulders and median (where appropriate), approximately 2 to 4 feet from the edge of pavement. Thus, field activities will include the advancement of up to 50 soil borings to a depth of 2.5 feet, or refusal, whichever occurs first. Borings will be advanced using either a Geoprobe drill rig, or hand-auger equipment dependent on access restrictions. Once a site visit has been completed we will be able to better evaluate which location(s) will require either methodology. Samples will be collected at three intervals from each 2.5-foot soil boring: 0.0 to 0.5 feet, 1.0 to 1.5 feet, and 2.0 to 2.5 feet. Duplicate samples (for quality control) will be collected at a rate of one for approximately every 11 sample locations and two rinseate samples (13 QA/QC samples). We estimate that up to 150 samples (3 per each boring) will be collected and submitted for laboratory analysis. Additional 13 quality control

samples (2 rinseate and 11 duplicate) are anticipated. The samples will be submitted under chain-of-custody control to a laboratory approved by the State of California Department of Health Services for the requested analyses. Soil samples reported to contain total lead concentrations in excess of 50 mg/kg will be further analyzed for soluble WET, DI-WET, and/or TCLP lead. GEOCON has assumed for cost estimating purposes that 60 percent of the 150 samples (90 samples) will be analyzed for soluble lead. Additional analyses may be necessary dependent on the total lead analytical results. Additional analyses will be charged at the unit cost noted in our fee estimate. The samples will be analyzed on a standard laboratory turnaround time requiring approximately 5 to 10 working days for completion.

- Data Analysis and Report Preparation. GEOCON will tabulate the soil sample analytical data generated during the investigation. The data will be keyed to field locations and represented on site maps. The analytical data will be evaluated using a statistical model accepted by Caltrans. Upon completion of soil sampling, and receipt and review of analytical results, a report will be prepared for client review. The report will include:
  - A description of field activities, observations, and protocols;
  - Results of the soil sample analysis with copies of certified analytical laboratory results and chain-of-custody documentation;
  - Description and documentation of QA/QC procedures employed for field and laboratory work;
  - A graphical representation of soil sampling locations;
  - Data statistical analysis and discussion; and,
  - GEOCON's conclusions and recommendations based on the data acquired.

e) Soil and Grab-Groundwater Sampling for Structures. (GEOCON) (INTERIM PROJECT)
GEOCON, under contract to R&M, will prepare an evaluation and report of soil and groundwater impacts at specific areas of retaining wall and bridge structure construction. Tasks include:

- Field Activities and Laboratory Analyses. Prior to soil sampling activities, the soil sampling locations will be marked in white paint. GEOCON will contact Underground Service Alert (USA) 48 hours prior to conducting field work to notify local utilities of the proposed subsurface work. USA provides a partial location service free of charge for major utility lines. . GEOCON assumes one pre-work site meeting to verify where sample locations will occur. Field activities will include the advancement of up to 11 soil borings to a depth of 20 feet, or refusal, whichever occurs first. Borings will be advanced using a Geoprobe drill rig. Soil samples will be collected at two intervals from each 20-foot soil boring and one grab-groundwater sample will be collected from each boring. We estimate that up to 22 soil samples and 11 grab-groundwater will be collected and submitted for laboratory analysis. The samples will be submitted under chain-of-custody control to a laboratory approved by the State of California Department of Health Services for the requested analyses. Soil samples will be analyzed for CAM 17 metals, TPH d/mo, and TPHg/BTEX; grab-groundwater samples will be analyzed for CAM 17 metals, TPH d/mo, TPHg/BTEX, and VOCs. Additionally, up to 4 grab-groundwater samples collected near UPRR will be further analyzed for SVOCs.
- Data Analysis and Report Preparation. GEOCON will tabulate the soil and grab-groundwater sample analytical data generated during the investigation and incorporate the results into the ADL Site investigation report.

f) Soil Sampling for Right-of-Way Takes. (GEOCON) (INTERIM PROJECT)
GEOCON, under contract to R&M, will prepare an evaluation and report of soil concentrations within private properties proposed for partial or full right-of-way acquisition. Tasks include:

- Field Activities and Laboratory Analyses. Prior to soil sampling activities, the soil sampling locations will be marked in white paint. GEOCON will contact Underground Service Alert (USA) 48 hours prior to conducting field work to notify local utilities of the proposed subsurface work. USA provides a partial location service free of charge for major utility lines. . GEOCON assumes one pre-work site meeting to verify where sample locations will occur. Field activities will include the advancement of up to 20 soil borings to a depth of 4 feet, or refusal, whichever occurs first. Borings will be advanced using a Geoprobe drill rig. Soil samples will be collected at two intervals from each 4-foot soil boring. We estimate that up to 40 soil samples will be collected and submitted for laboratory analysis. The samples will be submitted under chain-of-custody control to a laboratory approved by the State of California Department of Health Services for the requested analyses. All soil samples will be analyzed for CAM 17 metals and up to 20 soil samples will be analyzed for TPHd/mo, TPHg/BTEX, pesticides, and herbicides.

- Data Analysis and Report Preparation. GEOCON will tabulate the soil sample analytical data generated during the investigation and incorporate the results into the ADL Site investigation report.

g) Asbestos/Lead Paint Surveys (GEOCON) (INTERIM PROJECT)
GEOCON, under contract to R&M, will perform asbestos and lead-containing paint surveys of the existing 11th Street westbound onramp overcrossing to be removed and the westbound UPRR overcrossing to be widened as part of the project. Tasks include:

- Field Activities
  - Collect up to 10 bulk asbestos samples
  - Collect up to 4 bulk paint samples
- Laboratory Analyses:
  - 10 asbestos samples for Polarized Light Microscopy (PLM)
  - 2 asbestos samples by PLM 400-point count
  - 4 paint samples for Total Lead
  - 2 paint samples for Soluble (WET or TCLP) Lead
- Prepare Draft Survey Report for City and Caltrans review
- Prepare Final Survey Report

h) Transportation Management Plan (FEHR & PEERS) (INTERIM PROJECT)
FEHR & PEERS under a contract will prepare a draft and final Transportation Management Plan (TMP) for the construction package. The TMP is a specialized program tailored to prevent and mitigate the impacts of the construction project by applying a variety of techniques including Motorist Information, Incident Management, Construction Strategies and Public Awareness Strategies. The major objectives of the TMP are to maintain efficient and safe movement of vehicles through the construction zone; and to provide intensive public awareness of potential impacts on 1-205 and local street operations. The TMP shall consider and propose a program of public information, driver information, and an incident detection and response.

Fehr & Peers will also provide traffic engineering assistance for the following tasks:

- Traffic analysis and documentation of modifications to lane configurations during development of construction documents
- Traffic analysis of proposed stage construction for up to 2 stages
- Calculation of Traffic Index (T.I.) values)

i) Storm Water Data Report (R&M) (INTERIM PROJECT)

R&M will update the Storm Water Data Report in compliance with the current CALTRANS "Storm Water Quality Handbook," for mainline and interchange modification packages. Each report will address water quality impacts and mitigation for each component of the project. The project will utilize CALTRANS policies and procedures and best management practices (BMPs) to collect, transport, and dispose of storm water within the State's right of way. A draft and final SWDR for the PS&E level will be prepared. One SWDR document will be prepared for the entire corridor.

j) Utility Relocation/Coordination Management Plan (STANTEC) (INTERIM PROJECT)

STANTEC will prepare a utilities relocation management list and identify utilities to be relocated and schedule for such relocations. The following utilities will be included in the coordination effort:

- PG&E Overhead transmission lines (will require easement on Eleventh Street).
- Westside Irrigation District (box culvert construction)
- Sanitary sewer in Von Sosten Road and Eleventh Street
- ATT and Cable in Von Sosten Road and Eleventh Street
- Fiber optic lines in the UPRR

STANTEC will conduct the following activities:

- Notify all utilities of required relocations.
- Collect and study the existing as-built utility and electrical drawings of the project area.
- Conduct field surveys to verify the existing site conditions.
- Prepare a utilities relocation management plan and identify utilities to be relocated and schedule for such relocations. Utility records will be obtained and plotted in AutoCAD. Anticipated impacts will be identified, potential relocation areas, costs and schedule by Owner.

k) Funding Options Memorandum (Grey Bowen)

Grey Bowen will prepare a Funding Options Memorandum will identify options for funding the project. These may include:

- Private funding (Tracy Gateway and Catellus developments).
- Donation of right of way (Catellus and Bright developments).
- Measure K, STIP and Federal Funding potentials.
- Timing and availability of funds.
- Potential for coordination with SR 239 Corridor connection funding.
- Laboratory Analyses:
- Prepare Draft Survey Report for the CITY and Caltrans review
- Prepare Final Survey Report

l) Preliminary Construction Quantities and Estimates (INTERIM PROJECT)

- R&M will prepare Preliminary Construction Quantity Estimates for each bid package, including highway and structures. Estimates will be prepared using CALTRANS1 Basic Engineering Estimating System (BEES) and will be in accordance with Project Estimate of Cost of the PS&E Guide, latest revision. Based upon the CALTRANS1 Standard Items of Work, and adding items as may be necessary.
- R&M will provide quantities, unit costs, and estimated construction costs related to the Pumping Plant and Storm Water Storage Box extension structures for inclusion by R&M in the overall project Preliminary Construction Quantity Estimate.
- R&M will prepare a list of all construction work items required for each bid package and a quantity estimate for each. Codes for additional items will be based upon CALTRANS Standard Items of Work Codes.
- R&M will prepare a Preliminary Construction Cost Estimate, including highway and structures. The cost estimate will identity construction work items, quantities, unit costs, and will summarize the estimated total Project cost, including allowances for supplemental work, State-furnished materials, expenses, mobilization, and contingencies.

2.6 Environmental Permitting (ICF) (INTERIM PROJECT)

ICF will submit drafts of the following permits, as determined during the PA&ED phase :

a) Section 401 Water Quality Certification. A CWA (Clean Water Act) Section 401 Quality Certification will be required from the Central Valley Regional Water Quality Control Board (RWQCB). Section 401 Certifications are required in most cases where a Corps permit is required for a proposed project. ICF will prepare an application for Water Quality Certification under Section 401 of the CWA. Copies of other relevant permit applications and California Environmental Quality Act documentation will be included. Processing fees are required with the submittal.

b) Section 404 Permit. Because the project will result in discharge to waters of the United States, a permit under Section 404 of the CWA is required. The project exceeds the 0.5-acre limit for available nationwide permits therefore a standard individual permit is required. ICF will prepare a Standard Department of the Army Permit Application package (Individual Permit [IP]) for USACE that describes the project, impacts to waters of the United States, mitigation for impacts, and provides documents that address the other federal environmental laws including the National Historic Preservation Act (NHPA), Endangered Species Act (ESA), and Section 401 of the CWA. The application will also address how the project meets the U.S. Environmental Protection Agency's (EPA's) Section 404(b)(1) Guidelines.

c) Streambed Alteration Agreement, Fish and Game Code Section 1602. A streambed alteration agreement, in compliance with Section 1602 of the California Fish and Game Code, is required when projects will substantially divert, obstruct, or change the natural flow of a river, stream or lake; substantially change the bed, channel, bank of a river, stream, or lake; or use material from a streambed. While The California Department of Fish and Game (DFG) does not always regulate irrigation ditches, a streambed alteration agreement is typically required when a stream has substantial habitat value (See California Fish and Game Code Section 1603[a], indicating that DFG reviews activities for effects on fish and wildlife resources). Based on this authority ICF assumes that a Streambed Alteration Agreement will be necessary. ICF will prepare and submit a

notification package and coordinate with CDFG throughout the process to seek appropriate compliance documentation.

d) In addition, ICF will prepare the Environmental Commitments Record (ECR) to be used in the environmental certification.

Submittals

R&M will perform in-house quality control review and submit the following Project Documents to the CITY in accordance with the approved schedule:

- Design Reports
- Right-of-Way and Utility Documents
- Permit Applications
- Preliminary Quantities and Estimates
- Preliminary Construction Schedule

ESTIMATED TOTAL BUDGET FOR TASK NO. 2 SERVICES = $1,033,507

TASK 3 - RIGHT OF WAY ENGINEERING, UTILITIES AND ACQUISITION

3.1 Right-of-Way (R/W) Engineering (R&M, STANTEC)

R&M will be responsible for interfacing and coordinating selected right-of-way activities for the INTERIM Project. R&M will assure that all INITERM PROJECT right-of-way information shown on the plans are current and coordinated with the CITY OF TRACY and that all right-of-way needs for the project, including easements (permanent and temporary) and acquisitions have been determined. STANTEC will prepare drawings and exhibits necessary for right-of-way engineering, including Hardcopy Map, Appraisal Maps and Acquisition Plats and Descriptions, Record Right-of-Way, closure reports, Transfer Deed, Plats and Legal Descriptions for fifteen (15) Acquisition Parcels and three (3) Temporary Construction Easements, and required closure calculations. R&M work tasks under this Tasks include:

a) Horizontal Control Survey - STANTEC will prepare a search map for recovery of existing property comers, street monumentation, subdivisional section comers and right-of-way monumentation shown on subdivision maps, BLM documents, and CALTRANS Monumentation Maps. CONSULTANT will also perform field surveys to tie found monumentation to the primary control network and prepare the existing conditions right-of-way and Preliminary Hardcopy Map.

b) Preliminary Title Reports. Upon determination of parcels affected by acquisition, STANTEC will facilitate ordering the required Preliminary Title Reports.

c) Boundary Survey and Pre-Construction Record of Survey - STANTEC will perform an analysis to determine the location and configuration of the existing freeway and project street right-of-ways. STANTEC will prepare a pre-construction Record of Survey to document existing recorded boundary monumentation located and recovered during the field surveys that is anticipated to be destroyed during construction of the project. STANTEC will submit and process the pre-construction Record of Survey through the County of San Joaquin Surveyor's Office.

d) Appraisal Mapping - Stantec will prepare an Appraisal Map package in accordance with the CALTRANS Right of Way Manual. Appraisal Maps will based upon the final approved geometries provided by R&M.

e) Acquisition Plats, Legal Descriptions - Stantec will prepare one permanent right of way acquisition package for the affected parcels identified in the Appraisal Map. Each permanent right of way acquisition package will consist of a legal description (metes and bounds, or strip format as appropriate), and a closure report. STANTEC will prepare a Plat and Legal Description for each of identified Temporary Construction Easements and a closure report.

f) Right-of-Way Staking. No right of way staking is included in the scope of work at this time. Right of way staking will be additional services.

g) R/W Hardcopy Mapping - Based on a resolved boundary and approved geometries, Stantec will prepare a Hardcopy Map for review and approval.

h) R/W Record Mapping – Stantec will prepare the R/W Record Map, as outlined in Chapter 4 of the Plans Preparation Manual, that will reflect changes in the State Right-of-Way, modifications of controlled access and delineate the present the current status of all real properties including interest in real properties under the jurisdiction and control of the Department of Transportation. This includes operating R/W, (fee, easements, etc.), excess lands, access rights or other interests.

i) Post Construction Record of Survey. A post construction record of survey is not included at this time.

3.2 Right of Way Appraisal and Acquisition Services

THIS TASK WILL BE DONE BY OTHERS UNDER SEPARATE CONTRACT BY THE CITY, including Right-of-Way Appraisals, Right of Way Appraisal Review, Right-of-Way Acquisition / Title & Escrow and Right of Way Certification. Coordination with right of way

3.3 Utility Design Process (STANTEC) for the INTERIM PROJECT

STANTEC will be responsible for interfacing utility design coordination with the utilities for the INTERIM PROJECT. STANTEC will assure that all utility information shown on plans and any other documents prepared by the STANTEC are current and have been coordinated with the CITY. STANTEC will perform the following work activities:

- Communicate with utility companies to identify utility issues (verification of facilities, relocation claim letters, etc.).
- Request potholing and verifications, including providing horizontal and vertical survey referencing. Up to ten potholes are anticipated
- Assure that utility notices and potholing information comply with CALTRANS1 utility requirements
- Communicate with right-of-way and project coordinator to ensure inclusion of the proper utility permit requirements and other utility data for R/W certification and design
- Assure that necessary utility impacts caused by the proposed construction have been addressed
- Monitor progress of utility design forces
- Prepare utility relocation agreement drafts

- Confirm utility relocation plans
- Promptly review and comment on utility notices and agreements
- Manage monthly Utility Meeting

Task 3 Submittals (R&M)

R&M will perform in-house quality control review and submit the following Project Documents to the CITY in accordance with the approved schedule:

- Right-of-Way and Utility Documents

ESTIMATED TOTAL BUDGET FOR TASK NO. 3 SERVICES = $136,835

TASK 4. FINAL DESIGN - UNCHECKED (65%) (INTERIM PROJECT)

The purpose of Final Design is to progress in developing draft plans, specifications, and quantities for Final PS&E Checked (65%) design completion for the INTERIM PROJECT, and includes responding to comments received from the agencies reviewing 35% submittals and identifying and resolving conflicts. R&M team will provide written response to Preliminary Design (35%) review comments received for all documents and provide justification for each comment which is not incorporated. R&M will hold meetings with CALTRANS and other agencies to resolve issues from Preliminary Design (35%) review. R&M team will incorporate the agreed upon comments received from the CITY, CALTRANS, and other agencies, perform final design, and prepare Final Design Unchecked (65%) documents. The submittal will consist of all design documents which are required for the Project. R&M'S submittal will include the following

4.1 Design Plan Sheets (R&M, STANTEC, F&P)

R&M and team members will prepare all final Design Plan Sheets. Plans will be prepared in accordance with requirements stated in CALTRANS 2010 Standard Specifications (English Units) and Details, and, where applicable, to the OSFP Information and Procedures Guide and the Drafting and Plans Manual, all to be the latest editions. Title blocks will be signed and sealed by an appropriate California Registered Engineer at the final submittal. The following design sheets are anticipated at each stage.

Sheet	35% PS&E (FULL I/C, NO AUX LANE TO GLR)	65% PS&E (INTERIM I/C)	95% PS&E (INTERIM I/C)	100% PS&E (INTERIM I/C)	By
Title Sheet	1		1	1	R&M
Project Control	1	1	1	1	STANTEC
Typical Cross Sections	7	7	10	10	R&M
Key Map	1	1	1	1	R&M
Layout	18	14	14	14	R&M
Profile & Superelevation Diagram	20	20	20	20	R&M
Profile	3	3	3	3	R&M
Construction Details			15	15	R&M
Temporary Water Pollution Control Plans			14	14	R&M
Erosion Control Legend			1	1	R&M
Erosion Control Quantities			1	1	R&M
Erosion Control Plans			14	14	R&M
Drainage Plans	18	14	14	14	R&M
Drainage Profiles			22	22	R&M
Drainage Details			4	4	R&M
Drainage Quantities			12	12	R&M
Sewer Plans		3	5	5	R&M
Sewer Profiles			2	2	R&M
Sewer Details			2	2	R&M
Sewer Quantities			3	3	R&M
Utility Plans		14	14	14	STANTEC
Construction Area Signs		2	2	2	R&M
Stage Consrtuction Plans	6	6	6	6	R&M
Traffic Handling Plans		44	44	44	R&M
Traffic Handling Quantities			2	2	R&M
Detour Plans			2	2	F&P
Pavement Delineation Plans	22	19	19	19	R&M
Pavement Delineation Quantities			2	2	R&M
Summary of Quantities		4	5	5	R&M
Sign Plans		19	19	19	R&M
Sign Details			6	6	R&M
Sign Quantities			2	2	R&M
Retaining Wall Plans		8	8	8	R&M
Highway Planting Plans			12	12	DCA
Electrical Plans		45	45	45	F&P
Structure Plans	7	35	45	45	R&M
Total	104	259	392	392	

4.1a Electrical Design (F&P)

Traffic Signals and Intersection Safety Lighting: Fehr and Peers will prepare traffic signal and intersection safety lighting designs at two (2) new traffic signal locations:

- I-205 / Eleventh Street EB Ramp
- I-205/ Eleventh Street WB Ramp

Plans will be developed using the 2010 Caltrans Standard Plans and Specifications. The Caltrans signal designs will incorporate the latest Caltrans requirements for bicycle and motorcycle detection per Traffic Operations Policy Directive 09-06, dated September 10, 2009. The local road signals will be prepared to the City of Tracy specifications, using Caltrans specifications and standard plans where applicable. The signals shall be reviewed by both Caltrans and the City of Tracy and comments will be incorporated into subsequent submittals. This scope assumes we will receive one set of comments from each agency at each review level. Fehr & Peers will prepare electrical load calculations and submit them with applications to the utility company to verify the PG&E service point locations and capabilities. After the applications are submitted, Fehr & Peers will schedule a field meeting with PG&E to confirm available service points. Any connection or application fees shall be paid for by the client. These fees are not included in this scope and fee.

Highway Lighting and Sign Illumination: Fehr & Peers will prepare lighting and sign illumination plans for the I-205/Lammers Road interchange Phase 1 project. The highway lighting will be designed and placement established based on Caltrans standards. Fehr & Peers will confirm the location of all "action signs" to supply sign lighting power. The electrical load will also be calculated and confirmed with service providers to determine adequacy of electrical service points.

Local Roadway Lighting: Fehr & Peers will prepare local roadway lighting plans for Lammers Road, from 11th Street to Von Sosten Road. Lighting plans will be prepared to City of Tracy and IES standards. Roadway lighting photometrics will be calculated for the chosen light and fixture types to ensure adequate lighting along the roadway.

Ramp Metering: Fehr & Peers will prepare ramp metering plans at the following locations:

- I-205 / Lammers Road WB On-Ramp
- I-205 / Lammers Road WB Loop On-Ramp
- I-205 / Lammers Road EB On-Ramp
- I-205 / Lammers Road EB Loop On-Ramp

The ramp metering design plans will be based on Caltrans standards and guidance, set forth in the Ramp Meter Design Manual. Fehr & Peers will establish locations for the controller cabinets, service cabinets, poles and other necessary signal equipment, ramp metering detection, and "Meter On" signs. Electrical loads will also be calculated and verified with the utility company to ensure service point adequacy. Telephone service drop locations will also be verified and coordinated with the telephone service company. After the application is submitted, Fehr & Peers will schedule a field meeting with the telephone service provider to confirm nearby telephone service points. Any connection or application fees shall be paid for by the client. These fees are not included in this scope and fee.

Signal Interconnect: Signal interconnect plans will be prepared for the following locations:

- Eleventh Street , between I-205 EB Ramps and I-205 WB Ramps

Traffic Operations Systems: Fehr & Peers will prepare electrical plans for CCTV's and TMS's at the following locations (exact locations to be confirmed with Caltrans staff):

- One CCTV at the I-205/Lammers Road Interchange.
- Two traffic monitoring stations, one west of the I-205/Lammers Road interchange, and one east of the I-205 Lammers Road interchange.

Electrical Design Assumptions:
This electrical design does not include any temporary electrical plans, including but not limited to temporary traffic signals, temporary lighting, or temporary traffic operations systems. Any other services not specifically listed above will be considered additional work for which a separate scope, fee and schedule will be prepared. It is anticipated that no systems, other than those listed above, will be modified or added as part of this project.. Local street lighting analysis includes 2-dimensional photometric analysis while 3-dimensional lighting simulations are excluded.

4.1b Highway Planting. No highway planting is included in the plan development, at this time. Erosion control only is provided. A separate planting contract may be included at a later date.

4.2 Construction Quantities and Cost Estimate (R&M and F&P)
R&M will develop the estimate of Construction Quantities and Cost Estimates to reflect design development from Preliminary Design (35%) to Final Design Unchecked (65%). CONSULTANT will perform the following:

- Prepare a Construction Quantity Estimate in the BEES format.
- Prepare a Construction Cost Estimate in the BEES format.

4.3 Combining 65% Highway and Structures Documents
R&M will combine all highway and structure design documents and produce a single construction contract package. Combined documents will include the following activities:

- PS&E documents
- Lane closure charts with traffic study backup
- This design combination will be performed at least one week prior to the Task 4 submittal

ESTIMATED TOTAL BUDGET FOR TASK NO. 4 SERVICES = $743,949

TASK 5. FINAL PS&E - CHECKED (95%)

5.1 Design Plan Sheets (R&M, STANTEC, F&P)
Prior to making submittals of the PS&E-checked (95%) documents for the INTERIM PROJECT, R&M will assure that all comments are incorporated and resolved with CALTRANS and all its units, other reviewing agencies, and structures approval has been received from CALTRANS' DOS. R&M will provide written response to Final Design -Unchecked (65%), review comments, with justification noted for each comment not incorporated. R&M will attend comment resolution meetings with the CITY, CALTRANS and other agencies to resolve issues. Review at this stage of design may require several revisions and re-submittal of plans, specifications, quantities, cost estimates and the BEES list. R&M will allow adequate provisions in its design budget for reasonable changes. The submittal will be a complete set of checked documents for CITY and CALTRANS District review. R&M will incorporate all agreed upon comments received from CALTRANS and CITY during their review and submit revised highway and bridge construction plans.

5.2 Specifications and Special Provisions (R&M, STANTEC, F&P)
R&M will incorporate all agreed upon comments into the Special Provisions and prepare Special Provisions which are specific to the Project for use with latest version of CALTRANS' Standard Specifications. R&M will assure that every construction work item for the Project has a method of payment stated in the Specifications and is accounted for in the Construction Cost Estimate. The CITY shall be responsible for contract boilerplate.

5.3 Permits (R&M and ICF)
After receipt of permits from the permitting agencies, R&M will review conditions of all Project permits with CALTRANS and the CITY, determine if conditions can be accommodated in the Project, and update the design documents accordingly, if necessary.

5.4 Construction Quantities and Cost Estimate (R&M and F&P)
R&M will update the Construction Quantity Estimate. R&M will submit quantity calculations showing all sketches, diagrams and dimensions necessary for their use by field inspectors. All quantity calculations will be independently checked. R&M will update the Construction Cost Estimate.

5.5 Construction Schedule (R&M)
R&M will prepare a Construction Schedule and will promptly notify the CITY of any difference between the updated schedule and the Construction Schedule included in the baseline schedule. R&M will compile highway and structure construction schedule information to prepare the updated Project Construction Schedule.

5.6 Independent Bridge Design Check (R&M)
At the 95% complete stage of the project, R&M will conduct a comprehensive independent bridge design check. The independent design check will be performed by a senior level engineer not involved in the initial design of the project. The independent check will consist of a thorough review of the Bridge Plans and draft Bridge Special Provisions. The checker will develop a set of independent check calculations and quantities. The checker will also prepare a list of issues to be addressed by the designer for action and response.

5.7 Combining Highway and Structures PS&E Documents

R&M will combine all highway and structure design documents to produce a single construction contract package. Combination will include the following activities:

- PS&E documents
- Right-of-way and utility relocation requirements and review of right-of-way certification documents
- Updated Construction Schedule
- Submittals

  - R&M will perform in-house quality control review and submit the
  - following Project documents in accordance with the approved schedule:
  - Design Plan Sheets
  - Specifications and Special Provisions
  - Permit Applications and Permits
  - Quantity Estimate
  - Cost Estimate
  - Construction Schedule
  - Design Calculations o Quantity Calculations
  - Materials Report o Foundation Report
  - Independent Structural Check Calculations

ESTIMATED TOTAL BUDGET FOR TASK NO. 5 SERVICES = $795,660

TASK 6. FINAL PS&E (100%) WITH BEES

This task produces Final PS&E (100%) with BEES documents for the INTERIM PROJECT ready for CALTRANS' District 10 and Division of Structures (DOS) approval. R&M will review comments received from the reviewing agencies on the 95% submittals and attend comment resolution meetings with the CITY, CALTRANS, and other agencies to resolve issues. R&M will incorporate agreed upon comments and assist the CITY in preparing Bid Documents for advertisement. The following services and submittals will be provided by R&M:

6.1 Plans, Specifications and Estimates

R&M will update and incorporate into the Design Sheets, Special Provisions, and Quantity Estimates any comments received from the CITY, CALTRANS and all of its units, and other agencies. R&M will prepare all plans in AutoCAD or Microstation. All Special Provisions will be submitted in electronic MS Word format. R&M will submit to CALTRANS the revised Quantity Estimate and obtain from CALTRANS the Basic Engineering Estimating System (BEES) estimate for the Project. R&M will coordinate the plans, specifications, and estimates with those of other design consultants and assure that highway design interfaces with structures design when all documents are combined to form a single Project PS&E package.

6.2 Permits/RW Certification

For all permits known to be required from permitting agencies, R&M or its sub will prepare draft documents and supply required Project design and construction information to the CITY and CALTRANS to ensure conditions are resolved, and include these permits as part of the Bid Documents. R&M will update the Right of Way Certification.

6.3 Construction Bid Documents (INTERIM PROJECT)

R&M will prepare and submit the construction bid document revisions for all highway and structure design to CALTRANS for their review prior to advertisement. The Bid Documents will be prepared in accordance with the latest editions of the CALTRANS' manual, Guide for the Submittal of Plans, Specifications and Estimates, and the OSFP Information and Procedures Guide. R&M will perform in-house quality control review and submit the following documents:

- Final Design Plan Sheets
- Cross Sections
- Standard Special Provisions
- Permits, Certifications and Agreements
- BEES Estimate
- Construction Schedule
- Materials Information Handout
- Quantity Summary forms for structures
- Final Design Calculations (if revised)
- Final Design Check Calculations (if revised)

R&M will incorporate into the bid documents comments received from the CITY, CALTRANS and other reviews.

ESTIMATED TOTAL BUDGET FOR TASK NO. 6 SERVICES = $591,884

TASK 7. BID DOCUMENTS AND BID SUPPORT

7.1 Bid Documents

R&M will incorporate into the Bid Documents, the comments received from the CITY and CALTRANS' 100% submittal. R&M shall submit updated electronic files and hard copies of Bid Documents.

7.2 Resident Engineer's File

R&M will prepare and submit a Resident Engineer's file in accordance with CALTRANS' Project Development Activities Guide, OSFP Information and Procedures Guide, Bridge Memo to Designers, and include all project relevant items identified in the Resident Engineer's file check-off list. R&M will insure that the appropriate Resident Engineers' File items are in DOS format and assure consistency of all the design documents. The following items, as a minimum, will be included for structures:

- Bridge 4-scale plans in accordance with CALTRANS Memo to Designers 2-2 or latest practice
- Final Foundation Report
- Joint Movement Rating Calculations

7.3 Survey File

R&M will prepare a Survey File for submittal to the CITY. The Survey File submittal will conform to CALTRANS' Project Development Activities Guide and include:

- Control traverses and bench circuits used to design the project
- Alignment traverses of all Center lines
- Right-of-Way hardcopy appraisal maps
- Right-of-Way legal descriptions
- Pre-construction Record of Survey
- Bridge traverses with coordinates on abutment layout lines and wing wall layout lines
- Other structures (i.e. Soundwall) traverses with coordinates on layout lines
- Grid grades with data for:
    - Slope stakes
    - Finish Grade stakes
    - Contour grading stakes
- Drainage Notes with coordinates of intersection of center of drainage structure and curb flow line, Drainage structure system number, item letter, station and offset.

7.4 Bid Support

R&M will support the CITY in the bidding process by answering any requests for information (RFI's), and providing design clarification as required. Design of any major features for CCOs or design addenda will be additional services not included in basic Bid Support services. The CITY will prepare all copies of PS&E for distribution to bidders.

7.5 Construction Period Support. This will be a future addendum.

ESTIMATED TOTAL BUDGET FOR TASK NO. 7 SERVICES = $169,913

LIST OF SUBMITTALS

The following is an estimated list of submittals required for each task:

TASK 1. PROJECT MANAGEMENT

Critical Path Schedule	electronic submittal
Meeting Minutes	electronic submittal
Correspondence	electronic submittal
Invoices/Progress Reports	1 copy + electronic submittal

TASK 2. ENGINEERING STUDIES

Design Plan Sheets	20 sets of 1/2 size + electronic
Type Selection Documents	10 sets of ½ size plans and electronic
Preliminary Drainage Report	5 copies + electronic
Storm Water Data Report	5 copies + electronic
Transportation Management Plan	5 copies + electronic
Foundation and Materials Report	5 copies + electronic
Hazardous Materials Reports	5 copies + electronic
Transportation Management Plan	5 copies + electronic
Utility Relocation Management Plan	5 copies + electronic

TASK 3. RIGHT OF WAY ENGINEERING/ACQUISITION

Right of Way Plats and Descriptions	5 copies + electronic

TASK 4. FINAL DESIGN - UNCHECKED (65%)

Design Plan Sheets	20 sets of 1/2 size + electronic
Construction Quantities and Cost Estimate	5 copies + electronic

TASK 5. FINAL PS&E - CHECKED (95%) WITH BEES

Design Plan Sheets	10 sets of 1/2 size
Specifications & Special Provisions	5 copies + electronic
Permit Applications and Permits	5 copies + electronic
Right-of-Way Certification Documents	5 copies + electronic
Construction Quantities and Cost Estimate	5 copies + electronic
Construction Schedule	electronic

TASK 6. FINAL PS&E - (100%) WITH BEES

Plans, Specifications and Quantity Estimates electronic

Permits	electronic
Right-of-Way Certification (by others)	electronic

Construction Bid Documents

- Final Design Plan Sheets — electronic + 20 sets of 1/2 size plans
- Cross Sections (earthwork only) — electronic + 20 sets of 1/2 size plans
- Standard Special Provisions — 20 photocopies + electronic
- Permits, Certifications and Agreements — electronic
- BEES Estimate — electronic
- Construction Schedule — electronic

- Materials Information Handout electronic
- Quantity Summary forms for structures electronic
- Final Design Calculations (if revised) electronic
- Final Design Check Calculations (if revised) electronic

Resident Engineer's File

- Bridge 4-scale plans 2 copies+Electronic
- Final Foundation Report 2 photocopies + electronic
- Joint Movement Rating Calculations 2 Photocopies + electronic

TASK 7. BID DOCUMENTS AND BID SUPPORT

Bid Documents	2 photocopies + electronic
Resident Engineer's File	2 photocopies + electronic
Survey File	one copy + electronic
Bid Support (Responses to RFIs)	electronic

CONSUTANT work will be performed using the following software or compatible software capable of being converted. Text documents will be MS Word; all drawings will be in AutoCAD, estimates and tables will be Excel, and schedules will be in Microsoft Project. All submittals will be converted to Adobe PDF and made available on Buzzsaw®.

ESTIMATED TOTAL BUDGET FOR TASK NOs. 1-7 SERVICES = $3,799,894

SCOPE OF SERVICES ASSUMPTIONS

- Right of way acquisition services are to be provided by others under separate contract to the City.
- Advertising and award process for construction will be by the City of Tracy.
- Major Addenda during the Bidding Process are not included at this time and will be subject of a future amendment.

- Construction period services not included at this time and will be future amendment.
- Construction Management will be by others under separate contract to the City.
- Private utility relocations will be provided by owners. Consultant to provide input for City to issue notice to owners.
- The City will be the applicant for permits. Permit fees will be paid by the City.
- The City will provide all Title Reports.
- City will acquire right of way and be responsible for eminent domain.
- No public art is included in the project design.
- Landscaping will including standard erosion protection planting less than $200,000 in cost.
- No ITS or electronic truck sensing facilities are included in the project definition other than that noted.
- Hazardous Material remediation investigation or design (other than standard specifications) is not included at this time.
- Major changes in design basis that result in redesign of project elements after 95% or 100% submittal will constitute additional services.
- Bid alternatives that require additional plan preparation will be additional services.

- Environmental analysis, technical studies or supplemental reports or documentation are not included and would be future amendment or provided by the City under a separate agreement.
- The City will obtain permits with local utilities (R&M to identify permit requirements)
- Scope does not include construction staking, right of way staking or marking utilities.
- Scope is based on a single construction bid package
- Contract Boilerplate to be provided by CITY
- R&M to provide necessary documentation and required number of reports to City and Caltrans for approval of the bid package.

Project Team

PROJECT TEAM

The consultant team proposed for I-205/Lammers Road/ Eleventh Street Interchange Project includes R&M as the prime consultant and seven specialty subconsultants, as follows:

TEAM MEMBER/ CONTACT	ADDRESS	UDBE	RESPONSIBILITIES	ESTIMATED % OF WORK
Rajappan & Meyer Consulting Engineers, Inc. Keith G. Meyer, PE Principal CL: 408-781-4003 keith@rmengineers.com	1038 Leigh Avenue Suite 100 San Jose, CA 95126 PH: 408-280-2772 FX: 408-280-6803	NO	Prime Consultant PS&E Management Civil and Structural Engineering Geometric Design Cost Estimates Drainage and Stormwater Design Stage Construction Design Signing and Striping Design PS&E preparation	72.0%
Derivi Construction and Architecture Linda Derivi, AIA Principal lmderivi@dcaaia.com	924 N. Yosemite Street Stockton, CA 95203 PH: (209) 462-2873 FX: (209) 462-8308	**YES**	Aesthetic Design Landscaping and Irrigation Design	**2.8%**
Fehr & Peers Transportation Consultants Josh Peterman, PE Senior Associate PH: 925.357.3368 J.Peterman@fehrandpeers.com	100 Pringle Avenue Suite 600 Walnut Creek, CA 94596 PH: (925) 930-7100 FX: (925) 933-7090	NO	TMP Preparation Traffic Analysis Support Roadway Lighting Design Ramp Metering and Signal Design	5.5%
Gray-Bowen Teresa KQ Bowen. P.E. Senior Vice President Mobile: (925) 330-0182 Terry@gray-bowen.com	1676 N. California Blvd., Suite 400 Walnut Creek, CA 94596 Tel: (925) 937-0980 Fax: (925) 947-3177	NO	Funding opportunities Route 239 Coordination	1.2%
ICF International Shahira Ashkar Project Manager 916.752.0935 (m) sashkar@icfi.com	630 K Street, Suite 400 Sacramento, CA 95814 TEL: 916.737.3000	NO	Environmental Permitting	3.0%
Parikh Consultants Gary Parikh, GE Cel: (408) 595-2525 gparikh@parikhnet.com	2360 Qume Drive, Suite A San Jose, California 95131 Tel: (408) 452-9000 Fax: (408) 452-9004	**YES**	Foundation Reports Geotechnical Investigations	**4.4%**

TEAM MEMBER/ CONTACT	ADDRESS	UDBE	RESPONSIBILITIES	ESTIMATED % OF WORK
Geocon Consultants, Inc. Richard Day, CEG Principal / Senior Geologist CEL: (925) 872-5860	6671 Brisa Street Livermore, California 94550 PH: 925.371.5900	NO	ADL and Haz Mat Analysis	2%
Stantec, Inc. Ryan Vance, PLS Survey/Geomatics Manager Ryan.Vance@stantec.com Cell: (209) 233-2097	1016 12th Street Modesto CA 95354 Ph: (209) 492-5962	NO	Topographic Surveys and Mapping Right of Way Engineering Utility Engineering and Coordination	8.9%

Project Team

PROJECT TEAM

The consultant team proposed for I-205/Lammers Road/ Eleventh Street Interchange Project includes R&M as the prime consultant and seven specialty subconsultants, as follows:

TEAM MEMBER/ CONTACT	ADDRESS	UDBE	RESPONSIBILITIES	ESTIMATED % OF WORK
Rajappan & Meyer Consulting Engineers, Inc. Keith G. Meyer, PE Principal CL: 408-781-4003 keith@rmengineers.com	1038 Leigh Avenue Suite 100 San Jose, CA 95126 PH: 408-280-2772 FX: 408-280-6803	NO	Prime Consultant PS&E Management Civil and Structural Engineering Geometric Design Cost Estimates Drainage and Stormwater Design Stage Construction Design Signing and Striping Design PS&E preparation	72.0%
Derivi Construction and Architecture Linda Derivi, AIA Principal lmderivi@dcaaia.com	924 N. Yosemite Street Stockton, CA 95203 PH: (209) 462-2873 FX: (209) 462-8308	**YES**	Aesthetic Design Landscaping and Irrigation Design	**2.8%**
Fehr & Peers Transportation Consultants Josh Peterman, PE Senior Associate PH: 925.357.3368 J.Peterman@fehrandpeers.com	100 Pringle Avenue Suite 600 Walnut Creek, CA 94596 PH: (925) 930-7100 FX: (925) 933-7090	NO	TMP Preparation Traffic Analysis Support Roadway Lighting Design Ramp Metering and Signal Design	5.5%
Gray-Bowen Teresa KQ Bowen. P.E. Senior Vice President Mobile: (925) 330-0182 Terry@gray-bowen.com	1676 N. California Blvd., Suite 400 Walnut Creek, CA 94596 Tel: (925) 937-0980 Fax: (925) 947-3177	NO	Funding opportunities Route 239 Coordination	1.2%
ICF International Shahira Ashkar Project Manager 916.752.0935 (m) sashkar@icfi.com	630 K Street, Suite 400 Sacramento, CA 95814 TEL: 916.737.3000	NO	Environmental Permitting	3.0%
Parikh Consultants Gary Parikh, GE Cel: (408) 595-2525 gparikh@parikhnet.com	2360 Qume Drive, Suite A San Jose, California 95131 Tel: (408) 452-9000 Fax: (408) 452-9004	**YES**	Foundation Reports Geotechnical Investigations	**4.4%**

TEAM MEMBER/ CONTACT	ADDRESS	UDBE	RESPONSIBILITIES	ESTIMATED % OF WORK
Geocon Consultants, Inc. Richard Day, CEG Principal / Senior Geologist CEL: (925) 872-5860	6671 Brisa Street Livermore, California 94550 PH: 925.371.5900	NO	ADL and Haz Mat Analysis	2%
Stantec, Inc. Ryan Vance, PLS Survey/Geomatics Manager Ryan.Vance@stantec.com Cell: (209) 233-2097	1016 12th Street Modesto CA 95354 Ph: (209) 492-5962	NO	Topographic Surveys and Mapping Right of Way Engineering Utility Engineering and Coordination	8.9%

EXHIBIT C
COMPENSATION

I. COMPENSATION.

A. The method of payment for this contract will be based on lump sum. The total lump sum price paid the consultant will include compensation for all work and deliverables, including travel and equipment described in **Exhibit A** of this contract. No additional compensation will be paid to the CONSULTANT, unless there is a change in the scope of the work or the scope of the project. In the instance of a change in the scope of work or scope of the project, adjustment to the total lump sum compensation will be negotiated between the Consultant and the CITY. Adjustment in the total lump sum compensation will not be effective until authorized by contract amendment and approved by the CITY.

B. For CONSULTANTS's full and complete performance of its obligations under this Agreement, CITY shall pay CONTRACTOR the firm-fixed sum of THREE MILLION SEVEN HUNDRED NINETY NINE THOUSAND AND FIVE HUNDRED THIRTY TWO DOLLARS ($3,799,532), said sum to include CONTRACTOR'S total direct costs, indirect costs, and profit and to be paid in accordance with the following provisions. ATTACHMENT C-1 to this Exhibit provides the CONSULTANT's budget and supporting cost information.

II. INVOICING.

A. CONTRACTOR shall invoice CITY on a monthly basis for partial payments corresponding to the percentage of work actually completed by CONTRACTOR.

B. Progress Payments. Percentage of work completed shall be documented in a monthly progress report prepared by CONSULTANT, which report shall accompany a copy of each invoice and shall be submitted to CITY's Project Manager for review and approval. CONTRACTOR shall also furnish such other information as may be requested by CITY to substantiate the validity of an invoice. CITY's payment in full for any task shall not constitute CITY's final acceptance of CONSULTANT's work under such task.

C. Each invoice shall specify the task description for which payment is being requested; the time period covered by the invoice and the amount of payment requested.

D. Should CITY contest any portion of an invoice, that portion shall be held for resolution, but the uncontested balance shall be processed for payment. CITY may, at any time, conduct an audit of any and all records kept by CONSULTANT for the Services. Any overpayment uncovered in such an audit may be charged against the CONSULTANT's future invoices and any retention funds.

E. CONSULTANT shall submit a final DBE/SBE Utilization Report with its final invoice.

III. PAYMENT.

Progress payments to CONSULTANT shall be made monthly in arrears based on the percentage of work completed by the CONSULTANT. If CONSULTANT fails to submit the required deliverable items according to the schedule set forth in the Exhibit A, the CITY shall have the right to delay payment and/or terminate this Agreement in accordance with the provisions of Article 6 Termination. Within thirty (30) days after the CITY's receipt of invoice, CITY shall make payment to the CONSULTANT based upon the services described on the invoice and approved by the CITY.

Project Schedule

Milestone dates are as follows:

ACTIVITY	DELIVERY DATE
City Issues NTP	August 12, 2013
Submit Type Selection to Caltrans	November 25, 2013
Submit 65% PS&E to Caltrans	March 12, 2014
Submit 95% PS&E to CT District 10/ DOS	August 1, 2014
Submit 100% PS&E to DOE	November 3, 2014
CT Approve Plans	March 30, 2015
Design Contract Complete	July 9, 2015
Contract Completion Date	December 31, 2015

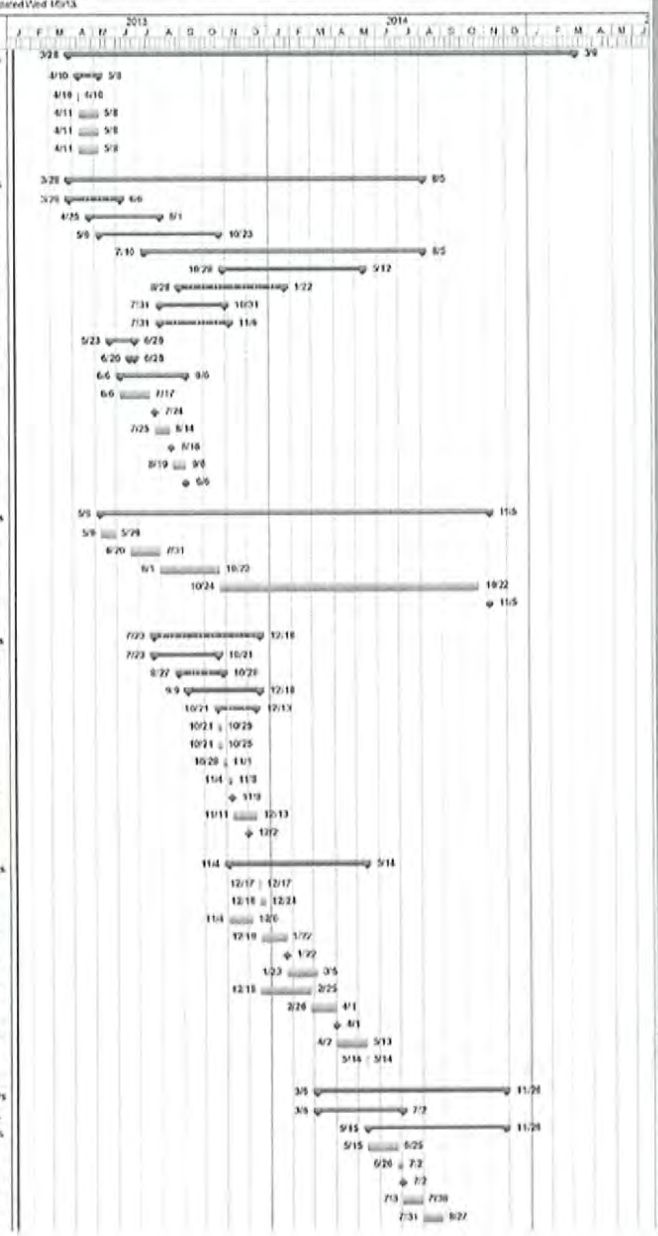
Review times by others as provided above and in Exhibit D-1, attached herewith are estimates only and are not in control of the CONSULTANT. Actual times may vary. If schedule delays occur, CONSULTANT shall develop a plan for bringing the project back into schedule compliance or adjust schedule accordingly with approval of the CITY.

EXHIBIT D-1

The following depicts a truncated CPM schedule supporting the above milestones.

I-205/Lammers/Eleventh Street Interchange Project
Final Design Schedule
Rajappan & Meyer Consulting Engineers, Inc.
Updated Wed 10/13

ID	Task Name	Start	Finish	Duration
1	**FINAL DESIGN**	**Thu 3/28/13**	**Mon 3/9/15**	**508 days**
2	**Task 1 - Project Management**	**Wed 4/10/13**	**Wed 5/8/13**	**21 days**
3	Notice to Proceed	Wed 4/10/13	Wed 4/10/13	1 day
4	Develop Baseline CPM	Thu 4/11/13	Wed 5/8/13	4 wks
5	Develop Project Management Plan	Thu 4/11/13	Wed 5/8/13	4 wks
6	Subconsultant Agreements	Thu 4/11/13	Wed 5/8/13	4 wks
7				
8	**Task 2 - Preliminary Engineering**	**Thu 3/28/13**	**Tue 8/5/14**	**354 days**
9	General	Thu 3/28/13	Thu 6/6/13	51 days
13	Scope Modification Ofort	Thu 4/25/13	Thu 8/1/13	71 days
17	Surveys	Thu 5/9/13	Wed 10/23/13	120 days
21	UPRR Agreements	Wed 7/10/13	Tue 8/5/14	279 days
27	CPUC GO 128 Application	Mon 10/28/13	Mon 5/12/14	140 days
31	Geotechnical Services	Wed 8/28/13	Wed 1/22/14	105 days
54	ADL Evaluations	Wed 7/31/13	Thu 10/31/13	66 days
64	Lane Closure Report	Wed 7/31/13	Wed 11/6/13	70 days
73	Prepare Line Drawings	Thu 5/23/13	Wed 6/26/13	25 days
80	Other 35% PS&E Submittals	Thu 6/20/13	Wed 6/26/13	5 days
84	Bridge Type Selection Process	Thu 6/6/13	Fri 9/6/13	67 days
85	Prepare General Plans	Thu 6/6/13	Wed 7/17/13	6 wks
86	Submit Type Selection Report to CT DES	Wed 7/24/13	Wed 7/24/13	0 days
87	Caltrans Review Draft TS Report	Thu 7/25/13	Wed 8/14/13	3 wks
88	Conduct Type Selection Meeting at DES	Fri 8/16/13	Fri 8/16/13	0 days
89	Update Bridge General Plans	Mon 8/19/13	Fri 9/6/13	3 wks
90	Submit First Bridge General Plan to DES	Fri 9/6/13	Fri 9/6/13	0 days
91				
92	**TASK 3 - Right of Way Acquisition**	**Thu 5/9/13**	**Wed 11/5/14**	**390 days**
93	Right of Way Research	Thu 5/9/13	Wed 5/29/13	3 wks
94	Plats and Descriptions	Thu 6/20/13	Wed 7/31/13	6 wks
95	Appraisals	Thu 8/1/13	Wed 10/23/13	12 wks
96	Acquisition by Caltrans	Thu 10/24/13	Wed 10/22/14	52 wks
97	Right of Way Certification	Wed 11/5/14	Wed 11/5/14	0 days
98				
99	**TASK 4 - 65% PS&E Phase**	**Tue 7/23/13**	**Wed 12/18/13**	**107 days**
100	Roadway Plans	Tue 7/23/13	Mon 10/21/13	65 days
116	Other 65% PS&E Submittals	Tue 8/27/13	Mon 10/28/13	45 days
127	DOS Submittal Process - 65%	Mon 9/9/13	Wed 12/18/13	73 days
134	60% Submittal Process	Mon 10/21/13	Fri 12/13/13	40 days
135	Combine SSPs	Mon 10/21/13	Fri 10/25/13	1 wk
136	Package 60% PS&E Submittal	Mon 10/21/13	Fri 10/25/13	1 wk
137	QC Review	Mon 10/28/13	Fri 11/1/13	1 wk
138	Update from QC Comments	Mon 11/4/13	Fri 11/8/13	1 wk
139	Submit 60% PS&E to Caltrans D10	Fri 11/8/13	Fri 11/8/13	0 days
140	Caltrans Reviews Plans	Mon 11/11/13	Fri 12/13/13	5 wks
141	Constructability Review	Mon 12/2/13	Mon 12/2/13	0 days
142				
143	**TASK 5 - 95% PS&E**	**Mon 11/4/13**	**Wed 5/14/14**	**136 days**
144	Caltrans Submits Comments / 60% PS&E	Tue 12/17/13	Tue 12/17/13	1 day
145	QRT Comment Disposition	Wed 12/18/13	Tue 12/24/13	1 wk
146	Bridge - Independent Check, SSPs & Quants	Mon 11/4/13	Fri 12/6/13	5 wks
147	Bridge Package Revisions	Thu 12/19/13	Wed 1/22/14	5 wks
148	Submit 95% Bridge Package to CT DES	Wed 1/22/14	Wed 1/22/14	0 days
149	DOS Review 95% PS&E Bridge Package	Thu 1/23/14	Wed 3/5/14	6 wks
150	Update Roadway Plans	Wed 12/18/13	Tue 2/25/14	10 wks
151	Update Final PS&E Report/Submittal	Wed 2/26/14	Tue 4/1/14	5 wks
152	Submit 95% PS&E for Caltrans D10 Review	Tue 4/1/14	Tue 4/1/14	0 days
153	Caltrans District Review-95% PS&E	Wed 4/2/14	Tue 5/13/14	6 wks
154	Caltrans Submit Comments -95% PS&E	Wed 5/14/14	Wed 5/14/14	1 day
155				
156	**TASK 6 - 100% PS&E Process**	**Thu 3/6/14**	**Wed 11/26/14**	**190 days**
157	Update Structures Package	Thu 3/6/14	Wed 7/2/14	95 days
158	Update Final PS&E Package	Thu 5/15/14	Wed 11/26/14	140 days
159	Incorporate PS&E comments	Thu 5/15/14	Wed 6/25/14	6 wks
167	QC Review	Thu 6/26/14	Wed 7/2/14	1 wk
168	Submit Combined 100% PS&E	Wed 7/2/14	Wed 7/2/14	0 days
169	CT D10 Review	Thu 7/3/14	Wed 7/30/14	4 wks
170	Incorporate D10 comments	Thu 7/31/14	Wed 8/27/14	4 wks



RESOLUTION 2013- _____

APPROVING A PROFESSIONAL SERVICES AGREEMENT NO. RM-2 WITH RAJAPPAN & MEYER CONSULTING ENGINEERS, INC., OF SAN JOSE, CALIFORNIA, TO PROVIDE PROFESSIONAL SERVICES FOR COMPLETION OF FINAL DESIGN, PLANS, SPECIFICATIONS AND COST ESTIMATES (PS & E), AND RIGHT-OF-WAY PLATES AND LEGAL DESCRIPTIONS FOR THE I-205/LAMMERS ROAD /ELEVENTH STREET NEW INTERCHANGE PROJECT CIP 73084, FEDERAL NO. DEMO3LN-5192 (021), FOR A NOT-TO-EXCEED AMOUNT OF $3,799,894; AUTHORIZING THE DEVELOPMENT SERVICES DIRECTOR TO APPROVE AMENDMENTS TO THIS AGREEMENT FOR ADDITIONAL SERVICES IF NEEDED UP TO AN AMOUNT OF $200,000; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

WHEREAS, The City's General Plan identifies a new interchange at I-205 and Lammers Road to serve the western part of the City and future southwest Areas; and

WHEREAS, The City has secured funding from the Safe, Accountable, Flexible, Efficient, Transportation Equity Act, a Legacy for Users (SAFTEA-LU) grant in the amount of $4,590,186 for the Project final design and right-of-way services; and

WHEREAS, The Project Study Report (PSR) and Environmental Impact Report (EIR) have been approved by Caltrans and the Federal Highway Administration (FHWA) and require completion of the final phase; and

WHEREAS, In order for the City to start final design and complete the construction documents, the services of an experienced consultant are needed; and

WHEREAS, Proposals for this phase of work were solicited from qualified consultants as advertised on the City's website, from which staff received one proposal from an engineering consultant; and

WHEREAS, City staff and Caltrans evaluated the proposals and Rajappan and Meyer Consulting Engineers, Inc. was found to be the most qualified consultant; and

WHEREAS, Staff negotiated with Rajappan and Meyer Consulting Engineers to provide the required services on a lump sum basis, for an amount not-to-exceed $3,799,894; and

WHEREAS, Due to the complexity of the project and the potential for additional requirements from both Federal and State agencies, it is recommended that a contingency in the amount of $200,000 be established for additional services if needed; and

WHEREAS, There will be no fiscal impact to the General Fund. Funds for the Professional Services Agreement will be paid from SAFEA-LU Grant Funding;

NOW, THEREFORE, BE IT RESOLVED That City Council approves Professional Services Agreement No. RM-2 with Rajappan and Meyer Consulting Engineers of San Jose, California, to provide professional services for completion of final design plans, specifications and cost estimates (PS &E), and right-of-way plates and legal descriptions for the I-205 Lammers Road / Eleventh Street New Interchange Project – CIP 73084, Federal No. DOMO3LN-5192 (021) for a not-to-exceed amount of $3,799,894; authorizes the Development

Services Director to approve amendments to this agreement for additional services, if needed, up to an amount of $200,000; and authorizes the Mayor to execute the agreement.

The foregoing Resolution _____ was adopted by the Tracy City Council on the 20th day of August, 2013 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST

_____
CITY CLERK

August 20, 2013

AGENDA ITEM 1.C

REQUEST

AWARD A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE RESPONSIBLE BIDDER FOR INSTALLATION OF FIBER OPTICS FROM CITY HALL TO THE TRANSIT STATION CIP 77543, AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT

EXECUTIVE SUMMARY

The award of a construction contract for the installation of fiber optics from City Hall to the Transit Station (CIP 77543), will enhance communication with higher bandwidth between the two facilities and will provide the future ability to monitor and record existing security.

DISCUSSION

This project involves the installation of fiber optics from City Hall to the Transit Center. The fiber optic installation will enable the Transit Center to have WIFI network and enhance the communication system between City Hall and the Transit Station including the future monitoring of security cameras installed at the facility.

The fiber optics installation will use most of the existing traffic signal interconnect conduits along Eleventh Street and Central Avenue. The project will provide some upgrades to the conduits to allow fiber optics installation and includes installation of communication equipment.

The funding for this project is provided from a Proposition 1B grant in the amount of $250,000.

Plans and specifications were prepared by Kimley Horn and Associates. The project was advertised for construction bids on June 28, and July 5, 2013. A total of six bids were received on August 5, 2013 as follows:

Contractors	Base Bid Amount
Kertel Communication, Inc., (dba Sebastian), Fresno, CA	$142,345.00
Pacific Excavation Inc., Elk Grove	$155,346.00
Bockman & Woody Electric, Stockton	$190,996.00
Alessandro Electric Inc., Sacramento,	$204,400.00
Cable Links Construction, Fresno	$208,793.11
West Tech Industries, Galt	$320,629.00

The lowest monetary bid is from Kertel Communication Inc. (dba Sebastian) of Fresno, California, in the amount of $142,345. The bid analysis indicates that the bid is responsive and bidder is responsible. The contractor has good references and has completed similar projects for other Cities and public agencies.

The anticipated cost for construction of this project, if awarded to Kertel Communication Inc. (dba Sebastian), is estimated as follows:

Construction Bid Amount (Base Bid + Additive Bid)	$ 142,345
Contingency (~15%)	$ 21,000
Construction Management & Inspection (~7%)	$ 11,000
Design	$ 35,000
City Wide Project Management	$ 31,000
Total Project Cost	$ 240,345
Available Budget	$ 250,000

A total of $250,000 is budgeted for this project. If the project is awarded to Kertel Communication Inc. (dba Sebastian) of Fresno, California, it is anticipated that construction will commence by September 1, 2013, with completion expected by the end of November 2013.

STRATEGIC PLAN

This agenda item supports objective 1.c of the Economic Development Strategic Plan in ensuring quality infrastructure to meet future development needs.

FISCAL IMPACT

There will be no impact to the General Fund. This is an approved Fiscal Year 2012-2013 Capital Improvement Program project. Funds are available from the Transit Capital Fund (F573).

RECOMMENDATION

Staff recommends City Council award, by resolution, a construction contract to Kertel Communication Inc. (dba Sebastian) of Fresno, California, in the amount of $142,345 for the installation of fiber optics from City Hall to the Transit Station CIP 77543, and authorize the Mayor to execute the construction contract.

Prepared by: Ripon Bhatia, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

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

RESOLUTION 2013 - _____

AWARDING A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE RESPONSIBLE BIDDER FOR INSTALLATION OF FIBER OPTICS FROM CITY HALL TO THE TRANSIT STATION CIP 77543 AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT

WHEREAS, The project involves the installation of fiber optics from City Hall to the Transit Center, and

WHEREAS, The fiber optic installation will enable the Transit Station to have a WIFI network and enhance the communication system between City Hall and the Transit Center, including the future installation and monitoring of security cameras installed at the facility, and

WHEREAS, The fiber optics installation will use part of the existing traffic signal interconnect conduits along Eleventh Street and Central Avenue; and

WHEREAS, The funding for this project is provided from a Proposition 1B grant in the amount of $250,000; and

WHEREAS, Plans and specifications were prepared by Kimley Horn and Associates. The project was advertised for construction bids on June 28, and July 5, 2013; and

WHEREAS, A total of six bids were received on August 5, 2013 as follows:

Contractors	Base Bid Amount
Kertel Communication, Inc., (dba Sebastian), Fresno, CA	$142,345.00
Pacific Excavation Inc., Elk Grove	$155,346.00
Bockman & Woody Electric, Stockton	$190,996.00
Alessandro Electric Inc., Sacramento,	$204,400.00
Cable Links Construction, Fresno	$208,793.11
West Tech Industries, Galt	$320,629.00

WHEREAS, The lowest monetary bid is from Kertel Communication Inc. (dba Sebastian) of Fresno, California, in the amount of $142,345; and

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

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

WHEREAS, The anticipated cost for construction of this project, if awarded to Kertel Communication Inc. (dba Sebastian) is estimated as follows:

Construction Bid Amount (Base Bid + Additive Bid)	$ 142,345
Contingency (~15%)	$ 21,000
Construction Management & Inspection (~7%)	$ 11,000
Design	$ 35,000
City Wide Project Management	$ 31,000
Total Project Cost	$ 240,345
Available Budget	$ 250,000

WHEREAS, A total of $250,000 is budgeted for this project.

NOW, THEREFORE BE IT RESOLVED, That City Council awards a construction contract to Kertel Communication Inc. (dba Sebastian) of Fresno, California, in the amount of $142,345 for Fiber Optics Installation from City Hall to the Transit Station CIP 77543, and authorizes the Mayor to execute the construction contract.

The foregoing Resolution _____ was adopted by the City Council on the 20th day of August, 2013, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
Mayor

ATTEST:

_____
City Clerk

August 20, 2013

AGENDA ITEM 1.D

REQUEST

ACCEPTANCE OF THE LINCOLN PARK WELL & PRODUCTION WELL #1 REHABILITATION PROJECT – CIP 75076, COMPLETED BY ZIM INDUSTRIES OF FRESNO, CALIFORNIA, AND AUTHORIZATION FOR THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

EXECUTIVE SUMMARY

The contractor has completed construction of the Lincoln Park Well and Production Well #1 CIP 75076, in accordance with project plans, specifications, and contract documents. Project costs are within the available budget. Staff recommends Council accept the project to enable the City to release the contractor's bonds and retention.

DISCUSSION

On June 7, 2011, City Council awarded a construction contract to Zim Industries of Fresno, California, in the amount of $451,975, for construction of the Lincoln Park Well & Production Well #1 Rehabilitation Project – CIP 75076.

The scope of work for this project included replacement of the well pumps; well cleaning and rehabilitation including video survey, mechanical cleaning, chemical treatment, well development, and disinfecting. The project plans and specifications were prepared by GEI Consultants, Inc. of Rancho Cordova, California, and the contract documents for the project were prepared by in-house engineering staff.

Three change orders were issued during construction in the amount of $36,592.90 for this project which consisted of installation of 450 feet of 4-inch access casing, replacement of bearings for 200 HP pump motors, installation of check valves and completion of miscellaneous work required after review of the video surveys and as directed by the design engineer.

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 less than the contract quantities in the amount of ($43,345). These quantities were deducted in accordance with the bid unit prices listed in the contract and are listed as under run quantities

Status of estimated budget and project costs:

A.	Construction Contract Amount	$ 451,975.00
B.	Change Orders	$ 36,592.90
C.	Under run of Contract Quantities	$ (43,345.00)
D.	Design, Construction Management, Inspection, Testing, & Miscellaneous expenses	$ 69,408.00
E.	Project Management Charges	$ 19,418.00
	Total Project Costs	$ 534,048.90
	Budgeted Amount	$ 634,900.00

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 strategic plans.

FISCAL IMPACT

CIP 75076 is an approved Capital Improvement Projects with sufficient funding with no fiscal impact to the General Fund. All remaining funds will be transferred back into Water Fund 513.

RECOMMENDATION

That City Council accept, by resolution, construction of the Lincoln Park Well & Production Well #1 CIP 75076, completed by Zim Industries, of Fresno, California, and authorize the City Clerk to record the Notice of Completion with the San Joaquin County Recorder's Office. 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 Services Director
R. Leon Churchill, Jr., City Manager

RESOLUTION 2013- _____

ACCEPTING THE LINCOLN PARK WELL & PRODUCTION WELL #1 REHABILITATION PROJECT – CIP 75076, COMPLETED BY ZIM INDUSTRIES OF FRESNO, CALIFORNIA, AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS**,** On June 7, 2011, City Council awarded a construction contract to Zim Industries, of Fresno, California, in the amount of $451,975, for construction of the Lincoln Park Well & Production Well #1 Rehabilitation Project – CIP 75076; and

WHEREAS, The contractor has completed construction of the Lincoln Park Well & Production Well #1 CIP 75076, in accordance with project plans, specifications, and contract documents; and

WHEREAS, Three change orders were issued in the net amount of $36,592.90; and

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

A.	Construction Contract Amount	$ 451,975.00
B.	Change Orders	$ 36,592.90
C.	Under run of Contract Quantities	$ (43,345.00)
D.	Design, Construction Management, Inspection, Testing, & Miscellaneous expenses	$ 69,408.00
E.	Project Management Charges	$ 19,418.00
	Total Project Costs	$ 534,048.90
	Budgeted Amount	$ 634,900.00

WHEREAS, CIP 75076 is an approved Capital Improvement Project with sufficient funding and there will be no fiscal impact to the General Fund. All remaining funds will be transferred back into Enterprise Fund 513;

NOW, THEREFORE BE IT RESOLVED, That City Council accepts construction of the Lincoln Park Well & Production Well #1 CIP 75076, completed by Zim Industries, of Fresno, California, and authorizes the City Clerk to record the Notice of Completion with the San Joaquin County Recorder. The City Engineer, in accordance with the terms of the construction contract, will release the bonds and retention payment.

* * * * * * * * * * * * * * * * *

The foregoing Resolution 2013-_____ was adopted by City Council on the 20th day of August, 2013, by the following vote:

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

_____
Mayor

ATTEST:

_____
City Clerk

August 20, 2013

AGENDA ITEM 1.E

REQUEST

ACCEPTANCE OF THE ROAD CLOSING AND IMPROVEMENTS AT RAILROAD CROSSINGS PROJECT – CIP 73137, COMPLETED BY MCI ENGINEERING OF STOCKTON, CALIFORNIA, AND AUTHORIZATION FOR THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

EXECUTIVE SUMMARY

The contractor has completed construction of the Road Closing and Improvements at Railroad Crossings Project – CIP 73137 in accordance with project plans, specifications, and contract documents. Project costs are within the available budget. Staff recommends Council accept the project to enable the City to release the contractor's bonds and retention.

DISCUSSION

On May 7, 2013, City Council awarded a construction contract for the Road Closing and Improvements at Railroad Crossings Project – CIP 73137, in the amount of $165,530, to MCI Engineering of Stockton, California.

Union Pacific Railroad planned to resurface the railroad crossings within their right-of-way. Since the city streets have access easements over the railroad right-of-way, the City was required to provide road closures and paving improvements.

The scope of work for this construction contract included providing support for road closures, traffic control, and repaving the existing streets to facilitate replacement of railroad crossing pads at the following four locations:

- Central Avenue at 6th Street
- MacArthur Drive at 6th Street
- Eleventh Street West of Lincoln Boulevard
- Tracy Boulevard at 6th Street

One change order was issued for this project, which consisted of construction of two more crossings (Tracy Boulevard/Linne Road and Corral Hollow Road/Linne Road). The net amount for this change order is $8,646.69 after credits for deletion of contract items not used for the project.

Status of budget and project costs is as follows:

A.	Construction Contract Amount	$ 165,530.00
B.	Change orders	$ 8,646.69
C.	Design, construction management, inspection, Testing, & miscellaneous expenses	$ 6,397.63
D.	Project Management Charges (Estimated)	$ 6,442.80

Total Project Costs	$ 187,017.12
Budgeted Amount	$ 230,000.00

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 strategic plans.

FISCAL IMPACT

CIP 73137 is an approved Capital Improvement Project with sufficient funding and there will be no fiscal impact to the General Fund. All remaining funds will be transferred back into the Gas Tax Fund.

RECOMMENDATION

That City Council accept, by resolution, construction of the Road Closing and Improvements at Railroad Crossings Project – CIP 73137, completed by MCI Engineering of Stockton, California, and authorize the City Clerk to record the Notice of Completion with the San Joaquin County Recorder's Office. 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 Services Director
R. Leon Churchill, Jr., City Manager

RESOLUTION 2013- _____

ACCEPTING THE ROAD CLOSING AND IMPROVEMENTS AT RAILROAD CROSSINGS PROJECT – CIP 73137, COMPLETED BY MCI ENGINEERING OF STOCKTON, CALIFORNIA, AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, On May 7, 2013, City Council awarded a construction contract for the Road Closing and Improvements at Railroad Crossings Project – CIP 73137, in the amount of $165,530, MCI Engineering of Stockton, California; and

WHEREAS, The contractor has completed construction of the Road Closing and Improvements at Railroad Crossings Project – CIP 73137, in accordance with project plans, specifications, and contract documents; and

WHEREAS, One change order was received in the net amount of $8,646.69; and

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

A.	Construction Contract Amount	$ 165,530.00
B.	Change orders	$ 8,646.69
C.	Design, construction management, inspection, Testing, & miscellaneous expenses	$ 6,397.63
D.	Project Management Charges (Estimated)	$ 6,442.80
	Total Project Costs	$ 187,017.12
	Budgeted Amount	$ 230,000.00

WHEREAS, CIP 73137 is an approved Capital Improvement Project with sufficient funding and there will be no fiscal impact to the General Fund. All remaining funds will be transferred back into the Gas Tax Fund;

NOW, THEREFORE BE IT RESOLVED, That City Council accepts construction of the Road Closing and Improvements at Railroad Crossings Project – CIP 73137, completed by MCI Engineering of Stockton, California and authorizes the City Clerk to record the Notice of Completion with the San Joaquin County Recorder. The City Engineer, in accordance with the terms of the construction contract, will release the bonds and retention payment.

The foregoing Resolution 2013-_____ was adopted by City Council on the 20th day of August, 2013, by the following vote:

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

_____
Mayor

ATTEST:

_____
City Clerk

August 20, 2013

AGENDA ITEM 1.F

REQUEST

APPROVAL OF MASTER PROFESSIONAL SERVICES AGREEMENT (MPSA) HA13-01 WITH HARRIS AND ASSOCIATES, APPROVAL OF TASK ORDER NO. 1 TO MPSA HA13-01 FOR PROVIDING PROGRAM MANAGEMENT SERVICES FOR MULTIPLE PROJECTS

EXECUTIVE SUMMARY

The City is currently implementing various programs throughout the City for developments of new areas. Services of a consultant are needed to supplement staff to provide program management services. Approval of the MPSA and Task Order No. 1 will facilitate hiring of qualified consultants to assist the City in implementation of such development programs.

DISCUSSION

The City is currently implementing various development programs throughout the City as listed below:

- South MacArthur Development Area
- I-205 Specific Plan
- Northeast Industrial Area (NEI) Phase 1
- Northeast Industrial Area (NEI) Phase 2
- South Industrial Specific Plan
- Infill Development Area
- Plan C Development Area
- Gateway
- Ellis Specific Plan
- Cordes Ranch
- Tracy Hills Specific Plan
- Citywide Master Plan Area

The City is also working on certain areas, in which either developments are near completion or are in the initial stages (e.g. Presidio and Downtown Specific Plan). The Residential Specific Plan (RSP) developments are almost complete and the Plan C area developments are near completion and require final update of fees. The implementation of development programs primarily involve updating of development impact fees, updating the Finance and Implementation Plans (FIP), forecasting of fee revenue and project expenses, updating of construction cost estimates, formation of benefit districts, calculating reimbursements and managing infrastructure master plans. The costs of such services are a part of the development impact fees and are included in the cost of infrastructure improvement projects. Thus, those development programs are financially self-sufficient and fully pay for the program management and implementation services.

The City has provided these program management services either through staff or by use of consultants. Due to the existing workload and staffing constraints, services of a consultant are needed to continue providing effective program management services in these development areas.

Staff solicited a request for proposals from various consultants and posted it on the City's web site in January 2013. The proposals required that the consultants provide services on multiple projects for a period of two years, on an as needed basis, on a time and expenses basis, with possible extension for another year upon approval by the Development Services Director. It was intended that a Master Professional Services Agreement be executed with the most qualified consultant, and multiple task orders would be entered into between the City and the consultant to provide services on an as needed basis. A total of three proposals were received on February 12, 2013. After careful review of proposals, two consultants were short-listed.

After further review of the proposals, and based upon the qualifications, experience, and knowledge of work, Harris and Associates was found to be the most qualified consultant. Harris and Associates maintains an office in Tracy as well. Their proposal is responsive and the consultant is responsible. The cost of services in the proposals is based upon the estimated hours on a time and expense basis. For purpose of comparison, all consultants were provided with a total estimate for costing their proposal. The actual number of hours will depend on the needs of various projects depending upon how fast the developments occur in project areas. It is estimated that the cost of services will be approximately $495,000 each year based upon hourly rates on an as needed basis. It is also recommended to authorize the Director of Development Services to add additional scope to this Task Order for a not-to-exceed amount of $150,000 if needed to extend services of Harris & Associates to work on Tracy Hills and other developments.

The proposed MPSA will be valid for a period of two years from the date of execution of the agreement and can be further extended for a period of one year upon approval of City Council. Task Order No. 1 will provide services as follows:

Program	**Total Cost**
Plan C Development Area	$ 60,000
South MacArthur Development Area	$ 30,000
North East Industrial Phase I	$ 40,000
North East Industrial Phase II	$ 80,000
ISP South	$ 60,000
Gateway	$ 130,000
Presidio	$ 20,000
Infill	$ 40,000
Ellis	$ 20,000
I-205 Specific Plan	$ 15,000
Task Order No. 1	**$ 495,000**

Harris and Associates has executed the MPSA and Task Order No. 1 to MPSA HA13-01, and they are available for review upon request in the City Engineer's office in the Development Services Department.

Approval of the Master Professional Agreement will allow execution of additional task orders with Harris and Associates for work related to new developments such as Cordes

Ranch and Tracy Hills without re-advertising and going through the selection process for acquiring consulting services.

STRATEGIC PLAN

This agenda item supports objective 1.c of the Economic Development Strategic Plans in ensuring quality infrastructure to meet future development needs.

FISCAL IMPACT

There is no fiscal impact to the General Fund. The cost of program management services is part of the development impact fees and is paid by the developers.

RECOMMENDATION

That City Council, by resolution, approve MPSA HA13-01 and Task Order No. 1 to MPSA HA13-01 with Harris and Associates to provide program management services for multiple projects for a not to exceed amount of $495,000. It is further recommended that City Council authorize the Director of Development Services to extend the Task Order Agreement for additional services if needed to serve new developments for a not to exceed amount of $150,000. It is also recommended that City Council consider extension of this Master Professional Services Agreement for another year after its satisfactory completion.

Prepared by: Kuldeep Sharma, City Engineer
Reviewed by: Andrew Malik, Development Services Director
Approved by: R. Leon Churchill, Jr., City Manager

ATTACHMENTS

Attachment A – Master Professional Agreement HA13-01 and Task Order No. 1

CITY OF TRACY
MASTER PROFESSIONAL SERVICES AGREEMENT
Development Program Management Services (HA13-01)

THIS MASTER PROFESSIONAL SERVICES AGREEMENT (hereinafter "Agreement") is made and entered into by and between the CITY OF TRACY, a municipal corporation (hereinafter "CITY"), and HARRIS & ASSOCIATES Inc., a California Corporation (hereinafter "CONSULTANT").

RECITALS

A. CONSULTANT services are needed to provide program management services for new development, including coordinating, managing and providing technical assistance, updating existing and completing new finance and implementation plans, assisting with City budget reviews, reimbursement assistance and a variety of other program management services.

B. CONSULTANT is currently providing these services and is familiar with the City's existing infrastructure and finance plans.

C. In January of 2013, the City requested proposals from various consultants to provide program management services including management of infrastructure Master Plans and other similar services on multiple projects for a period of three years on an as needed basis. The request for proposals was in compliance with the provisions of the Tracy Municipal Code Section 2.20. After careful review of the proposals and based upon the qualifications, experiences, and knowledge, Harris & Associates was found to be the most qualified consultant.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **SCOPE OF SERVICES.** CONSULTANT shall perform the services generally described in Exhibit "A" attached hereto and incorporated herein by reference. CONSULTANT's specific scope of services shall be more particularly described in individual Task Orders subject to the written approval of the CITY and CONSULTANT. The terms of this Agreement shall be incorporated by reference into each Task Order. The services shall be performed by, or under the direct supervision of, CONSULTANT's Authorized Representative: Bob Guletz. CONSULTANT shall not replace its Authorized Representative, nor shall CONSULTANT replace any of the personnel listed in Exhibit "A," nor shall CONSULTANT use any subcontractor or subconsultant, without the prior written consent of the CITY.

2. **TIME OF PERFORMANCE.** This Master PSA shall remain in effect until August 31, 2015, and may be extended for one additional year upon mutual written agreement between the CITY and CONSULTANT. Time is of the essence in the performance of

services under this Agreement and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. CONSULTANT shall commence performance, and shall complete all required services no later than the dates set forth in each individual Task Order. Any services for which times for performance are not specified in each individual Task Order shall be commenced and completed by CONSULTANT in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the CONSULTANT. CONSULTANT shall submit all requests for extensions of time to the CITY in writing no later than ten (10) days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. CITY shall grant or deny such requests at its sole discretion.

3. **INDEPENDENT CONTRACTOR STATUS**. CONSULTANT is an independent contractor and is solely responsible for all acts of its employees, agents, or subconsultants, including any negligent acts or omissions. CONSULTANT is not CITY's employee and CONSULTANT shall have no authority, express or implied, to act on behalf of the CITY as an agent, or to bind the CITY to any obligation whatsoever, unless the CITY provides prior written authorization to CONSULTANT.

4. **CONFLICTS OF INTEREST**. CONSULTANT (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. In the event that CONSULTANT maintains or acquires such a conflicting interest, any contract (including this Agreement) involving CONSULTANT's conflicting interest may be terminated by the CITY.

5. **COMPENSATION**.
   5.1. For services performed by CONSULTANT in accordance with this Agreement, CITY shall pay CONSULTANT on a time and expense basis, at the billing rates and Not to Exceed amount set forth in each individual Task Order and Exhibits thereto. Billing rates may be adjusted in an amount not to exceed three (3%) percent per year, upon City's receipt of written notice from the CONSULTANT. CONSULTANT's billing rates, and Not To Exceed amount, 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.
   5.2. CONSULTANT shall submit monthly invoices to the CITY describing the services performed, including times, dates, and names of persons performing the service.
   5.3. Within thirty (30) days after the CITY's receipt of invoice, CITY shall make payment to the CONSULTANT based upon the services described on the invoice and approved by the CITY.

6. **TERMINATION.** The CITY may terminate this Agreement by giving ten (10) days written notice to CONSULTANT. Upon termination, CONSULTANT shall give the CITY all original documents, including preliminary drafts and supporting documents prepared by CONSULTANT for this Agreement. The CITY shall pay CONSULTANT for all services satisfactorily performed in accordance with this Agreement, up to the date notice is given.

7. **OWNERSHIP OF WORK.** All original documents prepared by CONSULTANT for this Agreement are the property of the CITY, and shall be given to the CITY at the completion of CONSULTANT's services, or upon demand from the CITY. No such documents shall be revealed or made available by CONSULTANT to any third party without the prior written consent of CITY.

   CONSULTANT shall be allowed to retain copies of all documents prepared by CONSULTANT under this Agreement. Any modifications made by the CITY or any agents of the CITY, to any of the CONSULTANT's documents or any partial use or reuse of the documents without the express written consent of the CONSULTANT will be at the CITY's sole risk and without liability to the CONSULTANT.

8. **ATTORNEY'S FEES.** In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.

9. **INDEMNIFICATION.** CONSULTANT shall indemnify, defend, and hold harmless the CITY (including its elected officials, officers, agents, volunteers and employees) from and against any and all claims, demands, damages, liability, costs, and expenses (including court costs and attorney's fees) resulting from or arising out of, pertaining to or relating to the negligence, recklessness or willful misconduct of CONSULTANT in the performance of services under this Agreement.

10. **BUSINESS LICENSE.** Prior to the commencement of any work under this Agreement, CONSULTANT shall obtain a City of Tracy Business License.

11. **INSURANCE.**
    - **11.1. General.** CONSULTANT shall, throughout the duration of this Agreement, maintain insurance to cover CONSULTANT, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.
    - **11.2. Commercial General Liability** (with coverage at least as broad as ISO form CG 00 01) coverage shall be maintained in an amount not less than $2,000,000 general aggregate and $1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
    - **11.3. Automobile Liability** (with coverage at least as broad as ISO form CA 00 01, for "any auto") coverage shall be maintained in an amount not less than $1,000,000 per accident for bodily injury and property damage.

11.4. **Workers' Compensation** coverage shall be maintained as required by the State of California.

11.5. **Professional Liability** coverage shall be maintained to cover damages that may be the result of errors, omissions, or negligent acts of CONSULTANT in an amount not less than $1,000,000 per claim.

11.6. **Endorsements.** CONSULTANT shall obtain endorsements to the automobile and commercial general liability with the following provisions:

11.6.1. The CITY (including its elected officials, officers, employees) shall be named as an additional "insured."

11.6.2. For any claims related to this Agreement, CONSULTANT's coverage shall be primary insurance with respect to the CITY. Any insurance maintained by the CITY shall be excess of the CONSULTANT's insurance and shall not contribute with it.

11.7. **Notice of Cancellation.** CONSULTANT shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the CITY should the policy be canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.

11.8. **Authorized Insurers.** All insurance companies providing coverage to CONSULTANT shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

11.9. **Insurance Certificate.** CONSULTANT shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City Attorney, no later than five (5) days after the execution of this Agreement.

11.10. **Substitute Certificates.** No later than thirty (30) days prior to the policy expiration date of any insurance policy required by this Agreement, CONSULTANT shall provide a substitute certificate of insurance.

11.11. **CONSULTANT's Obligation.** Maintenance of insurance by the CONSULTANT as specified in this Agreement shall in no way be interpreted as relieving the CONSULTANT of any responsibility whatsoever (including indemnity obligations under this Agreement), and the CONSULTANT may carry, at its own expense, such additional insurance as it deems necessary.

12. **ASSIGNMENT AND DELEGATION.** This Agreement and any portion thereof shall not be assigned or transferred, nor shall any of the CONSULTANT's duties be delegated, without the written consent of the CITY. Any attempt to assign or delegate this Agreement without the written consent of the CITY shall be void and of no force and effect. A consent by the CITY to one assignment shall not be deemed to be a consent to any subsequent assignment.

13. NOTICES.

13.1. All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the respective party as follows:

To CITY:
Kuldeep Sharma
City Engineer
Development and Engineering Services
333 Civic Center Plaza
Tracy, CA 95376

To CONSULTANT:
Bob Guletz, Vice President
Harris & Associates
1401 Willow Pass Road
Suite 500
Concord, CA 94520

13.2. Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) three working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

14. MODIFICATIONS. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

15. WAIVERS. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

16. SEVERABILITY. In the event any term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect.

17. JURISDICTION AND VENUE. The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

18. ENTIRE AGREEMENT. This Agreement comprises the entire integrated understanding between the parties concerning the services to be performed for this project. This Agreement supersedes all prior negotiations, representations, or agreements.

19. COMPLIANCE WITH THE LAW. CONSULTANT shall comply with all local, state, and federal laws, whether or not said laws are expressly stated in this Agreement.

20. **STANDARD OF CARE.** Unless otherwise specified in this Agreement, the standard of care applicable to CONSULTANT's services will be the degree of skill and diligence ordinarily used by licensed professionals performing in the same or similar time and locality, and under the same or similar circumstances.

21. **SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the CONSULTANT and the CITY. This Agreement shall inure to the benefit of and be binding upon the parties hereto 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: _____

Approved As To Form:

By: Daniel G. Sodergren
Title: CITY ATTORNEY
Date: _____

CONSULTANT
HARRIS & ASSOCIATES

By: Bob Guletz
Title: Vice President
Date: 8/13/13
Fed. Employer ID No. 94-2385238

By: Gary Wohl
Title: Chief Financial Officer
Date: 8/14/13

EXHIBIT A
MASTER PROFESSIONAL SERVICES AGREEMENT HA 13-01
SCOPE OF SERVICES

SCOPE OF SERVICES. Services for various programs included in this MPSA will include but are not limited to the following development areas within the City and its sphere of influence:

- Plan C Development Area
- South MacArthur Development Area
- North East Industrial Phase I and Phase II
- ISP South
- Gateway
- Presidio
- Infill Development Area
- I-205 Specific Plan
- Citywide Mater Plans for new General Plan Areas
- Cordes Ranch
- Ellis Specific Plan
- Tracy Hills Specific Plan

The City reserves the right to add or delete any of the areas or Specific Plans listed above from the proposed scope of work at any time during the period of this Master Professional Services Agreement.

Work assignments will be issued by negotiated Task Orders, which will specify the scope of services, schedule, duration, staffing, hourly rates, not-to-exceed fee, and other relevant items. Task Orders may be amended in accordance with provisions of the MPSA. The specific scope of services for a Task Order may include, but are not limited to, the following tasks:

- Review and update Development Impact Fees.
- Assist in reconciliation of various funds related to Development Impact Fees.
- Assist in close-out of programs as requested by the City.
- Preparation and/or update of Finance and Implementation Plans for various Specific Plans.
- Coordinate with the infrastructure consultants, and manage, review and recommend City approval of various infrastructure studies/master plans.
- Assist in the formation of Benefit Districts.
- Prepare City Council agenda items and make presentations during City Council meetings.
- Meet with City staff, development community and other consultants to strategize and implement various elements of the programs.
- Prepare cost estimates of various infrastructure projects.

- Assist in calculating and monitoring reimbursements owed to developers for infrastructure construction.
- Assist the City in the annual budget review of the CIP projects.
- Answer questions from developers and prepare fee estimates as needed.

PROJECT PERSONNEL. Consultant shall assign the following personnel to perform the tasks set forth in this agreement. Additional staff may be assigned subject to approval of CITY.

Project Director:	Bob Guletz, PE
Project Manager:	Alison Bouley PE
Deputy Project Manager:	Scott Alman, PE
Engineering Services Support:	Kurt Maire, PE Kyle Carbert, PE
Financial Services Support:	Dennis Anderson Dennis Klingelhofer
Project Analysts:	Anna Tan-Gatue Lisa Thompson

EXHIBIT B
MASTER PROFESSIONAL SERVICES AGREEMENT HA 13-01
BILLING RATE SCHEDULE

Effective January 1 - December 31, 2013

Note: An annual 3% COLA shall be added for calendar years 2014-2016

Hourly Rates of Named "Key Team Members" (2013):

Alison Bouley	Project Manager	$190
Scott Alman	Deputy Project Manager	$190
Kurt Maire	Project Engineer	$130
Dennis Anderson	Financial Engineer	$210
Bob Guletz	Project Director	$225

Hourly Rate Ranges (2013):

Engineering and Municipal Services Groups	Hourly Rate Range
Project Directors	$190-225
Project Managers	$150-210
Project Engineers	$125-195
Technical Support	$75-130
Administration	$65-95

Construction / Project Management Group	Hourly Rate Range
Project Directors	$190-225
Project Managers	$150-210
Construction Managers	$125-200
Resident Engineers	$150-200
Construction Engineers	$110-200
Scheduling Engineers	$110-190
Cost Engineers	$110-190
Inspectors*	$100-160
Technicians	$90-160
Administration	$65-95

Notes: Rates are subject to adjustment due to promotions during the effective period of this schedule. A new rate schedule will become effective January 1, 2014 and on the 1st of January every year thereafter. Hourly rates include most direct costs such as mileage, equipment, computers, communications and reproduction (except large quantities such as construction documents for bidding purposes). Harris reserves the right to convert this rate schedule to a direct- and indirect-costs format during the 2013 calendar year.

*Inspectors working in the State of California are subject to the Prevailing Wage Rates established for that area.

CITY OF TRACY
TASK ORDER NO. 1
"Program Management Services for Tracy's Development Program"
MASTER PROFESSIONAL SERVICES AGREEMENT HA13-01
ON-CALL PROGRAM MANAGEMENT SERVICES

THIS Task Order is made and entered into by and between the CITY OF TRACY, a municipal corporation (hereinafter "CITY"), and HARRIS & ASSOCIATES (hereinafter "CONSULTANT").

RECITALS

A. CONSULTANT services are needed to provide program management services for new development, including coordinating, managing and providing technical assistance, updating existing and completing new finance and implementation plans, assisting with City budget reviews, reimbursement assistance and a variety of other program management services.

B. CONSULTANT is currently providing these services and is familiar with the City's existing infrastructure and finance plans.

C. CITY and CONSULTANT executed MPSA HA13-01 to provide program management services including management of infrastructure master plans and similar services on multiple projects for a period of two years with an optional one year extension on an as needed basis.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **INCORPORATION OF MASTER AGREEMENT.** This Task Order hereby incorporates by reference all terms and conditions set forth in the Master Agreement, MPSA HA13-01, unless specifically modified by this Task Order.

2. **SCOPE OF SERVICES.** Consultant shall perform the services described in Exhibit "A" attached hereto and incorporated herein by reference.

3. **TIME OF PERFORMANCE.** CONSULTANT shall commence performance, and shall complete all required services no later than the dates set forth in Exhibit "A."

4. **COMPENSATION.** For services performed by CONSULTANT in accordance with this Task Order, CITY shall pay CONSULTANT on a time and expense basis, at the billing rates set forth in Exhibit "B," attached hereto and incorporated herein by reference. CONSULTANT's fee for this Task Order is Not to Exceed **$495,000**.

5. **SIGNATURES.** The individuals executing this Task Order represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Task Order on behalf of the respective legal entities of the CONSULTANT and the CITY. This Task Order shall inure to the benefit of and be binding upon the parties hereto 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: _____

Approved As To Form:

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

CONSULTANT
Harris & Associates

By: Robert Guletz
Title: Vice President
Date: _____

Fed. Employer ID No. 94-2385238

By: Gary Wohl
Title: Chief Financial Officer
Date: 8/14/13

EXHIBIT 'A'
of Task Order 1 (MPSA HA13-01)
"Program Management Services for Tracy's Development Program"

SCOPE OF SERVICES

Services included in this Task Order No. 1 will include but are not limited to the following development and Specific Plan areas within the City and its Sphere of Influence:

- Plan C Development Area
- South MacArthur Development Area
- North East Industrial Phase I and Phase II
- ISP South
- Gateway
- Presidio
- Infill
- Ellis
- I-205 Specific Plan

The City reserves the right to add or delete any of the areas or Specific Plans listed above from the scope of work at any time. The services include but are not limited to the following:

- Review and update Development Impact Fees.
- Assist in reconciliation of various funds related to Development Impact Fees.
- Assist in close-out of programs as requested by the City.
- Preparation and/or update of Finance and Implementation Plans for various Specific Plans.
- Coordinate with the infrastructure consultants, and manage, review and recommend City approval of various infrastructure studies/master plans.
- Assist in the formation of Benefit Districts.
- Prepare City Council agenda items and make presentations during City Council meetings.
- Meet with City staff, development community and other consultants to strategize and implement various elements of the programs.
- Prepare cost estimates of various infrastructure projects.
- Assist in calculating and monitoring reimbursements owed to developers for infrastructure construction.
- Assist the City in the annual budget review of the CIP projects.
- Answer questions from developers and prepare fee estimates as needed.

COMPENSATION AND CONDUCT OF THE WORK

CONSULTANT shall provide the scope of services as defined in Exhibit 'A' on a time and materials basis in accordance with the hourly rates in Exhibit B for an estimated 4100 hours, not to exceed the amount of $495,000.

The work will be performed on a time and materials basis at the direction of City staff on an assignment-by-assignment basis until the contract amount has been expended. Not all of the tasks above are expected to be completed under this Task Order and budget.

PROJECT PERSONNEL

The following staff shall be assigned to perform Task Order No. 1. Additional staff may be assigned subject to approval of CITY.

Project Director:	Bob Guletz, P.E.
Project Manager:	Alison Bouley, P.E.
Deputy Project Manager:	Scott Alman, P.E.
Financial Engineer:	Dennis Anderson
Project Engineers:	Kurt Maire, PE
	Kyle Carbert, PE
Project Analysts:	Anna Tan-Gatue
	Lisa Thompson

COST BREAKDOWN

Program	Total Cost
Plan C Development Area	$ 60,000
South MacArthur Development Area	$ 30,000
North East Industrial Phase I	$ 40,000
North East Industrial Phase II	$ 80,000
ISP South	$ 60,000
Gateway	$ 130,000
Presidio	$ 20,000
Infill	$ 40,000
Ellis	$ 20,000
I-205 Specific Plan	$ 15,000
Task Order No. 1 Total:	**$ 495,000**

EXHIBIT B
MASTER PROFESSIONAL SERVICES AGREEMENT HA 13-01
Task Order No. 1
BILLING RATE SCHEDULE

Effective January 1 - December 31, 2013

Note: An annual 3% COLA shall be added for calendar years 2014-2016

Hourly Rates of Named "Key Team Members" (2013):

Alison Bouley	Project Manager	$190
Scott Alman	Deputy Project Manager	$190
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Dennis Anderson	Financial Engineer	$210
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Hourly Rate Ranges (2013):

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Scheduling Engineers	$110-190
Cost Engineers	$110-190
Inspectors*	$100-160
Technicians	$90-160
Administration	$65-95

Notes: Rates are subject to adjustment due to promotions during the effective period of this schedule. A new rate schedule will become effective January 1, 2014 and on the 1st of January every year thereafter. Hourly rates include most direct costs such as mileage, equipment, computers, communications and reproduction (except large quantities such as construction documents for bidding purposes). Harris reserves the right to convert this rate schedule to a direct- and indirect-costs format during the 2013 calendar year.

*Inspectors working in the State of California are subject to the Prevailing Wage Rates established for that area.

RESOLUTION_____

APPROVING A MASTER PROFESSIONAL SERVICES AGREEMENT (MPSA) HA13-01 WITH HARRIS AND ASSOCIATES, APPROVING TASK ORDER NO. 1 TO MPSA HA13-01 FOR PROVIDING PROGRAM MANAGEMENT SERVICES FOR MULTIPLE PROJECTS

WHEREAS, The City has provided program management services either through staff or by use of consultants; and

WHEREAS, Due to workload and staffing constraints in the Engineering Division of the Development Services Department, services of a consultant are needed to continue providing effective program management services; and

WHEREAS, Staff solicited a request for proposals from various consultants and posted it on the City's web site in January 2013; and

WHEREAS, A total of three proposals were received on February 12, 2013; and

WHEREAS, Harris and Associates was found to be the most qualified consultant, and

WHEREAS, The proposed MPSA will be valid for a period of two years from the date of execution of the agreement and can be further extended for a period of one year upon approval of the Development Services Director; and

WHEREAS, Task Order No. 1 will provide services as follows:

Program	**Total Cost**
Plan C Development Area	$ 60,000
South MacArthur Development Area	$ 30,000
North East Industrial Phase I	$ 40,000
North East Industrial Phase II	$ 80,000
ISP South	$ 60,000
Gateway	$ 130,000
Presidio	$ 20,000
Infill	$ 40,000
Ellis	$ 20,000
I-205 Specific Plan	$ 40,000
Task Order No. 1	**$ 495,000**

WHEREAS, Approval of the MPSA will allow approval of additional task orders to Harris and Associates in the event the City needs professional services on projects such as Cordes Ranch and Tracy Hills; and

WHEREAS, The cost of program management services is part of the development impact fees and is paid by the developer;

NOW, THEREFORE, BE IT RESOLVED, That City Council, approves MPSA HA13-01 with Harris and Associates to provide program management services for multiple projects for a period of two years and it may be extended by another year if needed after satisfactory completion of the agreement;

BE IT FURTHER RESOLVED, That City Council hereby approves Task Order No. 1 to MPSA HA13-01 for a not to exceed amount of $495,000, and authorizes the Director of Development Services to extend the agreement for additional services if needed to serve new developments for a not to exceed amount of $150,000.

The foregoing Resolution _____was adopted by the City Council on the 20th day of August 2013, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
Mayor

ATTEST:

_____
City Clerk

August 20, 2013

AGENDA ITEM 1.G

REQUEST

AUTHORIZE AMENDMENT OF THE CITY'S CLASSIFICATION AND COMPENSATION PLANS AND POSITION CONTROL ROSTER BY ESTABLISHING A NEW CLASSIFICATION AND SALARY RANGE FOR BUILDING AND FIRE INSPECTOR I/II; AND REALLOCATE TWO VACANT FIRE INSPECTOR POSITIONS TO BUILDING AND FIRE INSPECTOR I/II IN THE BUILDING SAFETY AND FIRE PREVENTION DIVISION OF THE DEVELOPMENT SERVICES DEPARTMENT

EXECUTIVE SUMMARY

This report recommends establishing a new classification and salary range for Building and Fire Inspector I/II, which combines the duties currently performed by two separate classifications; Building Inspector I//II and Fire Inspector. This consolidation of duties will improve service delivery, organizational effectiveness and operational efficiencies as well as provide some enhanced career opportunities for staff. There is no fiscal impact associated with this request.

DISCUSSION

Periodically, the Human Resources Division receives requests for classification studies and conducts classification reviews as necessary, to allow for changes in areas such as job responsibilities, organizational structure, and service needs.

As part of the City's efforts to provide more efficient and effective customer service delivery systems, the Human Resources Division recommends the establishment of a new classification of Building and Fire Inspector I/II to consolidate duties currently performed separately by Building Inspectors and Fire Inspectors. The new classification can be flexibly staffed and hiring can be done at either the entry/trainee level (Building and Fire Inspector I) or journey level (Building and Fire Inspector II) depending on qualifications.

City Management met with potentially affected City personnel and General Teamsters Local No. 439, IBT representatives to initiate discussions on transitioning Department oversight and merging the classifications. The premise remains the same. Both the Building Inspector and Fire Inspector classifications perform duties in the areas of property inspections, plan review and public education, with one focusing on building codes and regulations, and the other on fire codes and regulations. With the new combined classification, one person certified in both building and fire codes and regulations will perform duties previously performed by two classifications. This is a pragmatic approach to shore up customer service efforts, streamline and shorten service delivery time, and maximize overall service efficiencies. It also provides an opportunity for advancement of personnel skill sets and knowledge base.

It is the City's intent to reallocate vacant positions in the Building Inspector and Fire Inspector classifications in the Building Safety and Fire Prevention Division of the Development Services Department to the new classification and recruit as soon as possible. Current employees in the existing Building Inspector and Fire Inspector classifications have an opportunity to transition to the newly created classification(s) and obtain qualifying certificates until fully qualified to perform both building and fire inspections. Those who do not wish to move to the new classification will remain as currently classified.

Classification Study Findings

Existing Structure

Both Building Inspectors and Fire Inspectors perform inspection duties for properties at various stages of construction, alteration, and repair to ensure compliance with applicable laws, codes, ordinances and regulations; assist in review of plans and specifications, and provide public education resources. The notable difference is that one classification is certified in Building codes and regulations and the other in Fire codes and regulations.

However, in addition to types of duties, the scope of responsibility in terms of nature and variety of assignments; judgment and initiative involved in achieving work objectives; types of problems solved; impact of decision-making; and types and nature of interpersonal contacts by both classifications are all similar.

New Structure

The new recommended classification, Building and Fire Inspector I/II is a flexibly staffed classification with an entry/trainee level and a journey level. Hiring can be done at either level depending on qualifications, and incumbents have the opportunity to work to acquire certifications from the International Code Council so that they are fully qualified as both building and fire inspectors.

Benefits to the City

The City has already combined permit issuance, plans checking and contract sourcing to one location for the benefit of contractors and the general public. The logical next step is to combine building and fire inspection staffing so that there is a single inspector from start to finish on a project; a single source of information and contact providing savings of time and money and more satisfied customers and contractors. Combining the two existing classifications into one makes practical sense in terms of facilitating more efficient and customer friendly City operations by streamlining and shortening service delivery time.

Additionally, the new classification structure provides City employees with pathways and incentives to obtain additional education and skills making them even more valuable

assets to assist the City in achieving organizational effectiveness goals and strengthening customer value. More cities are moving toward this new combination model or are exploring the option to do so.

Classification Study Recommendations

Based on the results of the classification study, Human Resources recommends that the City's Classification and Compensation Plans and the Position Control Roster be amended to incorporate the following adjustments.

Establish Classification Specification and Salary Range: Building and Fire Inspector I/II; Development Services Department, Building Safety and Fire Prevention Division; and reallocate two vacant Fire Inspector positions to Building and Fire Inspector I/II in the Development Services Department, Building Safety and Fire Prevention Division

Staff recommends that the monthly salary range for Building and Fire Inspector I/II be as follows: Building and Fire Inspector I $4,340.00 - $5,275.30 per month
Building and Fire Inspector II $5,542.90 - $6,737.43 per month

STRATEGIC PLAN

This agenda item supports the City's Governance Strategy and Business Plan and specifically implements the following goal and objectives:

Governance Strategy

Goal 1: Further develop an organization that attracts, motivates, develops and retains a high quality, engaged, informed and high-performing workforce.

Objective 1b: Affirm organizational values.

FISCAL IMPACT

Establishment of the classification of Building and Fire Inspector I/II does not impact the General Fund. No additional funding is required since currently budgeted positions in the existing classes of Building Inspector II and Fire Inspector will be reallocated to Building and Fire Inspector I/II as they become vacant.

RECOMMENDATION

That the City Council, by resolution authorize the Administrative Services Director to amend the City's Classification and Compensation Plans and the Position Control Roster by approving the establishment of a classification specification and salary range for Building and Fire Inspector I/II; and reallocating two vacant Fire Inspector positions to

Building and Fire Inspector I/II in the Development Services Department, Building Safety and Fire Prevention Division.

Prepared by: Arlene Roberts, Human Resources Analyst II

Reviewed by: Jenny Haruyama, Administrative Services Director

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

Attachment: Exhibit A: Building and Fire Inspector I/II

EXHIBIT A

City of Tracy

BUILDING AND FIRE SAFETY INSPECTOR I / II

Class Title:	Building and Fire Inspector I/II	Class Code:	
Department:	Development Services		
	Building Safety & Fire Prevention	Bargaining Unit: Teamsters	
EEO Code:	75	Effective Date: August 20, 2013	
FLSA Status:	Non-Exempt	Revision History:	

DESCRIPTION

Under supervision, this non-safety classification performs combined building and fire inspection duties for industrial, commercial, and residential properties at various stages of construction, alteration, and repair to ensure compliance with applicable laws, codes, ordinances and regulations; assists in review of building and fire prevention plans and specifications; and performs other job related duties as assigned.

DISTINGUISHING CHARACTERISTICS

The Building and Fire Inspector I/II is a flexibly staffed entry/journey level class and may be filled at either level depending on qualifications. Building and Fire Inspector II positions are normally filled by advancement from the lower level of Building and Fire Inspector I; or when filled from the outside, require prior building and fire inspection experience and possession of required building and fire inspection certificates. Advancement from Building and Fire Inspector I to Building and Fire Inspector II, is based on satisfactory completion of a probationary period and after all experience, education, proficiency and certificate requirements are met. Incumbents in the Building and Fire Inspector I/II class receive supervision from the Supervising Building and Fire Inspector and/or the Building Official. Building and Fire Inspector I/II incumbents do not normally supervise. However, Building and Fire Inspector II incumbents may exercise functional technical supervision and training over less experienced staff as directed by their supervisor.

BUILDING AND FIRE INSPECTOR I is the entry/trainee level in the Building and Fire Inspector series. Incumbents are expected to initially have experience in an area such as building trades/construction/building inspector or fire inspection/fire prevention, and learn to perform duties in both building and fire inspection. Incumbents are expected to make steady progress in eventually obtaining a total of five certificates as detailed under the Education and Experience Requirements.

BUILDING AND FIRE INSPECTOR II is the journey level performing the full range of moderate to difficult combination building and fire inspection duties including but not limited to infrastructure, building, electrical, plumbing, mechanical, operational permits, and fire prevention, suppression and alarm systems, in a variety of residential, commercial and industrial buildings. Incumbents at this level are expected to possess five certificates at the time of hire, and ultimately to possess a total of seven certificates as detailed under the Education and Experience Requirements.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

The Building and Fire Inspector I performs, or learns to perform, the following duties at trainee/entry level
***The Building and Fire Inspector II performs the following duties at the journey level*:**

Perform combined building/fire inspections of industrial, commercial, and residential buildings, both existing and under construction to ensure compliance with provisions of various codes, ordinances and laws related to fire, building, plumbing, mechanical and electrical operational permits, state mandated inspections, accessibility, special events, development review and business operations

Review documents and plans for buildings and structures to ensure compliance with all applicable fire and building codes, ordinances, laws; Review documents and plans for fire prevention, fire suppression systems and fire notification devices and systems

Issue permits for work to be performed; Confer with architects, engineers, contractors, builders, property owners and others both in the field and office; Explain and interpret fire, building and other code requirements and restrictions

Investigate complaints pertaining to violations of fire and building codes and laws; Research code related issues for clarification; Assist in the code revisions/adoption process and development/revisions of relevant policies and procedures

Assist in investigations related to fire origin and cause

Keep abreast of new developments in building/fire code enforcement and safety provisions; attend educational/informational activities to develop increased skills and proficiency; participate in staff growth activities including training and development of lower level/trainee staff

Represent the Division in various department, civic and community meetings as required; engage in public outreach opportunities

Assist in development and maintenance of educational materials for the general public and staff to increase awareness of construction regulation and fire safety requirements and the benefits of code compliance in order to reduce property loss and ensure life safety benefits; participate in meetings with the public

Coordinate inspection activities with other City departments and divisions and assist in the development of inspection check lists

Conduct, calculate and report fire flow data for the purpose of incorporating the data into specific designs of fire suppression systems, on-site private water hydrant and operating systems; review data, plans and calculations for on-site static water supply and demand

Perform related duties as assigned

MINIMUM QUALIFICATIONS
Applied at the appropriate level as described under Distinguishing Characteristics

Knowledge of**:**
All applicable Federal, State and local codes, ordinances and regulations specific to building inspection, fire inspection, protection and prevention; plan reading and review

Principles, practices, techniques and equipment related to fire inspection, protection, prevention; building inspection and code enforcement operations

Practices, procedures and equipment used in fire investigation, including recognition and collection of evidence

Plan reading and review techniques for construction and fire; permit process and handling of plans and related documents

Research methods and sources of information and reference materials related to building/fire code enforcement

Public presentation techniques and teaching aids; types of informational and educational materials

Ability to:
Conduct comprehensive fire and building inspections; read, understand, interpret and accurately apply and enforce codes and standards related to fire and building inspections; issue corrective action with firmness and tact and keep relevant records; resolve complaints

Read, interpret and understand building and civil drawings and correctly apply codes and standards; review applications, plans and documents for completeness; use a scaled ruler and accurately perform mathematical computations as relates to job duties and functions

Communicate effectively both orally and in writing and maintain effective working relationships with those encountered in the course of carrying out job duties and functions; Conduct oneself in a professional manner

Successfully conduct a fire flow test, including operation and functionality of required apparatus

Prepare or assist in the preparation of informational documents for the public; make presentations, use teaching aids such as power point, slides, projection, illustrations, white board

Manage time effectively; work independently; apply good decision making skills

Successfully use applicable computer programs and applications, radio, phones and other communication devices

EDUCATION AND EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

BUILDING AND FIRE INSPECTOR I

Education:

High School Graduation or GED required. College level courses in fire science, fire prevention, building inspection, construction or related course work are desirable

Experience:

Four years of experience in the building construction field as an inspector, contractor, journey level plumber, electrician, carpenter or related craftsperson or four years of experience in fire prevention, fire service, fire protection installation or fire protection engineer, architect or engineer

CERTIFICATES

Building Inspection and Fire Inspection Certificates

As a condition of continued employment, incumbents in this classification are required to possess within 6 months of hire a Building Inspection Certificate issued by the International Code Council (ICC). This requirement could extend the probationary period of 6 months up to, but not more than a total of 12 months.

- **NOTE:** As a condition of continued employment, incumbents are required to ultimately possess a total of five certificates: Building Inspector, and Fire Inspector I and II, as well as two certificates from among the following: Electrical Inspector, issued by the ICC; Mechanical Inspector and Plumbing Inspector both issued by the International Association of Plumbing and Mechanical Officials (IAPMO); or CASP (Certified Access Specialist Program) issued by the Division of the State Architect. Incumbents will be granted up to 60 months, from date of hire, to secure the five certificates.

LICENSES: Possession of or ability to obtain, and subsequently maintain, an appropriate, valid California Driver License.

EDUCATION AND EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

BUILDING AND FIRE INSPECTOR II

Education:

High School Graduation or GED required. College level courses in fire science, fire prevention, building inspection, construction or related course work are desirable

Experience:

One year successfully performing increasingly difficult work in the Building and Fire Inspector I classification in the City of Tracy conducting inspections for both Fire Prevention and Building Inspection;

OR 3 years Journey Level or above experience in a comparable classification in another jurisdiction performing combined Fire Prevention and Building Inspection duties in commercial structures;

OR three years of Journey level or above experience in a public agency as a Fire Inspector AND three years of Journey level experience or above in a public agency as a Building Inspector for a total of six years' experience.

CERTIFICATES

Building Inspection and Fire Inspection Certificates

At time of hire must possess a minimum of five certificates as follows:

- Building Inspector certification issued by the ICC
- Fire Inspector I certification issued by the ICC
- Fire Inspector II certification issued by the ICC
- Two certificates from among the following: Electrical Inspector issued by the ICC; Mechanical Inspector and Plumbing Inspector issued by the International Association of Plumbing and Mechanical Officials (IAPMO); or CASP (Certified Access Specialist Program) issued by the Division of the State Architect.

NOTE: As a condition of employment, incumbents in this classification are required to possess within 6 months of hire, one additional certification for a total of six certificates. This requirement could extend the probationary period of 6 months up to, but not more than a total of 12 months.

Moreover, as a condition of employment, incumbents are required to ultimately possess a total of seven certificates: Building Inspector, Fire Inspector I and II, Electrical Inspector, Mechanical Inspector, Plumbing Inspector and CASP (Certified Access Specialist Program), all from approved issuing agencies as shown above; an additional 12 months following completion of probation.

LICENSES: Possession of, or ability to obtain, and subsequently maintain, an appropriate, valid California Driver License.

TOOLS AND EQUIPMENT USED

Computers, including word processing and permitting software; distance, sound and light measuring devices; portable radio, phone, ladder or scaffolding; tape measure; vehicles, wrenches/other tools as necessary

PHYSICAL REQUIREMENTS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is often performed outdoors in the inspection of land use developments and construction sites. Hand-eye coordination is necessary to operate computers and various pieces of equipment.

While performing the duties of this job, the employee is frequently required to stand; walk, sometimes on uneven ground; use hands to finger, handle, or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to sit; climb or balance; stoop, kneel, crouch, or crawl; talk, hear, and smell.

The employee must frequently lift and/or move up to 20 pounds and occasionally lift and/or move up to 60 pounds. Specific vision abilities as per DMV requirements.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in difficult outside weather conditions. The employee occasionally works near moving mechanical parts; attic under-floor and confined spaces; and in high, precarious places and is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, risk of electrical shock, and vibration.

The noise level in the work environment is usually quiet to moderate, but occasionally noisy and loud at outside locations. Occasionally the employee must work in extreme temperatures below 32 and above 110 degrees F.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the City of Tracy and employee and is subject to change by the City as the needs of the City and requirements of the job change.

RESOLUTION _____

AUTHORIZING AMENDMENT OF THE CITY'S CLASSIFICATION AND COMPENSATION PLANS AND POSITION CONTROL ROSTER BY APPROVING THE ESTABLISHMENT OF A CLASSIFICATION SPECIFICATION AND SALARY RANGE FOR BUILDING AND FIRE INSPECTOR I/II; AND APPROVING THE REALLOCATION OF TWO VACANT FIRE INSPECTOR POSITIONS TO BUILDING AND FIRE INSPECTOR I/II WITHIN THE BUILDING SAFETY AND FIRE PREVENTION DIVISION OF THE DEVELOPMENT SERVICES DEPARTMENT

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

WHEREAS, The City has completed classification reviews and determined for organizational efficiency purposes, to establish a new classification specification of Building and Fire Inspector I/II

WHEREAS, It is necessary to amend the City's Classification and Compensation Plans and the Position Control Roster as follows:

1. Establish a new classification and Salary Range for Building and Fire Inspector I/II as described in Exhibit A;

    a. Salary Range: Building and Fire Inspector I $4,340.00 - $5,275.30 per month
    b. Salary Range: Building and Fire Inspector II $5,542.90 - $6,737.43 per month

2. Reallocate two vacant Fire Inspector positions to Building and Fire Inspector I/II in Development Services Department, Building Safety and Fire Prevention Division

NOW, THEREFORE, BE IT RESOLVED, That the City Council authorizes the Administrative Services Director to amend the City's Classification Plan for the established classification; and

BE IT FURTHER RESOLVED, That the Budget Officer is authorized to amend the Compensation Plan and the Position Control Roster to reflect the approved changes.

* *

The foregoing Resolution _____ was adopted by the Tracy City Council on the 20th day of August, 2013 by the following votes:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
Mayor

ATTEST:

_____
City Clerk

August 20, 2013

AGENDA ITEM 1.H

REQUEST

AUTHORIZE AN AMENDMENT OF THE CITY'S CLASSIFICATION AND COMPENSATION PLANS AND POSITION CONTROL ROSTER BY APPROVING THE ESTABLISHMENT OF A NEW LIMITED SERVICES CLASSIFICATION SPECIFICATION AND SALARY RANGE FOR FACILITY ATTENDANT; RECLASSIFY FIVE (5) INCUMBENT RECREATION LEADER II EMPLOYEES TO THE FACILITY ATTENDANT CLASSIFICATION IN THE COMMUNITY FACILITIES DIVISION OF THE PUBLIC WORKS DEPARTMENT; AND AUTHORIZE A FY 13/14 SUPPLEMENTAL BUDGET APPROPRIATION

EXECUTIVE SUMMARY

Staff recommends establishment of a limited services classification of Facility Attendant as part of achieving organizational efficiency goals and objectives to meet service needs and reclassification of incumbents to Facility Attendant. The proposed reclassification will require a supplemental appropriation of approximately $4,200.

DISCUSSION

Periodically, the Human Resources Division conducts classification reviews as necessary to allow for changes in job responsibilities, organizational structures, and/or service needs.

There are times when it is necessary for part-time temporary employees to fill service needs in the City. A number of limited services classifications already exist for that purpose. The existing limited services Recreation Leader II classification is designed for part-time temporary employees who lead and conduct activities and programs at various City facilities. The Recreation Leader II classification has been used to fill positions where duties are focused on the oversight of the use of City facilities and not on planning or leading the programs and activities occurring at facilities. The classification has also been used because no other appropriate job classification was available.

However, with the evolution of the duties governing facilities oversight and increasing demand for use of/access to City facilities, there needs to be an associated increase in City staffing and resources to meet the demand. Based on a review of the Recreation Leader II classification, it is clear that this classification is not appropriate for the different duties, knowledge, skills and abilities required for positions responsible for oversight of City facilities. As such the new classification is recommended to capture duties and responsibilities that are position-focused and more accurate.

This report recommends establishing a job classification and salary range for the new position of Facility Attendant.

Establish Classification Specification and Salary Range: Facility Attendant, Community Facilities Division of the Public Works Department.

The Human Resources Division recommends approval of the job classification of Facility Attendant. The position is a limited service classification within the Community Facilities Division of the Public Works Department. The Facility Attendant assists the public, renters, sports organizations and other groups who use City facilities; understands and follows City policies related to the use of City facilities, maintains good customer relations, and responds appropriately to unexpected situations that may arise.

The Facility Attendant is supervised by management in the Community Facilities Division and is paid on an hourly basis. The hourly rate for the Facility Attendant is established at $13.32 to $16.19. This pay range is midway between the Recreation Leader II and Recreation Leader III.

Classification Study Findings

The existing Recreation Leader II classification is designed for use by employees who primarily lead and conduct recreation programs and community events, assist staff in planning programs and events, prepare program materials, and work with program supplies and materials.

However, as job responsibilities and service needs have evolved, the Recreation Leader II classification is also used for employees who do not conduct and work with recreation programs and community events, but instead perform duties related to the oversight of the City's recreation facilities and assisting facility users. The difference in job duties requires different qualifications, knowledge, skill and abilities and therefore a different recruitment and hiring focus. Therefore, the Recreation Leader II classification is not appropriate for employees performing job duties related to facility oversight. Because no appropriate job classification currently exists, a new classification of Facility Attendant will meet the Public Works Department's need for an accurate job description.

Classification Study Recommendations

Based on the results of the classification study, staff recommends that the City's Classification and Compensation Plans and the Position Control Roster be amended to incorporate the following adjustments:

- Establish a new limited services class specification for Facility Attendant
- Establish a pay range of $13.32 to $16.19 per hour
- Reclassify and reallocate existing, applicable Recreation Leader II positions to Facility Attendant in the Community Facilities Division of the Public Works Department per Personnel Rule 8.10.
- It is anticipated that approximately five (5) positions will be reclassified and reallocated.

STRATEGIC PLAN

This agenda item supports the City's Governance Strategy and Business Plan, and specifically implements the following goals and objectives:

Governance Strategy

Goal 1: Further develop an organization to attract, motivate, develop and retain a high quality, engaged, high-performing and informed workforce.

Objective 1b: Affirm organizational values.

FISCAL IMPACT

The proposed reclassification of five (5) Recreation Leader II positions to the newly created Facility Attendant classification will require a FY 13/14 General Fund supplemental budget appropriation in the amount of $4,200. It is anticipated that the reclassification will become effective January 1, 2014. The estimated, ongoing annual cost to the General Fund for FY 14/15 and beyond is $8,400.

RECOMMENDATION

That the City Council, by resolution authorizes the Administrative Services Director to amend the City's Classification and Compensation Plans and the Position Control Roster to establish a Limited Services class specification and salary range for Facility Attendant; reclassify five (5) incumbents to Facility Attendant within the Community Facilities Division of the Public Works Department; and authorize a FY 13/14 supplemental appropriation in the amount of $4,200.

Prepared by: Arlene Roberts, Human Resources Analyst II

Reviewed by: Jenny Haruyama, Administrative Services Director

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

Attachment: A - Facility Attendant (Temporary/Limited Services) Job Description

ATTACHMENT A

City of Tracy

FACILITY ATTENDANT
(Temporary/Limited Service)

Class Title:	Facility Attendant	Class Code:	
Department:	Public Works, Community Facilities Division	Bargaining Unit:	Limited Services Employee (LSE)
EEO Code:	73		
FLSA Status:	Non-Exempt	Effective Date:	8/20/13

DESCRIPTION

Under general supervision, the Facility Attendant provides support for the use and rental of City facilities, buildings, and parks; provides information and assistance to users and renters; ensures user compliance with policies, regulations and laws pertaining to facility use, safety and acceptable activities; performs other duties as assigned.

DISTINGUISHING CHARACTERISTICS

The Facility Attendant works with and assists the public, renters, sports organizations and other groups who use City facilities. Working independently, the Facility Attendant must be able to make sound and well thought-out decisions, solve problems, understand and follow City policies relating to the use of City facilities, effectively assist and communicate appropriately with facility users, maintain good customer relations, and respond appropriately to unexpected situations that may arise.

The Facility Attendant is distinguished from the Recreation Leader II in that the latter conducts recreation programs and community events, assists staff in planning programs and sets up facilities for specific programs and events.

Supervision is received from management in the Community Facilities Division of the Public Works Department. The Facility Attendant does not supervise but may assist in training other temporary employees.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

Duties may include, but are not limited to, the following:

Meet and greet facility users at various sites

Perform facility check-in or check-out as needed

Follow established facility use guidelines, policies and procedures

Provide assistance and information to park and facility users

Inform facility users of City laws, policies and procedures pertaining to facility use and safety, and ensure that users are in compliance

Prepare sports fields for games and tournaments: set up bases, drag and water fields, clean dugouts, turn off/ on lights.

Monitor rosters during baseball games and tournaments

Monitor dugouts at Tracy Sports Complex for prohibited alcohol use, outside food and littering

Perform minor clean-up or repairs as needed

Perform inspections of facilities to ensure safety and cleanliness

Attend staff meetings and training as needed

May assist in training other staff

Perform other duties as assigned

MINIMUM QUALIFICATIONS

Knowledge of:

Successful methods for providing positive customer service

Effective customer communication techniques

Methods for conflict resolution

Applicable City laws, rules and regulations

Safety and cleanliness standards

Ability to:

Effectively communicate verbally with the public and facility users

Successfully carry out written and oral instructions

Work independently to carry out duties

Mediate disputes between individuals

Prioritize and track work assignments

Operate a motorized vehicle

Perform unskilled maintenance tasks such as clean up and minor repairs

Take immediate action in emergency situations

Exercise good judgment

Maintain a professional demeanor as a representative of the City

Establish and maintain effective working relationships within the department and the community

EDUCATION AND EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

A high school diploma or GED. Training or coursework that would provide the necessary knowledge for a successful Facility Attendant are desirable

Experience:

Equivalent to one year experience either paid or volunteer as a facility monitor, attendant or manager; in the hospitality industry; recreation field; or other similar positions which require close interaction with the public and would provide relevant experience necessary for successful performance as a Facility Attendant

SPECIAL REQUIREMENTS

This job requires working variable hours from five (5) to thirty (30) hours per week. Most hours worked are evenings and weekends

In accordance with Education Code 10911.5, employees having direct contact with minors must be fingerprinted. Applicants selected must pass a physical exam, which includes drug screening and TB testing, fingerprint background check.

Certification in First Aid/CPR

Must be at least 18 years of age

LICENSES AND CERTIFICATES

Possession of, or ability to obtain, by the date of hire, a valid California Class C driver's license.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The employee is frequently required to stand and talk or hear; navigate open turf, non-landscaped areas and/or uneven terrain; and lift objects up to 25 pounds

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of the job, the employee will regularly be called upon to perform the functions of the position in outside weather conditions. Such conditions could expose the employee to extreme hot and cold temperatures, humid or wet conditions. The employee may also be exposed to dust, dirt, mud fumes or airborne particles, toxic or caustic chemicals and the risk of electric shock.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

This job description does not constitute an employment agreement between the City of Tracy and employee and is subject to change by the City as the needs of the City and requirements of the job change.

RESOLUTION _____

AUTHORIZING AMENDMENT OF THE CITY'S CLASSIFICATION AND COMPENSATION PLANS AND POSITION CONTROL ROSTER BY APPROVING THE ESTABLISHMENT OF A NEW LIMITED SERVICES CLASSIFICATION SPECIFICATION AND SALARY RANGE FOR FACILITY ATTENDANT; RECLASSIFYING FIVE (5) INCUMBENT RECREATION LEADER II EMPLOYEES TO THE FACILITY ATTENDANT CLASSIFICATION IN THE COMMUNITY FACILITIES DIVISION OF THE PUBLIC WORKS DEPARTMENT; AND AUTHORIZING A F/Y 13/14 SUPPLEMENTAL BUDGET APPROPRIATION

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

WHEREAS, The City has completed a classification review and determined it is in the best interest and efficiency of the Public Works Department to establish a new Facility Attendant classification and salary range and reclassify incumbents to Facility Attendant to further the organizational effectiveness goals of the City;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. City Council authorizes the Administrative Services Director to amend the City's Classification and Compensation Plans and the Position Control Roster as follows:

    a. Establish Limited Services Classification: Facility Attendant in the Community Facilities Division of the Public Works Department at a Salary Range of $13.32 to $16.19 per hour.
    b. Reclassify incumbents to Facility Attendant in the Community Facilities Division of the Public Works Department.

2. The Budget Officer is authorized to amend the Position Control Roster, reclassify incumbents to reflect the amendments set forth above, and authorize a FY13/14 supplemental budget appropriation, effective January 1, 2014.

* *

The foregoing Resolution _____ was adopted by the Tracy City Council on the 20th day of August, 2013 by the following votes:

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

_____
Mayor

ATTEST:

_____
City Clerk

August 20, 2013

AGENDA ITEM 1.I

REQUEST

THE CITY COUNCIL OF THE CITY OF TRACY ACTING AS THE GOVERNING BODY OF THE SUCCESSOR AGENCY FOR THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF TRACY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS)

DISCUSSION

Effective February 1, 2012, the State of California dissolved redevelopment agencies through the passage of ABX1 26 and replaced them with successor agencies. The City of Tracy City Council elected to serve as the successor agency for the former City of Tracy Community Development Agency (CDA). The City Council previously approved an Enforceable Obligation Payment Schedule (EOPS) which listed various financial obligations of the City's former CDA. The law now requires that successor agencies adopt a Recognized Obligation Payment Schedule (ROPS) listing all enforceable obligations proposed for payment. Attached is ROPS 13-14B for the period January 1, 2014 thru June 30, 2014.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no fiscal impact to the City's General Fund. Recognized obligations are paid from property tax revenue that previously was allocated to the Tracy Community Development Agency.

RECOMMENDATION

It is recommended the City Council adopt the attached resolution approving the Recognized Obligation Payments Schedule of the former Tracy Community Development Agency for the period January 1, 2014 through June 30, 2014.

Prepared by: Robert Harmon, Senior Accountant
Reviewed by: Jenny Haruyama, Finance and Administrative Services Director
Approved by: R. Leon Churchill, Jr., City Manager
Attachments: Attachment A

Attachment A

TRACY (SAN JOAQUIN)
RECOGNIZED PAYMENT OBLIGATION SCHEDULE (ROPS 13-14B)
January 1, 2014 through June 30, 2014

Item #	Project Name/Debt Obligation	Contract/ Agreement Execution Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2013-14	Funding Source					
								Bond Proceeds	Reserve Balance	Admin Allowance	RPTTF	Other	Six-Month Total
						$86,774,084	$4,374,287	$0	$0	$125,000	$2,518,144	$0	$2,643,144
1	2003 Tax Allocation Bonds A	12/1/2003	BNY Mellon	Debt Principal Thru 2034	1	28,580,000	850,000	0	0	0	850,000	0	850,000
2	2003 Tax Allocation Bonds A	12/1/2003	BNY Mellon	Debt Interest Thru 2034	1	16,831,809	1,345,044	0	0	0	672,522	0	672,522
3	2003 Tax Allocation Bonds B	12/1/2003	BNY Mellon	Debt Principal Thru 2034	1	17,695,000	450,000	0	0	0	450,000	0	450,000
4	2003 Tax Allocation Bonds B	12/1/2003	BNY Mellon	Debt Interest Thru 2034	1	13,005,275	1,067,243	0	0	0	533,622	0	533,622
5	2008 Lease Revenue Bonds	12/16/2008	City of Tracy	Agency Share of Cit Debt Thru 2038	1	10,400,000	400,000	0	0	0	0	0	0
6	Successor Agency Admin Costs	7/1/2013	City of Tracy	Successor Agency Administration	1	250,000	250,000	0	0	125,000	0	0	125,000
7	2003 Tax Alloc. Bonds A & B	12/1/2003	BNY Mellon	Payee and Trustee Expenses	1	12,000	12,000	0	0	0	12,000	0	12,000

DRAFT
Not Official Form

RESOLUTION _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRACY, ACTING AS THE GOVERNING BOARD OF THE SUCCESSOR AGENCY FOR THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF TRACY, APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE

WHEREAS, The California state legislature enacted Assembly Bill x1 26 (the "Dissolution Act") to dissolve redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.); and

WHEREAS, On January 19, 2012 and pursuant to Health and Safety Code Section 34173, the City Council of the City of Tracy (the "City Council") declared that the City of Tracy, a municipal corporation (the "City"), would act as successor agency (the "Successor Agency") for the dissolved Community Development Agency of the City of Tracy (the "Former CDA") effective February 1, 2012; and

WHEREAS, On February 1, 2012, the Former CDA was dissolved pursuant to Health and Safety Code Section 34172; and

WHEREAS, The Dissolution Act provides for the appointment of an oversight board (the "Oversight Board") with specific duties to approve certain Successor Agency actions pursuant to Health and Safety Code Section 34180 and to direct the Successor Agency in certain other actions pursuant to Health and Safety Code Section 34181; and

WHEREAS, Health and Safety Code Section 34177(l)(2)(A) requires the Successor Agency to prepare a draft recognized obligation payment schedule (the "ROPS") and make associated notifications and distributions;

NOW, THEREFORE, BE IT RESOLVED, That City Council, acting as the Governing Board of the Successor Agency, hereby authorizes and directs the City Manager or the City Manager's designee, acting on behalf of the Successor Agency, to organize and call the meetings of the Oversight Board to facilitate the Oversight Board's approval of the ROPS.

BE IT FURTHER RESOLVED, That City Council, acting as the Governing Board of the Successor Agency, hereby approves the ROPS which contains the Successor Agency Administrative Cost Estimates.

BE IT FURTHER RESOLVED, That City Council, acting as the Governing Board of the Successor Agency, hereby authorizes and directs the City Manager or the City Manager's designee, acting on behalf of the Successor Agency, to file, post, mail or otherwise deliver via electronic mail, internet posting, and/or hardcopy, all notices and transmittals necessary or convenient in connection with approval of the ROPS, and other actions taken pursuant to this Resolution.

BE IT FURTHER RESOLVED, That this Resolution shall take immediate effect upon adoption.

ADOPTED August 20, 2013, by the City Council of the City of Tracy, acting in its capacity as the Successor Agency of the Redevelopment Agency of the City of Tracy, by the following vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Chair

ATTEST:

_____
Successor Agency Secretary
APPROVED AS TO FORM:

_____
Successor Agency Counsel

August 20, 2013

AGENDA ITEM 1.J

REQUEST

AUTHORIZE THE PURCHASE OF FOUR CHEVROLET CAPRICE PPV SEDANS FROM WONDRIES FLEET SALES OF ALHAMBRA, CALIFORNIA

EXECUTIVE SUMMARY

As part of the FY 2013/14 operating budget, funds were appropriated to replace and up fit four existing police patrol vehicles that exceeded their life expectancy. The patrol vehicles will be replaced with a new make and model using Chevrolet Caprice Police Patrol Vehicles (PPVs) for a cost of approximately $128,247.

DISCUSSION

The FY 2013/14 operating budget designated approximately $164,000 to replace four Crown Victoria Police Interceptor police patrol vehicles. However, because Ford Motor Company halted production of the Interceptor patrol vehicle, the Police Department will replace part of its fleet with a new make and model using Chevrolet Caprice Police Patrol Vehicles (PPVs). After researching several other vehicle manufacturers and model options, the Chevrolet Caprice PPV was found to be the best product available to meet the Department's public safety needs.

The City will purchase the four police patrol vehicles from Wondries Fleet Group, dba National Auto Fleet Group (NAFG) through the National Joint Powers Alliance, contract number 102811-NAF. The National Joint Powers Alliance® (NJPA) is a municipal contracting government agency that serves education and government agencies nationally through competitively bid and awarded contract purchasing solutions. The City of Tracy is an established customer with the Alliance (customer number 18531) and is authorized to make purchases using cooperative purchasing agreements via Tracy Municipal Code section 2.20.220.

The purchase price of the replacement vehicles is approximately $128,247.

STRATEGIC PLAN

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

FISCAL IMPACT

The replacement of the four police patrol vehicles will not impact the General Fund. Approximately $164,000 was appropriated as part of the FY 2013/14 operating budget. The Wondries Fleet Sales bid was $128,247, allowing the remainder of $35,753 to be used for up fitting costs.

RECOMMENDATION

Staff recommends that City Council approve, by resolution, the purchase of four Chevrolet Caprice PPVs from Wondries Fleet Sales in the amount of $128,247 from the approved FY 2013/14 vehicle replacement budget.

Prepared by: David Sant, Police Lieutenant

Reviewed by: Jeremy Watney, Acting Chief of Police

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

RESOLUTION _____

AUTHORIZING AWARD OF THE PURCHASE OF FOUR CHEVROLET CAPRICE POLICE PATROL VEHICLES TO WONDRIES FLEET SALES OF ALHAMBRA, CALIFORNIA

WHEREAS, The procurement of four replacement police vehicles including the purchase and outfitting of all four vehicles with associated emergency equipment has been budgeted in the 2013-14 fiscal year vehicle replacement budget, and

WHEREAS, As of March 2011, Ford Motor Company has halted production of the Crown Victoria Police Interceptor, and

WHEREAS, Wondries Fleet Group is able to acquire the Chevrolet Caprice Police Patrol Vehicle, and

WHEREAS, These vehicles are available to purchase under the National Joint Powers Alliance Contract #102811-NAF (expires 2016);

NOW, THEREFORE, BE IT RESOLVED, That City Council does hereby authorize the purchase of four Chevrolet Caprice Police Patrol Vehicles from Wondries Fleet Sales in the amount of $128,247 as authorized in account number 606-59310-682-E1089.

****

The foregoing Resolution _____ is hereby passed and adopted by the Tracy City Council this 20th day of August, 2013, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

_____
MAYOR

ATTEST:

_____
CITY CLERK

August 20, 2013

AGENDA ITEM 1.K

REQUEST

ACCEPT A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY AND APPROPRIATE $69,731 OF REIMBURSEABLE FUNDS FROM THE GENERAL FUND TO THE POLICE DEPARTMENT'S FISCAL YEAR 2013-14 BUDGET FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT

EXECUTIVE SUMMARY

The City of Tracy has been awarded $69,731 from the Office of Traffic Safety (OTS) for the Selective Traffic Enforcement Program (STEP) to reduce the number of persons killed and injured in crashes involving alcohol, speed, red light running, and other primary collision factors. The grant is 100% reimbursable and requires no matching of City funds. The grant will require an upfront appropriation of $69,731 which will be reimbursed as it is expensed.

DISCUSSION

The funded strategies may include: DUI saturation patrols to apprehend drunk drivers; concentrate on speed, aggressive driving, seatbelt enforcement, intersection operations, and special enforcement operations encouraging motorcycle safety, warrant service operations targeting multiple DUI offenders who violate probation terms or fail to appear in court, and distracted driving enforcement operations.

The budget will consist of personnel overtime costs, travel for training, and equipment.

EXPENSES	BUDGET
Personnel Overtime	
Traffic Enforcement	$18,136.83
Saturation Patrols	$18,136.83
Motorcycle Enforcement	$1,787.49
Warrant Service	$5,900.20
Distracted Driving	$11,800.75
Subtotal Personnel Overtime	$55,762.10
Travel/Training	
In-State	$2,523.17
Out-of-State	$2,000.00
Subtotal Travel/Training	$4,523.17
Other Direct Costs	
Lidar Device	$2,495.72
Educational Materials	$3,050.00
Radar Device	$3,900.00
Subtotal Other Direct Costs	$9,445.72
TOTAL	**$69,731**

STRATEGIC PLAN

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

FISCAL IMPACT

Receiving the grant will require an initial appropriation to the police department in the amount of $69,731. The OTS grant is 100% reimbursable with no matching requirement of the City. Reimbursement is requested as funds are expended.

The grant funds cover all costs related to administering the grant objectives including purchases of supplies, printing of educational materials, training and travel expenses and overtime costs of personnel.

RECOMMENDATION

That the City Council, by resolution, authorize acceptance of the grant and the appropriation of $69,731 of reimbursable funds from the general fund to the police department's Fiscal Year 2013-14 budget for the Selective Traffic Enforcement Program (STEP) Grant.

Prepared by: Lani Smith, Division Manager

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

Approved by: Leon Churchill, Jr., City Manager

RESOLUTION _____

AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE OFFICE OF TRAFFIC SAFETY AND THE APPROPRIATION OF $69,731 OF REIMBURSEABLE FUNDS FROM THE GENERAL FUND TO THE POLICE DEPARTMENT'S FISCAL YEAR 2013-2014 BUDGET FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT

WHEREAS, The California Office of Traffic Safety has awarded the City of Tracy with the Selective Traffic Enforcement Program (STEP) Grant to reduce the number of persons killed and injured in crashes involving alcohol, speed, red light running, and other primary collisions factors, and

WHEREAS, The City of Tracy was awarded $69,731 of reimbursable funds, and

WHEREAS, The Tracy Police Department intends to use the appropriation to purchase equipment, provide training and overtime costs of personnel;

NOW THEREFORE BE IT RESOLVED, That City Council hereby authorizes the appropriation of $69,731 from the California Office of Traffic Safety to reduce the number of major injury collisions through public awareness of traffic safety and increasing traffic related enforcement.

* * * * * * * *

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

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
Mayor

ATTEST:

_____
City Clerk

August 20, 2013

AGENDA ITEM 1.L

REQUEST

ACCEPT A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY AND APPROPRIATE $39,118 OF REIMBURSEABLE FUNDS FROM THE GENERAL FUND TO THE POLICE DEPARTMENT'S FISCAL YEAR 2013-14 BUDGET FOR THE SOBRIETY CHECKPOINT GRANT PROGRAM AND AUTHORIZE THE POLICE CHIEF TO EXECUTE THE GRANT AGREEMENT

EXECUTIVE SUMMARY

The City of Tracy has been awarded $39,118 from the Office of Traffic Safety (OTS) for the Sobriety Checkpoint Grant Program to reduce the number of persons killed and injured in crashes involving alcohol. The grant is 100% reimbursable and requires no matching of City funds. The grant will require an upfront appropriation of $39,118 which will be reimbursed as it is expensed.

DISCUSSION

The approval is for the operation of four checkpoints in Tracy in the period, October 1, 2013 to September 30, 2014. The grant funding reimburses for the actual overtime cost for checkpoint operations and approved checkpoint supplies. The checkpoint supplies include items such as traffic cones, signage, safety vests, PAS device, lighting device, portable generator, portable heaters, and fatigue mats. The total reimbursement will not exceed the award amount.

The budget will consist of personnel costs and equipment.

EXPENSES	**BUDGET**
Personnel Overtime (4 checkpoints)	**$28,180**
Checkpoint Supplies	**$10,938**
TOTAL	**$39,118**

STRATEGIC PLAN

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

FISCAL IMPACT

Receiving the grant will require an initial appropriation to the Police Department in the amount of $39,811. The OTS grant is 100% reimbursable with no matching requirement of the City. Reimbursement is requested as funds are expended.

The grant funds cover all costs related to administering the grant objectives including purchases of supplies, printing of signage, and overtime costs of personnel.

RECOMMENDATION

That the City Council, by resolution, authorizes the acceptance of the grant and the appropriation of $39,118 of reimbursable funds from the general fund to the police department's Fiscal Year 2013-14 budget for the Sobriety Checkpoint Grant Program and authorizes the Police Chief to execute the Grant Agreement.

Prepared by: Lani Smith, Division Manager

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

Approved by: Leon Churchill, Jr., City Manager

RESOLUTION _____

AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE OFFICE OF TRAFFIC SAFETY AND THE APPROPRIATION OF $39,118 OF REIMBURSEABLE FUNDS FROM THE GENERAL FUND TO THE POLICE DEPARTMENT'S FISCAL YEAR 2013-2014 BUDGET FOR THE SOBRIETY CHECKPOINT GRANT PROGRAM AND AUTHORIZE THE POLICE CHIEF TO EXECUTE THE GRANT AGREEMENT

WHEREAS, The California Office of Traffic Safety has awarded the City of Tracy with the Sobriety Check Point Grant to reduce the number of persons killed and injured in crashes involving alcohol as the primary collisions factor, and

WHEREAS, The City of Tracy was awarded $39,118 of reimbursable funds, and

WHEREAS, The Tracy Police Department intends to use the appropriation to purchase equipment and overtime costs of personnel.

NOW THEREFORE BE IT RESOLVED, That City Council hereby authorizes the appropriation of $39,118 from the California Office of Traffic Safety to reduce the number of major injury collisions through public awareness of traffic safety and increasing traffic related enforcement and authorizes the Police Chief to execute the Grant Agreement.

* * * * * * * *

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

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
Mayor

ATTEST:

_____
City Clerk

August 20, 2013

AGENDA ITEM 3

REQUEST

PUBLIC HEARING TO FORGO STANDARD PROCUREMENT PROCESSES TO CONTRACT WITH PG&E FOR LED STREET LIGHT RETROFIT PROGRAM; CONSIDER APPROVAL OF PG&E STREET LIGHT AGREEMENT, SUBMITTAL OF THE ON-BILL FINANCIAL SUPPLEMENT AND CUSTOMIZED RETROFIT INCENTIVE APPLICATION FOR STREET LIGHT RETROFIT PROGRAM AND AUTHORIZE THE MAYOR TO EXECUTE ANY ASSOCIATED AGREEMENTS AND APPLICATIONS

EXECUTIVE SUMMARY

The City owns and maintains 4,602 street lights which are primarily high pressure sodium fixtures. Light Emitting Diode (LED) fixtures are now readily available and tested, and take considerably less energy. The City has an opportunity to collaborate with PG&E, to accomplish a partial change out of overhead street lights to lower energy-use fixtures, and realize an annual cost savings through lower per-fixture electricity rates. The work would be accomplished by obtaining a zero-interest loan through the PG&E On-Bill Financing (OBF) Program and PG&E would complete the change out through a licensed installation contractor. The City would reimburse PG&E for its work from the loan proceeds, and the annual cost savings would then be used to repay the loan. Savings would then be realized in future years after the loan is repaid.

DISCUSSION

Light Emitting Diode (LED) Technology – Street Lights

In early deployments, LED street light technology was met with varying degrees of community acceptance. This technology has been continuously tested and improved over time and has entered the mainstream as the best overall economic solution for community lighting. As evidence of the viability of LED technology for outdoor area lighting, the City of Los Angeles is well on their way to replacing over 100,000 street lights and 50+ communities in the PG&E service area have successfully installed LED street lights over the past 4 years. LED street lights last longer than traditional high pressure sodium (HPS) lighting currently installed throughout the City. The LED light increases clarity and color distinction for the viewer. The LED light head has the ability to direct light down as opposed to the HPS fixtures that allow light to spill all around the head. LED technology reduces energy consumption thereby reducing energy costs. LED street lights will require less maintenance/replacement over time and will reduce the level of light pollution currently generated by City street lights.

City staff has recently installed LED lighting during the road widening project on Corral Hollow Road; North of Grant Line Road to the West Valley Mall entrance.

LED lighting provides a number of benefits to the community. The lighting consumes less energy than traditional lighting, which costs less, supporting Council's commitment

to increased operational efficiencies. LED lighting can be better directed, reducing light pollution, contains no mercury and lasts three to five times longer than the existing HPS.

Conversion to LED Street Lights

The City spends approximately $550,000 each year on electricity for 4,602 street lights throughout the City. The lighting system includes a variety of light fixtures, but the majority are high pressure sodium (HPS), which have been the standard for many years. Converting approximately 400 lights of the overall system to Light Emitting Diode (LED) technology will cost the City approximately $250,000 and reduce the City's electric bill by about one-half for those converted (see Attachment 1, PG&E Project Preliminary Proposal).

PG&E has met with City representatives and conducted an inventory of the street light system. Working together, the inventory was refined and finalized. This has allowed PG&E to provide a highly accurate assessment of the City's potential energy savings.

The general locations of the approximate 400 lights that are proposed to be replaced are shown in Attachment 2 (Proposed LED Installation Map). These lights were chosen because they are 200 Watt or higher which allows the most energy cost savings per location and are concentrated in industrial areas and on major arterials such as Grant Line Road, MacArthur Drive, Schulte Road, and Eleventh Street.

PG&E On Bill Financing Program

The On-Bill Financing (OBF), allows government agencies to make facility improvements without large outlays of cash. PG&E will finance the project, and the City will pay the loan – interest-free – through monthly utility bills.

OBF is available to fund many technologies, including lighting, refrigeration, HVAC, and LED street lights. Loan funds must be used to purchase and install qualifying energy-efficient equipment. Loan terms and monthly payment amounts are determined based on your estimated monthly savings from the new products. Government agencies may qualify for loans between $5,000 and $250,000, with loan periods of up to 120 months.

PG&E Street Light Replacement Turnkey Program

The PG&E turnkey program allows for a streamlined solution to implementing energy conservation projects. The goal of the program is to implement energy saving projects at facilities and use the money saved from reduced energy consumption and operational maintenance costs to pay the debt service for the design and construction of the project. The program has the flexibility to allow participants to finance the entire project by this method or to pay for part of it out of existing funds and finance the remainder. The program does not provide for the addition of new fixtures, poles or electrical infrastructure.

The program is divided into phases as shown below. The City would be responsible to apply for, and obtain the loan. There is no direct cost, only staff time required to do this.

PG&E will provide necessary documents to support the loan application; will prepare the paperwork to convert the applicable fixtures to a new billing rate, and process PG&E rebates which are currently estimated at $53,500 for this project. The rebate funding will be applied to the purchase of the fixtures to reduce the overall project cost to approximately $250,000 in line with OBF limits. PG&E handles all project construction tasks, including obtaining low bid contractors, obtaining and disposing of fixtures, construction oversight, and warranty of the work. The work is anticipated to take about four months from start to finish, based on PG&E's experience with past projects.

Schedule

The following is the tentative schedule for the project and has been reviewed by PG&E:

PG&E prepares streetlight replacement preliminary bid.	Completed
PG&E completes customer credit check to verify eligibility.	Completed
Council holds public hearing; considers approval of submitting PG&E Products and Services Agreement (Attachment 3); OBF Supplement (Attachment 4); and Customized Retrofit Incentive Application to PG&E.	08-20-13
Staff submits application materials to PG&E Account Rep and proposed lights to be changed.	08/13
PG&E verifies customer and project eligibility.	09/13
PG&E inspects existing equipment and estimates energy savings from proposed retrofit.	09/13
PG&E determines loan terms, verifies funds availability and issues Loan Agreement to customer.	10/13
Council considers approval of Loan Agreement PG&E	11/13
Staff submits signed Loan Agreement and Final Services Agreement to PG&E	11/13
PG&E begins project installation	01/14
PG&E completes project installation	03/14
PG&E completes post-installation inspection and energy savings verification	04/14
PG&E bills loan installments to customer through PG&E statement	05/14

Procurement Process for Energy Services

There are advantages to collaborating with PG&E for an energy efficiency project. As the City's local energy provider, it has access to all relevant billing rate structure information and available incentives. PG&E benefits from these projects by being able to add renewable/sustainable projects to its energy portfolio which defers the expense of building future electricity sources.

Participation in the Turnkey Program would involve the City executing an agreement with PG&E to convert approximately 400+/- street lights, and complete paperwork for billing and rebates. PG&E would then develop the project and contract the work in cooperation with the City, and assist the City in providing final information for the funding. PG&E will carry the entire expense of the project.

The proposed agreement with PG&E is atypical of the City's usual contracting procedures. In a typical scenario, the City would identify a project and solicit proposals for the design of that project, then award a construction contract to the lowest responsible bidder. This proposal falls within an exceptions to the usual procedures. California Government Code Sections 4217.12 and 4217.13 allow the City to forgo standard procurement processes for "energy services contracts" and "energy financing contracts" if it finds it best serves the City interest. Based on the cost and payback period on investment and the long term benefit to the City in reduced energy use and costs, it is recommended the City Council support participation in the Turnkey Program by holding a public hearing and approving the proposed resolution. By authorizing the Mayor to execute the subsequent energy financing contract, the City Council also finds that the subsequent contract is a qualified energy financing contract and that the contract is in the best interest of the City, that public notice was properly given, and that funds for the repayment are projected to be available from revenues available from funding that would otherwise have been used for purchase of electrical energy. Included in this report is a proposed resolution and service agreement that supports energy efficiency and energy upgrades utilizing the procurement process allowed by California Government Code Sections 4217.12 and 4217.13. The required notice of this public hearing was given at least two weeks in advance, as required by those statutes.

STRATEGIC PLAN

This agenda item supports the City Council approved Governance Strategy; Goal 2: Ensure continued fiscal sustainability through financial and budgetary stewardship; Objective 2: Development of revenue growth and expenditure reduction strategies.

FISCAL IMPACT

Participation in the PG&E Street Light Replacement Turnkey program will require a loan in the amount of $250,000 from PG&E's On-Bill Financing, which allows government agencies to make facility improvements without large outlays of cash. Loan terms are based on monthly savings; therefore there will be no impact on the General Fund during the repayment period. It is anticipated that the loan repayment will take approximately 8-10 years, after which the City will realize an annual savings of $31,170, based on today's utility rates. There will likely be other smaller annual savings for maintenance. LED fixtures have a good reputation for needing little to no maintenance work for an extended period, and the fixtures will all be new with a ten year warranty on the fixture, and eight year warranty on the photo controls, and a one year warranty on the installation.

RECOMMENDATION

Staff recommends City Council hold a public hearing to forgo standard procurement processes to contract with PG&E for LED street light retrofit program; approve PG&E Street Light Agreement, submittal of On Bill Financing Supplement and Customized Retrofit Incentive Application for Street Light Retrofit Program and authorize the Mayor to execute any associated agreements and applications.

Prepared by: Rod Buchanan, Interim Public Works Director
Reviewed by: Kuldeep Sharma, City Engineer
Gary Hampton, Police Chief
Approved by: R. Leon Churchill, Jr., City Manager

Attachments:

1. PG&E Project Preliminary Bid
2. Proposed LED Installation Map
3. PG&E Products and Services Agreement
4. On Bill Financing (OBF) Supplement
5. Customized Retrofit Incentive Application for Street Light Retrofit Program

PG&E LED Street Light Turnkey Replacement Service

Non-binding price estimate to be used for budgetary purposes only

City of: **Tracy OBF**

Date of this estimate: **12-Dec-2012** **Expiration date of this estimate:** **11-Jan-2013**

Number of Lights to be Replaced	Voltage	Type	Wattage (Nominal/Actual)	Rate	Suggested Replacement LED
428	240	HPS	200/237	LS-2	60 LED Gen D 525 @ 98 Watts
428					

Total Project Price:	$303,027
Total PG&E Rebates:	$53,500
Net Estimated Price:	$249,527

Total Equipment/Material Cost	Total Non-equipment Cost
$145,591	$103,936

Installation Cost Percentage 42%

Energy cost savings in first year*:	$31,170
Energy savings (kWh/year):	244,987
CO2 reduction (lbs/year):	128,373
Avoided maintenance expenses in first year:**	$2,996

CEC 1% Loan: $405,214.99

CEC 3% Loan: $342,874.22

Simple Payback (Energy Only): 8.01

*Project Price Notes:

Price includes purchase of requested street lights, installation and field verification of installed lights, disposal service, rate change and rebate application processing.

No permitting costs included in total project price.

Project price assumes all lights to be replaced will be cobra head fixtures and will not include post top, shoe box, tear drop, or decorative fixtures

Project price assumes all street lights to be replaced are currently in operating condition.

Project price assumes no restrictions on installations will be made (e.g.--heavy traffic area, special hours for installation, etc.)

Project price assumes all street lights to be replaced are at an operating voltage between 120-240 volts AC.

Notes:

*Future year savings will grow with the expected increase in electricity and labor costs.

**Avoided maintenance expenses are compared to maintaining HPSV lights.

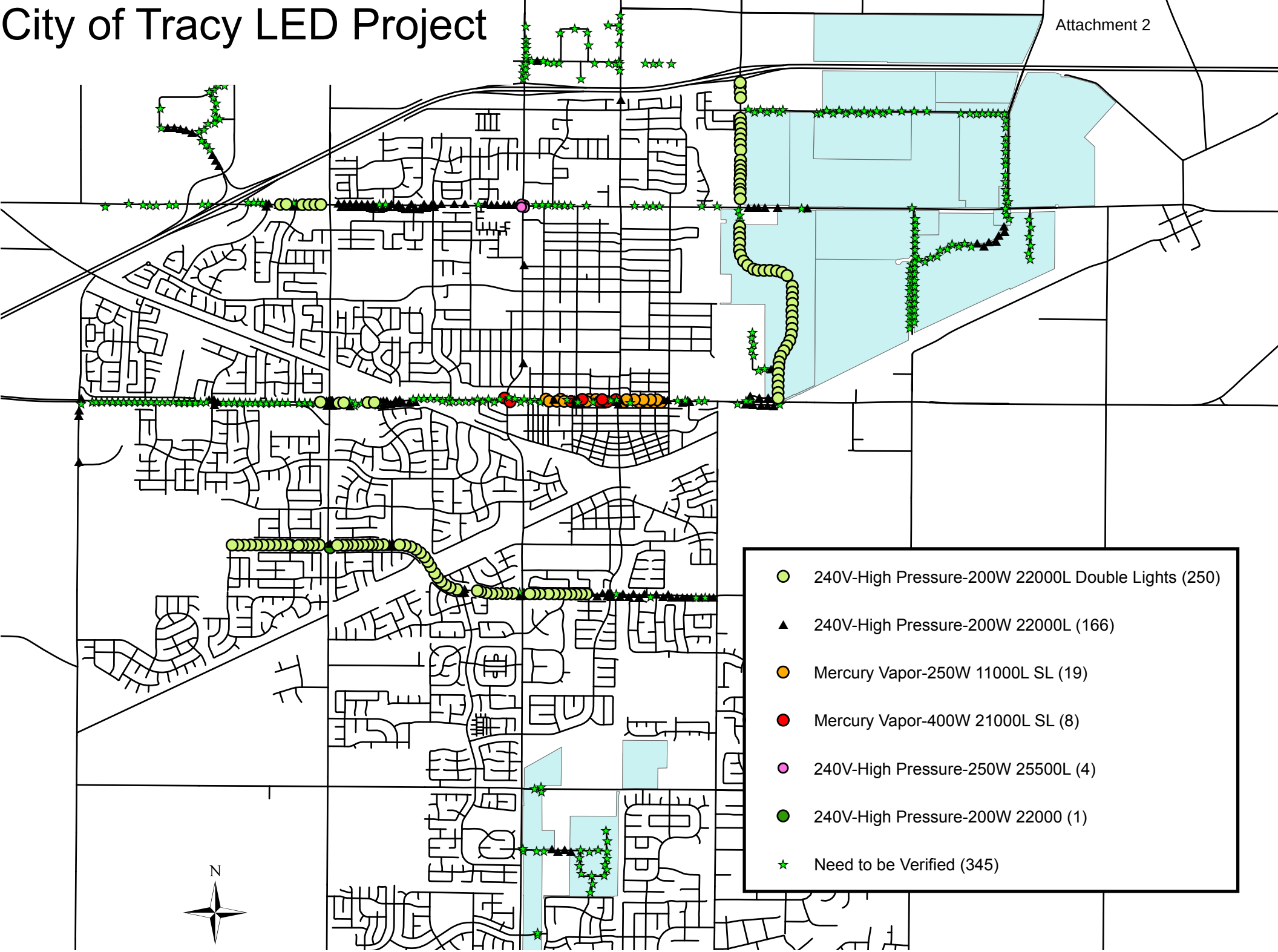
***The street light manufacturer is BETA LED.

Assumptions:

» 4100 operating hours annually
» $0.12723 $/kWh electricity cost
» 0.524 lbs/kWh emission factor
» $26 per year maintenance cost for HPSV
» $19 per year average maintenance cost for LED
» City has full jurisdiction over street lights

City of Tracy LED Project

Attachment 2



Pacific Gas and Electric Company

Agreement No: SLT-061_City of Tracy

PG&E PRODUCTS AND SERVICES AGREEMENT

This PG&E Products and Services Agreement (the "**Agreement**") is made and entered into as of _____, 20__ ("Effective Date") by and between City of Tracy with offices at 333 Civic Center Plaza, Tracy, CA ("Customer") and Pacific Gas and Electric Company ("PG&E").

RECITALS

WHEREAS, Customer requires street light replacement services and PG&E desires to do so pursuant to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the promises and the mutual covenants and agreements set out in this Agreement, Customer and PG&E agree as follows:

AGREEMENT

1. The Service. PG&E offers street light replacement service (the "**Service**") which comprises a turnkey project that includes: the ordering of Customer specified street light fixtures by PG&E at Customer's expense, and installation of these PG&E-authorized street light fixtures as replacements to existing Customer-owned street lights operating at 120 or 240 volts. As part of the Service, PG&E will also process Customer-requested rate changes to PG&E rates and any applicable PG&E rebate applications as requested by Customer. PG&E will arrange for waste disposal of removed street light fixtures.

2. Development, Acceptance, and Performance of Proposals. Upon receipt of a request for Service, PG&E will consult with Customer and develop a Proposal covering the Service in the form of proposal attached hereto as Exhibit A. Once a Proposal is signed by both Customer and PG&E, the Proposal will become a binding contract and shall be deemed an "**Accepted Proposal**" for purposes of this Agreement. Accepted Proposals shall be numbered sequentially and must reference this Agreement specifically. The terms of this Agreement are incorporated into each Proposal as if fully set forth therein by virtue of this reference. If any conflict arises between the terms of an Accepted Proposal and the terms of this Agreement, the terms of this Agreement shall prevail. PG&E agrees to provide the Service in accordance with the Accepted Proposal subject to the terms and conditions of this Agreement. PG&E will notify Customer upon its completion of the work specified in an applicable Accepted Proposal, and Customer shall have five (5) business days to review and accept, after which time PG&E's performance responsibilities under the Accepted Proposal will be deemed to have been fulfilled. If Customer identifies any outstanding items to be corrected, a punch list will be developed to reflect such items, and PG&E will correct them. Any change to an Accepted Proposal must be agreed to by both Customer and PG&E in writing.

3. Additional Work. If in the process of performing the Service, a condition is discovered that prevents PG&E from performing the Service as specified such as but not limited to 1) access to the street light such as overgrown trees or blocked roadway, 2) broken street light bracket, or 3) wiring defect that prevents delivery of energy to the street light fixture, PG&E will notify Customer in writing of such condition and the work necessary to remedy the condition

using Exhibit B (Additional Repair Work Agreement). If the work required is estimated by PG&E at less than $1,000, then PG&E may perform such work and invoice Customer periodically for actual time and materials to perform such work without completing Exhibit B.

If, for any reason, Customer chooses not to correct such condition, as specified in Exhibit B (Additional Repair Work Agreement), PG&E shall be relieved of any and all responsibility for performing the Service for that street light or group of street lights.

If in the process of performing the Service, active bird nests, and/or bee hives, wasps are discovered, PG&E will notify Customer of such condition and discontinue work on affected equipment.

4. Fees. Customer shall pay PG&E for Service performed in accordance with the payment terms set forth in each Accepted Proposal. Work specified in any Additional Repair Work Agreement will be done on a time and materials basis, at PG&E's then current hourly commercial rates as specified in Exhibit B and with reimbursement of PG&E's actual out-of-pocket expenses. Customer shall pay PG&E for the Service based on the payment schedule set forth in the applicable Accepted Proposal. Each payment made by Customer must reference this Agreement, the Accepted Proposal and invoice number and be mailed to:

PACIFIC GAS AND ELECTRIC COMPANY
Attn: Sales and Service Manager, Business Development
P.O. Box 770000, Mailcode: N10D
San Francisco, CA 94177

5. Limited Warranties.

5.1. Limited Service Warranty. PG&E warrants that the Service will be performed in a commercially reasonable manner consistent with the level of care and skill exercised by others when performing services of a similar nature under similar circumstances. Customer must notify PG&E of any defect in workmanship within one (1) year of completion of installation of all streetlight fixtures ("**Installation**"). If Customer notifies PG&E within one year of installation of a potential defect in workmanship, and PG&E confirms the defect, PG&E will either re-perform the Service at no additional charge to Customer, or, if PG&E so elects, refund the applicable fees paid to PG&E by Customer for the Service. This warranty extends to Customer only and cannot be assigned by Customer. This warranty is in lieu of all other warranties. All other warranties are expressly disclaimed.

5.2. Limited Material Warranty. The manufacturer of the material to be installed will provide a warranty which is attached as Exhibit C. PG&E will provide to the Customer all documentation covering the warranty including contact information for the manufacturer or manufacturer's warranty agent. During the first year following completion of Installation, Customer may contact PG&E (as part of the Limited Service Warranty) to request that PG&E remove the defective light and reinstall the repaired light or an equivalent replacement light. For those years following the Limited Service Warranty period but still within the Limited Material Warranty period, Customer must contact the manufacturer to make a warranty claim. Customer is responsible for removal of the equipment, arranging and paying for shipping and insurance for the equipment to and from the manufacturer's designated facility (and for all risk of loss to the equipment while in transit), and installation of the equipment upon return, unless otherwise

instructed in the manufacturer's designated warranty. This warranty extends to Customer only and cannot be assigned by Customer. This warranty is in lieu of all other warranties relating to installed materials. ALL OTHER WARRANTIES (WHETHER EXPRESS OR IMPLIED) RELATING TO INSTALLED MATERIAL ARE HEREBY EXPRESSLY DISCLAIMED.

5.3. Disclaimers. Except for warranties expressly set forth in Sections 5 and 6 of this Agreement, PG&E HEREBY EXPRESSLY DISCLAIMS ANY AND ALL WARRANTIES (WHETHER EXPRESS OR IMPLIED OR ARISING FROM A COURSE OF DEALING OR USAGE OF TRADE, AND INCLUDING WITHOUT LIMITATION IMPLIED WARRANTIES OF MERCHANTABILITY, INTEROPERABILITY, AND FITNESS FOR A PARTICULAR PURPOSE) RELATING TO THE SERVICE. Customer acknowledges and agrees that the specific remedies described in Sections 5 and 6 of this Agreement respectively shall be Customer's sole and exclusive remedies for any and all warranty claims arising under or pertaining to this Agreement.

6. Customer's Responsibilities. To the extent that performance of the Service by PG&E depends upon approvals or other decisions by Customer, or on Customer furnishing particular documents or information, including but not limited to work permits, and that Customer does not timely perform or provide the same, the minimum time estimate for PG&E's completion of the Service shall be extended to take into account Customer's delay with respect thereto. Customer shall reimburse PG&E for the costs on any required work permits. If Customer or a competent governmental authority requires any other compliance efforts, including but not limited to flagging, traffic control, or neighborhood notifications, as a condition for work to proceed, then Customer shall reimburse PG&E for the costs related to these efforts. Notwithstanding PG&E's arrangement or performance of waste disposal services for removed street light fixtures (or any other materials an applicable Accepted Proposal may specify for removal), Customer acknowledges and agrees that it is the "generator" of such fixtures and/or materials and therefore bears ultimate responsibility for their proper disposition. Provided that PG&E adheres to any disposal instructions contained in an Accepted Proposal, Customer agrees to hold PG&E harmless from any and all claims brought by third parties (including by governments or regulators) relating to the disposal services arranged or performed by PG&E.

7. Data. Customer shall own any documents or information prepared or created by PG&E during the performance of the Service under this Agreement ("**Data**"). PG&E may retain copies of Data for PG&E use, but shall keep the Data confidential and shall not publish or otherwise disclose or knowingly permit PG&E employees to publish or otherwise disclose any Data without Customer's prior written consent unless such disclosure is required by law or by a court or regulatory agency having authority over PG&E.

8. PG&E's Utility Obligations. Customer acknowledges that PG&E has an obligation to maintain, repair and service PG&E-owned facilities in order to perform its duties as a public utility. If PG&E determines at any time, in its sole discretion, that it requires any personnel or resources previously committed to the performance of services for Customer under this Agreement in order to maintain adequate service to PG&E's other customers or to fulfill its duties as a public utility, then PG&E shall have the right to divert the use of such personnel or resources to satisfy such requirements. PG&E shall be excused from whatever performance is affected by such action, all to the extent and for the duration its resources are so constrained, and PG&E shall not be considered in default under this Agreement by virtue of such diversion of resources.

PG&E shall use diligent efforts to resume and complete its performance of the Service when diverted resources become available again.

9. Limitation of Liability. In the event that P&GE is held liable to Customer or to any party claiming by or through Customer for damages arising under or pertaining to this Agreement, the aggregate liability of PG&E to Customer or to any party claiming by or through Customer shall be limited to the lesser of (a) the estimated price for the Service giving rise to the claim, or (b) the amount actually paid to PG&E with respect to such Service. IN NO EVENT SHALL PG&E BE LIABLE TO CUSTOMER OR ANY THIRD PARTY FOR INCIDENTAL, INDIRECT, SPECIAL, PUNITIVE, OR CONSEQUENTIAL DAMAGES INCLUDING, BUT NOT LIMITED TO, LOSS OF USE, COST OF DELAYS, REPLACEMENT OF POWER, OR LOSS OF PROFITS, LOSS OF OR FAILURE TO REALIZE ANTICIPATED SAVINGS, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, AND EVEN IF ANY SUCH CONSEQUENCES WERE FORESEEABLE. The parties agree that the limitations on liability expressed in this Agreement will apply at all times, whether in contract, equity, tort or otherwise, regardless of the fault, negligence (in whole or in part), strict liability, breach of contract or breach of warranty of PG&E, and will extend to the affiliates, subsidiaries, parent company, officers, managers, directors, agents and employees of PG&E. Customer acknowledges and agrees that the limitations of liability set forth in this section may be far less than Customer's loss in the event of any loss or damage to Customer's equipment while in PG&E's care or custody, and Customer expressly assumes the risk of any such deficiency of recovery. The parties acknowledge and agree that the limitations of liability set forth in this Section 9 are an essential element of their bargain as well as a material inducement for PG&E's entry into this Agreement, and that PG&E's price for the Service reflects their inclusion in this Agreement.

10. Term and Termination. The term of this Agreement shall be for five years from the Effective Date unless sooner terminated by Customer or PG&E as permitted by this Agreement. Each party may terminate this Agreement or any Accepted Proposal at any time for convenience by giving the other party 5 days written notice, provided, however, that any such termination shall neither affect PG&E's obligation to perform under any Accepted Proposals during the 5 day notice period, nor Customer's obligation to pay PG&E for material procured or services rendered under any Accepted Proposal through the effective date of termination, including during the 5-day notice period. Termination of any individual Accepted Proposal by either party shall not affect the continued validity of this Agreement or of any other Accepted Proposals. Additionally, each party may terminate this Agreement and any then-outstanding Accepted Proposals upon written notice to the other party if the other party: (i) is in default of any obligation hereunder which default is incapable of being cured, or which, being capable of being cured, has not been cured within seven days after receipt of written notice of such default; or (ii) becomes insolvent, makes a general assignment for the benefit of creditors, suffers or permits the appointment of a receiver for its business or assets, becomes subject to any proceeding under any bankruptcy or insolvency law whether domestic or foreign, or has been liquidated, voluntarily or otherwise. Also, PG&E may terminate this Agreement immediately and without prior notice in the event that the California Public Utilities Commission issues a ruling or order prohibiting or otherwise preventing PG&E from fulfilling, or substantially interfering with PG&E's ability to fulfill, its obligations under this Agreement, or finding that this Agreement is contrary to the policies of the California Public Utilities Commission. The following Sections of this Agreement shall survive expiration, cancellation or other termination of this Agreement: 4 Fees, 5 Limited Warranties, 6 Customer Responsibilities, 7 Data, 9 Limitation of Liability and 11 General. Any other

provisions of this Agreement that would generally be construed as intended to survive the expiration, cancellation or other termination of this Agreement shall also survive such expiration, cancellation or other termination.

11. General.

11.1. Assignment. This Agreement may not be assigned or otherwise transferred by either Customer or PG&E without the prior written consent of the other party, such consent not to be unreasonably withheld. Notwithstanding the foregoing, PG&E may, without such consent, assign this Agreement to a parent, subsidiary or other affiliate. PG&E may also subcontract all or part of the Service. Subject to the foregoing, this Agreement shall inure to the benefit of and be binding upon Customer and PG&E and their respective successors and assigns.

11.2. Force Majeure. Neither PG&E nor Customer shall be considered in default in the performance of its obligations under this Agreement, to the extent that (and only for so long as) the performance of any such obligation is prevented or delayed by any cause, existing or future, which is beyond the reasonable control of the affected party; provided, however, that Customer shall be excused from the obligation to make payments hereunder for services which PG&E is prevented from performing due to circumstances beyond its reasonable control.

11.3. Notices. Any notice required or permitted by this Agreement shall be in writing and shall be delivered as follows, with notice deemed given as indicated: (i) by personal delivery, when delivered personally; (ii) by overnight courier, upon written verification of receipt; or (iii) by certified or registered mail, return receipt requested, upon verification of receipt. Notices shall be addressed, if to Customer, to the primary business contact address given in the Accepted Proposal and, if to PG&E, to the address set forth above for payment.

11.4. Reporting Requirements. Customer must notify PG&E whether or not federal funds granted or otherwise awarded to Customer by or through the United States Department of Energy (collectively, the "Federal Funds") will be used to pay PG&E for the Service. If such Federal Funds are used to pay PG&E, in whole or in part, the specific compliance obligations and reporting requirements associated with the use of such Federal Funds shall be as set forth under Section 11.5 hereof. If Customer decides to use such Federal Funds in connection with an Accepted Proposal, then Customer must notify PG&E within 5 days of its decision to use such Federal Funds. If Customer is required by any law or regulation to amend or revise the terms and conditions of any Accepted Proposal in a manner unacceptable to PG&E or if in PG&E's sole discretion PG&E determines it cannot comply with such obligations as amended or revised, whether or not PG&E has begun to perform such Accepted Proposal, PG&E shall have the right, in its discretion, to terminate such Accepted Proposal upon five (5) days' notice without further obligation or liability to Customer (except for the return of any funds Customer may have pre-paid for the Service and which remain uncommitted as of the effective date of such termination). CUSTOMER HEREBY WAIVES ANY CLAIM OF PROMISSORY ESTOPPELS WITH RESPECT TO PG&E'S TERMINATION OF ANY ACCEPTED PROPOSAL UNDER THE CIRCUMSTANCES DESCRIBED IN THE FOREGOING SENTENCE.

11.5. Disputes. The parties will negotiate in good faith to expeditiously resolve any dispute, claim or controversy arising under or relating to this Agreement (including, without limitation, as to its formation, validity, binding effect, interpretation, performance, breach, or termination, as well as non-contractual claims) on a negotiated basis. If, in either party's

reasonable judgment, such negotiations do not result in an amicable outcome after such party's good faith efforts over a period of at least thirty (30) days, such party shall be free to pursue all available remedies under law in any competent forum.

IN WITNESS THEREOF, the parties have caused this Agreement to be executed as of the Effective Date first set forth above.

CUSTOMER		PACIFIC GAS AND ELECTRIC COMPANY	
Print Name:	_____	Print Name:	_____
Signature:	_____	Signature:	_____
Date:	_____	Date:	_____

EXHIBIT A: PROPOSAL 1

This Proposal is made and entered into as of _____, 20_ by and between City of Tracy ("Customer") and Pacific Gas and Electric Company ("PG&E"). This Proposal is subject to the terms and conditions of the PG&E Products and Services Agreement between Customer and PG&E dated as of _____, 20_ (the "Agreement").

DESCRIPTION OF SERVICES

- Scope of Work: Replace 428 (200 watt) HPSV lights with LED lights in the City of Tracy.
- Number any light poles that are not numbered using badge number stickers provided by PG&E.
- Change the rates to LED and provide documentation on the changes and cost for the street lights.
- Process the rebates and provide documentation on the changes and cost for the street lights.
- Provide a revised GIS-based inventory.

Estimated minimum number of days to complete scope of work: 9 to 12 weeks from date of signature on Proposal.

Date work is estimated to begin: To be determined.

Type and number of street light fixtures to be replaced: To be determined.

Locations may change if street lights are added to or deleted from the project during installation. A final spreadsheet will be given to Customer upon completion of the work.

If in the process of performing the Service, active bird nests, and/or bee hives, wasps are discovered, PG&E will notify Customer of such condition and discontinue work on affected equipment.

Contact information and warranty for the LED street light manufacturer is attached to this Proposal.

MATERIALS DISPOSAL

Customer will make space available at Customer-owned property for material storage and disposal during construction. PG&E will hold Customer harmless for damage to stored materials while on Customer's property. Customer site where PG&E may store materials and waste disposal bins:

PG&E will store the materials at the following site:
Address: To be determined.

PG&E's Contractor will keep the lights that have been replaced in a locked container until taking them to PG&E's yard. Contractor will separate the lamp from the fixture and put them in the appropriate bins. PG&E will label the bins and ship them to a registered disposal facility.

TRAFFIC CONTROL PLAN

PG&E Contractor shall be required to comply with all applicable federal, state, and local laws, rules, regulations, permits, and codes including without limitation such laws, rules, regulations, permits, and codes with respect to safety and traffic control.

COST AND PAYMENT SCHEDULE

The services under this Proposal will cost Two Hundred Forty Nine Thousand, Five Hundred Twenty Seven dollars and no cents ($249,527).

This price does ☑ does not ❒ subtract the value of the LED streetlight rebates from the cost to provide the Services.

Payment Schedule:

Final Payment: Customer will be invoiced for final 100% payment upon completion of this Proposal or when punch list items (if any) have been completed.

If Customer chooses to terminate this Proposal prior to completion of the Services, then Customer shall pay PG&E for all costs accrued up to the date of termination, including all materials purchased.

PG&E will submit invoices to Customer based on the Payment Schedule. Each invoice will reference the Agreement and this Proposal and be submitted to Customer's billing address as set forth below. Customer will remit payment to PG&E within 14 days after receipt of the invoice.

BUSINESS CONTACTS

PG&E's primary business contact for this Proposal:

Name: Brent Patera
Address: 245 Market Street, Mail Code N10D
San Francisco, CA 94105
Telephone: 415-973-535 or 415-265-7232
Email: bxpl@pge.com

Customer's primary business contact for this Proposal:

Name: Kevin Tobeck
Address: 333 Civic Center Plaza, Tracy, CA
Telephone: (209) 831-4433
Email: kevin.tobeck@ci.tracy.ca.us

CUSTOMER BILLING CONTACT

Customer's billing contact for this Proposal:

Name: Kevin Tobeck
Address: 333 Civic Center Plaza, Tracy, CA
Telephone: (209) 831-4433
Email: kevin.tobeck@ci.tracy.ca.us

AMERICAN RECOVERY AND REINVESTMENT ACT DISCLOSURE

PG&E and Customer acknowledge and agree that, to the extent the Services described in this Proposal are, at any point in time, funded in whole or in part using federal funds awarded or granted directly or indirectly to Customer by or through the United States Department of Energy by virtue of appropriations under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5 (the "**ARRA**"), the special terms and conditions set forth in Section 11.5 of the Agreement will apply.

This Proposal is ❒ is not ☑ funded (in whole or in part) by federal funds appropriated under the ARRA.

IN WITNESS THEREOF, the parties agree to be bound by this Proposal as of the date first set forth above.

CUSTOMER		PACIFIC GAS AND ELECTRIC COMPANY	
Print Name:	_____	Print Name:	_____
Signature:	_____	Signature:	_____
Date:	_____	Date:	_____

EXHIBIT B
FORM OF ADDITIONAL REPAIR WORK AGREEMENT

REPAIR WORK AGREEMENT NUMBER _____

This Additional Repair Work Agreement is made and entered into as of _____, 20__ by and between City of Tracy ("Customer") and Pacific Gas and Electric Company ("PG&E"). This Repair Work Agreement is subject to the terms and conditions of the PG&E Products and Services Agreement between Customer and PG&E dated as of _____, 20__ (the "Agreement").

PG&E has informed the Customer of a repairable condition as described below. The Customer has requested that PG&E provide the necessary labor, equipment, and material to repair, replace or correct the condition on the Customer's equipment described below.

Description of repairable condition:

PG&E will invoice the Customer on a time and materials basis at the following labor rates (rates valid through 12/31/__):

Straight time (8AM-5PM M-F): $____/hour
Overtime: $____/hour

Executed this ___ day of _____, 20__.

Facility name: _____

IN WITNESS THEREOF, the parties agree to be bound by this Repair Work Agreement as of the date first set forth above.

CUSTOMER		PACIFIC GAS AND ELECTRIC COMPANY	
Print Name:	_____	Print Name:	_____
Signature:	_____	Signature:	_____
Date:	_____	Date:	_____

EXHIBIT C
MANUFACTURER'S WARRANTY INFORMATION

Street light manufacturer's contact information:

The street light manufacturer's contact information and warranty will be attached to each Proposal.

Cree LED Lighting Fixtures

1200 92nd Street
Sturtevant, WI 53177-1854
Phone: (800)236-6800

Warranty period:

10 years.

Photo control warrantor's contact information:

Ripley Lighting Controls

2023 Platt Springs Road
P.O. Box 3229
West Columbia, SC 29169
Phone: 803-939-4700
Fax: 803-939-4777

Warranty period:

8 years.

Warranty is attached.

LIMITED WARRANTY FOR CREE® LED LIGHTING FIXTURES (INCLUDING BETALED® TECHNOLOGY; TRUEWHITE® TECHNOLOGY; AND ESSENTIA® FIXTURES)

This limited warranty is provided by the Cree company described below ("Seller") to you as the original purchaser of the LED lighting product that is identified on Seller's invoice reflecting its original purchase (the "Product"). The Seller is the Cree company identified as such on the invoice. This limited warranty may be transferred to subsequent purchasers of the Product, provided that such Product is resold in new condition and in its original packaging. Seller warrants that the Product, when delivered in new condition and in its original packaging, will be free of defects in material and workmanship for a period of **TEN (10) YEARS** from the date of original purchase. The determination of whether the Product is defective shall be made by Seller in its sole discretion with consideration given to the overall performance of the Product. A Product shall not be considered defective solely as a result of the failure of individual LED components to emit light if the number of inoperable components is less than 10% of the total number of LED components in the Product.

If Seller determines the Product is defective, Seller will elect, in its sole discretion, to refund you the purchase price of the Product, repair the Product or replace the Product. This limited warranty will not apply to loss or damage to the Product caused by: negligence; abuse; misuse; mishandling; improper installation, storage or maintenance; damage due to fire or acts of God; vandalism; civil disturbances; power surges; improper power supply; electrical current fluctuations; corrosive environment installations; induced vibration; harmonic oscillation or resonance associated with movement of air currents around the Product; alteration; accident; failure to follow installation, operating, maintenance or environmental instructions prescribed by Seller or applicable electrical codes; or improper service of the Product performed by someone other than Seller or its authorized service provider. This limited warranty excludes field labor and service charges related to the repair or replacement of the Product. **THIS LIMITED WARRANTY IS VOID IF THE PRODUCT IS NOT USED FOR THE PURPOSE FOR WHICH IT IS DESIGNED**.

Seller reserves the right to utilize new, reconditioned, refurbished, repaired or remanufactured products or parts in the warranty repair or replacement process. Such products and parts will be comparable in function and performance to an original product or part, as determined by Seller in its sole discretion, and warranted for the remainder of the original warranty period.

In order to make a warranty claim, you must notify Seller in writing within sixty (60) days after your discovery of the defect, provide proof of purchase such as the invoice and comply with Seller's other warranty requirements. Upon receiving that notice, Seller may require you to promptly return the Product to Seller, or its authorized service provider, freight prepaid. Your warranty claim should be addressed to Cree c/o Ruud Lighting, Inc., 9201 Washington Avenue, Racine, WI 53406.
This limited warranty only applies to specified LED fixtures. Any warranties applicable to finish, poles, lamps, CR Series downlights, LR24™ troffers, certain BetaLED® Technology outdoor fixtures (specifically Class II as defined per IEC/EN60598), backup batteries, controls, occupancy sensors, photocells and other fixture accessories can be found at www.cree.com/lighting/products/warranty.

THE FOREGOING WARRANTY PROVISIONS ARE EXCLUSIVE AND ARE GIVEN AND ACCEPTED IN LIEU OF ANY AND ALL OTHER WARRANTIES, WHETHER EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTY AGAINST INFRINGEMENT AND ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

IN NO EVENT SHALL SELLER BE LIABLE FOR INCIDENTAL, COMPENSATORY, CONSEQUENTIAL, INDIRECT, SPECIAL OR OTHER DAMAGES. SELLER'S AGGREGATE LIABILITY WITH RESPECT TO A DEFECTIVE PRODUCT SHALL IN ANY EVENT BE LIMITED TO THE MONIES PAID TO SELLER FOR THAT DEFECTIVE PRODUCT.

This warranty is effective for purchases of Product on or after the effective date set forth below. Seller reserves the right to modify this warranty from time to time. Any modification of this warranty shall be effective for all orders placed with Seller on or after the effective date of such revised warranty.

Pacific Gas and Electric Company

RIPLEY LIGHTING CONTROLS

DIVISION OF SOUTHCONN TECHNOLOGIES INC

2023 Platt Springs Road
P.O. Box 3229
West Columbia, SC 29169
Phone: 803-939-4700
Fax: 803-939-4777

WARRANTY

The 6300 Series carries an 8-year warranty. If the product fails due to manufacturing defect within its warranted period, Ripley Lighting Controls will choose to either replace or repair the lighting control unit. This warranty does not cover damage caused by accident, abuse, misuse or lightning strikes. Ripley's liability hereunder shall be limited to replacement or repair and shall not cover the cost of removal or installation of the unit, nor any consequential damages. Ripley Lighting Controls assumes no further liability with respect to the sale or use of this product. This warranty is in lieu of other warranties, expressed or implied, including the warranty of merchantability. Ripley Lighting Controls makes no warranty with respect to the suitability of the user's particular application. This warranty gives the user specific legal rights.

Pacific Gas and Electric Company
Energy Efficiency Retrofit Loan Program

Financing Supplement to the Energy Efficiency Retrofit Program Application

The Energy Efficiency Retrofit Loan Program (the "Program") is funded by California utility customers and administered by Pacific Gas and Electric Company (PG&E) under the auspices of the California Public Utilities Commission (CPUC). The Program provides qualified PG&E customers with a means to finance energy-efficient (EE) retrofit projects implemented under select PG&E EE Programs (the "Qualified Program"). The loans issued under the Program are interest-free, unsecured loans to fully or partially reimburse qualified PG&E customers for the costs they incur in connection with a qualified retrofit project (the "Retrofit Project"), which term shall mean the energy efficiency retrofit project described in Customer's relevant Energy Efficiency Program Application.

1. **Conditions for Eligibility:** Participation in the Program is limited to PG&E customers that meet the following conditions and satisfy these conditions throughout the duration of the Retrofit Project up to and including the date of Final Verification (defined below in Section 8): (a) the PG&E customer must be a business ("Commercial Customer") or a federal, state, county or local government agency ("Government Customer").* Commercial Customers and Government Customers are collectively referred to as "Customer;" (b) Customer currently receives service from PG&E at the location of the Retrofit Project (the "Location"); (c) Customer has continually maintained an active PG&E account for the previous 24 months and has a minimum of 12 months of historical metered energy usage at Customer's current Location; (d) at the time the Customer's Program Application is Approved and Customer's Loan Agreement is executed, and at the time the loan is to be funded following completion of the Retrofit Project and satisfaction of all other requirements of the Loan Agreement, Customer must be in good credit standing, as determined by PG&E through credit review which may include a commercial credit check and a bill history review, which may be based upon the following and other criteria:
   - **a.** No 24-hour disconnection notices in the last 12 months;
   - **b.** No returned payments within the last 12 months;
   - **c.** No more than 1 payment arrangement in the last 12 months;
   - **d.** No broken payment arrangements within the last 12 months;
   - **e.** No deposit assessed within the last 12 months; and
   - **f.** The Retrofit Project qualifies and Customer is eligible for an incentive under the Qualified Program.

Loan Amount and Term Limitations	
Interest	0%, with no additional fees or charges
Minimum Loan Amount	$5,000
Maximum Loan Amount	Commercial Customer: $100,000 / premises Government Customer: $250,000 / meter
Maximum Loan Term, not to exceed the Expected Useful Life (EUL) of the measures	Commercial Customer: 60 months Government Customer: 120 months

2. **Loan Features:** The loans offered under the Program are interest-free (0%) and free of any fees, late payment penalties or other charges. The loan terms and conditions are set to provide simple payback from energy savings during the maximum allowed loan term, and are calculated by dividing the loan amount (eligible project cost less Qualified Program Incentives) by the estimated monthly energy savings resulting from the Retrofit Project. The ensuing number of monthly payments must not exceed the Maximum Loan Term set forth in chart below ("Loan Amount and Term Limitations").
3. **Eligibility:** Prior to purchasing and installing any energy-efficient measures or equipment under the Qualified Program, Customer must satisfy the eligibility requirements of both the Program and Qualified Program. Because energy efficiency projects in progress are ineligible under the Program, Customer must have an inspection of the Retrofit Project and Location conducted and completed by PG&E before commencing any work or purchasing any equipment for the Retrofit Project.
4. **Inspection:** PG&E will assist Customers in understanding the energy efficiency measures available under the Qualified Program and will answer their questions concerning this Program. After Customer has decided upon the measures that comprise the Retrofit Project, PG&E will request an engineering review, perform an inspection of the Location, calculate the Loan Terms and prepare the Loan Documents. Thereafter, PG&E will provide Customer with a copy of the inspection report, a Loan Agreement, the Application, the applicable On-Bill Financing (OBF) Gas and/or Electric Rate Schedule and Loan Calculation Summary Sheet (collectively, the "Loan Documents").
5. **Loan Documents:** If the terms of the loan are acceptable, Customer shall execute the Loan Documents and return them to PG&E prior to the commencement of the Retrofit Project. Incomplete or incorrect applications cannot be processed and may result in the delay of PG&E's approval and possible disqualification from the Program. Customer may withdraw this Application for any reason without penalty by sending written notice to PG&E.
6. **Customer's Responsibilities for Contractor and Vendor:** Upon PG&E's notification to Customer that the Retrofit Project is eligible for the Program, Customer may begin the Retrofit Project pursuant to the contract agreed upon by Customer, its contractor or vendor. PG&E does not endorse or recommend any particular contractor or vendor nor does PG&E review any contractor or vendor proposals. Rather, Customer shall be solely responsible for reviewing the feasibility of the contractor's and vendor's proposal(s) and verifying their respective qualifications, pricing, energy savings, warranties and the terms and conditions of the contractor's and/or vendor's contract with Customer.

*Residential customers are ineligible.

7. **PG&E Disclaimers:** CUSTOMER'S DESIGN OF THE RETROFIT PROJECT AND SELECTION AND USE OF ENERGY EFFICIENCY EQUIPMENT, MEASURES AND SELECTION OF CONTRACTORS AND VENDORS IS AT CUSTOMER'S SOLE DISCRETION AND AT CUSTOMER'S SOLE RISK. TO THE EXTENT PERMITTED BY APPLICABLE LAW, PG&E EXPRESSLY AND SPECIFICALLY DISCLAIMS ANY LIABILITY IN RESPECT OF ANY ADVICE, INFORMATION OR OTHER INSTRUCTION PROVIDED BY OR ON BEHALF OF PG&E TO CUSTOMER IN CONNECTION WITH THE QUALIFIED PROGRAM, PROGRAM OR RETROFIT PROJECT. PG&E DOES NOT WARRANT OR BEAR ANY RESPONSIBILITY FOR ANY OF THE FOLLOWING:

   a. THE WORK PERFORMED BY CUSTOMER'S CONTRACTOR(S) OR VENDOR(S), THAT THE RETROFIT PROJECT IS APPROPRIATE FOR THE LOCATION;

   b. THE RETROFIT WILL RESULT IN OR YIELD ANY ENERGY EFFICIENCY SAVINGS OR A SPECIFIC AMOUNT OF ENERGY EFFICIENCY SAVINGS OR OTHER REDUCTION IN CUSTOMER'S PG&E UTILITY BILL AFTER COMPLETION OF THE RETROFIT PROJECT;

   c. THE CONTRACTOR'S OR VENDOR'S SERVICES WILL BE TIMELY, COMPLETE OR ERROR-FREE, OR THAT DEFECTS IN THE RETROFIT PROJECT WILL BE CORRECTED BY SUCH INDIVIDUALS;

   d. ANY ERRORS, OMISSIONS, DEFECTS OR DELAYS IN THE DESIGN OR CONSTRUCTION OF THE RETROFIT PROJECT OR THE OPERATION OF ANY ENERGY EFFICIENCY MEASURES INSTALLED AT THE LOCATION.

8. **Verification:** Upon completion of the Retrofit Project, Customer shall request PG&E's post-completion inspection and final verification that the Retrofit Project has been completed in conformity with the requirements of the Qualified Program and that customer remains eligible (the "Final Verification").

   a. If there has been any change to the Retrofit Project's scope, cost and/or incentives available under the Qualified Program or energy savings, Customer will be required to enter into a Loan Modification Agreement with PG&E, which may include new contract terms reflecting the changes in the Retrofit Project. (If a Loan Modification Agreement is required, it shall be deemed part of the "Loan Documents.")

   b. If the changes to the Retrofit Project are such that it no longer meets the Program's payback criteria or other conditions, the Retrofit Project will be considered ineligible, the Loan Agreement will be terminated and no loan proceeds will be disbursed.

   c. IF PG&E DETERMINES, IN ITS ABSOLUTE DISCRETION, THAT CUSTOMER'S CREDIT HAS DETERIORATED OR HAS OTHERWISE PLACED CUSTOMER'S REPAYMENT OF THE LOAN AT RISK, THE LOAN PROCEEDS SHALL NOT BE ISSUED, EVEN THOUGH THE RETROFIT PROJECT MAY HAVE BEEN SATISFACTORILY COMPLETED AT CUSTOMER'S EXPENSE.

9. **Disbursements:** Subject to and following PG&E's satisfactory Final Verification, an incentive check and the loan proceeds will be issued to Customer or, at Customer's written direction, to Customer's contractor or vendor.

10. **General Provisions:**

   a. Applications for loans under the Program will be accepted from qualified Customers on a first-come, first-served basis until the funds allocated by PG&E for the Program are no longer available. The Program may be modified or terminated by the CPUC or PG&E at any time and without prior notice. However, termination of the Program following execution of a Loan Agreement by Customer will not affect that Loan Agreement, or, if Customer thereafter satisfies all Program conditions, the disbursement.

   b. The loan proceeds may only be used to pay or reimburse Customer for implementing or installing energy-efficient measures or equipment through the Qualified Program.

   c. If there is any conflict between the terms of any document relating to the Program, the Loan Documents shall control.

   d. For all retrofit projects, including but not limited to streetlight, HVAC and lighting retrofits, Customer acknowledges and understands that Customer is able to use the installation vendor or contractor of their choice.

I have read, understand and agree to all of the Energy Efficiency Retrofit Loan Program requirements and terms and conditions set forth in this Program description. I understand that loan calculations will be based on pre-inspection results and on the applicable program documentation, and that my agency/company must meet all eligibility criteria and requirements in order to participate in the Program. Any unapproved changes to project scope, costs or run hours, or to my agency's/company's creditworthiness, between the time the Loan Documents are accepted and signed and the Retrofit Project is completed and the project's and my agency's/company's continued eligibility are verified, could result in loan ineligibility.

Legal Name of Business (i.e., the formal name on your tax return)	Authorized Representative's Printed Name	
Authorized Representative's Signature	Title	Date

Tax identification information (select one):

☐ Federal Tax ID Number: _____

☐ Social Security Number: _____

FOR PG&E USE ONLY:

PG&E OBF Administrator	Printed Name	Date
Retrofit Program Application Number	OBF Application Number	

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PG&E prints its materials with soy based inks on recycled paper.

April 2011 CTM-0710-0660

2013 Customized Incentive Application

Instructions

1. All customers must submit a Customized Incentive Program Application
2. Read the Terms and Conditions (T&C) applicable to the Customized Incentive Program
3. **COMPLETE:**
   - Section 1: Customer Contact & Project Information
   - Section 2: Project Sponsor Information (if applicable)
   - Section 3: Payee Information
   - Section 4: Agreement (and sign)
   - Project Information and any calculations required by the Project Form(s)
4. **SUBMIT:**
   - The Application (signed)
   - Project Form(s)
   - All required documentation pertaining to your project
5. **SEND APPLICATION PACKAGE TO PG&E BY:**

Mail:

PG&E Project Office Support Team (POST)
245 Market Street
Mail Code: N8A
San Francisco, CA 94105-1814

E-mail:

Your PG&E Representative

Fax:

415.972.5155

Contact PG&E If You Have Questions About Your Application

If you have questions or would like to be contacted by a PG&E representative:

Contact the Business Customer Service Center (BCSC)
Phone: 1.800.468.4743
Email: businesscustomerhelp@pge.com

Refer to the Statewide Customized Offering Manual for requirements and guidelines.

Terms and Conditions

I, the Customer, agree to the following terms and conditions ("the Agreement"):

1. I meet the Customized Energy Efficiency Incentive eligibility requirements as stated in the appropriate attachment(s) included with this Application.
2. The information I have supplied on this Application and attachment(s) is true, correct, and complete.
3. I have read and understand the terms and conditions of the Agreement and on the appropriate attachments and agree to abide by the rules, requirements and terms set forth on this Application, the Agreement, and all attachments.
4. If the Agreement is terminated for any reason, Pacific Gas and Electric Company (PG&E) shall not be liable to the Customer for damages or compensation of any kind.
5. PG&E reserves the right to determine eligibility for the Incentive.
6. PG&E MAKES NO REPRESENTATION OR WARRANTY, AND ASSUMES NO LIABILITY WITH RESPECT TO QUALITY, SAFETY, PERFORMANCE, OR OTHER ASPECT OF ANY DESIGN, SYSTEM OR APPLIANCE INSTALLED PURSUANT TO THE AGREEMENT, AND EXPRESSLY DISCLAIMS ANY SUCH REPRESENTATION, WARRANTY OR LIABILITY. CUSTOMER AGREES TO INDEMNIFY PG&E, ITS AFFILIATES, SUBSIDIARIES, PARENT COMPANY, OFFICERS, DIRECTORS, AGENTS, AND EMPLOYEES AGAINST ALL LOSS, DAMAGE, EXPENSE, FEES, COSTS, AND LIABILITY ARISING FROM ANY MEASURES INSTALLED.
7. Both funding and the conditions of the Incentive are subject to the jurisdiction of the California Public Utilities Commission (CPUC) and shall be subject to such changes or modifications as the CPUC may, from time to time, direct in the exercise of its jurisdiction. If there are changes in the Incentive, PG&E will endeavor, but cannot guarantee, to provide a reasonable period of time before changes go into effect.
8. I understand that if the incentive is modified in any way or terminated by order of any government entity, then the Agreement shall be revised or terminated consistent with that order.
9. I agree to review the Statewide Customized Offering Manual ("the Manual") and understand eligibility for receipt of any incentive payments is contingent on meeting the requirements as stated in the Manual.
10. PG&E may assign the Agreement, in whole or in part, or its rights and obligations hereunder, directly or indirectly, by operation of law or otherwise, without the Customer's prior written consent, provided PG&E reminds obligated for payments incurred prior to the assignment. The Customer may not assign this Application, in whole or in part, or its rights and obligations hereunder, directly or indirectly, by operation of law or otherwise without the prior written consent of PG&E.
11. I understand the Incentive requires inspections and measurements of the performance of the measures. Therefore, I agree to provide access to the Project Site for these purposes to PG&E and/or its agents or assigns and the CPUC and/or its agents or assigns.
12. I agree to release PG&E, its affiliates, subsidiaries, parent company, officers, managers, directors, agents, and employees from all claims, demands, losses, damages, costs, expenses, and liability (legal, contractual, or otherwise), which arise from or are in any way connected with any: (1) injury to or death of persons, including but not limited to employees of PG&E, customer, or any third party; (2) injury to property or other interests of PG&E, Customer or any third party; (3) violation of local, state, or federal common law, statute, or regulation, including but not limited to environmental laws or regulations; (4) energy savings shortfall; so long as such injury, violation, or shortfall (as set forth in (1) - (4) above) arises from or is in any way connected with the Project, including any third party's performance of or failure to perform the Project, however caused, regardless of any strict liability or negligence of PG&E, its officers, managers, or employees.
13. Energy savings for which incentives are paid cannot exceed the actual usage provided by PG&E. Non-utility supply, such as cogeneration or deliveries from another commodity supplier, does not qualify as usage from PG&E (with the exception of Direct Access customers or customers paying departing load fees for which the utility collects PPP or PGC charges).

14. Funding approved for this Incentive is limited and will be paid on a first-come, first-served basis to qualified customers. Funds will only be reserved upon PG&E's execution of the Agreement. This incentive offer is subject to the availability of authorized funds.

15. Installation of any energy-efficient equipment required for compliance with 2008 Title 24 requirements or a generally accepted industry standard, where applicable, may be eligible for incentive.

16. Specific restrictions may apply to each energy efficiency system, as outlined in the instructions and attached project forms.

17. To be eligible for incentives, I agree that I have not and will not apply for or receive incentives offered by local or state entities or other utilities for measures covered under this Agreement.

18. PG&E may suspend or terminate the Agreement, without cause, upon written notice to me.

19. I understand the following Tax Liability provisions: PG&E will report incentives greater than $600 as income to me on IRS form 1099 unless: (1) I have marked the "Corporation" or "Exempt" tax status box, or (2) I identified a different party as "Payee" in Section 2 of the application.

20. I understand once an acknowledgement receipt is issued for this Application under a Customized Energy Efficiency Program, the Application will be processed under that Program. If the Application is withdrawn at any time in the process, I may only resubmit an Application for the same project in the same program, under specific circumstances approved by the Program Manager.

21. For Customized Retrofit only: if Section 3 "Payee Information" is filled out with information that is not the customer's, I, the customer, am authorizing this payment of my incentive to the other entity named in Section 3 and I understand that I will not be receiving the incentive check from PG&E. I also understand that my release of the payment to the third party does not exempt me from the requirements outlined in the Application package.

22. For Customized Retrofit only: If Section 2 "Project Sponsor Information" is NOT filled out or is information of the customer's, I am self-sponsoring this project and intend to enter into a Customized Retrofit Agreement with PG&E for delivery of energy and/or demand savings resulting from the installation of energy efficiency measures at the project site listed. I assume the role and responsibilities of the Project Sponsor.

I understand:

Authority: I have obtained the permission of the legal owner of the Project Site to install the measures.

Incentives: (1) To be eligible for incentives, a project application must be submitted and PG&E must inspect and approve the project prior to the removal of the existing equipment/systems and the installation of the measures; (2) the energy savings, incentives and installed costs are estimates only. (3) PG&E finalizes the incentive amounts after completing the project approval process. The actual incentive amount may therefore vary from the submitted amount.

23. For Customized Retrofit only: If Section 2 "Project Sponsor Information" is filled out with information that is not the customer's, I have entered into the a contract with the Project Sponsor indicated for the installation of energy efficiency measures at the project site listed. Upon project approval, the Project Sponsor will enter into a Customized Retrofit Agreement with PG&E for delivery of energy and/or demand savings resulting from the installation of these measures at the project site. All contracts and correspondence will be sent directly to the Project Sponsor specified.

I understand:

Authority: I have the authority to contract on behalf of the legal owner of the Project Site, for installation of energy efficiency measures.

Project Sponsor: (1) PG&E makes no warranty or representation about the Project Sponsor's qualifications, and I am solely responsible for selecting the Project Sponsor to implement the project; (2) the Project Sponsor is an independent contractor and is not authorized to make any representations on behalf of PG&E; (3) PG&E will have no role in resolving any disputes between me, the Project Sponsor, and/or any other third parties.

Incentives: (1) To be eligible for incentives, a project application must be submitted and PG&E must inspect and approve the project prior to the removal of the existing equipment/systems and the installation of the measures; (2) the energy savings, incentives and installed costs are estimates only. (3) PG&E finalizes the incentive amounts after completing the project approval process. The actual incentive amount may therefore vary from the submitted amount.

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June 2013 CTM-1209-034

Pacific Gas and Electric Company
Customized Incentive Program

2013 Program Application

Energy Efficiency - Demand Response

Section 1 Customer Contact Information

PG&E Customer Name | Name of PG&E Local Gov't/Statewide Partnership, if applicable

Customer Contact Name | Title

Contact Telephone Number | Contact Fax Number | E-Mail Address

Mailing Address | City | State | Zip

Project Name/Description | Using On-Bill Financing? ◯ Yes ◯ No

Project Site Address | City | State | Zip

Estimated Project Installation/Completion Date (required) _____

*For multiple site applications, enter identifier for each site and PG&E Service ID number (not Account Number) on the savings summary sheet.

Project Site ID Number* | Electric Service ID Number | Gas Service ID Number

Facility Description/Type | Years since built/lastmajor renovation | Total Sq. Ft. of Facility

Customer Type: ____ *Industrial* ____ *Commerical* ____ *Agricultural*

Section 2 Project Sponsor Information (if applicable)

Business Name of Project Sponsor

Mailing Address | City | State | Zip

Project Sponsor Contact Name | Title

Contact Telephone Number | Contact Fax Number | E-Mail Address

Section 3 Payee Information

Select only ONE for each area below:

Payee	Tax Identification Type	Tax Status
◯ Owner ◯ Vendor	◯ Employer ID Number (EIN)	◯ Corporation ◯ Individual
◯ Leasee	◯ Federal Tax ID ◯ SSN _____ Tax Identification Number	◯ Non-Corp ◯ Exempt _____ Exempt Reason

Payee | Telephone Number | Fax Number

Mailing Address | City | State | Zip

Contact Name | Title | E-Mail

Section 4 Agreement

I have read and agree to the Terms and Conditions and Manual (link below)

http://www.pge.com/mybusiness/energysavingsrebates/rebatesincentives/ief/.

I certify the information I have provided on this application and attachment(s) is true and correct.

Customer Contact Name (Please Print) | Title

Customer Signature | Date

Project Sponsor Name (Leave blank if the Customer is the Project Sponsor.) | Title

Project Sponsor Signature (Leave blank if the Customer is the Project Sponsor.) | Date

See Terms and Conditions on the Following Pages

For Utility Use Only

PO IM ID | Implementation Mgr Name

ES&S Rep ID | ES&S Rep Name

Rep Phone #

Service Code | Date Received

LIA measure? ___ Y ___ N

If Yes, Auditor's name

FOR PG&E USE ONLY: Project No. _____ **Application No.** _____

Pacific Gas and Electric Company Customized Incentive Program

2013 Customized Retrofit Savings Summary

Project Name _____ **Project Sponsor** _____

Customer Type: ____ *Industrial* ____ *Commerical* ____ *Agricultural*

Section 4 Energy Efficiency Measure Information

If you need assistance completing this application, please contact your PG&E account representative.

1. Indicate the Site Name and Site Service ID Number.
2. Indicate the measure type by checking **L** for Lighting, **AI** for Air Conditioning and Refrigeration I (AC&R I), **AII** for Air Conditioning and Refrigeration II (AC&R II), **O** for other, or **G** for Natural Gas.
3. Select the Measure Type. Choose **ER** if the measure is to be claimed as Early Retirement (e.g. if the equipment being replaced is still operational). Choose **ROB** if the measure is to be claimed as Replace on Burnout (e.g. if the equipment being replaced is not operational). Choose **REA** if the measure is to be claimed as Retrofit Add-On (e.g. if this is a controls measure or a measure resulting in added load). Choose **NEW** if the measure is to be claimed as New Load (e.g. Installation of new, high-efficiency equipment to meet expanded process needs or new production loads, that does not involve: Change in facility function/footprint, Movement of key equipment/operations or Construction/removal of walls)

Enter data in blue cells

Calculated Measures #	Site Name (and site Service ID#, if multiple sites)	Technology Type	Measure Type	Description of the Proposed Measure	Retrofit Cost ($)*
1		○ L ○ AI ○ AII ○ O ○ G	○ ER ○ ROB ○ REA ○ NEW		
2		○ L ○ AI ○ AII ○ O ○ G	○ ER ○ ROB ○ REA ○ NEW		
3		○ L ○ AI ○ AII ○ O ○ G	○ ER ○ ROB ○ REA ○ NEW		
4		○ L ○ AI ○ AII ○ O ○ G	○ ER ○ ROB ○ REA ○ NEW		

Section 5 Energy Efficiency Savings and Incentive Summary

ENERGY/PERMANENT ON-PEAK DEMAND MEASURE DETAILS (Attach calculation sheets to this form and enter the energy savings and demand reduction parameters for Calculated Saving Measure below)

Energy Savings							*Permanent On-Peak Demand Reduction*				
Calculated Measure from # above	Existing Equipment Baseline Usage (kWh/yr or therm/yr)	Code/Standard Equip Baseline Usage (kWh/yr or therm/yr) (leave blank if unknown)	Installed Usage (kWh/yr or therm/yr)	Energy Savings (kWh/yr or therm/yr)	Incentive Rate ($/kWh or $/therm)	Energy Incentive ($)	Existing Equipment Baseline On-Peak Demand (kW)	Code/Standard Equipment Baseline On-Peak Demand (kW)	Installed On-Peak Demand (kW)	On-Peak Demand Reduction (kW)	Peak kW Incentive ($)
1											
2											
3											
4											

Estimated Energy Savings Totals _____ ***kWh*** _____ ***therms***

Total Retrofit Cost ($) _____
Estimated Subtotal Incentive ($) _____
Retrofit Cost Adjustment ($) _____
Estimated Total Incentive ($) _____

On-Peak Demand Reduction ***kW***

CUSTOMIZED RETROFIT INCENTIVE RATES			
Lighting	$0.05/kWh	Other	$0.09/kWh
AC&R I	$0.15/kWh	AC&R II	$0.09/kWh
Natural Gas	$1.00/therm	All	$100.00/peak kW

*The total retrofit cost includes, but is not limited to, audits, design, engineering, construction, materials, permits, fees, overhead and labor. Written forms must have separate measure entries for each measure type included in the project. The total incentive cannot exceed 50% of the total retrofit cost and the total site incentive cannot exceed the Project Site Cap for single site applications. An adjustment may be made after review of measure costs. Please provide project invoices upon project completion. See 2013 Statewide Customized Offering Manual for details.

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January 2013 CTM-1209-345

Pacific Gas and Electric Company
Customized Incentive Program

2013 Automated Demand Response Application Form: ADR Calculation Page

Project Name _____ **Vendor** _____ **Customer Contact** _____

Enter data in blue boxes Customer Type: _____ *Industrial* _____ *Commerical* _____ *Agricultural*

Automated Demand Response Dispatchable On-Peak Demand Reductions Measure Details

Meas. #	Baseline On-Peak Demand (kW)	Installed On-Peak Demand (kW)	Dispatchable On-Peak Demand Reductions (kW)	Technology Category	Incentive Rate ($/kW)	Gross Incentive ($)	Incremental ADR Project Cost ($)	Incentive Adjustment* ($)	Final Incentive† ($)
1				◯ 1 ◯ 2 ◯ 3 ◯ 4					
2				◯ 1 ◯ 2 ◯ 3 ◯ 4					
3				◯ 1 ◯ 2 ◯ 3 ◯ 4					
4				◯ 1 ◯ 2 ◯ 3 ◯ 4					
					TOTALS				

Automated Demand Response On-Peak Demand Reduction Rates

	Technology Category	DR Program Enrollment Options	Incentive Rate
1	Semi-Automated DR	PDP, CBP, DBP, AMP, OBMC, or E-SLRP	$125
2	Automated DR	PDP, CBP, DBP, or AMP	$200
3	Emerging & Advanced Technology HVAC	PDP, CBP, DBP, or AMP	$350
4	Emerging & Advanced Technology Lighting	PDP, CBP, DBP, or AMP	$400

Dispatchable Peak Demand Reduction	_____ *kW*
ADR Incremental Project Costs	$ _____
ADR Incentive: 60% Payment	$ _____
ADR Incentive: 40% Perf. Payment	$

* Incentive limited to 100% of incremental ADR Project Cost

† Incentive Payments: Customers will receive 60% of the total program incentive after successful verification of equipment installation and testing of the committed DR strategies. The remaining 40% incentive will be paid upon verification of participant performance in the immediate following full DR season, which may be up to 12 months after the first payment. The second incentive payment is furthermore prorated based on a minimum performance of 60% of the verified kW curtailment averaged across all events called during the DR season.

Applicants Eligibility for ADR and Semi-DR: All non-residential customers who: 1) are not installing communicating thermostats project as a small or medium business, 2) receive electric service from PG&E, 3) have a PG&E interval meter installed at the site, 4) have an existing Utility service account with at least 12 months of billing and usage history, and 5) pays the PPP surcharge on the electric meter on which the demand response and energy efficient equipment is proposed.

Technology Eligibility for Semi-ADR: Technology must have previously demonstrated Demand Response capability and technology must either 1) have been evaluated in a independent assessment, or 2) be currently installed and available for evaluation by program staff at a site in PG&E territory or other location easily accessed by the program staff, and where both pre- and post-project conditions are documented or currently verifiable, and 3) must be under manufacturer warranty for a minimum of 3 years.

Technology Eligibility for ADR: 1) Technology must have previously demonstrated Demand Response capability. 2) Technology must have been evaluated in an independent assessment; or be currently installed and available for evaluation by program staff at a site in PG&E territory or other location easily accessed by the program staff, and where both pre- and post-project conditions are documented or currently verifiable. 3) Technology must be under Manufacturer warranty for a minimum of 3 years. 4) For 2012, Technology must be either OpenADR-1.0 compliant or OpenADR-2.0 Certified. 5) For applications received after January 1st, 2013, technologies must be OpenADR-2.0 certified.

Peak Demand Period - Weekdays 12:00 noon through 6:00 p.m. from May 1 through October 31 (excluding holidays).

Per CPUC Decision D.12-04-045, this program begins September 17, 2012.

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RESOLUTION _____

APPROVING TO FORGO STANDARD PROCUREMENT PROCESSES TO CONTRACT WITH PG&E FOR LED STREET LIGHT RETROFIT PROGRAM; APPROVING PG&E STREET LIGHT AGREEMENT, APPROVING SUBMITTAL OF THE ON-BILL FINANCIAL SUPPLEMENT AND CUSTOMIZED RETROFIT INCENTIVE APPLICATION FOR STREET LIGHT RETROFIT PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE ANY ASSOCIATED AGREEMENTS AND APPLICATIONS

WHEREAS, The City owns and maintains 4,602 street lights which are primarily high pressure sodium fixtures and Light Emitting Diode (LED) fixtures are now readily available and tested, and take considerably less energy; and

WHEREAS, The City has an opportunity to collaborate with PG&E, to accomplish a partial change out of overhead street lights to lower energy-use fixtures, and realize an annual cost savings through lower per-fixture rates by obtaining a zero-interest loan through the PG&E On-Bill Financing (OBF) Program and the annual cost savings would then be used to repay the loan; and

WHEREAS, California Government Code Sections 4217.12 and 4217.13 allow the City to forgo standard procurement processes for energy service contracts and for energy financing contracts if it finds it best serves the City interest; and

WHEREAS, Based on the cost and payback period on investment and the long term benefit to the City in reduced energy use and costs it is in the City's best interest to participate in the Turnkey Program with PG&E; and

WHEREAS, Public notice of this City Council meeting item was given at least two weeks before the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the City Council:

1. approves to forgo standard procurement processes to contract with PG&E for LED Street Light Retrofit Program, based on the authority of Government Code section 4217.12. The Council finds that the anticipated cost under the contract will be less than the anticipated cost to the City that would have been consumed in the absence of this purchase;
2. approves PG&E Street Light Agreement (*PG&E Products and Services Agreement*);
3. approves submittal of the On-Bill Financial Supplement and Customized Retrofit Incentive Application for Street Light Retrofit Program; and
4. authorizes the Mayor to execute any associated agreements and applications. In authorizing the Mayor to execute the anticipated energy financing agreement, the City Council finds under Government Code section 4217.13 that: the proposed financing arrangement is in the best interest of the City in that funds for the repayment of the financing are projected to be available from revenues resulting from funding that otherwise would have been used for the purchase of electrical energy required by the City.

* * * * * * * * * * * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 20th day of August, 2013, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

August 20, 2013

AGENDA ITEM 4

REQUEST

PUBLIC HEARING TO CONSIDER AN APPLICATION TO AMEND A VESTING TENTATIVE SUBDIVISION MAP ON AN 18.6-ACRE PARCEL TO CREATE 105 LOTS, AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN (PDP/FDP) AMENDMENT TO ALLOW FOR THE CONSTRUCTION OF 105 SINGLE-FAMILY HOMES LOCATED WITHIN THE 18.6 ACRE INFILL SITE ON THE WEST SIDE OF MAC ARTHUR DRIVE, NORTH OF VALPICO ROAD. THE APPLICANT IS VALLEY OAK PARTNERS AND OWNERS ARE DERONE W. AND D.A THRASHER-APPLICATION NUMBERS TSM13-0002 AND PUD13-0002

EXECUTIVE SUMMARY

This agenda item involves amendments to an existing Vesting Tentative Subdivision Map, and Preliminary and Final Development Plans for the construction of 105 single-family homes. Approval of this agenda item would enable the land to be subdivided and homes built.

BACKGROUND

The subject property is located on the west side of Mac Arthur Drive, south of and adjacent to the Ashley Park subdivision and north of and adjacent to the Valpico and Mac Donald Apartment projects, properties with approvals in place that have not yet commenced construction (Attachment A). The project consists of 18.6 acres that the applicant wishes to subdivide for the construction of 105 single-family homes, herein called the project site. The proposed project will connect with two stubbed streets from the Ashley Park subdivision to the north, and with a street (Glenbriar Drive) and pedestrian walkway to the Valpico and Mac Donald Apartment projects to the south. The project site, along with the adjacent existing Ashley Park subdivision, was annexed to the City in 1973. The project site falls within the Infill development and finance plan area.

In 2007 this property was rezoned from Low Density Residential (LDR) to Planned Unit Development (PUD), along with the adjacent out-parcels along Mac Arthur Drive. With that rezoning, a Vesting Tentative Subdivision Map, and Concept, Preliminary and Final Development Plans were approved for the development of 103 single-family homes on the project site.

Site and Project Area Description

The current zoning designation is Planned Unit Development (PUD), with a General Plan designation of Residential Low, allowing for 2.1 to 5.8 dwelling units per gross acre. The property to the west of the project site is zoned M-1 (but has a General Plan designation of Residential High), and is currently vacant. The southern border of the project site is zoned High Density Residential (HDR), and two apartment projects have been approved for the site, but not yet constructed. The applicant of this project and the applicants of the adjacent apartment projects worked together with the City to incorporate both

vehicular and pedestrian access points between the two sites for convenient future access. The 18.6-gross acre site is bordered on the north side by existing single-family homes zoned Low Density Residential (LDR).

DISCUSSION

PUD Amendment

In accordance with current Tracy Municipal Code regulations, in order to establish a Planned Unit Development (PUD) zone, the minimum and maximum standards must be established for the project in the Concept, Preliminary and Final Development Plan (Attachment B). The Concept Development Plan (CDP) is the first step, which describes the proposed uses in a very general manner, showing potential building locations, parking areas, and proposed land uses. The Preliminary Development Plan (PDP) supplies all of the detailed information, such as architectural renderings, site plans showing open space and circulation, landscape, and utility plans. The Final Development Plan (FDP) must be approved prior to any construction, and typically finalizes all of the details laid out by the Preliminary Development Plan, and any changes proposed. It is typical for the CDP to be approved upon annexation or rezoning, and then later the PDP and FDP are often reviewed concurrently, showing their conformity with the adopted CDP.

When this property was rezoned to PUD in 2007, a CDP/PDP/FDP was approved for the land that encompassed the 103 lots that were proposed for development at the time. In addition, the CDP only was approved for the five “out-parcels”, as the project proponent did not own or plan to develop those lots. That situation remains today, and the CDP will provide for the provision of streets, utilities and development standards upon the redevelopment of those lots (upon property owner request).

Subdivision

The proposal is to divide the property into 105 lots in order to develop 105 detached single-family homes on approximately 18.6 acres (Attachment C). The proposed lot sizes range from 4,176 to 8,544 square feet and are divided into three different lot size groups with varying building regulations (such as setbacks and lot coverage, as shown in Attachment B). The three lot size groups are 55’x100’, 50’x100’, and 48’x87’. The gross density of the proposed subdivision is 5.6 units per acre, within the range allowable under the site’s General Plan designation of Residential Low.

The subdivision design utilizes the existing street patterns from the property to the north, and connects to the apartment projects to the south, ultimately creating a street connection from the existing and proposed residences to Valpico Road. The design of this project relating to the existing, proposed, and future development through the use of existing stubbed streets and the creation of new ones to future development is a direct result of the City’s discussions regarding connectivity. The proposed subdivision has produced a layout that promotes both pedestrian and vehicular connections to reduce the need for the use of automobiles while at the same time retaining the hometown feel that defines neighborhoods in Tracy.

Parking

Each unit within the project will include two side-by-side parking spaces within an enclosed garage as provided within Tracy Municipal Code. This garage space is to be no smaller than 20 feet by 20 feet of clear unobstructed space. These garages will be accessed from public streets. On-street parking has also been provided on the project site, as the street sections as designed allow on-street parking on both sides of the streets. The plotting of the houses on the lots will occur in a manner to pair driveways when possible to maximize the number of on-street parking spaces within the project.

Building Setbacks, Development Standards

The minimum building setbacks are to be as shown in the revised Preliminary and Final Development Plan as shown in Attachment B. The minimum setbacks, lot coverage, and other requirements vary for each of the three lot sizes, and the housing product is appropriately sized to fit on the proposed lots. Staff worked with the applicant to create the development standards for the subdivision so the end result would be a well-planned but flexible subdivision that accounts for the needs of the future residents of the proposed houses, with regards to building and shade structure additions, pools, and the like.

Building Height

The proposed houses are one and two stories in height. The Tracy Municipal Code provides that height limits can be established in each PUD, as appropriate. The proposed maximum building height is 35 feet, which is consistent with the zoning regulations of all of the adjacent single-family homes in the LDR zone, which are allowed to be up to two and a half stories, or 35 feet, whichever is less.

Architecture

Upon submittal of a vesting tentative subdivision map application (or map amendment), as well as a PUD, the applicant is required by Tracy Municipal Code Sections 12.28.040(b)(2) and 10.08.1830 to submit architectural floor plans and elevations for review and approval by the Planning Commission and City Council. The proposed architecture for the 105 units contains a total of six floor plans, some with three and some with four different architectural elevations, including Spanish, Craftsman, English Country, and Italian (Attachment D). In total, the combination of floor plans and elevations amounts to a total of 20 different houses, which is in compliance with the City's Design Goals and Standards for a subdivision of this size. The garages are de-emphasized within the subdivision because all six floor plans are designed with their garage facades five or more feet behind the front façade of the living space of each house. Some of the garages are set back even further, allowing the project have some garages set back 30 feet from the street. The combination of these six floor plans, and their varying architectural styles complies with the City's Design Goals and Standards and should create an interesting streetscape.

Residential Growth Allotments (RGAs)

Because this project is an amendment to the existing Vesting Tentative Subdivision Map, the requirements for allocation of RGAs are vested to the requirements of the 2005 Growth Management Ordinance (GMO) and its Guidelines. The project does not currently have any RGAs and will apply for RGAs in accordance with the 2005 GMO prior to the issuance of any building permits for the project. The project falls within the "Primary Area" of the 2005 GMO and is eligible to apply for RGAs in accordance with the 2005 GMO Guidelines.

Schools

The Tracy Joint Unified School District has determined that the Tiburon Village project does not need to dedicate property for a school site within the subdivision. However, in order to mitigate the proposed developments' impacts on school facilities, a Memorandum of Understanding was executed with the School District, which will cause a per-unit fee to be charged for each of the 105 units constructed.

Parks

Parks are required to be established within residential neighborhoods to serve the residents of the homes that are established in Tracy. In order to meet the need for park land, projects are either required to build their own park, or pay park in-lieu fees. Since the minimum park size within the City is typically required to be two acres, this project will pay the park in-lieu fees, as the 105 homes proposed would only constitute a need for a 1-acre park. (The total population estimate for the project area is 344 residents, based on 105 dwelling units, and 3.28 people per unit.) In addition, community parks are required at a rate of 1 acre of park land per every 1,000 residents, resulting in 0.34 acres of community park area required, or mitigation fees paid.

Environmental Document

A joint Initial Study/Negative Declaration was prepared for the project site and the adjacent commercial project (Valpico Town Center), as both projects were being processed in the same time frame and each required environmental documentation. The Valpico Town Center project has since been amended to accommodate an apartment project. That Initial Study was completed, and went through the required review period as prescribed by the California Environmental Quality Act (CEQA) before the Initial Study and the Negative Declaration were presented to and approved by the Planning Commission during the review and approval of the Valpico Town Center project. The study included analyses of various potential effects of the projects in compliance with CEQA, including specific studies regarding traffic and air quality. This project is consistent with the Valpico/South Mac Arthur Development Projects Initial Study and Negative Declaration, approved by the Planning Commission in April of 2004. The project is also consistent with the analyses completed in the General Plan Environmental Impact Report approved by City Council February 1, 2011.

Planning Commission Discussion

The Planning Commission held a public hearing to discuss this project on July 24, 2013. They inquired about details regarding traffic impacts, variety in the streetscape (plotting of single and two-story units) park land, and RGAs. Two neighboring property owners also addressed the Commission with their concerns about traffic on Mac Arthur Drive and with requests to plot single-story units adjacent to their existing homes. After their questions were addressed by staff, the Planning Commission recommended approval of the project as presented by staff.

FISCAL IMPACT

This agenda item will not require any expenditure of funds. The applicant paid the application fees for the staff time that was required for review of the proposed project. The applicant will also pay all of the appropriate building permit and development impact fees upon the commencement of construction of the dwelling units and other improvements. Development of the 105 homes will also result in an increase to property tax revenues.

RECOMMENDATIONS

Staff and the Planning Commission recommend that the City Council approve the amendment to the Tiburon Village Vesting Tentative Subdivision Map, Application Number TSM13-0002, and the amendment to the Preliminary and Final Development Plans, Application Number PUD13-0002, based on the findings and subject to the conditions contained in the City Council Resolution dated August 20, 2013.

Prepared by Victoria Lombardo, Senior Planner

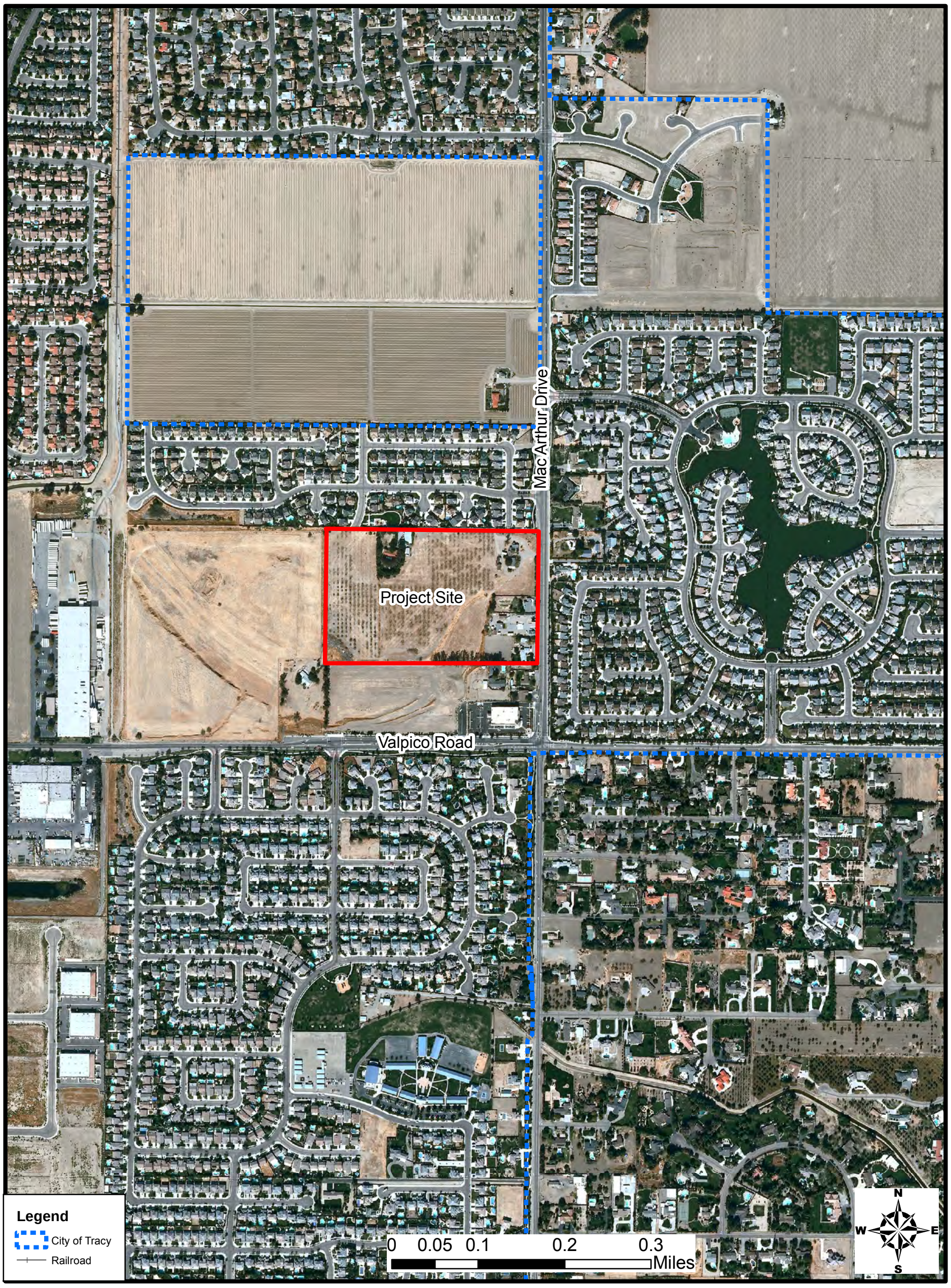
Reviewed by Bill Dean, Assistant Development Services Director

Approved by R. Leon Churchill, City Manager

ATTACHMENTS

Attachment A—Location Map
Attachment B—PUD Guidelines
Attachment C—Subdivision Map
Attachment D—Architectural Renderings

Location Map



ATTACHMENT B

PLANNED UNIT DEVELOPMENT (PUD)
TIBURON VILLAGES

1. PURPOSE

   The purpose of the PUD is to allow a mix of unit types and size within the project and to maximize the efficiency of open space for recreation, pedestrian usage, and enhancement of public improvements, including vehicular and pedestrian connectivity with adjacent developments.

2. PROPERTY DESCRIPTION

   a. Location

      The proposed project is approximately 18.6 acres in area, located off South MacArthur Drive, south of and abutting the existing Ashley Park Community, and in the proximity of the intersection of South MacArthur Drive and Valpico Road.

   b. Site Description

      The site is currently undeveloped, fallow land with topography consisting of a series of terraced benches stepping up from west to east with a change in elevation from 92 feet in the southwest corner to elevation 100 feet in the northeast corner

   c. Access

      The main access to the site will be via a neighborhood entry intersecting at South MacArthur Drive as depicted on the Tentative Map plans dated July 2013. Two secondary points of access from the north are proposed from existing stubbed streets, Stalsburg Drive and Bently Lane, both constructed as part of the Ashley Park Development. Tung M. Nguyen Lane will be stubbed to the vacant parcel to the west providing a third access point. There is an additional fourth access point stubbed to the apartment site to the south for extension of Glenbriar Drive to Valpico Road.

   d. Circulation within the subdivision shall consist of a series of 55-foot wide public streets connecting to the neighborhood entry and extending to Stalsburg Drive and Bently Lane to the Ashley Park Development. Residents and visitors will have multiple paths of travel throughout the subdivision.

3. DESIGN CONCEPT

   a. Land Use

      The project shall be developed with single family detached product types including six floor plans across three typical lot sizes: (i) 55’ x 100’ typical, (ii) 50’ x 100’ typical, and (iii) 48’ x 87’ typical. Two of the six floor plans shall be single story level homes.

b. Development Standards

Except as otherwise specified herein and when not in conflict with the standards outlined herein, all development standards shall be those of the Low Density Residential (LDR) Zone. All standards for fence, wall and hedge heights, swimming pools, portable buildings, shade structures, projections into yards and courts shall be consistent with Tracy Municipal Code Article 24 of Chapter 10.08 – Zoning Regulations. Parking of boats or recreation vehicles and motor homes within driveways or within any required front yard areas is prohibited within the PUD.

	Typical Lots		
	55' x 100'	50' x 100'	48' x 87'
Yard			
Front Setback to Garage	18' Minimum	18' Minimum	18' Minimum
Front Setback to House/Porch	10' Minimum	10' Minimum	10' Minimum
Side Yard Setback	5' Minimum	5' Minimum	5' Minimum
Side Yard Setback on Corner Lot (street side)	10' Minimum; Any part of structure within 20' of adjacent lot driveway must be 15' minimum	10' Minimum; Any part of structure within 20' of adjacent lot driveway must be 15' minimum	10' Minimum; Any part of structure within 20' of adjacent lot driveway must be 15' minimum
Rear Yard Setback	10' Minimum; 15' average	10' Minimum; 15' average	10' Minimum; 15' average
Area	5,500 sq ft minimum	5,000 sq ft minimum	4,175 sq ft minimum
Width at Front Yard Setback	55' (Minimum 45' on cul-de-sac or knuckle)	50' (Minimum 45' on cul-de-sac or knuckle)	48' (Minimum 45' on cul-de-sac or knuckle)
Minimum Lot Depth	100'	100'	87'

Height	35' (Max)	35' (Max)	35' (Max)
Maximum Lot Coverage	55% (Max) - Single Story only; 50% (Max) all other	55% (Max) - Single Story only; 50% (Max) all other	55% (Max) - Single Story only; 50% (Max) all other
Parking On-Site	20' x 20' 2 Car Garage/Unit Minimum	20' x 20' 2 Car Garage/Unit Minimum	20' x 20' 2 Car Garage/Unit Minimum

c. Architectural/Site Design/Open Space

i. Design of the Site

The design of streets and individual lots, including the conceptual footprint of buildings, is shown on the Tentative Map development plans in accordance with the provisions contained herein.

ii. Design and Distribution of Floor Plans and Architectural Elevations

The Development Plan prepared for the subdivision shall incorporate plan variety. A minimum of six floor plans with three different elevations shall be utilized within the development, as shown on the architectural renderings. The same floor plan shall occur at least once for every nine (9) lots in a row, and no more than two (2) times for every six (6) lots. No exact plan and elevation shall be located on adjacent lots. The single story plans will generally be interspersed within the community where lot dimensions allow.

iii. Vehicular Circulation

Circulation through the subdivision shall be provided as shown on the Tentative Map.

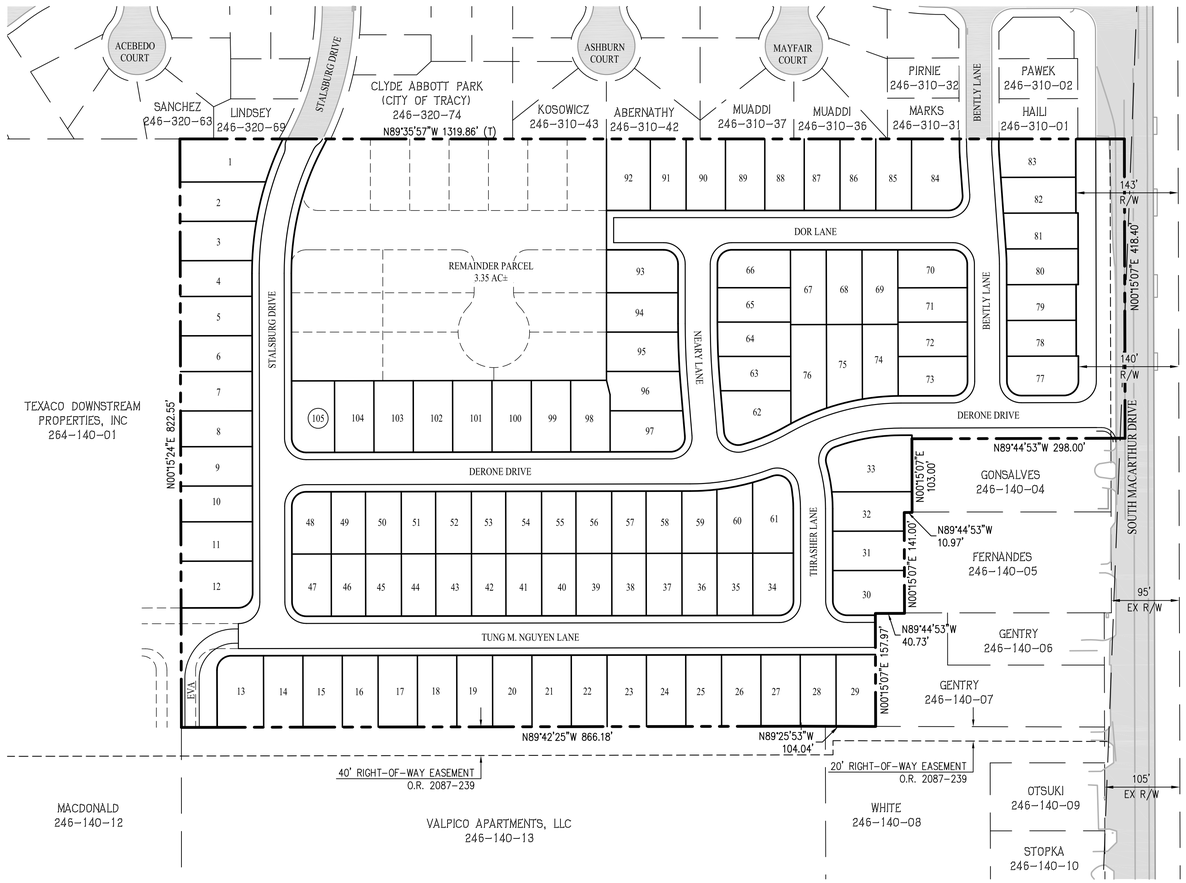
iv. Pedestrian Circulation

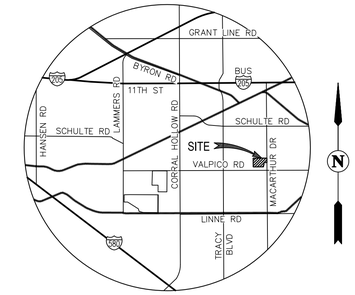
Five foot “separated” pedestrian sidewalks (adjacent to five foot landscape strips) are proposed on both sides of all residential streets providing for pedestrian access for the development.

v. On-Street Parking

Building footprints, garage locations and “curb cuts” shall be designed and located to maximize where feasible the number of on-street parking locations within the PUD.

ATTACHMENT C





VICINITY MAP
NOT TO SCALE

LEGEND

EXISTING	PROPOSED	DESCRIPTION
		PROPERTY LINE
		CURB, GUTTER AND SIDEWALK
		CENTERLINE
		SECTION LINE
x 165.0	+170.0	SPOT ELEVATIONS
	SD	STORM DRAIN LINE (PUBLIC) MINIMUM SLOPE (12")=0.0050 ALL OTHERS =0.0020
EX SS	SS	SANITARY SEWER (PUBLIC) 8" MIN SLOPE = 0.0035 12"-15" MIN SLOPE = 0.0025
EX W	W	WATER (PUBLIC)
EX FIBER		FIBER OPTIC TRENCH (PRIVATE)
EX IRRIG		IRRIGATION PIPELINE (PRIVATE)
		SANITARY SEWER MANHOLE
		STORM DRAIN MANHOLE
		CURB INLET
		FIELD INLET
		FIRE HYDRANT
		TEMPORARY BLOW-OFF VALVE
		STREETLIGHT
	20 / P-1	LOT NUMBER / PARCEL NUMBER
	0.40%	APPROXIMATE STREET SLOPE (MINIMUM 0.40%)

GENERAL NOTES

1. OWNER: DERONE W. AND D. A. THRASHER
2295 S. MACARTHUR DRIVE
TRACY, CA 95376-8182

2. SUBDIVIDER: VALLEY OAK PARTNERS, LLC.
160 W. SANTA CLARA STREET, SUITE 1190
SAN JOSE, CA 95113
(408) 282-0995
DOUG RICH

3. CIVIL ENGINEER: CARLSON, BARBEE & GIBSON, INC.
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
(925) 866-0322
LEW CARPENTER, RCE 59416

4. GEOTECHNICAL ENGINEER: ENGEO, INC.
580 NORTH WILMA AVENUE, SUITE A
RIPON, CA 95366
(209) 835-0610
STEVE HARRIS

5. ASSESSORS PARCEL NO.: 246-140-02 & 246-140-03

6. SITE ADDRESS: 2295 & 2325 S MACARTHUR DRIVE

7. SITE AREA: 18.6± ACRES

8. EXISTING ZONING: PLANNED DEVELOPMENT – PD

9. EXISTING LAND USE: VACANT

10. PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL (TOTAL 121 UNITS)

11. BENCHMARK: CITY OF TRACY BM#11
3/4" BOLT W/ PUNCH IN MONUMENT WELL
LOCATED 280' EAST OF CORRAL HOLLOW ROAD & LINNE ROAD
40' SOUTH OF THE RAILROAD TRACKS
ELEVATION 171.33 (NAVD 88)

12. STREETS: ALL STREETS WITHIN THE SUBDIVISION WILL BE PUBLIC STREETS MAINTAINED BY THE CITY OF TRACY.

13. SANITARY SEWER: PROPOSED SANITARY SEWER FACILITIES TO BE DESIGNED PER CITY STANDARDS AND PUBLICLY MAINTAINED PER THE CITY OF TRACY.

14. STORM DRAIN: PROPOSED STORM DRAIN FACILITIES TO BE DESIGNED PER CITY STANDARDS AND PUBLICLY MAINTAINED PER THE CITY OF TRACY.

15. WATER: PROPOSED WATER FACILITIES TO BE DESIGNED PER CITY STANDARDS AND PUBLICLY MAINTAINED PER THE CITY OF TRACY.

16. FLOOD ZONE: NO SPECIAL FLOOD ZONE AREAS PER SAN JOAQUIN COUNTY FLOOD INSURANCE RATE MAP (FIRM) 06077CIND0A, PANEL 06077C0735F.

17. GAS & ELECTRIC: PG&E

18. TELEPHONE: AT&T

19. DIMENSIONS: ALL DIMENSIONS SHOWN ARE PRELIMINARY AND SUBJECT TO FINAL DESIGN AND MAPPING.

20. PHASING: THIS SUBDIVISION MAY BE CONSTRUCTED IN MULTIPLE PHASES. MULTIPLE FINAL MAPS MAY BE FILED ON THE LANDS SHOWN ON THIS MAP PURSUANT TO THE SUBDIVISION MAP ACT SECTION 66456.1.

21. LAND USE SUMMARY

LAND USE SUMMARY	
DESCRIPTION	AREA (AC)
LOTS	12.53±
PUBLIC STREETS AND LANES	6.04±

CITY ENGINEER'S STATEMENT

I HEREBY CERTIFY THAT THIS MAP HAS BEEN REVIEWED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE TRACY MUNICIPAL CODE AND THE SUBDIVISION MAP ACT AS TO FORM AND CONTENT.

CITY ENGINEER DATE

PLANNING COMMISSION FILING CERTIFICATE

TENTATIVE MAP FILED THIS _____ DAY OF _____ 20___ IN THE OFFICE OF THE TRACY PLANNING COMMISSION, TRACY, CALIFORNIA. ACCOMPANIED WITH APPROPRIATE FILING FEES. THIS CERTIFICATE DOES NOT DEEM THIS APPLICATION COMPLETE.

CITY COUNCIL CERTIFICATE

I HEREBY CERTIFY THAT THE CITY COUNCIL OF TRACY HAS CONDITIONALLY APPROVED THIS TENTATIVE MAP ON _____ BY RESOLUTION NO. _____.

CITY CLERK DATE

ENGINEER'S STATEMENT

THIS MAP WAS PREPARED BY CARLSON, BARBEE & GIBSON, INC. UNDER MY DIRECTION

LEW CARPENTER, R.C.E. 59416 DATE
LICENSE EXPIRATION DATE: 12-31-13

ABBREVIATIONS

BNDY	BOUNDARY	P	PAD ELEVATION
CL	CENTERLINE	PL	PROPERTY LINE
EVA	EMERGENCY VEHICLE ACCESS	PUE	PUBLIC UTILITY EASEMENT
EX	EXISTING	R	RADIUS
FL	FLOW LINE	R/W	RIGHT-OF-WAY
HP	HIGH POINT	S	SLOPE
INV	INVERT	SS	SANITARY SEWER
L	LENGTH	SD	STORM DRAIN
LF	LINEAR FEET	TC	TOP OF CURB
LP	LOW POINT	W	WATER

INDEX SHEET

TM01 TITLE SHEET AND GENERAL NOTES
TM02 SITE PLAN
TM03 TYPICAL SECTIONS AND LOT DETAILS
TM04 GRADING AND DRAINAGE PLAN
TM05 UTILITY PLAN

0' 100' 300' 400'
SCALE: 1" = 100' DATE: JULY 12, 2013

CITY OF TRACY

APPROVED FOR CONSTRUCTION SUBJECT TO THE DATA SHOWN. CITY OF TRACY AND THE UNDERSIGNED ARE NOT RESPONSIBLE FOR ERRORS AND/OR OMISSION THAT MAY BE PRESENT ON THESE PLANS.
KULDEEP SHARMA CITY ENGINEER DATE:

Think Inside the Triangle

Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583
TEL (925) 866-0322

SYMBOL	DATE	REVISIONS DESCRIPTION	APPROVED

DESIGNED BY: HCA
DRAWN BY: HCA
CHECKED BY: TRR
SCALE: AS SHOWN

TITLE SHEET AND GENERAL NOTES
TRACT 3290
VESTING TENTATIVE MAP
TIBURON VILLAGE
TRACY, CALIFORNIA

SHEET TM01 OF 5 SHEETS

7/12/2013 3:22 PM
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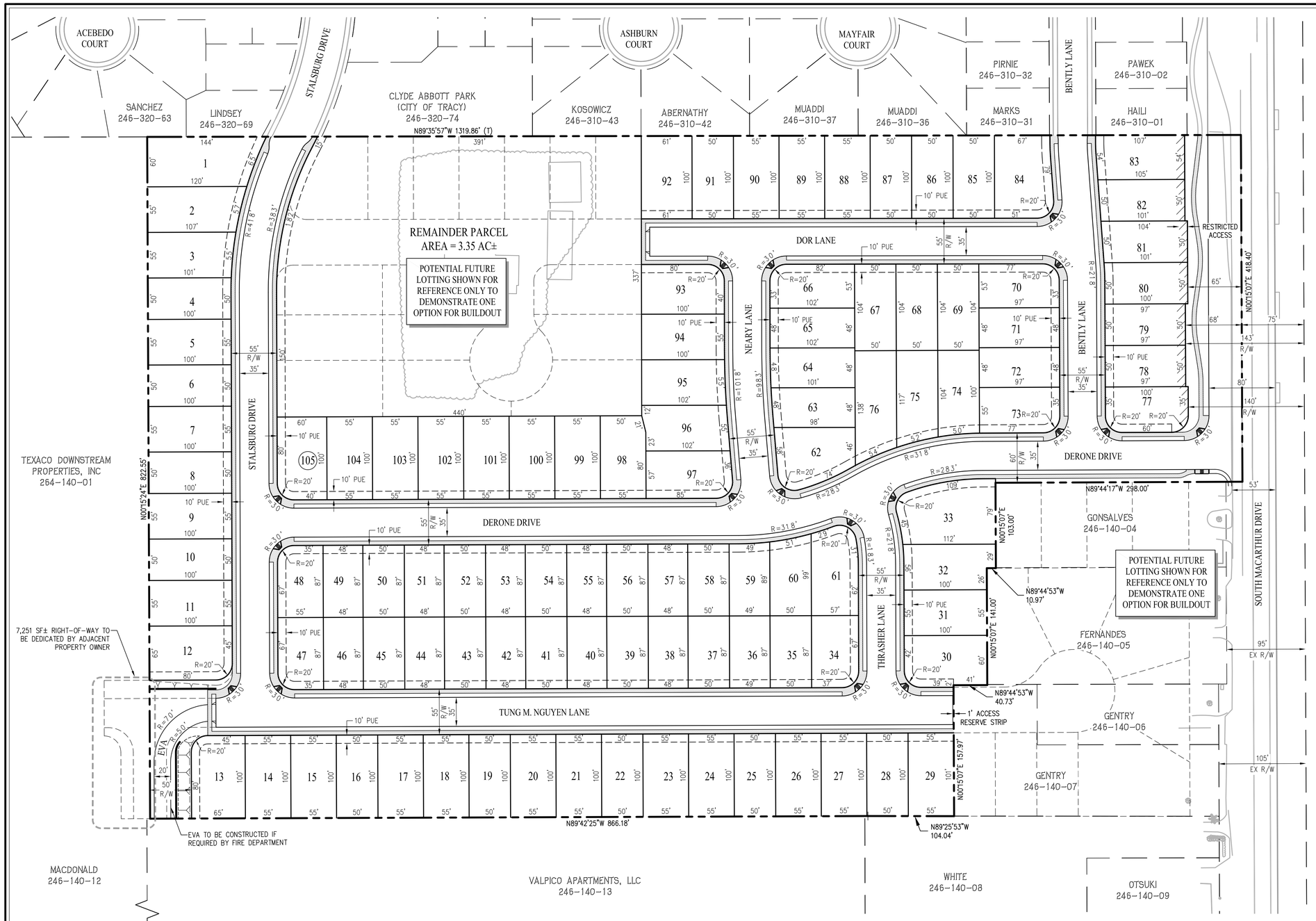
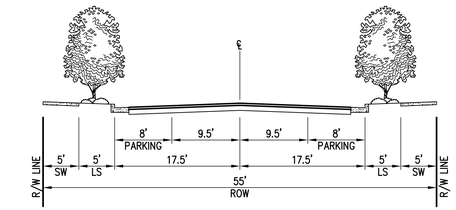
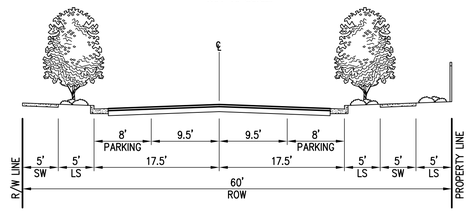




STALSBURG DRIVE, NEARY LANE, BENTLY LANE, THRASHER LANE, TUNG M. NGUYEN LANE, DOR LANE, DERONE DRIVE

55' RIGHT OF WAY

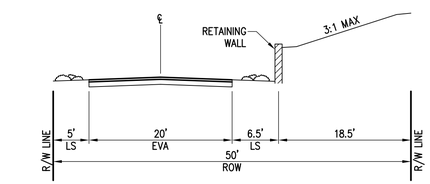
NOT TO SCALE



DERONE DRIVE

60' RIGHT OF WAY

NOT TO SCALE

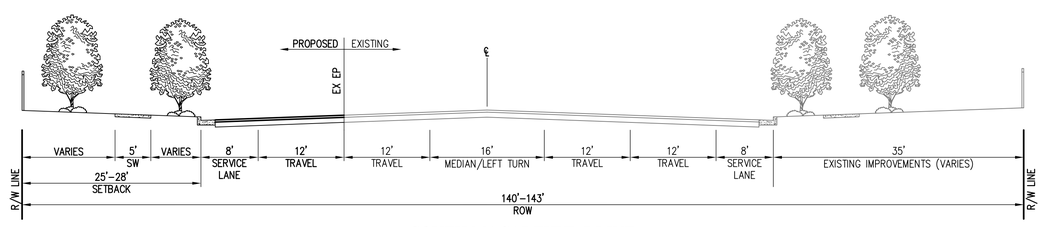


EMERGENCY VEHICLE ACCESS

50' RIGHT OF WAY

NOT TO SCALE

Lot # #	Area (sf)	Lot # #	Area (sf)	Lot # #	Area (sf)
1	7,880	36	4,263	71	4,655
2	6,196	37	4,350	72	4,655
3	5,668	38	4,176	73	5,249
4	5,018	39	4,350	74	5,079
5	5,516	40	4,176	75	5,498
6	5,013	41	4,350	76	6,340
7	5,512	42	4,176	77	5,328
8	5,009	43	4,350	78	4,850
9	5,008	44	4,176	79	4,850
10	5,006	45	4,350	80	5,076
11	5,505	46	4,176	81	5,132
12	6,448	47	4,700	82	5,155
13	6,417	48	4,700	83	5,717
14	5,500	49	4,176	84	5,841
15	5,500	50	4,350	85	5,000
16	5,000	51	4,176	86	5,000
17	5,500	52	4,350	87	5,000
18	5,500	53	4,176	88	5,500
19	5,000	54	4,350	89	5,500
20	5,500	55	4,176	90	5,500
21	5,500	56	4,350	91	5,000
22	5,000	57	4,176	92	6,125
23	5,500	58	4,350	93	5,914
24	5,500	59	4,289	94	5,500
25	5,000	60	4,665	95	5,548
26	5,500	61	5,874	96	5,576
27	5,500	62	6,218	97	5,853
28	5,006	63	4,796	98	5,457
29	5,539	64	4,898	99	5,500
30	6,068	65	4,909	100	5,500
31	5,502	66	5,327	101	5,500
32	5,828	67	5,224	102	5,500
33	8,544	68	5,218	103	5,500
34	4,857	69	5,212	104	5,500
35	4,350	70	5,060	105	5,914



SOUTH MACARTHUR DRIVE

140' RIGHT OF WAY

NOT TO SCALE

0' 60' 180' 240'

SCALE: 1" = 60'

DATE: JULY 12, 2013

CITY OF TRACY

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KULDEEP SHARMA CITY ENGINEER DATE:

TRACY Think Inside the Triangle

Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583
TEL (925) 866-0322

SYMBOL	DATE	DESCRIPTION	APPROVED
REVISIONS			

DESIGNED BY: HCA
DRAWN BY: HCA
CHECKED BY: TRR
SCALE: AS SHOWN

SITE PLAN
TRACT 3290
VESTING TENTATIVE MAP
TIBURON VILLAGE
TRACY, CALIFORNIA

SHEET TM02 OF 5 SHEETS

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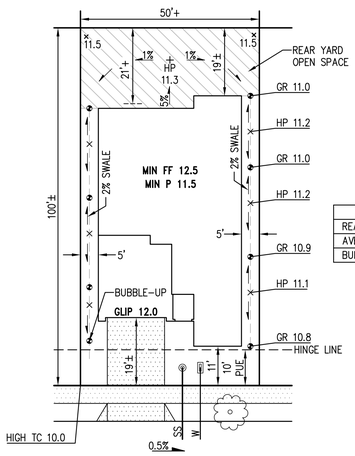
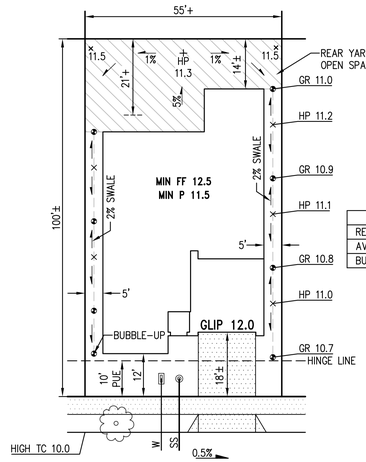


LOT SUMMARY	
REAR YARD	1,061 SF
AVERAGE SETBACK	21.2 FT
BUILDING COVERAGE	50.1%

PLAN 1 TYPICAL FINISHED LOT DRAINAGE

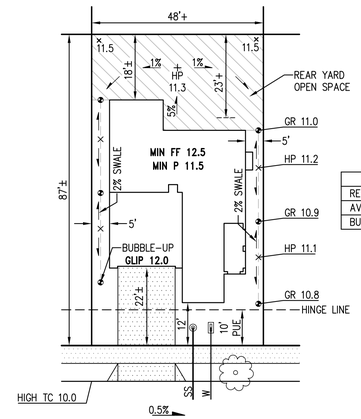
NOT TO SCALE



LOT SUMMARY	
REAR YARD	1,170 SF
AVERAGE SETBACK	21.3 FT
BUILDING COVERAGE	51.6%

PLAN 2 TYPICAL FINISHED LOT DRAINAGE

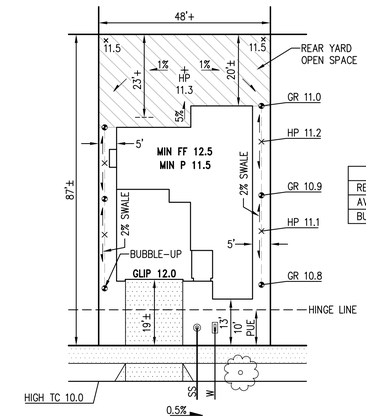
NOT TO SCALE



LOT SUMMARY	
REAR YARD	1,118 SF
AVERAGE SETBACK	23.3 FT
BUILDING COVERAGE	39.4%

PLAN 3 TYPICAL FINISHED LOT DRAINAGE

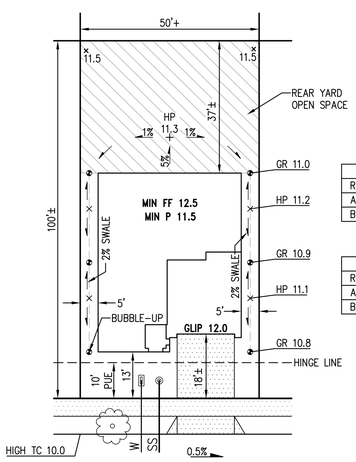
NOT TO SCALE



LOT SUMMARY	
REAR YARD	1,115 SF
AVERAGE SETBACK	23.2 FT
BUILDING COVERAGE	42.7%

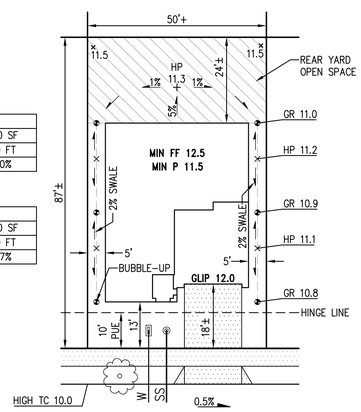
PLAN 4 TYPICAL FINISHED LOT DRAINAGE

NOT TO SCALE



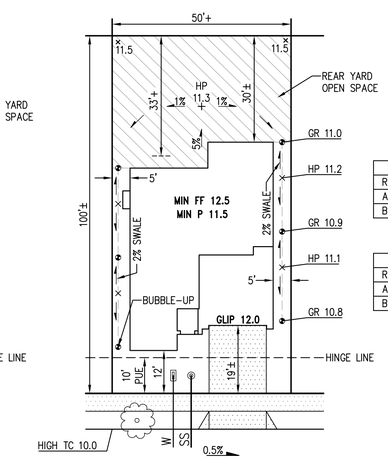
100' LOT SUMMARY	
REAR YARD	1,850 SF
AVERAGE SETBACK	37.0 FT
BUILDING COVERAGE	38.0%

87' LOT SUMMARY	
REAR YARD	1,200 SF
AVERAGE SETBACK	24.0 FT
BUILDING COVERAGE	43.7%



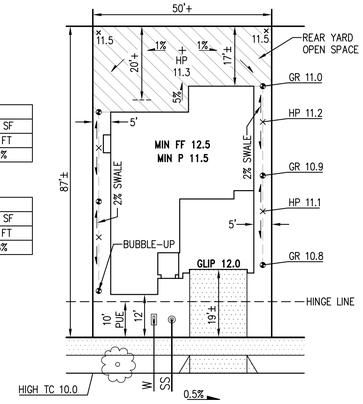
PLAN 5 TYPICAL FINISHED LOT DRAINAGE

NOT TO SCALE



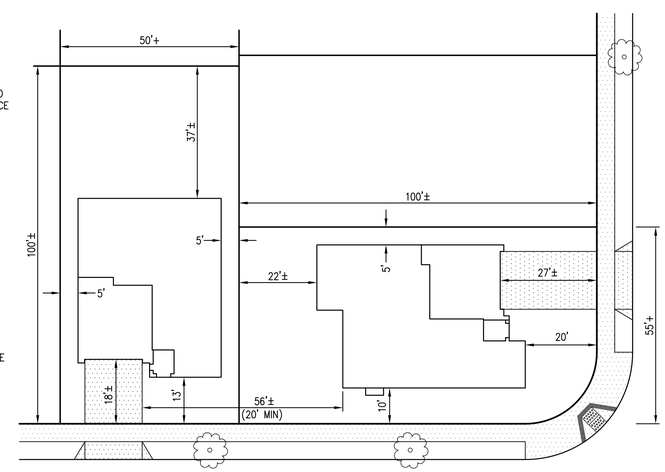
100' LOT SUMMARY	
REAR YARD	1,681 SF
AVERAGE SETBACK	33.6 FT
BUILDING COVERAGE	41.0%

87' LOT SUMMARY	
REAR YARD	1,031 SF
AVERAGE SETBACK	20.6 FT
BUILDING COVERAGE	48.8%



PLAN 6 TYPICAL FINISHED LOT DRAINAGE

NOT TO SCALE



TYPICAL REVERSE CORNER LOT

NOT TO SCALE

DATE: JULY 12, 2013

CITY OF TRACY

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KULDEEP SHARMA CITY ENGINEER DATE:

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TEL (925) 866-0322

REVISIONS			
SYMBOL	DATE	DESCRIPTION	APPROVED

DESIGNED BY: HCA
DRAWN BY: HCA
CHECKED BY: TRR
SCALE: AS SHOWN

TYPICAL LOT DETAILS

TRACT 3290
VESTING TENTATIVE MAP
TIBURON VILLAGE
TRACY, CALIFORNIA

SHEET
TM03
OF 5 SHEETS

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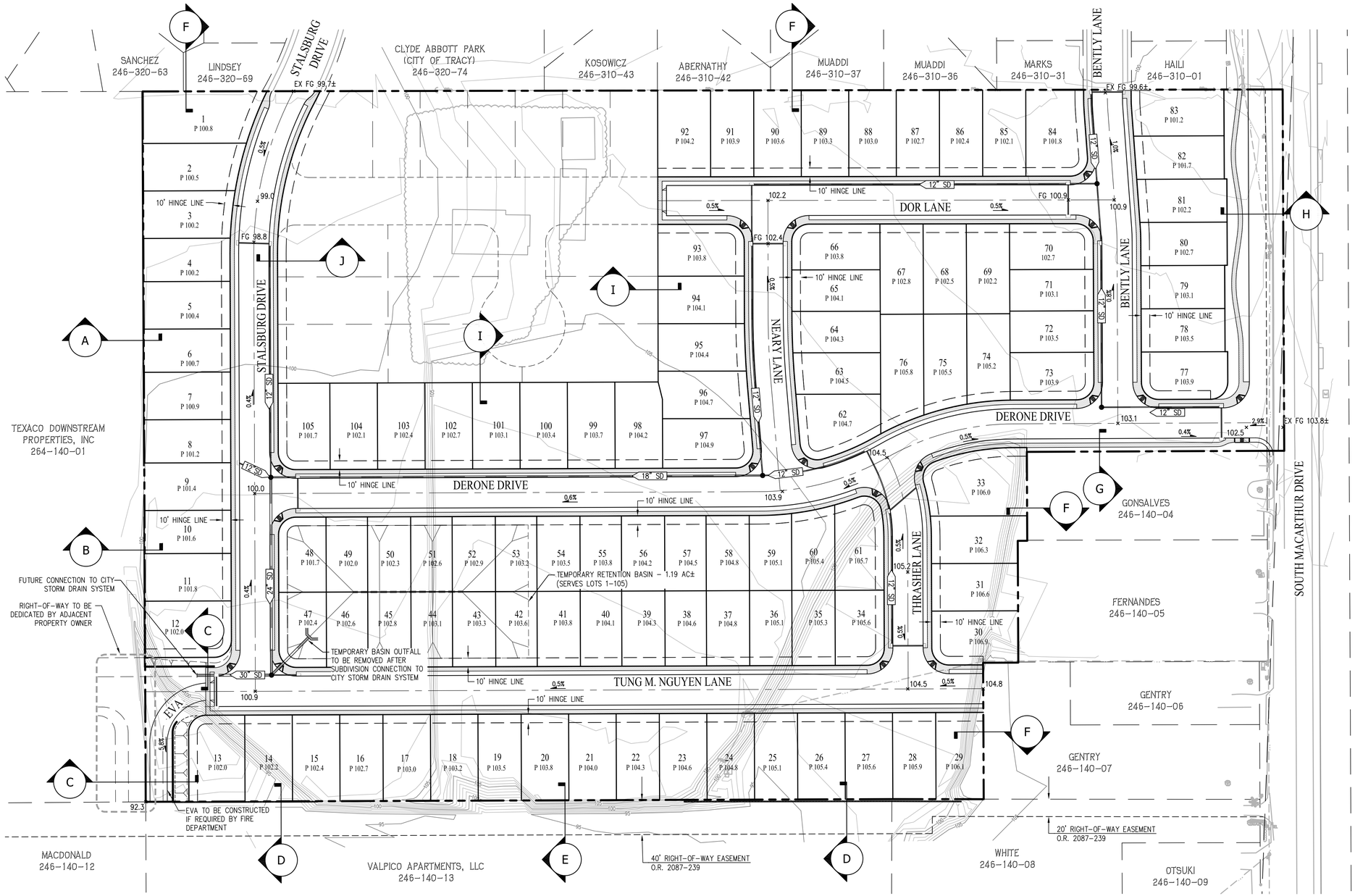
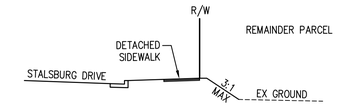
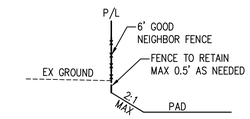
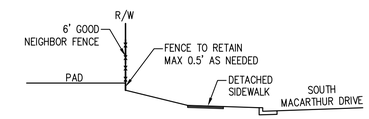




SECTION J



SECTION I



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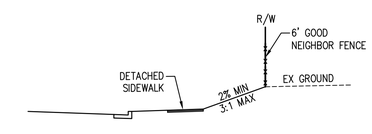

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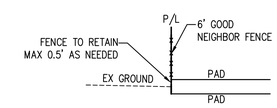

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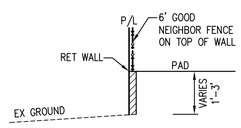

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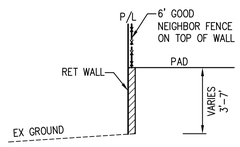

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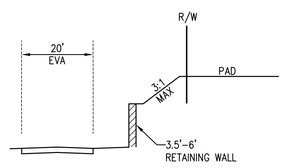

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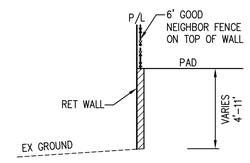

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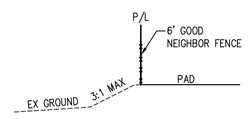

SECTION E

0' 60' 180' 240'

SCALE: 1" = 60'

DATE: JULY 12, 2013

CITY OF TRACY

APPROVED FOR CONSTRUCTION SUBJECT TO THE DATA SHOWN. CITY OF TRACY AND THE UNDERSIGNED ARE NOT RESPONSIBLE FOR ERRORS AND/OR OMISSION THAT MAY BE PRESENT ON THESE PLANS.

KULDEEP SHARMA — CITY ENGINEER — DATE:

TRACY — Think Inside the Triangle

Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583
TEL (925) 866-0322

REVISIONS			
SYMBOL	DATE	DESCRIPTION	APPROVED

DESIGNED BY: HCA
DRAWN BY: HCA
CHECKED BY: TRR
SCALE: AS SHOWN

GRADING AND DRAINAGE PLAN

TRACT 3290
VESTING TENTATIVE MAP
TIBURON VILLAGE
TRACY, CALIFORNIA

SHEET TM04 OF 5 SHEETS

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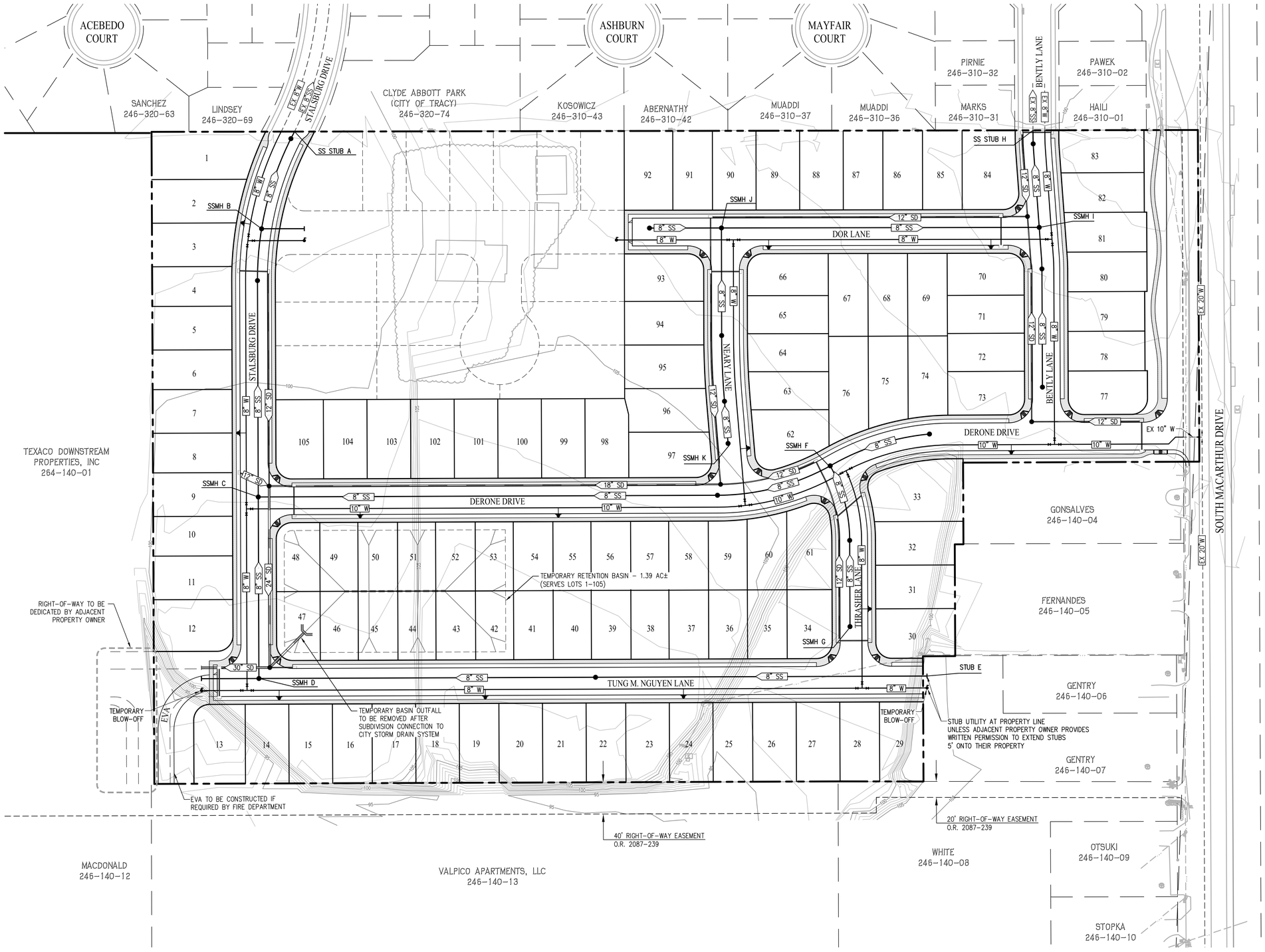

SANITARY SEWER DATA

POINT	INVERT INFORMATION
STUB A	INV 8" SS 91.9±
SSMH B	INV 8" SS THRU 92.6 INV 8" SS IN(E) 92.8
SSMH C	INV 8" SS THRU 94.2 INV 8" SS IN(E) 94.4
SSMH D	INV 8" SS OUT 95.0 INV 8" SS IN 95.2
STUB E	INV 8" SS 98.1
SSMH F	INV 8" SS OUT 97.1 INV 8" SS IN 97.3
SSMH G	INV 8" SS OUT 98.2
STUB H	INV 8" SS 94.6±
SSMH I	INV 8" SS THRU 95.2 INV 8" SS IN(W) 95.4
SSMH J	INV 8" SS THRU 96.8 INV 8" SS IN(S) 97.0
SSMH K	INV 8" SS OUT 98.4

S=0.0035 FOR ALL PIPES.

NOTES:

1. SANITARY SEWER INFORMATION IS PROVIDED AT CRITICAL POINTS TO SHOW THE FEASIBILITY OF PROVIDING SERVICE TO THE PROJECT SITE. DETAILED DESIGN WILL BE PROVIDED DURING FINAL DESIGN.
2. SANITARY SEWER DESIGN IS PRELIMINARY AND MAY BE ADJUSTED DURING FINAL DESIGN.

0' 60' 180' 240'

SCALE: 1" = 60'

DATE: JUIY 12, 2013

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TEL (925) 866-0322

REVISIONS

SYMBOL	DATE	DESCRIPTION	APPROVED

DESIGNED BY: HCA
DRAWN BY: HCA
CHECKED BY: TRR
SCALE: AS SHOWN

UTILITY PLAN

TRACT 3290
VESTING TENTATIVE MAP
TIBURON VILLAGE
TRACY, CALIFORNIA

SHEET TM05 OF 5 SHEETS

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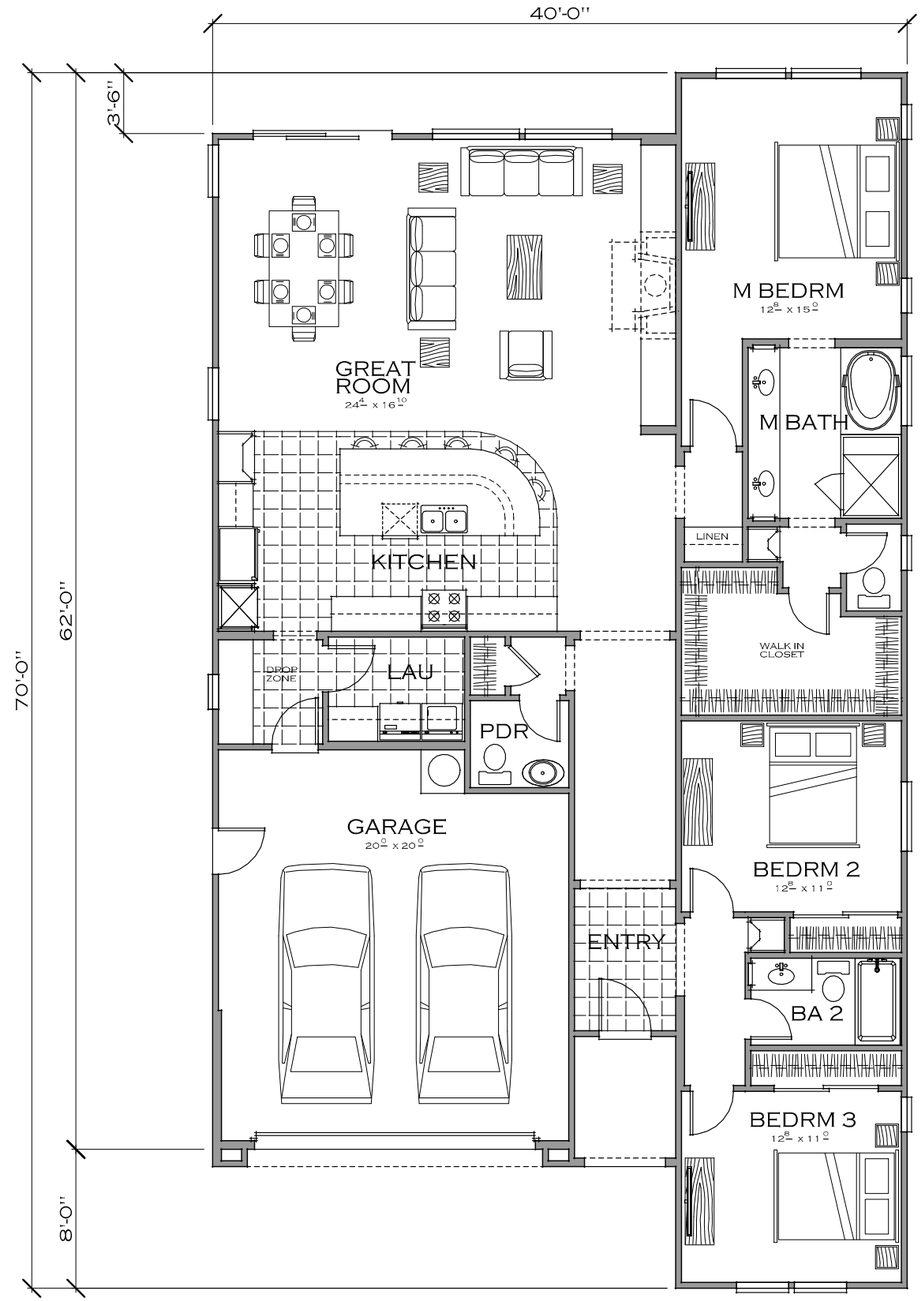
ATTACHMENT D



A1.1

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Tiburon Village

Valley Oak Partners, LLC

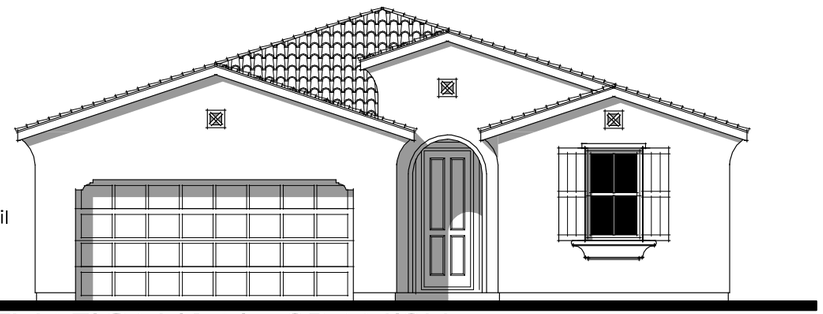
Plan 1 - 1,996 Square Feet

Tracy, California

6.28.2013

KTGY Group Inc.
Architecture+Planning
580 Second Street, Suite 200
Oakland, California 94607
ktgy.com
510 272 2910

panish
aterial Legend:
- Concrete Low Profile 'S' Tile
- Stucco Finish
- Shutters
- Decorative Gable End Detail
- Enhanced Sills
- 1x Stucco Finish Trim



ELEVATION '1A' - SPANISH

Craftsman
Material Legend:
- Flat Concrete Tile Roofing
- Stucco Finish
- Cementitious Siding/ Shingles
- Stone Veneer
- Enhanced Sills
- 1x Stucco Finish Trim

ELEVATION '1B' - CRAFTSMAN

English Country
Material Legend:
- Flat Concrete Tile Roofing
- Stucco Finish
- Brick Vineer
- Shutters
- 1x Stucco Finish Trim
- Enhanced Sills
- Cementitious Gable Siding

ELEVATION '1C' - ENGLISH COUNTRY

A1.2

0 2 4 8

Tiburon Village

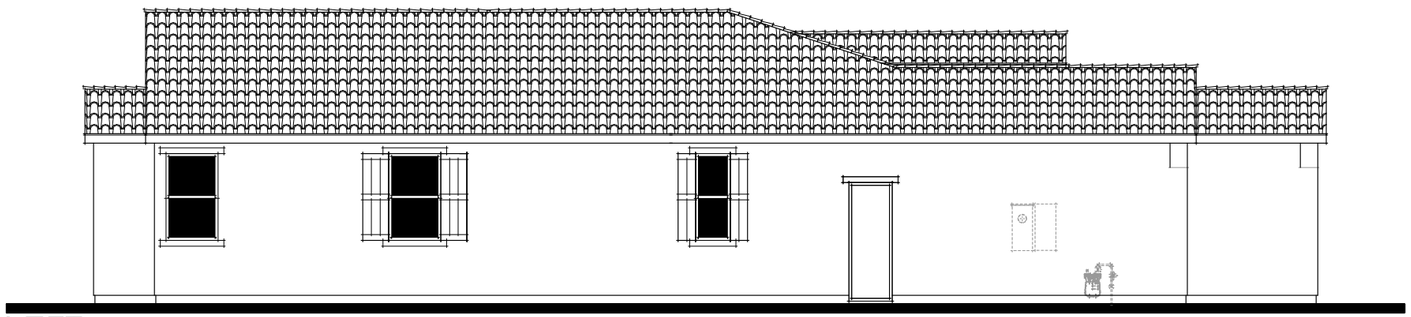
Valley Oak Partners, LLC

FRONTS - PLAN 1

Tracy, California

6.28.2013

KTGY Group Inc.
Architecture+Planning
580 Second Street, Suite 200
Oakland, California 94607
ktgy.com
510 272 2910



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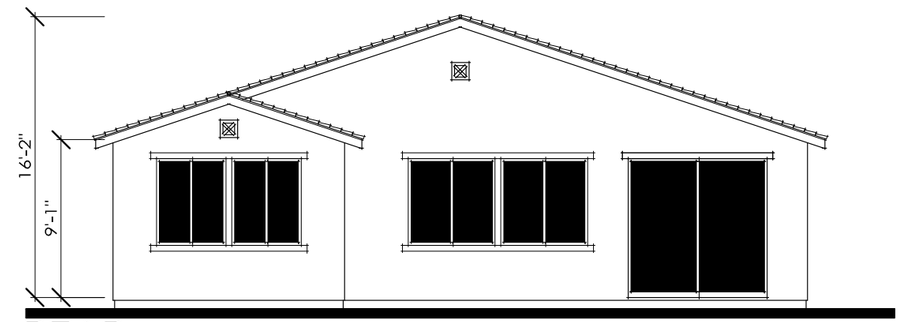

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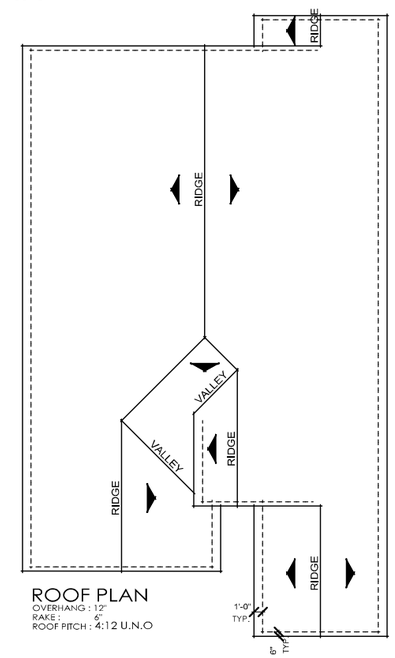

ROOF PLAN
OVERHANG : 12"
RAKE : 6"
ROOF PITCH : 4:12 U.N.O

A1.3

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 1A

Tracy, California

6.27.2013

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Architecture+Planning
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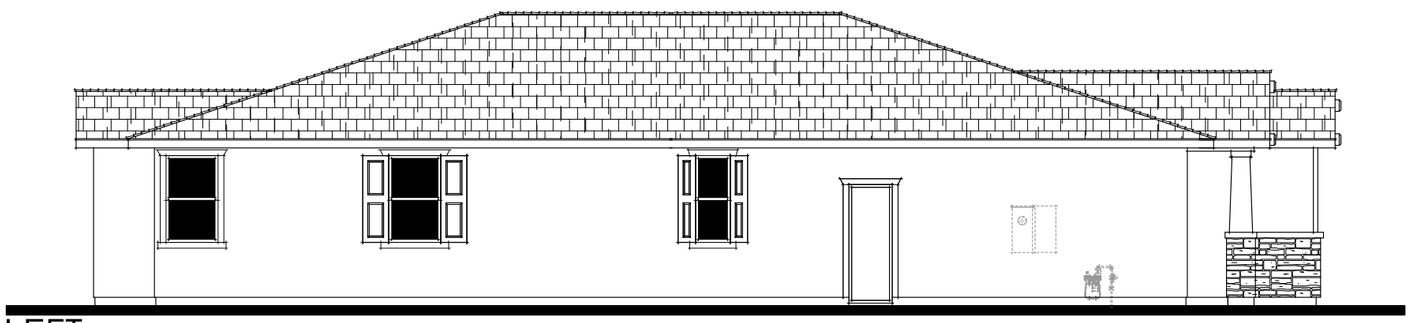
Oakland, California 94607
ktgy.com
510 272 2910



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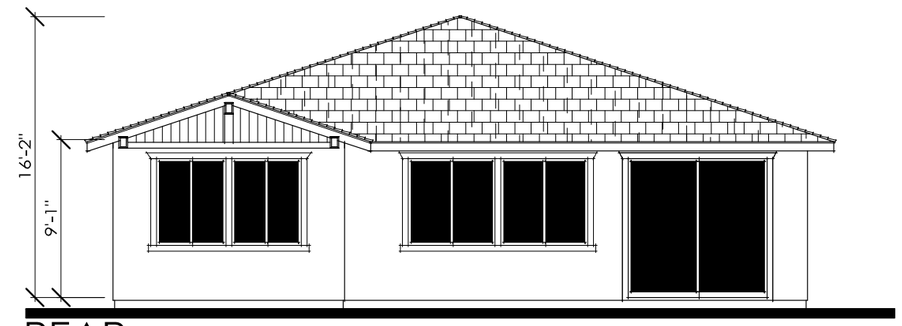

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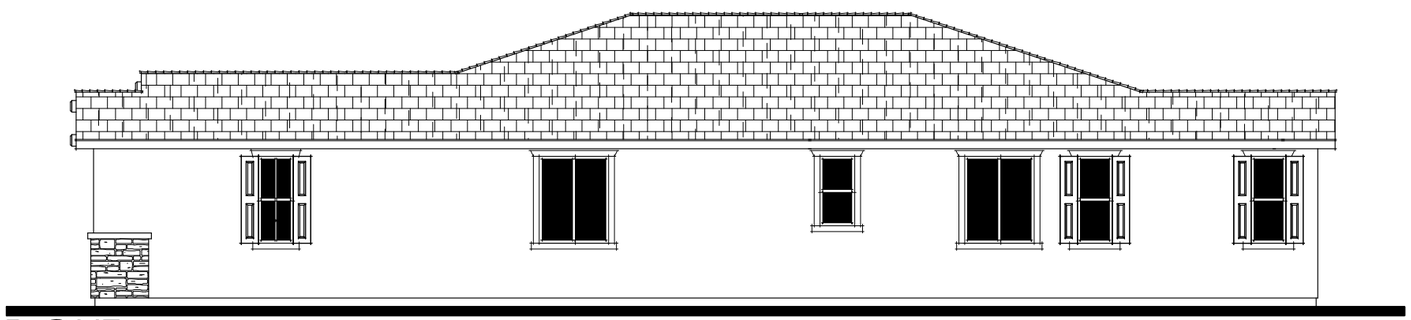

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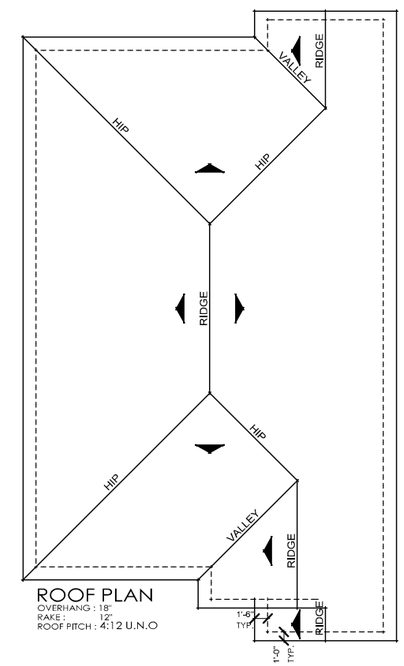

ROOF PLAN
OVERHANG : 18"
RAKE : 12"
ROOF PITCH : 4:12 U.N.O

A1.4

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 1B

Tracy, California

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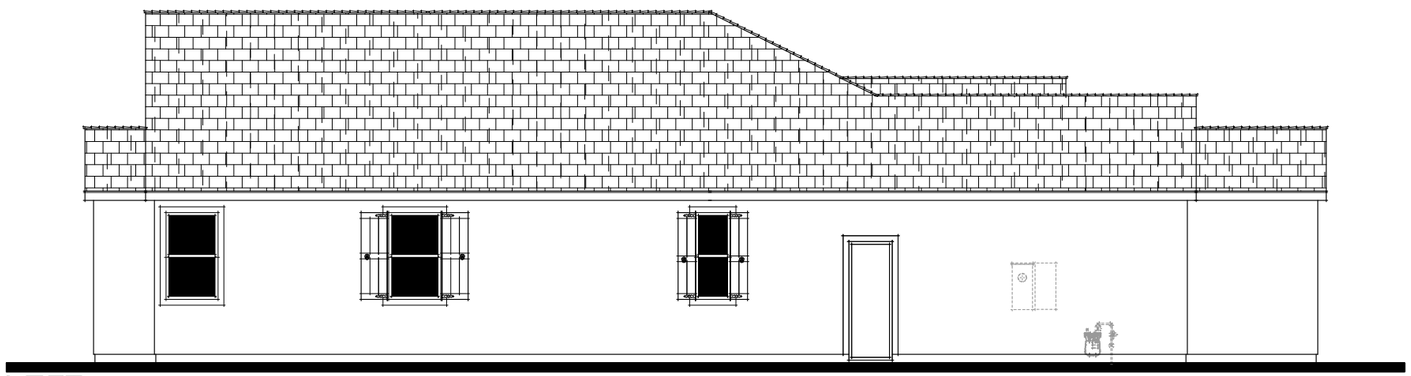

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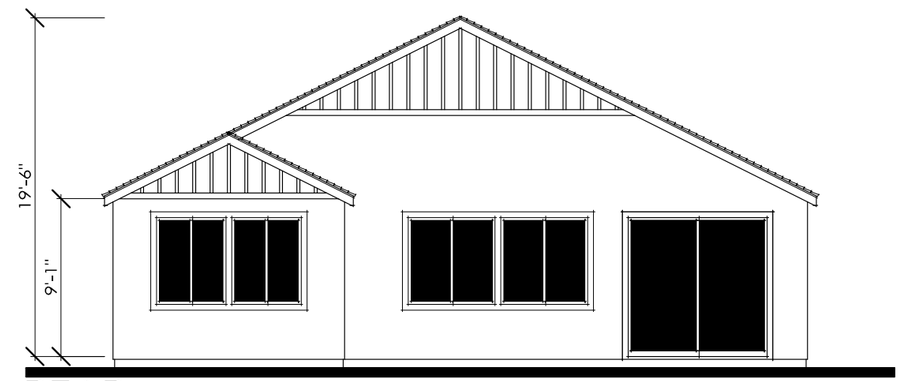

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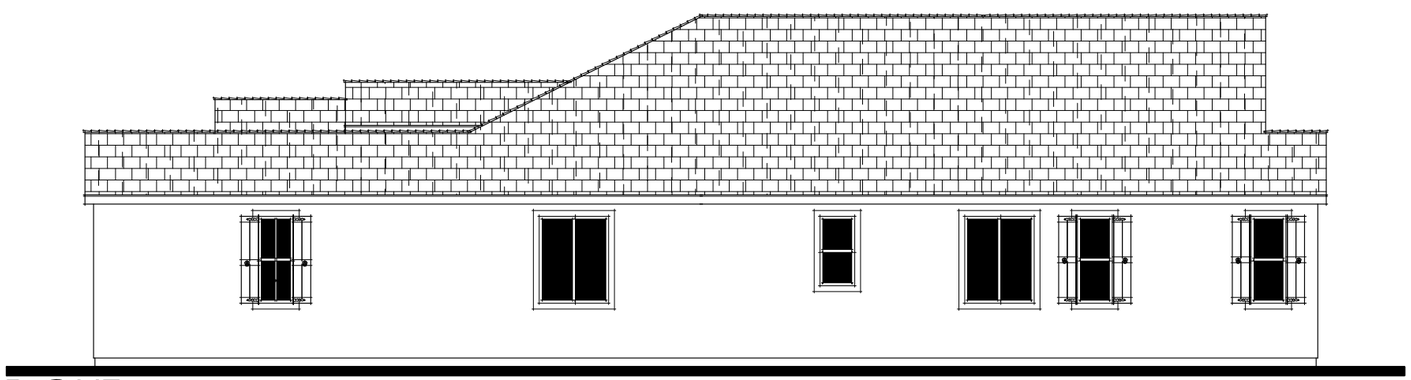

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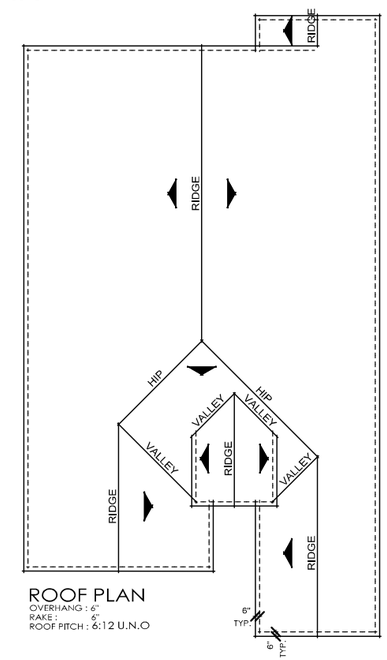

ROOF PLAN
OVERHANG : 6"
RAKE : 6"
ROOF PITCH : 6:12 U.N.O

A1.5

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 1C

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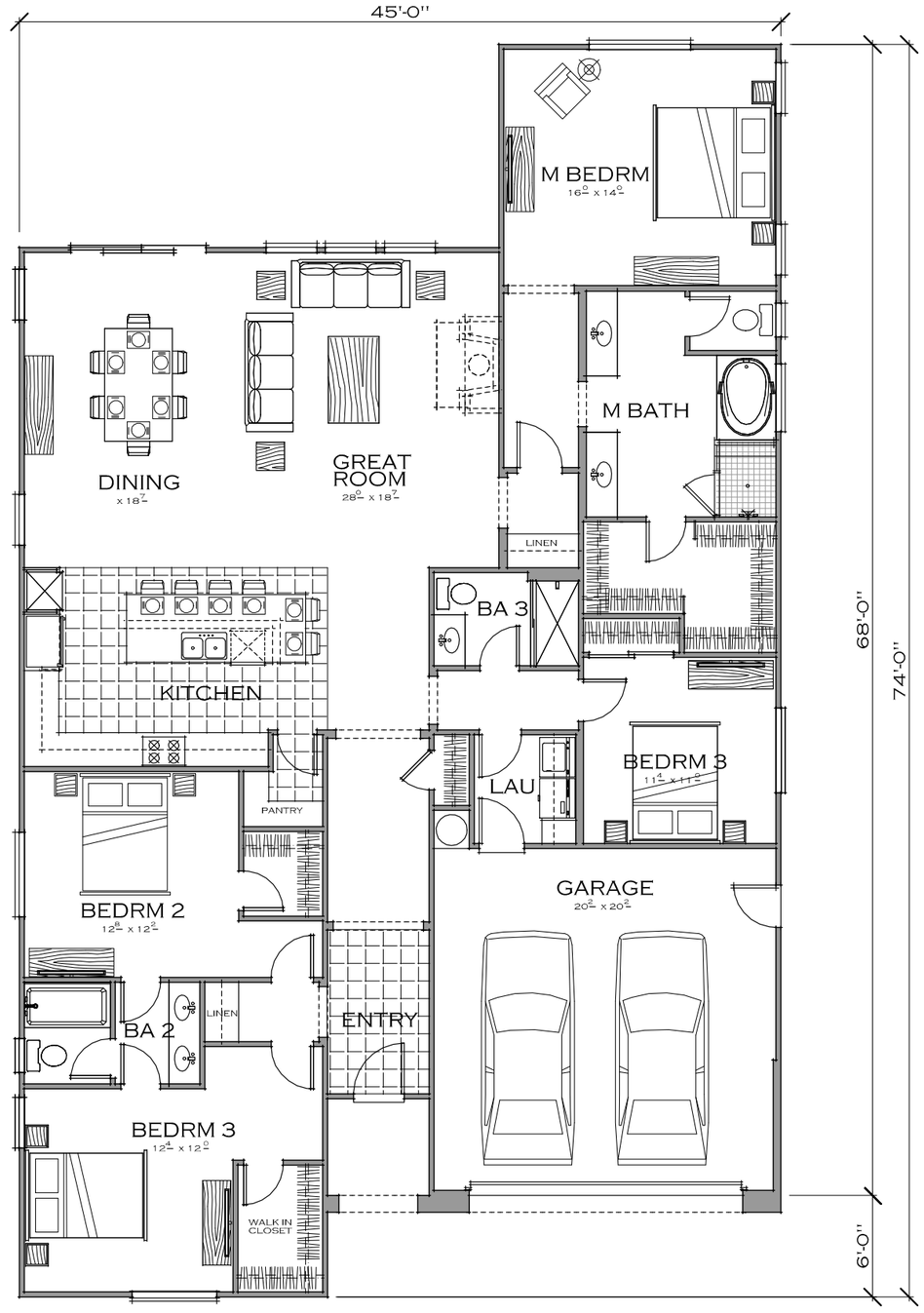

A2.1

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

Plan 2 - 2,368 Square Feet

Tracy, California

6.28.2013

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Architecture+Planning
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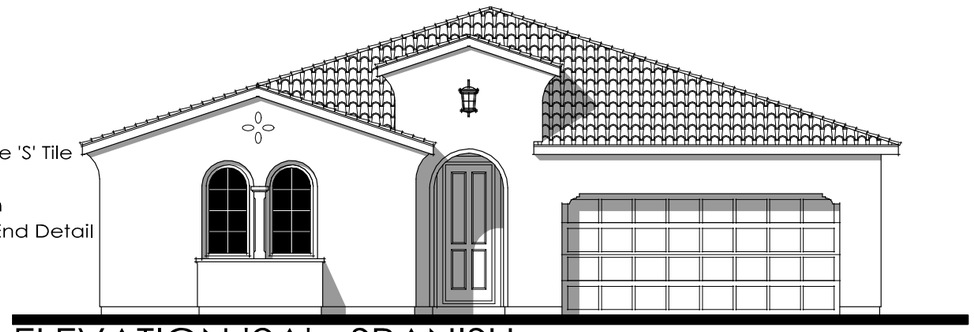
Oakland, California 94607
ktgy.com
510 272 2910

panish
aterial Legend:
Concrete Low Profile 'S' Tile
Stucco Finish
1x Stucco Finish Trim
Decorative Gable End Detail
Stucco potshelf



ELEVATION '2A' - SPANISH

Craftsman
Material Legend:
Flat Concrete Tile Roofing
Stucco Finish
Cementitious Shingles
Stone Veneer
Enhanced Sills
1x Stucco Finish Trim

ELEVATION '2B' - CRAFTSMAN

English Country
Material Legend:
Flat Concrete Tile Roofing
Stucco Finish
Brick Vineer
Shutters
1x Stucco Finish Trim
Enhanced Sills

ELEVATION '2C' - ENGLISH COUNTRY

A2.2

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

FRONTS - PLAN 2

Tracy, California

6.28.2013

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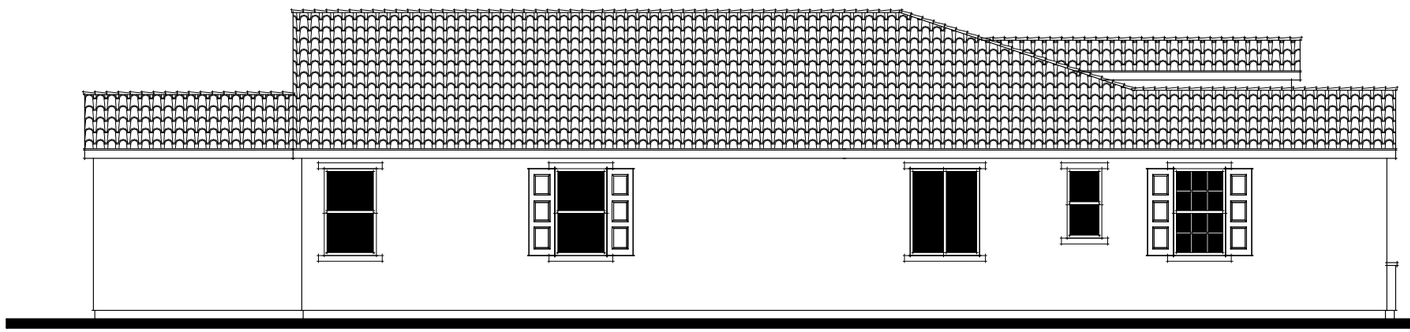

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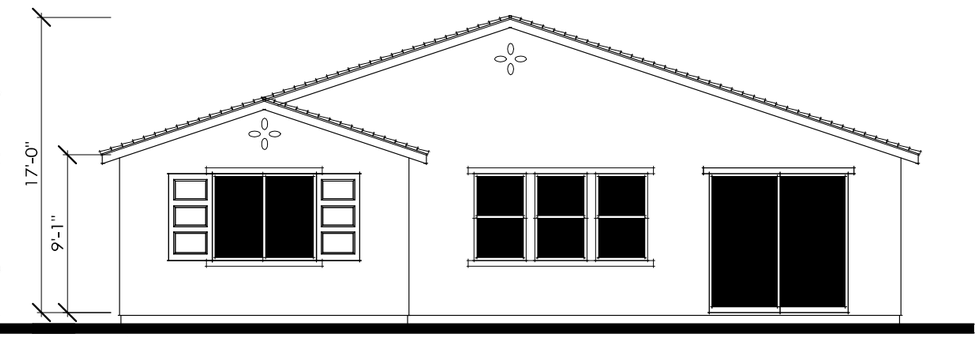

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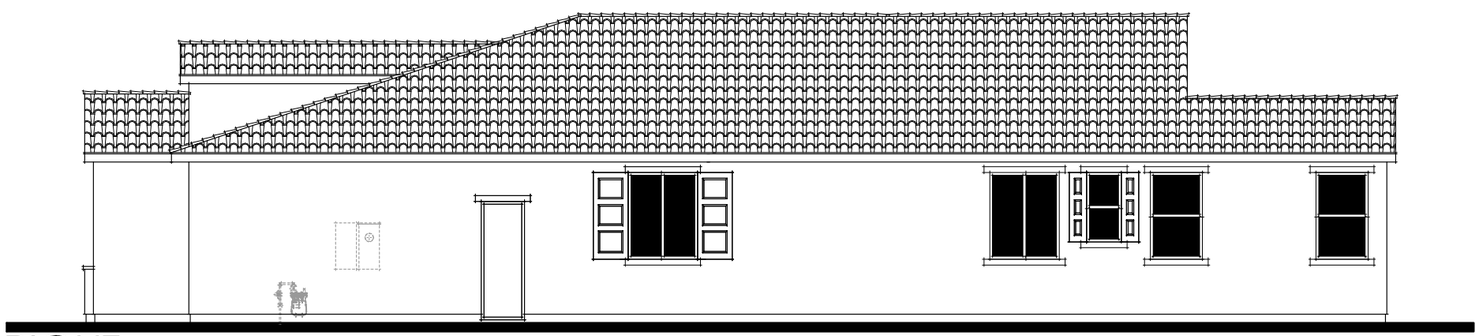

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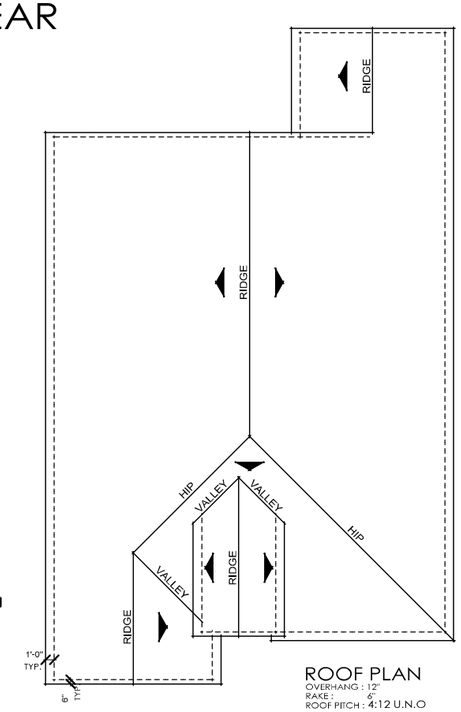

ROOF PLAN
OVERHANG : 12"
RAKE : 6"
ROOF PITCH : 4:12 U.N.O

A2.3

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 2A

Tracy, California

6.28.2013

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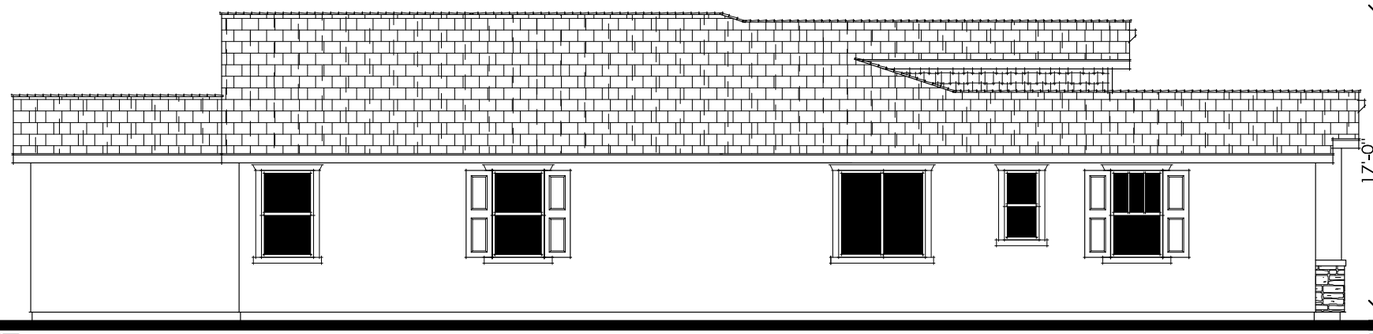

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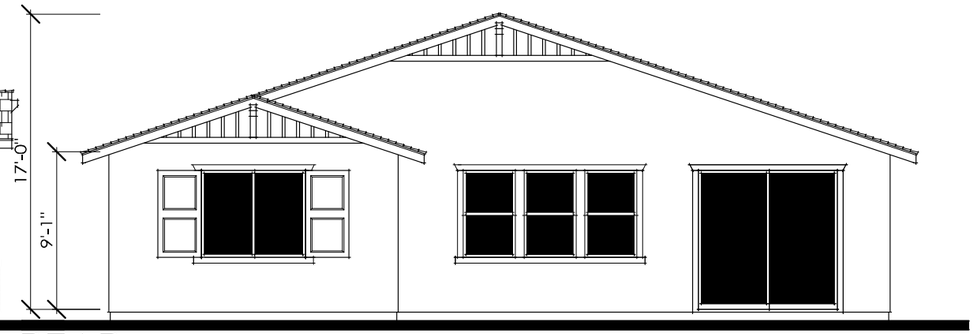

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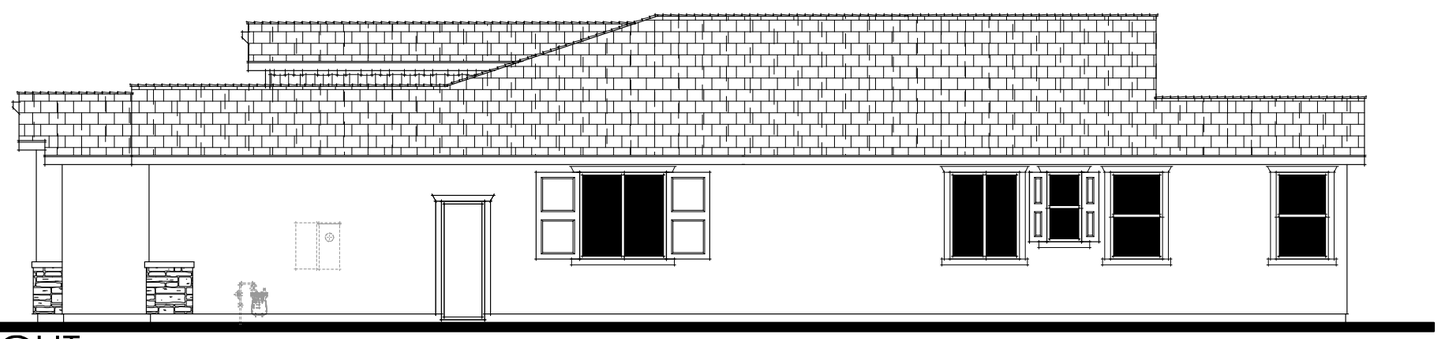

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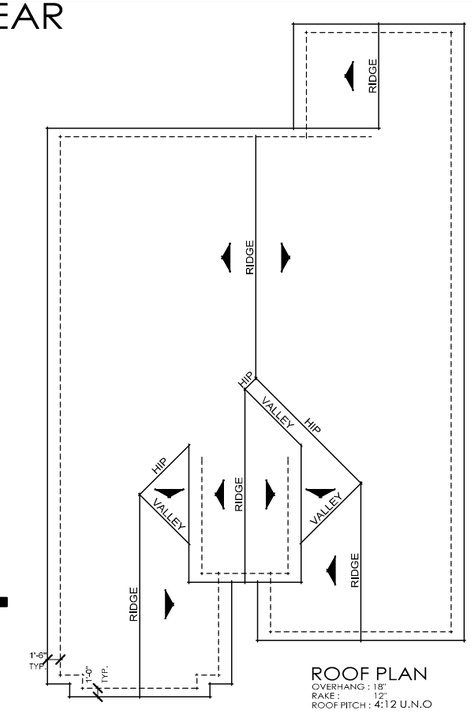

ROOF PLAN
OVERHANG : 18"
RAKE : 12"
ROOF PITCH : 4:12 U.N.O

A2.4

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 2B

Tracy, California

6.28.2013

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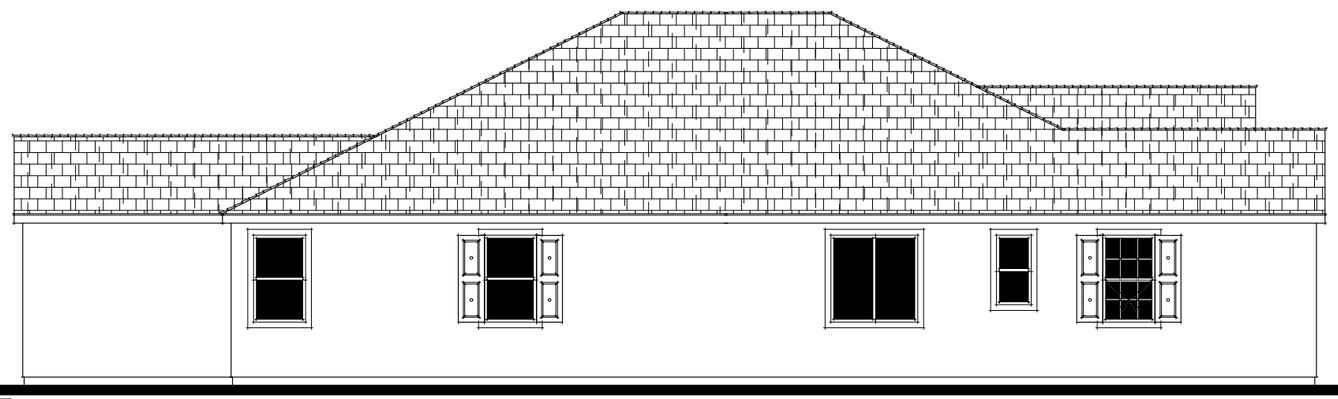

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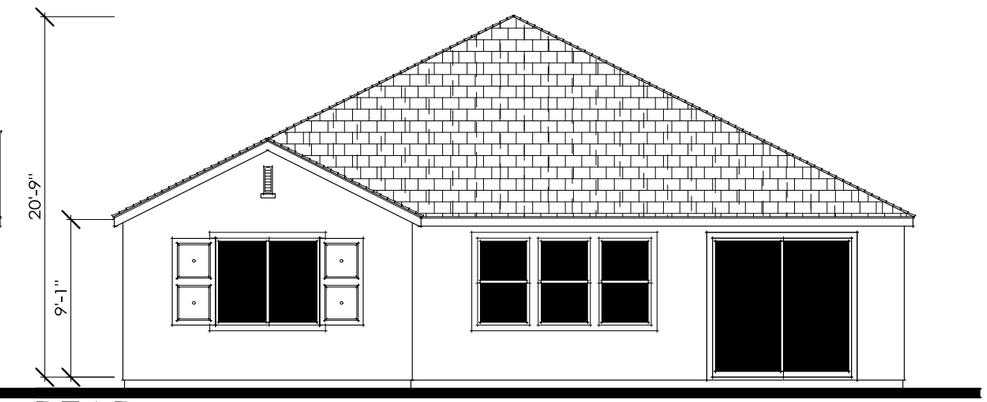

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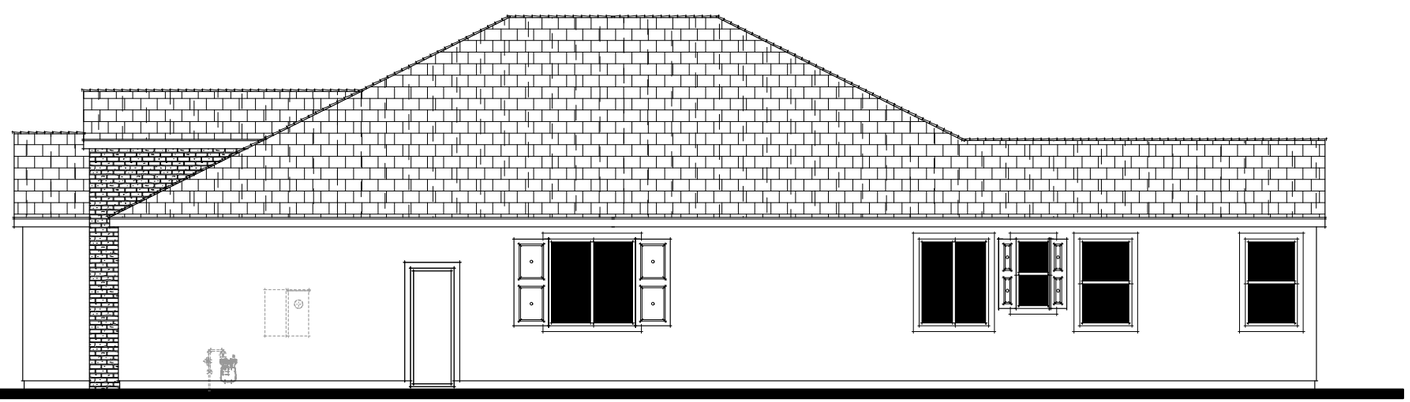

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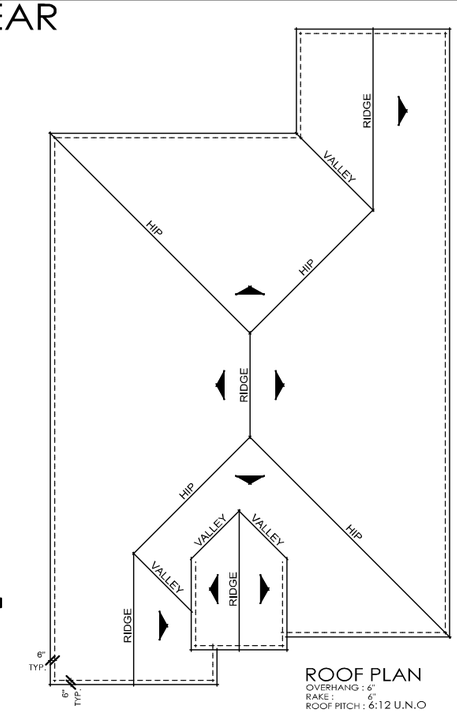

ROOF PLAN
OVERHANG : 6"
RAKE : 6"
ROOF PITCH : 6:12 U.N.O

A2.5

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 2C

Tracy, California

6.28.2013

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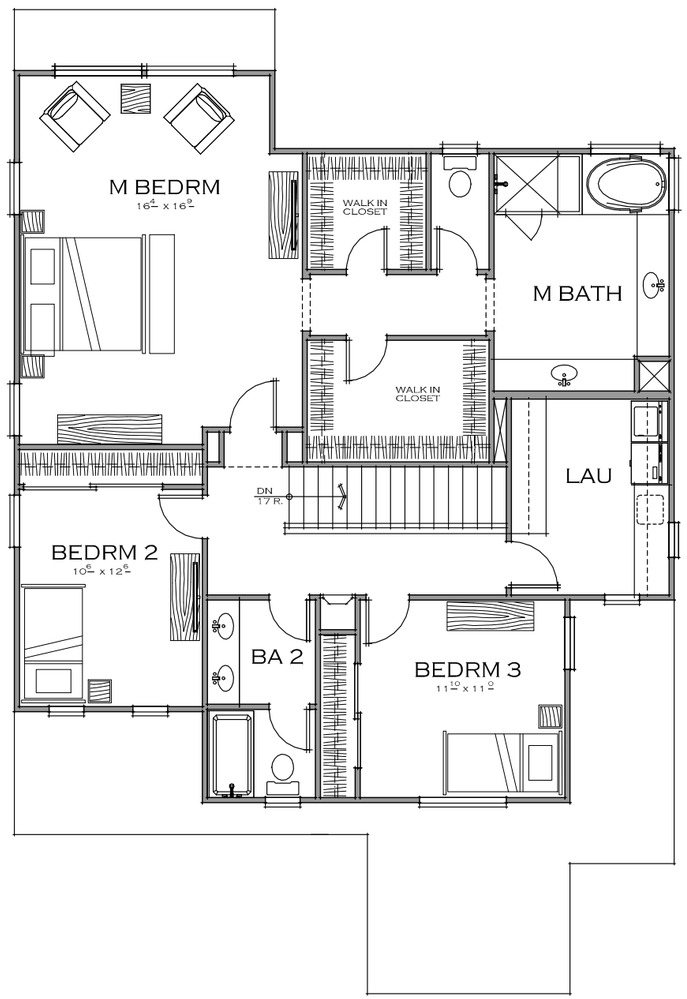
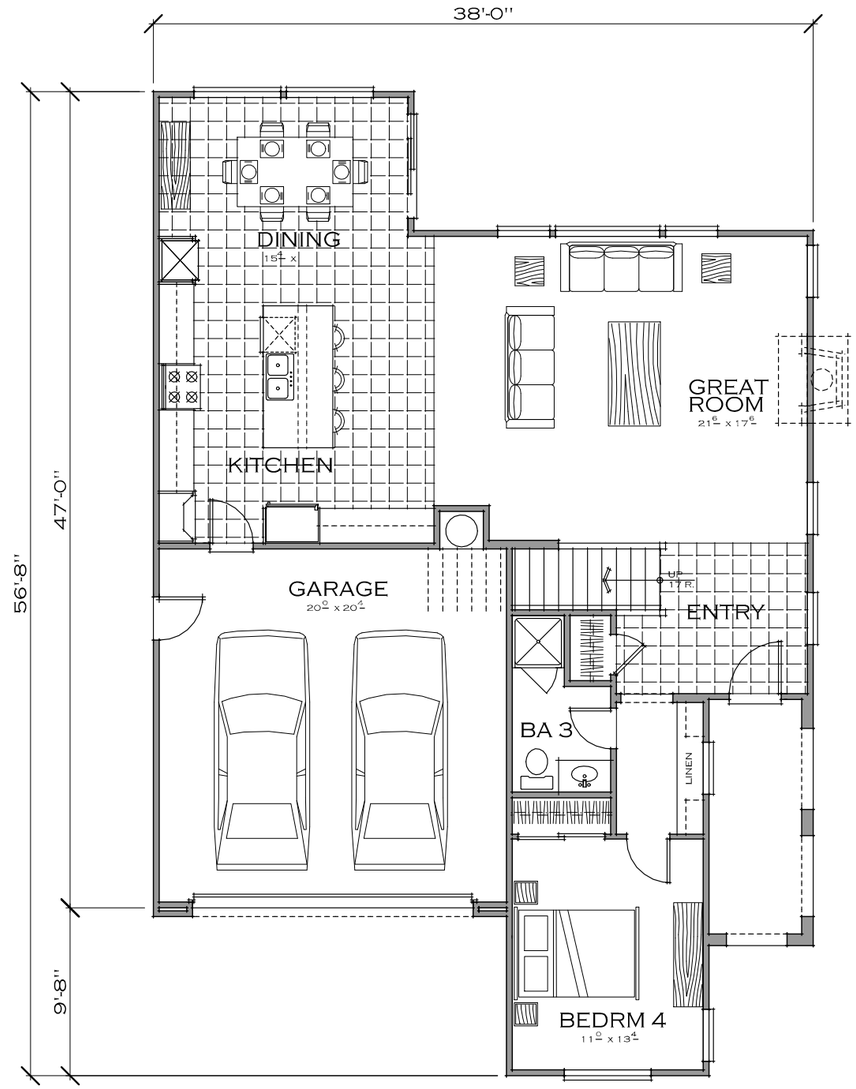


Second Floor Plan



First Floor Plan

A3.1

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

Plan 3 - 2,553 Square Feet

Tracy, California

6.28.2013

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Architecture+Planning
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Oakland, California 94607
ktgy.com
510 272 2910

panish
aterial Legend:
Concrete Low Profile 'S' Tile
Stucco Finish
Shutters
Decorative Gable End Detail
Stucco Potshelf
1x Stucco Finish Trim

ELEVATION '3A' - SPANISH

Craftsman
Material Legend:
Flat Concrete Tile Roofing
Stucco Finish
1x Stucco Finish Trim
Stone Veneer
Enhanced Sills
Shutters
Cementitious Gable Shingle

ELEVATION '3B' - CRAFTSMAN

glish Country
aterial Legend:
Flat Concrete Tile Roofing
Stucco Finish
Brick Vineer
Shutters
1x Stucco Finish Trim
Enhanced Sills
Cementitious Gable Siding

ELEVATION '3C' - ENGLISH COUNTRY

Italian
Material Legend:
Concrete Low Profile 'S' Tile
Stucco Finish
1x Stucco Finish Trim
Shutters
Enhanced Sills

ELEVATION '3D' - ITALIAN

A3.2

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

FRONTS - PLAN 3

Tracy, California

6.28.2013

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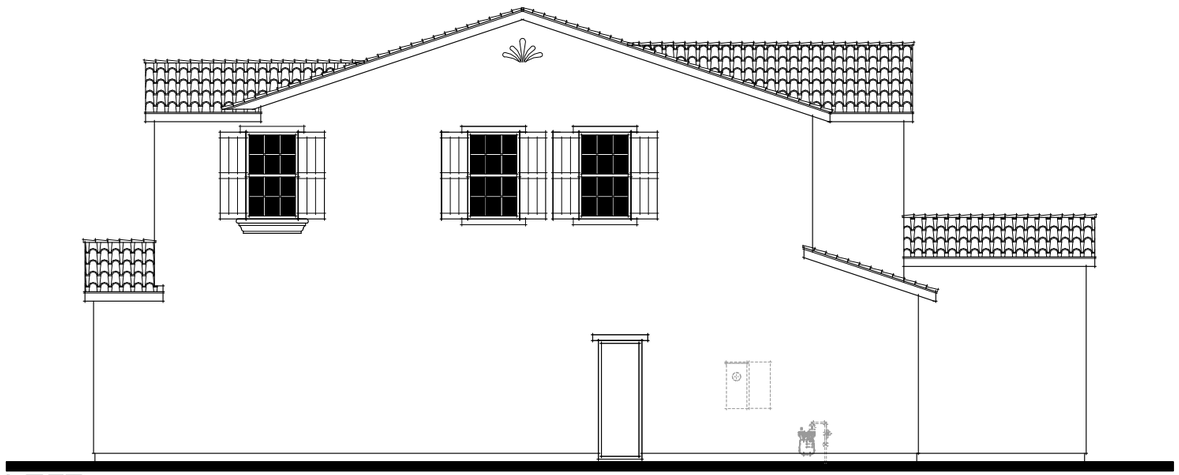

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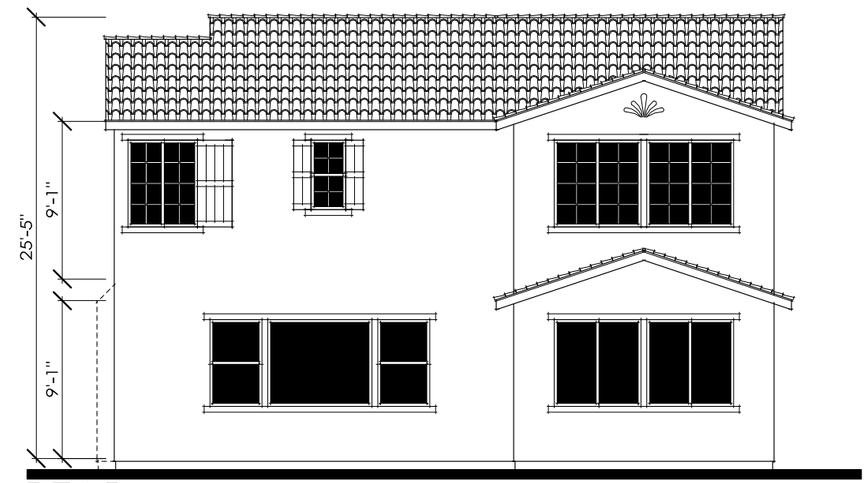

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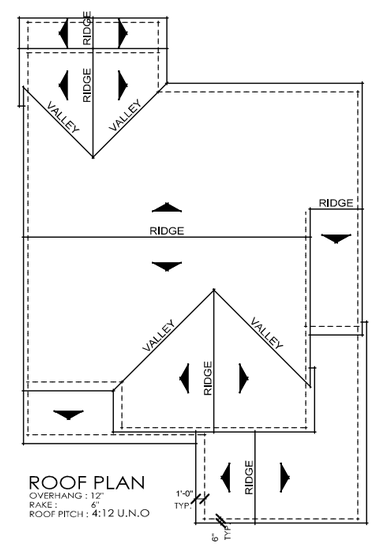

A3.3

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 3A

Tracy, California

6.28.2013

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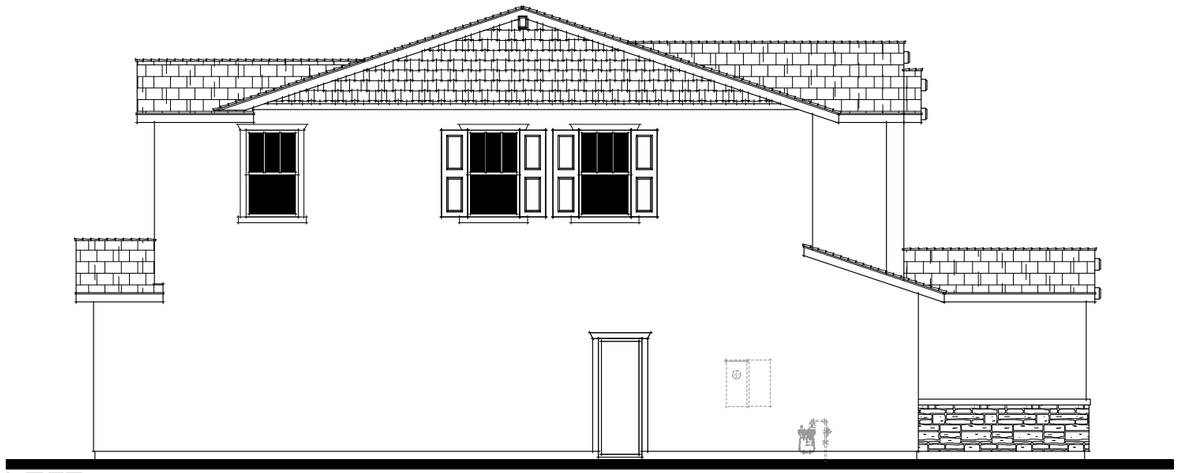

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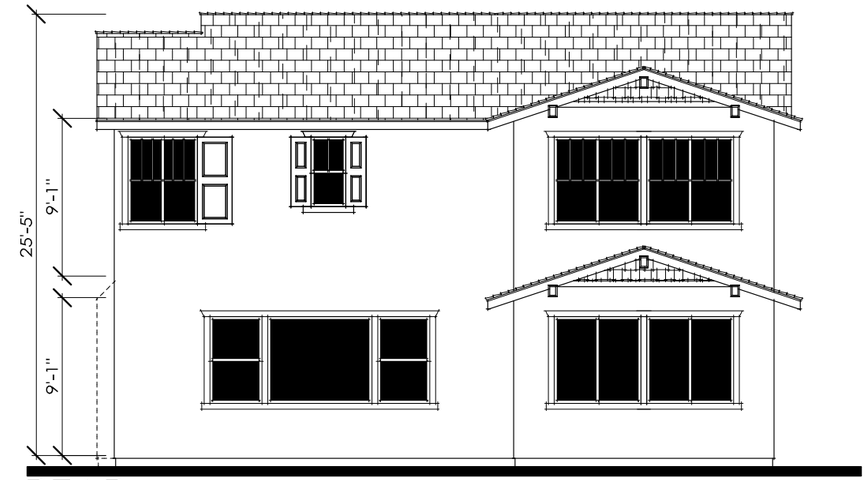

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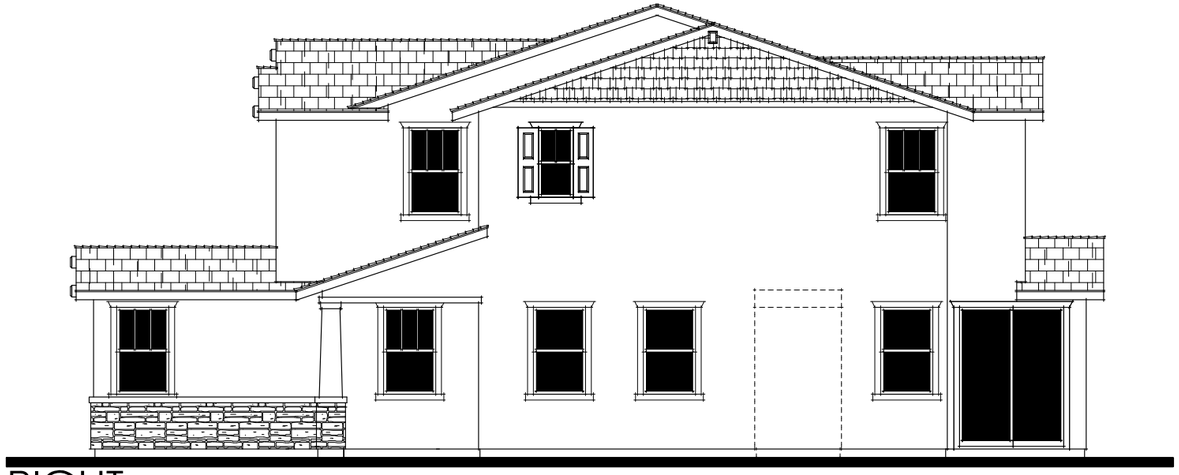

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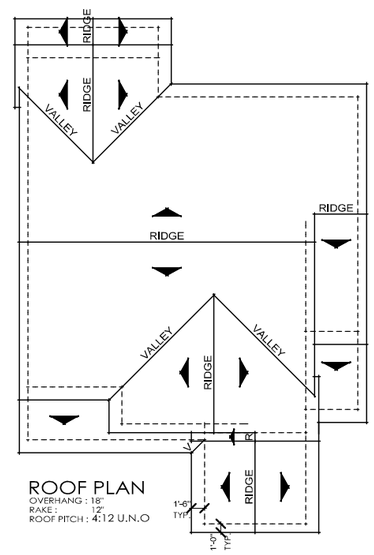

A3.4

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 3B

0 2 4 8

Tracy, California

6.28.2013

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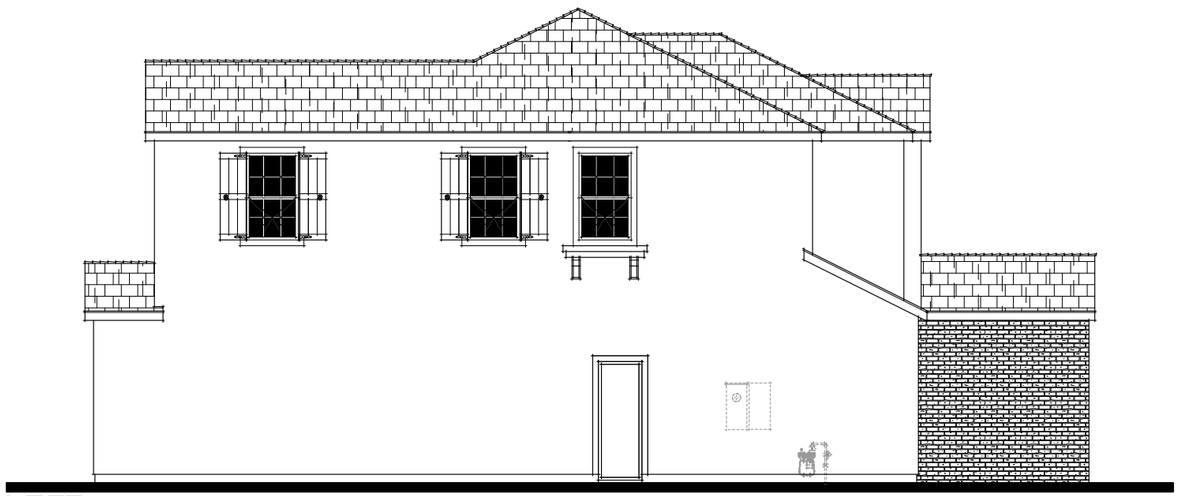

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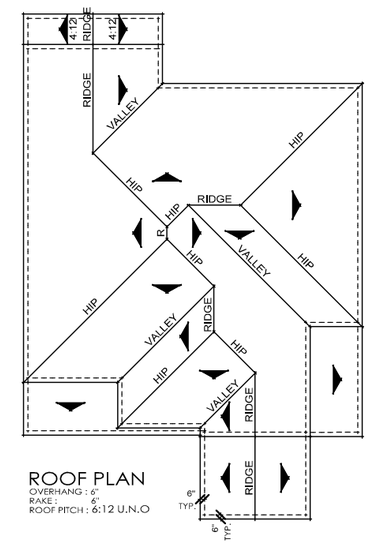
REAR

RIGHT



ROOF PLAN
OVERHANG : 6"
RAKE : 6"
ROOF PITCH : 6:12 U.N.O

A3.5

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 3C

Tracy, California

6.28.2013

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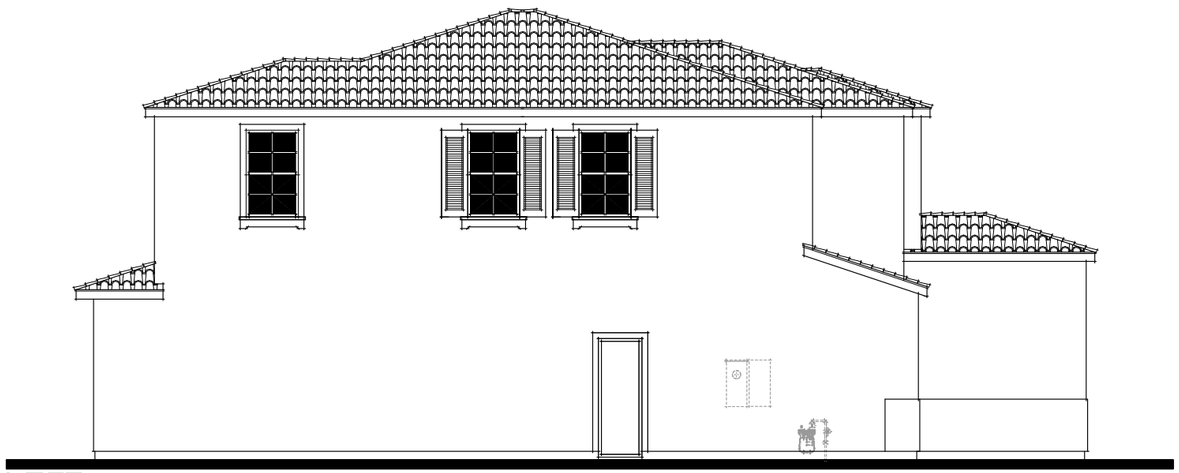
ktgy.com
510 272 2910



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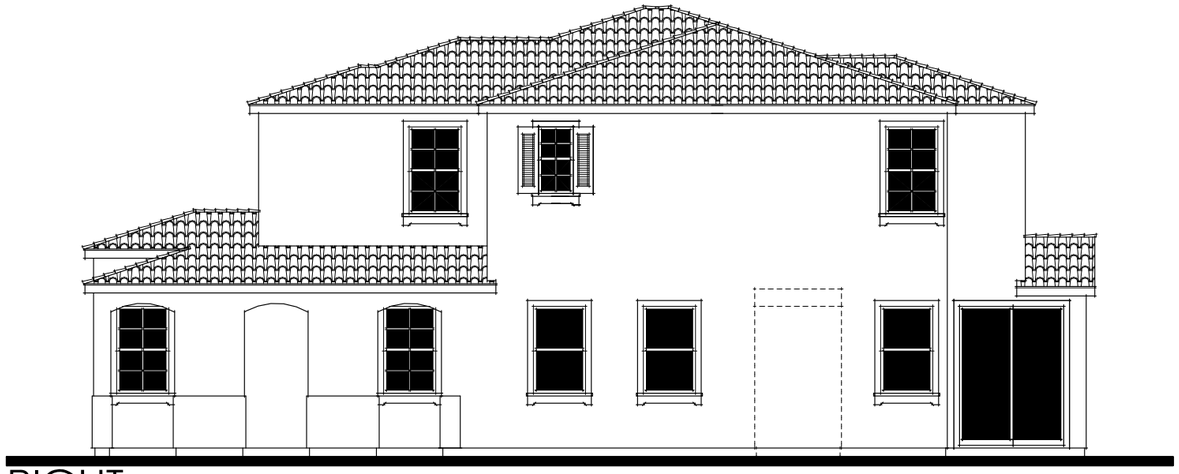

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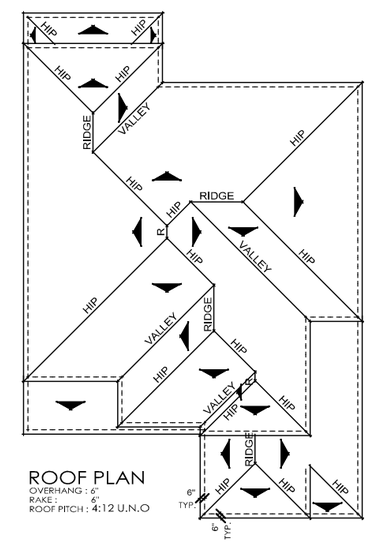

ROOF PLAN
OVERHANG : 6"
RAKE : 6"
ROOF PITCH : 4:12 U.N.O

A3.6

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 3D

Tracy, California

6.28.2013

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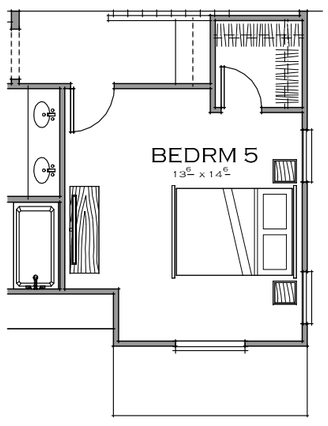
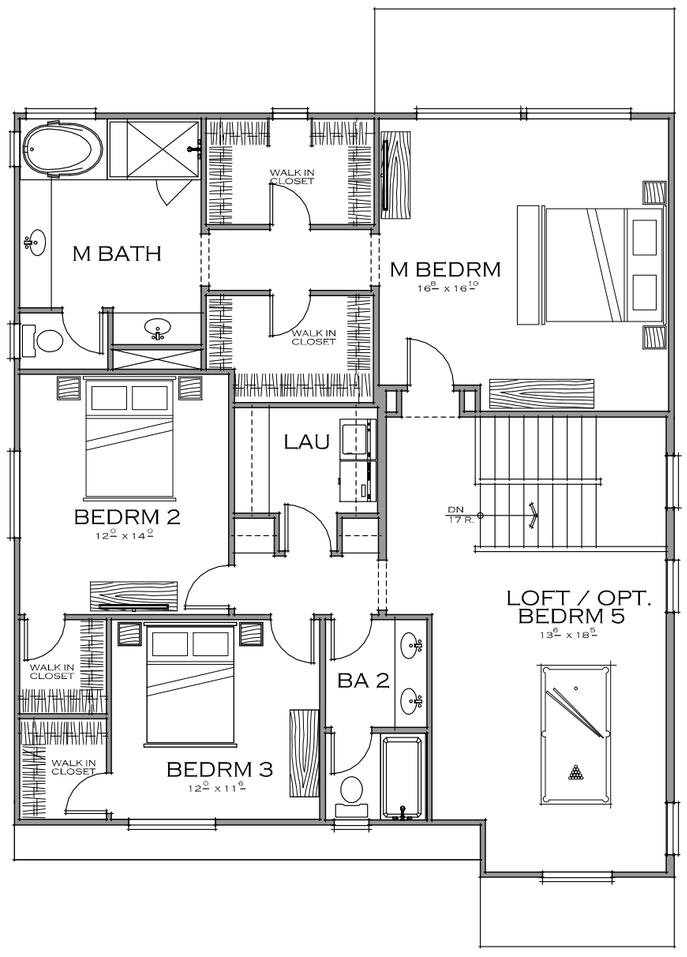
510 272 2910

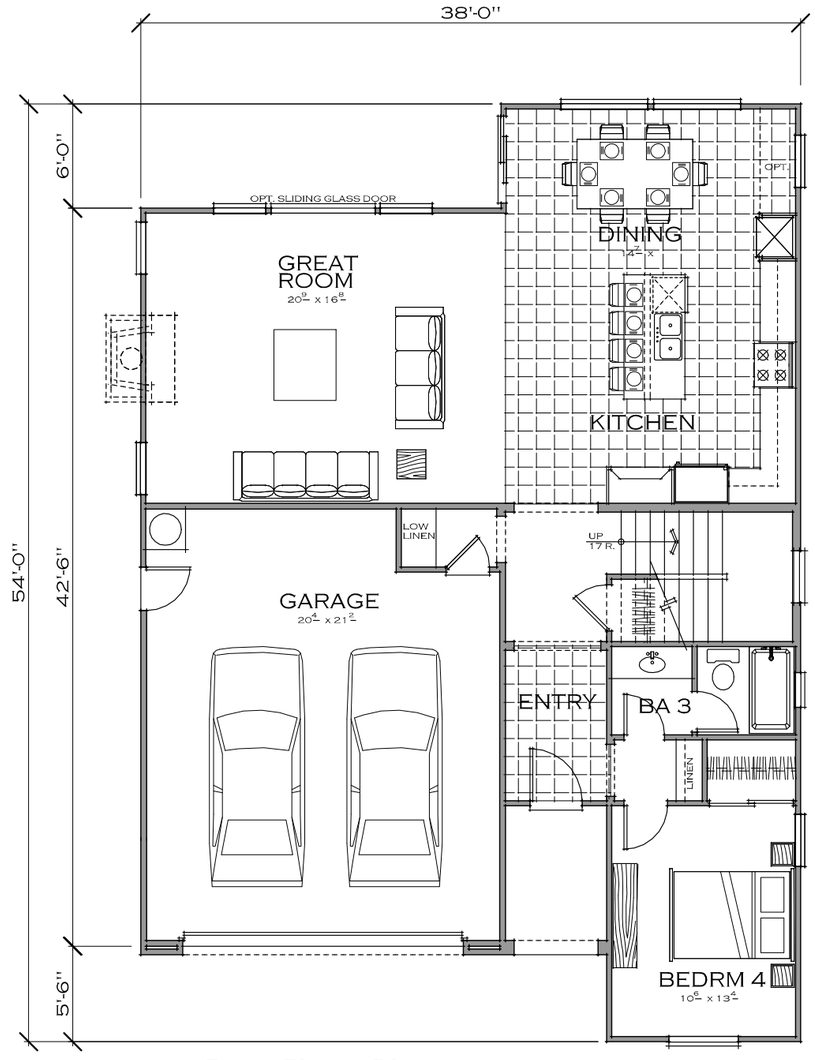


OPT. BEDROOM 5

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



Second Floor Plan



First Floor Plan

A4.1

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

Plan 4 - 2,739 Square Feet

Tracy, California

6.28.2013

KTGY Group Inc.
Architecture+Planning
580 Second Street, Suite 200
Oakland, California 94607
ktgy.com
510 272 2910

panish
aterial Legend:
Concrete Low Profile 'S' Tile
Stucco Finish
Shutters
Decorative Gable End Detail
Enhanced Sills
1x Stucco Finish Trim

ELEVATION '4A' - SPANISH

Craftsman
Material Legend:
Flat Concrete Tile Roofing
Stucco Finish
Cementitious Shingles
Stone Veneer
Enhanced Sills
1x Stucco Finish Trim
Cementitious Gable Siding

ELEVATION '4B' - CRAFTSMAN

glish Country
aterial Legend:
Flat Concrete Tile Roofing
Stucco Finish
Brick Vineer
Shutters
1x Stucco Finish Trim
Enhanced Sills
Cementitious Gable Siding

ELEVATION '4C' - ENGLISH COUNTRY

Italian
Material Legend:
Concrete Low Profile 'S' Tile
Stucco Finish
1x Stucco Finish Trim
Shutters
Enhanced Sills

ELEVATION '4D' - ITALIAN

A4.2

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

FRONTS - PLAN 4

Tracy, California

6.28.2013

KTGY Group Inc.
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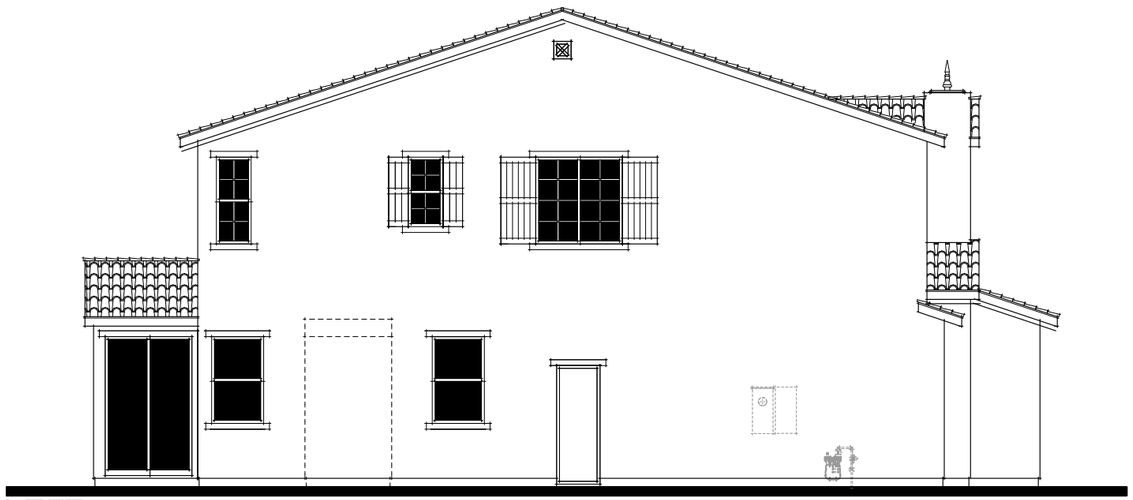
Oakland, California 94607
ktgy.com
510 272 2910



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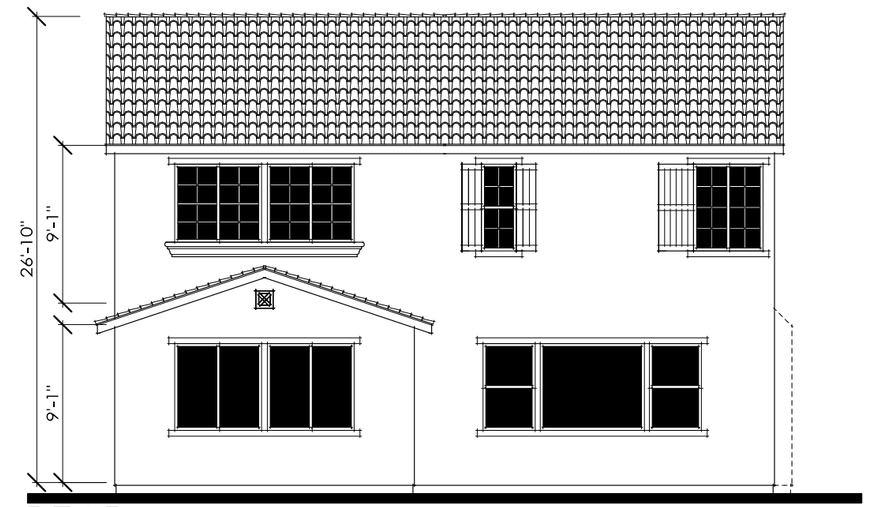

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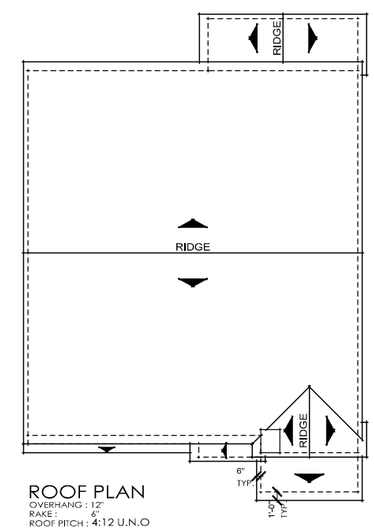

ROOF PLAN
OVERHANG : 12"
RAKE : 6"
ROOF PITCH : 4:12 U.N.O

A4.3

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 4A

Tracy, California

6.28.2013

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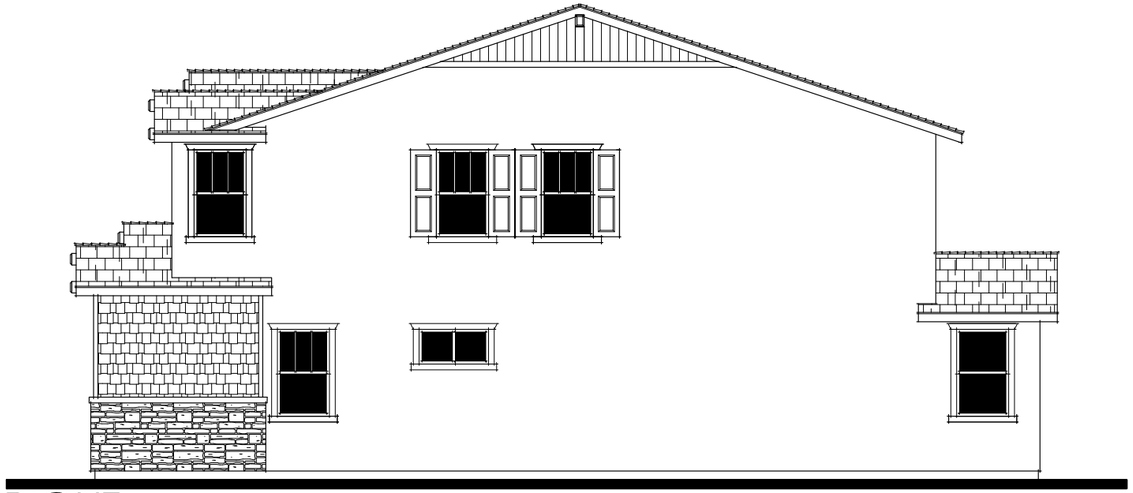

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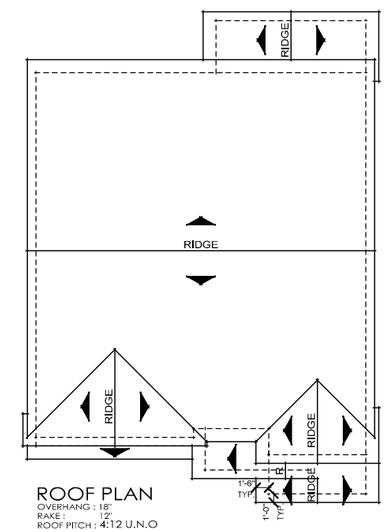

ROOF PLAN
OVERHANG : 18"
RAKE : 12"
ROOF PITCH : 4:12 U.N.O

A4.4

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 4B

0 2 4 8

Tracy, California

6.28.2013

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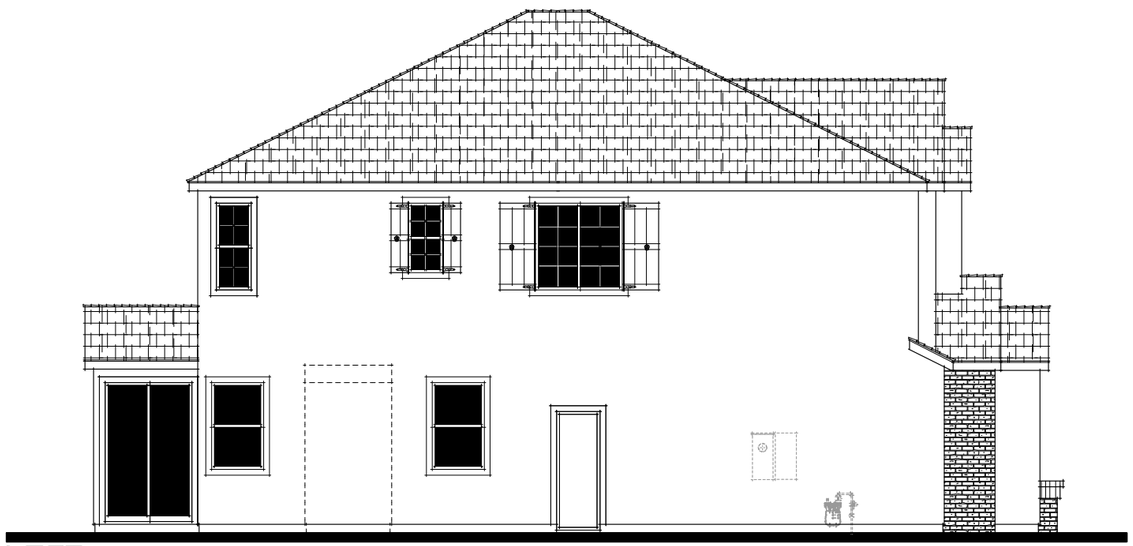

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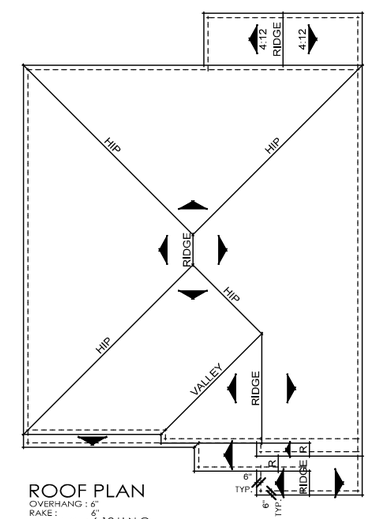

ROOF PLAN
OVERHANG : 6"
RAKE : 6"
ROOF PITCH : 6:12 U.N.O

A4.5

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 4C

Tracy, California

6.28.2013

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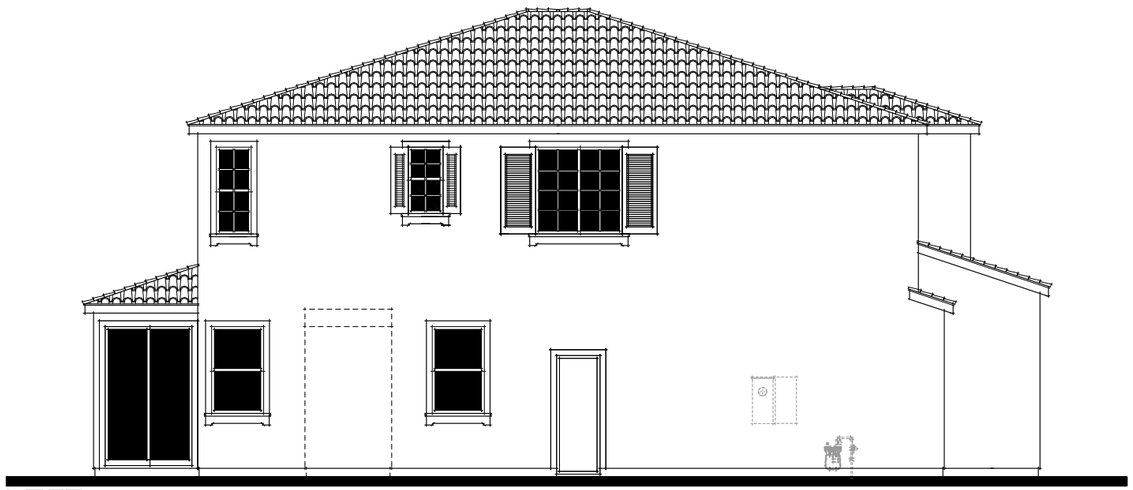
510 272 2910



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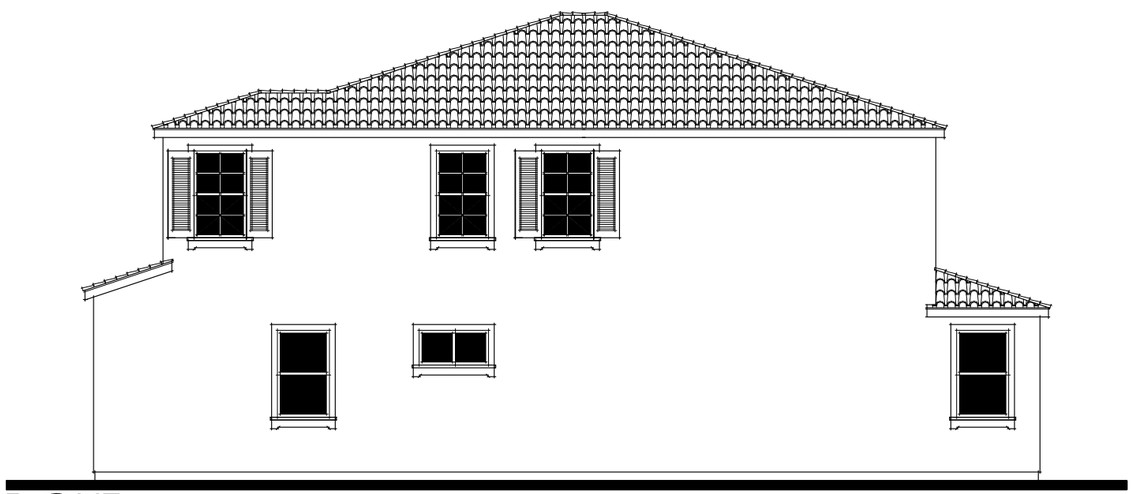

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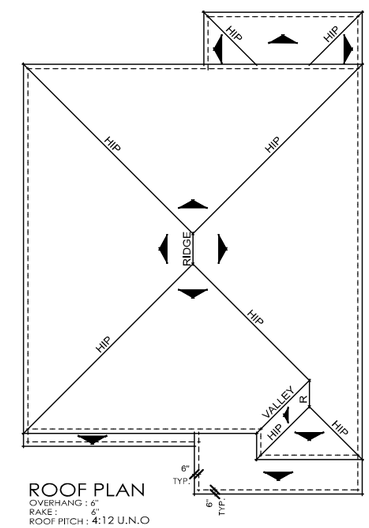

ROOF PLAN
OVERHANG : 6"
RAKE : 6"
ROOF PITCH : 4:12 U.N.O

A4.6

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 4D

Tracy, California

6.28.2013

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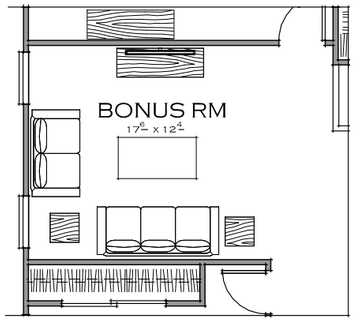
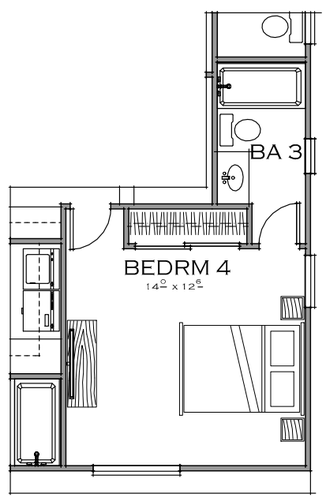
ktgy.com
510 272 2910



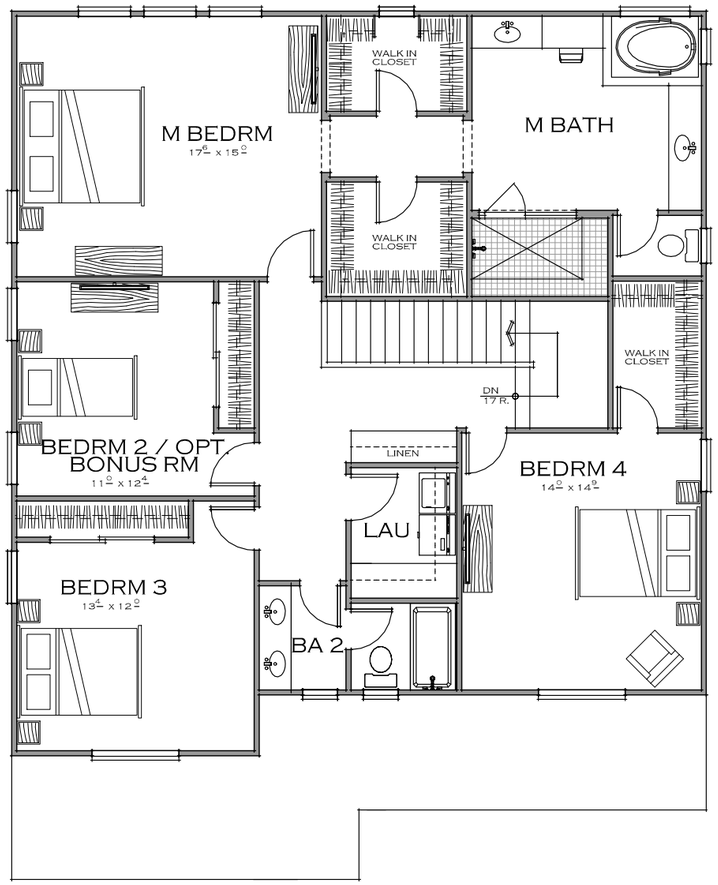
OPT. BONUS ROOM

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

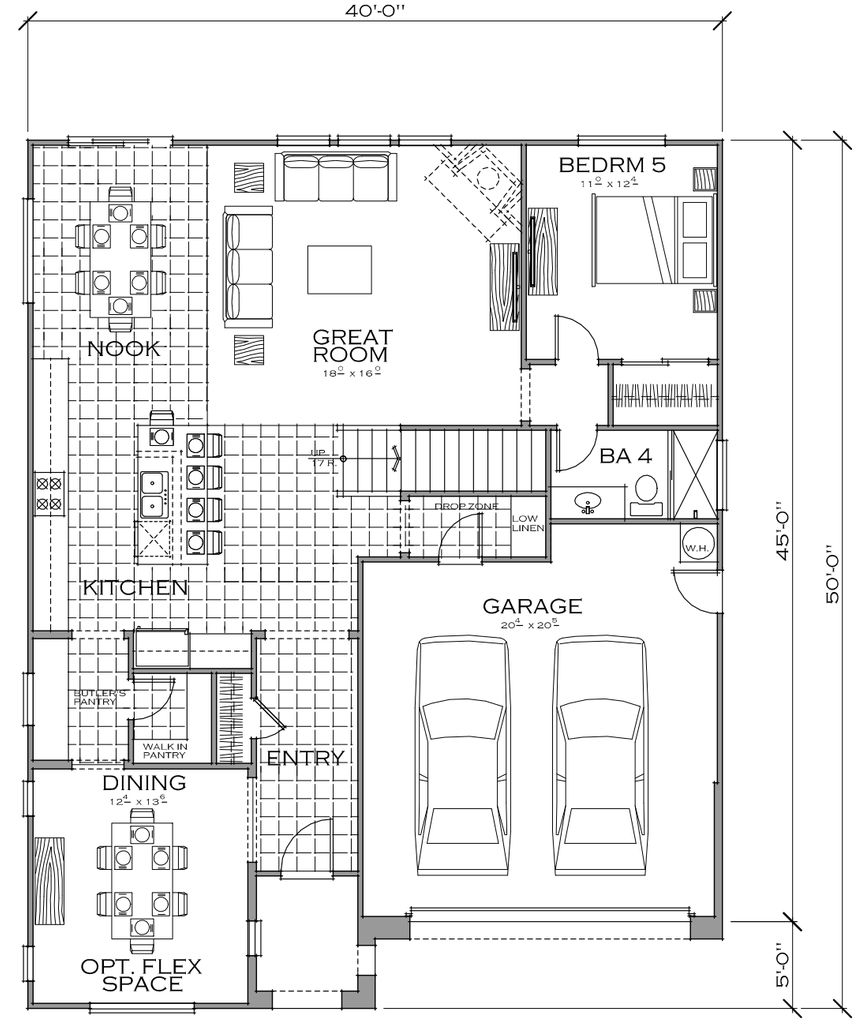


OPT. BATH 3

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



Second Floor Plan



First Floor Plan

A5.1

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

Plan 5 - 2,943 Square Feet

Tracy, California

6.28.2013

KTGY Group Inc.
Architecture+Planning
580 Second Street, Suite 200
Oakland, California 94607
ktgy.com
510 272 2910

panish
aterial Legend:
Concrete Low Profile 'S' Tile
Stucco Finish
1x Stucco Finish Trim
Decorative Gable End Detail
Stucco potshelf
Enhanced Sills

ELEVATION '5A' - SPANISH

Craftsman
Material Legend:
Flat Concrete Tile Roofing
Stucco Finish
Shutters
Stone Veneer
Enhanced Sills
1x Stucco Finish Trim
Cementitious Gable Siding

ELEVATION '5B' - CRAFTSMAN

English Country
Material Legend:
Flat Concrete Tile Roofing
Stucco Finish
Brick Vineer
Shutters
1x Stucco Finish Trim
Enhanced Sills
Cementitious Gable Siding

ELEVATION '5C' - ENGLISH COUNTRY

A5.2

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

FRONTS - PLAN 5

Tracy, California

6.28.2013

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510 272 2910

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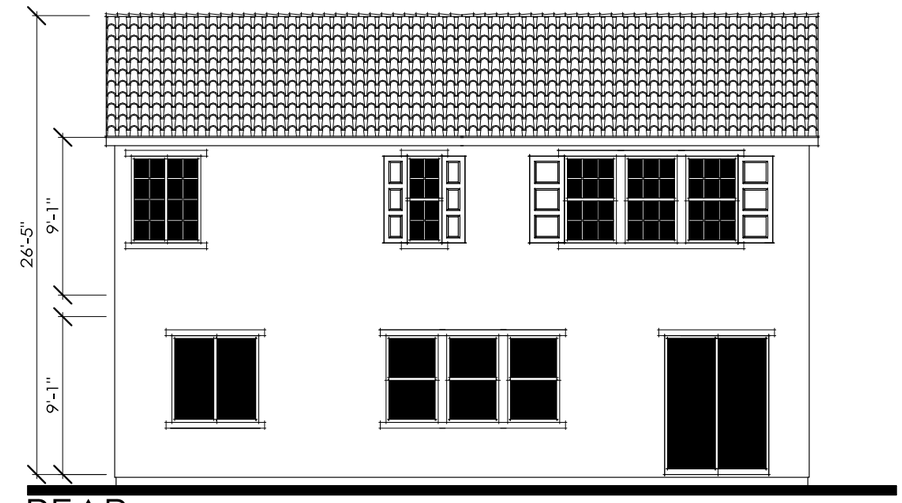

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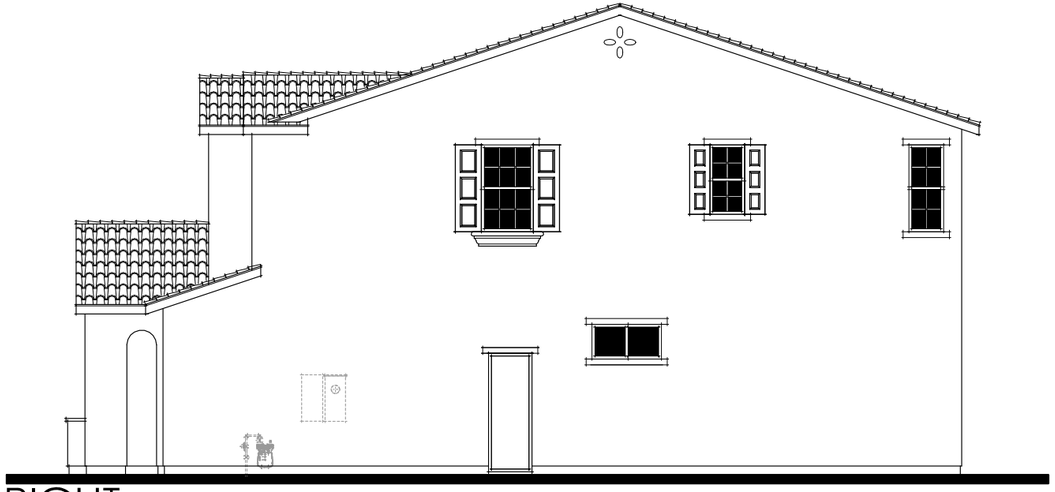

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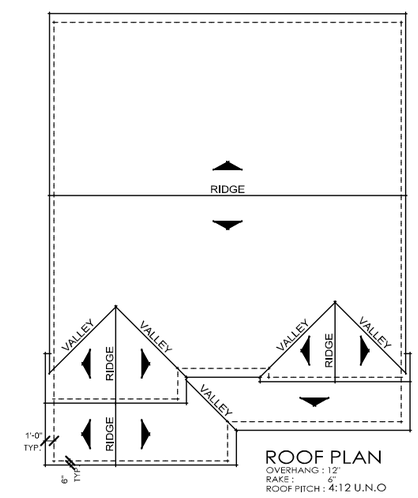

ROOF PLAN
OVERHANG : 12"
RAKE : 6"
ROOF PITCH : 4:12 U.N.O

A5.3

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 5A

Tracy, California

6.28.2013

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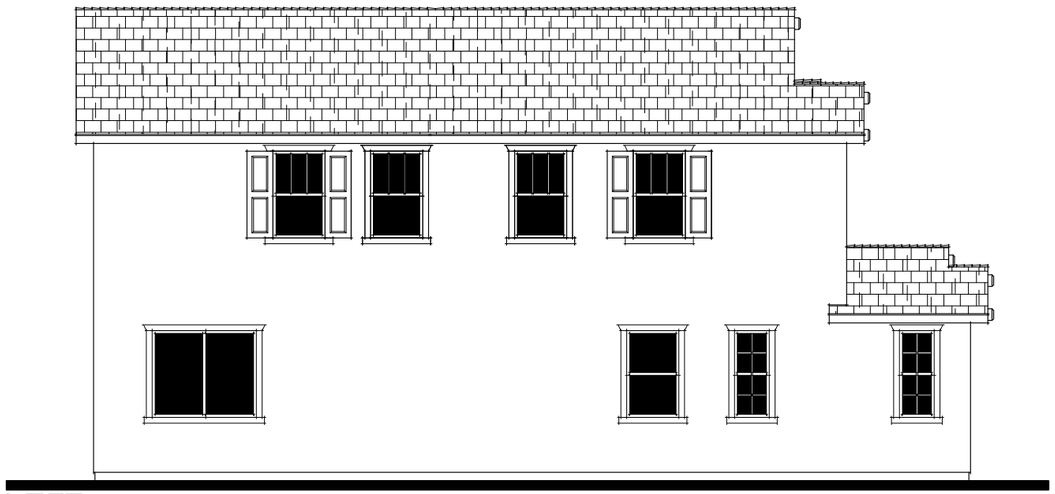
Oakland, California 94607
ktgy.com
510 272 2910



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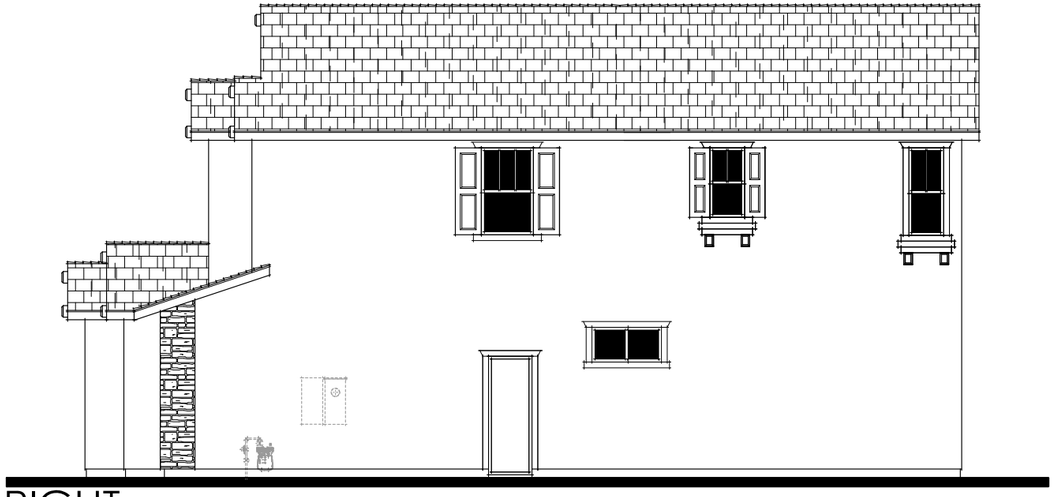

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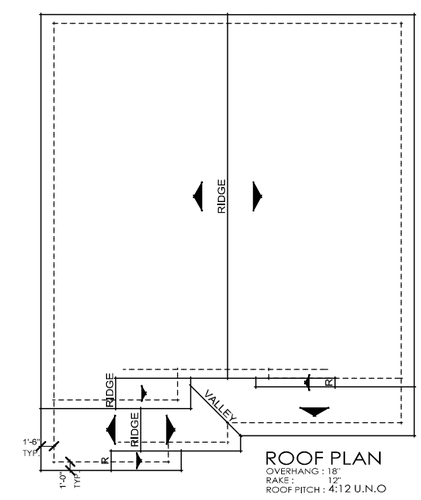


A5.4

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 5B

0 2 4 8

Tracy, California

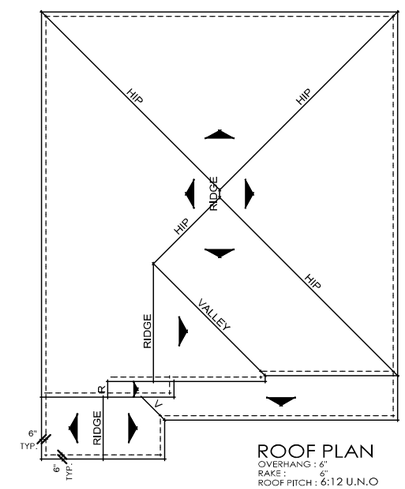
6.28.2013

KTGY Group Inc.
Architecture+Planning
580 Second Street, Suite 200
Oakland, California 94607
ktgy.com
510 272 2910

LEFT

REAR

RIGHT



A5.5

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 5C

Tracy, California

6.28.2013

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Architecture+Planning
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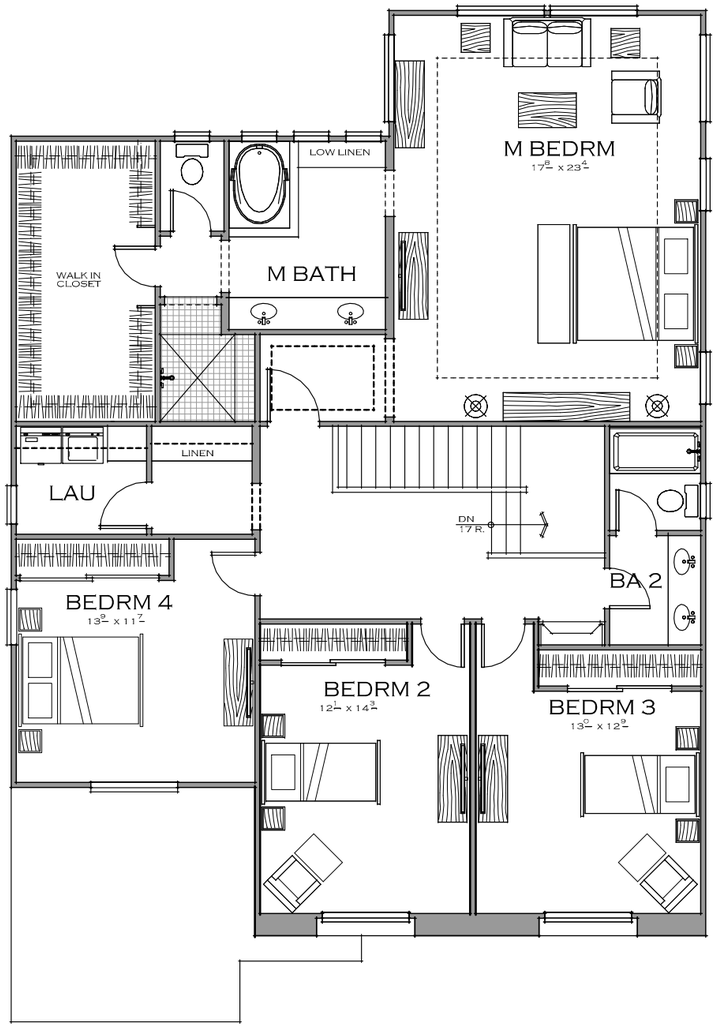
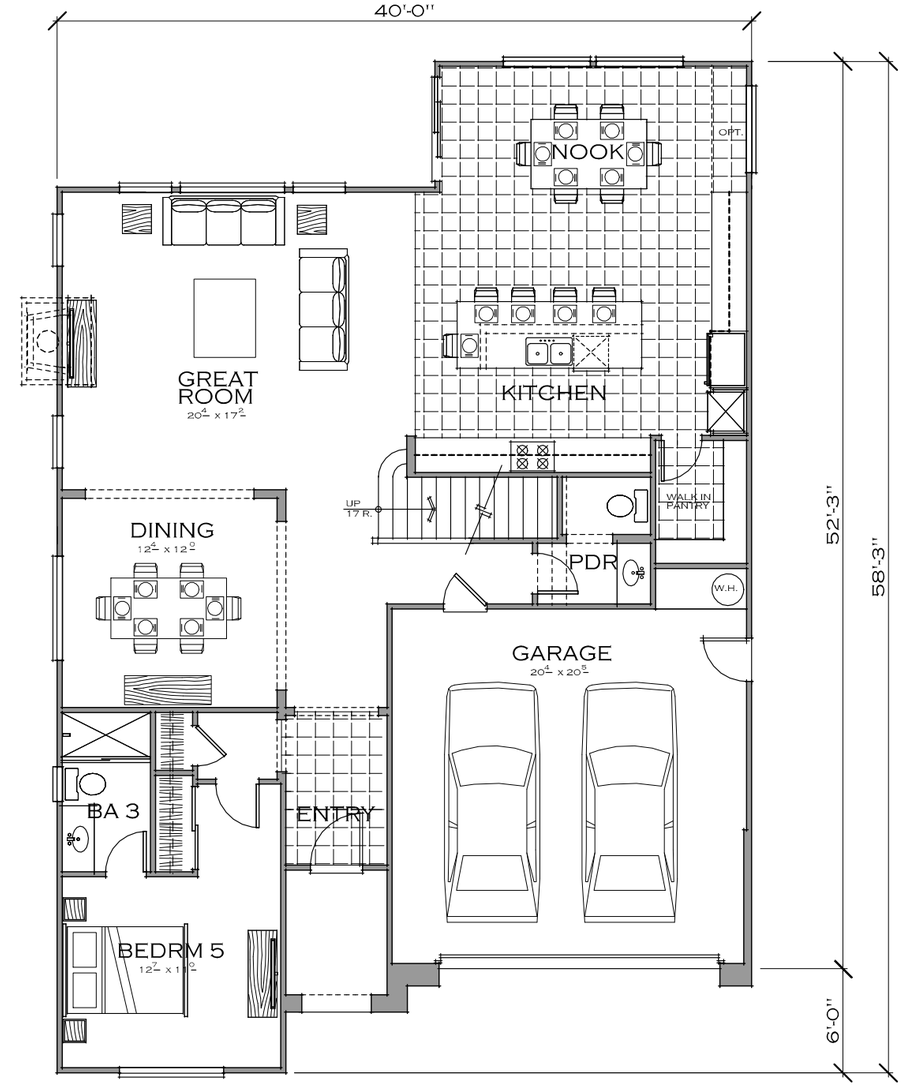
ktgy.com
510 272 2910



Second Floor Plan



First Floor Plan

A6.1

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

Plan 6 - 3,281 Square Feet

Tracy, California

6.28.2013

KTGY Group Inc.
Architecture+Planning
580 Second Street, Suite 200
Oakland, California 94607
ktgy.com
510 272 2910

panish
aterial Legend:
Concrete Low Profile 'S' Tile
Stucco Finish
1x Stucco Finish Trim
Wrought Iron Balcony
Enhanced Sills

ELEVATION '6A' - SPANISH

Craftsman
Material Legend:
Flat Concrete Tile Roofing
Stucco Finish
Cementitious Shingles
Stone Veneer
Enhanced Sills
1x Stucco Finish Trim

ELEVATION '6B' - CRAFTSMAN

English Country
Material Legend:
Flat Concrete Tile Roofing
Stucco Finish
Brick Vineer
Shutters
1x Stucco Finish Trim
Enhanced Sills

ELEVATION '6C' - ENGLISH

A6.2

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

FRONTS - PLAN 6

Tracy, California

6.28.2013

KTGY Group Inc.
Architecture+Planning
580 Second Street, Suite 200
Oakland, California 94607
ktgy.com
510 272 2910

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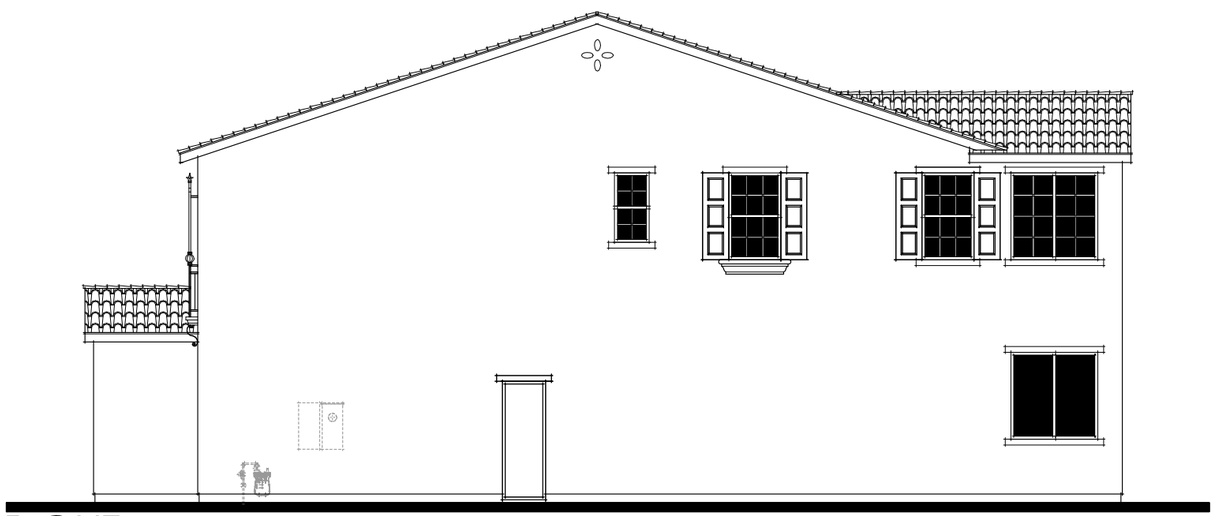

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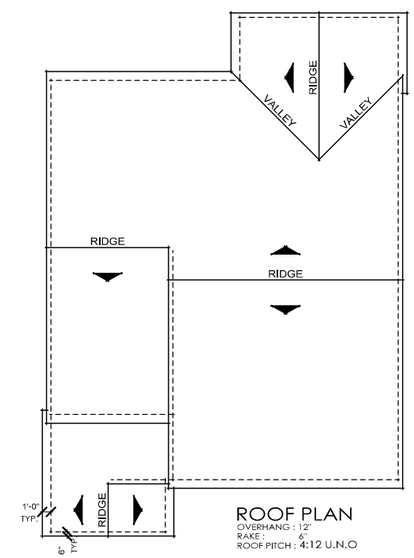

A6.3

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 6A

Tracy, California

6.28.2013

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ktgy.com
510 272 2910

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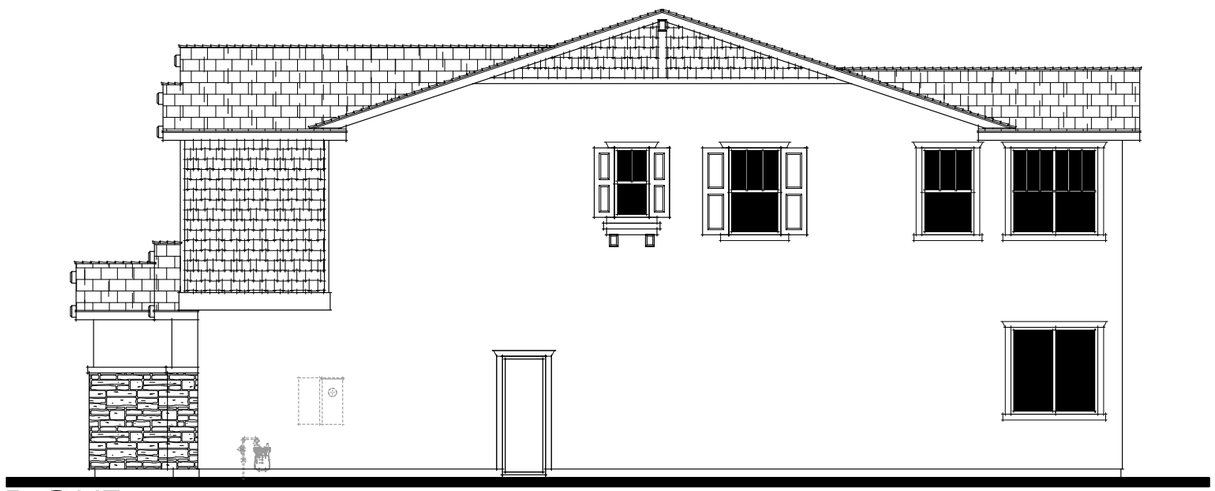

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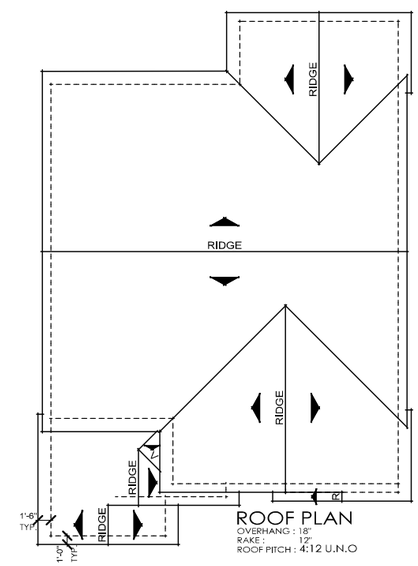

ROOF PLAN
OVERHANG : 18"
RAKE : 12"
ROOF PITCH : 4:12 U.N.O

A6.4

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 6B

Tracy, California

6.28.2013

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ktgy.com
510 272 2910

LEFT

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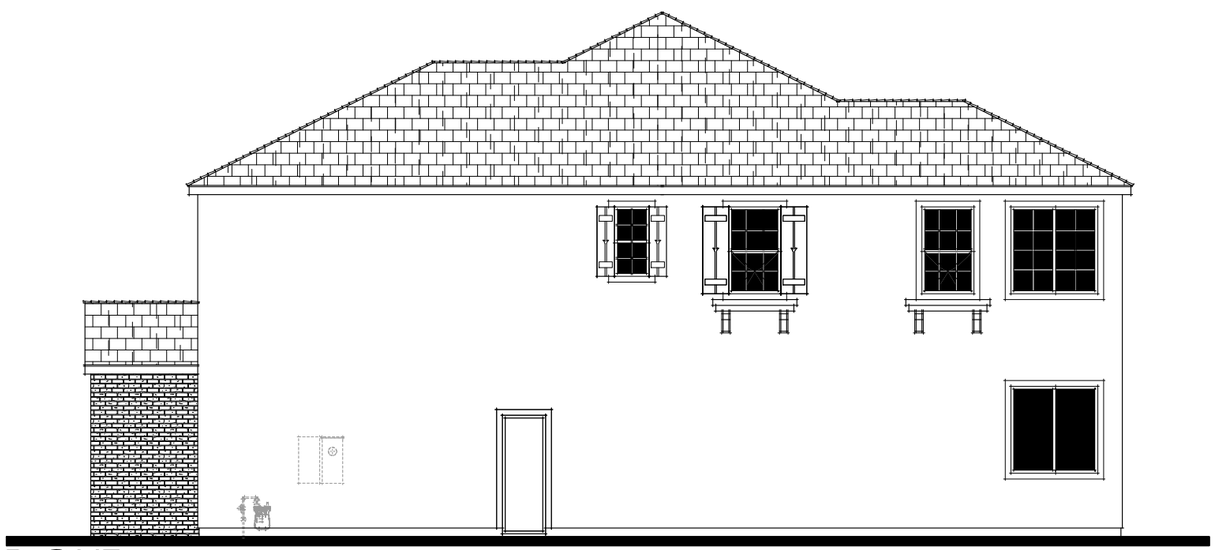

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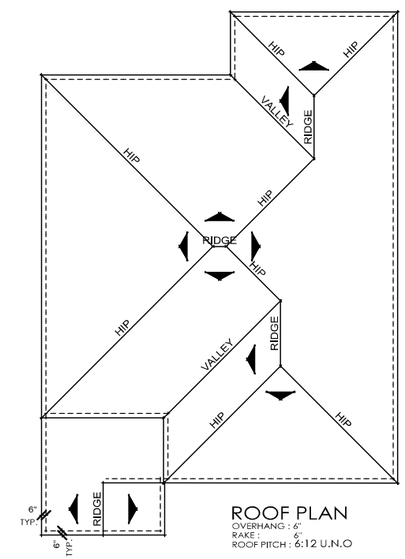


ROOF PLAN
OVERHANG : 6"
RAKE : 6"
ROOF PITCH : 6:12 U.N.O

A6.5

0 2 4 8

Tiburon Village

Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 6C

Tracy, California

6.28.2013

KTGY Group Inc.
Architecture+Planning
580 Second Street, Suite 200
Oakland, California 94607
ktgy.com
510 272 2910

RESOLUTION_____

APPROVING AN AMENDMENT TO THE 105-LOT TIBURON VILLAGE VESTING TENTATIVE SUBDIVISION MAP AND AN AMENDMENT TO THE PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR AN 18.6-ACRE SITE LOCATED ON THE WEST SIDE OF MAC ARTHUR DRIVE, APPROXIMATELY 600 FEET NORTH OF VALPICO ROAD
APPLICATION NUMBERS TSM13-0002 AND PUD13-0002

WHEREAS, The subject property was annexed to the City of Tracy in 1973 and is a part of the Infill Finance Plan; and

WHEREAS, The project will amend an existing Vesting Tentative Subdivision Map to create 105 single-family dwelling units on 18.6 gross acres, with an overall density of approximately 5.6 dwelling units per acre, which is consistent with the General Plan land use and density requirements; and

WHEREAS, The proposed map amendment is consistent with the General Plan, and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code. The General Plan designation of the property is Residential Low, which provides for a density range of 2.1 to 5.8 dwelling units per acre. The General Plan identifies that the characteristic housing for the Low Density Residential categories includes single family homes; and

WHEREAS, The site is physically suitable for the type of development, as the site, once graded will be virtually flat and the characteristically high clay content of Tracy's soils may require amendments and treatment for proposed landscaping, foundations, and other surface and utility work. The physical qualities of the property make it suitable for residential development in accordance with City standards; and

WHEREAS, The site is physically suitable for the proposed density of development. The 5.6 dwelling units per acre proposed is consistent with the allowable density range prescribed by the General Plan. Traffic circulation is designed in accordance with City standards for the proposed density to ensure adequate traffic service levels are met; and

WHEREAS, The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. An Initial Study and Negative Declaration was approved for the project site in April of 2004. Significant fish or wildlife or their habitat have not otherwise been identified on the site and no further environmental documentation is required; and

WHEREAS, The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; and

WHEREAS, The project complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to, the local floodplain ordinance. The subject property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards; and

WHEREAS, All the public facilities necessary to serve the subdivision will be in place prior to the issuance of building permits. All the public facilities necessary to serve the subdivision or mitigate the impacts created by the subdivision will be assured through a subdivision improvement agreement prior to the approval of a final map; and

WHEREAS, the architectural renderings are in compliance with Tracy's Design Goals and Standards because they have incorporated significant variation between floor plans and elevations, located garages set back from the facades of the living space, and used architectural features on all four sides of each house; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the amendments to the Vesting Tentative Subdivision Map and Preliminary and Final Development Plan on July 24, 2013 and recommended City Council approval of said amendments;

NOW, THEREFORE, BE IT RESOLVED, That the Tracy City Council does hereby approve the amendments to the Tiburon Village Vesting Tentative Subdivision Map and Preliminary and Final Development Plan, Application Numbers TSM13-0002 and PUD13-0002, subject to conditions stated in Exhibit "1", attached and made part hereof.

The foregoing Resolution _____was adopted by the City Council on the 20th day of August, 2013, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
Mayor

ATTEST:

_____
City Clerk

Exhibit 1

Conditions of Approval for the
Tiburon Village Revised Vesting Tentative Subdivision Map, and
Preliminary and Final Development Plan Amendment
Application Numbers TSM13-0002, and PUD13-0002

These Conditions of Approval shall apply to the real property described as the Tiburon Village Vesting Tentative Subdivision Map Amendment, Preliminary and Final Development Plan Amendment, Application Numbers TSM13-0002, and PUD13-0002 (hereinafter "Project"), generally located on approximately 18.1 acres on the west side of Mac Arthur Drive, approximately 600 feet north of Valpico Road, Assessor's Parcel Numbers 246-140-02 and 03.

A. The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".

2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Public Works Director, or the City Engineer to perform the duties set forth herein.

3. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).

4. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.

5. "Conditions of Approval" shall mean the conditions of approval applicable to the Tiburon Village Vesting Tentative Subdivision Map Amendment, and Preliminary and Final Development Plan Amendment, Application Numbers TSM13-0002, and PUD13-0002. The Conditions of Approval shall specifically include all Development Services Department Conditions set forth herein.

6. "Project" means the real property consisting of approximately 18.1 acres located on the west side of Mac Arthur Drive, approximately 600 feet north of Valpico Road, Assessor's Parcel Numbers 246-140-02 and 03.

7. "Subdivider" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion

of the real property within the Project boundaries. "Subdivider" also means the Developer. The term "Subdivider" shall include all successors in interest.

B. Planning Division Conditions of Approval:

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, *et seq.*), the Subdivision Map Act (Government Code sections 66410, *et seq*.), the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.,* "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, *et seq.*, "CEQA Guidelines").

2. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.

3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, approved February 1, 2011 and the "Valpico/South Mac Arthur Development Projects Initial Study and Negative Declaration" approved by the Planning Commission in April of 2004.

4. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

5. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.

6. All improvements shall be consistent with the Tracy Municipal Code, Standard Plans, and other applicable City Regulations.

7. All final maps shall be consistent with the Vesting Tentative Subdivision Map received by the Development Services Department on July 18, 2013, unless modified herein.

8. Prior to the issuance of a building permit, the developer shall document compliance with all applicable school mitigation requirements consistent with City Council standards and obtain certificate of compliance from Tracy Unified School District for each new residential building permit.

9. Prior to approval of the first Final Map, the Developer shall obtain approval of all street names from the Traffic Engineering Division. At least one street shall be named after a deceased veteran in accordance with City Council Resolution Number 87-041.

10. Prior to the approval of the first Final Map, the developer shall submit plans that show, to the satisfaction of the Development Services Director, the detailed plans for the construction of the pedestrian connection along MacArthur Drive to the commercial site (Rite Aid) to the south.

11. Prior to the recordation of the first Final Map, the Subdivider shall show public utility easements necessary to accommodate the needs of local utility providers in accordance with City standards, to the satisfaction of the City Engineer.

12. Prior to the issuance of building permits, the applicant shall pay all park in-lieu fees required for the project.

13. The floor plans and architectural elevations, except as modified herein, shall be consistent with the plans received by the Development Services Department on July 15, 2013.

14. All of the development standards for the 105 lots shall comply with the standards as listed in the “Planned Unit Development Tiburon Villages” document, received by the Development and Engineering Services Department on July 17, 2013. The development standards for the 3.35-acre “Thrasher” out-parcel (located generally at the northwest area of the site) shall be in compliance with the standards established within said document for the 5,500 square foot minimum lots. The development standards for the out-parcels on the southeast corner of the site, adjacent to MacArthur Drive shall be in compliance with the standards established for the 5,000 square foot minimum lots.

15. The Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), including District Rule 9510, Regulation VIII, and payment of all applicable fees.

16. The Developer shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit, a pre-construction survey prior to ground disturbance, and payment of all applicable fees, to the satisfaction of San Joaquin Council of Governments.

17. Prior to issuance of a grading permit, the Developer shall provide proof of compliance with the Construction General Permit through a Waste Discharge ID number or Notice of Intent submittal; and provide proof of compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual), which includes the requirements for Site Design, Source and Treatment Control Measures, in a project Stormwater Quality Control Plan (SWQCP), to the satisfaction of the Public Works Director or his/her designee. Prior to issuance of a building permit, the Developer shall provide proof of compliance with CalGreen Building Standards for Residential Properties, to the satisfaction of the Public Works Director or his/her designee. Prior to building permit final inspection, a Storm Water Treatment Device Access and Maintenance Agreement must be approved and notarized between the Developer and the City, to the satisfaction of the Public Works Director or his/her designee.

18. Prior to the issuance of a building permit, the Developer shall prepare a detailed landscape and irrigation plan for all landscape areas (e.g. back yards, front yards, and public right of way) consistent with City standards and shall show compliance with adopted Water Efficient Landscape Ordinance and mandatory CalGreen Building Standards for Residential Properties through submittal and approval of the required Landscape Package, which includes project information, a water efficient landscape worksheet, a soil management report and Landscape, Irrigation, Drainage and Grading Plans, to the satisfaction of the Public Works Director or his/her designee.

C. Engineering Division Conditions

Contact: Criseldo Mina, P. E. (209) 831-6425 cris.mina@ci.tracy.ca.us

C.1. <u>Tentative Subdivision Map</u>
Prior to signature of the Tentative Subdivision Map by the City Engineer, the Subdivider shall comply with the requirements set forth in this section, to the satisfaction of the City Engineer.

C.1.1. Revise the Tentative Subdivision Map to show the locations of the 1-foot wide strip reserve street dedications and restricted access to MacArthur Drive for Lots 77 through 83 (7 lots).

C.1.2. Other street names not specifically changed by these conditions of approval shall be reviewed and approved by the City's Fire Department, prior to approval of the first final map.

C.1.3. Revise the Tentative Subdivision Map to show the 27.5 feet wide strip of land needed from the Texaco Downstream Properties, Inc., for the

extension of street and utilities improvements on Stalsburg Drive from Tung Nguyen to the southern boundary of the Property. The 27.5 feet wide strip of land will be the westerly-half of the right-of-way of Stalsburg Drive.

C.1.4. Submit one (1) reproducible copy of the approved tentative subdivision map for the Project within ten (10) days after Subdivider's receipt of notification of approval of the tentative subdivision map. The owner(s) of the Property must sign the Tentative Subdivision Map, or provide documentation their consent to the preparation of the tentative subdivision map.

C.2. Final Map Applications

No application for any final map within the Project boundaries will be accepted by the City as complete until the Subdivider provides all documents as required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.2.1. The Subdivider has completed all the requirements set forth in this section, and Condition C.1., above.

C.2.2. The Final Map prepared in accordance with the Tracy Municipal Code and the City Design Documents, and in substantial conformance with the Tentative Subdivision Map.

C.2.3. The final map application, which includes tract boundary, street right-of-way, and lot closure calculations, preliminary title report, updated subdivision map guarantee, copies of recorded deeds and/or easements and documents that are necessary to complete the technical accuracy review of the final map.

C.2.4. Improvement Plans for in-tract and offsite improvements required to serve the Property described by the final map and Tentative Subdivision Map in accordance with the Tracy Municipal Code, the City Design Documents, and these Conditions of Approval. The Improvement Plans shall specifically include all the requirements specified in Conditions C.5., C.6., C.7., C.8., and C.9., below.

a) Location and size of existing utilities such as electric, gas, telephone, TV-cable, sewer, water, storm drain, and others on MacArthur Drive and within the Property.

b) All supporting and engineering calculations, material and technical specifications, and reports related to the design of the subdivision improvements, and as required by the City Engineer. The engineering calculations shall include calculations for determining the size and capacity of sewer, water and storm drain lines.

c) The Improvement Plans shall consist of the Grading and Storm Drainage Plans, Irrigation and Landscaping Plans, Composite / Joint Utility Plans, In-tract Civil and Utility Plans, Street Lighting Plans, Signing and Striping Plans, Masonry Wall Plans, and Storm Water Plans prepared in accordance with the Tracy Municipal Code and City Regulations. The Grading Plans shall be submitted together with the calculations of earthwork quantities or specifically the volumes of cut and fill in cubic yards.

The Masonry Wall Plans shall be submitted together with the necessary structural calculations, and construction details, if necessary, signed and stamped by a Structural of Civil Engineer licensed to practice in the State of California.

d) If multiple final maps are to be filed, the Improvement Plans, as described above, must be prepared with a detailed phasing plans showing construction limits and logical sequence or order of constructing street and utilities improvements. The phasing plan shall clearly identify the improvements to be constructed with each construction phase.

e) If it is necessary to close or interrupt the operation of travel lane(s) on MacArthur Drive during construction, a Traffic Control Plan prepared and/or signed by a Registered Civil or Traffic Engineer licensed to practice in the State of California, must be submitted for review and approval. No work shall start within City's right 0f-way or no lane closure shall be made without obtaining City Engineer's approval on the Traffic Control Plan.

C.2.5. Engineer's Estimate for the construction cost of subdivision improvements and public facilities that are required to be constructed to serve the Project, prepared in accordance with City Regulations. Add ten (10) percent for construction contingencies.

C.2.6. Initial payment of plan and map checking, agreement(s) processing, and other fees required by these Conditions of Approval and City Regulations.

C.3. <u>Final Map</u>
No final map within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

C.3.1. The Subdivider has completed all the requirements set forth in this section, and Condition C.1., and C.2., above.

C.3.2. The Subdivider has obtained the approval of all other public agencies with jurisdiction over the required public facilities.

C.3.3. The Final Map shall include dedications or offers of dedication of all right(s)-of-way and/or easement(s) required to serve the Project described by the Final Map and Tentative Subdivision Map, in accordance with City Regulations and these Conditions of Approval.

C.3.4. The existing residential house owned by Derone W. and Dorlane A. Thrasher will remain on a parcel (Thrasher Parcel) that will be created by a separate Final Parcel Map after the Tentative Subdivision Map is approved. The Subdivider shall provide access and utilities connections stubbed to the Thrasher Parcel from future public street(s), at the Subdivider's sole cost and expense. The Subdivider shall design and construct concrete curb, gutter and sidewalk including the typical landscaping improvements between the curb and sidewalk along the frontage of the Thrasher Parcel on Stalsburg Drive and complete the frontage improvements, prior to final inspection of first the residential building to be constructed on any of the lots located along the west side of Stalsburg Avenue north of Derone Drive.

C.3.5. The Subdivider shall dedicate a 10-foot wide Public Utility Easement (PUE) along the lot frontages within the Property, for the installation, repair, use, operation, and maintenance of other public utilities such as electric, gas, telephone, cable TV, and others. The Subdivider shall coordinate with the respective owner(s) of these utilities including PG&E, AT&T, and Comcast, for the design and installation of these utilities within the Property. Engineering design and construction details of these utilities must be prepared as part of the joint utility trench plans to be submitted for City's approval.

C.3.6. Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the final map. The final map shall also identify surveyed ties from two of the control points to a minimum of two separate points adjacent to or within the property described by the Final Map.

C.3.7. A detailed construction phasing plan showing the limits and logical sequence of construction of street and utilities improvements. The construction phasing plan shall clearly identify the improvements to be constructed with each construction phase of the Project.

C.3.8. All the required improvement plans are prepared in accordance with City Regulations and these Conditions of Approval. The improvement

agreements are executed, improvement security is submitted and documentation of insurance are provided, as required by these Conditions of Approval. The amounts of improvement security shall be approved by the City and the form of improvement security shall be in accordance with the Tracy Municipal Code.

C.3.9. The Subdivider shall participate in any applicable Benefit Districts, Assessment Districts, or sub-regional reimbursement areas, in accordance with City Regulations.

The Subdivider is required to pay the Property's proportional share of cost of design and construction of the street extension of Stalsburg Drive extension south of the Property through the proposed high density residential projects (Valpico and Peter MacDonald Apartments) to the intersection of Valpico Road/ Glenbriar Drive. Payment of the Property's proportional share of cost which includes cost of right-of-way, design and plan checking, construction, and inspection shall be delivered, prior to the issuance of the first building permit within the Property. The proportional share of cost shall be determined based on the number of trips from benefitting properties.

C.3.10. Payment of all fees required by these Conditions of Approval and City Regulations.

C.3.11. All public facilities that are required to serve the proposed development within the final map boundaries, including water distribution, sewer conveyance, and water and wastewater treatment capacities have been financially assured by the Subdivider. The Subdivider acknowledges that complex planning and financing are involved in providing the public facilities required to serve the Property. Such public facilities are not available now. The City will make reasonable efforts to facilitate the necessary planning, but cannot and does not guarantee that sufficient public facilities, and the resulting capacity, will be available before expiration of the Tentative Map for this Project (under Government Code Section 66452.6 and relevant City Regulations

C.3.12. In order to provide adequate wastewater treatment facilities to serve the Project, the Subdivider shall secure rights to wastewater treatment capacity, and contribute appropriate funding toward expansion of the municipal wastewater treatment facilities.

C.3.13. The Subdivider shall demonstrate to the satisfaction of the City Engineer, and a finding made by the City Engineer that City's water and wastewater facilities (capacities at the treatment plant and distribution or transmission lines, and sewer conveyance) are be adequate to meet Project's water and sewer flow demands, and are

consistent with the City's Water and Wastewater Facilities Master Plans. The Subdivider shall pay the costs of analysis by City consultants required to make such finding, if necessary.

C.3.14. All engineering calculations such as the pavement design, hydrologic and storm drainage calculation, sanitary sewer design, water line design, soil report, technical specifications, and other documents related to the design of the subdivision improvements.

C.4. Improvement Plans

The Improvement Plans that are required in this section shall contain the design and construction details of street and utilities improvements on MacArthur Drive, and all subdivision improvements that are required to serve the Project. The Improvement Plans shall consist of the Grading and Drainage Plans, Irrigation and Landscaping Plans, Composite and Joint Utility Trench Plans, Retaining Wall Plans, In-tract and Off-tract Civil and Utility Improvement Plans, Street Lighting Plans, Signing and Striping Plans, Storm Water Management Plans, and others. The Improvement Plans shall contain all the requirements specified in Conditions C.5., C.6., C.7., C.8., and C.9., below, and these Conditions of Approval. Improvement Plans to be signed by the City Engineer must be provided on a 4-mil thick 24” x 36” size polyester film (mylar) and prepared under the supervision of, and stamped and signed by a Registered Civil Engineer. Prior to obtaining the City Engineer’s signature on the Improvement Plans, all the requirements set forth in this section shall be completed, to the satisfaction of the City Engineer, including Conditions C.1., C.2., and C.3., above.

C.5. Street Improvements

C.5.1. All traffic control devices and appurtenances, including stop sign, street name sign, pavement legend, and pavement marking and striping shall be installed in accordance with City Regulations and a detailed signing and striping plan approved by the City Engineer.

C.5.2. Street lights shall be installed in accordance with City Regulations and at locations approved by the City Engineer. As part of the Improvement Plans, a street lighting plan that shows the street lights, conduits, wires and electrical connection to PG&E facility including all pertinent construct details must be submitted for City’s review and approval.

C.5.3. Landscaping improvements along MacArthur Drive shall be installed with an automatic irrigation system (Motorola Controller) as approved by the City Engineer, and shall be completed by the Subdivider, prior to the final inspection of the first residential building to be constructed within the Property (excluding model homes). Irrigation and Landscape Plans shall be signed and stamped by a registered Landscape Architect licensed to practice in the State of California.

The kind and size of street trees to be planted on MacArthur Drive and within the Property shall be per City Regulations, or as provided by the City Engineer.

C.5.4. The Subdivider is required to complete the design and construction of frontage improvements on MacArthur Drive (MacArthur Drive Improvements), prior to the final inspection of the first residential building to be constructed on the Property. MacArthur Drive Improvements shall include but not limited to, saw-cutting, removal, and disposal of existing asphalt concrete pavement, grinding of existing pavement for 2" thick asphalt concrete overlay, curb, gutter, meandering sidewalk, handicap ramp, street light, fire hydrant, storm drain and catch basin, masonry wall, pavement marking, signing, striping and other improvements that are deemed necessary to create a safe pavement transition from wider to narrower street section such as pavement marking and striping, temporary paving, and barricade and guardrail. The limit of the new asphalt pavement shall be from the gutter to the existing asphalt concrete pavement. The Subdivider shall install a 2" thick asphalt concrete overlay over a portion of the existing pavement on MacArthur Drive to retain existing pavement crown grades and uniform cross slope, and as determined by the City Engineer. MacArthur Drive Improvements when completed shall provide for a one (1) 8 feet wide bike lane, two (2) 12 feet wide travel lanes and a striped median not less than 16 feet wide.

The Subdivider shall design and construct all improvements including pavement marking, and signing and striping at the Property's entrance on MacArthur Drive that are necessary to provide for a safe "right-turn in", "right-turn out", and "left-turn in" vehicular and pedestrian access to and from the Project, as part of the MacArthur Drive Improvements. In order to prevent a "left-turn out" traffic movement from Derone Drive, a temporary raised median may be necessary on MacArthur Drive. The configuration, shape and location of the temporary raised median shall be submitted by the Subdivider, for City's approval. The design and improvement plans of the temporary raised median will be required to be submitted, prior to the approval of the First Final Map. MacArthur Drive Improvements shall be completed by the Subdivider, all at the Subdivider's sole cost and expense.

C.5.5. As part of the frontage improvements on MacArthur Drive, the Subdivider shall design and construct a 4 feet wide temporary pedestrian walkway along the west side of MacArthur Drive from Derone Drive to the northern boundary of the commercial parcel at the northwest corner of Valpico Road and MacArthur Drive. The City must approve location, grades and construction detail of the temporary pedestrian walkway. Cost of the pedestrian walkway

including cost of acquiring permission(s) or right-of-way(s) and/or easement(s), if necessary, and modifying or adjusting existing driveway that are impacted by the installation of the walkway will be paid by the Subdivider. The design and construction details of the temporary pedestrian walkway shall be in accordance with City Regulations. The temporary pedestrian walkway is required to be completed, prior to final inspection of the 1st residential building to be constructed within the Property. The Subdivider may propose an alternative solution, for providing a pedestrian connection from this Project to the commercial parcel at the northwest corner of Valpico Road and MacArthur Drive, subject to approval by the City Engineer.

C.5.6. The Subdivider shall install a handicap ramp at the southwest corner of Derone Drive and MacArthur Drive, if necessary, to provide a safe transition to the temporary pedestrian walkway on MacArthur Drive. The handicap ramp shall be installed within City's right-of-way and as part of the frontage improvements on MacArthur Drive.

C.5.7. Pavement design shall be based on State of California "R" value method, using Traffic Indices specified in the Design Standards, to the satisfaction of the City Engineer. The street longitudinal grade on any street shall be more than 0.30%. Street crown shall have a minimum slope of 2%. Valley gutters shall not be used to provide drainage across any through street or through intersections.

C.5.8. The street extension of Stalsburg Drive from the Property to Valpico Road will provide vehicular and pedestrian access to Valpico Road and improve better traffic circulation for the Project. For the portion of Stalsburg Drive north of the Valpico and Peter MacDonald Apartments site (approved high density residential projects to be located north of Valpico Road), it will require acquisition of right-of-way approximately 27.5 feet from the adjacent property or the Texaco Downstream Properties, Inc. In order to guarantee completion of right-of-way acquisition, design, and construction of Stalsburg Drive from Tung Nguyen Lane to the southern boundary of the Property, the Developer shall sign a Deferred Improvement Agreement and post improvement security, concurrent with the approval of the first final map. The street alignment and grades of Stalsburg Drive shall be consistent with the preliminary site plan of the Valpico Apartments and Peter MacDonald Apartments.

Prior to the issuance of the 100th building permit, the Subdivider may submit cash payment equivalent to the cost of acquiring right-of-way and/or easement(s), design, preparing improvement plans, and constructing that portion of Stalsburg Avenue. The cash payment shall include plan checking, and engineering inspection fees. Upon receipt of the cash payment and after City Council's approval of the

termination of or amendment to the deferred improvement agreement, the City shall return the improvement security posted by the Subdivider for this specific deferred improvement within thirty calendar (30) days.

C.5.9. A standard barricade and guardrail with appropriate traffic sign will be required at the east end of Tung Nguyen Lane and south end of Stalsburg Drive. The space behind the barricade shall be paved to prevent growth of weeds and provide easier access for removing accumulated debris. To prevent street runoff from draining to adjacent property(s), a concrete curb shall be installed through the entire width of the pavement or curb-to-curb. Asphalt concrete berm or curb is an acceptable alternative solution. A wooden fence shall be installed at the east end of Tung Nguyen Lane for the entire right of way width of the street.

C.5.10. A warning sign mounted on an invert “U” railing made of galvanized iron pipes shall be installed at the west end of Tung Nguyen Lane stating that pedestrian traffic will not be allowed beyond the sign the location.

C.5.11. Prior to the final building inspection of the residential house to be constructed on Lots 12 and 13, and if at that time the portion of Stalburg Drive south of Tung Nguyen Lane is not constructed and it is not utilized as an emergency vehicle access, a typical 6-foot high wooden fence shall be installed along the western and southern sides of the unimproved portion of Stalsburg Drive within the Property.

C.5.12. As part of the responsibility to construct frontage improvements on MacArthur Drive, the Subdivider is required to underground existing overhead facilities or electric lines carrying not more than 34 kilovolts and the Property’s electrical service. If the overhead facilities or electric lines are more than 34 kilovolts, the Subdivider shall coordinate with the respective owner(s) of the utilities, for the relocation of their facilities, if necessary, to clear the construction of frontage improvements. The limits of undegrounding work shall be the entire frontage of the Property on MacArthur Drive and to the nearest utility pole(s) on both sides of the Property. If the nearest pole is more than 100 feet, the nearest utility pole can be relocated or an additional pole can be added such that it is 100 feet away from the Property. All electrical transformer(s), pad-mounted switch(s), and other above-ground installations on MacArthur Drive will not be allowed unless otherwise it is specifically approved by the City Engineer.

C.5.13. The Subdivider shall coordinate with the Tracy Post Master for location of, and installation (by the Subdivider) of, cluster type mailbox units. Design and construction criteria shall be in accordance with

City requirements. The US Postal Services is responsible for repairing and maintaining all cluster mailboxes located within City's right-of-way.

C.5.14. Prior to recordation of any final map within the Project, the Subdivider shall coordinate with the City and the School District(s) regarding vehicular and pedestrian access to schools from this residential development. The Subdivider shall submit plans to the City showing pedestrian routes, facilities for bus transportation and bike paths for approval by the City.

C.5.15. The Subdivider shall abandon or remove all on-site existing irrigation and drainage structures, channels and pipes as directed by the City after coordination with the involved irrigation district, if the facilities are no longer required for irrigation and /or drainage purposes. If irrigation facilities including the tile drain are to remain to serve existing adjacent agricultural uses, the Subdivider will design, coordinate and perform required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted prior to City approval of the final map(s).

C.5.16. The Subdivider shall, to the satisfaction of the affected utility companies and the City Engineer, underground or relocate all overhead utilities within the Property and along the residential lots on-site street frontages and on MacArthur Drive, all at the Subdivider's cost and expense. The Subdivider shall submit joint utility trench plans for City's review and approval.

C.6 <u>Grading</u>

C.6.1. Retaining or engineered walls shall be designed and constructed where cuts and fills do not match existing/ final grades and if the difference in elevation between two adjacent lots or adjacent property(s) is more than 12 inches. The use of engineered slope and slope easement(s) is subject to approval by the City Engineer, and will not be allowed, if a retaining or engineered wall can mitigate the grading issue.

C.6.2. Site and lot grading shall be designed and constructed in such a way that storm water generated within the Property including street runoff will not drain to adjacent property(s). Catch basins are to be installed where it is necessary.

C.6.3. The masonry wall along MacArthur Drive shall be at least 8 feet high measured from the top of curb (highest) on MacArthur Drive and not

less than 6 feet measured from the finish lot grade behind the wall. Top/base of wall grades at every lot corner must be shown on the Grading Plans. The type of wall to be installed and the exterior finish of the wall shall require approval from the City's Public Works Department.

C.7 Sanitary Sewer

C.7.1. The Subdivider shall design and install sanitary sewer facilities including the Project's sewer connection on Stalsburg Drive and Bentley Lane in accordance with City Regulations. The Subdivider is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plan No. 203. The City's responsibility to maintain on the sewer lateral is from the wye fitting to the point of connection with the sewer main.

C.7.2. Installation of the sanitary sewer lateral and cleanout for Lots 106, 107, and 108 on Stalsburg Drive shall be deferred and will be part of the offsite improvements for the Thrasher Parcel when it is developed.

C.7.3. The proposed 8-inch diameter sanitary sewer line on Tung Nguyen Lane west of Stalsburg Drive shall extend and terminate with a flushing inlet (for future extension) not closer than 10 feet from the western boundary of the Property.

C.8. Storm Drainage Facilities

C.8.1. The Subdivider shall design and install storm drainage facilities including the Project's permanent storm drainage connection in accordance with City Regulations.

C.8.2. The 30-inch diameter storm drain line on Tung Nguyen Lane shall extend to the western boundary of the Property and shall be capped with concrete mortar. The design and invert elevation of this storm drain line shall be consistent with the City's Storm Drainage Master Plan.

C.8.3. In accordance with the City's Storm Drainage Master Plan, storm water generated from the Property must drain to the permanent storm drainage detention facility known as "Detention Basin 2B" or "DB 2B", in the ultimate condition. DB 2B's final location is where the City's existing storm drainage basin located south of the Sycamore Village Apartments and the City's Westside Storm Drainage Channel. However, in order for this Property to access and use DB 2B, it is necessary to install new storm drain line and manholes starting from the Project's permanent storm drainage connection to be located west of the Property through the Texaco Downstream Properties, Inc.

and the Union Pacific Railroad Company (UPRR) properties to DB 2B, and expand the City's existing storm drainage basin to create storage capacity (Downstream Storm Drainage Facilities). It is also necessary to acquire right-of-way and/or easement(s) from involved properties such as the Texaco Downstream Properties, Inc., UPRR, and the property west of the City's existing storm drainage basin to complete the construction of the Downstream Storm Drainage Facilities.

The Subdivider has the option to complete the design and construction of the Downstream Storm Drainage Facilities, including the necessary acquisition of rights-of-way and/or easements with prior approval from the City. If the Subdivider decides to undertake the work, the Subdivider will be required to sign a construction and reimbursement agreement and post improvement security, to guarantee completion of the work. The Subdivider will also be required to submit improvement plans, engineering calculations, soils condition report, and documents to show that permission has been granted by Texaco Downstream Properties, Inc. and UPRR.

The Downstream Storm Drainage Facilities shall be designed and constructed to have sufficient capacity to drain the intended drainage areas, and shall be completed in accordance with City Regulations, the City's Storm Drainage Master Plan, and the technical report dated July 2000 titled "South Industrial Specific Plan (South ISP) Storm Drainage Analysis" prepared by Stantec Consulting, Inc. (City Storm Consultant).

The width of the new storm drain line right-of-way or permanent utility easement within the Texaco Downstream Properties, Inc. and UPRR shall not be less than 15 feet. The alignment and location of the new storm drain line shall be consistent with the South ISP Storm Drainage Analysis and as determined by the City Engineer.

Prior to the installation of the storm drain crossing within the UPRR property, the Subdivider shall obtain written permission from UPRR. The Subdivider may be required by UPRR to sign a Contractor's Right of Entry Agreement for the installation of the storm drain crossing. The City may be required to sign a Pipeline Crossing Agreement, for the repair, operation and maintenance of the storm drain crossing. The Subdivider shall pay for the cost of the agreements and all costs associated with obtaining permission from UPRR. These agreements must be fully executed by all involved parties, prior to starting any work within UPRR's right-of-way.

C.8.4. On-site temporary storm drainage retention basin with sufficient capacity is an acceptable solution in the interim condition, for

disposing storm water generated from the Property. The required on-site temporary storm drainage retention basin shall have a storage capacity not less than and equivalent to two (2) ten year 48 hour event, for the storage and disposal of storm runoff that will be draining from the drainage areas that will serve the residential lots created by the First Final Map and from streets that are required to be constructed by the First Final Map. The on-site storm drainage retention basin shall remain functional and shall not be removed by the Subdivider until after the Downstream Storm Drainage Facilities which includes the expansion of the City's storm drainage retention facility described as Detention Basin No. 2B (DB #2B) and the Project's storm drain connection are completed and made operational. The cost of installing, maintaining and removing the on-site temporary storm drainage retention basin shall be paid by the Subdivider.

If excavated soil and materials on the basin site are to be kept within the basin site, the excess soil and excavated materials shall be stored as an embankment around the on-site temporary basin and within the fenced area. The height of the embankment shall not be more than 6 feet. The fence for the basin site shall be at least 6 feet high, a chain link fence with plastic slats, and with an access gate. The access gate shall be secured with a padlock that can be unlocked by a City master key. The on-site temporary retention basin shall be accessible from a public street.

C.8.5. The City will allow reduction of the holding capacity of the on-site temporary storm drainage retention basin to 50% (one 10-year storm drain event), subject to verification by submitting a storm drainage calculation and subject to City Engineer's approval, only if the Subdivider proceed with the construction of the storm drain line from Tiburon Village through the Texaco/Chevron/Union Pacific Railroad Company (UPRR) property to DB #2B. The actual reduction in size can only be allowed and may begin at the time the construction of the storm drain line described on section 1 is actually started. The cost of reconstructing the on-site temporary storm drainage retention basin or reducing the basin capacity shall be the sole responsibility of the Subdivider.

C.8.6. When it becomes necessary and at the request of the Subdivider, the City shall make available its condemnation powers to acquire right of way and/or easements (temporary construction easement & permanent utility easement) that are necessary to construct the storm drain line within the Texaco Downstream Properties, Inc. and the UPRR properties and the expansion of the City's storm drainage basin. All costs associated with the acquisition of right of way or easements by condemnation process and other costs such appraisal

services, title search, and property ownership reports, preparing an alignment plan, legal services, and administrative costs including City staff, City's consultants and costs incurred by attorneys and appraisers working for the City will be the responsibility of the Subdivider.

C.8.7. If the Subdivider completes the construction of the Downstream Storm Drainage Facilities and dedicate or convey to the City, all rights-of-way and/or permanent easements (including temporary construction easement, if necessary) obtained by the Subdivider from involved properties associated with the construction of the Downstream Storm Drainage Facilities, the Subdivider will be entitled to reimbursement. The terms of reimbursement specifically the amount and timing of payment of reimbursement will be specified in the construction and reimbursement agreement between the City and the Subdivider. The City will be responsible for preparing the agreement.

C.8.8. The Property is within the drainage area of the South ISP Storm Drainage Zone 1. The City has plans to construct the South ISP Storm Drainage Zone 1 Infrastructure as part of a capital storm drainage improvement project when funds become available through the City's collection of storm drainage development impact fees. The City has no definite time to start and complete the design and construction of the South ISP Storm Drainage Zone 1 Infrastructure.

C.8.9. Prior to the approval of the First Final Map, the Subdivider shall demonstrate to the satisfaction of the City Engineer that storm drainage facilities with sufficient capacity to meet project demands on the interim condition will be constructed by the Subdivider, and it is consistent with City Regulations. Due to uncertainty on the schedule of completing the right-of-way acquisition, design and preparation of improvement plans and specifications, and the availability of funds, the City cannot provide a timeline or a definite time of completion of the South ISP Storm Drainage Zone 1 Infrastructure, and the City will allow the use of a temporary on-site storm drainage retention as a temporary solution of disposing storm water from developed portion of the Property.

C.8.10. In order to guarantee Developer's obligation and responsibility to repair, maintain and remove the temporary on-site storm drainage retention basin, and the re-grading of the basin site after the basin is removed, the Subdivider is required to sign an improvement agreement (Deferred Improvement Agreement) and post improvement security in the amounts approved by the City Engineer, prior to the approval of the First Final Map. The temporary on-site storm drainage retention basin shall remain on the Property until the

Downstream Storm Drainage Facilities or the South ISP Storm Drainage Zone 1 Infrastructure is completed or made operational. The Subdivider will be required to obtain a grading permit and pay grading plan checking, permit processing, and inspection fees, prior to starting the grading work.

C.8.11. A hydrologic and storm drainage calculations for the sizing of the temporary on-site storm drainage basin, signed and stamped by a Registered Civil Engineer licensed to practice in the State of California and a copy of the Project's Geo-technical/ Soils Report with the Project's percolation rate information, signed and stamped by a Registered Geo-technical Engineer licensed to practice in the State of California must be submitted as part of a complete submittal of the Grading and Storm Drainage Plans.

C.8.12. The Subdivider shall record a temporary storm drainage easement to grant rights to the City to access the temporary on-site storm drainage retention basin for any emergency repair or maintenance work the City may have to perform within the basin site. The temporary access easement shall be recorded after the First Final Map is recorded and shall have a sunset clause that such easement will automatically terminate after recordation of a notice of completion.

C.9. <u>Water System</u>

C.9.1. All water lines that will serve this Project shall be designed in accordance with City Regulations and the recommendations shown on the technical report dated February 20, 2013 titled "Hydraulic Evaluation of Tiburon Village" prepared by West Yost & Associates, and as approved by the City Engineer. The Subdivider will be responsible for constructing all water line improvements that are required in the technical report.

C.9.2. Domestic water service shall be installed in accordance with City Regulations and at the location approved by the City Engineer. City's responsibility to maintain individual water service shall be from the water main on the street to the back of the water meter (inclusive) only. Repair and maintenance of all on-site water lines, laterals, sub-meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Subdivider.

C.9.3. The 8-inch diameter water main at Tung Nguyen Lane west of Stalsburg Drive shall extend to the southern boundary of the Property with a blow-off assembly per City standards for future water main extension.

C.9.4. Water main loop through residential lot(s), even on a temporary basis, will not be permitted.

C.9.5. If the landscaping improvements along the frontage of this Property on MacArthur Drive and within the project cannot be serviced by an existing irrigation controller, the Subdivider shall design and install a new irrigation controller including new irrigation water service with backflow prevention device, electrical service, and appurtenances. The location of the new irrigation controller shall be determined during the plan review process.

C.9.6. The Improvement Plans shall contain the Tracy's Chief Building Official and Fire Safety Officer's signature indicating their approval on the Project's fire service connection, fire and emergency vehicle access to the Project, and compliance of the City's Building and Safety Division and the Fire Department's fire protection requirements. Written approval from the City's Chief Building Official and Fire Safety Officer required in this section shall be obtained by the Subdivider, prior to City Engineer's signature on the Improvement Plans.

C.9.7. The Subdivider shall design and install fire hydrants at locations approved by the City's Chief Building Official and Fire Safety Officer.

C.9.8. Prior to the issuance of the 61st building permit, the Subdivider shall provide a second access road to an improved public street for fire and medical emergency vehicle(s) use. The second access shall be paved and at least 20 feet wide with 8 feet wide aggregate base shoulder on both sides of the access road. The location and construction detail of the paved second access road will require approval from the Chief Building Official and Fire Safety Officer.

C.9.9 Installation of water service and meter for Lots 106, 107, and 108 on Stalsburg Drive shall be deferred and will be part of the offsite improvements for the Thrasher Parcel when it is developed.

C.10. Community and Neighborhood/Mini Park

C.10.1. The Subdivider will be required to pay development impact fees for community and neighborhood/mini park fees, in lieu of dedicating land for park site, and designing and constructing a park within the Property at the time of issuance of the building permit.

C.11. Grading Permit

No application for grading permit within the Project boundaries will be accepted by the City as complete until the Subdivider provides all documents required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including but not limited to, the following:

C.11.1. The Subdivider has completed all the requirements set forth in this section and Conditions C.1, C.2, C.3., and C.4., above.

C.11.2. A Grading and Storm Drainage Plan prepared by a Registered Civil Engineer, and accompanied by Soils Engineering and Engineering Geology reports shall be submitted to the City with the Improvement Plans. The engineering reports shall provide recommendations regarding adequacy of sites to be developed by the proposed grading and also information relative to the stability of soils. Slope easements, if necessary, shall be recorded per City Regulations. Prior to the issuance of the first building permit within the Property, the Subdivider shall submit a letter, signed and stamped by a Registered Geo-technical Engineer, certifying that grading work, including excavation, backfilling, compacting and backfilling work performed by the Subdivider, meets the requirements of the Project's Soils Report and was completed under the supervision of the Project's Geo-technical Engineer (licensed to practice in the State of California).

C.11.3. All grading shall require a Grading Permit. Erosion control measures shall be implemented in accordance with plans approved by the City Engineer for all grading work not completed before the 15th of October of that year. Improvement Plans shall designate all erosion control methods and materials to be employed.

C.11.4. Prior to the issuance of the Grading Permit, the Subdivider shall submit three (3) sets of the Storm Water Pollution Prevention Plans (SWPPP) and a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#). After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Subdivider shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the filing fee of the NOI and NOT shall be paid by the Subdivider. The Subdivider shall provide the City with the WDID#, prior to the issuance of the Grading Permit. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs), City's Storm Water Regulations, and the City's Storm Water Management Program.

C.11.5. All existing on-site wells shall be abandoned in accordance with the City and San Joaquin County requirements. All costs associated with the abandonment of existing wells including the cost of permits, if required, shall be the responsibility of the Subdivider. The Subdivider shall provide the City documentation or copy of permit issued by the

San Joaquin County, approving the removal or destruction of existing well(s), if applicable, prior to the issuance of the Grading Permit.

C.11.6. The Project's on-site storm drainage system and site grading shall be designed such that the Project has a functional overland storm drainage release point. The purpose of the overland storm drainage release point is to provide a low spot or an area where water leaves the Project site and drains directly to an improved public street with a functional storm drain system, in the event the on-site storm drainage system fails to function or it is clogged. The building finish floor is recommended to be at least 0.70 feet higher than the finish grade of the overland storm drainage release point. The Grading and Drainage Plans must indicate the location and elevation of the overland storm drainage release point and specify any improvements that may be necessary to create a functional overland storm drainage release point.

C.11.7. Subdivider shall coordinate with the owner(s) of the property(s) to the west, for the construction of the retaining structure along the western and southern boundaries of the Project. Subdivider will be required to show documentation that the adjacent owner(s) of the adjacent property(s) to the south and west have granted permission (temporary construction easement, slope easement, and agreement) for the installation of the soil retaining structure, and that the Subdivider has obtained rights to encroach on their property during the construction of the soil retaining structure. Subdivider shall coordinate with the property owner of the adjacent property(s) for the drainage that may be necessary to be installed with the soil retaining structure. The Subdivider shall provide structural calculations for the design and improvement plans with construction detail of the soil retaining structure, as part of the Grading and Drainage Plan. The documentation requested in this section must be presented to the City for review, prior to the approval of the final map. Subdivider is responsible for obtaining all necessary permits, including paying permit and inspection fees, associated with the installation of the soil retaining structure. If a building permit is necessary, the Subdivider shall obtain such permit and pay all permit and building inspection fees associated with the installation of the soil retaining structure. Subdivider shall be responsible for installing all improvements necessary to prevent soil erosion and any improvements deemed necessary to be in-place, as a result or due to the existence of the soil retaining structure along the western boundary of the residential project. If necessary, the temporary construction easement and slope easement for the soil retaining structure must be recorded, prior to the start of construction. Subdivider will not be allowed to begin construction until after these easements are obtained and recorded, and copies of the recorded easement(s) and/or agreements are

provided to the City. Cost of soil retaining structure and associated improvements including temporary construction easement and slope easement(s) are Subdivider's sole responsibility.

C.11.8. The Subdivider shall provide documentation of the Project's compliance to the San Joaquin Valley Air Pollution Control District's (SJVAPCD) dust control requirements and program. The Subdivider is responsible for all costs associated with compliance of this requirement including the cost of obtaining necessary permit(s) from SJVAPCD.

C.12. Encroachment Permit

No application for encroachment permit within the Project boundaries will be accepted by the City as complete until the Subdivider provides all documents required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including but not limited to, the following:

C.12.1. The Subdivider has completed all requirements set forth in this section and Conditions C.1., C.2., C.3., and C.4., above.

C.12.2. A construction cost estimate for all required public improvements or facilities, prepared in accordance with City Regulations. Total construction cost shall include fifteen percent (15%) construction contingencies. Engineering review fees are calculated based on the approved Engineer's Estimate.

C.12.3. Payment of all applicable processing fees, including improvement plan check fees, engineering fees for processing Conditions of Approval, encroachment and grading permits and inspection fees, and other fees as required by these Conditions of Approval and City Regulations.

C.13. Building Permit

No building permit within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

C.13.1. The Subdivider has completed all requirements set forth in this section, and Conditions C.1., C.2., C.3., C.4., C.10., C.11., and C.12., above.

C.13.2. The Final Map is approved by the City and recorded at the Office of the San Joaquin County Recorder.

C.13.3. Payment of all applicable development impact fees (a.k.a. capital in-lieu fees), San Joaquin County Facilities Fees, Regional

Transportation Impact Fees, School Mitigation Fees, and all fees required by these Conditions of Approval and City Regulations. Development impact fees are adjusted annually based on the Construction Cost Index (CCI) published in the Engineering News Record (ENR). The final development impact fees to be paid by the Subdivider are the development impact fees that are in effect at the time of issuance of the building permit.

C.13.4. A letter signed and stamped by the Project's Geo-technical Engineer certifying that all grading work that were performed by the Subdivider within the Project meets the requirements of the Project's Geo-technical/Soils Report and the recommendations of the Project's Geo-Technical Engineer, and that the grading work was performed under the direct supervision of the Project's Geo-technical Engineer, as required in Condition C.10.3., above.

C.13.5. The 61st building permit within the Project boundaries will not be approved by the City until the Subdivider provides and demonstrates that there are two (2) vehicular access points to an improved public street, to the satisfaction of the Chief Building Official and Fire Safety Officer.

C.14. Agreements, Improvement Security, and Insurance

C.14.1. Inspection Improvement Agreement - Prior to City approval of a final map, the Subdivider may request to proceed with construction with the public facilities required to serve the real property described by the final map only if the Subdivider satisfies all of the following requirements to the satisfaction of the City Engineer:

a. The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.

b. The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map is in the process of being reviewed by the City.

c. The Subdivider has paid all required processing fees including plan check and inspection fees.

d. The Subdivider executes an Inspection Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements, and the Subdivider agrees to assume the risk that the proposed final map may not be approved by the City.

e. The Subdivider posts all required improvement security and provides required evidence of insurance.

C.14.2. Subdivision Improvement Agreement - Concurrently with the City's processing of a final map, and prior to the City's approval of the final map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the final map), which includes the Subdivider's responsibility to complete all of the following requirements to the satisfaction of the City Engineer:

a. The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.

b. The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map has been approved by the City Engineer.

c. The Subdivider has paid all required processing fees including plan check and inspection fees.

d. The Subdivider executes a Subdivision Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements.

e. The Subdivider posts all required improvement security and evidence of insurance.

C.14.3. Deferred Improvement Agreement - Prior to the City's approval of the first final map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer.

C.14.4. Improvement Security - The Subdivider shall provide improvement security for all public facilities, as required by an Inspection Improvement Agreement or a Subdivision Improvement Agreement.

The form of the improvement security may be a bond, or other form in accordance with City Regulations. The amount of the improvement security shall be in accordance with City Regulations, generally, as follows: Faithful Performance (100% of the approved estimates of the construction costs of public facilities), Labor & Material (100% of the approved estimates of the construction costs of public facilities), and Warranty (10% of the approved estimates of the construction costs of public facilities).

C.14.5. Insurance - For each Inspection Improvement Agreement and Subdivision Improvement Agreement, the Subdivider shall provide the City with evidence of insurance, as follows:

a. General. The Subdivider shall, throughout the duration of the Agreement, maintain insurance to cover Subdivider, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under the Agreement at the minimum levels set forth below.

b. Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) coverage shall be maintained in an amount not less than $3,000,000 general aggregate and $1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

c. Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for “any auto”) coverage shall be maintained in an amount not less than $1,000,000 per accident for bodily injury and property damage.

d. Workers’ Compensation coverage shall be maintained as required by the State of California.

e. Endorsements. Subdivider shall obtain endorsements to the automobile and commercial general liability with the following provisions:

1) The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional “insured.”

2) For any claims related to this Agreement, Subdivider’s coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Subdivider’s insurance and shall not contribute with it.

f. Notice of Cancellation. Subdivider shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the City should the policy be canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.

g. Authorized Insurers. All insurance companies providing coverage to Subdivider shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

h. Insurance Certificate. Subdivider shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City.

i. Substitute Certificates. No later than thirty (30) days prior to the policy expiration date of any insurance policy required by the Agreement, Subdivider shall provide a substitute certificate of insurance.

j. Subdivider's Obligation. Maintenance of insurance by the Subdivider as specified in the Agreement shall in no way be interpreted as relieving the Subdivider of any responsibility whatsoever (including indemnity obligations under the Agreement), and the Subdivider may carry, at its own expense, such additional insurance as it deems necessary.

C.14.6. Release of Improvement Security – Release of improvement security shall be in accordance with the requirements of the Tracy Municipal Code. The City shall not release any improvement security until after the Subdivider provides as-built plans, to the satisfaction of the City Engineer. Within twenty (20) days after the City's approval of the final map, the City shall provide the Subdivider one (1) set of reproducible duplicates on polyester film of all approved Improvement Plans. Upon completion of the construction by the Subdivider, the City shall temporarily release the originals to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements. The Subdivider shall submit these As-Built Plans (or Record Drawings) to the City Engineer within 30 days after City Council acceptance of the public improvements.

C.15. Final Building Inspection

The City shall not conduct a final building inspection on any building within the Project boundaries until the Subdivider provides documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.15.1. The Subdivider has completed all requirements set forth in this section, and Conditions C.1., C.2., C.3., C.4., C.5., C.6., C.11., and C.12., above.

C.15.2. The Subdivider has completed construction of public facilities or improvements required to serve the Project for which a building certificate of occupancy is requested or a Final Map is approved. Unless specifically provided in these Conditions of Approval or other City Regulations, the Subdivider shall take all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to the construction of the public facilities (including all costs of design, construction, construction management, improvement plans check, inspection, land acquisition, program implementation, and contingency).

August 20, 2013

AGENDA ITEM 5

REQUEST

PUBLIC HEARING TO CONSIDER REZONING A 47.1-ACRE PARCEL FROM LOW DENSITY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT, APPROVAL OF A CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLAN, AND APPROVAL OF A VESTING TENTATIVE SUBDIVSION MAP FOR A 252-LOT RESIDENTIAL SUBDIVISION, KNOWN AS KAGEHIRO PHASE 3, LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND KAGEHIRO DRIVE, ASSESSOR'S PARCEL NUMBER 242-040-36. THE APPLICANT AND PROPERTY OWNER IS CORRAL HOLLOW DEVELOPMENT, LLC. APPLICATION NUMBERS PUD13-0001 AND TSM12-0001

EXECUTIVE SUMMARY

This agenda item involves a proposed rezoning from Low Density Residential to Planned Unit Development, approval of a Concept, Preliminary and Final Development Plan, and approval of a Vesting Tentative Subdivision Map for the construction of 252 single-family homes. Approval of this agenda item would enable the land to be subdivided and the homes built.

BACKGROUND

The subject property is a portion of the 141-acre Kagehiro property that was annexed to the City of Tracy on January 17, 1997. The subject property consists of a 47.1-acre parcel located at the southeast corner of Kagehiro Drive and Corral Hollow Road (Attachment A: Location Map).

The project consists of a rezoning from Low Density Residential (LDR) to Planned Unit Development (PUD), approval of a Concept, Preliminary and Final Development Plan, and approval of a Vesting Tentative Subdivision Map to create 252 residential lots for single-family homes (Application Numbers PUD13-0001 and TSM12-0001).

DISCUSSION

Rezone from LDR to PUD

The subject property has a General Plan designation of Residential Low and zoning of LDR. The surrounding area includes single-family residential neighborhoods to the north and east (General Plan designation of Residential Low and zoning of LDR). A City park is located to the northeast (Gretchen Talley Park). The adjacent areas to the south and west are located in the jurisdiction of San Joaquin County and consist of rural residential lots and agricultural lands, and an irrigation ditch (West Side Irrigation District property) along the southern boundary of the subject property.

The applicant's proposal includes rezoning the subject property from LDR to PUD (Attachment B: Existing and Proposed Zoning). PUD zoning has been used throughout

many areas of the City to achieve creative site plans that do not fit within the constraints of a particular zone, such as LDR.

The proposed Kagehiro Phase 3 PUD has a density of 5.3 dwelling units per gross acre. The proposed average lot size is 5,885 square feet with a low of 5,000 square feet and a high of approximately 13,000 square feet (Attachment C: Lot Size Table). The majority of the lots are sized at 55 feet wide by 100 feet deep (5,500 square feet). This varies from the LDR zone, which has a minimum lot size of 5,600 square feet. The proposed PUD would be consistent with the General Plan designation of Residential Low, including the density range of 2.1 to 5.8 dwelling units per gross acre.

The proposed PUD zoning regulations (Attachment D: Concept Development Plan/ PUD Zoning Regulations) would allow lot sizes that are slightly smaller and narrower than allowed in the LDR zone (50 to 55 feet wide compared to 56 feet in the LDR), houses that are slightly closer together (five-foot minimum side setbacks with 10 feet between houses compared to side setbacks of four feet and ten feet with 14 feet between houses in the LDR), and houses that cover slightly more of the lot (up to 55% maximum lot coverage compared to 45% in the LDR). The proposed setbacks and lot sizes are similar to many other PUDs that have been approved throughout the City.

Preliminary and Final Development Plan

The Preliminary and Final Development Plan consists of the proposed site plan and architecture (Attachment E: Preliminary and Final Development Plan/ Architectural Packet). The site has some constraints due to its dimensions and being an infill parcel surrounded by existing development with stubbed streets and a West Side Irrigation District ditch along the southern property boundary.

The proposed site plan consists of 252 single-family residential lots on approximately 47 acres. The general layout for the subdivision includes modified grid pattern streets with small blocks and short street lengths to reduce traffic speeds, increase connectivity and pedestrian friendliness. The subdivision would have its primary access from Corral Hollow Road be from Kagehiro Drive, with secondary access points from existing streets to the north and east. The project would feature sidewalks separated from the street by a five-foot wide landscape strip to enhance the visual appeal of the streetscape, increasing shade coverage on both the street and sidewalk, and further creating a pedestrian friendly neighborhood.

The proposed architecture consists of six plan types (all single-family detached homes) with four to five different elevation types per plan (total of 28 different house designs). The proposed houses range in size from approximately 2,400 square feet to 3,500 square feet, with one single-story plan type and the rest two-story. The proposed architecture includes a variety of building materials and interesting details. The architectural details are carried around to all four sides of the houses. The proposal includes setting back the garages a minimum of 30 feet from the front property line on at least 20% of the lots.

The proposed project includes one single-story floor plan and is proposing to use it on 15% to 25% of the lots. The City's Design Goals and Standards state that there should

be at least one single-story floor plan designed with each subdivision and used on approximately 25% of the lots. The proposed project meets all other requirements of the City's Design Goals and Standards, including the mix of housing types and frequency of each house used, as shown in Condition of Approval number B.11 (Exhibit 1 of City Council Resolution) and depicted in the conceptual house plotting plan (Attachment F: Conceptual House Plotting Plan).

Vesting Tentative Subdivision Map

The proposed Vesting Tentative Subdivision Map would subdivide the 47.1 acre parcel into 252 residential lots and public streets with sidewalks and landscaping (Attachment G: Vesting Tentative Subdivision Map). The street sections would be 35 feet wide curb to curb with parking on both sides (total public right of way width of 55 feet). The public right of way would include a five-foot wide landscape strip between the curb and sidewalk on both sides of the street.

The applicant has proposed a revision to the Vesting Tentative Subdivision Map, which would extend Mia Way as a through street into the Kagehiro Phase 3 subdivision, as shown in the attached exhibit (Attachment H: Revision to Mia Way) and described in Condition of Approval number C.6.10 (Exhibit 1 of City Council Resolution). This revision would include having lots 34 and 35 fronting onto Mia Way, including driveway access, rather than on Kagehiro Drive. This proposed revision is the result of a request from some of the neighbors on Kagehiro Drive. The applicant will lose one lot (lot 36) with the extension of Mia Way. However, the applicant will have an opportunity to make minor adjustments during the Final Map process to maintain 252 total lots.

Notwithstanding the vested rights this Vesting Tentative Subdivision Map is entitled to under the provisions of the Subdivision Map Act, the applicant has expressly requested that the project be subject to those applicable fees anticipated to be adopted by the City Council to implement the Citywide Master Plans (Attachment I: Letter from Applicant regarding Vesting Rights and Development Impact Fees). These fees will relate to: water, recycled water, wastewater, storm drainage, roadways, parks, public facilities and public safety. The requirement for payment of such fees has been incorporated into the Conditions of Approval (Exhibit 1 of City Council Resolution). Therefore, the project would be subject to such fees at the time they are adopted.

RGAs

The project will require 252 RGAs for the construction of the 252 proposed residential units. The project will be eligible to apply for and receive RGAs per the regulations set forth in the Growth Management Ordinance and Growth Management Ordinance Guidelines after a Tentative Subdivision Map is approved. The RGAs will be required prior to the issuance of any building permits.

Schools

The Tracy Unified School District has determined that the project does not need to dedicate property for a school site within the subdivision. However, in order to mitigate

the proposed project's impacts on school facilities, the Tracy Unified School District and the developer executed an MOU, which requires the payment of school fees.

Parks

Parks are required to be established within residential neighborhoods to serve the residents of the homes that are established in Tracy. In order to meet the need for park land, projects are either required to build parks or pay park in-lieu fees.
Rather than including land dedicated for park uses within the proposed project, the project applicant will be paying park in-lieu fees, which could be used to acquire property and expand the adjacent existing Gretchen Talley Park. This is consistent with the findings that larger parks (such as mid-sized Neighborhood Parks and Community Parks) are more desirable to the community, as described in the City's Parks Master Plan. City Council will ultimately determine whether the funds are used to expand Gretchen Talley Park or develop parks elsewhere in the City.

Neighborhood Meeting

The applicant conducted a neighborhood meeting on June 25, 2013 to present the project to the nearby residents, as requested by staff. Approximately thirty neighbors were present at the meeting. The project was generally well-received by the neighbors, although some concerns were expressed. The primary concerns were related to traffic congestion at the intersection of Corral Hollow Road and Valpico Road, the potential for high-speed traffic on Kagehiro Drive, and the plans for the West Side Irrigation District canal.

The intersection of Corral Hollow Road and Valpico Road is located in the jurisdiction of San Joaquin County, outside of the City limits. Under existing conditions, the four-way-stop intersection operates at LOS E with an average delay of 44 seconds in the PM peak hour (worst peak hour). The County has a Capital Improvement Project to signalize this intersection and provide minor improvements to the intersection, including a left-turn lane added to all four approaches and an eight phase signal. Design of these improvements is expected to begin next month, with construction tentatively planned for August of 2014.

In order to identify roadway facility and intersection improvements needed to accommodate the traffic generated by buildout of the City's General Plan, the City prepared and adopted the 2012 Citywide Roadway and Transportation Master Plan (Transportation Master Plan). The Transportation Master Plan identified a range of roadway and intersection improvements that would be needed for buildout of the General Plan. The Kagehiro Phase 3 project is responsible for the payment of fair-share traffic mitigation fees to the City of Tracy. The payment of these fair-share traffic mitigation fees would assist the City with implementation of the various improvements identified in the Transportation Master Plan.

Regarding the concerns for the potential of high-speed traffic on Kagehiro Drive, the City will require a sign warrant analysis prior to construction of the project and also incrementally at every 50th building permit. It is likely that two additional stop signs will be needed along Kagehiro Drive before full buildout of the project. Once the warrant

analysis identifies the need for new stops signs, the stop signs will be installed at the Developer's expense (unless the stop signs are warranted under existing conditions, in which case the signs would be installed at the City's expense).

Concerns were also raised regarding the plans for the West Side Irrigation District property and the location of the perimeter fence for the project. As it was explained at the neighborhood meeting, the West Side Irrigation District (WSID) property would remain the same as existing. The WSID property is outside of the City limits and outside of the project area. The southern perimeter of the project would be adjacent to the northern edge of the WSID property, and would consist of a standard residential fence (six foot high wood fence). The WSID has stated that their plans for the irrigation canal are to leave it in its existing, open state. This explanation relieved the neighbors' concern that the canal would be covered and the project would be located immediately adjacent to their property.

Environmental Document

The project is consistent with the Residential Low designation and density requirements of the General Plan, for which an Environmental Impact Report (EIR) was certified on February 1, 2011. As described in the attached document (Attachment J: CEQA 15183 Analysis), all cumulative and offsite impacts associated with development and buildout of the project were fully addressed in the General Plan EIR and there are no site specific or peculiar impacts associated with the project that cannot be substantially mitigated to a less-than-significant level through the application of uniformly applied standards and policies that would be applied to the project. Therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required.

Planning Commission Discussion

The Planning Commission held a public hearing to discuss this project on July 24, 2013. There were no comments from the public, except for the applicant. Following questions from the Planning Commissioners for staff and the applicant, which included questions regarding the requirements for single-story houses, the revisions to Mia Way, and the signal warrant analysis for Kagehiro Drive, the Planning Commission recommended approval of the project as presented by staff.

FISCAL IMPACT

This agenda item will not require any expenditure of funds. The applicant paid the application fees for the staff time that was required for review of the proposed project. The applicant will also pay all of the appropriate building permit and development impact fees upon the commencement of construction of the dwelling units and other improvements. Development of the 252 homes will also result in an increase to property tax revenues.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council take the following actions:

1. Introduce an Ordinance of the City of Tracy rezoning a 47.1 acre parcel, located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Assessor's Parcel Number 242-040-36, from Low Density Residential Zone to Planned Unit Development Zone, Application Number PUD13-0001; and

2. Adopt a Resolution, approving a Concept, Preliminary and Final Development Plan for Kagehiro Phase 3, a 252-lot residential subdivision, Application Number PUD13-0001, subject to the conditions and based on the findings contained in the City Council Resolution dated August 20, 2013.

3. Adopt a Resolution, approving a Vesting Tentative Subdivision Map for Kagehiro Phase 3, a 252-lot residential subdivision, Application Number TSM12-0001, subject to the conditions and based on the findings contained in the City Council Resolution dated August 20, 2013.

Prepared by: Scott Claar, Associate Planner

Reviewed by: Bill Dean, Assistant Development Services Director

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

ATTACHMENTS

Attachment A: Location Map
Attachment B: Existing and Proposed Zoning
Attachment C: Lot Size Table
Attachment D: Concept Development Plan/ PUD Zoning Regulations
Attachment E: Preliminary and Final Development Plan/ Architectural Packet
(Oversized: Available at Development Services Department in City Hall)
Attachment F: Conceptual House Plotting Plan
(Oversized: Available at Development Services Department in City Hall)
Attachment G: Vesting Tentative Subdivision Map
(Oversized: Available at Development Services Department in City Hall)
Attachment H: Revision to Mia Way
Attachment I: Letter from Applicant regarding Vesting Rights and Development Impact Fees
Attachment J: CEQA 15183 Analysis

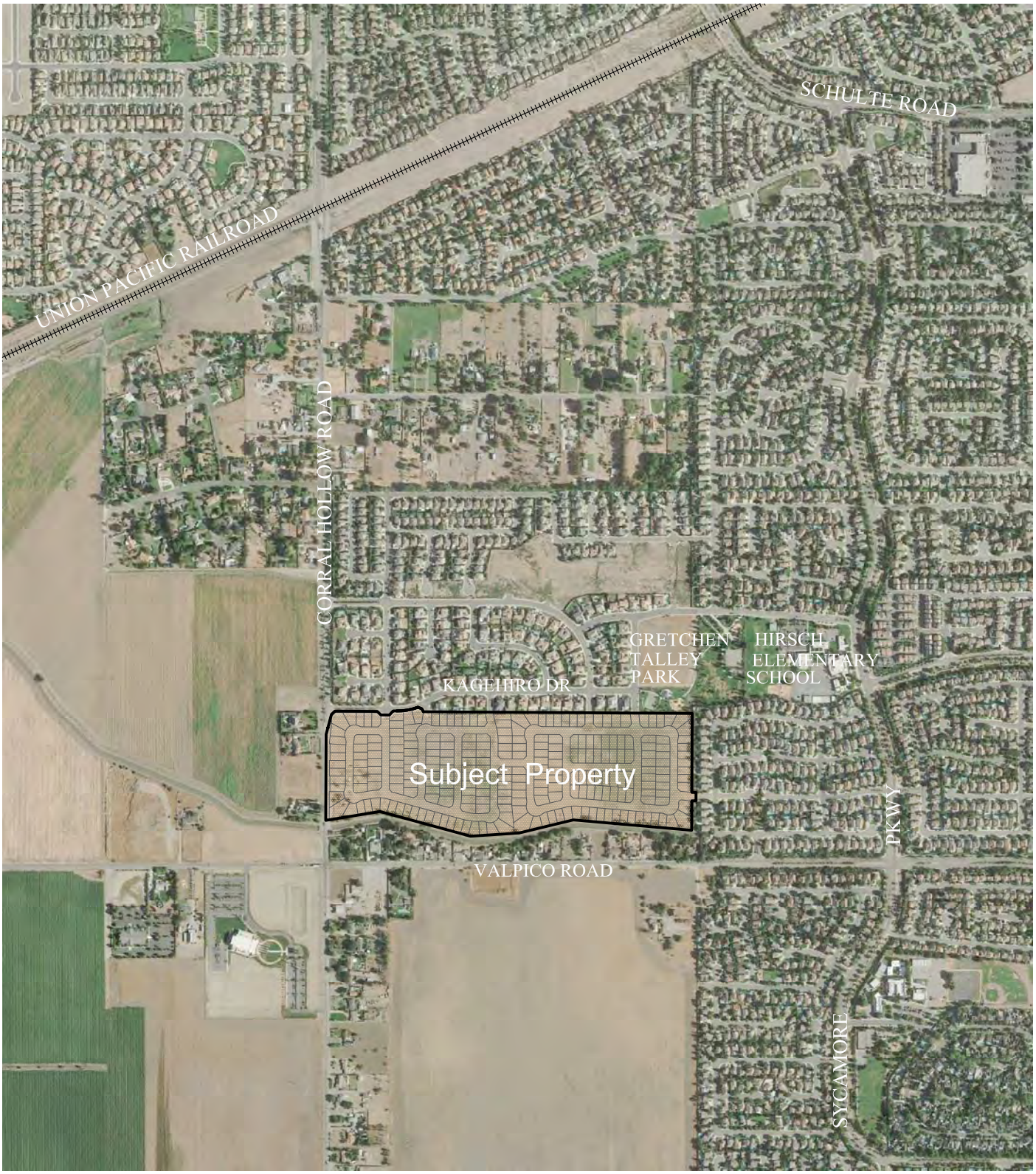
LOCATION MAP

Attachment A

KAGEHIRO PHASE 3

CITY OF TRACY, CALIFORNIA

JULY 17, 2013



cbg

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583

(925) 866-0322
FAX (925) 866-8575

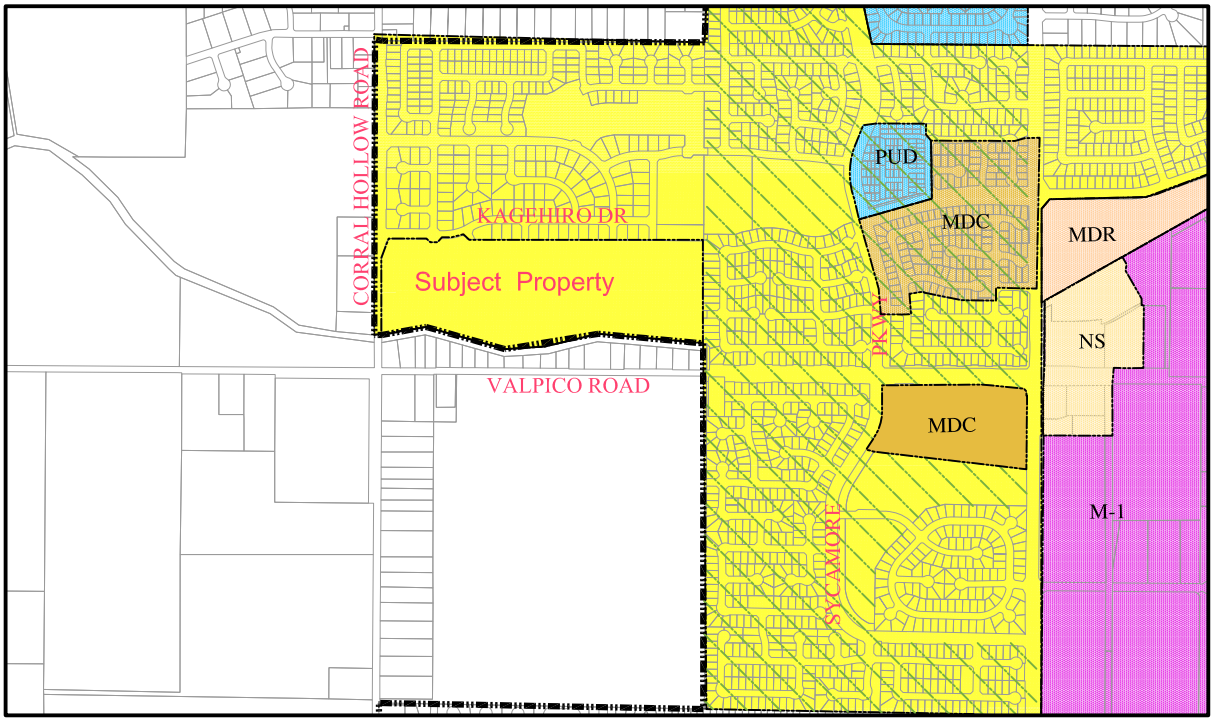
EXISTING AND PROPOSED ZONING

KAGEHIRO PHASE 3

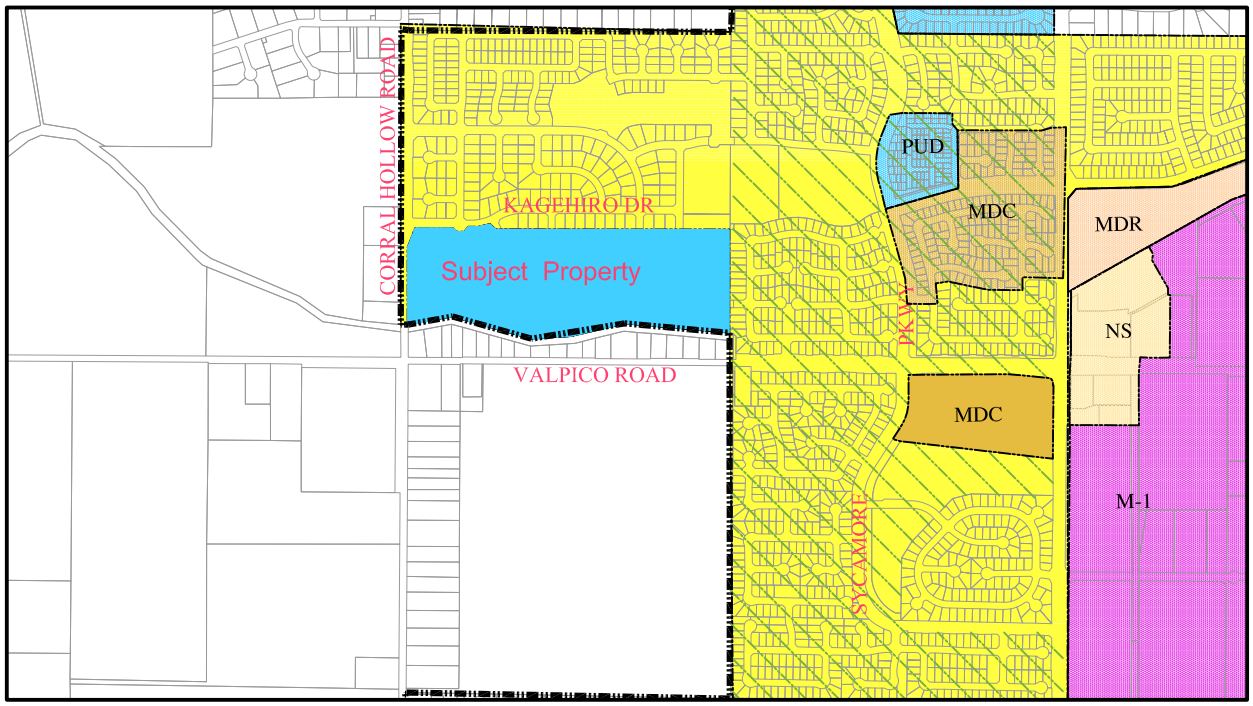
CITY OF TRACY, CALIFORNIA

JULY 17, 2013

Attachment B



EXISTING ZONING



PROPOSED ZONING

LEGEND

- CITY LIMIT LINE
- LOW DENSITY RESIDENTIAL (LDR)
- RESIDENTIAL SPECIFIC PLAN
- PLANNED UNIT DEVELOPMENT (PUD)
- MEDIUM DENSITY CLUSTER (MDC)
- MEDIUM DENSITY RESIDENTIAL (MDR)
- LIGHT INDUSTRIAL (M-1)
- NEIGHBORHOOD SHOPPING (NS)

cbg

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SAN RAMON, CALIFORNIA 94583

(925) 866-0322
FAX (925) 866-8575

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Attachment C

June 27, 2013
Job No.: 2228-000

KAGEHIRO LOT SIZING
Tracy, California

LOT NO.	AREA	LOT NO.	AREA	LOT NO.	AREA	LOT NO.	AREA
LOT 01	6,215	LOT 64	5,500	LOT 127	6,099	LOT 190	5,500
LOT 02	5,743	LOT 65	5,500	LOT 128	5,848	LOT 191	5,500
LOT 03	5,500	LOT 66	5,500	LOT 129	5,598	LOT 192	5,500
LOT 04	5,500	LOT 67	5,500	LOT 130	5,500	LOT 193	5,500
LOT 05	5,500	LOT 68	5,000	LOT 131	5,500	LOT 194	5,500
LOT 06	5,500	LOT 69	5,500	LOT 132	5,918	LOT 195	5,500
LOT 07	6,318	LOT 70	5,561	LOT 133	5,300	LOT 196	5,500
LOT 08	5,780	LOT 71	6,734	LOT 134	5,500	LOT 197	5,500
LOT 09	5,500	LOT 72	6,371	LOT 135	5,500	LOT 198	6,448
LOT 10	5,500	LOT 73	5,500	LOT 136	5,500	LOT 199	6,098
LOT 11	5,500	LOT 74	5,500	LOT 137	5,500	LOT 200	5,474
LOT 12	5,500	LOT 75	5,500	LOT 138	5,500	LOT 201	5,474
LOT 13	5,500	LOT 76	5,500	LOT 139	5,500	LOT 202	5,146
LOT 14	5,553	LOT 77	5,500	LOT 140	6,217	LOT 203	6,398
LOT 15	6,570	LOT 78	5,500	LOT 141	5,889	LOT 204	13,159
LOT 16	5,500	LOT 79	5,500	LOT 142	5,500	LOT 205	8,830
LOT 17	5,793	LOT 80	5,500	LOT 143	5,500	LOT 206	5,713
LOT 18	5,485	LOT 81	5,307	LOT 144	5,500	LOT 207	5,524
LOT 19	5,500	LOT 82	6,609	LOT 145	5,500	LOT 208	5,500
LOT 20	5,500	LOT 83	6,221	LOT 146	5,500	LOT 209	5,500
LOT 21	5,500	LOT 84	5,718	LOT 147	5,500	LOT 210	5,300
LOT 22	5,500	LOT 85	5,511	LOT 148	5,300	LOT 211	5,300
LOT 23	5,500	LOT 86	5,500	LOT 149	6,300	LOT 212	5,000
LOT 24	6,722	LOT 87	5,300	LOT 150	6,250	LOT 213	5,500
LOT 25	6,248	LOT 88	5,300	LOT 151	6,348	LOT 214	5,000
LOT 26	5,500	LOT 89	5,500	LOT 152	7,153	LOT 215	5,500
LOT 27	5,500	LOT 90	5,186	LOT 153	6,332	LOT 216	5,248
LOT 28	5,500	LOT 91	7,286	LOT 154	5,542	LOT 217	7,766
LOT 29	5,500	LOT 92	9,996	LOT 155	5,548	LOT 218	9,820
LOT 30	5,500	LOT 93	7,118	LOT 156	5,502	LOT 219	5,996
LOT 31	5,499	LOT 94	5,398	LOT 157	5,507	LOT 220	5,405
LOT 32	5,039	LOT 95	5,500	LOT 158	5,011	LOT 221	6,670
LOT 33	6,253	LOT 96	5,500	LOT 159	5,517	LOT 222	5,600
LOT 34	7,203	LOT 97	5,500	LOT 160	5,522	LOT 223	5,500
LOT 35	7,265	LOT 98	5,500	LOT 161	5,044	LOT 224	5,500
LOT 36	5,681	LOT 99	5,300	LOT 162	5,823	LOT 225	5,000
LOT 37	5,479	LOT 100	5,414	LOT 163	5,647	LOT 226	5,500
LOT 38	5,500	LOT 101	5,000	LOT 164	5,000	LOT 227	5,500
LOT 39	5,000	LOT 102	5,500	LOT 165	5,500	LOT 228	5,500
LOT 40	5,500	LOT 103	5,500	LOT 166	5,500	LOT 229	5,500
LOT 41	5,500	LOT 104	5,000	LOT 167	5,500	LOT 230	5,500
LOT 42	5,500	LOT 105	5,500	LOT 168	5,500	LOT 231	5,500
LOT 43	5,985	LOT 106	5,500	LOT 169	5,000	LOT 232	5,000
LOT 44	5,414	LOT 107	5,497	LOT 170	5,499	LOT 233	6,496
LOT 45	5,500	LOT 108	6,648	LOT 171	5,579	LOT 234	5,559
LOT 46	5,000	LOT 109	6,707	LOT 172	5,500	LOT 235	5,000
LOT 47	5,500	LOT 110	6,398	LOT 173	5,462	LOT 236	5,200
LOT 48	5,000	LOT 111	5,500	LOT 174	6,310	LOT 237	7,657
LOT 49	5,500	LOT 112	5,500	LOT 175	9,646	LOT 238	13,104
LOT 50	5,000	LOT 113	5,500	LOT 176	8,961	LOT 239	8,489
LOT 51	5,446	LOT 114	5,500	LOT 177	5,453	LOT 240	5,848
LOT 52	6,137	LOT 115	5,500	LOT 178	5,501	LOT 241	6,057
LOT 53	7,446	LOT 116	6,300	LOT 179	5,500	LOT 242	6,286
LOT 54	5,500	LOT 117	5,635	LOT 180	5,500	LOT 243	6,295
LOT 55	5,500	LOT 118	5,306	LOT 181	5,500	LOT 244	6,084
LOT 56	5,500	LOT 119	5,552	LOT 182	5,500	LOT 245	6,448
LOT 57	5,500	LOT 120	5,672	LOT 183	6,430	LOT 246	6,307
LOT 58	5,500	LOT 121	5,666	LOT 184	8,641	LOT 247	6,950
LOT 59	5,500	LOT 122	5,660	LOT 185	12,505	LOT 248	10,592
LOT 60	5,500	LOT 123	5,654	LOT 186	7,111	LOT 249	6,295
LOT 61	5,300	LOT 124	5,409	LOT 187	5,468	LOT 250	5,243
LOT 62	5,300	LOT 125	6,769	LOT 188	5,510	LOT 251	5,500
LOT 63	5,500	LOT 126	6,350	LOT 189	5,500	LOT 252	6,125
						Average	5,885

RECEIVED
JUL 01 2013
CITY OF TRACY
D.E.S.

ATTACHMENT D

KAGEHIRO PHASE III

PLANNED UNIT DEVELOPMENT

CONCEPT DEVELOPMENT PLAN / PUD ZONING REGULATIONS

I. PURPOSE

The purpose of the Kagehiro Phase III PUD is to achieve (1) a new 252 lot subdivision with lot types and residential homes which are compatible with the existing single family residential uses in the project's surrounding areas; (2) a creative site plan which is designed to provide (i) adequate parking and emergency safety vehicle access, (ii) shorter streets for reduced automobile speeds, and (iii) the necessary connectivity to all parts of the subdivision, including pedestrian and automobile access to Corral Hollow Road, Gretchen Talley Park, Hirsch Elementary School, Tracy Area Rapid Transit and all points North, South, East and West; (3) onsite Storm Water Pollution Prevention Control Treatment within the subdivision, and (4) separated sidewalks enhancing the visual aesthetics of the subdivision with the planting of trees and groundcover immediately adjacent to streets, providing separation of pedestrian traffic from cars and the reduction of the "street heat island" by the shading of streets and parked cars.

II. PROPERTY DESCRIPTION

The subject parcel consists of approximately 47.1 acres located at the Southeast corner of Corral Hollow Road and Kagehiro Drive. The subject parcel is the third phase of an original approximate 140 acre parcel. The first phase was developed by Standard Pacific Homes and is known as the Muirfield Unit 7 Subdivision, the second phase was developed by Meritage Homes and is known as Eastgate Subdivision. The subject parcel is bordered by Corral Hollow Road to the west, Kagehiro Drive and the Meritage Subdivision and Gretchen Talley Park to the north, an older phase of the Standard Pacific Homes project, also known as Muirfield Subdivision, is located to the east, and unincorporated land containing a Westside Irrigation District Canal borders the project to the south.

III. PERMITTED USES

Permitted uses shall comply with the requirements of the Low Density Residential (LDR) zone.

IV. DEVELOPMENT STANDARDS

Except as otherwise specified herein, the Kagehiro Phase III PUD shall comply with all requirements of the Tracy Municipal Code that apply to the Low Density Residential (LDR) zone, including requirements for height limits, off-street parking, swimming pools, shade structures, detached accessory buildings, fences and projections into yards.

A. Lot area and width and depth.

The Lot area and width and depth requirements shall be consistent with the approved Final Development Plan.

B. Density

The density requirements shall be consistent with the approved Final Development Plan.

C. Minimum yards

1. Front Yard-The minimum front yard setback shall be ten feet from the back of the sidewalk, except garages, which shall be setback a minimum of eighteen feet from the back of the sidewalk to the face of the garage door. There shall be a minimum two foot differential between neighboring main buildings, except at knuckles where the benefit of such variation is not needed due to the curvature of the street.
2. Side Yards-The minimum side yard setbacks shall be five feet on each side of the lots, including corner lots. In addition to the projections into yards, which are permitted in the LDR zone, the following encroachments into the side yard setback areas are permitted, provided that at least one side of the property maintains a 5-foot minimum setback (on the garage-side) to allow for access to the rear yard, including movement of trash containers and other objects: (a) walled patios at the front of a house, as shown on the approved architectural plans and (b) air conditioning equipment, including such air conditioning equipment that is in excess of two feet in depth.
3. Rear Yard-The minimum rear yard setbacks shall be an average of fifteen feet and a minimum of ten feet.

D. Lot Coverage

The maximum lot coverage of all buildings shall not exceed fifty-five percent of the lot area. The computation of lot coverage shall exclude porches, terraces, courtyards, patios, patio covers, and shade structures.

Attachment H

TRACT 3772
VESTING TENTATIVE MAP
KAGEHIRO PHASE 3
MIA WAY ALTERNATIVE EXHIBIT

CITY OF TRACY SAN JOAQUIN COUNTY CALIFORNIA

0' 100' 300' 400'

SCALE: 1" = 100'

DATE: JULY 1, 2013

cbg
Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583
(925) 866-0322
FAX (925) 866-6575

7/24/2013 11:15 AM

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Attachment I

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
Three Embarcadero Center, 12th Floor | San Francisco, CA 94111-4074
Telephone: 415.837.1515 | Facsimile: 415.837.1516
www.allenmatkins.com

David H. Blackwell
E-mail: dblackwell@allenmatkins.com
Direct Dial: 415.273.7463 File Number: 373237-00001/SF893134.02

Via Electronic Mail

July 24, 2013

RECEIVED
JUL 24 2013
CITY OF TRACY

William Dean
Planning Manager
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Re: Planning Commission July 24, 2013 Meeting
Agenda Item 2-A
Kagehiro Phase III
PUD13-001/TSM12-001

Dear Bill:

By this letter, applicant and owner Corral Hollow Development, LLC (Subdivider) formally requests that, notwithstanding the vested rights secured by the above-referenced project pursuant to Government Code sections 66474.2(a) and 66498.1(a), the project be subject to those applicable fees anticipated to be adopted by the City Council to implement the Citywide Master Plans. These fees will relate to: water, recycled water, waste water, storm drainage, roadways, parks, public facilities and public safety. Pursuant to Government Code sections 66474.2(c) and 66498.4, Subdivider expressly seeks to have the project subject to these anticipated fees even though said fees were not in effect on the date that the City determined TSM12-001 to be complete. The project shall vest into the above-referenced fees upon adoption by the City Council. All other local ordinances, policies, and standards that shall apply to the project are those in effect on the date that the City determined TSM12-001 to be complete.

Very truly yours,

David H. Blackwell

cc: Britt Evans
Daniel Sodergren, Esq.

./
-///

Attachment J

CEQA 15183 ANALYSIS

FOR THE

KAGEHIRO PHASE 3 PROJECT

JULY 2013

Prepared for:

City of Tracy
Department of Development Services
333 Civic Center Plaza
Tracy, CA 95376

Prepared by:

De Novo Planning Group
4630 Brand Way
Sacramento, CA 95819
(916) 949-3231

INTRODUCTION

The following pages provide an analysis of the proposed Kagehiro Phase 3 Development Project (project) with respect to the project's consistency with the City of Tracy General Plan, the analysis contained in the General Plan EIR, and any site-specific environmental impacts or cumulative impacts that may result from project implementation.

As explained in the following pages, the proposed project is consistent with the City's General Plan, for which an EIR was prepared and certified, and there are no site-specific or cumulative impacts associated with the proposed project that have not been fully addressed in a previous environmental document, or that cannot be mitigated to a less than significant level through the application of uniformly applied development policies and/or standards. The findings presented below demonstrate that no additional environmental analysis is required under the California Environmental Quality Act (CEQA) prior to approval of the proposed project.

PROJECT OVERVIEW

The subject property consists of a vacant 47.1-acre parcel located at the southeast corner of Kagehiro Drive and Corral Hollow Road (Assessor's Parcel Number 242-040-36). The General Plan designation is Residential Low and the zoning is Low Density Residential (LDR). The applicant's proposal consists of rezoning the property from LDR to Planned Unit Development (PUD) and a Vesting Tentative Subdivision Map to create 252 residential lots for single-family homes (Application Numbers PUD13-0001 and TSM12-0001).

The surrounding area includes single-family residential neighborhoods to the north and east (General Plan designation of Residential Low and zoning of LDR). A City park is located to the northeast. The adjacent areas to the south and west are located in the jurisdiction of San Joaquin County and consist of rural residential lots and agricultural lands, and an irrigation ditch (West Side Irrigation District property) along the southern boundary of the subject property.

The subject property is a portion of the 141-acre Kagehiro property that was annexed to the City of Tracy on January 17, 1997. A Mitigated Negative Declaration was adopted by City Council for the Kagehiro Annexation on September 17, 1996.

PREVIOUS ENVIRONMENTAL ANALYSES OF THE PROPOSED PROJECT

Two previous environmental analyses have been prepared and certified which are applicable to the proposed project.

On February 1, 2011, the City adopted a new General Plan and certified the associated General Plan EIR (SCH# 2008092006). The proposed project will be consistent with the General Plan designation of Residential Low and the density range of 2.1 to 5.8 dwelling units per gross acre. The General Plan EIR assumed full development and buildout of the project site, consistent with the uses and residential densities proposed by the project. The cumulative impacts associated with buildout of the City of Tracy General Plan, including the project site, were fully addressed in the General Plan EIR.

The subject property is a portion of the 141-acre Kagehiro property that was annexed to the City of Tracy on January 17, 1997. A Mitigated Negative Declaration (MND) was adopted by City Council for the Kagehiro Annexation on September 17, 1996 (SCH# 96042046). The 1996 MND addressed site-specific impacts associated with annexation and development of the subject property.

PUBLIC RESOURCES CODE SECTION 21083.3 AND CEQA GUIDELINES SECTION 15183 EXEMPTIONS

Public Resources Code Section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183 allow for a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. As noted above, the proposed project is consistent with the land use designation and densities established by the Tracy General Plan, for which an EIR was certified. The provisions contained in Section 15183 of the CEQA Guidelines are presented below.

15183. PROJECTS CONSISTENT WITH A COMMUNITY PLAN OR ZONING

(a) CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

(b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

> *(1) Are peculiar to the project or the parcel on which the project would be located,*
>
> *(2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,*
>
> *(3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or*
>
> *(4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.*

(c) If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.

(d) This section shall apply only to projects which meet the following conditions:

(1) The project is consistent with:

(A) A community plan adopted as part of a general plan,

(B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or

(C) A general plan of a local agency, and

(2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

(e) This section shall limit the analysis of only those significant environmental effects for which:

(1) Each public agency with authority to mitigate any of the significant effects on the environment identified in the planning or zoning action undertakes or requires others to undertake mitigation measures specified in the EIR which the lead agency found to be feasible, and

(2) The lead agency makes a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.

(f) An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR. Such development policies or standards need not apply throughout the entire city or county, but can apply only within the zoning district in which the project is located, or within the area subject to the community plan on which the lead agency is relying. Moreover, such policies or standards need not be part of the general plan or any community plan, but can be found within another pertinent planning document such as a zoning ordinance. Where a city or county, in previously adopting uniformly applied development policies or standards for imposition on future projects, failed to make a finding as to whether such policies or standards would substantially mitigate the effects of future projects, the decision-making body of the city or county, prior to approving such a future project pursuant to this section, may hold a public hearing for the purpose of considering whether, as applied to the project, such standards or policies would substantially mitigate the effects of the project. Such a public hearing need only be held if the city or county decides to apply the standards or policies as permitted in this section.

(g) Examples of uniformly applied development policies or standards include, but are not limited to:

(1) Parking ordinances.

(2) Public access requirements.

(3) Grading ordinances.

(4) Hillside development ordinances.

(5) Flood plain ordinances.

(6) Habitat protection or conservation ordinances.

(7) View protection ordinances.

(8) Requirements for reducing greenhouse gas emissions, as set forth in adopted land use plans, policies, or regulations.

(h) An environmental effect shall not be considered peculiar to the project or parcel solely because no uniformly applied development policy or standard is applicable to it.

(i) Where the prior EIR relied upon by the lead agency was prepared for a general plan or community plan that meets the requirements of this section, any rezoning action consistent with the general plan or community plan shall be treated as a project subject to this section.

(1) "Community plan" is defined as a part of the general plan of a city or county which applies to a defined geographic portion of the total area included in the general plan, includes or references each of the mandatory elements specified in Section 65302 of the Government Code, and contains specific development policies and implementation measures which will apply those policies to each involved parcel.

(2) For purposes of this section, "consistent" means that the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning. Where the zoning ordinance refers to the general plan or community plan for its density standard, the project shall be consistent with the applicable plan.

(j) This section does not affect any requirement to analyze potentially significant offsite or cumulative impacts if those impacts were not adequately discussed in the prior EIR. If a significant offsite or cumulative impact was adequately discussed in the prior EIR, then this section may be used as a basis for excluding further analysis of that offsite or cumulative impact.

PROJECT-SPECIFIC ENVIRONMENTAL REVIEW

The attached Environmental Checklist includes a discussion and analysis of any peculiar or site-specific environmental impacts associated with construction and operation of the proposed project. The Environmental Checklist identifies the applicable City of Tracy development standards and policies that would apply to the proposed project during both the construction and operational phases, and explains how the application of these uniformly applied standards and policies would ensure that no peculiar or site-specific significant environmental impacts would occur.

CONCLUSION

As described above, the proposed Kagehiro Phase 3 Development Project is consistent with the land use designations and development intensities assigned to the project site by the City of Tracy General Plan. Cumulative and offsite impacts associated with development and buildout of the project site, as proposed, were fully addressed in the City of Tracy General Plan EIR (SCH# 2008092006). Since the proposed project is consistent with the land use designation and development intensity for the site identified in the General Plan and analyzed in the General Plan EIR, implementation of the proposed project would not result in any new or altered cumulative impacts or offsite impacts beyond those addressed in the General Plan EIR.

The analysis in the attached CEQA Environmental Checklist demonstrates that there are no site-specific or peculiar impacts associated with the project that cannot be substantially mitigated to a less-than-significant level through the application of uniformly applied standards and policies that would be applied to the project. The Project Requirements identified in the attached environmental analysis include measures that must be implemented by the proposed project in order to ensure that any site-specific impacts or construction-related impacts are reduced to a less than significant level. All Project Requirements identified in the attached Environmental Checklist shall be made a condition of project approval, and shall be implemented within the timeframes identified.

ENVIRONMENTAL CHECKLIST

I. AESTHETICS -- WOULD THE PROJECT:

	Potentially Significant Impact	***Less Than Significant with Mitigation Incorporation***	***Less Than Significant Impact***	***No Impact***
a) Have a substantial adverse effect on a scenic vista?			*X*	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				*X*
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			*X*	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			*X*	

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less Than Significant. There are no scenic vistas located on or adjacent to the project site. The proposed project is considered an infill project, and the proposed uses on the site are consistent and compatible with the surrounding land uses. The surrounding area includes single-family residential neighborhoods to the north and east (General Plan designation of Residential Low and zoning of LDR). A City park is located to the northeast. The adjacent areas to the south and west are located in the jurisdiction of San Joaquin County and consist of rural residential lots and agricultural lands, and an irrigation ditch (West Side Irrigation District property) along the southern boundary of the subject property.

Implementation of the proposed project would provide for additional residential development in an area of the City that is largely developed. The project site is not topographically elevated from the surrounding lands, and is not highly visible from areas beyond the immediate vicinity of the site. There are no prominent features on the site, such as trees, rock outcroppings, or other visually distinctive features that contribute to the scenic quality of the site. The project site is not designated as a scenic vista by the City of Tracy General Plan.

Implementation of the proposed project would not significantly change the existing visual character of the project area, as much of the areas immediately adjacent to the site are used for residential purposes.

Implementation of the proposed project would introduce residential development to the project area, and would be generally consistent with the surrounding residential development. Therefore, this impact is considered **less than significant**.

Response b): No Impact. As described in the Tracy General Plan EIR**,** there are two officially designated California Scenic Highway segments in the Tracy Planning Area, which extend a total length of 16 miles. 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 second scenic highway is the portion of I-5 that starts at I-205 and continues south to Stanislaus County, which allows for views of the surrounding agricultural lands and the Delta-Mendota Canal and California Aqueduct.

The project site is not visible from any of the above-referenced scenic highways. Development of the proposed project would not result in the removal of any trees, rock outcroppings, or buildings of historical significance, and would not result in changes to any of the viewsheds from the designated scenic highways in the vicinity of the City of Tracy. There is **no impact**.

Response c): Less than Significant. As described under Response a), above, the proposed project would add additional residential uses to an area that currently contains numerous residential uses. The proposed project would be visually compatible with the surrounding land uses and would not significantly degrade the existing visual quality of the site or the surrounding area. Additionally, the project will comply with City standards, including, but not limited to, the City's Design Goals and Standards, which would ensure that the exterior facades of the proposed residential structures, streetscape improvements and exterior lighting improvements are compatible with the surrounding land uses. This is a **less than significant** impact.

Response d): Less than Significant. Daytime glare can occur when the sunlight strikes reflective surfaces such as windows, vehicle windshields and shiny reflective building materials. The proposed project would introduce new residential structures into the project site, however, reflective building materials are not proposed for use in the project, and as such, the project would not result in increases in daytime glare.

The residential streets within the project area would have street lights that comply with City standards and are consistent with lighting in the surrounding residential areas. Due to compliance with these standards, the potential nighttime lighting impacts would be **less than significant**.

II. AGRICULTURE AND FOREST RESOURCES: WOULD THE PROJECT:

	Potentially Significant Impact	***Less Than Significant with Mitigation Incorporation***	***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?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1222(g)) or timberland (as defined in Public Resources Code section 4526)?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

RESPONSES TO CHECKLIST QUESTIONS

Response a): No Impact. The project site is underlain by soils that are considered prime farmland soils by the California Department of Conservation, Farmland Mapping and Monitoring Program and the USDA Soil Conservation Service.

Development of the site for urban uses and the subsequent removal of prime farmland soil for agricultural use was taken into consideration in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the loss of prime agricultural land resulting from adoption of the General Plan and certification of the General Plan EIR.

The proposed project is identified for urban land uses in the Tracy General Plan. The proposed project is consistent with the overriding considerations that were adopted for the General Plan. As such, implementation of the proposed project would not create new impacts over and above those identified in the General Plan Final EIR, nor significantly change previously identified impacts. The project is subject to the City's Agricultural Mitigation Fee, pursuant to Tracy Municipal Code Chapter 13.28, and the developer must pay the applicable fee.

There is **no impact** related to this environmental topic beyond what was identified in the General Plan EIR, and no additional mitigation is required.

Response b): No Impact. The project site is not under a Williamson Act Contract, nor are any of the parcels immediately adjacent to the project site under a Williamson Act Contract. Therefore, implementation of the proposed project would not conflict with a Williamson Act Contract. The project site is currently zoned Low Density Residential (LDR) by the City's Zoning Map. As such, the proposed project would not conflict with any agricultural zoning or Williamson Act Contract. There is **no impact**.

Responses c) and d): No Impact. The project site is located in an area predominantly consisting of residential development. There are no forest resources on the project site or in the vicinity of the project site. Therefore, there is **no impact**.

Response e): No Impact. As described under Responses (a) and (b) above, the proposed project site is not currently designated or zoned for agricultural uses. The project site is also not currently used for agricultural purposes. There is **no impact** related to this environmental topic.

III. AIR QUALITY -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
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)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

EXISTING SETTING

The project site is located within the boundaries of the San Joaquin Valley Air Pollution Control District (SJVAPCD). This agency is responsible for monitoring air pollution levels and ensuring compliance with federal and state air quality regulations within the San Joaquin Valley Air Basin (SJVAB) and has jurisdiction over most air quality matters within its borders.

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b), c): Less than Significant. Air quality emissions would be generated during construction of the proposed project and during operation of the proposed project. Operational emissions would come primarily from vehicle emissions from vehicle trips generated by the proposed project. Construction-related air quality impacts and operational air quality impacts are addressed separately below.

Construction-Related Emissions

The SJVAPCD's approach to analysis of construction impacts is to require implementation of effective and comprehensive control measures, rather than to require detailed quantification of emission concentrations for modeling of direct impacts. PM10 emitted during construction can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions, and other factors, making quantification difficult. Despite this variability in emissions, experience has shown that there are a number of feasible control measures that can be reasonably implemented to significantly reduce PM10 emissions from construction activities. The SJVAPCD has determined that compliance with Regulation VIII for all sites and implementation of all other control measures

indicated in Tables 6-2 and 6-3 of the *Guide for Assessing and Mitigating Air Quality Impacts* (as appropriate) would constitute sufficient mitigation to reduce PM10 impacts to a level considered less than significant.

Construction would result in numerous activities that would generate dust. The fine, silty soils in the project area and often strong afternoon winds exacerbate the potential for dust, particularly in the summer months. Grading, leveling, earthmoving and excavation are the activities that generate the most particulate emissions. Impacts would be localized and variable. The initial phase of project construction would involve grading and leveling the project site and installation of supporting underground infrastructure, such as water, sewer, storm drain, and electrical lines.

Construction activities that could generate dust and vehicle emissions are primarily related to grading and other ground-preparation activities in order to prepare the project site for the construction of the residential subdivision.

Control measures are required and enforced by the SJVAPCD under Regulation VIII. The SJVAPCD considers construction-related emissions from all projects in this region to be mitigated to a **less than significant** level if SJVAPCD-recommended PM10 fugitive dust rules and equipment exhaust emissions controls are implemented. The following requirements shall be imposed upon the project during all phases of construction to reduce the potential for construction-related emissions.

The City's General Plan, Air Quality Element, Objective AQ-1.2, contains the following policies:

> **Policy 3** (page 10-24) – Developers shall implement best management practices to reduce air pollutant emissions associated with the construction and operation of development projects.
>
> **Policy 13** (page 10-25) – Dust control measures consistent with San Joaquin Valley Air Pollution Control District rules shall be required as a condition of approval for subdivision maps, site plans, and all grading permits.

The City's General Plan EIR describes the SJVAPCD rules and regulations on pages 4.15-11 to 4.15-43 of the 2010 Draft Recirculated Supplemental EIR, including SJVAPCD Regulation VIII, and states that these rules and regulations apply to projects in the City.

Project Requirements

Pursuant to the above General Plan policies and relevant sections of the General Plan EIR, the following requirements (Requirement 1 and 2), which are uniformly applied throughout the City, shall apply to the project:

Requirement 1*: Prior to the commencement of grading activities, the City shall require the contractor hired to complete the grading activities to prepare a construction emissions reduction plan that meets the requirements of SJVAPCD Rule VIII. The construction emissions reductions plan shall be submitted to the SJVAPCD for review and approval. The City of Tracy shall ensure*

that all required permits from the SJVAPCD have been issued prior to commencement of grading activities. The construction emissions reduction plan should include the following requirements and measures:

- *Properly and routinely maintain all construction equipment, as recommended by manufacturer's manuals, to control exhaust emissions.*
- *Shut down equipment when not in use for extended periods of time, to reduce exhaust emissions associated with idling engines.*
- *Encourage ride-sharing and use of transit transportation for construction employees commuting to the project site.*
- *Use electric equipment for construction whenever possible in lieu of fossil fuel-powered equipment.*
- *Curtail construction during periods of high ambient pollutant concentrations.*
- *Construction equipment shall operate no longer than eight cumulative hours per day.*
- *All construction vehicles shall be equipped with proper emission control equipment and kept in good and proper running order to reduce NOx emissions.*
- *On-road and off-road diesel equipment shall use aqueous diesel fuel if permitted under manufacturer's guidelines.*
- *On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.*
- *On-road and off-road diesel equipment shall use cooled exhaust gas recirculation (EGR) if permitted under manufacturer's guidelines.*
- *Use of Caterpillar pre-chamber diesel engines or equivalent shall be utilized if economic and available to reduce NOx emissions.*
- *All construction activities within the project site shall be discontinued during the first stage smog alerts.*
- *Construction and grading activities shall not be allowed during first stage ozone alerts. (First stage ozone alerts are declared when ozone levels exceed 0.20 ppm for the 1-hour average.)*

Implementation of the above requirements shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.

***Requirement 2**: The following requirements, in addition to those required under Regulation VIII of the SJVAPCD, shall be implemented by the Project's contractor during all phases of project grading and construction to reduce fugitive dust emissions:*

- *Water previously disturbed exposed surfaces (soil) a minimum of three-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *Water all haul roads (unpaved) a minimum of three-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *All access roads and parking areas shall be covered with asphalt-concrete paving or water sprayed regularly.*
- *Dust from all on-site and off-site unpaved access roads shall be effectively stabilized by applying water or using a chemical stabilizer or suppressant.*
- *Reduce speed on unpaved roads to less than 15 miles per hour.*

- *Install and maintain a trackout control device that meets the specifications of SJVAPCD Rule 8041 if the site exceeds 150 vehicle trips per day or more than 20 vehicle trips per day by vehicles with three or more axles.*
- *Stabilize all disturbed areas, including storage piles, which are not being actively utilized for construction purposes using water, chemical stabilizers or by covering with a tarp, other suitable cover or vegetative ground cover.*
- *Control fugitive dust emissions during land clearing, grubbing, scraping, excavation, leveling, grading or cut and fill operations with application of water or by presoaking.*
- *When transporting materials offsite, maintain a freeboard limit of at least six inches and over or effectively wet to limit visible dust emissions.*
- *Limit and remove the accumulation of mud and/or dirt from adjacent public roadways at the end of each workday. (Use of dry rotary brushes is prohibited except when preceded or accompanied by sufficient wetting to limit visible dust emissions and the use of blowers is expressly forbidden.)*
- *Remove visible track-out from the site at the end of each workday.*
- *Cease grading activities during periods of high winds (greater than 20 mph over a one-hour period).*
- *Asphalt-concrete paving shall comply with SJVAPCD Rule 4641 and restrict use of cutback, slow-sure, and emulsified asphalt paving materials.*

Implementation of the above requirements shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.

Operational Emissions

For the purposes of this operational air quality analysis, actions that violate Federal standards for criteria pollutants (i.e., primary standards designed to safeguard the health of people considered to be sensitive receptors while outdoors and secondary standards designed to safeguard human welfare) are considered significant impacts. Additionally, actions that violate State standards developed by the California Air Resources Board (CARB) or criteria developed by the SJVAPCD, including thresholds for criteria pollutants, are considered significant impacts. Projects that would generate 10 tons per year of either ROG or NOx are considered to have a potentially significant air quality impact. The SJVAPCD has also established a threshold of 15 tons per year for PM10. The San Joaquin Valley Air Basin is classified as a nonattainment area for ozone. In order to achieve the Federal and State standards of ozone, it is necessary to regulate ROG and NOx, which contribute to the formation of ozone. This includes both direct and indirect emissions.

Emissions were estimated using the approach included in the CalEEMod (v.2011.1.1) computer program, combined with emissions factors developed by CARB and the SJVAPCD. The CalEEMod model is used to calculate construction and operational emissions associated with land development projects, and includes EPA, SJVAPCD, and CARB emissions factors embedded within it.

Rule 9510 Indirect Source Review

District Rule 9510 requires developers of large residential, commercial and industrial projects to reduce smog-forming (NOx) and particulate (PM10 and PM2.5) emissions generated by their projects. The Rule applies to projects which, upon full build-out, will include 50 or more residential units. Project developers are required to reduce:

- 20 percent of construction-exhaust nitrogen oxides;
- 45 percent of construction-exhaust PM10;
- 33 percent of operational nitrogen oxides over 10 years; and
- 50 percent of operational PM10 over 10 years.

Developers are encouraged to meet these reduction requirements through the implementation of on-site mitigation; however, if the on-site mitigation does not achieve the required baseline emission reductions, the developer will mitigate the difference by paying an off-site fee to the District. Fees reduce emissions by helping to fund clean-air projects in the District.

The project would be an indirect source of air pollutants, in that it would attract and cause an increase in vehicle trips in the region. Table 1 shows the new auto emissions from vehicle trips that would result from the proposed project. The San Joaquin Valley Air Pollution Control District has established a threshold of significance for ozone precursors of 10 tons per year, and 15 tons per year has been assumed to represent a significant impact for PM10.

Table 1: Total Project Generated Emissions at Full Buildout

	EMISSIONS (TONS/YEAR)						
	ROG	NOX	CO	SO2	PM10	PM2.5	CO2e
Area Source Emissions	2.29	0.02	1.92	0.00	0.03	0.03	332.66
Energy Emissions	0.05	0.42	0.18	0.00	0.03	0.03	997.45
Mobile Source Emissions	2.45	9.13	22.28	0.04	3.84	0.47	3,514.62
Total Operational Emissions	**4.79**	**9.57**	**24.38**	**0.04**	**3.90**	**0.53**	**5,026.75[1]**
SJVAPCD Threshold	10	10	--	--	15	--	--
Above SJCAPCD Threshold?	No	No	NA	NA	No	NA	NA

Emissions were calculated using the CalEEMod (v.2011.1.1) computer program. Assumes total buildout of the proposed project.

1: Includes CO2e emissions from water and waste sources in addition to the operational sources identified above.

As shown in the table above, project generated emissions are below the SJVAPCD thresholds for ROG, NOx and PM10. As such, the project would result in **less than significant** air quality impacts. However, regardless of the emissions totals presented above, the project is still subject to the requirements of SJVAPCD Rule 9510, which requires developers of large residential, commercial and industrial projects to reduce smog-forming (NOx) and particulate (PM10 and PM2.5) emissions generated by their projects.

The City's General Plan EIR describes the SJVAPCD rules and regulations on pages 4.15-11 to 4.15-43 of the 2010 Draft Recirculated Supplemental EIR, including SJVAPCD Rule 9510, and states that these rules and regulations apply to projects in the City.

General Plan EIR Mitigation Measure AIR-1 of the 2010 Draft Recirculated Supplemental EIR (page 4.15-44) states that the City will facilitate development applicants' participation in the San Joaquin Valley Air Pollution Control District's Indirect Source Review program.

Project Requirements

Pursuant to the above relevant sections of the General Plan EIR and Mitigation Measure AIR-1, the following requirement (Requirement 3), which is uniformly applied throughout the City, shall apply to the project:

Requirement 3: *Prior to the issuance of the first building permit, the project applicant shall coordinate with the SJVAPCD to verify that the project meets the requirements of District Rule 9510, which is aimed at the following reductions:*

- *20 percent of construction-exhaust nitrogen oxides;*
- *45 percent of construction-exhaust PM10;*
- *33 percent of operational nitrogen oxides over 10 years; and*
- *50 percent of operational PM10 over 10 years.*

The project applicant shall coordinate with SJVAPCD to develop measures and strategies to reduce operational emissions from the proposed project. If feasible measures are not available to meet the emissions reductions targets outlined above, then the project applicant may be required to pay an in-lieu mitigation fee to the SJVAPCD to off-set project-related emissions impacts. If in-lieu fees are required, the project applicant shall coordinate with the SJVAPCD to calculate the amount of the fees required to off-set project impacts.

Response d): Less than Significant. Sensitive receptors are those parts of the population that can be severely impacted by air pollution. Sensitive receptors include children, the elderly, and the infirm. The nearest sensitive receptor to the project site is Hirsch Elementary School, located at 1280 Dove Drive, within ¼ mile of the project site. As shown in Table 1 above, the proposed project would not generate significant emissions of criteria air pollutants and would not result in substantial pollutant concentrations. This is a **less than significant** impact.

Response e): Less than Significant. Operation of the proposed project would not generate notable odors. The proposed project is a residential development, which is compatible with the surrounding land uses. Occasional mild odors may be generated during landscaping maintenance (equipment exhaust), but the project would not otherwise generate odors. This is a **less than significant** impact.

IV. BIOLOGICAL RESOURCES -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*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?			X	
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 US Fish and Wildlife Service?				X
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?			X	
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?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
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?			X	

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant.

Special-status invertebrates that occur within the San Joaquin County region include: longhorn fairy shrimp, vernal pool fairy shrimp, and midvalley fairy shrimp, which requires vernal pools and swale areas within grasslands; and the valley elderberry longhorn beetle, which is an insect that is only associated with blue elderberry plants, oftentimes in riparian areas and sometimes on land in the vicinity of riparian areas. The project site does not contain essential habitat for these special status invertebrates. Implementation of the proposed project would have a **less than significant** impact on these species.

Special-status reptiles and amphibians that occur within the region include: the western pond turtle, which requires aquatic environments located along ponds, marshes, rivers, and ditches; the California tiger salamander, which is found is grassland habitats where there are nearby

seasonal wetlands for breeding; the silvery legless lizard, which is found in sandy or loose loamy soils under sparse vegetation with high moisture content; San Joaquin whipsnake, which requires open, dry habitats with little or no tree cover with mammal burrows for refuge; the Alameda whipsnake, which is restricted to valley-foothill hardwood habitat on south-facing slopes; the California horned lizard, which occurs in a variety of habitats including, woodland, forest, riparian, and annual grasslands, usually in open sandy areas; the foothill yellow-legged frog, which occurs in partly shaded and shallow streams with rocky soils; the California red legged frog, which occurs in stream pools and ponds with riparian or emergent marsh vegetation; and the western spadefoot toad, which requires grassland habitats associated with vernal pools. The project site does not contain essential habitat for these special status reptiles and amphibians. Implementation of the proposed project would have a **less than significant** impact on these species.

Numerous special-status plant species are known to occur in the region. Many of these special status plant species require specialized habitats such as serpentine soils, rocky outcrops, slopes, vernal pools, marshes, swamps, riparian habitat, alkali soils, and chaparral, which are not present on the project site. The project site is located in an area that was likely valley grassland prior to human settlement, and there are several plant species that are found in valley and foothills grasslands areas. These species include large-flowered fiddleneck, bent-flowered fiddleneck, big-balsamroot, big tarplant, round-leaved filaree, Lemmon's jewelflower, and showy golden madia. Human settlement has involved a high frequency of ground disturbance associated with the historical farming activities in the region, including the project site. The project site does not contain suitable habitat for special-status plant species. Implementation of the proposed project would have a **less than significant** impact on these species.

Special-status birds that occur within the region include: tricolored blackbird, Swainson's hawk, northern harrier, and bald eagle, which are associated with streams, rivers, lakes, wetlands, marshes, and other wet environments; loggerhead shrike, and burrowing owl, which lives in open areas, usually grasslands, with scattered trees and brush; and raptors that are present in varying habitats throughout the region.

Swainson's Hawk. The Swainson's hawk is threatened in California and is protected by the California Department of Fish and Game (CDFG) and the Migratory Bird Treaty Act (MBTA). Additionally, Swainson's hawk foraging habitat is protected by the CDFG. Swainson's hawks forage in open grasslands and agricultural fields and commonly nest in solitary trees and riparian areas in close proximity to foraging habitat. The foraging range for Swainson's hawk is ten miles from its nesting location. There are numerous documented occurrences of Swainson's hawk within ten miles of the project site. Although no nesting habitat for this species occur onsite, Swainson's hawks are present within the vicinity of the project site. The site and the surrounding open non-native grassland habitat will provide medium quality foraging opportunities for local Swainson's hawks. Incidental take minimization measures are not required for this species due to the fact that there is no suitable nesting habitat on the project site. As such, impacts to Swainson's hawk are **less than significant** and no mitigation is required.

Burrowing Owls. Burrowing owls are a California Species of Special Concern and are protected by the CDFG and the MBTA. Burrowing owls forage in open grasslands and shrublands and typically nest in old ground squirrel burrows. The project site contains suitable, but not high-quality habitat for burrowing owls. The project site is adjacent to other lands that are currently undeveloped that offer foraging and roosting habitat for wintering or breeding owls. Impacts to burrowing owls are considered unlikely, due to the presence of urban development surrounding the site. The implementation of Requirement 4 would ensure that burrowing owls are not impacted during construction activities. The implementation of Requirement would ensure a **less than significant** impact to burrowing owls.

The City's General Plan, Open Space and Conservation Element, Objective OSC-1.1 contains the following policies:

> **Policy P1** (page 6-18) – New Development shall meet all federal, State, and regional regulations for habitat and species protection.
>
> **Policy P2** (page 6-18) – The City shall continue to participate with the San Joaquin Council of Governments and other agencies to implement and enforce the San Joaquin Multi-Species Habitat Conservation and Open Space Plan.

The City's General Plan EIR describes the rules and regulations that apply to biological resources on pages 63 to 66 of the 2006 Amended Draft EIR.

Project Requirements

Pursuant to the above General Plan policies and relevant sections of the General Plan EIR, the following requirement (Requirement 4), which is uniformly applied throughout the City, shall apply to the project:

Requirement 4: *Prior to the commencement of grading activities or other ground disturbing activities on the project site, the project applicant shall arrange for a qualified biologist to conduct a preconstruction survey for western burrowing owls. If no owls or owl nests are detected, then construction activities may commence. If burrowing owls or occupied nests are discovered, then the following shall be implemented:*

- *During the breeding season (February 1 through September 1) occupied burrows shall not be disturbed and shall be provided with a 75 meter protective buffer until and unless the SJCOG Technical Advisory Committee (TAC), with the concurrence of the Permitting Agencies' representatives on the TAC; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed. They should only be destroyed by a qualified biologist using passive one-way eviction doors to ensure that owls are not harmed during burrow destruction. Methods for removal of burrows are described in the California Department of Fish and Game's Staff Report on Burrowing Owls (October, 1995)*

- *During the non-breeding season (September 1 through January 31) burrowing owls occupying the project site should be evicted from the project site by passive relocation as described in the California Department of Fish and Game's Staff Report on Burrowing Owls (Oct., 1995)*

Implementation of this requirement shall occur prior to grading or site clearing activities. SJCOG shall be responsible for monitoring and a qualified biologist shall conduct surveys and relocate owls as required.

Responses b): No Impact. Riparian natural communities support woody vegetation found along rivers, creeks and streams. Riparian habitat can range from a dense thicket of shrubs to a closed canopy of large mature trees covered by vines. Riparian systems are considered one of the most important natural resources. While small in total area when compared to the state's size, they provide a special value for wildlife habitat.

Over 135 California bird species either completely depend upon riparian habitats or use them preferentially at some stage of their life history. Riparian habitat provides food, nesting habitat, cover, and migration corridors. Another 90 species of mammals, reptiles, invertebrates and amphibians depend on riparian habitat. Riparian habitat also provides riverbank protection, erosion control and improved water quality, as well as numerous recreational and aesthetic values.

There is no riparian habitat or other sensitive natural communities located on the project site. As such, the proposed project would have **no impact** on these resources, and no mitigation is required.

Response c): Less than Significant. A wetland is an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands are defined by regulatory agencies as having special vegetation, soil, and hydrology characteristics. Hydrology, or water inundation, is a catalyst for the formation of wetlands. Frequent inundation and low oxygen causes chemical changes to the soil properties resulting in what is known as hydric soils. The prevalent vegetation in wetland communities consists of hydrophytic plants, which are adapted to areas that are frequently inundated with water. Hydrophytic plant species have the ability to grow, effectively compete, reproduce, and persist in low oxygen soil conditions.

Below is a list of wetlands that are found in the Tracy planning area:

- Farmed Wetlands: This category of wetlands includes areas that are currently in agricultural uses. This type of area occurs in the northern portion of the Tracy Planning Area.

- Lakes, Ponds and Open Water: This category of wetlands includes both natural and human-made water bodies such as that associated with working landscapes, municipal water facilities and canals, creeks and rivers.
- Seasonal Wetlands: This category of wetlands includes areas that typically fill with water during the wet winter months and then drain enough to become ideal plant habitats throughout the spring and summer. There are numerous seasonal wetlands throughout the Tracy Planning Area.
- Tidal Salt Ponds and Brackish Marsh: This category of wetlands includes areas affected by irregular tidal flooding with generally poor drainage and standing water. There are minimal occurrences along some of the larger river channels in the northern portion of the Tracy Planning Area.

There are no wetlands located on the project site. Therefore, this is a **less than significant** impact and no mitigation is required.

Response d): Less than Significant. The CNDDB record search did not reveal any documented wildlife corridors or wildlife nursery sites on or adjacent to the project site. Implementation of the proposed project would have a **less than significant** impact.

Responses e), f): Less than Significant. The project site is located within the jurisdiction of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan ("Plan" or "SJMSCP") and is located within the Central/Southwest Transition Zone of the SJMSCP. The San Joaquin Council of Governments (SJCOG) prepared the Plan pursuant to a Memorandum of Understanding adopted by SJCOG, San Joaquin County, the United States Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), Caltrans, and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy in October 1994. On February 27, 2001, the Plan was unanimously adopted in its entirety by SJCOG. The City of Tracy adopted the Plan on November 6, 2001.

According to Chapter 1 of the SJMSCP, its key purpose is to "provide a strategy for balancing the need to conserve open space and the need to convert open space to non-open space uses, while protecting the region's agricultural economy; preserving landowner property rights; providing for the long-term management of plant, fish and wildlife species, especially those that are currently listed, or may be listed in the future, under the Federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA); providing and maintaining multiple use Open Spaces which contribute to the quality of life of the residents of San Joaquin County; and, accommodating a growing population while minimizing costs to project proponents and society at large."

In addition to providing compensation for conversion of open space to non open space uses, which affect plant and animal species covered by the SJMSCP, the SJMSCP also provides some compensation to offset impacts of open space conversions on non-wildlife related resources such as recreation, agriculture, scenic values and other beneficial open space uses. Specifically, the SJMSCP compensates for conversions of open space to urban development and the

expansion of existing urban boundaries, among other activities, for public and private activities throughout the County and within Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy.

Participation in the SJMSCP is voluntary for both local jurisdictions and project applicants. Only agencies adopting the SJMSCP would be covered by the SJMSCP. Individual project applicants have two options if their project is located in a jurisdiction participating in the SJMSCP: mitigating under the SJMSCP or negotiating directly with the state and/or federal permitting agencies. If a project applicant opts for SJMSCP coverage in a jurisdiction that is participating under the SJMSCP, the following options are available, unless their activities are otherwise exempted: pay the appropriate fee; dedicate, as conservation easements or fee title, habitat lands; purchase approved mitigation bank credits; or, propose an alternative mitigation plan.

Responsibilities of permittees covered by the SJMSCP include collection of fees, maintenance of implementing ordinances/resolutions, conditioning permits (if applicable), and coordinating with the Joint Powers Authority (JPA) for Annual Report accounting. Funds collected for the SJMSCP are to be used for the following: acquiring Preserve lands, enhancing Preserve lands, monitoring and management of Preserve lands in perpetuity, and the administration of the SJMSCP. Because the primary goal of SJMSCP is to preserve productive agricultural use that is compatible with SJMSCP's biological goals, most of the SJMSCP's Preserve lands would be acquired through the purchase of easements in which landowners retain ownership of the land and continue to farm the land. These functions are managed by SJCOG.

The proposed project is classified as Urban Habitat under the SJMSCP. The City of Tracy and the project applicant shall consult with SJCOG to pursue and obtain coverage of the project pursuant to the SJMSCP prior to development of the site. Therefore, this is a **less than significant** impact.

The City's General Plan, Open Space and Conservation Element, Objective OSC-1.1 contains the following policies:

> **Policy P1** (page 6-18) – New Development shall meet all federal, State, and regional regulations for habitat and species protection.
>
> **Policy P2** (page 6-18) – The City shall continue to participate with the San Joaquin Council of Governments and other agencies to implement and enforce the San Joaquin Multi-Species Habitat Conservation and Open Space Plan.

The City's General Plan EIR describes the rules and regulations that apply to biological resources on pages 63 to 66 of the 2006 Amended Draft EIR.

Project Requirements

Pursuant to the above General Plan policies and relevant sections of the General Plan EIR, the following requirement (Requirement 5), which is uniformly applied throughout the City, shall apply to the project:

Requirement 5: *Prior to development of the site, including the commencement of grading activities, the City of Tracy and the project applicant shall consult with SJCOG to pursue and obtain coverage of the project pursuant to the SJMSCP, and pay applicable fees as appropriate.*

V. CULTURAL RESOURCES -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

RESPONSES TO CHECKLIST QUESTIONS

Response a), b), c), d): Less than Significant. A review of literature maintained by the Central California Information Center of the California Historical Resources Information System at California State University, Stanislaus identified that no previously identified prehistoric period cultural resources are known within, or within a 1/4 mile radius of the project site. Additionally, there are no known unique paleontological or archeological resources known to occur on, or within the immediate vicinity of the project site. Therefore, it is not anticipated that site grading and preparation activities would result in impacts to cultural, historical, archaeological or paleontological resources. There are no known human remains located on the project site, nor is there evidence to suggest that human remains may be present on the project site

However, as with most projects in California that involve ground-disturbing activities, there is the potential for discovery of a previously unknown cultural and historical resource or human remains.

The implementation of Requirement 6 would require appropriate steps to preserve and/or document any previously undiscovered resources that may be encountered during construction activities, including human remains. Implementation of this requirement would reduce this impact to a **less than significant** level.

Project Requirements

Pursuant to General Plan EIR Mitigation Measures CUL-1a, 1b, and 1c of the 2005 Draft General Plan EIR (pages 4.5-17 and 18) and General Plan policies 4, 5 and 6 of the Community Character Element, Objective CC-3.1 (pages 3-19 and 20), the following requirement (Requirement 6), which is uniformly applied throughout the City, shall apply to the project:

Requirement 6: *If any prehistoric or historic artifacts, human remains or other indications of archaeological resources are found during grading and construction activities, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the finds and recommend appropriate mitigation measures.*

- *If cultural resources or Native American resources are identified, every effort shall be made to avoid significant cultural resources, with preservation an important goal. If significant sites cannot feasibly be avoided, appropriate mitigation measures, such as data recovery excavations or photographic documentation of buildings, shall be undertaken consistent with applicable state and federal regulations.*
  - *If human remains are discovered, all work shall be halted immediately within 50 meters (165 feet) of the discovery, the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.*
  - *If any fossils are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.*

VI. GEOLOGY AND SOILS -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation*	*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.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
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?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
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?				X

RESPONSES TO CHECKLIST QUESTIONS

Responses a.i), a.ii): Less than Significant. The project site is located in an area of moderate to high seismicity. No known active faults cross the project site, and the site is not located within an Alquist-Priolo Earthquake Fault Zone, however, relatively large earthquakes have historically occurred in the Bay Area and along the margins of the Central Valley. Many earthquakes of low magnitude occur every year in California. The two nearest earthquake faults zoned as active by the State of California Geological Survey are the Great Valley Fault, located approximately 3.5 miles to the west of the site, and the Greenville fault, located approximately 12 miles southwest of the site. The Great Valley fault is a blind thrust fault with no known surface expression; the postulated fault location has been based on historical regional seismic activity and isolated subsurface information.

Portions of the Great Valley fault are considered seismically active thrust faults; however, since the Great Valley fault segments are not known to extend to the ground surface, the State of California has not defined Earthquake Fault Hazard Zones around the postulated traces. The Great Valley fault is considered capable of causing significant ground shaking at the site, but the recurrence interval is believed longer than for more distant, strike-slip faults. Further seismic activity can be expected to continue along the western margin of the Central Valley, and as with all projects in the area, the project will be designed to accommodate strong earthquake ground shaking, in compliance with the applicable California building code standards.

Other active faults capable of producing significant ground shaking at the site include the Calaveras, 26 miles southwest; the Hayward fault, 28 miles west; the Ortigalita fault, 31 miles southwest; and the San Andreas Fault, 49 miles southwest of the site. Any one of these faults could generate an earthquake capable of causing strong ground shaking at the subject site. Earthquakes of Moment Magnitude (Mw) 7 and larger have historically occurred in the region and numerous small magnitude earthquakes occur every year.

Since there are no known active faults crossing the project site and the site is not located within an Earthquake Fault Special Study Zone, the potential for ground rupture at the site is considered low.

An earthquake of moderate to high magnitude generated within the San Francisco Bay Region and along the margins of the central valley could cause considerable ground shaking at the site, similar to that which has occurred in the past. In order to minimize potential damage to the proposed structures caused by groundshaking, all construction would comply with the latest California Building Code standards, as required by the City of Tracy Municipal Code 9.04.030.

Seismic design provisions of current building codes generally prescribe minimum lateral forces, applied statically to the structure, combined with the gravity forces of dead-and-live loads. The code-prescribed lateral forces are generally considered to be substantially smaller than the comparable forces that would be associated with a major earthquake. Therefore, structures should be able to: (1) resist minor earthquakes without damage, (2) resist moderate earthquakes without structural damage but with some nonstructural damage, and (3) resist major earthquakes without collapse but with some structural as well as nonstructural damage.

Implementation of the California Building Code standards, which include provisions for seismic building designs, would ensure that impacts associated with groundshaking would be **less than significant**. Building new structures for human use would increase the number of people exposed to local and regional seismic hazards. Seismic hazards are a significant risk for most property in California.

The Safety Element of the Tracy General Plan includes several goals, objectives and policies to reduce the risks to the community from earthquakes and other geologic hazards. In particular, the following policies would apply to the project site:

> **SA-1.1, Policy P1:** Underground utilities, particularly water and natural gas mains, shall be designed to withstand seismic forces.

SA-1.1, Policy P2: Geotechnical reports shall be required for development in areas where potentially serious geologic risks exist. These reports should address the degree of hazard, design parameters for the project based on the hazard, and appropriate mitigation measures.

SA-1.2, Policy P1: All construction in Tracy shall conform to the California Building Code and the Tracy Municipal Code including provisions addressing unreinforced masonry buildings.

Implementation of the requirements of the California Building Code and the Tracy General Plan would ensure that impacts on humans associated with seismic hazards would be **less than significant**. No additional mitigation is required.

Responses a.iii), c), d): Less than Significant. Liquefaction normally occurs when sites underlain by saturated, loose to medium dense, granular soils are subjected to relatively high ground shaking. During an earthquake, ground shaking may cause certain types of soil deposits to lose shear strength, resulting in ground settlement, oscillation, loss of bearing capacity, landsliding, and the buoyant rise of buried structures. The majority of liquefaction hazards are associated with sandy soils, silty soils of low plasticity, and some gravelly soils. Cohesive soils are generally not considered to be susceptible to liquefaction. In general, liquefaction hazards are most severe within the upper 50 feet of the surface, except where slope faces or deep foundations are present.

Expansive soils are those that undergo volume changes as moisture content fluctuates; swelling substantially when wet or shrinking when dry. Soil expansion can damage structures by cracking foundations, causing settlement and distorting structural elements. Expansion is a typical characteristic of clay-type soils. Expansive soils shrink and swell in volume during changes in moisture content, such as a result of seasonal rain events, and can cause damage to foundations, concrete slabs, roadway improvements, and pavement sections.

Prior to development of the project site, a subsurface geotechnical investigation must be performed to identify onsite soil conditions and indentify any site-specific engineering measures to be implemented during the construction of building foundations and subsurface utilities. Adherence to the engineering requirements contained in the subsurface geotechnical report would ensure that this impact is **less than significant**.

Project Requirements

Pursuant to the above General Plan policies (SA-1.1, Policy 2 and SA-1.2, Policy 1)and relevant sections of the General Plan EIR (pages 4.11-19 to 22 of the 2005 Draft General Plan EIR), the following requirement (Requirement 7), which is uniformly applied throughout the City, shall apply to the project:

Requirement 7: *Prior to development of the project site, a subsurface geotechnical investigation must be performed to identify onsite soil conditions and indentify any site-specific*

engineering measures to be implemented during the construction of building foundations and subsurface utilities.

Responses a.iv): Less than Significant. The project site is relatively flat and there are no major slopes in the vicinity of the project site. As such, the project site is exposed to little or no risk associated with landslides. This is a **less than significant** impact and no mitigation is required.

Response b): Less than Significant. Construction and site preparation activities associated with development of the project site include grading for the construction of the proposed project. During the construction preparation process, existing vegetation would be removed to grade and compact the project site, as necessary. As construction occurs, these exposed surfaces could be susceptible to erosion from wind and water. Effects from erosion include impacts on water quality and air quality. Exposed soils that are not properly contained or capped increase the potential for increased airborne dust and increased discharge of sediment and other pollutants into nearby stormwater drainage facilities. Risks associated with erosive surface soils can be reduced by using appropriate controls during construction and properly revegetating exposed areas. Project Requirement 2 requires the implementation of various dust control measures during site preparation and construction activities that would reduce the potential for soil erosion and the loss of topsoil. Additionally, Project Requirement 8 would require the implementation of various best management practices (BMPs) that would reduce the potential for disturbed soils and ground surfaces to result in erosion and sediment discharge into adjacent surface waters during construction activities. The implementation of these requirements would reduce these impacts to a **less than significant** level and no additional mitigation is required.

Response e): No Impact. The project site would be served by public wastewater facilities and does not require an alternative wastewater system such as septic tanks. Implementation of the proposed project would have **no impact** on this environmental issue.

XII. 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?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?			X	

BACKGROUND DISCUSSION

Various gases in the Earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the Earth's surface temperature. Solar radiation enters Earth's atmosphere from space, and a portion of the radiation is absorbed by the Earth's surface. The Earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation.

Naturally occurring greenhouse gases include water vapor (H_2O), carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and ozone (O_3). Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also greenhouse gases, but they are, for the most part, solely a product of industrial activities. Although the direct greenhouse gases CO_2, CH_4, and N_2O occur naturally in the atmosphere, human activities have changed their atmospheric concentrations. From the pre-industrial era (i.e., ending about 1750) to 2005, concentrations of these three greenhouse gases have increased globally by 36, 148, and 18 percent, respectively (IPCC 2007)[1].

Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is now retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs).

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors (California Energy Commission 2006a) [2]. In California, the transportation

[1] Intergovernmental Panel on Climate Change. 2007. "Climate Change 2007: The Physical Science Basis, Summary for Policymakers." http://www.ipcc.ch/publications_and_data/publications_ipcc_fourth_assessment_report_wg1_report_the_physical_science_basis.htm

[2] California Energy Commission. 2006a. Inventory of California Greenhouse Gas Emissions and Sinks 1990 to

sector is the largest emitter of GHGs, followed by electricity generation (California Energy Commission 2006a).

As the name implies, global climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern, respectively. California produced 492 million gross metric tons of carbon dioxide equivalents ($MMTCO_2e$) in 2004 (California Energy Commission 2006a). By 2020, California is projected to produce 507 $MMTCO_2e$ per year.[3]

Carbon dioxide equivalents are a measurement used to account for the fact that different GHGs have different potential to retain infrared radiation in the atmosphere and contribute to the greenhouse effect. This potential, known as the global warming potential of a GHG, is also dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. Expressing GHG emissions in carbon dioxide equivalents takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO_2 were being emitted.

Consumption of fossil fuels in the transportation sector was the single largest source of California's GHG emissions in 2004, accounting for 40.7% of total GHG emissions in the state (California Energy Commission 2006a). This category was followed by the electric power sector (including both in-state and out of-state sources) (22.2%) and the industrial sector (20.5%) (California Energy Commission 2006a).

EFFECTS OF GLOBAL CLIMATE CHANGE

The effects of increasing global temperature are far-reaching and extremely difficult to quantify. The scientific community continues to study the effects of global climate change. In general, increases in the ambient global temperature as a result of increased GHGs are anticipated to result in rising sea levels, which could threaten coastal areas through accelerated coastal erosion, threats to levees and inland water systems and disruption to coastal wetlands and habitat.

If the temperature of the ocean warms, it is anticipated that the winter snow season would be shortened. Snowpack in the Sierra Nevada provides both water supply (runoff) and storage (within the snowpack before melting), which is a major source of supply for the state. The snowpack portion of the supply could potentially decline by 70% to 90% by the end of the 21st century (Cal EPA 2006)[4]. This phenomenon could lead to significant challenges securing an

2004. http://www.arb.ca.gov/cc/inventory/archive/archive.htm

[3] California Air Resources Board. 2010. "Functional Equivalent Document prepared for the California Cap on GHG Emissions and Market-Based Compliance Mechanisms."

4 California Environmental Protection Agency, Climate Action Team. 2006. Climate Action Team Report to Governor Schwarzenegger and the Legislature.
http://www.climatechange.ca.gov/climate_action_team/reports/

adequate water supply for a growing state population. Further, the increased ocean temperature could result in increased moisture flux into the state; however, since this would likely increasingly come in the form of rain rather than snow in the high elevations, increased precipitation could lead to increased potential and severity of flood events, placing more pressure on California's levee/flood control system.

Sea level has risen approximately seven inches during the last century and it is predicted to rise an additional 22 to 35 inches by 2100, depending on the future GHG emissions levels (Cal EPA 2006). If this occurs, resultant effects could include increased coastal flooding, saltwater intrusion and disruption of wetlands (Cal EPA 2006). As the existing climate throughout California changes over time, mass migration of species, or failure of species to migrate in time to adapt to the perturbations in climate, could also result. Under the emissions scenarios of the Climate Scenarios report (Cal EPA 2006), the impacts of global warming in California are anticipated to include, but are not limited to, the following.

Public Health

Higher temperatures are expected to increase the frequency, duration, and intensity of conditions conducive to air pollution formation. For example, days with weather conducive to ozone formation are projected to increase from 25% to 35% under the lower warming range and to 75% to 85% under the medium warming range. In addition, if global background ozone levels increase as predicted in some scenarios, it may become impossible to meet local air quality standards. Air quality could be further compromised by increases in wildfires, which emit fine particulate matter that can travel long distances depending on wind conditions. The Climate Scenarios report indicates that large wildfires could become up to 55% more frequent if GHG emissions are not significantly reduced (Cal EPA 2006).

In addition, under the higher warming scenario, there could be up to 100 more days per year with temperatures above 90°F in Los Angeles and 95°F in Sacramento by 2100. This is a large increase over historical patterns and approximately twice the increase projected if temperatures remain within or below the lower warming range. Rising temperatures will increase the risk of death from dehydration, heat stroke/exhaustion, heart attack, stroke, and respiratory distress caused by extreme heat (Cal EPA 2006).

Water Resources

A vast network of man-made reservoirs and aqueducts capture and transport water throughout the state from northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada snow pack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snow pack, increasing the risk of summer water shortages (Cal EPA 2006).

The state's water supplies are also at risk from rising sea levels. An influx of saltwater would degrade California's estuaries, wetlands, and groundwater aquifers. Saltwater intrusion caused by rising sea levels is a major threat to the quality and reliability of water within the southern edge of the Sacramento/San Joaquin River Delta, a major state fresh water supply. Global

warming is also projected to seriously affect agricultural areas, with California farmers projected to lose as much as 25% of the water supply they need; decrease the potential for hydropower production within the state (although the effects on hydropower are uncertain); and seriously harm winter tourism. Under the lower warming range, the snow dependent winter recreational season at lower elevations could be reduced by as much as one month. If temperatures reach the higher warming range and precipitation declines, there might be many years with insufficient snow for skiing, snowboarding, and other snow dependent recreational activities (Cal EPA 2006).

If GHG emissions continue unabated, more precipitation will fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snow pack by as much as 70% to 90%. Under the lower warming scenario, snow pack losses are expected to be only half as large as those expected if temperatures were to rise to the higher warming range. How much snow pack will be lost depends in part on future precipitation patterns, the projections for which remain uncertain. However, even under the wetter climate projections, the loss of snow pack would pose challenges to water managers, hamper hydropower generation, and nearly eliminate all skiing and other snow-related recreational activities. (Cal EPA 2006)

Agriculture

Increased GHG emissions are expected to cause widespread changes to the agriculture industry reducing the quantity and quality of agricultural products statewide. Although higher carbon dioxide levels can stimulate plant production and increase plant water-use efficiency, California's farmers will face greater water demand for crops and a less reliable water supply as temperatures rise (Cal EPA 2006).

Plant growth tends to be slow at low temperatures, increasing with rising temperatures up to a threshold. However, faster growth can result in less-than-optimal development for many crops, so rising temperatures are likely to worsen the quantity and quality of yield for a number of California's agricultural products. Products likely to be most affected include wine grapes, fruits and nuts, and milk (Cal EPA 2006).

Crop growth and development will be affected, as will the intensity and frequency of pest and disease outbreaks. Rising temperatures will likely aggravate ozone pollution, which makes plants more susceptible to disease and pests and interferes with plant growth (Cal EPA 2006).

In addition, continued global warming will likely shift the ranges of existing invasive plants and weeds and alter competition patterns with native plants. Range expansion is expected in many species while range contractions are less likely in rapidly evolving species with significant populations already established. Should range contractions occur, it is likely that new or different weed species will fill the emerging gaps. Continued global warming is also likely to alter the abundance and types of many pests, lengthen pests' breeding season, and increase pathogen growth rates (Cal EPA 2006).

Forests and Landscapes

Global warming is expected to alter the distribution and character of natural vegetation thereby resulting in a possible increased risk of large wildfires. If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55%, which is almost twice the increase expected if temperatures stay in the lower warming range. However, since wildfire risk is determined by a combination of factors, including precipitation, winds, temperature, and landscape and vegetation conditions, future risks will not be uniform throughout the state. For example, if precipitation increases as temperatures rise, wildfires in southern California are expected to increase by approximately 30% toward the end of the century. In contrast, precipitation decreases could increase wildfires in northern California by up to 90% (Cal EPA 2006).

Moreover, continued global warming will alter natural ecosystems and biological diversity within the state. For example, alpine and sub-alpine ecosystems are expected to decline by as much as 60% to 80% by the end of the century as a result of increasing temperatures. The productivity of the state's forests is also expected to decrease as a result of global warming (Cal EPA 2006).

Rising Sea Levels

Rising sea levels, more intense coastal storms, and warmer water temperatures will increasingly threaten the state's coastal regions. Under the higher warming scenario, sea level is anticipated to rise 22 to 35 inches by 2100. Elevations of this magnitude would inundate coastal areas with saltwater, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats (Cal EPA 2006).

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant.

Development of the site for urban uses and the corresponding generation of GHG emissions associated with buildout of the Tracy General Plan, including the project site, was taken into consideration in the City of Tracy General Plan and General Plan EIR. As described in Chapter 3 of the 2010 Recirculation Supplemental General Plan Draft EIR, the Tracy General Plan and Sustainability Action Plan include policies and measures to reduce GHG emissions, supporting the State's emission reduction targets and other environmental goals. In total, it is estimated that measures in the General Plan and Sustainability Action Plan would reduce 2020 business-as-usual (BAU) GHG emissions by between 382,422 and 486,115 metric tons CO2e. Although the General Plan and Sustainability Action Plan include many goals, policies, and measures that would reduce GHG emissions from projected BAU levels, the Tracy General Plan would not meet the San Joaquin Valley Air Pollution Control District's threshold of a 29 percent reduction in GHG emissions from BAU projected emissions. Therefore, the General Plan and Sustainability Action Plan would result in a significant GHG emission impact.

On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the significant generation of GHG emissions resulting from adoption of the General Plan.

The proposed project is identified for urban land uses in the Tracy General Plan. The proposed project is consistent with the overriding considerations that were adopted for the General Plan and the established mitigation measures under that Plan. As such, implementation of the proposed project would not create new impacts over and above those identified in the General Plan EIR, nor significantly change previously identified impacts.

Response b): Less than Significant. The City of Tracy recently adopted the Tracy Sustainability Action Plan. The Sustainability Action Plan includes programs and measures to reduce GHGs through community and municipal operations. Programs and measures contained in the Sustainability Action Plan that relate to the proposed project include, but are not limited to:

> **Measure E-1:** Implement California Green Building Standards, as contained in Title 24, Part 11, CCR.
>
> **Measure T-5 c and d:** Which promote the use of alternative transportation measures, including bikes and pedestrian travel, by providing connections to existing bike and pedestrian facilities.
>
> **Measure E-2 e:** Requiring energy efficient exterior lighting.

The City of Tracy will require the project to fully implement all applicable requirements of the Sustainability Action Plan. For example, the proposed project would be constructed in compliance with the California Green Building Standards, and would install energy efficient exterior lighting. Implementation of the requirements of the Sustainability Action Plan, and other relevant policies in the Tracy General Plan represent the application of uniformly applied measures aimed at reducing GHG emissions from new development projects. This is a **less than significant** impact.

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?			X	
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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
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?			X	
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?			X	
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?			X	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
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?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. The proposed project would place new residential uses in an area of the City that currently contains predominantly residential and agricultural uses. The proposed residential land uses do not routinely transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, with the exception of common residential grade hazardous materials such as household cleaners, paint, etc. The operational phase of the proposed project does not pose a significant hazard to the public or the environment. Implementation of the proposed project would have a **less than significant** impact relative to this issue.

Response c): Less than Significant. The project site is located within ¼ mile of Hirsch Elementary School, which is located immediately northeast of the project site at 1280 Dove Drive. As described under Response a), above, the project would not involve the use, storage, transport or handling of hazardous materials, beyond those commonly found in typical residential areas. The residential uses proposed as part of the project would not expose school children at Hirsch Elementary to substantial pollutant concentrations, hazardous materials, or other significant hazards. Residential uses are compatible with school uses in close proximity. This is a **less than significant** impact and no mitigation is required.

Response d): Less than Significant. According the California Department of Toxic Substances Control (DTSC) there are no Federal Superfund Sites, State Response Sites, or Voluntary Cleanup Sites on, or in the vicinity of the project site. This is a **less than significant** impact, and no mitigation is required.

Responses e), f): Less than Significant. The Federal Aviation Administration (FAA) establishes distances of ground clearance for take-off and landing safety based on such items as the type of aircraft using the airport.

The Tracy Municipal Airport is the closest airport to the project site, located approximately 1.5 miles south of the site. The Airport is a general aviation airport owned by the City and managed by the Public Works Department. The City of Tracy adopted an Airport Master Plan in 1998, analyzing the impacts to safety on surrounding development from the Tracy Municipal Airport.

The probability of an aircraft accident is highest along the extended runway centerline, and within one mile of the runway end. The Airport Master Plan designates four safety zones in which land use restrictions apply due to proximity to the airport:

1. Runway Protection Zone (RPZ)
2. Inner Approach Zone (PAZ0
3. Outer Approach Zone (OAZ)
4. Overflight Zone (OZ)

Land use constraints in these four zones become progressively less restrictive from the RPZ to the OZ. The proposed project is not located in any of these four safety zones. The proposed project is not located within one mile of the airport, nor along the extended runway centerline. Additionally, there are no private airstrips within the vicinity of the project site. Safety hazards related to the project's proximity to the Tracy Municipal Airport are **less than significant,** and no mitigation is required.

Response g): No Impact. The General Plan includes policies that require the City to maintain emergency access routes that are free of traffic impediments (Objective SA-6.1, P1 and A2). The proposed project does not include any actions that would impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project involves the development of residential land uses within an urbanized environment, and would not interfere with any emergency response or evacuation plans. Implementation of the proposed project would result in **no impact** on this environmental topic.

Response h): Less than Significant. The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point, while fuels such as trees have a lower surface area to mass ratio and require more heat to reach the ignition point.

The City has areas with an abundance of flashy fuels (i.e. grassland) in the outlying residential parcels and open lands that when combined with warm and dry summers with temperatures often exceeding 100 degrees Fahrenheit create a situation that results in higher risk of wildland fires. Most wildland fires are human caused, so areas with easy human access to land with the appropriate fire parameters generally result in an increased risk of fire.

The California Department of Forestry has designated the western and southern edge of the City as having a moderate wildland fire potential. This is predominately a result of the hills and grassland habitat that persists. The proposed project is located in an urbanized area of the City adjacent to agricultural fields. The agricultural fields in the vicinity of the project site have a low to moderate wildfire potential. Irrigated agricultural lands that are actively farmed have a low wildland fire potential, while fallow fields that are not actively managed or irrigated have a moderate wildfire potential. The project site and the surrounding area is served by Fire Station #97, which is located at 595 West Central Avenue, less than one mile east of the project site. The project site is located within the Fire Department's 5-minute response zone[5]. The proximity of Fire Station #97 to the project site would ensure that in the event of a wildfire on agricultural lands west of the project site, the fire department could respond within five minutes. The project site is adequately served by roadways that provide emergency vehicle access to the site, and the site would be equipped with fire hydrants that meet the City of Tracy's design and fire flow requirements. This is a **less than significant** impact and no mitigation is required.

[5] Reference: City of Tracy, *Holly Sugar Sports Park Draft EIR, Figure 3.11-1, 5-Minute Fire Department Response Zone for the South County Fire Authority*, August 31, 2009.

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?			X	
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)?			X	
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?			X	
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?			X	
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?			X	
f) Otherwise substantially degrade water quality?			X	
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?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
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?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a): Less than Significant. Wastewater generated by the proposed project would be conveyed to the Tracy Wastewater Treatment Plan (WWTP) for treatment and disposal. The City's wastewater collection system consists of gravity sewer lines, pump stations and the WWTP. Wastewater flows toward the northern part of the City where it is treated at the WWTP and then discharged into the Old River in the southern Sacramento-San Joaquin Delta.

The City's WWTP provides secondary-level treatment of wastewater followed by disinfection. Treated effluent from the WWTP is conveyed to a submerged diffuser for discharge into the Old River. The WWTP has an NPDES permit for discharge into the Old River from the State Regional Water Quality Control Board. The proposed project would add a minimal volume of wastewater to the City's system, and would not produce a volume of wastewater that would significantly affect the City's ability to treat it's wastewater. The City's 2012 Wastewater Master Plan identifies necessary infrastructure improvements to expand the City's wastewater treatment capacity to meet demands associated with buildout of the City's General Plan, which includes the proposed project site. The payment of applicable development impact fees by the proposed project would ensure that the project pays its fair-share of capital improvement fees towards future system expansions, as identified in the 2012 Tracy Wastewater Master Plan. This is a **less than significant** impact, and no mitigation is required.

Responses b): Less than Significant. The proposed project would not result in the construction of new groundwater wells, nor would it increase existing levels of groundwater pumping. The proposed project would be served by the City's municipal water system. The City of Tracy uses several water sources, including the US Bureau of Reclamation, the South County Water Supply Project (SCWSP), and groundwater. As described in greater detail in the Utilities Section of this document, the City has adequate water supplies to serve the proposed project without increasing the current rate of groundwater extraction.

Groundwater recharge occurs primarily through percolation of surface waters through the soil and into the groundwater basin. The addition of significant areas of impervious surfaces (such as roads, sidewalks, driveways, buildings, etc.) can interfere with this natural groundwater recharge process. Upon full project buildout, the majority of the project site would be covered in impervious surfaces, which would limit the potential for groundwater percolation to occur on the project site. However, given the relatively large size of the groundwater basin in the Tracy area, the areas of impervious surfaces added as a result of project implementation will not adversely affect the recharge capabilities of the local groundwater basin. The proposed project would result in **less than significant** impacts related to groundwater and groundwater recharge. No mitigation is required.

Responses c), d), e), f): Less than Significant. When land is in a natural or undeveloped condition, soils, mulch, vegetation, and plant roots absorb rainwater. This absorption process is called infiltration or percolation. Much of the rainwater that falls on natural or undeveloped land slowly infiltrates the soil and is stored either temporarily or permanently in underground layers of soil. When the soil becomes completely soaked or saturated with water or the rate of

rainfall exceeds the infiltration capacity of the soil, the rainwater begins to flow on the surface of land to low lying areas, ditches, channels, streams, and rivers. Rainwater that flows off of a site is defined as storm water runoff. When a site is in a natural condition or is undeveloped, a larger percentage of rainwater infiltrates into the soil and a smaller percentage flows off the site as storm water runoff.

The infiltration and runoff process is altered when a site is developed with urban uses. Houses, buildings, roads, and parking lots introduce asphalt, concrete, and roofing materials to the landscape. These materials are relatively impervious, which means that they absorb less rainwater. As impervious surfaces are added to the ground conditions, the natural infiltration process is reduced. As a result, the volume and rate of storm water runoff increases. The increased volumes and rates of storm water runoff may result in flooding if adequate storm drainage facilities are not provided.

Development of the project site would place impervious surfaces throughout much of the 47.1-acre project site. Development of the project site would potentially increase local runoff production, and would introduce constituents into storm water that are typically associated with urban runoff. These constituents include heavy metals (such as lead, zinc, and copper) and petroleum hydrocarbons. Best management practices (BMPs) will be applied to the proposed site development to limit the concentrations of these constituents in any site runoff that is discharged into downstream facilities to acceptable levels.

In order to ensure that stormwater runoff from the project site does not adversely increase pollutant levels in adjacent surface waters and stormwater conveyance infrastructure, Requirement 8 requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP). As described below, the SWPPP would require the application of best management practices (BMPs) to effectively reduce pollutants from stormwater leaving the site during both the construction and operational phases of the project. The implementation of this requirement would reduce this impact to a **less than significant** level. Additionally, the project is subject to the requirements of Chapter 11.34 of the Tracy Municipal Code – Stormwater Management and Discharge Control. The purpose of this Chapter is to *"Protect and promote the health, safety and general welfare of the citizens of the City by controlling non-stormwater discharges to the stormwater conveyance system, by eliminating discharges to the stormwater conveyance system from spills, dumping, or disposal of materials other than stormwater, and by reducing pollutants in urban stormwater discharges to the maximum extent practicable."*

This chapter is intended to assist in the protection and enhancement of the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Water Pollution Control Act (Clean Water Act, 33 USC Section 1251 et seq.), Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) and National Pollutant Discharge Elimination System ("NPDES") Permit No. CAS000004, as such permit is amended and/or renewed.

New development projects in the City of Tracy are required to provide site-specific storm drainage solutions and improvements that are consistent with the overall storm drainage

infrastructure approach presented in the 2012 City of Tracy Citywide Storm Drainage Master Plan. Prior to approval of the Final Map, the project applicant is required to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The project's storm drainage infrastructure plans must demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the project site within onsite retention/detention facilities to the City's existing stormwater conveyance system, and demonstrate that the project would not result in on- or off-site flooding impacts. The project is also required to pay all applicable development impact fees, which would include funding for offsite Citywide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan. The development of an onsite storm drainage system, the payment of all applicable fees, and the implementation of Requirement 8 would ensure that this impact is **less than significant**.

The City's General Plan, Public Facilities and Services Element, Objective PF-8.2, contains the following policy:

> **Policy P3** (page 7-40) – New development projects shall only be approved if necessary stormwater infrastructure is planned and is in compliance with environmental regulations.

The City's General Plan EIR describes the federal, State, and local regulations regarding stormwater quality on pages 4.10-28 to 30 of the 2005 Draft General Plan EIR.

Project Requirements

Pursuant to the above General Plan policy and relevant sections of the General Plan EIR, the following requirement (Requirement 8), which is uniformly applied throughout the City, shall apply to the project:

***Requirement 8**: The project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) that includes specific types and sources of stormwater pollutants, determine the location and nature of potential impacts, and specify appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff. The SWPPP shall require treatment BMPs that incorporate, at a minimum, the required hydraulic sizing design criteria for volume and flow to treat projected stormwater runoff. The SWPPP shall comply with the most current standards established by the Central Valley RWQCB. Best Management Practices shall be selected from the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment according to site requirements and shall be subject to approval by the City Engineer and Central Valley RWQCB.*

Responses g), h): Less than Significant. The 100-year floodplain denotes an area that has a one percent chance of being inundated during any particular 12-month period. The risk of a site within the 100-year floodplain being flooded in any century is one percent but statistically the risk is almost 40 percent in any 50-year period.

Floodplain zones are determined by the Federal Emergency Management Agency (FEMA) and used to create Flood Insurance Rate Maps (FIRMs). These tools assist cities in mitigating

flooding hazards through land use planning. FEMA also outlines specific regulations for any construction, whether residential, commercial, or industrial within 100-year floodplains.

The project site is not located within the FEMA designated 100-year floodplain. This is a **less than significant** impact and no mitigation is required.

Responses i), j): Less than Significant. The project site is located within the inundation risk area for San Luis Reservoir and New Melones Dams. The safety of dams in California is stringently monitored by the California Department of Water Resources, Division of Safety of Dams (DSD). In the unlikely event of a dam failure, there is the potential that the project site could become inundated with water. The DSD is responsible for inspecting and monitoring the dam in perpetuity. The proposed project would not result in actions that could result in a higher likelihood of dam failure at San Luis Reservoir and New Melones Dams. There will always be a remote chance of dam failure that results in flooding of the City of Tracy, including the project site. However, given the regulations provided in the California Dam Safety Act, and the ongoing monitoring performed by the DSD, the risk of loss, injury, or death to people or structures from dam failure is considered **less than significant**.

There are no significant bodies of water near the project site that could result in the occurrence of a seiche or tsunami. Additionally, the project site and the surrounding areas are relatively flat, which precludes the possibility of mudflows occurring on the project site. This is a **less than significant** impact and no mitigation is required.

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?				X
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?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a): No Impact. The project site is surrounded by residential and agricultural land uses. The project would be consistent and compatible with the surrounding land uses, and would not divide an established community. There is **no impact.**

Responses b): Less than Significant. The project site is currently designated Residential Low by the City of Tracy General Plan Land Use Designations Map and is zoned Low Density Residential. The proposed project includes a request for a zoning change to zone the site Planned Unit Development. The Planned Unit Development (PUD) Zone is designed to allow flexibility and creativity in site planning.

The proposed uses on the project site are consistent with the General Plan designation of Residential Low. The project's consistency with other General Plan policies that provide environmental protections are addressed within the relevant sections of this document. This is a **less than significant** impact, and no mitigation is required.

Response c): Less than Signification. As described under the Biological Resources section of this document, the proposed project is classified as Urban Habitat under the SJMSCP. The City of Tracy and the project applicant shall consult with SJCOG to pursue and obtain coverage of the project pursuant to the SJMSCP prior to development of the site. Therefore, this is a **less than significant** impact and no additional mitigation is required.

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?			X	
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?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. As described in the Tracy General Plan EIR, the main mineral resources found in San Joaquin County, and the Tracy Planning Area, are sand and gravel (aggregate), which are primarily used for construction materials like asphalt and concrete. According to the California Geological Survey (CGS) evaluation of the quality and quantity of these resources, the most marketable aggregate materials in San Joaquin County are found in three main areas:

- ♦ In the Corral Hollow alluvial fan deposits south of Tracy
- ♦ Along the channel and floodplain deposits of the Mokelumne River
- ♦ Along the San Joaquin River near Lathrop

Figure 4.8-1 of the General Plan EIR identifies Mineral Resource Zones (MRZs) throughout the Tracy Planning Area. The project site is located within an area designated as MRZ-3. The MRZ-3 designation applies to areas containing mineral deposits the significance of which cannot be evaluated from available data.

As described on page 4.8.4 of the Tracy General Plan Draft EIR, the City of Tracy has an agreement with the State Division of Mines and Geology that the area north of Linne Road would allow for urban development, while the area south of Linne Road would be protected for aggregate mining. The project site is located north of Linne Road, in the area of the City designated for urban development. The project would not result in the loss of availability of a known mineral resource. This impact is considered **less than significant**

XII. NOISE -- WOULD THE PROJECT RESULT IN:

	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?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
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?			X	
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?				X

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. The proposed project is located in an area consisting predominately of residential land uses. Residential land uses do not generate significant noise levels beyond those associated with common residential activities (lawn mowers, car doors, voices, etc.). However, traffic generated by the proposed project has the potential to contribute to roadway noise levels in the vicinity of the project site and throughout other areas of the City. Increases in roadway noise associated with buildout of the Tracy General Plan were addressed in the 2010 General Plan Recirculated Supplemental Draft EIR. As described in this Draft EIR, vehicular traffic on existing roadways in Tracy would increase as development proceeds and the city's population increases. Under buildout of the General Plan, which includes the proposed project site, noise levels would increase substantially (3 dBA Ldn or greater) along major roadways throughout Tracy, including portions of I-205, I-580, Grant Line Road, Schulte Road, Valpico Road, Linne Road, Lammers Road, Corral Hollow Road, Tracy Boulevard, and MacArthur Drive. Other than Valpico Road and I-580, all significant increases would occur adjacent to existing noise sensitive areas.

Development of the site for urban uses and the subsequent increase in vehicle roadway noise was taken into consideration in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the increase in vehicle roadway noise resulting from adoption of the General Plan and EIR.

The Tracy General Plan Noise Element contains several policies that are intended to ensure that new development projects are not exposed to excessive noise levels. The General Plan Noise Element policies applicable to the proposed project are summarized below.

Objective N-1.1 Ensure appropriate exterior and interior noise levels for new land uses.

Policies

P1. Noise sensitive land uses shall not be located in areas with noise levels that exceed those considered normally acceptable for each land use unless measures can be implemented to reduce noise to acceptable levels.

P2. Land uses shall require appropriate interior noise environments when located in areas adjacent to major noise generators.

P3. Recognizing that some new single-family residential uses may be located adjacent to non-residential uses, new single- family residential development shall not exceed 60 Ldn (day/night average noise level) for exterior noise in private use areas.

P4. New residential uses exposed to noise levels exceeding 60 Ldn shall be analyzed following protocols in the operative California Building Code or other operative code.

P5. For new residential land uses, noise from external sources shall not cause building interiors to exceed 45 Ldn.

P7. New residential development affected by noise from railroads or aircraft operations shall be designed to limit typical maximum instantaneous noise levels to 50 dBA in bedrooms and 55 dBA in other rooms.

P8. Measures to attenuate exterior and/or interior noise levels to acceptable levels shall be incorporated into all development projects. Acceptable, conditionally acceptable and unacceptable noise levels are presented in Figure 9-3.

Objective N-1.2 Control sources of excessive noise.

Policies

P2. Mitigation measures shall be required for new development projects that exceed the following criteria:

- Cause the Ldn at noise-sensitive uses to increase by 3 dB or more and exceed the "normally acceptable" level.

- Cause the Ldn at noise-sensitive uses to increase 5 dB or more and remain "normally acceptable."
- Cause new noise levels to exceed the City of Tracy Noise Ordinance limits.

P4. All construction in the vicinity of noise sensitive land uses, such as residences, hospitals, or convalescent homes, shall be limited to daylight hours or 7:00 a.m. to 7:00 p.m. In addition, the following construction noise control measures shall be included as requirements at construction sites to minimize construction noise impacts:

- Equip all internal combustion engines-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

Objective N-1.3 Consider noise issues in the Development Review process.

Policies

P1. Development projects shall be evaluated for potential noise impacts and conflicts as part of the Development Review process.

P2. Significant noise impacts shall be mitigated as a condition of project approval.

P3. New development projects shall have an acoustical specialist prepare a noise analysis with recommendations for design mitigation if a noise-producing project is proposed near existing or planned noise-sensitive uses.

P4. Proposed noise sensitive projects within noise-impacted areas shall submit acoustical studies and provide necessary mitigation from noise.

P5. Site design techniques shall be considered as the primary means to minimize noise impacts as long as they do not conflict with the goals of the Community Character Element. Techniques include:

- Designing landscaped building setbacks to serve as a buffer between the noise source and receptor.
- Placing noise-tolerant land uses, such as parking lots, maintenance facilities, and utility areas between the noise source, such as highways and railroad tracks, and receptor.
- Orienting buildings to shield noise sensitive outdoor spaces from a noise source.
- Locating bedrooms or balconies on the sides of buildings facing away from noise sources.
- Utilizing noise barriers (e.g., fences, walls, or landscaped berms) to reduce adverse noise levels in noise-sensitive outdoor activity areas.

The implementation of the General Plan Noise policies identified above for the proposed project would ensure that any potential for the proposed residential uses to be exposed to excessive noise levels would be reduced to a **less than significant** level.

Response b): Less than Significant. No major stationary sources of groundborne vibration were identified in the project area that would result in the long-term exposure of proposed onsite land uses to unacceptable levels of ground vibration. In addition, the proposed project would not involve the use of any major equipment or processes that would result in potentially significant levels of ground vibration that would exceed these standards at nearby existing land uses. However, construction activities associated with the proposed project would require the use of various tractors, trucks, and potentially jackhammers that could result in intermittent increases in groundborne vibration levels. The use of major groundborne vibration-generating construction equipment/processes (i.e., blasting, pile driving) is not anticipated to be required for construction of the proposed project.

Groundborne vibration levels commonly associated with construction equipment are summarized in Table 2. Based on the levels presented in Table 2, groundborne vibration generated by construction equipment would not be anticipated to exceed approximately 0.09 inches per second ppv at 25 feet. Predicted vibration levels would not be anticipated to exceed recommended criteria for structural damage and human annoyance (0.2 and 0.1 in/sec ppv, respectively) at nearby land uses. As a result, short-term groundborne vibration impacts would be considered **less than significant** and no mitigation is required.

Table 2: Representative Vibration Source Levels for Construction Equipment

EQUIPMENT	*PEAK PARTICLE VELOCITY AT 25 FEET (IN/SEC)*
Large Bulldozers	0.089
Loaded Trucks	0.076
Jackhammer	0.035
Small Bulldozers	0.003
Source: FTA 2006, Caltrans 2004	

Response c): Less than Significant. Generally, a project may have a significant effect on the environment if it will substantially increase the ambient noise levels for adjoining areas or expose people to severe noise levels. In practice, more specific professional standards have been developed. These standards state that a noise impact may be considered significant if it would generate noise that would conflict with local planning criteria or ordinances, or substantially increase noise levels at noise-sensitive land uses.

The proposed project would not directly generate increased noise beyond those activities commonly found in residential developments (i.e., lawnmowers, leaf blowers, etc.). The noise

directly generated by the project would not differ from the existing ambient noises currently generated by the surrounding residential land uses.

The proposed project may indirectly increase ambient noise levels in the project vicinity through the introduction of additional vehicle trips to area roadways, particularly Corral Hollow Road. As described above, development of the site for urban uses and the subsequent increase in vehicle roadway noise was taken into consideration in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the increase in vehicle roadway noise resulting from adoption of the General Plan and EIR. As such, this is a **less than significant** impact and no mitigation is required.

Response d): Less than Significant. Construction activities at the project site would result in temporary increases in noise levels that could expose adjacent residences to increased noise levels and noise nuisances. Construction activities could create temporary noise levels of up to 90 dBA at distances of 50 feet. Because the project site is surrounded by existing residential neighborhoods, this temporary increase in construction noise is considered potentially significant.

The following requirements would place restrictions on the time of day that construction activities can occur, and includes additional techniques to reduce noise levels at adjacent residences during construction activities. The implementation of this requirement would reduce this temporary impact to a **less than significant** level.

Project Requirements

Pursuant to General Plan, Noise Element, Objective N-1.2, Policy P4 (pages 9-20 and 21) and the relevant sections of the General Plan EIR (pages 4.14-26 and 27 of the 2010 Draft Recirculated Supplemental EIR), the following requirement (Requirement 9), which is uniformly applied throughout the City, shall apply to the project:

Project Requirement 9*: The following requirements shall be implemented during all construction phases of the project:*

a) Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Construction activities shall be prohibited on Sundays and federal holidays.

b) Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations.

c) Construction equipment staging areas shall be located at the furthest distance possible from nearby noise-sensitive land uses.

Response e): Less than Significant. The Tracy Municipal Airport is the closest airport to the project site, located approximately 1.5 miles south of the site. The Airport is a general aviation

airport owned by the City and managed by the Public Works Department. The City of Tracy adopted an Airport Master Plan in 1998, analyzing the impacts to safety on surrounding development from the Tracy Municipal Airport.

The San Joaquin County Airport Land Use Plan establishes noise contours surrounding the Tracy Municipal Airport. As shown on Figure 4.14-3 of the Tracy General Plan Final Supplemental EIR (Certified on February 1, 2011), the project site is located outside of both the 65 dBCNEL and the 60 dBCNEL noise contours for the Tracy Municipal Airport. As such, the project site would not be exposed to excessive noise from the Tracy Municipal Airport. This is a **less than significant** impact, and no mitigation is required.

Response f): No Impact. The project site is not located within two miles of a private airstrip. There is **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)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. Implementation of the project would result in the construction of 252 single-family housing units on the project site. The proposed project is located in an urbanized area of the City of Tracy, and constitutes an infill project. There is existing infrastructure (roads, water, sewer, etc) in the immediate vicinity of the project site. While the project would extend these services onto the site to serve the proposed development, the project would not extend infrastructure to an area of the City not currently served. Therefore, while the project may directly induce population growth through the provision of 252 new single-family residences, the project would not indirectly induce population growth in other areas of the City of Tracy.

The potential for the project to directly induce population growth in the City of Tracy is not a significant impact in and of itself. Population growth can result in impacts to other environmental topics, such as traffic, service demands, etc. The population growth that would occur as a result of approval and development of the proposed project was considered in the Tracy General Plan and General Plan EIR. The proposed project is consistent with the land use designations for the site that were addressed in the General Plan EIR, and the environmental effects of the population growth generated by the project were considered in the analysis of buildout of the Tracy General Plan. Additionally, as described throughout this environmental document, the population growth attributable to the proposed project would not result in any significant site-specific environmental impacts to other environmental topics that cannot be mitigated to a less than significant level. While this document acknowledges that project approval would provide for additional housing opportunities in the City of Tracy, which may lead to population growth in the City, this impact is **less than significant**, as demonstrated throughout this document.

Responses b), c): No Impact. There are no existing homes or residences located on the project site. There is **no impact**.

XIV. PUBLIC SERVICES

	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:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?			X	
v) Other public facilities?			X	

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant.

i) Fire Protection and Emergency Medical Services

The Tracy Fire Department, as a member agency of the South County Fire Authority, provides fire protection, life safety, and emergency response services to 167 square miles of the southern part of San Joaquin County. In 1999, the South County Fire Authority was established to more effectively and efficiently serve the City of Tracy, the Tracy Rural Fire Protection District (FPD), and the Mountain House Community Services District (CSD).

The Fire Authority currently operates seven fire stations and an administrative office. Twenty-four hour-a-day staffing is provided with five paramedic engine companies, two basic life support engine companies, and one ladder truck company. Three fire stations are within the incorporated area of the City of Tracy, three are in the surrounding rural Tracy area, and one is located in the planned Community of Mountain House.

Medical transport is provided by private ambulance. American Medical Response is the exclusive emergency ambulance service provider in San Joaquin County.

The Tracy Fire Department has a force consisting of 70 professional firefighters, 12 reserve firefighters, a fire chief, three division chiefs, two civilian fire inspectors and a two-person administrative support staff[6].

The Tracy Fire Department conducted a Standards of Response Coverage study in late 2007. Findings of the study indicated that the Department has challenges in meeting its established response time objectives in the areas of the West Valley Mall and Downtown Tracy utilizing existing resources. The Department is currently in the process of mitigating the deficiency in the area of the West Valley Mall through the potential relocation of an existing fire station. Future development will create a need for expanded fire and emergency medical services.

Currently the Department is working on a plan to expand its ability to deliver Advanced Life Support services from all seven Fire Department facilities. Since November 2008, the Fire Department has expanded its provision of Advanced Life Support Services to six of the seven fire stations; there are plans to provide these services from the final station upon successful relocation of the facility, which is expected to be completed in fiscal year 2013/2014. Emergency medical services in Tracy and the surrounding areas are reported to be good, as Tracy is one of only three fire departments in San Joaquin County that provide Advanced Life Support services, and there are no reported concerns about the level of service provided.

Recognizing the potential need for increases in fire protection and emergency medical services, the City's General Plan includes policies to ensure that adequate related facilities are funded and provided to meet future growth (Objective PF-1.1, P1). This policy will be implemented through the review of all new projects within the SOI, prior to development, and through the collection of development impact fess for the funding of facilities.

The project site and the surrounding area is served by Fire Station #97, which is located at 595 West Central Avenue, less than one mile east of the project site. The project site is located within the Fire Department's 5-minute response zone[7].

Implementation of the proposed project would not adversely impact existing fire and emergency services within the City, and would not require the construction of new fire protection facilities.

In order to provide adequate fire protection and suppression services to the project site, the Tracy Fire Department must have access to adequate onsite hydrants with adequate fire-flow pressure available to meet the needs of fire suppression units. The final site plans and development specifications developed for the proposed project will indicate the location and design specifications of the fire hydrants that will be required within the project site. This is a **less than significant** impact.

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[6] Reference: City of Tracy Fire Department website, accessed 7/15/13. http://www.ci.tracy.ca.us/?navId=869

[7] Reference: City of Tracy, *Holly Sugar Sports Park Draft EIR, Figure 3.11-1, 5-Minute Fire Department Response Zone for the South County Fire Authority*, August 31, 2009.

ii) Police Protection

The Tracy Police Department provides police protection services to the City of Tracy. Its headquarters are located at 1000 Civic Center Drive, and there are no satellite offices or plans to construct any in the near future. The Department currently employs 91 officers. The Department also has 43 non-sworn positions, which include both full- and part-time administrators, communications dispatchers, community services personnel, animal control, crime scene technicians, and a records superintendent. The City has a goal of a 5-minute response time for Priority 1 calls (life threatening situations).

The police station is located approximately 2.4 miles northeast of the project site. The Department divides calls for service into three categories:

- Priority 1 calls are defined as life threatening situations.
- Priority 2 calls are not life threatening, but require immediate response.
- Priority 3 calls cover all other calls received by the police.

The average response time for Priority 1 calls within the City limits is approximately seven to nine minutes. Response time for Priority 2 and 3 calls is, on average, between 20 and 30 minutes. The Tracy Police Department provides mutual aid to the San Joaquin County Sheriff's office, and vice versa, when a situation exceeds the capabilities of either department. Mutual aid is coordinated through the San Joaquin County Sheriff.

It is not anticipated that implementation of the proposed project would result in significant new demand for police services. Project implementation would not require the construction of new police facilities to serve the project site, nor would it result in impacts to the existing response times and existing police protection service levels. This is a **less than significant** impact.

iii) Schools

Implementation of the proposed project would result in population growth within the City of Tracy, which would likely increase enrollment at schools within the Tracy Unified School District. Under the provisions of SB 50, a project's impacts on school facilities are fully mitigated via the payment of the requisite new school construction fees established pursuant to Government Code Section 65995. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from taxes, would ensure that project impacts to school services are **less than significant.**

iv) Parks

Potential project impacts to parks and recreational facilities are addressed in the following section of this document.

v) Other Public Facilities

Other public facilities in the City of Tracy include libraries, hospitals, and cultural centers such as museums and music halls. The proposed project would increase demand on these facilities. The City of Tracy General Plan requires new development to pay its fair share of the costs of public buildings by collecting the Public Buildings Impact Fee. The Public Buildings Impact fee is used by the City to expand public services and maintain public buildings, including the Civic Center and libraries in order to meet the increased demand generated by new development. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from taxes, would ensure that project impacts to libraries and public buildings are **less than significant.**

XV. RECREATION

	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?			X	
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?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. The proposed project would increase demand for parks and recreational facilities within the City of Tracy, and would increase the use of the City's existing parks and recreation system. As described in the Tracy General Plan, the City maintains 48 mini-parks, 15 neighborhood parks, and eight community parks, providing approximately 256 acres at 71 sites. The City is also in the process of constructing the Holly Sugar Sports Park at the northern edge of the City, which will provide an additional 166 acres of sports parks, 86 acres of passive recreation area, and a 46-acre future expansion area for additional park facilities.

The City strives to maintain a standard of 4 acres of park land for every 1,000 persons. In order to maintain this standard, the City requires new development projects to either include land dedicated for park uses, or to pay in-lieu fees towards the City's parks program. Chapter 13.12 of the Tracy Municipal Code states that, *"all development projects shall be required to maintain the City standard of four (4) acres of park land per 1,000 population. All development projects, as a condition of approval of any tentative parcel map or tentative subdivision map, or as a condition of approval of any building permit, shall dedicate land to the City or pay a fee in lieu thereof, or a combination of both, in order to maintain this City standard. The precise obligation of any development project to dedicate land or pay a fee pursuant to this section shall be incorporated in the implementing resolution for the park fee applicable to the development project."*

Rather than including land dedicated for park uses within the proposed project, the project applicant will be paying in-lieu fees, which could be used to expand the adjacent existing Gretchen Talley Park. The payment of the project's fair share in-lieu parks fees to the City of Tracy, would ensure that this is a **less than significant** impact.

XVI. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
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?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Result in inadequate parking capacity?			X	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

RESPONSES TO CHECKLIST QUESTIONS

Response a), b): Less than Significant. Development of the proposed project would add vehicle trips to the City's roadway network. In order to identify roadway facility and intersection improvements needed to accommodate the traffic generated by buildout of the City's General Plan, the City of Tracy prepared and adopted the 2012 Citywide Roadway and Transportation Master Plan (Transportation Master Plan). The Transportation Master Plan identifies a range of roadway and intersection improvements to be implemented over the next several years in order to maintain acceptable levels of service on City streets. The proposed project is consistent with the General Plan land use designation for the site, and is consistent with the assumed residential density levels for development of the site. The generation of vehicle traffic associated with the proposed project was considered during preparation of the Transportation Master Plan. The Transportation Master Plan identifies the roadway and intersection improvements needed in order to maintain acceptable levels of service throughout the City. One such improvement is needed at the intersection of Corral Road and Valpico Road. Under existing conditions, the all-way-stop controlled Corral Hollow Road/Valpico Road

intersection operates at LOS E with an average delay of 44 seconds in the PM peak hour (worst peak hour). The City of Tracy level of service standard for this intersection is D. Signalizing the intersection and widening the southbound approach to provide two lanes would raise the level of service to C. The project is responsible for the payment of fair share traffic mitigation fees to the City of Tracy. The payment of these fair-share traffic mitigation fees would assist the City of Tracy with implementation of the various improvements identified in the Transportation Master Plan, in order to maintain acceptable levels of service throughout the City. There would not be any site-specific traffic impacts associated with project development. The payment of the required traffic mitigation fees to the City of Tracy would reduce project-related traffic impacts to a **less than significant** level.

Response c): Less than Significant. As discussed above under the Hazards Section, the proposed project is not located within any of the four Tracy Municipal Airport safety zones. The proposed project is not located within one mile of the airport, nor along the extended runway centerline. Additionally, there are no private airstrips within the vicinity of the project site. Implementation of the proposed project would not result in any needed changes to airport operations or air travel patterns at the Tracy Municipal Airport. This impact is **less than significant,** and no mitigation is required.

Responses d) and e): **Less than Significant.** The proposed site plan provides adequate access to the project site, which would accommodate emergency vehicles. Implementation of the proposed project would have a less than significant impact related to emergency access, and would not interfere with an emergency evacuation plan. This is a **less than significant** impact and no mitigation is required.

Response f): Less than Significant. Parking for the proposed project would be provided within private on-site two-car garages and individual driveways. The internal roadway system would also provide opportunities for on-street parking within the project site. Section 10.08.3480 of the Tracy Municipal Code identifies parking requirements for residential projects. The minimum parking requirement for single-family residential projects is one non-tandem two-car garage per dwelling unit. This is a **less than significant** impact and no mitigation is required.

Response g): No Impact. The project would have no impact on any existing plans or policies related to alternative transportation. The payment of fair-share traffic mitigation fees would provide funding for implementation of the Transportation Master Plan, which includes bicycle, pedestrian, and alternative transportation improvements throughout the City. There is **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?			X	
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?			X	
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?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
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 projects projected demand in addition to the providers existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a) and e): Less than Significant. Wastewater generated by the proposed project would be conveyed to the Tracy Wastewater Treatment Plant (WWTP) for treatment and disposal. The City's wastewater collection system consists of gravity sewer lines, pump stations and the WWTP. Wastewater flows toward the northern part of the City where it is treated at the WWTP and then discharged into the Old River in the southern Sacramento-San Joaquin Delta.

The City's WWTP provides secondary-level treatment of wastewater followed by disinfection. Treated effluent from the WWTP is conveyed to a submerged diffuser for discharge into the Old River. The WWTP has an NPDES permit for discharge into the Old River from the State Regional Water Quality Control Board. The City of Tracy currently has plans to expand and improve the existing Tracy Wastewater Treatment Plant. These plans have been evaluated in the Draft and

Final EIR for the Tracy Wastewater Treatment Plant Expansion (SCH No. 2000012039). The Final EIR was completed in September of 2002 and was certified in November 2002. The City plans to expand the average dry weather flow treatment capacity of the Plant from 9.0 million gallons per day to 16.0 million gallons per day. The expansion would also result in improvements to the quality of the effluent discharged from the Plant by upgrading the facility from secondary to tertiary treatment. The expansion of the Wastewater Treatment Plant is occurring in four phases. The phase expanding the treatment capacity to 10.8 mgd was completed in 2008. The next phase is projected to commence in the year 2014.

The City's WWTP currently treats approximately 9.0 mgd of wastewater. For this analysis, a unit generation factor of 264 gallons per day of wastewater per residential unit was used, based on the wastewater generation factors contained in the 2011 City of Tracy Wastewater Master Plan. Therefore, the proposed project would generate up to 66,528 gallons per day of wastewater, or 0.0067 mgd of wastewater. The addition of 0.0067 mgd of wastewater would not exceed the treatment capacity of the City's WWTP. No improvements or expansions to the existing WWTP are required, and the addition of project-generated wastewater would not result in any RWQCB violations related to effluent treatment or discharge. Implementation of the proposed project would have a **less than significant** impact and no mitigation is required.

Responses b) and d): Less than Significant. Potable water for the proposed project would be supplied from the City's municipal water system. The project site would receive potable water via a connection to an existing water main located on Corral Hollow Road. The proposed project's water demand was included in the demand calculations for the 2012 Citywide Water System Master Plan.

The City of Tracy obtains water from both surface water and groundwater sources. The amount of water that Tracy uses from each of its water supply sources to make up its total water use varies from year to year based on contractual agreements, annual precipitation, and City policies about how to expand, utilize, and manage its water resources. As described in the 2011 City of Tracy Urban Water Management Plan- Public Review Draft, Tracy's maximum annual water supply amounts to over 31,500 acre feet per year from its various supply sources. Future agreements may increase the City's available water supply to over 49,500 acre feet per year.

In recent years, demand for potable water in the City of Tracy has been trending downward. The 2010 total water demand in the City was 16,603 afy. The addition of the project's water demand would not exceed the City's available water supply. The City's water treatment and conveyance infrastructure is adequate to serve existing demand, in addition to the demand created by the proposed project. This is a **less than significant** impact and no mitigation is required.

Responses c): Less than Significant. Development of the project site would place impervious surfaces throughout much of the 47.1-acre project site. Development of the project site would potentially increase local runoff production, and would introduce constituents into storm water that are typically associated with urban runoff. These constituents include heavy metals (such as lead, zinc, and copper) and petroleum hydrocarbons. Best management practices (BMPs)

will be applied to the proposed site development to limit the concentrations of these constituents in any site runoff that is discharged into downstream facilities to acceptable levels.

As described above under the Hydrology and Water Quality Section, new development projects in the City of Tracy are required to provide site-specific storm drainage solutions and improvements that are consistent with the overall storm drainage infrastructure approach presented in the 2012 City of Tracy Citywide Storm Drainage Master Plan. Prior to approval of the Final Map, the project applicant is required to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The project's storm drainage infrastructure plans must demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the project site within onsite retention/detention facilities to the City's existing stormwater conveyance system, and demonstrate that the project would not result in on- or off-site flooding impacts. The project is also required to pay all applicable development impact fees, which would include funding for offsite Citywide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan. The development of an onsite storm drainage system, the payment of all applicable fees, and the implementation of Requirement 8 would ensure that this impact is **less than significant**.

Responses f) and g): Less than Significant. The City of Tracy has an exclusive franchise agreement with Tracy Disposal Service for solid waste collection and disposal and recycling collection. Solid waste is collected and taken to the 40-acre Tracy Material Recovery Facility (MRF) and Transfer Station on South MacArthur Drive before being sent to the Foothill Sanitary landfill, 48 miles northeast of Tracy, off of Shelton Road east of Linden, California. The MRF is operated by Tracy Material Recovery and Solid Waste Transfer, Inc., and has capacity of approximately 1,000 tons per day, but averages approximately 350 tons per day, of which 85 percent is generated in Tracy. Approximately 175,000 tons of solid waste is generated in Tracy each year, of which approximately 27 percent is residential garbage.

The approximately 800-acre Foothill landfill, owned by San Joaquin County, is the primary disposal facility accepting the City's solid waste. The Foothill landfill receives approximately 810 tons per day. The landfill is permitted to accept up to 1,500 tons per day, and has a permitted capacity of 51 million tons, of which approximately 45 million tons of capacity remains. It is estimated that the Foothill landfill will have the capacity to accept solid waste from the City of Tracy until 2054.

The proposed project would not generate significant volumes of solid waste, beyond levels normally found in residential developments. The proposed project would not generate hazardous waste or waste other than common household solid waste. As described above, there is adequate landfill capacity to serve the proposed project. This is a **less than significant** impact.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

	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?			X	
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)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b), c): Less than Significant. As described throughout the analysis above, the proposed project would not result in any significant impacts to the environment that cannot be mitigated to a less than significant level through the application of uniformly applied development policies and/or standards. The proposed project is required to implement a range of standard and uniformly applied development policies and standards, most of which are identified in the Tracy General Plan or various infrastructure master plans, which would reduce any potentially significant impacts to a less than significant level. The cumulative impacts associated with development of the project were considered, analyzed and disclosed in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for all significant impacts associated with buildout of the Tracy General Plan. The project would not result in any cumulative impacts that were not contemplated in the General Plan EIR. The project would not result in any peculiar site-specific impacts, impacts to biological resources or impacts to cultural and/or historical resources. These are **less than significant** impacts.

RESOLUTION_____

APPROVING A CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLAN AND A VESTING TENTATIVE SUBDIVSION MAP FOR A 252-LOT RESIDENTIAL SUBDIVISION, KNOWN AS KAGEHIRO PHASE 3, LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND KAGEHIRO DRIVE, ASSESSOR'S PARCEL NUMBER 242-040-36, APPLICATION NUMBERS PUD13-0001 AND TSM12-0001

WHEREAS, The subject property is a portion of the 141-acre Kagehiro property that was annexed to the City of Tracy on January 17, 1997; and

WHEREAS, The subject property consists of a 47.1-acre parcel located at the southeast corner of Kagehiro Drive and Corral Hollow Road (Assessor's Parcel Number 242-040-36); and

WHEREAS, Corral Hollow Development, LLC submitted applications for a Concept, Preliminary and Final Development Plan and a Vesting Tentative Subdivision Map to create 252 residential lots for single-family homes with an overall density of approximately 5.3 dwelling units per gross acre (Application Numbers PUD13-0001 and TSM12-0001); and

WHEREAS, The proposed Concept, Preliminary and Final Development Plan is consistent with the General Plan designation of Residential Low, including the density range of 2.1 to 5.8 dwelling units per gross acre; and

WHEREAS, The proposed Concept, Preliminary and Final Development Plan, including the site plan and architectural renderings, are in compliance with the City's Design Goals and Standards because they have incorporated significant variation between floor plans and elevations, deemphasized the garages, used architectural features on all four sides of each house, and provided ample mix and frequency of each house type; and

WHEREAS, The proposed Vesting Tentative Subdivision Map is consistent with the General Plan, and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code. The General Plan designation of the property is Residential Low, which provides for a density range of 2.1 to 5.8 dwelling units per acre; and

WHEREAS, The site is physically suitable for the type of development, as the site, once graded, will be virtually flat and the characteristically high clay content of Tracy's soils may require amendments and treatment for proposed landscaping, foundations, and other surface and utility work. The physical qualities of the property make it suitable for residential development in accordance with City standards, and

WHEREAS, The site is physically suitable for the proposed density of development. Traffic circulation is designed in accordance with City standards for the proposed density to ensure adequate traffic service levels are met; and

WHEREAS, The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

WHEREAS, The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; and

WHEREAS, The project complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to, the local floodplain ordinance. The subject property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards; and

WHEREAS, All the public facilities necessary to serve the subdivision will be in place prior to the issuance of building permits. All the public facilities necessary to serve the subdivision or mitigate the impacts created by the subdivision will be assured through a subdivision improvement agreement prior to the approval of a final map; and

WHEREAS, Notwithstanding the vested rights this vesting map is entitled to under the provisions of the Subdivision Map Act, the applicant has expressly requested that the project be subject to those applicable fees anticipated to be adopted by the City Council to implement the Citywide Master Plans. These fees will relate to: water, recycled water, waste water, storm drainage, roadways, parks, public facilities and public safety. Therefore, pursuant to Government Code sections 66474.2(c) and 66498.4, the project will be subject to such fees; and

WHEREAS, The project is consistent with the Residential Low designation and density requirements of the General Plan, for which an Environmental Impact Report (EIR) was certified on February 1, 2011, and as described in the CEQA 15183 Analysis (Attachment H of Planning Commission staff report dated July 24, 2013), all cumulative and offsite impacts associated with development and buildout of the project were fully addressed in the General Plan EIR and there are no site specific or peculiar impacts associated with the project that cannot be substantially mitigated to a less-than-significant level through the application of uniformly applied standards and policies that would be applied to the project, and therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required; and

WHEREAS, Approval of the Concept, Preliminary and Final Development Plan and the Vesting Tentative Subdivision Map shall be effective only upon the effective date of the Ordinance rezoning the subject property to Planned Unit Development; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the project on July 24, 2013 and recommended City Council approval; and

WHEREAS, The City Council conducted a public hearing to review and consider the project on August 20, 2013;

NOW, THEREFORE, BE IT RESOLVED, That City Council approve the Concept, Preliminary and Final Development Plan, and approve the Vesting Tentative Subdivision Map for a 252-lot residential subdivision, known as Kagehiro Phase 3, located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Assessor's Parcel Number 242-040-36, Application Numbers PUD13-0001 and TSM12-0001, subject to conditions stated in Exhibit "1" attached and made part hereof.

The foregoing Resolution _____was adopted by the City Council on the 20th day of August, 2013, by the following vote:

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

Conditions of Approval for Kagehiro Phase 3
252-lot Vesting Tentative Subdivision Map and
Concept/Preliminary/Final Development Plan
Application Numbers TSM12-0001 and PUD13-0001
(Revised following the Planning Commission meeting on July 24, 2013)
(Revisions are shown in italics)

These Conditions of Approval shall apply to the real property described as Kagehiro Phase 3, a 252-lot Vesting Tentative Subdivision Map and Preliminary/Final Development Plan, located on approximately 47.1 acres at the southeast corner of Corral Hollow Road and Kagehiro Drive, Assessor's Parcel Number 242-040-36, Application Numbers TSM 12-0001 and PUD13-0001.

A. The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".

2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Public Works Director, or the City Engineer to perform the duties set forth herein.

3. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans). The application of the City Regulations to the Project shall be governed by Chapter 4.5 of the Subdivision Map Act (Gov. Code Sections 66498.1-66498.9). However, notwithstanding the vested rights secured by the above referenced sections, pursuant to Government Code sections 66474.2(c) and 66498.4, the Subdivider has expressly requested that the Project be subject to those applicable fees anticipated to be adopted by the City Council to implement the Citywide Master Plans. These fees will relate to: water, recycled water, wastewater, storm drainage, roadways, parks, public facilities and public safety. Therefore, the Project will be subject to such fees at the time they are adopted by the City Council. For the purposes of these Conditions of Approval, these fees are referred to as "development impact fees."

4. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.

5. "Conditions of Approval" shall mean the conditions of approval applicable to the Kagehiro Phase 3 project, a 252-lot Vesting Tentative Subdivision Map and Preliminary/Final Development Plan, Application Numbers TSM12-0001 and PUD13-0001. The Conditions of Approval shall specifically include all Development Services Department Conditions set forth herein.

6. "Project" means Kagehiro Phase 3, a 252-lot Vesting Tentative Subdivision Map and Preliminary/Final Development Plan, Application Numbers TSM 12-

0001 and PUD13-0001, consisting of approximately 47.1 acres of real property, located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Assessor's Parcel Number 242-040-36.

7. "Property" means the 47.1 acres of real property located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Assessor's Parcel Number 242-040-36.

8. "Subdivider" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. "Subdivider" also means the Developer. The term "Subdivider" shall include all successors in interest.

B. Planning Division Conditions of Approval

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").

2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.

3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all applicable mitigation measures identified in the General Plan Environmental Impact Report, dated February 11, 2011.

4. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project, or upon the date that the amounts of the fees or exactions are finalized and imposed on the Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

5. Prior to the issuance of a building permit, the Developer shall document compliance with all applicable school mitigation requirements consistent with City Council standards and obtain certificate of compliance from Tracy Unified School District for each new residential building permit.

6. Prior to the recordation of each Final Map, the Subdivider shall show public utility easements necessary to accommodate the needs of local utility providers in accordance with City standards, to the satisfaction of the City Engineer.

7. Prior to approval of the first Final Map, the Developer shall obtain approval of all street names from the Development Services Department. At least one street shall be named after a deceased veteran in accordance with City Council Resolution Number 87-041.

8. All Final Maps shall be consistent with the Vesting Tentative Subdivision Map received by the Development Services Department on July 1, 2013, unless modified herein.

9. Except as modified herein, the residential architecture, site plan, and floor plans shall be consistent with the Preliminary/ Final Development Plan, including the architectural packet, received by the Development Services Department on July 2, 2013, to the satisfaction of the Development Services Director.

10. The development standards for the 252 lots shall comply with the Kagehiro Phase 3 Planned Unit Development (PUD) Zoning Regulations received by the Development Services Department on July 17, 2013, to the satisfaction of the Development Services Director.

11. Prior to the issuance of each building permit for a particular group of lots, the Developer shall specify the house type (i.e. floor plan type and elevation type) for each particular lot (i.e. within that group of lots) in a manner that achieves a sufficient mix and variety in the streetscape view, such that there shall be no approvals of the same floor plan type used on three consecutive lots, and no approvals of the same floor plan type and same elevation type used on two consecutive lots. At least 20% of the houses shall have garage doors which are setback a minimum of thirty (30) feet from the front property line. Additionally, the overall mix of houses used in the subdivision should fit within the parameters set forth below:

    a. The Plan 1 floor plan (one story) shall be used on not less than 15% of the lots nor on more than 25% of the Lots. Each of the Plan 2 through 6 floor plans shall be used on not less than 9% of the lots nor on more than 22% of the lots.

    b. Each elevation type for each floor plan shall be used on not less than 10% of the particular floor plan lots nor on more than 30% of the same particular floor plan lots.

12. The Developer shall comply with all project requirements identified in the CEQA Analysis/Environmental Checklist for the Kagehiro Phase 3 Project.

13. The Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), including District Rule 9510, Regulation VIII, and payment of all applicable fees.

14. The Developer shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit, a pre-construction survey prior to ground disturbance, and payment of all applicable fees, to the satisfaction of San Joaquin Council of Governments.

15. Prior to issuance of a grading permit, the Developer shall provide proof of compliance with the Construction General Permit through a Waste Discharge ID number or Notice of Intent submittal; and provide proof of compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual), which includes the requirements for Site Design, Source and Treatment Control Measures, in a project Stormwater Quality Control Plan (SWQCP), to the satisfaction of the Public Works Director or his/her designee. Prior to issuance of a building permit, the Developer shall provide proof of compliance with CalGreen Building Standards for Residential Properties, to the satisfaction of the Public Works Director or his/her designee. Prior to building permit final inspection, a Storm Water Treatment Device Access and Maintenance Agreement must be approved and notarized between the Developer and the City, to the satisfaction of the Public Works Director or his/her designee.

16. Prior to the issuance of a building permit, the Developer shall prepare a detailed landscape and irrigation plan for all landscape areas (e.g. back yards, front yards, and public right of way) consistent with City standards and shall show compliance with the State's (Department of Water Resources) model Water Efficient Landscape Ordinance and mandatory CalGreen Building Standards for Residential Properties through submittal and approval of the required Landscape Package, which includes project information, a water efficient landscape worksheet, a soil management report and Landscape, Irrigation, Drainage and Grading Plans, to the satisfaction of the Public Works Director or his/her designee.

17. Prior to approval of each Final Map, the Developer shall submit improvement plans that demonstrate compliance with current California Fire Code regulations, including the maximum separation between fire hydrants of 500 feet.

18. Approval of the Concept, Preliminary and Final Development Plan and the Vesting Tentative Subdivision Map shall be effective only upon the effective date of the Ordinance rezoning the subject property to Planned Unit Development.

C. Engineering Division Conditions of Approval

C.1. Vesting Tentative Subdivision Map

Prior to signature of the Vesting Tentative Subdivision Map (Tentative Subdivision Map) by the City Engineer, the Subdivider shall comply with the requirements set forth in this section, to the satisfaction of the City Engineer.

C.1.1. Revise the Tentative Subdivision Map to change the street names "Kagehiro Court" to "Remedios Cantos Drive", and Street "F" to "Aurora Astorga Drive".

C.1.2. Revise the Tentative Subdivision Map to show 1-foot wide reserve street dedications and restricted access to Corral Hollow Road for Lots 238 through 248.

C.1.3. Submit one (1) reproducible copy of the approved tentative subdivision map for the Project within ten (10) days after Subdivider's receipt of notification of approval of the tentative subdivision map. The owner of the Property must sign the Tentative Subdivision Map.

C.1.4. Revise the Tentative Subdivision Map to show the proposed masonry wall along the south side of Kagehiro Drive between Corral Hollow Road and Lotus Way.

C.1.5. Revise the Tentative Subdivision Map to show the street extension of Mia Way from Kagehiro Drive to Street "E" and the realignment of Street "D".

C.2. Final Map

In order to construct improvements to create sewer conveyance and wastewater treatment plant capacity for the Project area, prior to the submittal of the Final Map or on March 1, 2014, whichever occurs first, the Subdivider shall enter into an agreement with the City for the advance payment of the estimated fee amount for sewer conveyance and wastewater treatment in accordance with the Citywide Wastewater Facilities Master Plan, which is estimated to be $2,373,963.48 (or 252 lots multiplied by $9,420.49 per lot).

This advance payment will be reconciled with the actual sewer development fees to be adopted by the City, prior to the issuance of the building permit of the first residential building to be constructed on the Property. The Subdivider will be required to pay additional sewer development impact fees, if the actual sewer development impact fees are higher than the advance payment as described above. If actual sewer development impact fees are lower than the advance payment, the Subdivider will receive refund of the overpaid sewer development impact fees within ten (10) working days from the date of adoption of the sewer development impact fees.

The City will allow the map submittal of the First Final Map or multiple final map(s), and make available sewer conveyance and wastewater treatment plant capacity for the first 151 residential lots within the Tentative Subdivision Map area. Subsequent final map applications beyond 151 lots will be accepted and reviewed for technical accuracy but will not be approved by the City until the Corral Hollow Sewer Conveyance Downstream Improvements (known as "Choke Points") are completed by the City.

In addition to the requirements above, no final map within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

C.2.1. The Subdivider has completed all the requirements set forth in this section, and Condition C.1., above.

C.2.2. The final map prepared in accordance with the Subdivision Ordinance, the City Design Documents, and in substantial conformance with the Tentative Subdivision Map for the Project.

C.2.3. The Subdivider has obtained the approval of all other public agencies with jurisdiction over the required public facilities.

C.2.4. The Final Map shall include dedications or offers of dedication of all right(s)-of-way and/or easement(s) required to serve the Project described by the Final Map, in accordance with City Regulations and these Conditions of Approval.

C.2.5. Improvement Plans for the subdivision improvements and public facilities that are required to serve the Property or lots described by the Final Map in accordance with City Regulations, these Conditions of Approval and Condition C.3., below.

C.2.6. Dedicate a 10 feet wide Public Utility Easement (PUE) along the lot frontages for the installation, use, operation, repair and maintenance of other public utilities such as electric, telephone, cable TV, gas and others.

C.2.7. Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the final map. The final map shall also identify surveyed ties from two of the control points to a minimum of two separate points adjacent to or within the property described by the Final Map.

C.2.8. A detailed construction phasing plan showing the limits and logical sequence of construction of street and utilities improvements. The construction phasing plan shall clearly identify the improvements to be constructed with each construction phase of the Project.

C.2.9. A construction cost estimate of subdivision improvements and all the required public facilities, prepared in accordance with City Regulations. Use and add ten percent (10%) for construction contingencies.

C.2.10. The improvement plans for subdivision improvements as required in Condition C.3., below. All the required improvement agreements are executed, improvement security is submitted and documentation of insurance are provided, as required by these Conditions of Approval and Condition C.11., below. The amounts of improvement security shall be approved by the City and the form of improvement security shall be in accordance with the Tracy Municipal Code.

C.2.11. The Subdivider shall participate in any applicable Benefit Districts, Assessment Districts, or sub-regional reimbursement areas, in accordance with City Regulations.

C.2.12. All public facilities that are required to serve the proposed development within the final map boundaries, including water distribution, sewer conveyance, and water and wastewater treatment capacities have been financially assured by the Subdivider, except as provided on Condition C.2., above. The Subdivider acknowledges that complex planning and financing are involved in providing the public facilities required to serve the Property. Such public facilities are not available now. The City will make reasonable efforts to facilitate the necessary planning, but cannot and does not guarantee that sufficient public facilities, and the resulting capacity, will be available before expiration of the Tentative Map for this Project (under Government Code Section 66452.6 and relevant City Regulations).

C.2.13. The Subdivider shall demonstrate to the satisfaction of the City Engineer, and a finding made by the City Engineer that City's water facilities (capacities at the treatment plant and distribution or transmission lines) are adequate to meet Project's water flow demands, and is consistent with the City's Water Facilities Master Plan. The Subdivider shall pay the costs of analysis by City consultants required to make such finding, if necessary.

C.3. <u>Improvement Plans</u>
The Improvement Plans that are required in this section shall contain the design and construction details of street and utilities improvements on Corral

Hollow Road, and all subdivision improvements that are required to serve the Project. The Improvement Plans shall consist of the Grading and Drainage Plans, Irrigation and Landscaping Plans, Composite and Joint Utility Trench Plans, Street Lighting Plan, Retaining Wall Plans, In-tract and Off-tract Improvement Plans, Signing and Striping Plans, Storm Water Management Plans, and others. The Improvement Plans shall be prepared to satisfy all the design requirements specified on Conditions C.4., C.5., C.6., and C.7., below, the City Regulations and these Conditions of Approval. Improvement Plans to be signed by the City Engineer must be provided on a 4-mil thick 24" x 36" size polyester film (mylar) and prepared under the supervision of, and stamped and signed by a Registered Civil Engineer. Prior to obtaining the City Engineer's signature on the Improvement Plans, all the requirements set forth in this section shall be completed, to the satisfaction of the City Engineer, including but not limited to, the following:

C.3.1. The Subdivider has completed all the requirements set forth in this section, and Conditions C.1., and C.2., above.

C.3.2. The Subdivider has obtained written approval and signature from the Chief Building Official and Fire Safety Officer on the Improvement Plans as required in Condition C.6.2., below.

C.4. <u>Street Improvements</u>

C.4.1. The Subdivider's responsibility towards frontage improvements on Corral Hollow Road shall include the design and construction of street and utilities improvements including but not limited to, concrete curb and gutter, concrete sidewalk, landscaping with automatic irrigation system (Motorola Controller), asphalt concrete pavement, signing and striping, street lights, fire hydrant, and other improvements determined by the City Engineer that are necessary to provide a safe transition from the existing roadway to an improved and wider roadway section which include the application of 2" inches thick asphalt concrete overlay on the entire width of the travel lane for the existing northbound and southbound Corral Hollow Road, and other improvements such as guardrail and barricade and appropriate traffic sign where necessary, asphalt concrete paving, and pavement marking and signing for creating a pavement transition. In order to maintain existing grades of pavement crown and cross slope, the top 2 inches of the existing pavement must be removed by grinding.

The Subdivider is also required to design and construct roadway improvements at the intersection of Corral Hollow Road and Kagehiro Drive. The intersection improvements include but not limited to, modification of the southern end of the existing raised median on Corral Hollow Road north of Kagehiro Drive, to provide for an exclusive left-turn lane on Corral Hollow Road for eastbound Kagehiro

Drive. The exclusive left-turn lane shall not be less than 12 feet wide, and shall have a vehicle storage length of 120 feet (90 feet bay taper length per Caltrans standards).

The final configuration, length, and grade of the modified raised median will be determined during the design of improvements on Corral Hollow Road. Landscaping improvements and automatic irrigation system to be installed within the modified raised median on Corral Hollow Road shall be in accordance with City Regulations. The type, size and spacing of street trees shall be determined during the preparation of Improvement Plans. The area or extent and location where hand-placed and grouted cobblestone will be installed will be determined by the City Engineer during the improvement plan review process.

After the construction of the intersection improvements described above, the traffic movements at Kagehiro Drive / Corral Hollow Road will be restricted to “right-turn in”, “right-turn out”, and “left-turn in” only.

The Subdivider shall design and construct a masonry wall along the Property’s frontage on Corral Hollow Road and on the south side of Kagehiro Drive between Corral Hollow Road and Lotus Way in accordance with City Regulations. The masonry wall on Corral Hollow Road and Kagehiro Drive will be considered a public improvement which will be maintained by the City’s Landscape Maintenance District (TLMD).The masonry wall including its column and wall footings shall be constructed within the area that will be dedicated to the City with the first final map. The masonry wall shall be designed and constructed in accordance with City Regulations.

The Subdivider is responsible for acquiring all rights-of-way and/or easements, if necessary, all at the Subdivider’s sole cost and expense, which are necessary to complete the improvements described above.

The Subdivider shall obtain permit(s) and /or permission(s) for work that are located on private property(s) including the West Side Irrigation District (WSID), if necessary, and pay all costs associated with obtaining the permit(s) and/ or permission(s).

All the improvements that are described under this section shall be completed by the Subdivider, prior to final inspection of the first residential building to be constructed within the Property, all at the Subdivider’s sole cost and expense.

C.4.2. The City's Traffic Section will monitor traffic conditions at various locations within the Eastgate and Muirfield subdivisions by conducting volume counts and speed study (warrant analysis) when necessary as determined by the City Engineer. Prior to the approval of the First Final Map, the City will perform a warrant analysis based on the "Existing Traffic Condition" within these two subdivisions specifically on Kagehiro Drive and Starflower Drive, to determine if additional traffic calming sign(s) such as speed limit sign(s), and stop sign(s) are needed on these locations. If determined by warrant analysis that traffic calming signs are needed, the City will install the appropriate traffic signs after obtaining City Council's approval.

If traffic calming signs are not needed on the "Existing Traffic Condition" as determined by the warrant analysis, the City will continue to monitor traffic conditions on these two subdivisions. It is anticipated that development of the Kagehiro Subdivision will create an increase in traffic volumes on certain streets within these two subdivisions. In order to guarantee the Project's obligation towards installing traffic calming sign(s) as a result of traffic increase generated by the Project, the Subdivider will be required to deliver a cash deposit in the amount of $22,000, prior to the approval of the First Final Map. The cash deposit will include the cost of performing four (4) traffic sign warrant analyses and installing the appropriate traffic sign(s). The City shall complete the warrant analyses, prior to performing final inspection of the 25th, 50th, 100th, and 151th residential buildings to be constructed within the Property. If the actual cost of the warrant analyses and traffic sign(s) is more than the cash deposit, the Subdivider shall pay the cost difference within fifteen working (15) days from the date of written notice from the City Engineer. The unused portion of the cash deposit will be refunded to the Subdivider after the issuance of the 252nd building permit.

C.4.3. Pavement markings and traffic signs shall be constructed in accordance with City Regulations. Pavement design shall be based on State of California "R" value method, using Traffic Indices specified in the Design Standards, to the satisfaction of the City Engineer. The street longitudinal grade on any street shall be more than 0.30%. Street crown shall have a minimum slope of 2%. Valley gutters shall not be used to provide drainage across any through street or through intersections. All traffic control devices, including stop signs, speed limit signs, street name signs, legends and striping shall be installed in accordance with the detailed striping and signing plan prepared by the Subdivider and approved by the City Engineer. The Subdivider shall design and install street lights in accordance with City Regulations and at the locations approved by the City Engineer, and per the detailed street lighting plan approved by the City Engineer.

C.5. Sanitary Sewer Facilities

C.5.1. The Subdivider shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City Regulations and utility improvement plans approved by the City Engineer. The Subdivider is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plan No. 203. The City's responsibility to maintain on the sewer lateral is from the wye fitting to the point of connection with the sewer main.

C.6. Water System Facilities

C6.1. Domestic water service shall be installed in accordance with City Regulations and the utility improvement plans approved by the City Engineer. City's responsibility to maintain water lines shall be from the water main on the street to the back of the water meter (inclusive) only. Repair and maintenance of all on-site water lines, laterals, sub-meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Subdivider.

C.6.2. The Improvement Plans shall contain the Tracy's Chief Building Official and Fire Safety Officer's signature indicating their approval on the Project's fire service connection, fire and emergency vehicle access to the Project, and compliance of the City's Building and Safety Division and the Fire Department's fire protection related requirements. Written approval from the City's Chief Building Official and Fire Safety Officer required in this section shall be obtained by the Subdivider, prior to City Engineer's signature on the Improvement Plans.

C.6.3. The Subdivider shall design and install fire hydrants within the Project at the locations approved by the City's Building and Safety Division.

C.6.4. The Subdivider shall coordinate with the Tracy Post Master for location of, and installation (by the Subdivider) of, cluster type mailbox units. Design and construction criteria of the mailbox units shall require approval from the City Engineer. The US Postal Services is responsible for repairing and maintaining all cluster mailboxes located within City's right-of-way.

C.6.5. Prior to recordation of any final map within the Project, the Subdivider shall coordinate with the City and the School District(s) regarding vehicular and pedestrian access to schools from this residential development. The Subdivider shall submit plans to the City showing

pedestrian routes, facilities for bus transportation and bike paths for approval by the City.

C.6.6. The Subdivider shall abandon or remove all existing irrigation structures, channels and pipes as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including the tile drain are to remain to serve existing adjacent agricultural uses, the Subdivider will design, coordinate and perform required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted prior to City approval of the final map(s).

C.6.7. The Subdivider shall, to the satisfaction of the affected utility companies and the City Engineer, underground or relocate all utilities within the Property and along the residential lots on-site street frontages. The Subdivider shall submit joint utility trench plans for City's review and approval.

C.6.8. All engineering calculations such as the pavement design, hydrologic and storm drainage calculation, sanitary sewer design, water line design, soil report, technical specifications, and other documents related to the design of the subdivision improvements.

C.6.9. The Subdivider shall design and install landscaping improvements with automatic irrigation system (Motorola or approved equivalent) on Corral Hollow Road and on frontage streets within the Property in accordance with City Regulations. Type, size, and location of residential street trees shall be in accordance with the City Regulations and the City's Park and Parkways Design Manual.

C.6.10. The Subdivider shall construct the street extension of Mia Way from Kagehiro Drive to the Project. The design of street and utilities improvements for the extension of Mia Way from Kagehiro Drive to the Project shall be in accordance with City Regulations. Any modifications to the existing improvements on Mia Way south of Kagehiro Drive that are necessary as determined by the City Engineer in order to make the street extension comply with City Regulations shall be the responsibility of the Subdivider. Water and sewer connections and access (driveway) for Lots 34 and 35 will be from Mia Way when the street extension is constructed. All costs associated with the modifications of and the street extension of Mia Way shall be paid by the Subdivider, with no reimbursement from the City.

C.7. Storm Drainage Facilities

C.7.1. The Subdivider shall design and install storm drainage facilities including the Project's permanent storm drainage connection in accordance with City Regulations and the utility improvement plans approved by the City Engineer.

C.7.2. The Project's on-site storm drainage system and site grading shall be designed such that the Project has a functional overland storm drainage release point. The purpose of the overland storm drainage release point is to provide a low spot or an area where water leaves the Project site and drains directly to an improved public street with a functional storm drain system, in the event the on-site storm drainage system fails to function or it is clogged. The building finish floor is recommended to be at least 0.70 feet higher than the finish grade of the overland storm drainage release point. The Grading and Drainage Plans must indicate the location and elevation of the overland storm drainage release point and specify any improvements that may be necessary to create a functional overland storm drainage release point.

C.8. Grading Permit

No application for grading permit within the Project boundaries will be accepted by the City as complete until the Subdivider provides all documents required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including but not limited to, the following:

C.8.1. The Subdivider has completed all the requirements set forth in this section and Conditions C.1., C.2., and C.3, above.

C.8.2. A Grading and Storm Drainage Plan prepared by a Registered Civil Engineer, and accompanied by Soils and Engineering Geology reports shall be submitted to the City with the Improvement Plans. The reports shall provide recommendations regarding adequacy of sites to be developed by the proposed grading and also information relative to the stability of soils. Slope easements, if necessary, shall be recorded per City Regulations. Prior to the issuance of the first building permit within the Property, the Subdivider shall submit a letter, signed and stamped by a Registered Geo-technical Engineer licensed to practice in the State of California, certifying that grading work, including excavation, backfilling, compacting and backfilling work performed by the Subdivider, meets the requirements of the Project's Soils Report and was completed under the supervision of the Project's Geo-technical Engineer.

C.8.3. All grading shall require a Grading Permit. Erosion control measures shall be implemented in accordance with plans approved by the City Engineer for all grading work not completed before the 15th of October of that year. Improvement Plans shall designate all erosion control methods and materials to be employed.

C.8.4. Prior to the issuance of the Grading Permit, the Subdivider shall submit three (3) sets of the Storm Water Pollution Prevention Plans (SWPPP) and a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#). After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Subdivider shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the filing fee of the NOI and NOT shall be paid by the Subdivider. The Subdivider shall provide the City with the WDID#, prior to the issuance of the Grading Permit. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs), City's Storm Water Regulations, and the City's Storm Water Management Program.

C.8.5. All existing on-site wells shall be abandoned in accordance with the City and San Joaquin County requirements. All costs associated with the abandonment of existing wells including the cost of permits, if required, shall be the responsibility of the Subdivider. The Subdivider shall provide the City documentation or copy of permit issued by the San Joaquin County, approving the removal or destruction of existing well(s), if applicable, prior to the issuance of the Grading Permit.

C.8.6. Retaining or engineered walls shall be designed and constructed where cuts and fills do not match existing/ final grades and if the difference in elevation between two adjacent lots or adjacent property(s) is more than 12 inches. The use of engineered slope and slope easement(s) is subject to approval by the City Engineer, and will not be allowed, if a retaining or engineered wall can mitigate the grading issue.

C.9. <u>Encroachment Permit</u>

No application for encroachment permit within the Project boundaries will be accepted by the City as complete until the Subdivider provides all documents required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including but not limited to, the following:

C.9.1. The Subdivider has completed all requirements set forth in this section and Conditions C.1., C.2., and C.3., above.

C.9.2. Improvement Plans for installing traffic calming sign(s), as required in Condition C.4.2., above, if applicable.

C.9.3. Payment of all applicable processing fees, including improvement plan check fees, encroachment and grading permits processing fees, testing, agreement processing fees, and engineering inspection fees, and other fees as required by these Conditions of Approval and City Regulations.

C.10. Building Permit

No building permit within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

C.10.1. The Subdivider has completed all requirements set forth in this section, and Conditions C.1., C.2., C.3, and C.9., above.

C.10.2. Payment of all applicable development impact fees (as defined in Condition A.3.), San Joaquin County Facilities Fees, Regional Transportation Impact Fees, Agricultural Mitigation Fees, School Mitigation Fees, and all fees required by these Conditions of Approval and City Regulations. Development impact fees are adjusted annually based on the Construction Cost Index (CCI) published in the Engineering News Record (ENR). The final development impact fees to be paid by the Subdivider are the development impact fees that will be adopted by the City Council.

In the event that the Project's development impact fees (other than sewer and wastewater fees described in Condition C.2, above) are not adopted at the time of building permit issuance, the Subdivider shall enter into an agreement with the City to pay such fees. The Subdivider will be required to pay the difference, if the actual development impact fees are higher than the advance payment, or the City will refund overpaid development impact fees within ten (10) working days from the date of adoption of the development impact fees. If the Project's development impact fees are adopted by the City Council prior to issuance of any building permits, these adopted fees shall be applied to said building permits, adjusted annually as provided in this section.

C.10.3. A letter signed and stamped by the Project's Geo-Technical Engineer certifying that all grading work that were performed by the Subdivider

within the Project meets the requirements of the Project's Geo-technical/Soils Report and the recommendations of the Project's Geo-Technical Engineer, and that the grading work was performed under the direct supervision of the Project's Geo-technical Engineer, as required in Condition C.8.2., above.

C.10.4. The 61st building permit application within the Project boundaries will not be approved by the City until the Subdivider provides and demonstrates to the satisfaction of the Chief Building Official and Fire Safety Officer that there are two (2) vehicular access points to an improved public street and that the locations where they are constructed are acceptable.

C.10.5. The applicable final map is approved by the City and recorded at the Office of the San Joaquin County Recorder.

C.10.6. The Subdivider shall pay Community and Neighborhood/Mini Park development impact fees that will be adopted by the City Council in lieu of dedicating the park land, and constructing the park improvements.

C.11. Agreements, Improvement Security, and Insurance

C.11.1. Inspection Improvement Agreement - Prior to City approval of a final map, the Subdivider may request to proceed with construction with the public facilities required to serve the real property described by the final map only if the Subdivider satisfies all of the following requirements to the satisfaction of the City Engineer:

a. The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.

b. The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map is in the process of being reviewed by the City.

c. The Subdivider has paid all required processing fees including plan check and inspection fees.

d. The Subdivider executes an Inspection Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements, and the Subdivider agrees to assume the risk that the proposed final map may not be approved by the City.

e. The Subdivider posts all required improvement security and provides required evidence of insurance.

C.11.2. Subdivision Improvement Agreement - Concurrently with the City's processing of a final map, and prior to the City's approval of the final map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the final map), which includes the Subdivider's responsibility to complete all of the following requirements to the satisfaction of the City Engineer:

a. The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.

b. The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map has been approved by the City Engineer.

c. The Subdivider has paid all required processing fees including plan check and inspection fees.

d. The Subdivider executes a Subdivision Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements.

e. The Subdivider posts all required improvement security and evidence of insurance.

C.11.3. Deferred Improvement Agreement - Prior to the City's approval of the first final map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer.

C.11.4. Improvement Security - The Subdivider shall provide improvement security for all public facilities, as required by an Inspection Improvement Agreement or a Subdivision Improvement Agreement.

The form of the improvement security may be a bond, or other form in accordance with City Regulations. The amount of the improvement security shall be in accordance with City Regulations, generally, as follows: Faithful Performance (100% of the approved estimates of the construction costs of public facilities), Labor & Material (100% of the approved estimates of the construction costs of public facilities), and Warranty (10% of the approved estimates of the construction costs of public facilities).

C.11.5. Insurance - For each Inspection Improvement Agreement and Subdivision Improvement Agreement, the Subdivider shall provide the City with evidence of insurance, as follows:

a. General. The Subdivider shall, throughout the duration of the Agreement, maintain insurance to cover Subdivider, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under the Agreement at the minimum levels set forth below.

b. Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) coverage shall be maintained in an amount not less than $3,000,000 general aggregate and $1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

c. Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for “any auto”) coverage shall be maintained in an amount not less than $1,000,000 per accident for bodily injury and property damage.

d. Workers’ Compensation coverage shall be maintained as required by the State of California.

e. Endorsements. Subdivider shall obtain endorsements to the automobile and commercial general liability with the following provisions:

1) The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional “insured.”

2) For any claims related to this Agreement, Subdivider’s coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Subdivider’s insurance and shall not contribute with it.

f. Notice of Cancellation. Subdivider shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the City should the policy be canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.

g. Authorized Insurers. All insurance companies providing coverage to Subdivider shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

h. Insurance Certificate. Subdivider shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City.

i. Substitute Certificates. No later than thirty (30) days prior to the policy expiration date of any insurance policy required by the Agreement, Subdivider shall provide a substitute certificate of insurance.

j. Subdivider's Obligation. Maintenance of insurance by the Subdivider as specified in the Agreement shall in no way be interpreted as relieving the Subdivider of any responsibility whatsoever (including indemnity obligations under the Agreement), and the Subdivider may carry, at its own expense, such additional insurance as it deems necessary.

C.11.6. Release of Improvement Security – Release of improvement security shall be in accordance with the requirements of the Tracy Municipal Code. The City shall not release any improvement security until after the Subdivider provides as-built plans, to the satisfaction of the City Engineer. Within twenty (20) days after the City's approval of the final map, the City shall provide the Subdivider one (1) set of reproducible duplicates on polyester film of all approved Improvement Plans. Upon completion of the construction by the Subdivider, the City shall temporarily release the originals to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements. The Subdivider shall submit these As-Built Plans (or Record Drawings) to the City Engineer within 30 days after City Council acceptance of the public improvements.

C.12. Final Building Inspection

The City shall not conduct a final building inspection on any building within the Project boundaries until the Subdivider provides documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.12.1. The Subdivider has completed all requirements set forth in this section, and Conditions C.1., C.2., C.3., C.4., C.5., C.6., C.7., C.8., C.9., C.10., and C.11., above.

C.12.2. The Subdivider has completed construction of public facilities or improvements required to serve the Project for which a building certificate of occupancy is requested. Unless specifically provided in these Conditions of Approval or other City Regulations, the Subdivider shall take all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to the construction of the public facilities (including all costs of design, construction, construction management, improvement plans check, inspection, land acquisition, program implementation, and contingency).

ORDINANCE _____

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

WHEREAS, Corral Hollow Development, LLC submitted an application to rezone a 47.1-acre parcel, located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Assessor's Parcel Number 242-040-36, from Low Density Residential (LDR) Zone to Planned Unit Development (PUD) Zone (Application Number PUD13-0001); and

WHEREAS, The project is consistent with the General Plan designation of Residential Low, including the density range of 2.1 to 5.8 dwelling units per gross acre; and

WHEREAS, The project is consistent with the Residential Low designation and density requirements of the General Plan, for which an Environmental Impact Report (EIR) was certified on February 1, 2011, and as described in the CEQA 15183 Analysis (Attachment J of City Council staff report dated July 24, 2013), all cumulative and offsite impacts associated with development and buildout of the project were fully addressed in the General Plan EIR and there are no site specific or peculiar impacts associated with the project that cannot be substantially mitigated to a less-than-significant level through the application of uniformly applied standards and policies that would be applied to the project, and therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the project on July 24, 2013 and recommended City Council approval; and

WHEREAS, The City Council conducted a public hearing to review and consider the project on August 20, 2013;

NOW, THEREFORE, The City Council hereby ordains as follows:

SECTION 1: The zoning map of the City of Tracy is hereby amended to change the zoning on the following parcel from Low Density Residential (LDR) Zone to Planned Unit Development (PUD) Zone:

An approximately 47.1-acre parcel located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Assessor Parcel Number 242-040-36.

SECTION 2: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 3: This Ordinance shall be published once in the San Joaquin Edition of the Tri Valley Herald, a newspaper of general circulation, within fifteen (15) days from and after its final passage and adoption.

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 20th day of August, 2013, and finally adopted on the _____ day of September, 2013, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
Mayor

ATTEST:

_____
City Clerk

August 20, 2013

AGENDA ITEM 6

REQUEST

PUBLIC HEARING TO ADOPT AND APPROVE BY IMPLEMENTING RESOLUTION, THE ESTABLISHMENT OF ROADWAYS, WATER, WASTEWATER, STORM, RECYCLED WATER, PARKS AND PUBLIC BUILDING DEVELOPMENT IMPACT FEES, FINANCE AND IMPLEMENTATION PLAN (FIP), INCLUDING INFRASTRUCTURE TECHNICAL ANALYSIS, REPORTS, STUDIES, AND THE CAPITAL IMPROVEMENT PROGRAM, FOR THE ELLIS PROGRAM AREA

EXECUTIVE SUMMARY

The Ellis Program area technical analysis, reports and studies identifying the required infrastructure to serve the program area have been completed and the development impact fees for various infrastructure improvements have been finalized based upon the estimated costs. The adoption of the development impact fees and the Finance and Implementation Plan will initiate the development process for the Ellis Program area.

DISCUSSION

Background

The Ellis program area consists of approximately 320 acres of 2,250 residential units with commercial and storage areas. The Ellis Program Area is generally located between Corral Hollow Road and Lammers Road south of Valpico Road as shown in Exhibit A.

The Ellis Program Area Finance and Implementation Plan (FIP) is comprised of two elements: (1) The Finance Plan is essentially a summary of the means by which Ellis Specific Plan properties will use fee financing to pay for public facilities; (2) the Implementation Plan which identifies the timing of construction of the required public facilities, is based upon the timing of anticipated revenue from this development. A copy of the FIP is on file with the City Engineer and is attached per Exhibit B.

Ellis Program Area technical analysis, reports, studies and impact fees for Roadways, Water, Wastewater, Storm, Recycled Water, Parks and Public Buildings have been completed by City consultants. The Recycled Water studies are part of the Citywide Water Master Plan already completed and approved by City Council in January 2013. The following technical analysis, reports and studies were completed to identify the infrastructure improvements required to serve the Ellis program area:

- Ellis Program sub basin Final Storm Drainage Technical Report by Storm Water Consulting, September 2012.
- Ellis Specific Water System Analysis-Technical Memorandum by West Yost, August 14, 2013.
- Ellis Program Wastewater Analysis, Finance and Implementation Program fees by CH2MHILL, August 14, 2013.

- Ellis Program Area Traffic Impact fees by Harris & Associates, December 2012.
- Ellis Program Area Public Building Study by Harris & Associates, December 2012.
- Ellis Program Area Park Study by Harris & Associates, December 2012.

The City entered in to Professional Services Agreements with various consultants to complete the above studies in early 2008 and thereafter. These studies were recently finalized and completed along with the completion of the Ellis Specific Plan and the Development Agreement.

Development Impact Fees

In preparing the development impact fees, the City has been consistent with the procedural and substantive requirements of the Mitigation Fee Act (also known as AB1600) as set forth in the above technical analysis, reports, and studies. The findings and conclusions for each infrastructure fee are summarized in each individual analysis report. The traffic fees are based upon the project mitigations identified in the Ellis Specific Plan Environment Impact Report completed by Fehr and Peers.

The fees have been calculated from the estimated cost of fair share improvements required for Ellis Program area. The estimated cost includes the construction costs and soft costs (markups), which include the cost of design, construction management (including inspection), construction contingencies, and program implementation. The total fair share cost of the infrastructure element was divided by the development units to calculate the per unit fee. The development units are the specific type of developments and their usage or impacts to the overall infrastructure system. The technical studies used the following markups:

- 10% Design
- 10% construction management and inspection
- 15% construction contingencies
- 5% Program Implementation / Management

The Ellis Program area is responsible for its fair share of impacts to the Tracy Storm Drainage, Water, Wastewater, Recycled Water, Traffic, Parks and Public Building Systems as described in the above reports. Ellis Program property owners will pay their fair share at the building permit stage or as agreed per the Development Agreement between Ellis Development and the City. The development impact fees for various infrastructure elements are listed below, except the recycled water fee which was analyzed as a part of a separate Citywide Water Master Plan fee, and is essential for all new developments to comply with the state mandate for reduction of water consumption. The recycled water fee is listed in this agenda item to identify all development impact fees for the Ellis Program; however, its analysis and AB 1600 nexus findings will be considered for adoption by City Council as a separate item. Thus, the recycled water fee will become effective only after adoption of the Citywide Water Impact fees by City Council and meeting the timing requirements.

	Public Buildings[1]	Traffic	County Traffic	Waste-water[4]	Water	Recycled Water[4]	Storm Drain	Parks & Recreation	Total Fee[2,3]
Residential (per unit)									
RML	$3,479	$3,121	$1,500	$8,337	$ 7,936	$ 2,654	$ 1,797	$8,128	$36,953
RMM	$2,846	$3,121	$1,500	$6,753	$ 5,714	$ 2,282	$ 981	$6,651	$29,849
RMH	$2,319	$1,498	$720	$5,586	$ 4,047	$ 1,539	$ 2,229	$5,419	$23,358
Non-residential (per acre)									
Commercial	$ 2,369	$49,625	$ -	$43,352	$ 33,014	$ 14,942	$ 23,836	$ -	$164,769
Storage	$ 2,369	$ 13,595	$ -	$3,168	$ 33,014	$ 14,942	$ 6,691	$ -	$71,410

1. Public Building fees for commercial zoning assumed 180,000 Sq. Ft. of commercial buildings over 35.6 acres
2. Residential per unit, commercial per acre
3. Fees do not include school, habitat mitigation, county fees, etc.
4. Fees are from Citywide Master Plans

Ellis Finance and Implementation Plan

The Ellis Finance and Implementation Plan (FIP) identify the public facilities, which are the responsibility of the Ellis development. These facilities are the result of various technical analysis, reports, and studies prepared for the Ellis development and are made part of the Ellis FIP. Ellis will pay its fair share of infrastructure costs through development impact fees. It also shows a phasing schedule when the “program” public facilities are currently planned to be constructed to maintain City standards.

After completion of Ellis infrastructure studies, City has completed and approved Citywide Infrastructure Master Plans for developments beyond Ellis program area. However, City has not adopted citywide development impact fees. Since some of the infrastructure improvements of Ellis program area will overlap the citywide developments, Ellis FIP and development impact fees may be revised with updated scopes of projects/facilities which are the responsibilities of Ellis.

Finance Plan

The entire Ellis FIP is based on an estimated build out schedule of the Ellis Program Area. Since the FIP is based on estimates, the absorption rate and impact fees will be subject to annual reviews and updated to reflect the actual development and actual costs of construction. Annual adjustments will be subject to City Council approval.

Implementation Plan

The Ellis Program Area FIP relates to the collection of impact fees for the program infrastructure. It identifies capital improvement project priorities and forecasts the cash flow requirements for design and construction. Cash flow is directly related to absorption rates and, therefore, capital improvement projects that require funds be collected from impact fees are limited to fees actually collected. The Implementation Plan will be subject to annual updates approved by City Council concurrently with the Finance Plan

to reflect current and projected absorption rates, revised capital improvement project priorities, and available funding.

STRATEGIC PLAN

This agenda item support objective 1.c of the Economic Development Strategic Plans in ensuring quality infrastructure to meet future development needs.

FISCAL IMPACT

There is no fiscal impact on the General Fund. Development impact fees for the Ellis Program Area are paid by the developer to fund the infrastructure improvements.

RECOMMENDATION

That City Council adopts and approve, by resolution:

1) The Roadways, Water, Wastewater, Storm, Recycled Water, Parks and Public Building Development Impact Fees for Ellis Program development as set forth in the resolution;

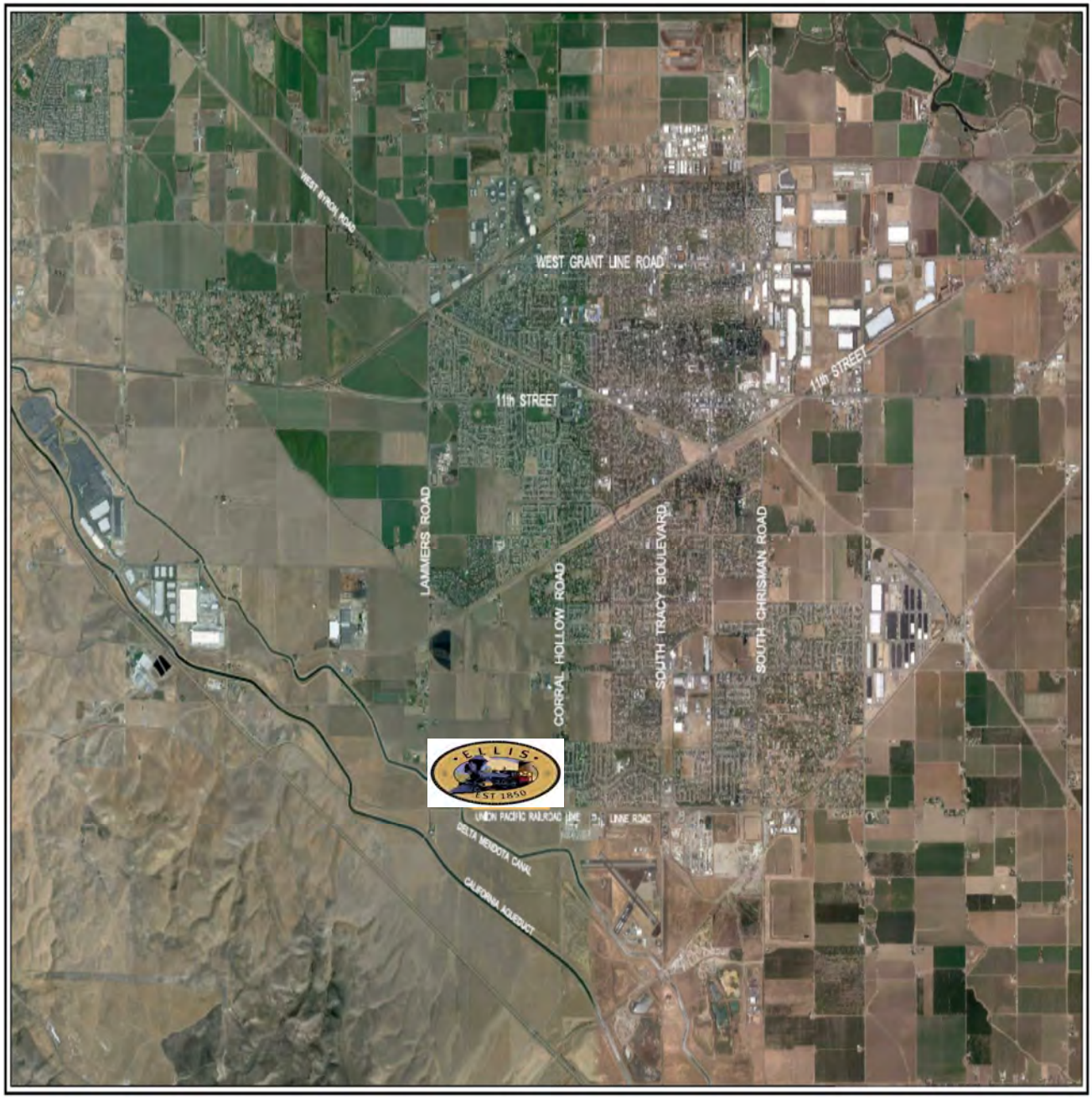
2) The Ellis Program Finance and Implementation Plan, including infrastructure technical analysis, reports, studies, and Ellis Program Capital Improvement Plan, as set forth in Attachment "B".

Prepared by: Kul Sharma, City Engineer
Reviewed by: Andrew Malik, Development Services Director
Approved by: R. Leon Churchill, Jr., City Manager

ATTACHMENTS

Attachment A – Ellis Location Map
Attachment B – Finance Implementation Plan, including Infrastructure Technical Analysis, Reports, and Studies

Attachment A



Attachment B

City of Tracy

Ellis Program Area Finance and Implementation Plan

Approved by City Council
Resolution Number 2013-XXX
August 20, 2013

Prepared by:

Harris & Associates

*Shaping the future, One project at a time*SM

City of Tracy
Ellis Program Area
Finance and Implementation Plan

TABLE OF CONTENTS

INTRODUCTION **1**

Purpose of Report 1
Project Description 1
Land Uses 2
Phasing 4
Finance and Implementation Plan Summary 4

PROJECT INFRASTRUCTURE **5**

IMPACT FEES **7**

Absorption 7
Fee Revenues 7

CAPITAL IMPROVEMENT PROGRAM **8**

Group 71: Public Buildings 9
Group 72 & 73: Traffic Improvements 11
Group 74: Wastewater Improvements 17
Group 75: Water & Recycled Water Improvements 20
Group 78: Parks & Recreation 32
Group 79: Program Management 35

APPENDIX A: ABSORPTION **36**

APPENDIX B: CAPITAL IMPROVEMENT PROGRAM **38**

APPENDIX C: TECHNICAL STUDIES **43**

List of Figures

Figure 1 - Vicinity Map 1
Figure 2 - Ellis Specific Plan Area 2
Figure 3 - Ellis Program Area Land Uses 3
Figure 4 - Wastewater Layout 18
Figure 5 – Water Phasing Plan 23
Figure 6 – Initial Phase 1 Water Infrastructure 24
Figure 7 –Phase 1 Water Infrastructure 25
Figure 8– Phase 1 Water Infrastructure 26
Figure 9 – Storm Drainage Layout 30

List of Tables

Table 1 - Ellis Program Area Land Use 3
Table 2 - Obligation by Improvement Category 6
Table 3 - Fees by Land Use 7
Table 4 – Ellis Public Building Fee Summary 9
Table 5 - Ellis Public Building Fee Breakdown by Facility 10
Table 6 - Summary of Ellis Intersection Costs 12
Table 7 - Summary of Ellis Road Costs 14
Table 8 - Traffic Fee Calculation 15
Table 9 - Traffic Fee 16
Table 10 - Ellis Traffic Obligation 16
Table 11 - Summary of Wastewater Improvements 17
Table 12 - Wastewater System Fee 19
Table 13 - Water Project Costs 21
Table 14 - Potable Water Fee 27
Table 15 - Recycled Water Fee 27
Table 16 - Storm Drainage Project Costs 28
Table 17 - Storm Drainage Fees 31
Table 18 - Park Obligation 32
Table 19- Required Acreage Calculation 32
Table 20 - Neighborhood Park Cost 33
Table 21 - Community Park Cost 34
Table 22 - Park Fee Summary 34
Table 23 - Program Management 35

INTRODUCTION

Purpose of Report

This Finance Plan offers a strategy to finance the infrastructure and public facilities necessary to serve the Ellis Program area. The infrastructure needed to serve the area is identified in this report along with Ellis' fair share of the facilities and the resulting fees required to mitigate the impacts of the Ellis development.

Project specific infrastructure for the Ellis Program Area, including traffic, storm drain, wastewater, water, recycled water, public buildings and parks, is estimated to cost approximately $72 million. The infrastructure costs are in addition to in-tract improvements that are expected to be privately funded by the developer. In-tract improvements are not addressed in this report.

Project Description

The Ellis Program Area (Ellis) is located between Lammers Road and Corral Hollow Road along the north side of the Union Pacific rail line as shown in Figure 1.

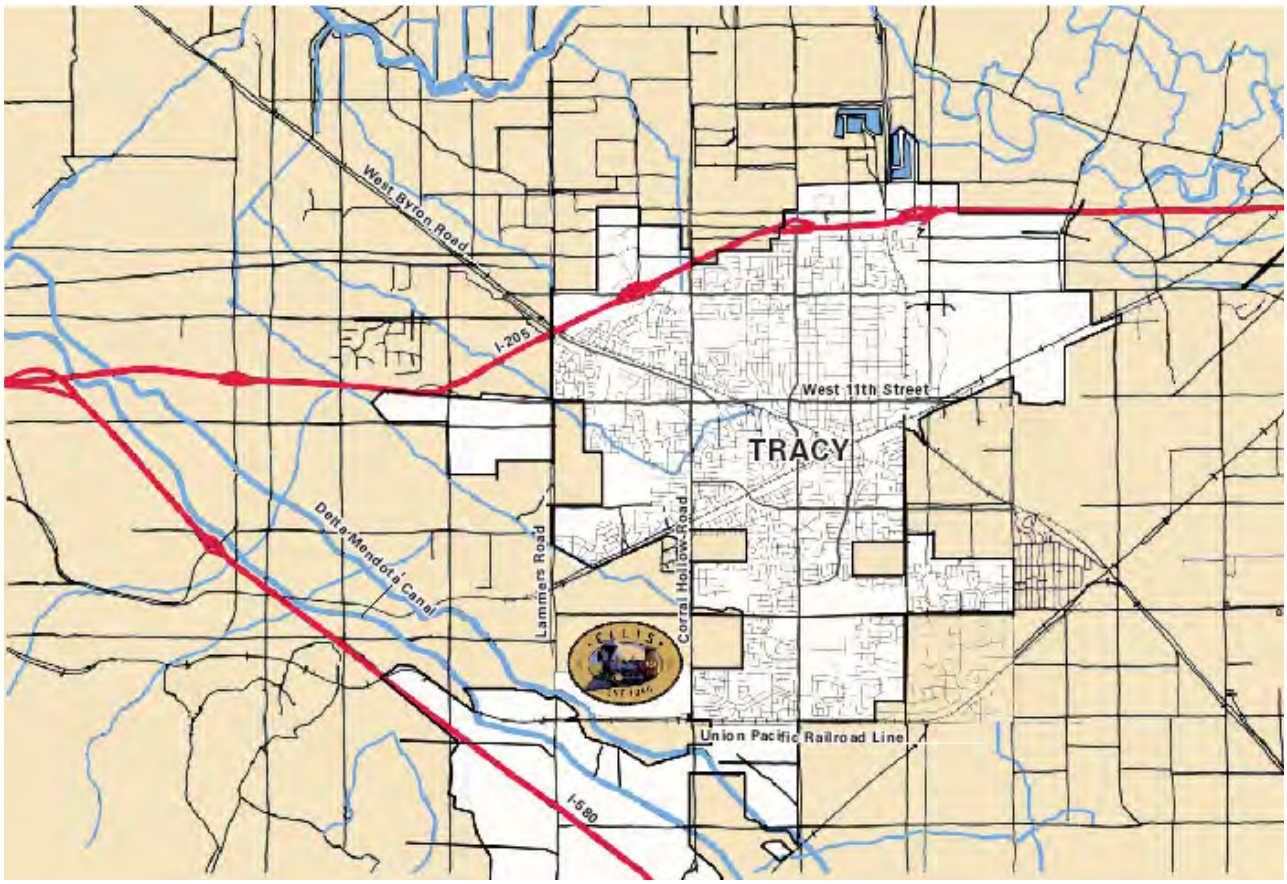


Figure 1 - Vicinity Map

Development within Ellis is expected to include a mix of residential mixed low density (RML), residential mixed medium density (RMM) and residential mixed high density (RMH), a Village Center, a commercial site, and a limited use commercial area that is planned to be a storage unit. The community will be pedestrian friendly and these uses will be within walking distance of one another. Figures 2 show the Ellis Program Area.

Figure 2 - Ellis Specific Plan Area

Land Uses

At build out, Ellis is expected to include a mix of residential mixed low density, residential mixed medium density and residential mixed high density units, a Village Center, a commercial site, and a limited use commercial area. Both the residential mixed low and residential mixed medium landuses are anticipated to be comprised of single family homes of varying lot size. Only the residential mixed high was analyzed as a multi-family dwelling unit. Figure 3 shows the Ellis program area and the various land uses that are anticipated.

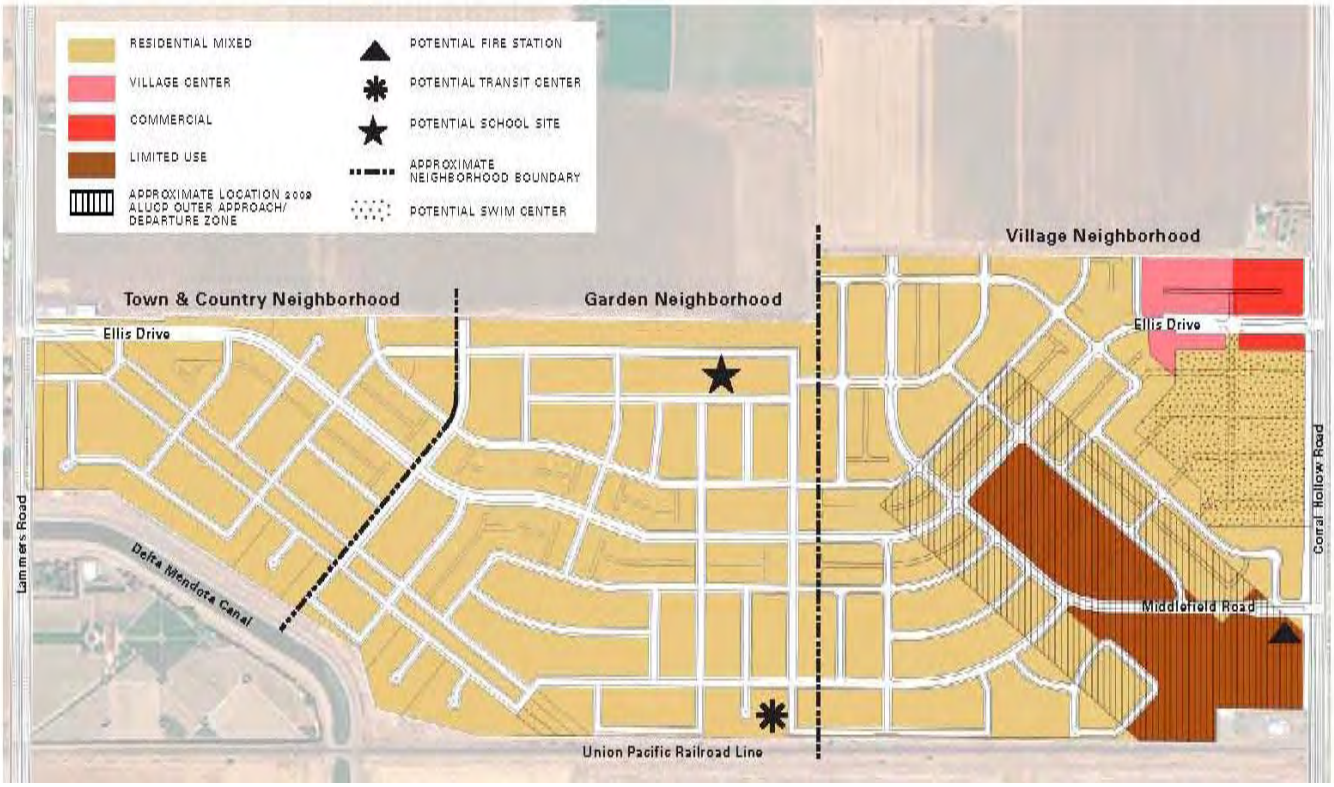


Figure 3 - Ellis Program Area Land Uses

The number of residential units as well as the anticipated square footage of non-residential is summarized in Table 1. These landuse assumptions form the basis for the technical studies that were completed for the area and in determining the total funds anticipated to be collected from the Ellis program area at buildout.

Table 1 - Ellis Program Area Land Use

	Assumed Number of Dwelling Units (DU)	Square Footage (sq ft)
Overall - Ellis Project		
Residential Mixed Low (RML)	505	
Residential Mixed Medium (RMM)	1,705	
Residential Mixed High (RMH)	40	
Village Center		60,000
Commercial (General)		40,000
Limited Use (Storage)		80,000
Overall Total - Ellis Project	**2,250**	**180,000**

Phasing

Development in the Ellis Program Area is anticipated to occur in three phases, primarily by neighborhood. It is anticipated that Phase 1 will be Village Neighborhood, Phase 2 the Garden Neighborhood and Phase 3 the Town & Country Neighborhood. The phases are illustrated on Figure 3 above. It is expected that the build out of the neighborhoods will overlap.

Finance and Implementation Plan Summary

A variety of specific capital improvement projects are outlined in the Finance and Implementation Plan (FIP). The infrastructure projects listed in this FIP are funded by development impact fees paid at the issuance of building permits. As development progresses, the timing and mix of costs and funding sources may change. Since the Ellis Program Are will be sharing major infrastructure improvements such as recycled water and wastewater conveyance improvements with other developments within the Citywide Infrastructure Master Plans, the Ellis Program Finance and Implementation Plan may be amended or superseded in the future as mutually agreed to between the City of Tracy and the Ellis Project. No debt financing was assumed in the capital improvement program for the Ellis Program Area.

Note that the FIP does not account for all the fees required by other public agencies or for regional purposes, such as school fees, habitat mitigation, or County Facilities Fee. Habitat mitigation fees are per gross acre payable at final map recordation.

In summary, this FIP does the following:

- Describes the proposed land uses
- Discusses the phasing plan for the project
- Summarizes the public facilities required to serve future development in the project
- Presents the costs of required facilities and allocates the costs to the proposed land uses
- Identifies the development impact fees
- Provides a guideline for the implementation of the Financing Plan

PROJECT INFRASTRUCTURE

The infrastructure required for new development in the Ellis Program Area includes traffic, storm drain, wastewater, water, and recycled water as well as public buildings and parks. This FIP addresses only the costs of project-specific backbone infrastructure. In-tract infrastructure is not addressed in this report.

The infrastructure requirements and associated costs within the Ellis Program Area were defined in technical studies which were prepared by the City's technical consultants and are included in their entirety as appendices. The technical studies and their authors are:

- "Ellis Program Sub-Basin Final Storm Drainage Technical Report" by Storm Water Consulting, September 2012.
- "Ellis Specific Plan Analysis Technical Memorandum" by West Yost, August 14, 2013.
- "City of Tracy Ellis Program Wastewater Analysis Finance and Implementation Program (FIP) Draft Fees" by CH2MHill, December 2012, updated August 2013.
- "Ellis Program Area Traffic Impact Fees" by Harris & Associates, December 2012.
- "Ellis Program Area Public Building Study" by Harris & Associates, December 212.
- "Ellis Program Area Parks Study" by Harris & Associates, December 2012

The technical studies identify the infrastructure required to mitigate Ellis' impacts and the associated cost estimates and development impact fees. A mark up of 40% is applied to infrastructure costs to account for soft costs such as contingencies, engineering, and administration. The breakdown of these mark ups is below:

10%	design
10%	construction management
15%	contingency
5%	program implementation

A summary of the project cost by Infrastructure is shown in Table 2 below. The costs for individual infrastructure components within the project are described in the sections following. The scope of specific improvements identified in this finance and implementation plan are not subject to change without the mutual agreement of the City of Tracy and Ellis.

Table 2 - Obligation by Improvement Category

Land Use	Public Buildings	Traffic	Wastewater	Water	Recycled Water	Storm Drain	Parks & Recreation	Total Obligation
Residential								
low	$ 1,756,908	$ 1,360,167	$ 2,323,440	$ 3,564,207	$ 1,340,270	$ 907,594	$ 4,104,857	$ 15,357,443
medium	$ 4,853,240	$ 4,592,247	$ 7,965,726	$ 10,348,905	$ 3,891,560	$ 1,673,440	$ 11,339,159	$ 44,664,277
high	$ 92,774	$ 51,713	$ 223,432	$ 163,742	$ 61,573	$ 89,154	$ 216,758	$ 899,146
Villlage Mixed Use[1]	TBD	$ 567,392	$ 4,226,859	$ 2,276,890	TBD	$ 254,256	TBD	$ 7,325,397
Non-residential								$ -
Commercial	$ 84,352	$ 1,053,496	$ 950,418	$ 1,076,835	$ 367,574	$ 586,361	$ -	$ 4,119,036
Storage		$ 24,241		$ 357,621	$ 164,362	$ 73,598	$ -	$ 619,822
Total Ellis Obligation	**$ 6,787,273**	**$ 7,649,256**	**$ 15,689,875**	**$ 17,788,200**	**$ 5,825,339**	**$ 3,584,403**	**$ 15,660,774**	**$ 72,985,120**
Outside Funding Sources		$ 5,550,000						$ 5,550,000
Total Funding	**$ 6,787,273**	**$ 13,199,256**	**$ 15,689,875**	**$ 17,788,200**	**$ 5,825,339**	**$ 3,584,403**	**$ 15,660,774**	**$ 78,535,120**

[1] The fees for the Village Mixed Use will be determined once the exact landuse is known.

IMPACT FEES

The cost of the infrastructure burden shown above is shared by the various land uses, based on proportional demand from each land use. The development impact fees are summarized below in Table 3. An annual ENR adjustment using the San Francisco Construction Cost Index will be made to the fees on January 1st of each year. In addition, the City will do a more detailed update as needed to update all project costs, development assumptions, completed projects and ultimately to calculate new development impact fees. Development impact fees will be paid either at Certificate of Occupancy or at the time of the building permit as set forth in the approved Development Agreement (DA) for the project.

Table 3 - Fees by Land Use

	Public Buildings[1]	Traffic	County Traffic	Wastewater[4]	Water	Recycled Water[4]	Storm Drain	Parks & Recreation	Total Fee[2,3]
Residential (per unit)									
RML	$3,479	$2,693	$1,500	$8,337	$ 7,058	$ 2,654	$ 1,797	$8,128	$35,647
RMM	$2,846	$2,693	$1,500	$6,753	$ 6,070	$ 2,282	$ 981	$6,651	$29,777
RMH	$2,319	$1,293	$720	$5,586	$ 4,094	$ 1,539	$ 2,229	$5,419	$23,199
Non-residential (per acre)									
Commercial	$ 2,369	$42,825	$ -	$43,352	$ 39,736	$ 14,942	$ 23,836	$ -	$164,691
Storage	$ 2,369	$ 2,693	$ -	$3,168	$ 39,736	$ 14,942	$ 6,691	$ -	$67,230

[1]Public Buildings fees are per building SF, the fee shown assumed only 180,000 SF of building over 35.6 acres as provided by the developer.

[2]Residential: per unit, Commercial: per Ac

[3]Fees do not include school fees, habitat mitigation fees, county fees, etc.

[4]Fees are from the 2013 Citywide Mater Plan.

Absorption

While an absorption schedule is simply an estimate of unpredictable future events, it is a critical assumption that drives the entire financing strategy. The timing of fee revenues, phasing of facilities, and every other component of an analysis that accounts for timing issues, are dependent on the absorption schedule. Facilities funded with fee revenues will be constructed only as fee revenues become available. The estimated absorption schedule is included in Appendix A, Table 1.

In some cases, developers will be required to build infrastructure up-front and will receive reimbursements or credits as established through agreement with the City. Building permits expire twenty four (24) months from their date of issuance to the Ellis Program Area.

Fee Revenues

By the end of build-out, estimated to occur in 2023, approximately $72 million will be collected through the fee program to fund the infrastructure identified in this FIP.

CAPITAL IMPROVEMENT PROGRAM

The City of Tracy adopts an annual Capital Improvement Program and Capital Budget for each fiscal year. The Capital Improvement Program is the City's comprehensive multi-year plan for the development of the City's capital facilities and improvements. The Ellis Program has the obligation to mitigate its impacts by providing new or expanded facilities. The Ellis Program improvements, as described in this document as various CIP projects, will be added to the City's Capital Improvement Program. Funding for the CIP projects will come from the Ellis Program development, as described in the Ellis Program Finance Plan section of this document.

The format for the City's Capital Improvement Program involves functional grouping of the CIP projects. All CIP projects of similar types are listed in the same category and, in many cases, are funded from a variety of sources. The CIP functional groups that apply to The Ellis projects include the following:

Group 71: General Government & Public Safety Facilities
Group 72: Traffic Safety
Group 73: Streets & Highways
Group 74: Wastewater Improvements
Group 75: Water Improvements
Group 76: Drainage Improvements
Group 78: Parks
Group 79: Project Management

Group 71: Public Buildings

Projects within the Ellis Program Area will pay a Public Building development impact fee at Building Permit for CIP projects described in this section. The Ellis Program Area's obligation is based on a report titled "Ellis Program Area Public Building Study" by Harris & Associates, dated December 2012 and adopted concurrently with this FIP. The Harris report is based on the Citywide Public Building Fee which was last updated on April 3, 2012 with the Infill report.

The 2012 calculated cost per capita is $1054 for residential development and $235 for non-residential development. This cost per capita is converted into a fee for each land use based on assumed densities of 3.3 people per residential mixed low density unit, 2.7 people per residential mixed medium density unit, 2.2 people per residential mixed high density unit, one worker per 300 square feet in office land use and one worker per 500 square feet in commercial land use. The Ellis Program Area "Public Building Fees" will be collected into one fund account. Table 4 below summarizes the fees and revenue to be collected under this fee:

Table 4 – Ellis Public Building Fee Summary

	Fee Per Capita	People per Dwelling Unit	Fee Per Residential dwelling unit or 1000 SF Commercial	Fee per Residential Dwelling Unit or SF Commercial	Number of Residential Dwelling Unit or SF Commerical	Buildout Obligation
Residential						
RML	$ 1,054.25	3.3	$ 3,479	$ 3,479	505	$ 1,756,908
RMM	$ 1,054.25	2.7	$ 2,846	$ 2,846	1,705	$ 4,853,240
RMH	$ 1,054.25	2.2	$ 2,319	$ 2,319	40	$ 92,774
Total Residential:					**2,250**	**$ 6,702,922**
Commercial/Storage			$ 469	$ 0.47	180,000	$ 84,352
Total:						**$ 6,787,273**

Notes:
Citywide fee from *Citywide Fee Update* prepared by Harris & Associates, adopted on April 3, 2012

Table 5 shows the Public Building Fee breakdown by facility. The various components were calculated using the methodology in the currently adopted Citywide Public Building Fee Study. Funding from Ellis will be credited to specific projects once the new Citywide Public Building and Public Safety Master Plans are completed. Should the Ellis program dedicate land to the City for the construction of a fire station or other public facility, the value of the land and any construction costs incurred by the developer can be used to off-set the development impact fees.

Table 5 - Ellis Public Building Fee Breakdown by Facility

CIP #	Project	Project Cost	Program Management	Total Cost
71PP-xx	City Hall & Public Works Facilities	$ 2,466,434	$ 91,349	$ 2,557,784
71PP-xx	Community Center	$ 1,206,812	$ 44,697	$ 1,251,509
71PP-xx	Library	$ 1,118,404	$ 41,422	$ 1,159,826
71PP-xx	Public Safety Facilities	$ 1,753,220	$ 64,934	$ 1,818,154
Total Obligation		**$ 6,544,870**	**$ 242,403**	**$ 6,787,273**

Group 72 & 73: Traffic Improvements

Ellis Program Area will pay a traffic development impact fee at building permit for CIP projects described in this section. The projects are detailed in the October, 2012 report titled "Ellis Program Area Traffic Impact Fees" by Harris & Associates, which will be adopted concurrently with this Finance Plan.

Fehr and Peers prepared a memo titled "Project Proportional Share Calculations for Ellis Specific Plan Traffic Mitigations" dated December, 2012. This memo identified Ellis' fair share contribution towards citywide intersection and road improvements. Harris & Associates prepared cost estimates for each of these improvements and calculated Ellis' fair share contribution towards each project based on the percentage responsibility from Fehr and Peers' memo.

The description of each of these projects and their associated costs are shown in Table 6:

Table 6 - Summary of Ellis Intersection Costs

CIP No.	Location	Improvements	Project Cost	Program Management	Total Cost
72PP-XXX	Patterson Pass/I-580 EB	Signalize. Widen EB approach to provide 1 LT and 1 TR lane, Widen NB approach to provide 1 Thru and 1 RT lane, Widen SB approach to provide 2 LT and 1 Thru lane	$ 23,381	$ 866	$ 24,247
72PP-XXX	Patterson Pass/I-580 WB	Signalize. Widen WB approach to provide 1 TL and 1 RT lane. Widen SB approach to provide 1 thru lane and 1 RT lane.	$ 57,162	$ 2,117	$ 59,279
72PP-XXX	Corral Hollow/I-580 EB	Signalize. Widen EB approach to provide 1 LT and 1 TR lane. Widen NB approach to provide 1 thru lane and 1 RT lane, Widen SB approach to provide 1 LT lane and 2 Thru lanes.	$ 52,608	$ 1,948	$ 54,556
72PP-XXX	Corral Hollow/I-580 WB	Signalize. Widen WB approach to provide 1 TL and 1 RT lane, Widen NB approach to add 1 Thru lane, widen SB approach to provide 2 thru lanes and 1 RT lane.	$ 58,453	$ 2,165	$ 60,618
72PP-XXX	Lammers Rd./Valpico	Signalize, Widen WB approach to provide 1 LT and 1 RT lane, Widen NB approach to add 2 thru lanes, widen SB approach to provide 1 SB LT and 3 thru lanes.	$ 314,019	$ 11,630	$ 325,649
72PP-XXX	Lammers Rd./Schulte Rd.	Signalize. Widen EB approach to provide 1 LT and 1 TR lane, add WB approach to 1 LT and 1 TR lane, widen NB approach to add 1 thru lane and 1 TR lane, widen SB approach to add 1 TL and 1 Thru lane.	$ 675,035	$ 25,001	$ 700,036
72PP-XXX	Corral Hollow/ Linne Rd	Signalize. Convert intersection to T with no EB Approach, widen WB approach to add 1 LT and 1 TR lane, widen NB approach to provide 2 Thru lanes and 1 RT lane, Widen SB approach to provide 1 LT and 2 Thru lanes.	$ 415,304	$ 15,382	$ 430,686
72PP-053	Corral Hollow/Valpico Rd	Signalize & widen SB approach to provide 1 TL and 1 TR Lane	$ 404,482	$ 14,981	$ 419,462
72PP-021	Corral Hollow Rd/Schulte Rd	Widen EB approach to add 1 LT and 1 Thru, Widen WB approach to provide 1 LT, 3 Thru and 1 RT lane, Widen NB approach to provide 2 LT, 3 Thru, and RT lane, Widen SB approach to provide 2 LT, 3 Thru, and 1 RT lane. Convert EB RT from permitted to free, modify signal and adjust phasing.	$ 168,367	$ 6,236	$ 174,603
72PP-XXX	Corral Hollow Rd/Eleventh St	Widen NB approach to add 1 thru Lane, Widen SB approach to add 1 thru lane, Convert EB and WB RT lanes from permitted to free. Modify Signal.	$ 120,697	$ 4,470	$ 125,168
NA	Corral Hollow/Grant Line	Widen EB approach to add 1 LT and 1 Thru Lane, Widen WB approach to provide 2 LT, 3 Thru, and 1 RT lane, Reduce NB LT lanes from 3 to 2, and add 1 Thru lane, Widen SB approach to provide 2 LT, 3 Thru, and 1 RT lane, convert EB RT lane from permitted to free, made new WB and SB RT lanes free.	Project is fully constructed to full ROW		
72PP-XXX	Tracy Blvd/Linne Rd	Signalize. Widen EB approach to provide 2 LT and 3 Thru Lanes, Widen WB approach to provide 1 TL and 1 TR lane, Widen SB approach to provide 1 LT, 2 Thru, and 1 RT lane.	$ 177,088	$ 6,559	$ 183,647
72038	Tracy Blvd/Valpico Rd	Widen EB approach to add 1 thru lane, widen WB approach to provide 1 LT, 2 thru and 1 RT lane, Widen NB approach to provide 1 LT, 2 Thru, and 1 RT lane, Widen SB approach to provide 2 LT, 1 thru, and 1 RT lane. Modify Signal.	$ 57,388	$ 2,125	$ 59,513
72PP-XXX	MacArthur/Linne Rd.	Signalize. Widen EB approach to provide 1 LT, 1 Thru and 1 TR lanes, widen WB approach to provide 1 TL and 1 TR lane.	$ 246,486	$ 9,129	$ 255,615
72037	MacArthur Drive/Valpico Rd	Widen EB approach to add 1 Thru Lane, Widen SB approach to add 1 Thru Lane, Convert WB and NB LT from protected to permitted. Modify Signal.	$ 43,432	$ 1,609	$ 45,041
72PP-XXX	Chrisman/Linne	Widen EB approach to provide 1 TL and 1 TR lane, widen SB approach to provide 1 TL and 1 TR lane.	$ 44,714	$ 1,656	$ 46,370
72PP-XXX	Chrisman/Valpico	Re-stripe to modify NB approach to provide 1 LT and 1 thru lane. Re-stripe to modify SB approach to provide 1 Thur and 1 RT.	$ 1,143	$ 42	$ 1,186
72PP-XXX	Chrisman/Schulte	Modify NB approach to add 1 Thru lane.	$ 370,802	$ 13,733	$ 384,536
72PP-XXX	Chrisman/11th	Convert SB RT from permitted + overlap phasing to permitted.	$ 506	$ 19	$ 525
72024 & 72056	Lammers Road/Eleventh St	Total Intersections:	$ 7,920	$ 293	$ 8,214
72PP-XXX	Byron/Grant Line	Add EB LT, Thru lane and RT lane, Add WB LT, 2 thru and RT. Add NB LT ,1 thru, and 2 RT lanes. Add SB Thru.	Project is in County and project is under implementation by County.		
72PP-XXX	Lammers/I-580 EB	Intersection Improvements[1]	$ 190,909	$ 7,071	$ 197,979
72PP-XXX	Lammers/I-580 WB	Intersection Improvements[1]	$ 332,603	$ 12,319	$ 344,921
		Total Intersections:	**$ 3,762,499**	**$ 139,352**	**$ 3,901,850**
		Grant/RTIF Funding			**$ (1,640,643)**
		Ellis Intersection Total			**$ 2,261,207**

Notes:
[1] Costs taken from TMP masterplan June 2012 and includes ROW
XXX Designates a new project that will need a CIP number assigned to it.
EB = Eastbound; WB = Westbound; NB = Northbound; SB = Southbound
LT = Left-Turn; RT = Right-turn; TR = Through-Right; TL = Through-Left

Project costs for roadways are estimated on a per linear foot basis. The project costs are broken down into two elements, program portion and frontage portion. The frontage portion covers landscaping, sidewalk curb and gutter, and 20 feet of pavement. The program portion includes the center lanes and median. Frontage improvements are constructed by the adjacent development and the program portion is funded through the fee program. However, on certain key roads, the City felt it was necessary for the City to collect money to complete construction of the road from curb to curb and therefore this cost was included in the fee program. The costs shown in Table 7 for Schulte and Lammers Roads include this curb to curb cost consistent with the 2012 Citywide Transportation Master Plan.

A 40% mark-up is included on these costs to include contingency, design, program management and construction management. Right-of-way costs were included at $100,000 per acre which includes both the cost of the land and the costs associated with acquiring the land.

Based on the Fehr and Peers memo discussed above and the construction cost estimates prepared by Harris & Associates, Ellis' fair share contribution towards the citywide road projects was calculated. The projects, descriptions and associated costs, for the roadway mitigation are listed in Table 7:

Table 7 - Summary of Ellis Road Costs

CIP Number	Road	Extents	Improvement	Project Cost	Program Management	Total Cost
73PP-XXX	Valpico Road	Corral Hollow Road to west of Sycamore	Rural to 4 lane Arterial	$ 445,771	$ 16,510	$ 462,281
73PP-XXX	Valpico Road	Tracy Blvd to MacArthur Blvd.	Rural to 4 lane Arterial	$ 147,987	$ 5,481	$ 153,468
73PP-XXX	Schulte Road [1]	New Alignment west of Lammers	New 6 lane roadway	$ 1,631,121	$ 60,412	$ 1,691,533
N/A	Schulte Road	Corral Hollow to Tracy Blvd	Widen to 6 lanes	Project Completed		
73PP-XXX	11th Street	West of Lammers Road	Widen to 6 lanes	$ 442,053	$ 16,372	$ 458,425
73PP-XXX	Grant Line Road	Byron to Corral Hollow	Widen to 6 lanes	$ 413,247	$ 15,305	$ 428,553
73PP-XXX	Lammers Road[1]	I-205 to Eleventh Street realign to new interchange	New 6 lanes expressway	$ 449,368	$ 16,643	$ 466,011
73092		Eleventh Street to Schulte	Widen to 6 lanes	Project Under Construction		
73PP-045		Schulte to Valpico	2 lane rural to 4 lane parkway	$ 858,756	$ 31,806	$ 890,562
73PP-046		Valpico Rd. to Ellis Drive	2 lane rural to 4 lane parkway	$ 875,575	$ 32,429	$ 908,003
73PP-047		Ellis Drive to I-580	2 lane rural to 4 lane parkway	$ 1,302,053	$ 48,224	$ 1,350,278
73102/73103	Corral Hollow Road	Grant Line to Schulte	Widen to 6 lanes	Project Fully Funded by Other projects		
73PP-046		Schulte Road to Valpico Road	2 lanes to 4 lane arterial	$ 432,021	$ 16,001	$ 448,022
73PP-046		Valpico to Ellis Drive	Rural to 4 lane arterial	$ 667,424	$ 24,719	$ 692,144
73PP-046		Ellis Drive to Linne Road	Rural to 4 lane Arterial	$ 406,468	$ 15,054	$ 421,523
73PP-XXX		Linne Road to I-580	Rural to 4 lane Arterial	$ 821,260	$ 30,417	$ 851,677
73PP-XXX	MacArthur Drive	Schulte to Valpico	2 lanes to 4 lane arterial	$ 72,251	$ 2,676	$ 74,927
			Subtotal Roads:	**$ 8,965,355**	**$ 332,050**	**$ 9,297,405**
			Grant/RTIF Funding			**$ (3,909,357)**
			Ellis Road Improvement Total			**$ 5,388,049**

Note:
[1]Curb to curb costs are included in the program cost.
XXX Denotes a new project that will need a CIP number assigned to it.

Based on the road and intersection costs that serve an estimated 2840 EDU's including the aquatic center traffic, the traffic impact fees are calculated as follows:

Table 8 - Traffic Fee Calculation

	Units/Ac	EDU's/Unit	EDU's
RML	505 units	1	505
RMM	1705 units	1	1705
RMH	40 units	0.48	19.2
Village Mixed Use	20 ac	10.53	210.66
Commercial	24.6 ac	15.9	391.14
Storage Unit	9 ac	1.0	9
Total EDU's:			2,840
Intersection Costs			$ 3,901,850
Road Costs			$ 9,297,405
RTIF Funding/Measure K			$ (5,550,000)
Total Ellis Funded Cost			$ 7,649,256
Cost per Unit or Acre			**$ 2,693**
RML Fee	*per unit*		$ 2,693
RMM Fee	*per unit*		$ 2,693
RMH Fee	*per unit*		$ 1,293
Village Mixed Use Fee	*per acre*		$ 28,370
Commercial Fee	*per acre*		$ 42,825
Storage Fee	*per acre*		$ 2,693

It should be noted that the RML and the RMM units pay the same fees which the RMH pays a lower fee. This is due to the fact, that single family versus multi-family is the factor that distinguishes a lower trip generation rate per unit, not the size of the lots. Both our RML and RMM high landuses are assumed to be single-family homes. Only the RMH is assumed to be multi-family.

In addition to the cost of projects to mitigate the impact of the project, the City will also collect a County Fee of $1500 per single family residential dwelling unit and $720 per multi-family residential dwelling unit that will be remitted to the Joint Powers Authority to fund regional transportation improvements as follows:

- $500 of this fee shall be applied to regional transportation improvement projects within San Joaquin County to improve I-205 and I-580.

- $500 of the fee shall be applied to regional transportation improvements projects within San Joaquin County that are specifically recommended by the JPA and implemented for purpose of reducing the number of vehicle trips on either I-205 or I-580 bound for outside San Joaquin County through the County of I-580 or diverting or reducing trips on Corral Hollow/Tesla Road, Patterson Pass Road, and or/Grant Line and the Old Altamont Pass Roads.

- $500 of the fee shall be expended by the JPA solely for purposes of transportation improvement projects or trip reduction projects within Alameda County.

The fee calculation assumes that a portion of the project costs will be paid through funds received through Grant Funding or through County TIF funds. Should this money not be received as anticipated, the fees will need to be updated in the future.

The total traffic fees due at building permit for the Ellis Specific Plan project are shown in Table 9 below:

Table 9 - Traffic Fee

	EDU Factor	City Fee	County Fee	Total Fee
RML	1	$ 2,693	$ 1,500	$ 4,193
RMM	1	$ 2,693	$ 1,500	$ 4,193
RMH	0.48	$ 1,293	$ 720	$ 2,013
Village Mixed Use (per ac)	10.53	$ 28,370	See Note 1	$ 29,870
Commercial (per ac)	15.9	$ 42,825	0	$ 42,825
Storage (per ac)	1.0	$ 2,693	0	$ 2,693

Note 1: Residential Units must pay the fee the County fee. Depending on the specific landuse, the fees for VMU will be determined at the time fees are due.

The total amount that the City will be collecting to fund projects within the City from the Ellis program area is shown in Table 10 below:

Table 10 - Ellis Traffic Obligation

	Units		Fee	Total Cost
RML	505	units	$ 2,693	$ 1,360,167
RMM	1705	units	$ 2,693	$ 4,592,247
RMH Fee	40	units	$ 1,293	$ 51,713
Village Mixed Use	20	ac	$ 28,370	$ 567,392
Commercial	24.6	ac	$ 42,825	$ 1,053,496
Storage Unit	9	ac	$ 2,693	$ 24,241
Total City Fees:				**$ 7,649,256**

Group 74: Wastewater Improvements

Ellis Program Area's obligation for wastewater treatment plant capacity and wastewater conveyance will be financed with development impact fees paid at the time a building permit is issued. The Ellis Program Area's obligation for wastewater treatment and conveyance is based on CH2M Hill's report "City of Tracy Ellis Program Wastewater Analysis Draft Finance and Implementation Program (FIP) Fees", dated Decenber 2012, Updated August 2013 and adopted concurrently with this report. A summary of the obligation for Wastewater Improvements is shown below:

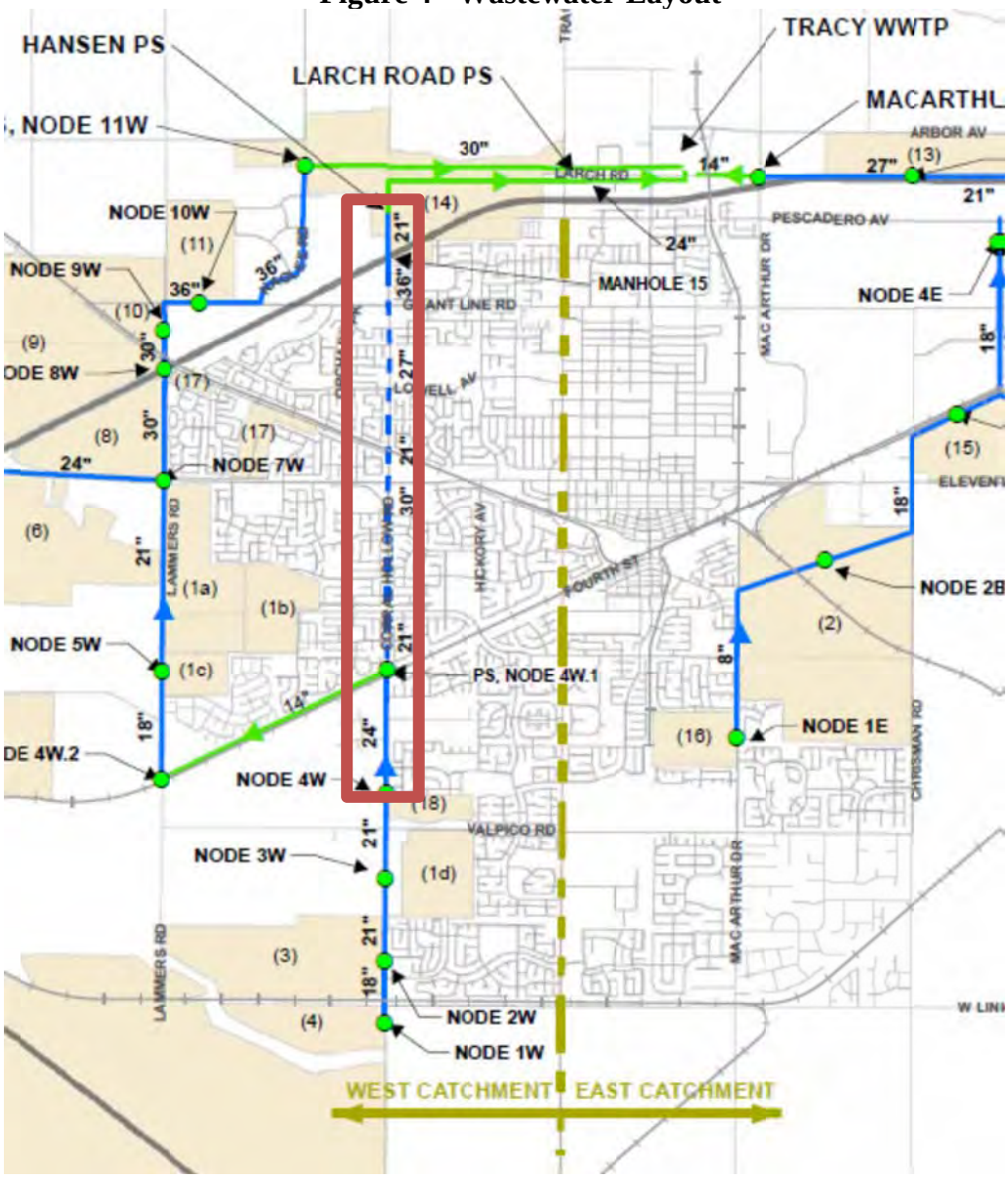
Table 11 - Summary of Wastewater Improvements

CIP #	Project	Project Cost	Program Management	Total Cost
74PP-xx	Corral Hollow Sewer System Improvements	$ 3,186,118	$ 118,004	$ 3,304,123
74PP-xx	Tracy WWTP Expansion Fee	$ 11,943,404	$ 442,348	$ 12,385,752
Total Obligation		**$ 15,129,522**	**$ 560,353**	**$ 15,689,875**
Ellis Wastewater Contibution		**$ 15,129,522**	**$ 560,353**	**$ 15,689,875**

There is limited availability in the Eastside sewer system, until other projects that are designated to discharge to the Eastside sewer system are developed. Ellis could use this available capacity on an interim basis for Storage, the Swim Center, and the first 250 single family units. All other future development is assumed to connect to the Corral Hollow sewer system.

Approximately 12,300 LF of pipe upgrade is needed for the Corral Hollow sewer system to convey the build out flows from the Ellis Program. as shown in Figure 3. The dashed line indicates existing pipeline that needs to be upgraded with a new gravity line. The solid blue line indicates a new gravity line and the green line indicates a new force main is needed. As part of the Ellis project the portion in the red box (the portion from Node 4W north to the Hansen PS) is required as well as upgrades to the Hansen pump station. It is recommended that the upgrades be completed from the downstream end since the capacity is restrained at the downstream portion of the Corral Hollow sewer system.

Figure 4 - Wastewater Layout



The first 550 residential units from Ellis will not pay sewer conveyance fees in accordance with the Ellis Development Agreement. There is enough capacity in the existing Corral Hollow line for the first 330 equivalent single family units, assuming a new sewer line is installed from the Ellis program to the existing Corral Hollow sewer. Beyond the initial 330 units, the Corral Hollow sewer must be improved in accordance with the Tracy Wastewater Masterplan dated March 2012 completed by Ch2MHill.

The Corral Hollow upgrades can be completed as a single project or as a multi-phase project. These two options are described in more detail in CH2MHill's report, "City of Tracy Ellis Program Wastewater Analysis" prepared December 2012 and updated August 2013 and included in the Appendix. For

purposes of the fee calculation, it was assumed that the pipe would be upgraded in one phase as was assumed in the 2013 Citywide master plan. This alternative is the least costly, but requires a higher upfront cost. Should this option not be implemented, wastewater impact fees will need to be updated in the future.

The total wastewater system fee is the sum of the Corral Hollow sewer improvement fee and the Wastewater Treatment Plant improvement fee. The existing Corral Hollow sewer system needs improvements to convey additional wastewater flows from the Ellis Program and other infill projects. Ellis' fair share of these improvements is shown in Table 11 above.

The WWTP expansion from 9 mgd to 21.1 mgd is planned over five or more phases. Ellis will pay the WWTP fee per the 2013 Citywide Master Plan for all units beyond the first 800 equivalent single family homes. The anticipated WWTP fee is shown in Table 12 below. Ellis' contribution towards the WWTP expansion is shown in Table 11.

The Wastewater System improvement fee is shown in Table 12:

Table 12 - Wastewater System Fee

Landuse	EDU Factor	Corral Holllow Upgrade	WWTP Fee	Total Fee Per Unit/Ac
RML	1.0	$ 1,610	$ 6,727	$ 8,337
RMM	0.81	$ 1,304	$ 5,449	$ 6,753
RMH	0.67	$ 1,079	$ 4,507	$ 5,586
Commercial (per ac)	5.2	$ 8,372	$ 34,980	$ 43,352
Storage (per ac)	0.38	$ 612	$ 2,556	$ 3,168

Group 75: Water & Recycled Water Improvements

The Ellis Program Area will be required to construct entirely new water supply, treatment and storage facilities. All development will pay a water fee due at building permit. These water improvements are based on West Yost Associates' report entitled "Ellis Specific Plan Water System Analysis – Technical Memorandum" dated August 14, 2013 and adopted concurrently with this report. This report presents the Ellis Specific Plan area's water system analysis and calculates fair-share water system costs. No excess water system facility capacity exists for Ellis' use, and new supply, treatment plants, pumping plants, transmission mains, and backup generators will be required to provide appropriate water service. The total estimated cost for the facilities is shown in Table 13:

Table 13 - Water Project Costs

CIP #	Item	Unit	Unit Price	QTY	Total Construction Cost	Total Mark-up	Total Cost	Ellis %	Project Cost	Program Management	Total Cost
75PP-XX	City - Side Booster Pump Station Pressure Zone 3 - 6.48 MGD (JJWTP)	ea	$1,852,675	1	$1,852,675	$741,070	$2,593,745	37%	$926,100	$34,300	$960,400
75PP-XX	Clearwell at JJWTP 2.0 MG	ea	$3,251,699	1	$3,251,699	$1,300,680	$4,552,379	63%	$2,760,750	$102,250	$2,863,000
75PP-XX	John Jones Water Treatment Plant Expansion 15.0 mgd	ea	$33,269,046	1	$33,269,046	$13,307,618	$46,576,664	15%	$6,527,250	$241,750	$6,769,000
75PP-XX	Long-term Emergency Groundwater Storage 2,500 gpm	ea	$2,500,000	1	$2,500,000	$1,000,000	$3,500,000	26%	$893,700	$33,100	$926,800
	Land Acquisition	ac	$184,316	0.25	$46,079	$0	$46,079	100%	$44,357	$1,643	$46,000
On-site Backbone Pipelines											
75PP-XX	Water Transmission Line 12" (ESP backbone Phase 1)	LF	$210	8700	$1,827,000	$730,800	$2,557,800	37%	$913,950	$33,850	$947,800
75PP-XX	Water Transmission Line 12" (ESP backbone Buildout)	LF	$210	4370	$917,700	$367,080	$1,284,780	37%	$459,000	$17,000	$476,000
75PP-XX	Water Transmission Line 12"(ESP Backbone - Phase 1 to Valpico Rd)	LF	$210	2615	$549,150	$219,660	$768,810	37%	$274,050	$10,150	$284,200
Water Transmission Mains from JJWTP Z3-City-side BPS											
75PP-XX	Water Transmission Line 24"(JJTP Clearwell to PBS3)	LF	$375	35	$13,125	$5,250	$18,375	37%	$6,557	$243	$6,800
75PP-XX	Water Transmission Line 20"(ESP-JJWTP BPS3 to Corral Hollow Rd and Linne Rd. Phase 1)	LF	$320	9300	$2,976,000	$1,190,400	$4,166,400	37%	$1,487,700	$55,100	$1,542,800
75PP-XX	Water Transmission Line 20"(Corral Hollow Rd and Linne Rd to Middlefield Rd. - buildout)	LF	$320	7950	$2,544,000	$1,017,600	$3,561,600	37%	$1,271,700	$47,100	$1,318,800
75PP-XX	Water Transmission Line 18"(ESP Corral Hollow Rd and Linne Rd to Middlefield Rd - buildout)	LF	$300	705	$211,500	$84,600	$296,100	37%	$105,300	$3,900	$109,200
75PP-XX	Water Transmission Line 18"(ESP-Linne Rd. to Corral hollow Rd. Phase 1 - PZ2 Bypass)	LF	$300	120	$36,000	$14,400	$50,400	36%	$17,550	$650	$18,200
75PP-XX	Water Transmission Line 16"(from existing Clearwell No. 2 to English Oaks)	LF	$230	7705	$1,772,150	$708,860	$2,481,010	37%	$885,600	$32,800	$918,400
75PP-XX	20" Jack and Bore under Delta Mendota Canal	LF	$1,005	458	$460,290	$184,116	$644,406	37%	$229,500	$8,500	$238,000
75PP-XX	20" Jack and Bore (CH and Linne under Railroad)	LF	$1,005	250	$251,250	$100,500	$351,750	37%	$125,550	$4,650	$130,200
Water Transmission Lines to move Portion of Plan C into Zone 3											
75PP-XX	Water Transmission Line 12" (Whirlaway Ln. to Linne Rd.)	LF	$210	563	$118,230	$47,292	$165,522	37%	$59,400	$2,200	$61,600
75PP-XX	12" Jack and Bore (SW Portion of Plan C under RR to Linne Rd.)	LF	$690	150	$103,500	$41,400	$144,900	37%	$51,107	$1,893	$53,000
Valve Connections											
75PP-XX	18" Check Valve Connection at Middlefield Dr.	EA	$84,000	1	$84,000	$33,600	$117,600	37%	$41,850	$1,550	$43,400
75PP-XX	Connection at Middelfield Drive 12" Diameter bypass PZ2 on Corral Hollow, Jack and Bore (SW portion of the Plan C under Corral Hollow	LF	$690	60	$41,400	$16,560	$57,960	37%	$20,636	$764	$21,400
75PP-XX	Pressure Reducing Valve ESP - Phase 1 to Valpico Rd (12-inch Diameter)	EA	$102,000	1	$102,000	$40,800	$142,800	37%	$51,300	$1,900	$53,200
Total:					**$52,926,794**	**$21,152,286**	**$74,079,080**		**$17,152,907**	**$635,293**	**$17,788,200**
Ellis Water Contribution:									**$17,152,907**	**$635,293**	**$17,788,200**
75PP-xx	Citywide Recycled Water Contribution						$5,825,339	100%	$5,617,291	$208,048	$5,825,339
Total Ellis Water/Recycled Water Contribution										**$843,341**	**$23,613,539**

The Ellis Program area is divided into three phases for this water system analysis: Initial Phase 1,Phase 1 and build-out. Ellis Phase 1 consists of approximately 153 acres located on the east side of Ellis. Ellis Phase 1 is divided by the City's existing Pressure Zone 2/3 boundary, with the northern portion (approximately 47 acres which includes a portion of the Village Mixed Use Area within Pressure Zone 2 and the remaining area within Pressure Zone 3 (see Figure 5). The ultimate design for Ellis assumes most of the area will be served as part of Pressure Zone 3. The Initial Phase 1 configuration included construction of approximately 540 homes in Pressure Zone 2 and Pressure Zone3, including the Mixed Village Use area.

The initial residential units located in the Pressure Zone 2 area of Phase 1 can, in the interim, be provided with supply from the existing system and therefore, may be constructed prior to the building of the 2.0 MG clearwell (Phase 1 storage) and 6.48 million gallon per day (mgd) booster pump station infrastructure. If Phase 1 includes any areas within Pressure Zone 3, a Pressure Zone 3 pump will need to be installed.

West Yost evaluated the feasibility of supplying an Initial Phase 1 configuration, which would include all 450 units within the Ellis Phase service area and the Village Mixed Use area as shown in Figure 6. Under this proposed configuration and demand condition, the required fire flow can be supplied to all areas in Phase 1 with the construction of two check valve connections to Pressure Zone 2. To serve this configuration the recommended pipelines, as shown in Figure 6 will be required including the Pressure Zone 3 booster pump at the JJWTP's Clearwell No. 2. Currently, Ellis is planning to implement Initial Phase 1 which includes only the residential units and the Village Mixed Use area.

Previously approved specific plans that have been allotted water in the existing system are not fully built out and do not expect to be completed for several years. Therefore, the City has existing storage capacity on an interim basis available for use. West Yost has assumed that no new storage facility will be constructed to serve the first 450 units in the initial Phase 1 area. Once the initial allotment of 450 units has been reached, or other specified time is agreed to by the City, the Ellis will be required to construct some storage in Pressure Zone 3. It is assumed that Ellis will pursue the option of developing an ASR well on-site or at the JJWTP, in-lieu of construction of an on-site storage tank, or other tank in Pressure zone 3 to meet their emergency storage requirements. Therefore, in addition to the ASR well, Ellis will be required to construct an additional 1.1 MG of active storage (1.2 MG of total storage) to complete build-out. To complete Phase 1, without having to construct an ASR well, it was assumed that Ellis would share in the cost to construct the new 2.0 MG clearwell, Clearwell No. 3 at the JJJWP. Phase 1 build-out would require 0.94 MG of storage or approximately forty-seven (47) percent of the capacity of Clearwell No. 3.

For the initial Ellis Phase 1, the proposed Pressure Zone 3 Pump Station at the JJWTP would serve the area during a peak hour demand condition. Maximum day demands and maximum day demand plus a 1,500 gpm fire can be provided directly from the Pressure Zone 2 system, without additional pumping, however two check valves will be required, see Figure 6.

See Technical Memorandum prepared by West Yost and included in the Appendix of this report for more information. The location and sizes of the facilities required to serve the Ellis Program Area at build-out are shown in Figure 8.

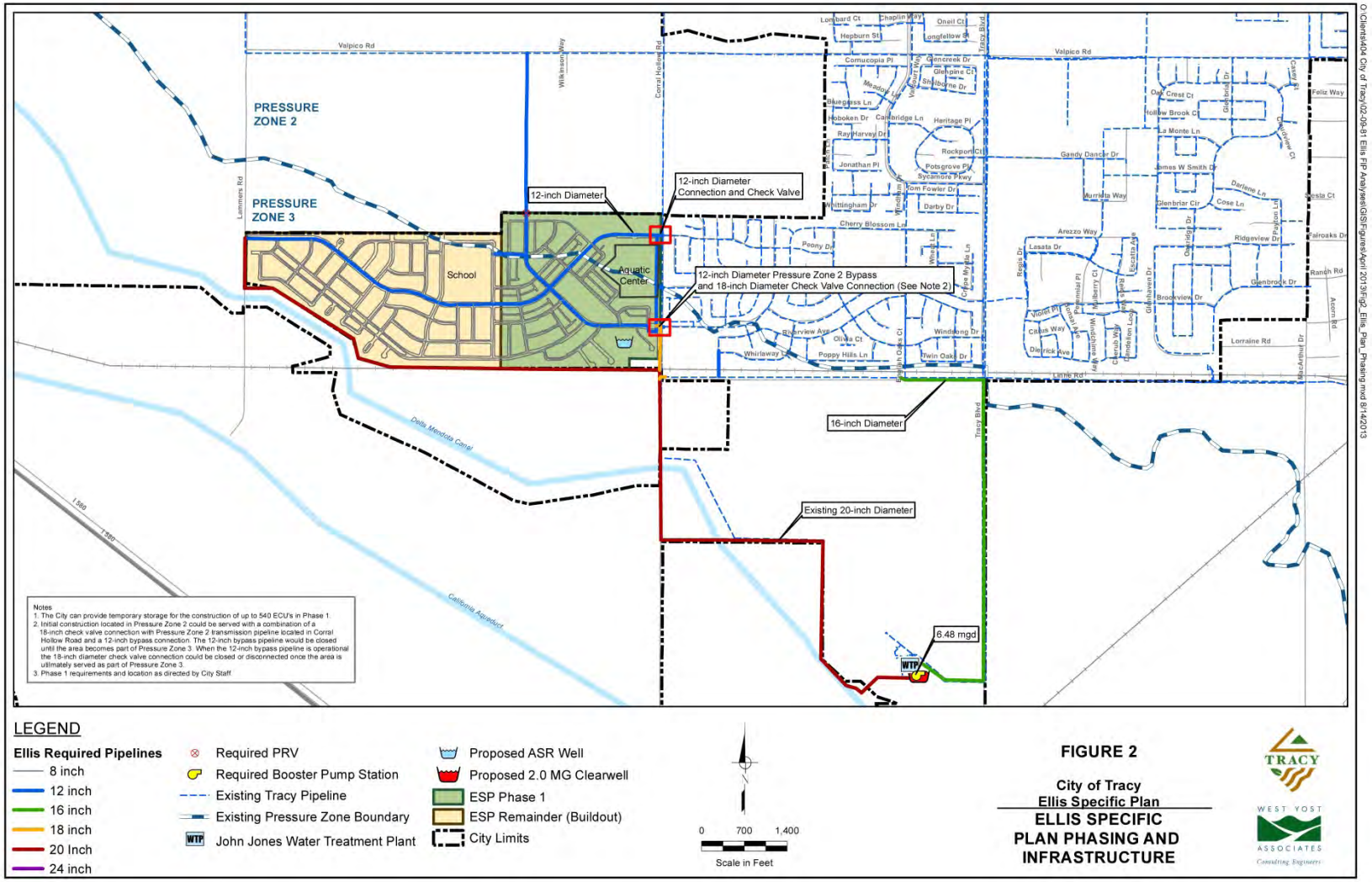


Figure 5 – Water Phasing Plan

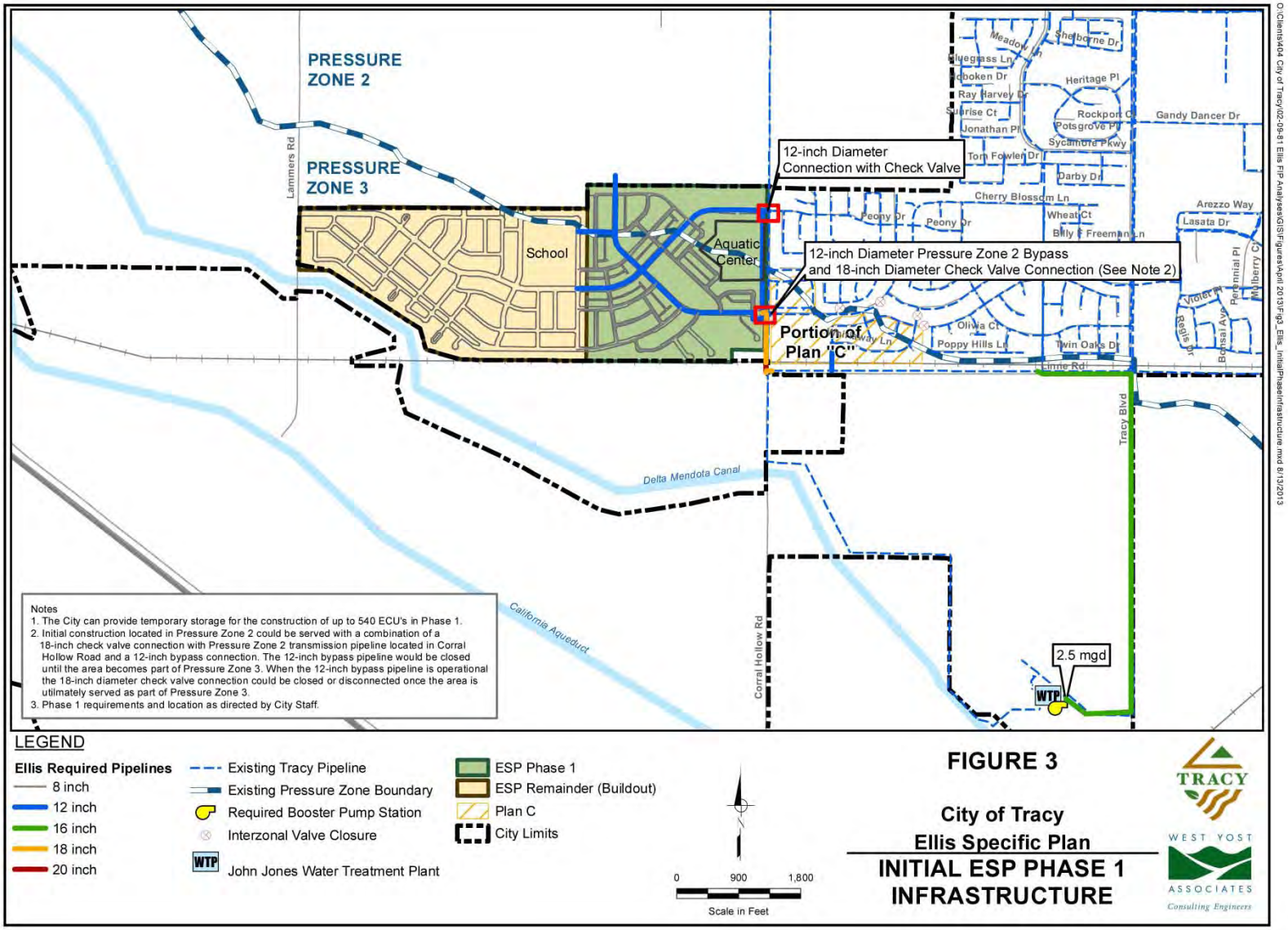


Figure 6 – Initial Phase 1 Water Infrastructure

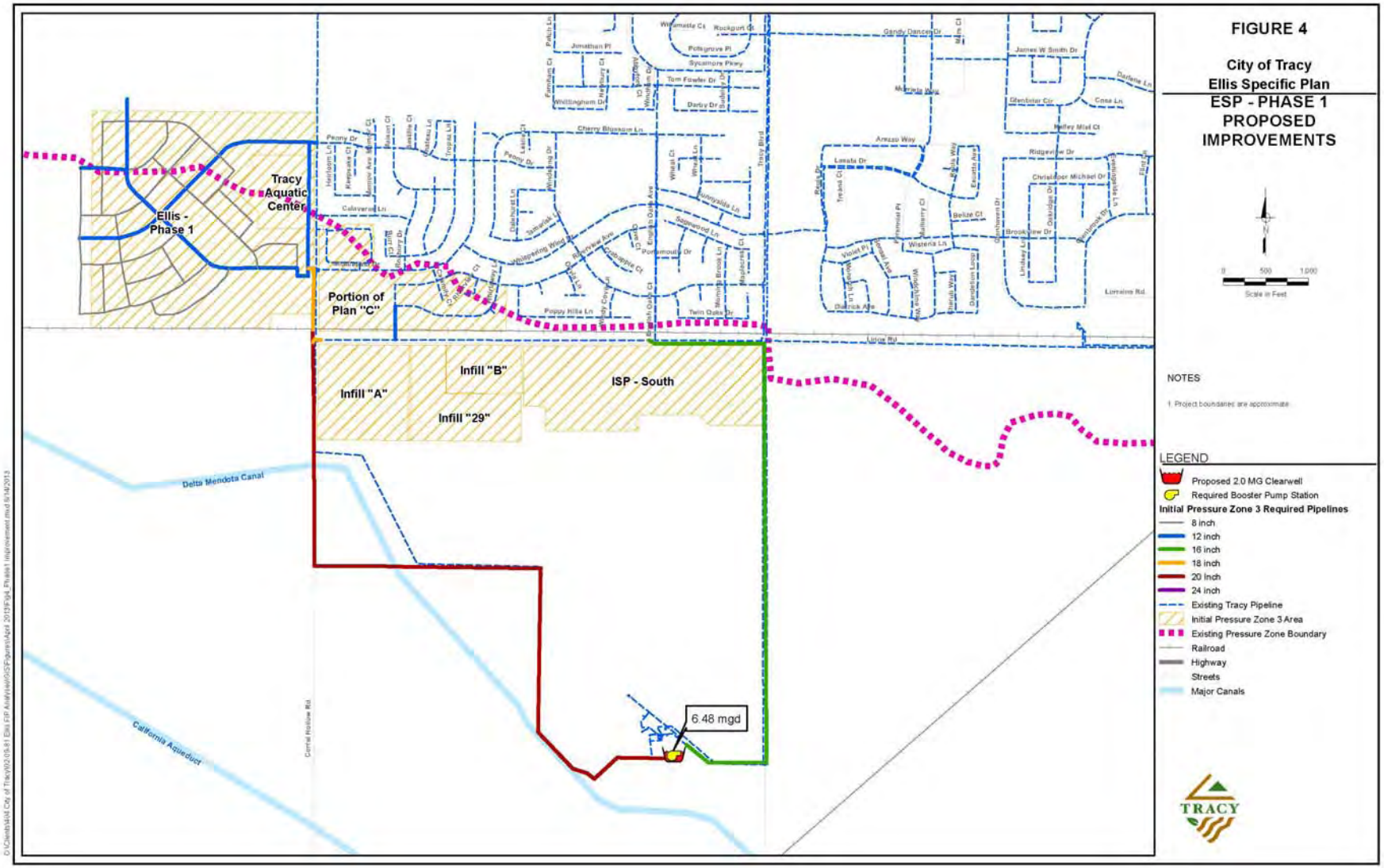


Figure 7 –Phase 1 Water Infrastructure

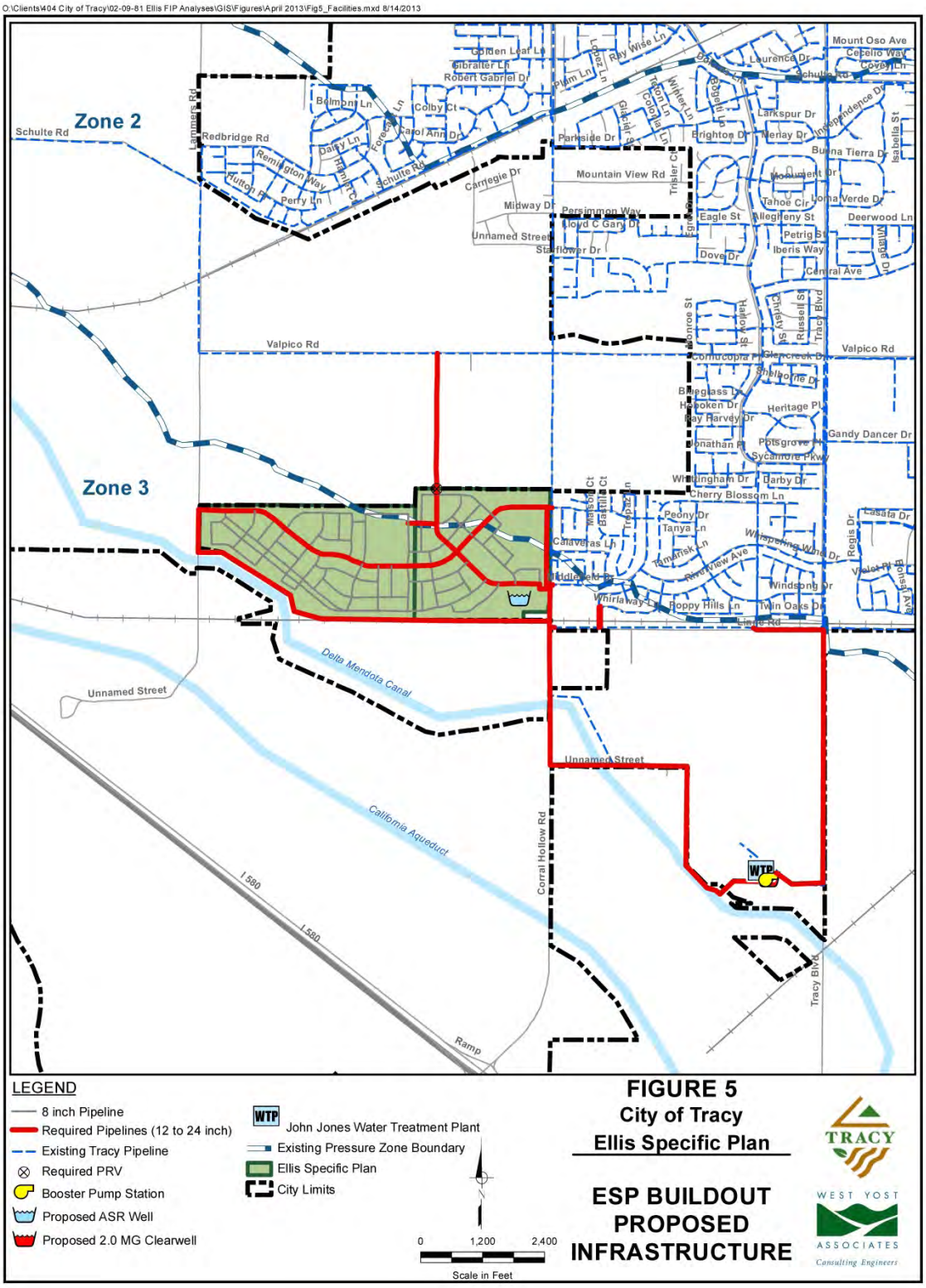


Figure 8– Phase 1 Water Infrastructure

The costs for the projects within ESP are to be paid by each of the projects on a per EDU basis. One EDU is defined as the average day demand for a low-density residential unit and equals 429 gpd. EDUs can be calculated for other land uses on this basis as shown in Table 14. The proposed ESP land uses correspond to a total of 2,198 EDUs.

Table 14 - Potable Water Fee

Landuse	EDU Factor	Supply and Treatment	Infrastructure	Total Potable Water Fee
RML	1	$ 2,686	$ 4,372	$ 7,058
RMM	0.86	$ 2,310	$ 3,760	$ 6,070
RMH	0.58	$ 1,558	$ 2,536	$ 4,094
Commercial (per ac)	5.63	$ 15,121	$ 24,615	$ 39,736
Storage (per ac)	5.63	$ 15,121	$ 24,615	$ 39,736

RECYCLED WATER

Ellis will pay the Recycled Water Fee at building permit per the 2012 Citywide Water Master Plan. The estimated Master Plan fees are shown in Table 15 below. Ellis' fee is subject to update upon adoption of the master plan fees.

Table 15 - Recycled Water Fee

Landuse	EDU Factor	Recycled Water Fee
RML	1	$ 2,654
RMM	0.86	$ 2,282
RMH	0.58	$ 1,539
Commercial (per ac)	5.63	$ 14,942
Storage (per ac)	5.63	$ 14,942

Group 76: Storm Drainage

The Ellis Program Area will pay a storm drain development impact fee at building permit for CIP projects described in this section. Ellis' obligation to pay a development impact fee for "Drainage Fees" is based on the Storm Water Consulting, Inc. report entitled "Ellis Program Sub-Basin Storm Drainage Technical Report", dated September 2012 and adopted concurrently with this report. The total estimated cost of backbone facilities in the Ellis Program Area is shown in the table below:

Table 16 - Storm Drainage Project Costs

CIP #	Project	Construction Cost	Land Acq.	40 % Mark-up	Total Project Cost	Project Cost	Program Management	Total Cost[1]
76PP-XX	Detention Basin 3A (36 AF plus 36 AF add'l excavation)	$ 720,000	$ 2,000,000	$ 288,000	$ 3,008,000	$ 1,765,324	$ 21,383	$ 1,786,707
76PP-XX	Detention Basin SL (17 AF plus 8 AF add'l excavation)	$ 250,000	$ 800,000	$ 100,000	$ 1,150,000	$ 675,658	$ 7,425	$ 683,083
76PP-XX	6,100 LF of 12" SD including 100 LF of Jack and Bore under RR from DET SL	$ 507,500		$ 203,000	$ 710,500	$ 406,954	$ 15,072	$ 422,026
76PP-XX	4,200 LF of 18" SD including 100 LF Jack and Bore under RR from DET 3A North	$ 480,000	$ 95,000	$ 192,000	$ 767,000	$ 441,331	$ 14,256	$ 455,587
76PP-XX	200 LF of 48" SD to DET 3A	$ 70,000		$ 28,000	$ 98,000	$ 56,132	$ 2,079	$ 58,211
76PP-XX	Dewatering	$ 200,000		$ 80,000	$ 280,000	$ 160,376	$ 5,940	$ 166,316
76PP-XX	UPTC/WPRR Crossing Agreements	$ 10,000		$ 4,000	$ 14,000	$ 8,019	$ 297	$ 8,316
76PP-XX	WSID Crossing Agreement	$ 5,000		$ 2,000	$ 7,000	$ 4,009	$ 148	$ 4,158
Total		**$ 2,242,500**	**$ 2,895,000**	**$ 897,000**	**$ 6,034,500**	**$ 3,517,803**	**$ 66,601**	**$ 3,584,403**

[1] Total cost is the construction cost multiplied by the proportional amount (42.2%) attributed to Ellis land uses.

The storm drainage facilities are shown in Figure 9. The program only includes backbone facilities; other facilities will be required, but are considered to be part of onsite improvements and costs associated with new development. The backbone facilities to serve the Ellis Program Area are:

- A detention basin within the South Linne sub-basin. This detention basin will provide enough storage to accept all future runoff from the South Linne sub-basin and control the outflow to the desired rate of 1cfs. Outflow from the South Linne Detention Basin will be discharged to onsite storm drains that will serve the future internal development within the Ellis Program Sub-basin to the north.

- A 12" SD gravity discharge pipe from the South Linne Detention Basin connection to future onsite storm drains to the north within the Ellis Program Sub-basin. This 12" SD will require a jack and bore crossing under the Western Pacific RR.

- A 42" SD extending north from Valpico, west of Corral Hollow Road that will serve as the discharge pipe for the combined Ellis Program Sub-basin. This pipe will discharge to the proposed detention basin DET 3A.

- Detention basin, DET 3A, located on the north side of Valpico Road that will store and mitigate the runoff from the future development within the Ellis Program Sub-basin. The basin will have sufficient storage to control outflow at a rate of 3 cfs. The 100-year peak storage volume is 46 AC-FT. Over excavation will be required for this detention basin in order for upstream storm drainage connections to be made and maintain a low enough surface level to avoid surcharging upstream connecting storm drains.

- An 18" discharge pipe extending north from Detention Basin 3A that will connect to an existing 30" stub that was provided within Gabriel Estates. The 18" SD pipe will require the acquisition of a 20' wide storm drain easement, a crossing underneath WSID's Upper Main Canal, and a jack and bore crossing underneath the Union Pacific RR track.

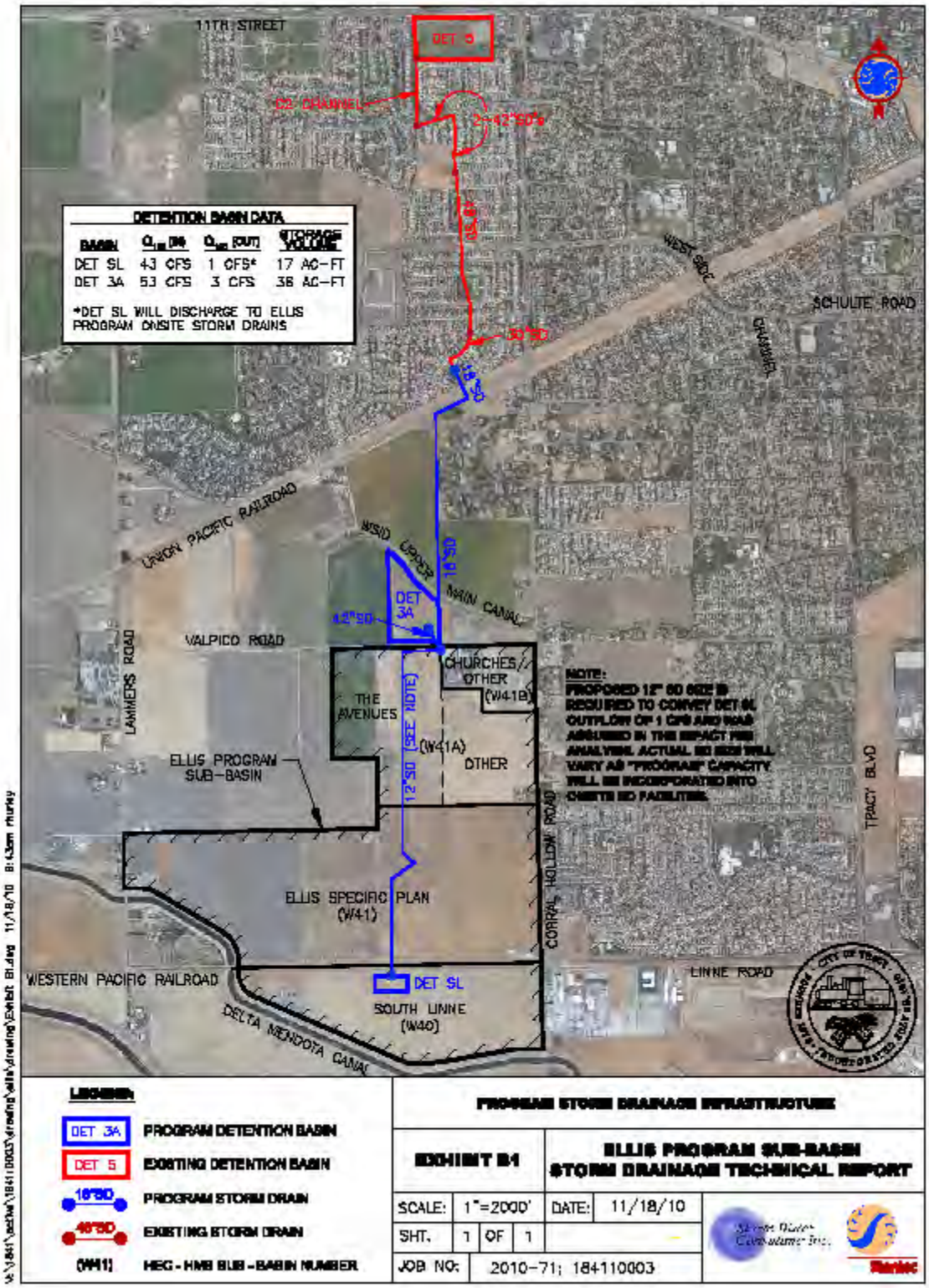


Figure 9 – Storm Drainage Layout

The fees for the Ellis program area are calculated in Table 17 below. There are two components to the fee program; Program Fees and Westside Fees. The Program Fees pay for the new infrastructure needed to serve the Ellis Development as outlined above. The Westside fees pay Ellis' share of excess capacity that exists in downstream facilities that Ellis will be utilizing to discharge their storm drainage.

Table 17 - Storm Drainage Fees

Landuse	Program Fees	Westside Fees	Total SD Fees
RML	$ 1,380	$ 417	$ 1,797
RMM	$ 754	$ 228	$ 981
RMH	$ 1,711	$ 518	$ 2,229
Commercial (per ac)	$ 18,301	$ 5,534	$ 23,836
Storage (per ac)	$ 5,137	$ 1,554	$ 6,691

Group 78: Parks & Recreation

The Ellis Program Area will pay a park development impact fee at building permit. The obligation is based on the report "Ellis Program Area Parks Study" by Harris & Associates dated December 2012 and adopted concurrently with this FIP. The total park obligation is shown in Table 18 below. The developer may enter into an agreement with the City to design and build the neighborhood parks in lieu of paying fees. Ellis will pay a community park fee towards the community park requirement, unless the City accepts the Ellis program contribution towards the swim center, then the contribution will be in lieu of any community park requirements and the Ellis Program's community park obligation will be met for the Ellis Program's 2,250 allowed dwelling units.

Table 18 - Park Obligation

	Project Cost	Program Management	Total Cost
Neighborhood Park	$ 11,729,450	$ 434,424	$ 12,163,874
Community Park	$ 3,372,011	$ 124,889	$ 3,496,900
Total Obligation	**$ 15,101,461**	**$ 559,313**	**$ 15,660,774**

The City's Park Master Plan requires 3 acres of neighborhood park per 1000 people and 1 acre of community park per 1000 people. The assumptions in the Ellis Program Area are that there are 3.3 people per residential mixed low density unit and 2.7 people per residential mixed medium density unit, and 2.2 people per residential mixed high density unit. Based on these requirements and assumptions, the Ellis Program Area is responsible for providing 19.1 acres of neighborhood and 6.4 acres of community parks as shown in Table 19.

Table 19- Required Acreage Calculation

Landuse	No. Units	People/Unit	Total Population	Total Required Acreage (Neighborhood)	Total Required Acreage (Community)
RML	505	3.3	1666.5	5.0	1.7
RMM	1705	2.7	4603.5	13.8	4.6
RMH	40	2.2	88	0.3	0.1
Total	**2250**		**6358**	**19.1**	**6.4**

The development impact fee is based on an estimated per acre cost of developed park land. The cost estimate for neighborhood parks is shown in Table 20 and is based on the facilities that are anticipated to be located in the Ellis Program Area parks:

Table 20 - Neighborhood Park Cost

Basic Improvements	**Quantity**	**Units**	**Cost**	**Total**
Base Park Acre	19.07	AC	$ 235,092	$ 4,484,145
Amenities				
Basketball	2	EA	$ 47,201	$ 94,402
Play Area (full)	4	EA	$ 256,839	$ 1,027,356
Play Area (small)	2	EA	$ 86,653	$ 173,306
Play Element	2	EA	$ 43,566	$ 87,132
Water Play Element	2	EA	$ 19,800	$ 39,600
Bocce	2	EA	$ 33,352	$ 66,704
Picnic Small	4	EA	$ 11,858	$ 47,432
Picnic Large	6	EA	$ 20,614	$ 123,684
Shade Structure	6	ALLOW	$ 75,000	$ 450,000
Tennis	2	EA	$ 74,718	$ 149,436
Soccer/T-ball Multi-use Field	4	EA	$ 8,382	$ 33,528
Open Green/Volleyball/Badminton	7	Included in base	$ -	$ -
Skate Spot	2	EA	$ 24,500	$ 49,000
Dog Park	2	EA	$ 39,754	$ 79,508
Drinking Fountain	6	EA	$ 6,000	$ 36,000
Fountain/Gazebo	2	ALLOW	$ 30,000	$ 60,000
Information Kiosk	2	EA	$ 10,000	$ 20,000
Focal Element (allowance)	6	ALLOW	$ 20,000	$ 120,000
Ornamental Garden	4	ALLOW	$ 23,705	$ 94,820
Park Sign Large	6	ALLOW	$ 10,000	$ 60,000
Park Sign Small	6	ALLOW	$ 5,000	$ 30,000
Total Program Cost			**$ -**	**$ 7,326,053**
Mark-up for Soft Costs (40%)			**$ -**	**$ 2,930,421**
Land Acquisition	**19.07**	**AC**	**$ 100,000**	**$ 1,907,400**
Total Cost			**$ -**	**$ 12,163,874**

The cost estimate for community parks is shown in Table 21 below and is based on an estimated per acre cost for the construction of a typical community park:

Table 21 - Community Park Cost

Amenity	Cost/ac
Land Acquisition	$ 100,000
Park Construction	$ 321,000
Mark-up for Soft Costs (40%)	$ 129,000
Total Cost per Acre	$ 550,000

The park fee is comprised of two components, the Neighborhood Park Fee and the Community Park fee. The fee for each component as well as the total fee is shown in Table 22:

Table 22 - Park Fee Summary

Landuse	Neighborhood Park	Community Park	Total Park Fee
RML	$ 6,313	$ 1,815	$ 8,128
RMM	$ 5,166	$ 1,485	$ 6,651
RMH	$ 4,209	$ 1,210	$ 5,419

Group 79: Program Management

There is no fee associated with Group 79 Project Management – monies associated with Project Management are collected under other fee programs as part of the 5% mark-ups and will be transferred to this account after they have been collected. The projects outlined in this report will ultimately generate the amounts shown Table 23 below for Project Management Funding. The funds will be transferred into Group 79.

Table 23 - Program Management

	Program Management
Group 71 Public Facilities	$ 242,403
Groups 72 & 73 Streets & Traffic	$ 471,402
Group 74 Wastewater	$ 560,353
Group 75 Water	$ 843,341
Group 76 Storm Drainage	$ 66,601
Group 78 Parks and Recreation	$ 559,313
Total Program Management	**$ 2,743,412**

APPENDIX A: ABSORPTION

Table 1
Anticipated Absorption

Project Year	1	2	3	4	5	6	7	8	9	10	11	Total
Calendar Year	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	
Residential units												2250
low density	50	50	45	45	45	45	45	45	45	45	45	505
medium density	98	98	150	150	155	175	175	176	176	176	176	1705
high density										20	20	40
Commercial Ac												
Village Mixed Use			4	4	4	4	4					20
Storage		9										9
Commercial			3	3			6	12.6				24.6

APPENDIX B: CAPITAL IMPROVEMENT PROGRAM

Table B1
Ellis Program Area CIP Projects

		Total Project Cost	Ellis Share	Ellis Total Cost	Ellis Project Cost (less PM)
GROUP 71 PUBLIC FACILITIES					
71PP-xx	City Hall & Public Works Facilities	$ 2,557,784	100%	$ 2,557,784	$ 2,466,434
71PP-xx	Community Center	$ 1,251,509	100%	$ 1,251,509	$ 1,206,812
71PP-xx	Library	$ 1,159,826	100%	$ 1,159,826	$ 1,118,404
71PP-xx	Public Safety Facilities	$ 1,818,154	100%	$ 1,818,154	$ 1,753,220
Total:		**$ 6,787,273**		**$ 6,787,273**	**$ 6,544,870**
GROUP 72 TRAFFIC SAFETY					
Intersection Improvements					
72PP-XXX	Patterson Pass/I-580 EB	$ 1,212,364	2%	$ 24,247	$ 23,381
72PP-XXX	Patterson Pass/I-580 WB	$ 1,077,797	6%	$ 59,279	$ 57,162
72PP-XXX	Corral Hollow/I-580 EB	$ 1,212,364	5%	$ 54,556	$ 52,608
72PP-XXX	Corral Hollow/I-580 WB	$ 1,212,364	5%	$ 60,618	$ 58,453
72PP-XXX	Lammers Rd./Valpico	$ 1,050,481	31%	$ 325,649	$ 314,019
72PP-XXX	Lammers Rd./Schulte Rd.	$ 1,414,214	50%	$ 700,036	$ 675,035
72PP-XXX	Corral Hollow/ Linne Rd	$ 1,872,547	23%	$ 430,686	$ 415,304
72PP-053	Corral Hollow/Valpico Rd	$ 723,211	58%	$ 419,462	$ 404,482
72PP-021	Corral Hollow Rd/Schulte Rd	$ 1,204,158	15%	$ 174,603	$ 168,367
72PP-XXX	Corral Hollow Rd/Eleventh St	$ 385,131	33%	$ 125,168	$ 120,697
NA	Corral Hollow/Grant Line	$ -	12%	$ -	$ -
72PP-XXX	Tracy Blvd/Linne Rd	$ 2,040,517	9%	$ 183,647	$ 177,088
72038	Tracy Blvd/Valpico Rd	$ 457,793	13%	$ 59,513	$ 57,388
72PP-XXX	MacArthur/Linne Rd.	$ 1,704,100	15%	$ 255,615	$ 246,486
72037	MacArthur Drive/Valpico Rd	$ 346,465	13%	$ 45,041	$ 43,432
72PP-XXX	Chrisman/Linne	$ 154,567	30%	$ 46,370	$ 44,714
72PP-XXX	Chrisman/Valpico	$ 3,388	35%	$ 1,186	$ 1,143
72PP-XXX	Chrisman/Schulte	$ 1,569,533	25%	$ 384,536	$ 370,802
72PP-XXX	Chrisman/11th	$ 7,000	8%	$ 525	$ 506
72024 & 72056	Lammers Road/Eleventh St	$ 65,710	13%	$ 8,214	$ 7,920
72PP-XXX	Byron/Grant Line	$ -	11%	$ -	$ -
72PP-XXX	Lammers/I-580 EB	$ 2,639,724	8%	$ 197,979	$ 190,909
72PP-XXX	Lammers/I-580 WB	$ 2,874,345	12%	$ 344,921	$ 332,603
Subtotal:		**$ 23,227,773**		**$ 3,901,850**	**$ 3,762,499**

Table B1
Ellis Program Area CIP Projects

GROUP 73 STREETS & HIGHWAYS					
73PP-XXX	Valpico Road Widen to Four Lanes west of Sycamore	$ 1,359,651	34%	$ 462,281	$ 445,771
73PP-XXX	Valpico Road Widen to Four Lanes Tracy Blvd. to MacArthur Blvd.	$ 1,334,501	12%	$ 153,468	$ 147,987
73PP-XXX	Schulte new alignment west of Lammers, 6 lanes	$ 22,553,778	8%	$ 1,691,533	$ 1,631,121
N/A	Schulte widen to 6 lanes, Corral Hollow to Tracy Blvd.	$ -		$ -	$ -
73PP-XXX	11th Street widen to 6 lanes west of Lammers Rd.	$ 3,667,399	13%	$ 458,425	$ 442,053
73PP-XXX	Grant Line Road widen to 6 lanes, Byron to Corral Hollow	$ 3,571,274	12%	$ 428,553	$ 413,247
73PP-XXX	Lammers Road New 6 lane expressway, I-205 new interchange to 11th St	$ 3,728,086	13%	$ 466,011	$ 449,368
73092	Lammers Road Widen to 6 lanes 11th to Schulte	$ -		$ -	$ -
73PP-045	Lammers Road Widen to 4 lanes Schulte to Valpico	$ 3,180,577	28%	$ 890,562	$ 858,756
73PP-046	Lammers Road Widen to 4 lanes Valpico to Ellis Dr.	$ 3,077,978	30%	$ 908,003	$ 875,575
73PP-047	Lammers Rd. widen to 4 lanes, Ellis Drive to I-580	$ 10,002,056	14%	$ 1,350,278	$ 1,302,053
73102/73103	Corral Hollow Road Widen to 6 lanes Grant Line to Schulte	$ -		$ -	$ -
73PP-046	Corral Hollow widen to 4 lanes, Schulte to Valpico	$ 2,635,421	17%	$ 448,022	$ 432,021
73PP-046	Corral Hollow widen to 4 lanes, Valpico to Ellis	$ 1,488,481	47%	$ 692,144	$ 667,424
73PP-046	Corral Hollow Road Widen to 4 lanes Ellis Drive to Linne Road	$ 1,154,856	37%	$ 421,523	$ 406,468
73PP-XXX	Corral Hollow Road Widen to 4 lanes Linne Road to I-580	$ 8,516,771	10%	$ 851,677	$ 821,260
73PP-XXX	MacArthur Drive Widen to 4 lanes between Schulte and Valpico	$ 2,140,773	4%	$ 74,927	$ 72,251
Subtotal:		**$ 68,411,603**		**$ 9,297,405**	**$ 8,965,355**
Total:		**$ 91,639,376**		**$ 13,199,256**	**$ 12,727,854**
GROUP 74 WASTEWATER					
	Corral Hollow Upgrades	$ 9,158,000	36%	$ 3,304,123	$ 3,186,118
	WWTP Improvement Cost beyond 9mgd	$ 44,800,000	28%	$ 12,385,752	$ 11,943,404
Total:		**$ 53,958,000**		**$ 15,689,875**	**$ 15,129,522**

Table B1
Ellis Program Area CIP Projects

GROUP 75 WATER					
75PP-XX	City - Side Booster Pump Station Pressure Zone 3 - 6.48 MGD (JJWTP)	$ 2,593,745	37%	$ 960,400	$ 926,100
75PP-XX	Clearwell at JJWTP 2.0 MG	$ 4,552,379	63%	$ 2,863,000	$ 2,760,750
75PP-XX	John Jones Water Treatment Plant Expansion 15.0 mgd	$ 46,576,664	15%	$ 6,769,000	$ 6,527,250
75PP-XX	Long-term Emergency Groundwater Storage 2,500 gpm	$ 3,500,000	26%	$ 926,800	$ 893,700
	Land Acquisition	$ 46,079	100%	$ 46,000	$ 44,357
75PP-XX	Water Transmission Line 12" (ESP backbone Phase 1)	$ 2,557,800	37%	$ 947,800	$ 913,950
75PP-XX	Water Transmission Line 12" (ESP backbone Buildout)	$ 1,284,780	37%	$ 476,000	$ 459,000
75PP-XX	Water Transmission Line 12"(ESP Backbone - Phase 1 to Valpico Rd)	$ 768,810	37%	$ 284,200	$ 274,050
75PP-XX	Water Transmission Line 24"(JJTP Clearwell to PBS3)	$ 18,375	37%	$ 6,800	$ 6,557
75PP-XX	Water Transmission Line 20"(ESP-JJWTP BPS3 to Corral Hollow Rd and Linne Rd. Phase 1)	$ 4,166,400	37%	$ 1,542,800	$ 1,487,700
75PP-XX	Water Transmission Line 20"(Corral Hollow Rd and Linne Rd to Middlefield Rd. - buildout)	$ 3,561,600	37%	$ 1,318,800	$ 1,271,700
75PP-XX	Water Transmission Line 18"(ESP Corral Hollow Rd and Linne Rd to Middlefield Rd - buildout)	$ 296,100	37%	$ 109,200	$ 105,300
75PP-XX	Water Transmission Line 18"(ESP-Linne Rd. to Corral hollow Rd. Phase 1 - PZ2 Bypass)	$ 50,400	36%	$ 18,200	$ 17,550
75PP-XX	Water Transmission Line 16"(from existing Clearwell No. 2 to English Oaks)	$ 2,481,010	37%	$ 918,400	$ 885,600
75PP-XX	20" Jack and Bore under Delta Mendota Canal	$ 644,406	37%	$ 238,000	$ 229,500
75PP-XX	20" Jack and Bore (CH and Linne under Railroad)	$ 351,750	37%	$ 130,200	$ 125,550
75PP-XX	Water Transmission Line 12" (Whirlaway Ln. to Linne Rd.)	$ 165,522	37%	$ 61,600	$ 59,400
75PP-XX	12" Jack and Bore (SW Portion of Plan C under RR to Linne Rd.)	$ 144,900	37%	$ 53,000	$ 51,107
75PP-XX	18" Check Valve Connection at Middlefield Dr.	$ 117,600	37%	$ 43,400	$ 41,850
75PP-XX	Connection at Middelfield Drive 12" Diameter bypass PZ2 on Corral Hollow, Jack and Bore (SW portion of the Plan C under Corral Hollow	$ 57,960	37%	$ 21,400	$ 20,636
75PP-XX	Pressure Reducing Valve ESP - Phase 1 to Valpico Rd (12-inch Diameter)	$ 142,800	37%	$ 53,200	$ 51,300
Total Potable Water:		**$ 74,079,080**		**$ 17,788,200**	**$ 17,152,907**
75PP-XX	City-wide Recycled Water Infrastructure Fair Share	$ 5,825,339	100%	$ 5,825,339	$ 5,617,291
Total Water/Recycled Water:		**$ 79,904,419**		**$ 23,613,539**	**$ 22,770,198**

Table B1

Ellis Program Area CIP Projects

GROUP 76 STORM DRAINAGE							
	Detention Basin 3A (36 AF plus 36 AF add'l excavation)	$	3,008,000	59%	$ 1,786,707	$	1,765,324
	Detention Basin SL (17 AF plus 8 AF add'l excavation)	$	1,150,000	59%	$ 683,083	$	675,658
	6,100 LF of 12" SD including 100 LF of Jack and Bore under RR from DET SL	$	710,500	59%	$ 422,026	$	406,954
	4,200 LF of 18" SD including 100 LF Jack and Bore under RR from DET 3A North	$	767,000	59%	$ 455,587	$	441,331
	200 LF of 48" SD to DET 3A	$	98,000	59%	$ 58,211	$	56,132
	Dewatering	$	280,000	59%	$ 166,316	$	160,376
	UPTC/WPRR Crossing Agreements	$	14,000	59%	$ 8,316	$	8,019
	WSID Crossing Agreement	$	7,000	59%	$ 4,158	$	4,009
Total:		**$**	**6,034,500**		**$ 3,584,403**	**$**	**3,517,803**
Group 78 Parks & Recreation							
	Neighborbood Parks	$	12,163,874	100%	$ 12,163,874	$	11,729,450
	Community Parks	$	3,496,900	100%	$ 3,496,900	$	3,372,011
Total:		**$**	**15,660,774**		**$ 15,660,774**	**$**	**15,101,461**
Group 79 Program Management							
Program Management						**$**	**2,743,412**
Total:					**$ 78,535,120**	**$**	**78,535,120**
Grant/RTIF Funding Towards Traffic					**$ (5,550,000)**	**$**	**(5,550,000)**
Total Ellis Funding:					**$ 72,985,120**	**$**	**72,985,120**

APPENDIX C: TECHNICAL STUDIES

City of Tracy

Ellis Program Area Public Building Study

December 2012

Prepared by:

Harris & Associates

*Shaping the future, One project at a time*SM

Ellis Program

Public Building Impact Fee Study

December 2012

A Citywide Public Building Fee for the City of Tracy was completed in December of 2000 by Muni Financial and adopted by the City Council on August 21, 2001 by resolution 2001-301. The report strove to create a fee that would provide new facilities to serve growth within the City at the same level that existing residents are currently being served. To do this, the study used existing facility standards to determine the fee. This ensured that new development would fund facilities at the same level as existing development and would not be paying to raise existing standards. The Citywide Public Building fee applies to all new development within the City of Tracy including the Ellis Program. New Citywide Public Building and Public Safety fee studies were underway for the City of Tracy. Because that fee study had not yet been completed, the Ellis Program used the methodology of the currently adopted Citywide Public Building Fee Study.

Since the time that the Study was completed, the public building fee has been updated three time, once in September of 2003, a second time in July 2007, and the final time on April 3rd 2012 with the Infill report. The latest version of this study is being used as the basis for Ellis' fees.

The calculated cost per capita is $1054.25 for residential and $469 per 1000 sf of retail space. This cost per capita is then converted into a fee for each land use based on assumed densities. A density of 3.3 people per unit is assumed for a residential mixed low unit, a density of 2.7 people per unit is assumed for a residential mixed medium unit, and 2.2 people per unit is assumed for a residential mixed high unit. For non-residential, it is assumed that one worker will occupy 300 square feet in an office land use and 500 square feet in a retail land use.

Table 1 below shows the fees for each land use in the Ellis Program based on the per capita costs and densities described above. It also calculates the total fees that will be collected at build-out based on the estimated residential dwelling units and square footage of non-residential.

The Public Building fees can be updated to reflect changes in the ENR building cost index and CPI inflation factors, beginning in the year following the first residential building permit from the Ellis Program.

Table 1

Ellis Public Building Fee Summary

	Fee Per Capita	People per Dwelling Unit	Fee Per Residential dwelling unit or 1000 SF Commercial	Fee per Residential Dwelling Unit or SF Commercial	Number of Residential Dwelling Unit or SF Commerical	Buildout Obligation
Residential						
RML	$ 1,054.25	3.3	$ 3,479	$ 3,479	505	$ 1,756,908
RMM	$ 1,054.25	2.7	$ 2,846	$ 2,846	1,705	$ 4,853,240
RMH	$ 1,054.25	2.2	$ 2,319	$ 2,319	40	$ 92,774
Total Residential:					**2,250**	**$ 6,702,922**
Commercial/Storage			$ 469	$ 0.47	180,000	$ 84,352
Total:						**$ 6,787,273**

Notes:

Table 2 shows a breakdown of the fees and total money to be collected by specific landuse for each of the various fee components. The various components were calculated using the methodology in the currently adopted Citywide Public Building Fee study. The funding generated from the Ellis Program will be used to fund projects that are consistent with the recently adopted Citywide Public Safety and Public Facilities Master Plans.

Table 2

Ellis Public Builidng Fee Breakdown by Landuse

	Fee Per Residential Dwelling Unit or 1000 SF Commercial	Fee per Residential Dwelling Unit or SF Commercial	Number of Residential Dwelling Units or SF Commerical	Buildout Obligation
Residential				
RML				
City Hall & Public Works Facilities	$ 1,309.77	$ 1,309.770	505	$ 661,434
Community Center	$ 649.57	$ 649.572	505	$ 328,034
Library	$ 601.99	$ 601.986	505	$ 304,003
Public Safety Facilities	$ 917.70	$ 917.697	505	$ 463,437
Single Family Subtotal:	**$ 3,479.03**	**$ 3,479.03**		**$ 1,756,908**
RMM				
City Hall & Public Works Facilities	$ 1,071.63	$ 1,071.630	1,705	$ 1,827,129
Community Center	$ 531.47	$ 531.468	1,705	$ 906,153
Library	$ 492.53	$ 492.534	1,705	$ 839,770
Public Safety Facilities	$ 750.84	$ 750.843	1,705	$ 1,280,187
Single Family Subtotal:	**$ 2,846.48**	**$ 2,846.48**		**$ 4,853,240**
RMH				
City Hall & Public Works Facilities	$ 873.18	$ 873.180	40	$ 34,927
Community Center	$ 433.05	$ 433.048	40	$ 17,322
Library	$ 401.32	$ 401.324	40	$ 16,053
Public Safety Facilities	$ 611.80	$ 611.798	40	$ 24,472
Multi-Family Subtotal:	**$ 2,319.35**	**$ 2,319.35**		**$ 92,774**
Retail				
City Hall & Public Works Facilities	$ 190.52	$ 0.191	180,000	$ 34,294
Public Safety Facilities	$ 278.10	$ 0.278	180,000	$ 50,058
Retail Subtotal:	**$ 468.62**	**$ 0.469**	**655,377**	**$ 84,352**
Total:				**$ 6,787,273**

Notes:

Citywide fee from Citywide Fee Update prepared by Harris & Associates, adopted on April 3, 2012

Table 3 below is a breakdown of how much money is being generated within each category to fund CIP Projects.

Table 3

Ellis Public Building Fee Breakdown by Facility

		Buildout Obligation
City Hall & Public Works Facilities		
RML	$	661,434
RMM	$	1,827,129
RMH	$	34,927
Retail	$	34,294
Total City Hall and Public Works Funding:	**$**	**2,557,784**
Community Center		
RML	$	328,034
RMM	$	906,153
RMH	$	17,322
Total Community Center Funding:	**$**	**1,251,509**
Library		
RML	$	304,003
RMM	$	839,770
RMH	$	16,053
Total Library Funding:	**$**	**1,159,826**
Public Safety Facilities		
RML	$	463,437
RMM	$	1,280,187
RMH	$	24,472
Retail	$	50,058
Total Public Safety Funding:	**$**	**1,818,154**
Total Obligation	**$**	**6,787,273**

Should the Ellis Program dedicate land to the City for the construction of a fire station or other public facilities, the value of the land and any construction costs incurred by the developer can be used to off-set the development impact fees.

City of Tracy

Ellis Program Area Traffic Impact Fees

December 2012

Prepared by:

Harris & Associates

Shaping the future, One project at a time

Ellis Program

Traffic Impact Fees

December 2012

I. Introduction

As a result of increased population, all new development in a community creates additional demands on public facilities provided by local government. The purpose of this study is to analyze the impact of the Ellis development on transportation facilities in the City of Tracy, to ensure that the City's established level of service is maintained, and to calculate fair and equitable development impact fees based on that analysis.

The Ellis Program Area (Ellis) is currently a 321 acre parcel located between Lammers Road and Corral Hollow Road along the north side of the Union Pacific rail line. Development within Ellis will consist of 505 residential mixed low units, 1705 residential mixed medium units, 40 residential mixed high units 20 acres of, and 180,000 square feet of commercial.

II. Traffic Improvements

As part of the Transportation Impact Analysis for the Ellis Specific Plan in the City of Tracy completed during the EIR process by Fehr and Peers, project level intersection improvements were identified for mitigation. A summary of Ellis' Intersection Improvement costs and percentage shares are shown in Table 2.

The Project is also required to pay their fair share of citywide traffic improvements that have been identified as part of Tracy's 2030 General Plan Roadway Network. A memo prepared by Fehr and Peers titled *Project Proportional Share Calculation for Ellis Specific Plan Traffic Mitigations* is included in Appendix A of this report. The project is expected to contribute a proportional share of the improvement costs for both roads and intersections based on its contribution to future traffic growth.

III. Intersection Cost Estimates

Intersection costs were calculated on a project by project basis. These intersection specific cost estimates are included in Appendix B and summarized below. A 40% mark-up is included on these costs to include contingency, design, program management and construction management. ROW take was estimated for these improvements based on $100,000 per acre. Because these right-of-way takes are typically very small areas, $20,000 per location for right-of-way acquisition related costs has also been added. The costs and percentage shares are shown in Table 2.

IV. Road Cost Estimates

Program costs for the road segments are estimated by applying basic unit construction cost estimates to calculate a per linear foot (LF) cost for the road segments. These construction cost tables are provided in Appendix C along with the assumed cross sections for the road improvements. They are also summarized in the tables below.

The project costs are broken down into 2 elements; program portion and frontage portion. The frontage portion covers landscaping, sidewalk, curb and gutter and 20 feet of pavement. The center portion of the road is considered program. Frontage improvements are constructed by the adjacent development and the program portion is funded through the fee program. On certain key roads as identified by the City, the cost of the road from curb to curb is included in the fee program. This includes Lammers Road and Schulte Road.

A 40% mark-up is included on these costs to include contingency, design, program management and construction management. Right-of-way costs were included at $100,000 per acre which includes both the cost of the land and the costs associated with acquiring the land.

The costs and percentage shares are summarized in Table 3.

Table 2
Summary of Ellis Intersection Improvements

CIP No.	Location	Improvements	Project Cost	Mark Up (40%)	ROW Cost	Total Cost	Ellis % Share	Ellis Cost
72PP-XXX	Patterson Pass/I-580 EB	Signalize. Widen EB approach to provide 1 LT and 1 TR lane, Widen NB approach to provide 1 Thru and 1 RT lane, Widen SB approach to provide 2 LT and 1 Thru lane	$ 828,076	$ 331,230	$ 53,058	$ 1,212,364	2%	$ 24,247
72PP-XXX	Patterson Pass/I-580 WB	Signalize. Widen WB approach to provide 1 TL and 1 RT lane. Widen SB approach to provide 1 thru lane and 1 RT lane.	$ 743,763	$ 297,505	$ 36,529	$ 1,077,797	5.5%	$ 59,279
72PP-XXX	Corral Hollow/I-580 EB	Signalize. Widen EB approach to provide 1 LT and 1 TR lane. Widen NB approach to provide 1 thru lane and 1 RT lane, Widen SB approach to provide 1 LT lane and 2 Thru lanes.	$ 828,076	$ 331,230	$ 53,058	$ 1,212,364	4.5%	$ 54,556
72PP-XXX	Corral Hollow/I-580 WB	Signalize. Widen WB approach to provide 1 TL and 1 RT lane, Widen NB approach to add 1 Thru lane, widen SB approach to provide 2 thru lanes and 1 RT lane.	$ 828,076	$ 331,230	$ 53,058	$ 1,212,364	5.0%	$ 60,618
72PP-XXX	Lammers Rd./Valpico	Signalize, Widen WB approach to provide 1 LT and 1 RT lane, Widen NB approach to add 2 thru lanes, widen SB approach to provide 1 SB LT and 3 thru lanes.	$ 700,638	$ 280,255	$ 69,587	$ 1,050,481	31.0%	$ 325,649
72PP-XXX	Lammers Rd./Schulte Rd.	Signalize. Widen EB approach to provide 1 LT and 1 TR lane, add WB approach to 1 LT and 1 TR lane, widen NB approach to add 1 thru lane and 1 TR lane, widen SB approach to add 1 TL and 1 Thru lane.	$ 954,545	$ 381,818	$ 77,851	$ 1,414,214	49.5%	$ 700,036
72PP-XXX	Corral Hollow/ Linne Rd	Signalize. Convert intersection to T with no EB Approach, widen WB approach to add 1 LT and 1 TR lane, widen NB approach to provide 2 Thru lanes and 1 RT lane, Widen SB approach to provide 1 LT and 2 Thru lanes.	$ 1,293,732	$ 517,493	$ 61,322	$ 1,872,547	23.0%	$ 430,686
72PP-053	Corral Hollow/Valpico Rd	Signalize & widen SB approach to provide 1 TL and 1 TR Lane	$ 496,390	$ 198,556	$ 28,264	$ 723,211	58.0%	$ 419,462
72PP-021	Corral Hollow Rd/Schulte Rd	Widen EB approach to add 1 LT and 1 Thru, Widen WB approach to provide 1 LT, 3 Thru and 1 RT lane, Widen NB approach to provide 2 LT, 3 Thru, and RT lane, Widen SB approach to provide 2 LT, 3 Thru, and 1 RT lane. Convert EB RT from permitted to free, modify signal and adjust phasing.	$ 804,505	$ 321,802	$ 77,851	$ 1,204,158	14.5%	$ 174,603
72PP-XXX	Corral Hollow Rd/Eleventh St	Widen NB approach to add 1 thru Lane, Widen SB approach to add 1 thru lane, Convert EB and WB RT lanes from permitted to free. Modify Signal.	$ 254,905	$ 101,962	$ 28,264	$ 385,131	32.5%	$ 125,168
NA	Corral Hollow/Grant Line	Widen EB approach to add 1 LT and 1 Thru Lane, Widen WB approach to provide 2 LT, 3 Thru, and 1 RT lane, Reduce NB LT lanes from 3 to 2, and add 1 Thru lane, Widen SB approach to provide 2 LT, 3 Thru, and 1 RT lane, convert EB RT lane from permitted to free, made new WB and SB RT lanes free.		$ -		$ -	11.5%	Project is fully constructed to full ROW
72PP-XXX	Tracy Blvd/Linne Rd	Signalize. Widen EB approach to provide 2 LT and 3 Thru Lanes, Widen WB approach to provide 1 TL and 1 TR lane, Widen SB approach to provide 1 LT, 2 Thru, and 1 RT lane.	$ 1,396,001	$ 558,400	$ 86,116	$ 2,040,517	9.0%	$ 183,647
72038	Tracy Blvd/Valpico Rd	Widen EB approach to add 1 thru lane, widen WB approach to provide 1 LT, 2 thru and 1 RT lane, Widen NB approach to provide 1 LT, 2 Thru, and 1 RT lane, Widen SB approach to provide 2 LT, 1 thru, and 1 RT lane. Modify Signal.	$ 300,903	$ 120,361	$ 36,529	$ 457,793	13.0%	$ 59,513
72PP-XXX	MacArthur/Linne Rd.	Signalize. Widen EB approach to provide 1 LT, 1 Thru and 1 TR lanes, widen WB approach to provide 1 TL and 1 TR lane.	$ 1,185,219	$ 474,088	$ 44,793	$ 1,704,100	15.0%	$ 255,615
72037	MacArthur Drive/Valpico Rd	Widen EB approach to add 1 Thru Lane, Widen SB approach to add 1 Thru Lane, Convert WB and NB LT from protected to permitted. Modify Signal.	$ 227,286	$ 90,915	$ 28,264	$ 346,465	13.0%	$ 45,041
72PP-XXX	Chrisman/Linne	Widen EB approach to provide 1 TL and 1 TR lane, widen SB approach to provide 1 TL and 1 TR lane.	$ 84,313	$ 33,725	$ 36,529	$ 154,567	30.0%	$ 46,370
72PP-XXX	Chrisman/Valpico	Re-stripe to modify NB approach to provide 1 LT and 1 thru lane. Re-stripe to modify SB approach to provide 1 Thur and 1 RT.	$ 2,420	$ 968	$ -	$ 3,388	35.0%	$ 1,186
72PP-XXX	Chrisman/Schulte	Modify NB approach to add 1 Thru lane.	$ 1,100,906	$ 440,363	$ 28,264	$ 1,569,533	24.5%	$ 384,536
72PP-XXX	Chrisman/11th	Convert SB RT from permitted + overlap phasing to permitted.	$ 5,000	$ 2,000	$ -	$ 7,000	7.5%	$ 525
72024 & 72056	Lammers Road/Eleventh St	Total Intersections:	$ 46,936	$ 18,774	$ -	$ 65,710	12.5%	$ 8,214
72PP-XXX	Byron/Grant Line	Add EB LT, Thru lane and RT lane, Add WB LT, 2 thru and RT. Add NB LT ,1 thru, and 2 RT lanes. Add SB Thru.	Project is in County and being implemented by County					
72PP-XXX	Lammers/I-580 EB	Intersection Improvements[1]	$ 1,885,517	$ 754,207		$ 2,639,724	7.5%	$ 197,979
72PP-XXX	Lammers/I-580 WB	Intersection Improvements[1]	$ 2,053,103	$ 821,241		$ 2,874,345	12.0%	$ 344,921
		Total Intersections:	**$ 16,020,310**	**$ 6,408,124**	**$ 799,339**	**$ 23,227,773**		**$ 3,901,850**

Notes:
[1] Costs taken from TMP masterplan June 2012 and includes ROW
XXX Designates a new project that will need a CIP number assigned to it.
EB = Eastbound; WB = Westbound; NB = Northbound; SB = Southbound
LT = Left-Turn; RT = Right-turn; TR = Through-Right; TL = Through-Left

Table 3

Summary of Ellis Road Improvements

CIP Number	Road	Extents	Improvement	Length, LF	Program Cost/LF	Frontage Cost/LF	Total Cost/LF	Program Cost	Frontage Cost	Canal Crossings	Total Program Cost	Ellis Share[1]	Ellis Cost
73PP-XXX	Valpico Road	Corral Hollow Road to west of Sycamore	Rural to 4 lane Arterial	2649	$ 513	$ 1,231	$ 1,744	$ 1,359,651	$ 3,259,749		$ 1,359,651	34.0%	$ 462,281
73PP-XXX	Valpico Road	Tracy Blvd to MacArthur Blvd.	Rural to 4 lane Arterial	2600	$ 513	$ 1,231	$ 1,744	$ 1,334,501	$ 3,199,451		$ 1,334,501	11.5%	$ 153,468
73PP-XXX	Schulte Road[2]	New Alignment west of Lammers	New 6 lane roadway	15900	$ 1,418	$ 713	$ 2,132	$ 22,553,778	$ 11,339,516		$ 22,553,778	7.5%	$ 1,691,533
N/A	Schulte Road	Corral Hollow to Tracy Blvd	Widen to 6 lanes	Project Completed									
73PP-XXX	11th Street	West of Lammers Road	Widen to 6 lanes	4000	$ 917	$ 523	$ 1,440	$ 3,667,399	$ 2,093,694		$ 3,667,399	12.5%	$ 458,425
73PP-XXX	Grant Line Road	Byron to Corral Hollow	Widen to 6 lanes	5200	$ 687	$ 420	$ 1,106	$ 3,571,274	$ 2,181,619		$ 3,571,274	12.0%	$ 428,553
73PP-XXX	Lammers Road[2]	I-205 to Eleventh Street realign to new interchange	New 6 lanes expressway	3300	$ 1,130	$ 685	$ 1,815	$ 3,728,086	$ 2,261,084		$ 3,728,086	12.5%	$ 466,011
73092		Eleventh Street to Schulte	Widen to 6 lanes	Project Under Construction									
73PP-045		Schulte to Valpico	2 lane rural to 4 lane parkway	3100	$ 1,026	$ 718	$ 1,744	$ 3,180,577	$ 2,225,289		$ 3,180,577	28.0%	$ 890,562
73PP-046		Valpico Rd. to Ellis Drive	2 lane rural to 4 lane parkway	3000	$ 1,026	$ 718	$ 1,744	$ 3,077,978	$ 2,153,505		$ 3,077,978	29.5%	$ 908,003
73PP-047		Ellis Drive to I-580	2 lane rural to 4 lane parkway	5850	$ 1,026	$ 718	$ 1,744	$ 6,002,056	$ 4,199,335	$ 4,000,000	$ 10,002,056	13.5%	$ 1,350,278
73102/73103	Corral Hollow Road	Grant Line to Schulte	Widen to 6 lanes	Project Fully Funded by Other projects									
73PP-046		Schulte Road to Valpico Road	2 lanes to 4 lane arterial	6500	$ 405	$ 815	$ 1,221	$ 2,635,421	$ 5,298,528		$ 2,635,421	17.0%	$ 448,022
73PP-046		Valpico to Ellis Drive	Rural to 4 lane arterial	2900	$ 513	$ 1,231	$ 1,744	$ 1,488,481	$ 3,568,619		$ 1,488,481	46.5%	$ 692,144
73PP-046		Ellis Drive to Linne Road	Rural to 4 lane Arterial	2250	$ 513	$ 1,231	$ 1,744	$ 1,154,856	$ 2,768,756		$ 1,154,856	36.5%	$ 421,523
73PP-XXX		Linne Road to I-580	Rural to 4 lane Arterial	8800	$ 513	$ 1,231	$ 1,744	$ 4,516,771	$ 10,828,912	$ 4,000,000	$ 8,516,771	10%	$ 851,677
	MacArthur Drive	Schulte to Valpico	2 lanes to 4 lane arterial	5280	$ 405	$ 815	$ 1,221	$ 2,140,773	$ 4,304,035		$ 2,140,773	3.5%	$ 74,927
		Subtotal Roads:						**$ 60,411,603**	**$ 59,682,092**	**$ 8,000,000**	**$ 68,411,603**		**$ 9,297,405**

Note:

[1] Percentage share is of Program Cost plus the Canal Crossing costs only. Frontage and total cost is included for information only.

[2] Curb to curb costs are included in the program cost.

XXX Denotes a new project that will need a CIP number assigned to it.

IV. Development Impact Fees

Based on the road and intersection costs calculated above, the traffic impact fees are calculated as follows:

Table 4
Transportation Fee Calculation

	Units/Ac	EDU's/Unit	EDU's
RML	505 units	1	505
RMM	1705 units	1	1705
RMH	40 units	0.48	19.2
Village Mixed Use	20 ac	10.53	210.66
Commercial	24.6 ac	15.9	391.14
Storage Unit	9 ac	1.0	9
Total EDU's:			2,840
Intersection Costs			$ 3,901,850
Road Costs			$ 9,297,405
RTIF Funding/Measure K			$ (5,550,000)
Total Ellis Funded Cost			$ 7,649,256
Cost per Unit or Acre			**$ 2,693**
RML Fee	*per unit*		$ 2,693
RMM Fee	*per unit*		$ 2,693
RMH Fee	*per unit*		$ 1,293
Village Mixed Use Fee	*per acre*		$ 28,370
Commercial Fee	*per acre*		$ 42,825
Storage Fee	*per acre*		$ 2,693

The fee calculation assumes that a portion of the project costs will be paid through funds received through Grant Funding or through County TIF funds. Should this money not be received as anticipated, the fees will need to be updated in the future.

These fees will be paid at building permit.

V. County Fees

The project is expected to pay $1500 per residential dwelling unit to the City of Tracy that will be remitted to the Joint Powers Authority to fund regional transportation improvements.

- $500 of this fee shall be applied to regional transportation improvement projects within San Joaquin County to improve I-205 and I-580.

- $500 of the fee shall be applied to regional transportation improvements projects within San Joaquin County that are specifically recommended by the JPA and implemented for purpose of reducing the number of vehicle trips on either I-205 or I-580 bound for outside San Joaquin County through the County of I-580 or diverting or reducing trips on Corral Hollow/Tesla Road, Patterson Pass Road, and or/Grant Line and the Old Altamont Pass Roads.

- $500 of the fee shall be expended by the JPA solely for purposes of transportation improvement projects or trip reduction projects within Alameda County.

VI. Fee Summary

Following is a summary of the fees due at building permit for the Ellis project:

	RML (per unit)	RMM (per unit)	RMH (per unit)	Village Mixed Use (per ac)	Commercial (per ac)	Storage (per ac)
City of Tracy Fee	$ 2,693	$ 2,693	$ 1,293	$ 28,370	$ 42,825	$ 28,370
County Fee	$ 1,500	$ 1,500	$ 720	See Note 1		
Total	**$ 4,193**	**$ 4,193**	**$ 2,013**	**$ 28,370**	**$ 42,825**	**$ 28,370**

Note 1: Residential Units must pay the fee the County fee. Depending on the specific landuse, the fees for VMU will be determined at the time fees are due.

VII. Total of City Fees to be Collected

Following is a summary of the total City fees that will be collected from the Ellis Program Area:

Table 6
Total City Fees to be Collected

	Units/Ac		Fee	Total Cost
RML	505	units	$ 2,693	$ 1,360,167
RMM	1705	units	$ 2,693	$ 4,592,247
RMH Fee	40	units	$ 1,293	$ 51,713
Village Mixed Use	20	ac	$ 28,370	$ 567,392
Commercial	24.6	ac	$ 42,825	$ 1,053,496
Storage Unit	9	ac	$ 28,370	$ 255,326
Total City Fees:				**$ 7,880,341**

These fees will be used to fund the improvements identified in Tables 2 and 3 above.

Appendix A

Fehr and Peers Memo

FEHR & PEERS
TRANSPORTATION CONSULTANTS

MEMORANDUM

Date: October 15, 2012

To: Kul Sharma, City of Tracy
Alison Bouley, Harris & Associates

From: Ellen Poling and Mackenzie Watten, Fehr & Peers

Subject: ***Project Proportional Share Calculations for Ellis Specific Plan Traffic Mitigations***

WC06-2318.01

This memorandum transmits the proportional share calculations for the Ellis Specific Plan traffic mitigations identified in the Ellis Specific Plan EIR. This information is needed for the Project's Finance and Implementation Plan. Fehr & Peers based the calculations on the traffic data in the EIR, including a review of the model runs used to develop the roadway and intersection volumes in that analysis.

The following discussion summarizes the proportional contributions to mitigations for (1) cumulative intersection impacts; and (2) cumulative roadway impacts.

I. CUMULATIVE INTERSECTION IMPACTS

The cumulative traffic analysis assumed future improvements at the twenty-one study intersections, consistent with Tracy's 2030 General Plan roadway network at that time. The Project would be expected to contribute a proportional share of the improvements' costs, based on its contribution to the future traffic *growth* at each intersection.

Table 1 shows the proportional shares, which were calculated from the model files used to develop the intersection volumes. The shares were calculated for the AM and PM peak hours; the percentages could be averaged if desired, to arrive at a single proportional share percentage, or the City could determine that a different percentage could be used.

II. CUMULATIVE ROADWAY IMPACTS

The cumulative traffic analysis assumed future roadway improvements (widening and extensions) consistent with Tracy's 2030 General Plan roadway network at the time. The Project would be expected to contribute a proportional share of the improvements' costs, based on its contribution to the future traffic *growth* at each intersection.

Table 2 shows the proportional shares, by roadway segment, for each of the roadway sections discussed in the EIR. These shares were calculated from the model files used to develop the intersection volumes. The shares were calculated for the AM and PM peak hours; the percentages could be averaged if desired, to arrive at a single proportional share percentage, or the City could determine that a different percentage could be used.

FEHR & PEERS
TRANSPORTATION CONSULTANTS

We appreciate the opportunity to continue assisting the City and Harris Associates with this project. Please call if you have any questions.

FEHR & PEERS
TRANSPORTATION CONSULTANTS

TABLE 1
CUMULATIVE PLUS PROJECT
INTERSECTION FAIR SHARE CALCULATIONS

Intersection	Peak Hour	Existing Volume	Cumulative Plus Project Volume	Project Volume	% Fair Share
1. Patterson Pass / I-580 EB	AM	740	1,280	6	1%
	PM	1,016	2,290	35	**3%**
2. Patterson Pass / I-580 WB	AM	1,058	2,180	69	**6%**
	PM	864	2,900	100	5%
3. Corral Hollow Rd. / I-580 EB	AM	539	1,090	20	4%
	PM	860	2,150	68	**5%**
4. Corral Hollow Rd. / I-580 WB	AM	856	1,760	40	4%
	PM	597	2,060	87	**6%**
5. Lammers Rd. / Valpico Rd.	AM	451	1,940	494	**33%**
	PM	541	3,920	985	29%
6. Lammers Rd. / Schulte Rd.	AM	834	1,630	453	**57%**
	PM	909	2,960	864	42%
7. Corral Hollow Rd. / Linne Rd.	AM	730	1,970	255	21%
	PM	696	3,900	787	**25%**
8. Corral Hollow Rd. / Valpico Rd.	AM	1,064	1,700	349	55%
	PM	1,415	3,070	1,002	**61%**
9. Corral Hollow Rd. / Schulte Rd.	AM	2,198	3,840	243	**15%**
	PM	2,370	7,210	681	14%
10. Corral Hollow Rd. / Eleventh St.	AM	3,896	4,340	197	**44%**
	PM	4,686	7,260	545	21%
11. Corral Hollow Rd. / Grant Line Rd.	AM	2,259	2,750	72	**15%**
	PM	3,653	6,590	236	8%
12. Tracy Blvd. / Linne Rd.	AM	801	1,560	68	9%
	PM	733	2,590	173	**9%**
13. Tracy Blvd. / Valpico Rd.	AM	1,835	2,360	58	11%
	PM	1,945	3,980	302	**15%**
14. MacArthur Drive / Linne Road	AM	564	920	48	13%
	PM	582	1,320	129	**17%**
15. MacArthur Drive / Valpico Road	AM	779	840	12	**20%**
	PM	1,032	1,700	43	6%

FEHR & PEERS
TRANSPORTATION CONSULTANTS

TABLE 1
CUMULATIVE PLUS PROJECT
INTERSECTION FAIR SHARE CALCULATIONS

Intersection	Peak Hour	Existing Volume	Cumulative Plus Project Volume	Project Volume	% Fair Share
16. Chrisman Road / Linne Road	AM	592	740	31	21%
	PM	625	800	69	**39%**
17. Chrisman Road / Valpico Road	AM	540	580	21	**53%**
	PM	549	780	40	17%
18. Chrisman Road / Schulte Road	AM	880	920	15	**38%**
	PM	945	1,240	32	11%
19. Chrisman Road / Eleventh Street	AM	1,659	2,000	14	4%
	PM	2,219	2,510	31	**11%**
20. Lammers Road / Eleventh Street	AM	2,462	3,590	145	**13%**
	PM	2,783	6,300	424	12%
21. Byron Road / Grant Line Road	AM	1,268	1,590	48	**15%**
	PM	1,531	4,740	161	5%
22. Lammers Road / I-580 EB	AM	-	1,200	59	5%
	PM	-	2,790	285	**10%**
23. Lammers Road / I-580 WB	AM	-	2,410	268	11%
	PM	-	3,230	418	**13%**

Note: **Bold** indicates the larger of the AM and PM share calculations.
Source: Fehr & Peers, October 2012.

FEHR & PEERS
TRANSPORTATION CONSULTANTS

TABLE 2
CUMULATIVE PLUS PROJECT
ROADWAY SEGMENT FAIR SHARE CALCULATIONS

Roadway	Segment	Peak Hour	Existing Volume	Cumulative Plus Project Volume	Project Volume	% Fair Share
Valpico Road Widen to 4 lanes between Lammers Road and MacArthur Drive						
Valpico Road	Lammers Road to Corral Hollow Road	AM	422	195	0	0%
		PM	552	275	1	**0%**
	Corral Hollow Road to Tracy Boulevard	AM	715	920	58	28%
		PM	673	1,400	294	**40%**
	Tracy Boulevard to MacArthur Boulevard	AM	940	1,280	39	11%
		PM	954	2,310	157	**12%**
Schulte Road Extend west on new alignment to Mountain House Parkway; widen to 6 lanes between Corral Hollow Road and Tracy Boulevard.						
Schulte Road	New Alignment west of Lammers[1]	AM	-	1,700	122	7%
		PM	-	2,250	187	**8%**
	Corral Hollow to Tracy Boulevard	AM	950	1,140	4	**2%**
		PM	1,180	2,710	11	1%
Eleventh Street Widen to 6 lanes west of Lammers Road.						
Eleventh Street	West of Lammers Road	AM	2,031	3,100	140	**13%**
		PM	2,291	5,260	346	12%

FEHR & PEERS
TRANSPORTATION CONSULTANTS

TABLE 2
CUMULATIVE PLUS PROJECT
ROADWAY SEGMENT FAIR SHARE CALCULATIONS

Roadway	Segment	Peak Hour	Existing Volume	Cumulative Plus Project Volume	Project Volume	% Fair Share
Grant Line Road Widen to 6 lanes west of Tracy Boulevard.						
Grant Line Road	Byron Road to Corral Hollow Road	AM	1,185	1,280	18	**19%**
		PM	1,848	3,655	90	5%
Lammers Road Extend south to new interchange with I-580; widen to 6 lanes; realign north of Eleventh Street to new interchange with I-205.						
Lammers Road	I-205 to Eleventh Street	AM	2,031	3,100	140	**13%**
		PM	2,291	5,260	346	12%
	Eleventh Street to Schulte Road	AM	410	1,620	254	16%
		PM	463	3,010	594	**20%**
	Schulte Road to Valpico Road	AM	567	1,705	474	28%
		PM	641	3,290	924	**28%**
	Valpico Road to Ellis Drive	AM	17	1,600	494	**31%**
		PM	32	3,500	985	28%
	Ellis Drive to I-580	AM	0	2,050	268	13%
		PM	0	3,010	418	**14%**

FEHR & PEERS
TRANSPORTATION CONSULTANTS

TABLE 2
CUMULATIVE PLUS PROJECT
ROADWAY SEGMENT FAIR SHARE CALCULATIONS

Roadway	Segment	Peak Hour	Existing Volume	Cumulative Plus Project Volume	Project Volume	% Fair Share
Corral Hollow Road Widen to 4 lanes south of Schulte Road, and to 6 lanes north of Schulte Road.						
Corral Hollow Road	Grant Line Road to Eleventh Street	AM	1,769	2,035	105	5%
		PM	2,317	3,875	324	**8%**
	Eleventh Street to Schulte Road	AM	2,038	2,180	212	10%
		PM	2,136	3,960	590	**15%**
	Schulte Road to Valpico Road	AM	946	1,900	253	13%
		PM	1,065	3,370	700	**21%**
	Valpico Road to Ellis Drive	AM	555	1,400	349	41%
		PM	612	2,520	1,000	**52%**
	Ellis Drive to Linne Road	AM	508	1,290	255	33%
		PM	446	2,400	787	**40%**
	Linne Road to I-580	AM	608	1,435	102	7%
		PM	582	2,635	338	**13%**
Tracy Boulevard Widen to 4 lanes between Valpico Road and Linne Road.						
Tracy Boulevard	Valpico Road to Linne Road	AM	745	1,005	0	0%
		PM	732	1,575	4	**0%**

FEHR & PEERS
TRANSPORTATION CONSULTANTS

TABLE 2
CUMULATIVE PLUS PROJECT
ROADWAY SEGMENT FAIR SHARE CALCULATIONS

Roadway	Segment	Peak Hour	Existing Volume	Cumulative Plus Project Volume	Project Volume	% Fair Share
MacArthur Drive Widen to 4 lanes between Schulte Road and Valpico Road.						
MacArthur Drive	Schulte Road to Valpico Road	AM	276	630	9	3%
		PM	398	1,290	34	**4%**

Note: **Bold** indicates the larger of the AM and PM share calculations.

1. New alignment of Schulte is a new roadway, thus fair share percentage is calculated as project trips over total cumulative trips

Source: Fehr & Peers, October 2010.

Appendix B

Intersection Costs

Patterson Pass/I-580 EB

City of Tracy

Ellis Program Area

Description Signalize
Widen EB approach to provide 1 Lt and 1 TR Lane
Widen NB approach to provide 1 Thru and 1 RT lane
Widen SB approach to provide 2 LT and 1 Thru Lane

Number of New Lanes: 4
Affected Width 12
Length: 300 **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	75,280
2	Clear & Grub	14,400	SF	$	0.20	$	2,880
3	Excavation	14,400	SF	$	1.80	$	25,920
4	Pavement AC	14,400	SF	$	3.30	$	47,520
5	Pavement AB	14,400	SF	$	4.10	$	59,040
6	Signage & Striping	14,400	SF	$	0.28	$	4,000
7	Overlay		SF	$	1.50	$	-
8	Signal	1	EA	$	525,000	$	525,000
9	Utility Relocation	1	LS	$	20,000	$	20,000
10	Railroad Crossing		LS	$	350,000	$	-
11	Traffic Control/Staking	1	LS		10%	$	68,436
					Construction Sub-total	**$**	**828,076**
					10% Design	*$*	*82,808*
					15% Contingency	*$*	*124,211*
					10% Construction Management	*$*	*82,808*
					5% Project Management	*$*	*41,404*
					Mark Up Sub-total	**$**	**331,230**
					Construction Total	**$**	**1,159,306**
12	Right-of-Way*	14,400	SF	$	2.30	$	53,058
					Segment Total	**$**	**1,212,364**

* Cost of ROW per SF plus $20,000 for acquisition costs

Patterson Pass/I-580 WB

City of Tracy

Ellis Program Area

Description Signalize
Widen WB approach to provide 1 TL and 1 RT lane
Widen SB approach to provide 1 Thru lane and 1 RT lane

Number of New Lanes: 2
Affected Width 12
Length: 300 **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	67,615
2	Clear & Grub	7,200	SF	$	0.20	$	1,440
3	Excavation	7,200	SF	$	1.80	$	12,960
4	Pavement AC	7,200	SF	$	3.30	$	23,760
5	Pavement AB	7,200	SF	$	4.10	$	29,520
6	Signage & Striping	7,200	SF	$	0.28	$	2,000
7	Overlay		SF	$	1.50	$	-
8	Signal	1	EA	$	525,000	$	525,000
9	Utility Relocation	1	LS	$	20,000	$	20,000
10	Railroad Crossing		LS	$	350,000	$	-
11	Traffic Control/Staking	1	LS		10%	$	61,468
					Construction Sub-total	**$**	**743,763**
					10% Design	*$*	*74,376*
					15% Contingency	*$*	*111,564*
					10% Construction Management	*$*	*74,376*
					5% Project Management	*$*	*37,188*
					Mark Up Sub-total	**$**	**297,505**
					Construction Total	**$**	**1,041,268**
12	Right-of-Way*	7,200	SF	$	2.30	$	36,529
					Segment Total	**$**	**1,077,797**

* Cost of ROW per SF plus $20,000 for acquisition costs

Corral Hollow/I-580 EB

City of Tracy

Ellis Program Area

Description Signalize
Widen EB approach to provide 1 LT and 1 TR lane.
Widen NB approach to provide 1 Thru Lane and 1 RT lane.
Widen SB approach to provide 1 LT lande and 2 Thru Lanes

Number of New Lanes: 4
Affected Width 12
Length: 300 **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	75,280
2	Clear & Grub	14,400	SF	$	0.20	$	2,880
3	Excavation	14,400	SF	$	1.80	$	25,920
4	Pavement AC	14,400	SF	$	3.30	$	47,520
5	Pavement AB	14,400	SF	$	4.10	$	59,040
6	Signage & Striping	14,400	SF	$	0.28	$	4,000
7	Overlay		SF	$	1.50	$	-
8	Signal	1	EA	$	525,000	$	525,000
9	Utility Relocation	1	LS	$	20,000	$	20,000
10	Railroad Crossing		LS	$	350,000	$	-
11	Traffic Control/Staking	1	LS		10%	$	68,436
					Construction Sub-total	**$**	**828,076**
					10% Design	*$*	*82,808*
					15% Contingency	*$*	*124,211*
					10% Construction Management	*$*	*82,808*
					5% Project Management	*$*	*41,404*
					Mark Up Sub-total	**$**	**331,230**
					Construction Total	**$**	**1,159,306**
12	Right-of-Way*	14,400	SF	$	2.30	$	53,058
					Segment Total	**$**	**1,212,364**

* Cost of ROW per SF plus $20,000 for acquisition costs

Corral Hollow/I-580 WB

City of Tracy

Ellis Program Area

Description Signalize
Widen WB approach to provide 1 TL and 1 RT lane.
Widen NB approach to add 1 Thru lane
Widen SB approach to provide 2 Thru lanes and 1 RT lane

Number of New Lanes: 4
Affected Width 12
Length: 300 **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	75,280
2	Clear & Grub	14,400	SF	$	0.20	$	2,880
3	Excavation	14,400	SF	$	1.80	$	25,920
4	Pavement AC	14,400	SF	$	3.30	$	47,520
5	Pavement AB	14,400	SF	$	4.10	$	59,040
6	Signage & Striping	14,400	SF	$	0.28	$	4,000
7	Overlay		SF	$	1.50	$	-
8	Signal	1	EA	$	525,000	$	525,000
9	Utility Relocation	1	LS	$	20,000	$	20,000
10	Railroad Crossing		LS	$	350,000	$	-
11	Traffic Control/Staking	1	LS		10%	$	68,436
					Construction Sub-total	**$**	**828,076**
					10% Design	*$*	*82,808*
					15% Contingency	*$*	*124,211*
					10% Construction Management	*$*	*82,808*
					5% Project Management	*$*	*41,404*
					Mark Up Sub-total	**$**	**331,230**
					Construction Total	**$**	**1,159,306**
12	Right-of-Way*	14,400	SF	$	2.30	$	53,058
					Segment Total	**$**	**1,212,364**

* Cost of ROW per SF plus $20,000 for acquisition costs

Lammers/Valpico

City of Tracy

Ellis Program Area

Description Signalize
Widen WB approach to provide 1 LT and 1 RT lane
Widen NB approach to add 2 thru lanes
Widen SB approach to Provide 1 SB LT and 3 thru lanes.

Number of New Lanes: 6
Affected Width 12
Length: 300 **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	63,694
2	Clear & Grub	21,600	SF	$	0.20	$	4,320
3	Excavation	21,600	SF	$	1.80	$	38,880
4	Pavement AC	21,600	SF	$	3.30	$	71,280
5	Pavement AB	21,600	SF	$	4.10	$	88,560
6	Signage & Striping	21,600	SF	$	0.28	$	6,000
7	Overlay		SF	$	1.50	$	-
8	Signal	1	EA	$	350,000	$	350,000
9	Utility Relocation	1	LS	$	20,000	$	20,000
10	Railroad Crossing	-	LS	$	350,000	$	-
11	Traffic Control/Staking	1	LS		10%	$	57,904
					Construction Sub-total	**$**	**700,638**
					10% Design	*$*	*70,064*
					15% Contingency	*$*	*105,096*
					10% Construction Management	*$*	*70,064*
					5% Project Management	*$*	*35,032*
					Mark Up Sub-total	**$**	**280,255**
					Construction Total	**$**	**980,894**
12	Right-of-Way*	21,600	SF	$	2.30	$	69,587
					Segment Total	**$**	**1,050,481**

* Cost of ROW per SF plus $20,000 for acquisition costs

Lammers/Schulte

City of Tracy

Ellis Program Area

Description Signalize
Widen EB approach to provide 1 LT and 1 TR lane.
Add WB approach to 1 LT and 1 TR lane.
Widen SB approach to provide 1 LT and 2 Thru lanes.

Number of New Lanes: 7
Affected Width 12
Length: 300 **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	86,777
2	Clear & Grub	25,200	SF	$	0.20	$	5,040
3	Excavation	25,200	SF	$	1.80	$	45,360
4	Pavement AC	25,200	SF	$	3.30	$	83,160
5	Pavement AB	25,200	SF	$	4.10	$	103,320
6	Signage & Striping	25,200	SF	$	0.28	$	7,000
7	Overlay		SF	$	1.50	$	-
8	Signal	1	EA	$	525,000	$	525,000
9	Utility Relocation	1	LS	$	20,000	$	20,000
10	Railroad Crossing		LS	$	525,000	$	-
11	Traffic Control/Staking	1	LS		10%	$	78,888
					Construction Sub-total	**$**	**954,545**
					10% Design	*$*	*95,454*
					15% Contingency	*$*	*143,182*
					10% Construction Management	*$*	*95,454*
					5% Project Management	*$*	*47,727*
					Mark Up Sub-total	**$**	**381,818**
					Construction Total	**$**	**1,336,363**
12	Right-of-Way*	25,200	SF	$	2.30	$	77,851
					Segment Total	**$**	**1,414,214**

* Cost of ROW per SF plus $20,000 for acquisition costs

Corral Hollow / Linne Road

City of Tracy

Ellis Program Area

Description Convert intersection to T with no EB approach
Widen WB approach to add 1 LT and 1 TR lane
Widen NB approach to provide 2 Thru lanes and 1 RT lane
Widen SB approach to provide 1 LT, 1 Thru, and 1 TR lane
Signalize

Number of New Lanes: 5
Affected Width 12
Length: 300 **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	117,612
2	Clear & Grub	18,000	SF	$	0.20	$	3,600
3	Excavation	18,000	SF	$	1.80	$	32,400
4	Pavement AC	18,000	SF	$	3.30	$	59,400
5	Pavement AB	18,000	SF	$	4.10	$	73,800
6	Signage & Striping	18,000	SF	$	0.28	$	5,000
7	Overlay		SF	$	1.50	$	-
8	Signal	1	EA	$	525,000	$	525,000
9	Utility Relocation	1	LS	$	20,000	$	20,000
10	Railroad Crossing	1	LS	$	350,000	$	350,000
11	Traffic Control/Staking	1	LS		10%	$	106,920
					Construction Sub-total	**$**	**1,293,732**
					10% Design	*$*	*129,373*
					15% Contingency	*$*	*194,060*
					10% Construction Management	*$*	*129,373*
					5% Project Management	*$*	*64,687*
					Mark Up Sub-total	**$**	**517,493**
					Construction Total	**$**	**1,811,225**
12	Right-of-Way*	18,000	SF	$	2.30	$	61,322
					Segment Total	**$**	**1,872,547**

* Cost of ROW per SF plus $20,000 for acquisition costs

Corral Hollow / Valpico Road

City of Tracy

Ellis Program Area

Description Widen SB approach to provide 1 LT & 1 TR lane
Signalize

Number of New Lanes: 1
Affected Width 12
Length: 300 **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	45,126
2	Clear & Grub	3,600	SF	$	0.20	$	720
3	Excavation	3,600	SF	$	1.80	$	6,480
4	Pavement AC	3,600	SF	$	3.30	$	11,880
5	Pavement AB	3,600	SF	$	4.10	$	14,760
6	Signage & Striping	3,600	SF	$	0.28	$	1,000
7	Overlay	3,600	SF	$	1.50	$	5,400
8	Signal	1	EA	$	350,000	$	350,000
9	Utility Relocation	1	LS	$	20,000	$	20,000
10	Traffic Control/Staking	1	LS		10%	$	41,024
					Construction Sub-total	**$**	**496,390**
					10% Design	*$*	*49,639*
					15% Contingency	*$*	*74,459*
					10% Construction Management	*$*	*49,639*
					5% Project Management	*$*	*24,820*
					Mark Up Sub-total	**$**	**198,556**
					Construction Total	**$**	**694,947**
11	Right-of-Way*	3,600	SF	$	2.30	$	28,264
					Segment Total	**$**	**723,211**

* Cost of ROW per SF plus $20,000 for acquisition costs

Corral Hollow / Schulte Rd

City of Tracy

Ellis Program Area

Description Widen EB approach to provide 1 LT and 1 Thru lane
Widen WB approach to provide 1 LT, 3 Thru, and 1 RT lane
Widen NB approach to provide 2 LT, 3 Thru, and 1 RT lane
Widen SB approach to provide 2 LT, 3 Thru, and 1 RT lane
Convert EB RT from permitted to free
Modify Signal

Number of New Lanes: 7
Lane Width: 12
Length: 300 **feet**
Width: **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	73,137
2	Clear & Grub	25,200	SF	$	0.20	$	5,040
3	Excavation	25,200	SF	$	1.80	$	45,360
4	Pavement AC	25,200	SF	$	3.30	$	83,160
5	Pavement AB	25,200	SF	$	4.10	$	103,320
6	Signage & Striping	32,400	SF	$	0.28	$	9,000
7	Overlay		SF	$	1.50	$	-
8	Signal Modification	1	EA	$	125,000.00	$	125,000
9	Curb & Gutter	1,200	LF	$	20.00	$	24,000
10	Sidewalk	6,000	SF	$	6.00	$	36,000
11	Landscaping	12,000	SF	$	4.00	$	48,000
12	Median Curb	2400	LF	$	15.00	$	36,000
13	Utility Relocation	1	LS	$	150,000.00	$	150,000
14	Traffic Control/Staking	1	LS		10%	$	66,488
					Construction Sub-total	**$**	**804,505**
					10% Design	*$*	*80,450*
					15% Contingency	*$*	*120,676*
					10% Construction Management	*$*	*80,450*
					5% Project Management	*$*	*40,225*
					Mark Up Sub-total	**$**	**321,802**
					Construction Total	**$**	**1,126,307**
15	Right-of-Way*	25,200	SF	$	2.30	$	77,851
					Segment Total	**$**	**1,204,158**

* Cost of ROW per SF plus $20,000 for acquisition costs

Corral Hollow/11th

City of Tracy

Ellis Program Area

Description Widen NB approach to add 1 Thru Lane (re-stripe)
Widen SB approach to add 1 Thru lane (re-stripe)
Convert EB and WB RT lanes from permitted to free (EB already completed)
Modify Signal

Number of New Lanes: 1
Lane Width 12
Length: 300 **feet**
Width: **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	23,173
2	Clear & Grub	3,600	SF	$	0.20	$	720
3	Excavation	3,600	SF	$	1.80	$	6,480
4	Pavement AC	3,600	SF	$	3.30	$	11,880
5	Pavement AB	3,600	SF	$	4.10	$	14,760
6	Signage & Striping	10,800	SF	$	0.28	$	3,000
7	Overlay		SF	$	1.50	$	-
8	Signal Modification	1	EA	$	125,000.00	$	125,000
9	Curb & Gutter	1,200	LF	$	20.00	$	24,000
10	Median Curb	130		$	15.00	$	1,950
11	Sidewalk	1,500	SF	$	6.00	$	9,000
12	Landscaping	3,000	SF	$	4.00	$	12,000
13	Median Curb	125	LF	$	15.00	$	1,875
14	Traffic Control/Staking	1	LS		10%	$	21,067
					Construction Sub-total	**$**	**254,905**
					10% Design	*$*	*25,490*
					15% Contingency	*$*	*38,236*
					10% Construction Management	*$*	*25,490*
					5% Project Management	*$*	*12,745*
					Mark Up Sub-total	**$**	**101,962**
					Construction Total	**$**	**356,867**
15	Right-of-Way*	3,600	SF	$	2.30	$	28,264
					Segment Total	**$**	**385,131**

* Cost of ROW per SF plus $20,000 for acquisition costs

Tracy Blvd./Linne Rd.

City of Tracy

Ellis Program Area

Description Widen EB approach to provide 2 LT and 3 Thru Lanes
Widen WB approach to provide 1 TL and 1 TR lane
Widen SB approach to provide 1 LT, 2 Thru, and 1 RT lane
Signalize

Number of New Lanes: 8
Lane Width: 12
Length: 300 **feet**
Width: **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	126,909
2	Clear & Grub	28,800	SF	$	0.20	$	5,760
3	Excavation	28,800	SF	$	1.80	$	51,840
4	Pavement AC	28,800	SF	$	3.30	$	95,040
5	Pavement AB	28,800	SF	$	4.10	$	118,080
6	Signage & Striping	28,800	SF	$	0.28	$	8,000
7	Overlay		SF	$	1.50	$	-
8	Signal	1	EA	$	525,000.00	$	525,000
9	Curb & Gutter		LF	$	20.00	$	-
10	Sidewalk		SF	$	6.00	$	-
11	Landscaping		SF	$	4.00	$	-
12	Median Curb		LF	$	15.00	$	-
13	Railroad Crossing	1	LS	$	350,000.00	$	350,000
14	Traffic Control/Staking	1	LS		10%	$	115,372
					Construction Sub-total	**$**	**1,396,001**
					10% Design	*$*	*139,600*
					15% Contingency	*$*	*209,400*
					10% Construction Management	*$*	*139,600*
					5% Project Management	*$*	*69,800*
					Mark Up Sub-total	**$**	**558,400**
					Construction Total	**$**	**1,954,402**
15	Right-of-Way*	28,800	SF	$	2.30	$	86,116
					Segment Total	**$**	**2,040,517**

* Cost of ROW per SF plus $20,000 for acquisition costs

Tracy Blvd./Valpico Rd.

City of Tracy

Ellis Program Area

Description Widen EB approach to add 1 Thru lane
Widen WB approach to provide 1 LT, 2 Thru, and 1 RT lane
Widen NB approach to provide 1 LT, 2 Thru, and 1 RT lane
Widen SB approach to provide 2 LT, 1 thru, and 1 RT lane
Modify Signal

Number of New Lanes: 2
Lane Width: 12
Length: 300 **feet**
Width: **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	27,355
2	Clear & Grub	7,200	SF	$	0.20	$	1,440
3	Excavation	7,200	SF	$	1.80	$	12,960
4	Pavement AC	7,200	SF	$	3.30	$	23,760
5	Pavement AB	7,200	SF	$	4.10	$	29,520
6	Signage & Striping	7,200	SF	$	0.28	$	2,000
7	Overlay		SF	$	1.50	$	-
8	Signal Modification	1	EA	$	125,000.00	$	125,000
9	Curb & Gutter	600	LF	$	20.00	$	12,000
10	Sidewalk	3,000	SF	$	6.00	$	18,000
11	Landscaping	6,000	SF	$	4.00	$	24,000
12	Median Curb		LF	$	15.00	$	-
13							
14							
15							
16	Traffic Control/Staking	1	LS		10%	$	24,868
					Construction Sub-total	**$**	**300,903**
					10% Design	*$*	*30,090*
					15% Contingency	*$*	*45,135*
					10% Construction Management	*$*	*30,090*
					5% Project Management	*$*	*15,045*
					Mark Up Sub-total	**$**	**120,361**
					Construction Total	**$**	**421,264**
17	Right-of-Way*	7,200	SF	$	2.30	$	36,529
					Segment Total	**$**	**457,793**

* Cost of ROW per SF plus $20,000 for acquisition costs

MacArthur/Linne

City of Tracy

Ellis Program Area

Description Widen EB approach to provide 1 LT, 1 Thru and 1 TR lane
Widen WB approach to provide 1 TL and 1 TR lane.
Signalize

Number of New Lanes: 3
Lane Width: 12
Length: 300 **feet**
Width: **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	107,747
2	Clear & Grub	10,800	SF	$	0.20	$	2,160
3	Excavation	10,800	SF	$	1.80	$	19,440
4	Pavement AC	10,800	SF	$	3.30	$	35,640
5	Pavement AB	10,800	SF	$	4.10	$	44,280
6	Signage & Striping	10,800	SF	$	0.28	$	3,000
7	Overlay		SF	$	1.50	$	-
8	Signal	1	EA	$	525,000	$	525,000
9	Curb & Gutter		LF	$	20.00	$	-
10	Sidewalk		SF	$	6.00	$	-
11	Landscaping		SF	$	4.00	$	-
12	Median Curb	0	LF	$	15.00	$	-
13	Railroad Crossing	1	LS	$	350,000.00	$	350,000
14							
15							
16	Traffic Control/Staking	1	LS		10%	$	97,952
					Construction Sub-total	**$**	**1,185,219**
					10% Design	*$*	*118,522*
					15% Contingency	*$*	*177,783*
					10% Construction Management	*$*	*118,522*
					5% Project Management	*$*	*59,261*
					Mark Up Sub-total	**$**	**474,088**
					Construction Total	**$**	**1,659,307**
17	Right-of-Way*	10,800	SF	$	2.30	$	44,793
					Segment Total	**$**	**1,704,100**

* Cost of ROW per SF plus $20,000 for acquisition costs

MacArthur/Valpico

City of Tracy

Ellis Program Area

Description Widen EB approach to add 1 Thru Lane (re-stripe)
Widen SB approach to add 1 Thru Lane
Convert WB and NB LT from Protected to Permitted
Modify Signal

Number of New Lanes: 1
Lane Width: 12
Length: 300 **feet**
Width: **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	20,662
2	Clear & Grub	3,600	SF	$	0.20	$	720
3	Excavation	3,600	SF	$	1.80	$	6,480
4	Pavement AC	3,600	SF	$	3.30	$	11,880
5	Pavement AB	3,600	SF	$	4.10	$	14,760
6	Signage & Striping	7,200	SF	$	0.28	$	2,000
7	Overlay		SF	$	1.50	$	-
8	Signal Modification	1	EA	$	125,000.00	$	125,000
9	Curb & Gutter	300	LF	$	20.00	$	6,000
10	Sidewalk	1,500	SF	$	6.00	$	9,000
11	Landscaping	3,000	SF	$	4.00	$	12,000
12	Median Curb	0	LF	$	15.00	$	-
13							
14							
15							
16	Traffic Control/Staking	1	LS		10%	$	18,784
					Construction Sub-total	**$**	**227,286**
					10% Design	*$*	*22,729*
					15% Contingency	*$*	*34,093*
					10% Construction Management	*$*	*22,729*
					5% Project Management	*$*	*11,364*
					Mark Up Sub-total	**$**	**90,915**
					Construction Total	**$**	**318,201**
17	Right-of-Way*	3,600	SF	$	2.30	$	28,264
					Segment Total	**$**	**346,465**

* Cost of ROW per SF plus $20,000 for acquisition costs

Chrisman/Linne

City of Tracy

Ellis Program Area

Description Widen EB approach to provide 1 TL and 1 TR (re-stripe)
Widen SB approach to provide 1 TL and 1 TR lane (re-stripe)

Number of New Lanes: 2
Lane Width: 12
Length: 300 **feet**
Width: **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	7,665
2	Clear & Grub	7,200	SF	$	0.20	$	1,440
3	Excavation	7,200	SF	$	1.80	$	12,960
4	Pavement AC	7,200	SF	$	3.30	$	23,760
5	Pavement AB	7,200	SF	$	4.10	$	29,520
6	Signage & Striping	7,200	SF	$	0.28	$	2,000
7	Overlay		SF	$	1.50	$	-
8	Signal Modification	-	EA	$	125,000.00	$	-
9	Curb & Gutter		LF	$	20.00	$	-
10	Sidewalk		SF	$	6.00	$	-
11	Landscaping		SF	$	4.00	$	-
12	Median Curb		LF	$	15.00	$	-
13							
14							
15							
16	Traffic Control/Staking	1	LS		10%	$	6,968
					Construction Sub-total	**$**	**84,313**
					10% Design	*$*	*8,431*
					15% Contingency	*$*	*12,647*
					10% Construction Management	*$*	*8,431*
					5% Project Management	*$*	*4,216*
					Mark Up Sub-total	**$**	**33,725**
					Construction Total	**$**	**118,038**
17	Right-of-Way*	7,200	SF	$	2.30	$	36,529
					Segment Total	**$**	**154,567**

* Cost of ROW per SF plus $20,000 for acquisition costs

Chrisman/Valpico

City of Tracy

Ellis Program Area

Description Restripe to Modify NB approach to 1 TL and 1 Thru
Restripe Modify SB approach to 1 Thru and one TR.

Number of New Lanes: 2
Lane Width: 12
Length: 300 **feet**
Width: **feet**

Item #	Description	Qty	Units	Unit Cost	Cost
1	Mobilization	1	LS	10%	$ 220
2	Clear & Grub	-	SF	$ 0.20	$ -
3	Excavation	-	SF	$ 1.80	$ -
4	Pavement AC	-	SF	$ 3.30	$ -
5	Pavement AB	-	SF	$ 4.10	$ -
6	Signage & Striping	7,200	SF	$ 0.28	$ 2,000
7	Overlay		SF	$ 1.50	$ -
8	Signal Modification	-	EA	$ 125,000.00	$ -
9	Curb & Gutter		LF	$ 20.00	$ -
10	Sidewalk		SF	$ 6.00	$ -
11	Landscaping		SF	$ 4.00	$ -
12	Median Curb	0	LF	$ 15.00	$ -
13					
14					
15					
16	Traffic Control/Staking	1	LS	10%	$ 200
				Construction Sub-total	**$ 2,420**
				10% Design	*$ 242*
				15% Contingency	*$ 363*
				10% Construction Management	*$ 242*
				5% Project Management	*$ 121*
				Mark Up Sub-total	**$ 968**
				Construction Total	**$ 3,388**
17	Right-of-Way*	-	SF		$ -
				Segment Total	**$ 3,388**

* Cost of ROW per SF plus $20,000 for acquisition costs

Chrisman/Schulte

City of Tracy

Ellis Program Area

Description Signalize
Widen NB approach to add 1 Thru Lane

Number of New Lanes: 1
Lane Width: 12
Length: 300 **feet**
Width: **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	100,082
2	Clear & Grub	3,600	SF	$	0.20	$	720
3	Excavation	3,600	SF	$	1.80	$	6,480
4	Pavement AC	3,600	SF	$	3.30	$	11,880
5	Pavement AB	3,600	SF	$	4.10	$	14,760
6	Signage & Striping	3,600	SF	$	0.28	$	1,000
7	Overlay		SF	$	1.50	$	-
8	Signal	1	EA	$	525,000	$	525,000
9	Curb & Gutter		LF	$	20.00	$	-
10	Sidewalk		SF	$	6.00	$	-
11	Landscaping		SF	$	4.00	$	-
12	Median Curb		LF	$	15.00	$	-
13	Railroad Crossing	1	LS	$	350,000.00	$	350,000
14							
15							
16	Traffic Control/Staking	1	LS		10%	$	90,984
					Construction Sub-total	**$**	**1,100,906**
					10% Design	*$*	*110,091*
					15% Contingency	*$*	*165,136*
					10% Construction Management	*$*	*110,091*
					5% Project Management	*$*	*55,045*
					Mark Up Sub-total	**$**	**440,363**
					Construction Total	**$**	**1,541,269**
17	Right-of-Way*	3,600	SF	$	2.30	$	28,264
					Segment Total	**$**	**1,569,533**

* Cost of ROW per SF plus $20,000 for acquisition costs

Chrisman/11th

City of Tracy

Ellis Program Area

Description Convert SB right from permitted
Overlap phasing to permitted

Number of New Lanes: 0
Lane Width: 12
Length: 300 **feet**
Width: **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	-	LS		10%	$	-
2	Clear & Grub	-	SF	$	0.20	$	-
3	Excavation	-	SF	$	1.80	$	-
4	Pavement AC	-	SF	$	3.30	$	-
5	Pavement AB	-	SF	$	4.10	$	-
6	Signage & Striping	-	SF			$	-
7	Overlay		SF	$	1.50	$	-
8	Signal Phasing	1	EA	$	5,000	$	5,000
9	Curb & Gutter		LF	$	20.00	$	-
10	Sidewalk		SF	$	6.00	$	-
11	Landscaping		SF	$	4.00	$	-
12	Median Curb		LF	$	15.00	$	-
13							
14							
15							
16	Traffic Control/Staking	1	LS		10%	$	-
					Construction Sub-total	**$**	**5,000**
					10% Design	*$*	*500*
					15% Contingency	*$*	*750*
					10% Construction Management	*$*	*500*
					5% Project Management	*$*	*250*
					Mark Up Sub-total	**$**	**2,000**
					Construction Total	**$**	**7,000**
17	Right-of-Way*	-	SF			$	-
					Segment Total	**$**	**7,000**

* Cost of ROW per SF plus $20,000 for acquisition costs

11th/Lammers

City of Tracy

Ellis Program Area

Description Widen EB approach to add 1 RT lane
Reduce NB thru lanes from 2 to 1 and add a 3rd LT lane
Reduce SB LT lanes from 2 to 1 lane
Convert EB, NB and SB RT lanes from Permitted to free

Number of New Lanes: 1
Lane Width: 12
Length: 300 **feet**
Width: **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	4,267
2	Clear & Grub	3,600	SF	$	0.20	$	720
3	Excavation	3,600	SF	$	1.80	$	6,480
4	Pavement AC	3,600	SF	$	3.30	$	11,880
5	Pavement AB	3,600	SF	$	4.10	$	14,760
6	Signage & Striping	10,800	SF	$	0.28	$	3,000
7	Overlay		SF	$	1.50	$	-
8	Signal Modification	-	EA	$	125,000.00	$	-
9	Curb & Gutter		LF	$	20.00	$	-
10	Sidewalk		SF	$	6.00	$	-
11	Landscaping		SF	$	4.00	$	-
12	Median Curb	130	LF	$	15.00	$	1,950
13							
14							
15							
16	Traffic Control/Staking	1	LS		10%	$	3,879
					Construction Sub-total	**$**	**46,936**
					10% Design	*$*	*4,694*
					15% Contingency	*$*	*7,040*
					10% Construction Management	*$*	*4,694*
					5% Project Management	*$*	*2,347*
					Mark Up Sub-total	**$**	**18,774**
					Construction Total	**$**	**65,710**
17	Right-of-Way*	3,600	SF	$	2.30	$	28,264
					Segment Total	**$**	**93,975**

* Cost of ROW per SF plus $20,000 for acquisition costs

Byron/Grant Line

City of Tracy

Ellis Program Area

Description Widen EB approach to provide 1 LT and 1 Thru
Widen WB approach to provide 2 LT, 2 Thru and 1 RT
Widen NB approach to add 1 LT, 2 Thru and 2 RT
Widen SB approach to provide 1 LT, 1 Thru and 1 TR
Signalize

Number of New Lanes: 12
Lane Width: 12
Length: 300 **feet**
Width: **feet**

Item #	Description	Qty	Units		Unit Cost		Cost
1	Mobilization	1	LS		10%	$	153,239
2	Clear & Grub	43,200	SF	$	0.20	$	8,640
3	Excavation	43,200	SF	$	1.80	$	77,760
4	Pavement AC	43,200	SF	$	3.30	$	142,560
5	Pavement AB	43,200	SF	$	4.10	$	177,120
6	Signage & Striping	43,200	SF	$	0.28	$	12,000
7	Overlay		SF	$	1.50	$	-
8	Signal	1	EA	$	525,000	$	525,000
9	Curb & Gutter		LF	$	20.00	$	-
10	Sidewalk		SF	$	6.00	$	-
11	Landscaping		SF	$	4.00	$	-
12	Median Curb		LF	$	15.00	$	-
13	Railroad Crossing	1	LS	$	350,000.00	$	350,000
14	Utility Relocation	1	LS	$	100,000	$	100,000
15							
16	Traffic Control/Staking	1	LS		10%	$	139,308
					Construction Sub-total	**$**	**1,685,627**
					10% Design	*$*	*168,563*
					15% Contingency	*$*	*252,844*
					10% Construction Management	*$*	*168,563*
					5% Project Management	*$*	*84,281*
					Mark Up Sub-total	**$**	**674,251**
					Construction Total	**$**	**2,359,878**
17	Right-of-Way*	43,200	SF	$	2.30	$	119,174
					Segment Total	**$**	**2,479,051**

* Cost of ROW per SF plus $20,000 for acquisition costs

Appendix C

Roadway Costs

NEW AREA				Major Arterial		Expressway		Minor Arterial		Major Arterial	
				4 Travel Lanes 8' Bike Lanes 16' Median 25' Setbacks w/5' Sidewalks 130' R/W 64' Pavement		4 Travel Lanes 8' Shoulders 22' Median 25' Setbacks no Sidewalks 136' R/W 64' Pavement		4 Travel Lanes No Bike Lanes TWLTL 25' Setbacks w/5' Sidewalks 116' R/W 66' Pavement		6 Travel Lanes 8' Bike Lanes 16' Median 25' Setbacks w/5' Sidewalks 154' R/W 88' Pavement	
				Program Width: 30 Frontage Width: 100 Total Width: 130		Program Width: 46 Frontage Width: 90 Total Width: 136		Program Width: 16 Frontage Width: 100 Total Width: 116		Program Width: 64 Frontage Width: 94 Total Width: 154	
	Unit of Measure	**Unit Cost**	**Unit Cost Per SF**	**Section Cost Per LF**	**Percent of Total Cost**	**Section Cost Per LF**	**Percent of Total Cost**	**Section Cost Per LF**	**Percent of Total Cost**	**Section Cost Per LF**	**Percent of Total Cost**
Clearing & Grubbing	SF	$0.20	$0.20	$26.00	2.4%	$27.20	2.5%	$23.20	2.4%	$30.80	2.9%
Demolition (AC)	SF	$3.00	$3.00		0.0%		0.0%		0.0%		0.0%
Earthwork (inc. import fill)	CY	$22.00	$0.81	$105.93	10.0%	$110.81	10.3%	$94.52	9.7%	$125.48	11.8%
Erosion Control	Acres	$1,500.00	$0.03	$4.48	0.4%	$4.68	0.4%	$3.99	0.4%	$5.30	0.5%
Drainage Ditch	LF	$20.00			0.0%		0.0%		0.0%		0.0%
Reinforced Concrete Pipe	LF	$65.00		$65.00	6.1%	$65.00	6.1%	$65.00	6.7%	$65.00	6.1%
Storm Drain Lateral	LF	$50.00		$8.00	0.8%	$8.00	0.7%	$8.25	0.8%	$11.00	1.0%
Drainage Structures	EA	$3,500.00		$8.75	0.8%	$8.75	0.8%	$8.75	0.9%	$8.75	0.8%
AC/AB Pavement	SF	$7.40	$7.40	$473.60	44.6%	$473.60	44.1%	$488.40	50.3%	$651.20	61.3%
Signing/Striping/Marking	LF	$2.50		$2.50	0.2%	$2.50	0.2%	$3.75	0.4%	$3.75	0.4%
Median Curb	LF	$15.00		$30.00	2.8%	$30.00	2.8%	$0.00	0.0%	$30.00	2.8%
Median Landscaping + Irrig.	SF	$4.00	$4.00	$64.00	6.0%	$88.00	8.2%	$0.00	0.0%	$64.00	6.0%
Vertical Curb and Gutter	LF	$20.00		$40.00	3.8%	$40.00	3.7%	$40.00	4.1%	$40.00	3.8%
Sidewalk	SF	$6.00	$6.00	$60.00	5.6%	$0.00	0.0%	$60.00	6.2%	$60.00	5.6%
Border Landscaping + Irrig.	SF	$4.00	$4.00	$160.00	15.1%	$200.00	18.6%	$160.00	16.5%	$160.00	15.1%
Lighting	LF	$14.80		$14.80	1.4%	$14.80	1.4%	$14.80	1.5%	$14.80	1.4%
Total Construction				$1,063.05		$1,073.35		$970.66		$1,270.08	
Markup	40%			$425.22		$429.34		$388.27		$508.03	
Right-of-way	SF	$2.30	$2.30	$298.44		$312.21		$266.30		$353.54	
Total Project				$1,786.71		$1,814.90		$1,625.23		$2,131.65	
Per Mile				$9,433,841.73		$9,582,673.34		$8,581,201.57		$11,255,131.38	
Frontage Portion				**$1,263.55**	**70.7%**	**$1,126.27**	**62.1%**	**$1,344.80**	**82.7%**	**$1,287.92**	**60.4%**
Non-Frontage Portion				**$523.17**	**29.3%**	**$688.63**	**37.9%**	**$280.43**	**17.3%**	**$843.73**	**39.6%**
Total				**$1,786.71**		**$1,814.90**		**$1,625.23**		**$2,131.65**	
Curb to Curb Cost				**$1,035.89**		**$1,129.72**		**$874.40**		**$1,418.48**	
Frontage on Curb to Curb				**$750.82**		**$685.18**		**$750.82**		**$713.18**	

Updated 8/14/2013 8:18 AM

DEMOLISH EXISTING 2-LANE RURAL ROAD **Assume 30' of existing pavement** Assume 55' existing ROW				**Major Arterial** 4 Travel Lanes 8' Bike Lanes 16' Median 25' Setbacks w/5' Sidewalks 130' R/W 64' Pavement		**Expressway** 4 Travel Lanes 8' Shoulders 22' Median 25' Setbacks no Sidewalks 136' R/W 64' Pavement		**Expressway** 6 Travel Lanes 8' Shoulders 22' Median 25' Setbacks no Sidewalks 160' R/W 88' Pavement	
				Program Width: 30		Program Width: 46		Program Width: 70	
				Frontage Width: 100		Frontage Width: 90		Frontage Width: 90	
				Total Width: 130		Total Width: 136		Total Width: 160	
	Unit of Measure	**Unit Cost**	**Unit Cost Per SF**	**Section Cost Per LF**	**Percent of Total Cost**	**Section Cost Per LF**	**Percent of Total Cost**	**Section Cost Per LF**	**Percent of Total Cost**
Clearing & Grubbing	SF	$0.20	$0.20	$20.00	1.8%	$21.20	1.9%	$26.00	1.9%
Demolition (AC)	SF	$3.00	$3.00	$90.00	8.0%	$90.00	7.9%	$90.00	6.7%
Earthwork (inc. import fill)	CY	$22.00	$0.81	$81.48	7.3%	$86.37	7.6%	$105.93	7.9%
Erosion Control	Acres	$1,500.00	$0.03	$4.48	0.4%	$4.68	0.4%	$5.51	0.4%
Drainage Ditch	LF	$20.00			0.0%		0.0%		0.0%
Reinforced Concrete Pipe	LF	$65.00		$65.00	5.8%	$65.00	5.7%	$65.00	4.9%
Storm Drain Lateral	LF	$50.00		$8.00	0.7%	$8.00	0.7%	$11.00	0.8%
Drainage Structures	EA	$3,500.00		$8.75	0.8%	$8.75	0.8%	$8.75	0.7%
AC Pavement	SF	$7.40	$7.40	$473.60	42.2%	$473.60	41.8%	$651.20	48.6%
Signing/Striping/Marking	LF	$2.50		$2.50	0.2%	$2.50	0.2%	$3.75	0.3%
Median Curb	LF	$15.00		$30.00	2.7%	$30.00	2.6%	$30.00	2.2%
Median Landscaping + Irrig.	SF	$4.00	$4.00	$64.00	5.7%	$88.00	7.8%	$88.00	6.6%
Vertical Curb and Gutter	LF	$20.00		$40.00	3.6%	$40.00	3.5%	$40.00	3.0%
Sidewalk	SF	$6.00	$6.00	$60.00	5.3%	$0.00	0.0%	$0.00	0.0%
Border Landscaping + Irrig.	SF	$4.00	$4.00	$160.00	14.3%	$200.00	17.7%	$200.00	14.9%
Lighting	LF	$14.80		$14.80	1.3%	$14.80	1.3%	$14.80	1.1%
Total Construction				$1,122.61		$1,132.90		$1,339.94	
Markup	40%			$449.04		$453.16		$535.97	
Right-of-way		$2.30	$2.30	$172.18		$185.95		$241.05	
Total Project				$1,743.83		$1,772.02		$2,116.96	
Per Mile				$9,207,409.73		$9,356,241.34		$11,177,530.99	
Frontage Portion				**$1,230.56**	**70.6%**	**$1,097.89**	**62.0%**	**$1,176.83**	**55.6%**
Non-Frontage Portion				**$513.27**	**29.4%**	**$674.13**	**38.0%**	**$940.13**	**44.4%**
Total				**$1,743.83**		**$1,772.02**		**$2,116.96**	
Curb to Curb Costs				**$1,025.99**		**$1,115.22**		**$1,455.90**	
Frontage for Curb to Curb				**$717.84**		**$656.80**		**$661.05**	

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UPGRADE EXISTING 2-LANE ROAD Assume 36' of pavement Assumes 55' Exist ROW				Major Arterial 4 Travel Lanes 8' Bike Lanes 16' Median 25' Setbacks w/5' Sidewalks 130' R/W 64' Pavement		Minor Arterial 4 Travel Lanes No Bike Lanes TWLTL 25' Setbacks w/5' Sidewalks 116' R/W 66' Pavement	
				Program Width: 30 Frontage Width: 100 Total Width: 130		Program Width: 16 Frontage Width: 100 Total Width: 116	
	Unit of Measure	**Unit Cost**	**Unit Cost Per SF**	**Section Cost Per LF**	**Percent of Total Cost**	**Section Cost Per LF**	**Percent of Total Cost**
Clearing & Grubbing [1]	SF	$0.20	$0.20	$18.80	2.5%	$16.00	2.4%
Demolition (AC) [2]	SF	$3.00	$3.00	$30.00	4.0%	$30.00	4.6%
Earthwork (inc. import fill) [1]	CY	$22.00	$0.81	$76.59	10.2%	$65.19	9.9%
Erosion Control	Acres	$1,500.00	$0.03	$3.24	0.4%	$2.75	0.4%
Drainage Ditch	LF	$20.00			0.0%		0.0%
Reinforced Concrete Pipe	LF	$65.00		$65.00	8.7%	$65.00	9.9%
Storm Drain Lateral	LF	$50.00		$8.00	1.1%	$8.25	1.3%
Drainage Structures	EA	$3,500.00		$8.75	1.2%	$8.75	1.3%
AC Pavement	SF	$7.40	$7.40	$207.20	27.7%	$222.00	33.8%
Signing/Striping/Marking	LF	$2.50		$2.50	0.3%	$3.75	0.6%
Median Curb	LF	$15.00		$30.00	4.0%	$0.00	0.0%
Median Landscaping + Irrig.	SF	$4.00	$4.00	$64.00	8.5%	$0.00	0.0%
Vertical Curb and Gutter	LF	$20.00		$40.00	5.3%	$40.00	6.1%
Sidewalk	SF	$6.00	$6.00	$60.00	8.0%	$60.00	9.1%
Border Landscaping + Irrig.	SF	$4.00	$4.00	$120.00	16.0%	$120.00	18.3%
Lighting	LF	$14.80		$14.80	2.0%	$14.80	2.3%
Total Construction				$748.88		$656.49	
Markup	40%			$299.55		$262.60	
Right-of-way	SF	$2.30	$2.30	$172.18		$140.04	
Total Project				$1,220.61		$1,059.12	
Per Mile				$6,444,808.23		$5,592,168.06	
Frontage Portion				**$815.16**	**66.8%**	**$849.05**	**80.2%**
Non-Frontage Portion				**$405.45**	**33.2%**	**$210.07**	**19.8%**
Total				**$1,220.61**		**$1,059.12**	
Curb to Curb Costs				**$631.28**		**$482.53**	
Frontage for Curb to Curb				**$589.33**		**$576.60**	

Notes:

1 For Clearing & Grubbing and Earthwork it is assumed that work will need to be done on everything in the right-of-way except the existing pavement.

2 It is assumed that there will be a cost for demolition of sidewalk existing 5' sidewalks.

UPGRADE EXISTING 4-LANE ROAD				**Major Arterial**		**Major Arterial**		**Expressway**		**Expressway**	
Assume 64' pavement				4 Travel Lanes		6 Travel Lanes		4 Travel Lanes		6 Travel Lanes	
To 4 lane art.: w/in existing R/W				8' Bike Lanes		8' Bike Lanes		8' Shoulders		8' Shoulders	
To 4 lane exp.: widen on the sides				16' Median		16' Median		22' Median		22' Median	
To 6 lanes: widen on the sides				25' Setbacks		25' Setbacks		25' Setbacks		25' Setbacks	
Assume 110' existing ROW				w/5' Sidewalks		w/5' Sidewalks		no Sidewalks		no Sidewalks	
				130' R/W		154' R/W		136' R/W		160' R/W	
				64' Pavement		88' Pavement		64' Pavement		88' Pavement	
				Program Width:	70	Program Width	86	Program Width:	86	Program Width:	110
				Frontage Width:	60	Frontage Width	50	Frontage Width:	50	Frontage Width:	50
				Total Width:	130	Total Width:	136	Total Width:	136	Total Width:	160
	Unit of Measure	**Unit Cost**	**Unit Cost Per SF**	**Section Cost Per LF**	**Percent of Total Cost**	**Section Cost Per LF**	**Percent of Total Cost**	**Section Cost Per LF**	**Percent of Total Cost**	**Section Cost Per LF**	**Percent of Total Cost**
Clearing & Grubbing [1]	SF	$0.20	$0.20	$13.20	2.1%	$18.00	2.9%	$14.40	2.0%	$19.20	2.0%
Demolition (AC) [2]	SF	$3.00	$3.00	$30.00	4.8%	$30.00	4.8%	$30.00	4.1%	$30.00	3.2%
Earthwork (inc. import fill) [1]	CY	$22.00	$0.81	$53.78	8.5%	$73.33	11.6%	$58.67	8.0%	$78.22	8.3%
Erosion Control	Acres	$1,500.00	$0.03	$2.27	0.4%	$3.10	0.5%	$2.48	0.3%	$3.31	0.3%
Drainage Ditch	LF	$20.00			0.0%		0.0%		0.0%		0.0%
Reinforced Concrete Pipe	LF	$65.00		$65.00	10.3%	$65.00	10.3%	$65.00	8.9%	$65.00	6.9%
Storm Drain Lateral	LF	$50.00		$8.00	1.3%	$11.00	1.7%	$8.00	1.1%	$11.00	1.2%
Drainage Structures	EA	$3,500.00		$8.75	1.4%	$8.75	1.4%	$8.75	1.2%	$8.75	0.9%
AC Pavement [3]	SF	$7.40	$7.40	$118.40	18.8%	$177.60	28.2%	$118.40	16.2%	$296.00	31.3%
Signing/Striping/Marking	LF	$2.50		$2.50	0.4%	$2.50	0.4%	$2.50	0.3%	$2.50	0.3%
Median Curb	LF	$15.00		$30.00	4.8%	$30.00	4.8%	$30.00	4.1%	$30.00	3.2%
Median Landscaping + Irrig.	SF	$4.00	$4.00	$64.00	10.1%	$64.00	10.1%	$88.00	12.1%	$88.00	9.3%
Vertical Curb and Gutter	LF	$20.00		$40.00	6.3%	$40.00	6.3%	$40.00	5.5%	$40.00	4.2%
Sidewalk	SF	$6.00	$6.00	$60.00	9.5%	$60.00	9.5%	$60.00	8.2%	$60.00	6.3%
Border Landscaping + Irrig.	SF	$4.00	$4.00	$120.00	19.0%	$120.00	19.0%	$200.00	27.4%	$200.00	21.1%
Lighting	LF	$14.80		$14.80	2.3%	$14.80	2.3%	$3.70	0.5%	$14.80	1.6%
Total Construction				$630.70		$718.08		$729.90		$946.78	
Markup	40%			$252.28		$287.23		$291.96		$378.71	
Right-of-way	SF	$2.30	$2.30	$45.91		$101.01		$59.69		$114.78	
Total Project				$928.89		$1,106.33		$1,081.54		$1,440.27	
Per Mile				$4,904,562.38		$5,841,399.22		$5,710,542.79		$7,604,643.64	
Frontage Portion				**$403.68**	**43.5%**	**$419.54**	**37.9%**	**$498.86**	**46.1%**	**$523.42**	**36.3%**
Non-Frontage Portion				**$525.21**	**56.5%**	**$686.78**	**62.1%**	**$582.68**	**53.9%**	**$916.85**	**63.7%**
Total				**$928.89**		**$1,106.33**		**$1,081.54**		**$1,440.27**	

Notes: **$525.21** **$686.78** **$582.68** **$916.85**

1 For Clearing & Grubbing and Earthwork it is assumed that work will need to be done on everything in the right-of-way except the existing pavement.

2 It is assumed that there will be a cost for demolition of sidewalk existing 5' sidewalks.

3 Assume when there is an existing 4-lane roadway that shoulders, bike lanes, and sidewalks are being added.

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City of Tracy- Ellis Program Wastewater Analysis

DRAFT Finance and Implementation Program (FIP) Fees

REGISTERED PROFESSIONAL ENGINEER
VIJAY KUMAR
C 59044
EXP 06/2015
CIVIL
STATE OF CALIFORNIA

Prepared for

City of Tracy

December 2012
Updated August 2013

CH2MHILL

2485 Natomas Park Drive, Suite 600
Sacramento, CA 95833
Phone: 916-920-0300

Table of Contents

Executive Summary 3
Ellis Program Wastewater Analysis Finance and Implementation Program (FIP) Fees 6
Project Description 6
Purpose and Scope 7
Interim Infrastructure Needs 7
WASTEWATER FLOWS FROM ELLIS PROGRAM 7
WASTEWATER FLOWS FROM STORAGE CENTER 8
TOTAL WASTEWATER FLOW FROM INITIAL ELLIS PROGRAM + STORAGE 8
Wastewater System Fee—Ellis Program 10
Ellis Program Wastewater Connection fee Summary 14
Benefit and Burden Analysis 15
Fee Justification Study (Compliance with Government Code Section 66000, et Seq.) 15
Benefit and Burden Analysis for Wastewater System 16
Reference Documents Used in Analysis 18

Executive Summary

The City of Tracy (City) has been requested by the Ellis Program developer to complete a Finance and Implementation Plan (FIP) for the proposed Ellis program. In addition to other details, the FIP includes the wastewater system development impact fee from Ellis.

The Ellis Program includes a mix of residential, commercial, office/professional, institutional, and recreational uses which at this time covers approximately 321 acres.

In order to establish development impact fees for Ellis FIP, the wastewater collection and treatment capacity needs to be analyzed. Due to geographic location and available natural slopes of the terrain, Ellis program is located within the wastewater collection boundaries of Corral Hollow sewer system. This report analyzes the Corral Hollow sewer system capacity for Ellis program and other developments. The Ellis FIP development impact fees are addressed in this Ellis FIP wastewater analysis.

Based on the analysis presented in this report, the following is a summary of Corral Hollow sewer system capacity.

1. All wastewater flows from Ellis would discharge to the Corral Hollow sewer system on a permanent basis.

2. Total units in the Ellis Program

Project	Units	Notes
Ellis	2250	Includes 550 units
Village Mixed Use	507	Equivalent SF units or EDUs
Commercial	114	Equivalent SF units or EDUs

3. City will ultimately decide the order in which wastewater from the above projects is discharged to the Corral Hollow sewer system.

4. Based on the previous analysis, there is approximately 550 unit capacity available in the existing Corral Hollow sewer line **up to I-205**. From this point, flows from 550 units must be directed to Hansen pump station using existing overflow pipe (already installed).

5. Ellis will be served from existing Corral Hollow sewer conveyance system. 550 multi-family residential units from Ellis will not pay sewer conveyance fee in accordance with the Ellis Development Agreement (DA) with the City of Tracy. Out of these units, the first 330 units will use the existing available capacity in the Corral Hollow sewer assuming a new sewer line is installed from Ellis Program to the existing Corral Hollow sewer system.

6. The remaining 220 units from Ellis Program will be served from Corral Hollow sewer after its existing capacity is increased with improvements in accordance with the City of Tracy Wastewater Master Plan—Corral Hollow Sewer Analysis dated April 2012 completed by CH2MHILL.

7. The Eastside sewer capacity for the Ellis Program for 250 units will be temporary until other projects that are designated to discharge to the Eastside sewer system are developed. The City shall monitor the available capacity every year or before approving additional development within the Eastside sewer area.

8. Corral Hollow sewer system upgrade must be completed prior to use of Corral Hollow sewer line capacity beyond 550 units. These upgrades can be completed in multiple phases or at one time as identified in the previous analysis. The development impact fee may change depending on single or multiple phase implementation.

9. Corral Hollow sewer conveyance capacity can be increased by construction of improvements to the system as shown in TABLE 6-2, Major Wastewater Conveyance Facilities Capital Cost Estimate – West Catchment of the 2013 City of Tracy Wastewater Master Plan. To provide consistency amongst all projects in the West Catchment area, the master plan numbers and associated cost have been used in this report.

9. Based on the 2013 Tracy Wastewater Conveyance and Treatment Development Impact Fee Study, the conveyance fee is $1,610 per EDU

10. Tracy WWTP Expansion Fee
Per Tracy Wastewater Conveyance and Treatment Development Impact Fee Study, the connection fee is $6,727. It should be noted that the above fee is based on build out cost estimate. Since the Tracy WWTP NPDES Permit is renewed every five years and expansion project is built in multiple phases, periodic update to the above fee may be required.

11. Ellis Program Wastewater Connection fee Summary based on the 2013 Tracy Wastewater Conveyance and Treatment Development Impact Fee Study

Property	**Units**	**Conveyance Cost (see note)**	**WWTP Upgrade Fee (per unit)**	**Total cost per unit**	
Ellis program	550	0	$0	$0	Based on DA
Ellis program	250 (per DA)	$1,610	0	$1,610	per ECU
Ellis program	1,957	$1,610	$6,727	$8,337	per ECU
Ellis program/ Commercial (5.2 units per acre)	114	$1,610	$6,727	$43,352	Per acre

Note – **Corral Hollow Upgrade Fee assumes that upgrade will happen in one phase which requires a large upfront capital. The upgrade may occur in more than one phase which will affect the cost. The Financing plan is assumed to address this issue.**

12. The following Conversion factors have been used to compute wastewater system fee for medium and high density units.
1 SF Equivalent = Detached single family home= 264 gallons per day
Medium density = Equivalent to 0.81 S.F.
High density = Equivalent to 0.67 S.F.
Commercial = 5.2 SF equivalent per acre

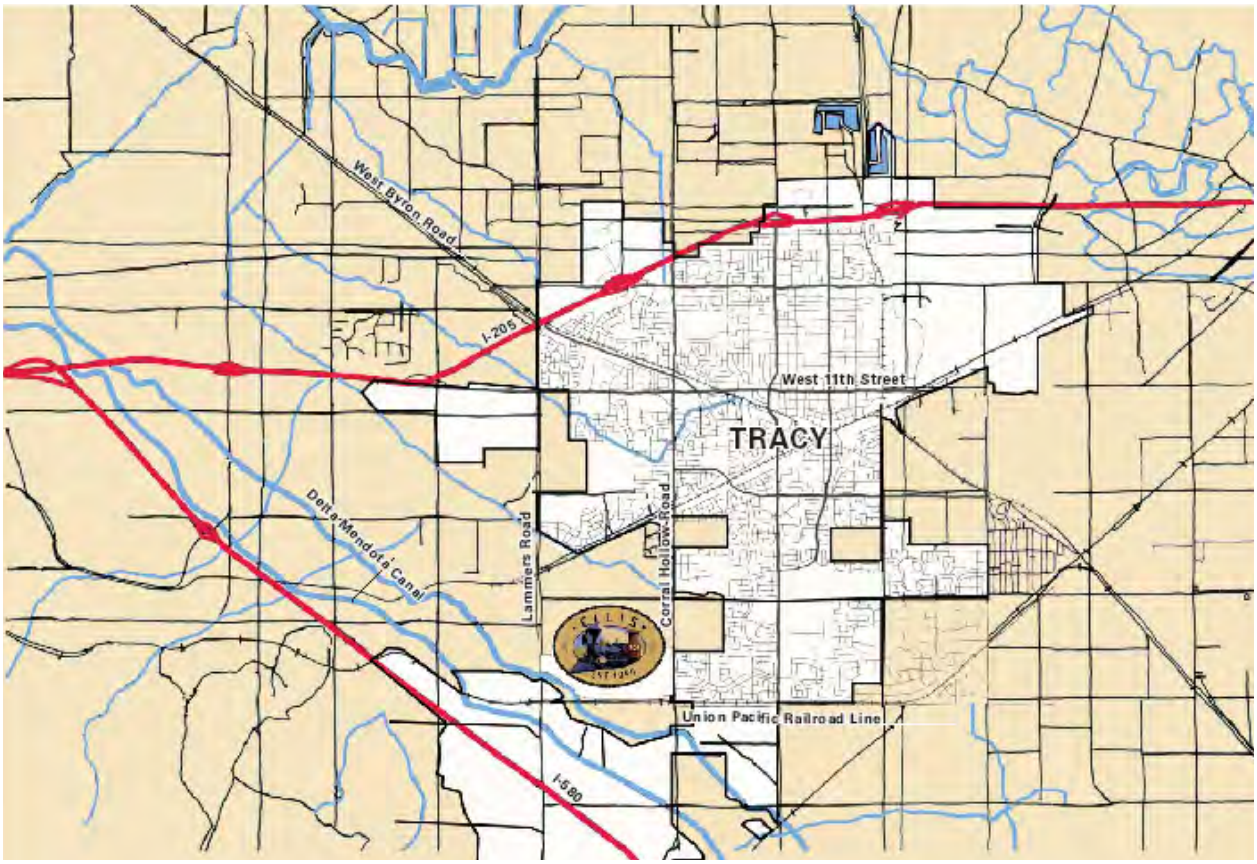
Fee per unit type	Factor	Cost per unit
RML (Low)	1.0	$8,337
RMM (Medium)/VMU	0.81	$6,753
RMH (High)	0.67	$5,586
Commercial	5.2	$43,352

Ellis Program Wastewater Analysis Finance and Implementation Program (FIP) Fees

Project Description

The City of Tracy (City) has been requested by the Ellis Program developer to complete a Finance and Implementation Plan for the proposed Ellis program.

The Ellis Program includes a mix of residential, commercial, office/professional, institutional, and recreational uses currently covering approximately 321 acres.



In order to establish wastewater development impact fee for Ellis FIP, the wastewater collection and treatment capacity needs to be analyzed. Due to geographic location and natural terrain, Ellis program is located within the wastewater collection system boundaries of Corral Hollow sewer system. This report analyzes the Corral Hollow sewer system capacity for Ellis and other developments within that zone.

Purpose and Scope

This report identifies the infrastructure improvements related to the wastewater collection and treatment system for the Ellis program. Based on the *City of Tracy Wastewater Master Plan/Corral Hollow Sewer Analysis* dated April 2012 prepared by CH2M HILL, the Ellis program is ultimately designated to discharge all of its wastewater to the existing Corral Hollow sewer system. However, improvements are needed to the existing Corral Hollow sewer system before the entire wastewater flow from the Ellis program could be discharged to the Corral Hollow sewer system.

This report has been divided into three sections:

1. Interim Infrastructure Needs
2. Phasing Plan and cost for Build out Facilities
3. Benefit and Burden Analysis meeting AB 1600

Interim Infrastructure Needs

Currently, there is limited availability of conveyance capacity in the existing Eastside sewer system. It should be noted that the above capacity is available until other projects that are designated to discharge to the Eastside sewer system are developed. Therefore, Ellis program could use available conveyance capacity in accordance with the Specific Plan. The following designations within the Ellis program are designated to discharge its wastewater to the Eastside sewer system on an interim basis.

- Storage site
- 250 equivalent single family units

All other future development is assumed to connect to the Corral Hollow sewer system.

WASTEWATER FLOWS FROM ELLIS PROGRAM

The following criteria are used to develop wastewater flows from the Ellis Program area:

Flow Parameter	Master Plan Values
Per Capita Flow	80 gpcd
Residential Flow – Very Low Density	264 gpd/unit
Residential Flow – Low Density	264 gpd/unit
Residential Flow – Medium Density	216 gpd/unit
Residential Flow – High Density	176 gpd/unit
Industrial Flow	1,056 gal/acre/day
Retail & Commercial Flow	1,375 gal/acre/day
Office Flow	1,140 gal/acre/day
Peak Wet Weather Flow	2.5 PF

The following is the assumption for each residential type unit:
Very low density = 3.3 people per unit
Low density = 3.3 people per unit
Medium density = 2.7 people per unit
High density = 2.2 people per unit

Approximate wastewater flow from the first 250 units of Ellis project is
250 units x 264 gallons per units x 2.5 (Peak flow factor) = 165,000 gallons or 0.165 mgd.

WASTEWATER FLOWS FROM STORAGE CENTER

It is assumed that there will be two restrooms in the Storage center.

Flow = 50 gallons per day x 2 units = 100 gallons per day.

TOTAL WASTEWATER FLOW FROM INITIAL ELLIS PROGRAM + STORAGE

Ellis Program (initial 250 units)	---	165,000 gallons per day
Storage project	---	100 gallons per day
Total wastewater flow		165,100 gallons per day

Eastside Sewer System (interim use)

Based on reconfiguration completed during the development of Edgewood subdivision (located just east of the proposed Ellis program), the beginning of the Eastside sewer system consists of 8 to 15-inch diameter sewer lines. The connection point for the initial 250 units from Ellis and Storage project is an existing manhole located at the intersection of Peony Drive and Heirloom Lane.

There is an existing 8-inch sewer line along Peony Dr and it becomes a15-inch sewer line by the time it reaches Cherry Blossom Lane. The following table shows the existing capacity and the number of units connected to this portion of the Eastside sewer system.

Sewer Lines within Edgewood Estates							
Location	Length (ft)	Dia (in)	Slope %	Hydraulic Capacity (gpm)	Hydraulic Capacity (MGD)	Number of SF Homes Currently Connected	Number of existing SF Homes allowed based on Hydraulic Capacity*
Peony and Heirloom Ln	274	8	1.16	584	0.841534	38	1429
Peony and Keepsake	199	8	3.04	946	1.36232	65	2313
Peony and Memoir	250	10	0.25	492	0.708336	130	1203
Along Peony Dr	1575	12	0.2	715	1.03023	450	1749
Along Cherry Blossom Ln	750	15	0.15	1123	1.617676	650	2747
*at 264 gpd and PF 2.5							

Since the number of homes connected to the beginning sections of the Eastside sewer system is less than the hydraulic capacity, there is sufficient capacity for the initial 250 units from the Ellis program and Storage project. However, there are downstream constraints that prevent discharge of additional wastewater flows.

The connection point for the initial 250 units and storage project is an existing manhole located at the intersection of Peony Drive and Heirloom Lane. It is assumed that the cost of connection to the existing Eastside system for the above projects is part of off-site improvements and not included in the Ellis program cost.

Wastewater System Fee—Ellis Program

The total wastewater system impact fee for Ellis program is based on Tracy Wastewater Conveyance and Treatment Development Impact Fee Study dated January 2013.

Corral Hollow Trunk Sewer Improvements

A portion (3.55 mgd) of the wastewater transmitted to Node 4W.1 will be conveyed to the Tracy WWTP via the Corral Hollow Trunk Sewer and Hansen Pump Station and force main. The following describes the new conveyance facilities (that is, improvements) and the necessary upgrades to the Corral Hollow Trunk Sewer and Hansen Pump Station and force main to provide additional capacity. The conceptual horizontal alignment is shown on Figure 1. The hydraulic capacity and future peak wet weather flows are shown in Figure 2 (Node 4W.1 to manhole 15).

As previously mentioned, a portion of PWWFs in excess of the Corral Hollow Trunk Sewer hydraulic capacity are diverted to the existing relief sewer extending from manhole 15 to the Hansen Pump Station. The existing relief sewer is a 12-inch-diameter pipe with a hydraulic capacity of approximately 1.02 mgd. The existing relief sewer will not accommodate the PWWF from the Future Service Areas; therefore, a second relief sewer (parallel to the existing relief sewer) will be necessary.

The proposed relief sewer consists of approximately 2,180 linear feet of 21-inch-diameter gravity sewer pipe and associated improvements (i.e., manholes). The proposed parallel relief sewer is sized to provide additional relief capacity of up to 3.55 mgd. The proposed parallel relief sewer is assumed to be constructed on the same grade as the existing relief sewer.

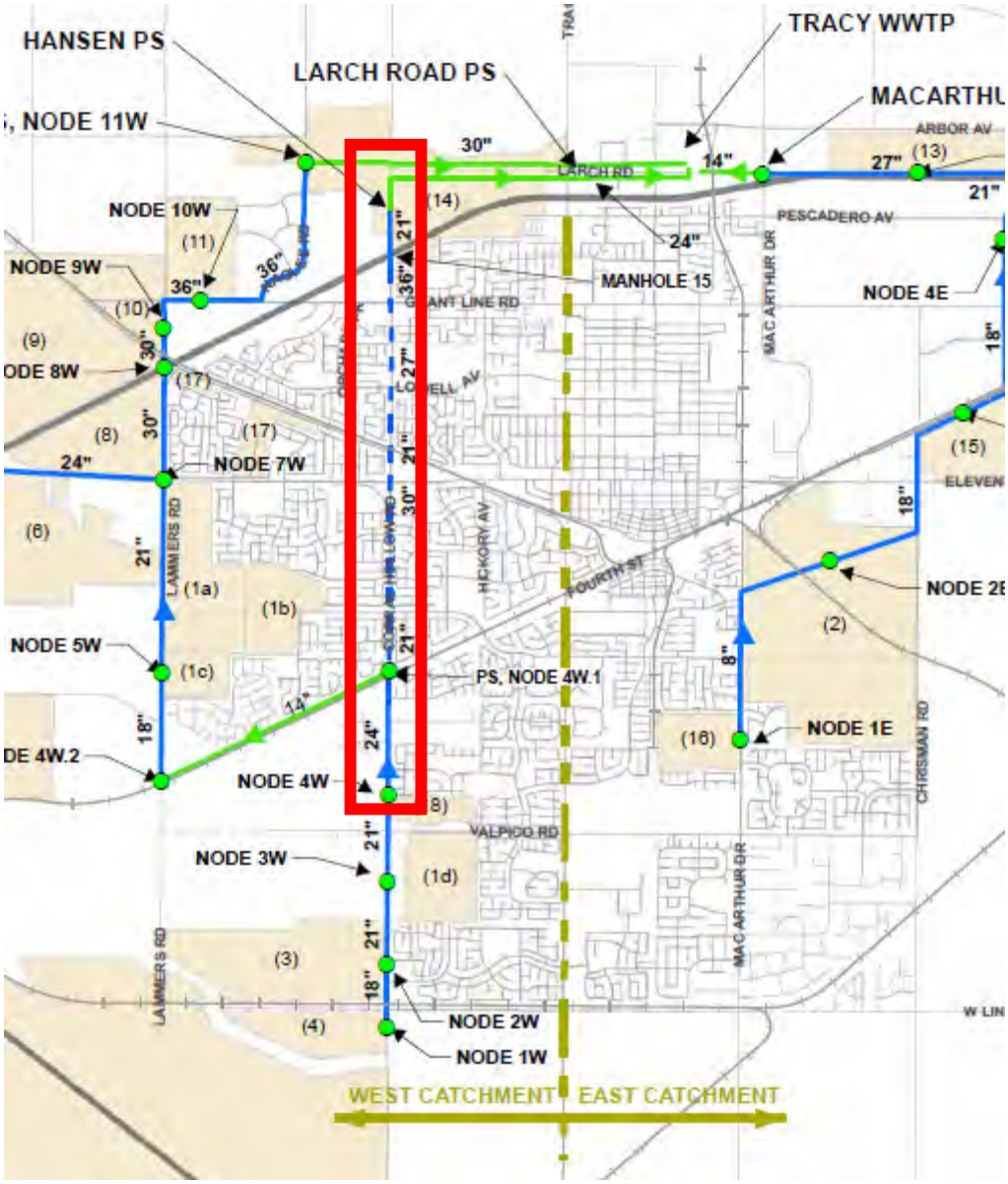


Figure 1. Improvement to the Corral Hollow Sewer System (shown within red box)

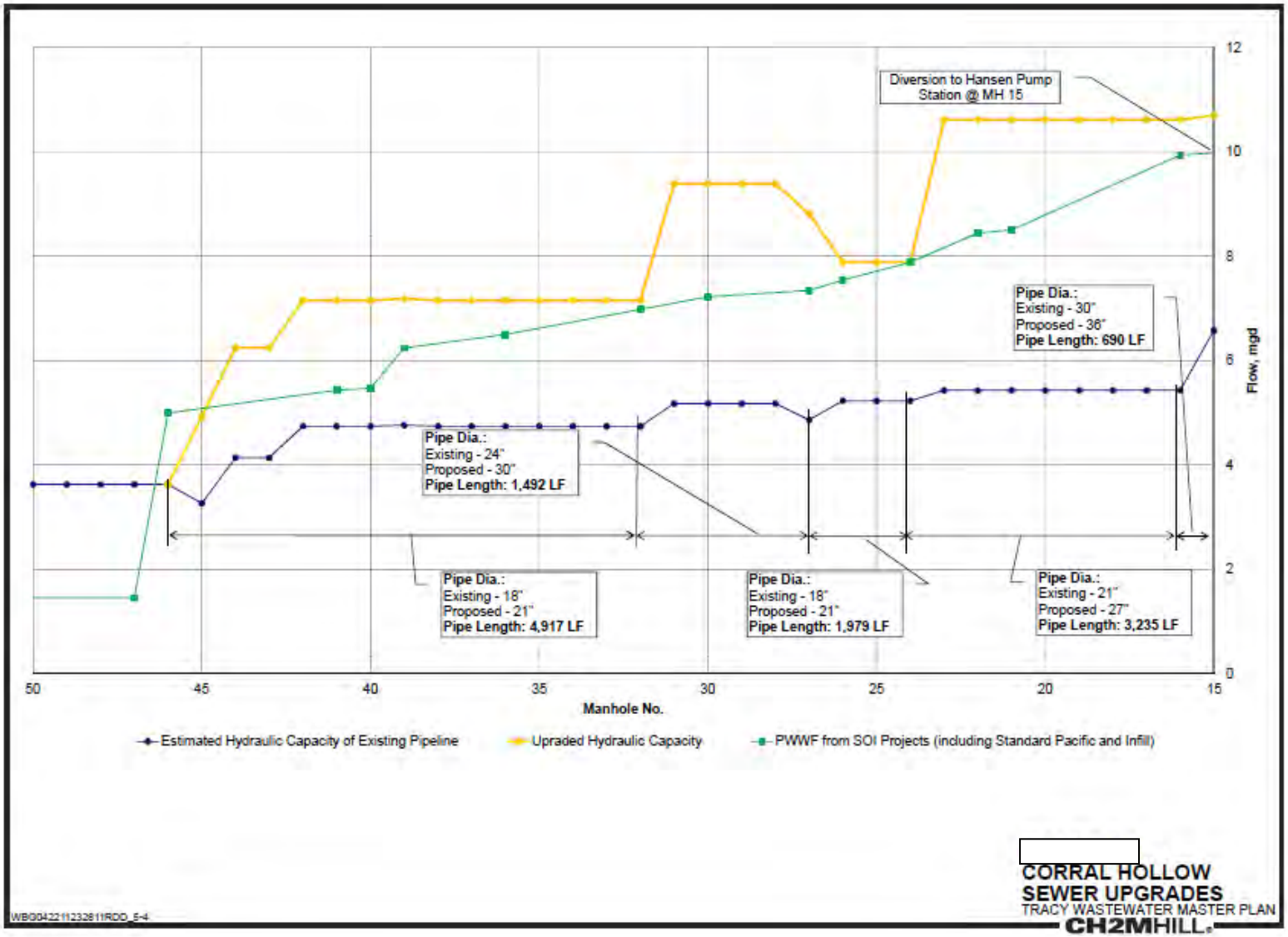


Figure 2. Hydraulic Capacity and future peak wet weather flows in the Corral Hollow Sewer System

Tracy WWTP Expansion Fee

Tracy WWTP is operating at its current capacity of 10.8 mgd and providing tertiary treatment with ammonia removal. Tracy WWTP expansion from 10.8 mgd to the Master Plan Build out Capacity of 21.1 mgd is planned in 4 phases.

Per City of Tracy Wastewater Master Plan (2013 update), the connection fee is $6,727.

It should be noted that the above fee is based on build out cost estimate. Since the Tracy WWTP NPDES Permit is renewed every five years and expansion will be done in multiple phases, periodic update to the above fee is required.

Ellis Program Wastewater Connection Fee Summary

Ellis Program Wastewater Connection fee Summary based on the 2013 Tracy Wastewater Conveyance and Treatment Development Impact Fee Study

Property	**Units**	**Conveyance Cost (see note)**	**WWTP Upgrade Fee (per unit)**	**Total cost per unit**	
Ellis program	First 550	0	$0	$0	Based on development agreement
Ellis program	250 (per DA)	$1,610	0	$1,610	per ECU
Ellis program	1,957	$1,610	$6,727	$8,337	per ECU
Ellis program/ Commercial (5.2 units per acre)	114	$1,610	$6,727	$43,352	Per acre

Note – **Corral Hollow Upgrade Fee assumes that upgrade will happen in one phase which requires a large upfront capital. The upgrade may occur in more than one phase which will affect the cost. The Financing plan is assumed to address this issue.**

9. The following Conversion factors have been used to compute wastewater system fee for medium and high density units.
1 SF Equivalent = Detached single family home= 264 gallons per day
Medium density = Equivalent to 0.81 S.F.
High density = Equivalent to 0.67 S.F.
Commercial = 5.2 SF equivalent per acre

Fee per unit type	Factor	Cost per unit
RML (Low)	1.0	$8,337
RMM (Medium)/VMU	0.81	$6,753
RMH (High)	0.67	$5,586
Commercial	5.2	$43,352

Benefit and Burden Analysis

Fee Justification Study (Compliance with Government Code Section 66000, et Seq.)

The following is a justification for the proposed wastewater impact fees that will be collected from the Ellis program. This section applies to all units except the units covered by a Development Agreement.

Identification of the proposed fee

The purpose of the proposed impact fee is to present a funding mechanism to provide wastewater facilities that are required to provide service to the Ellis program projects.

Descriptions of how the fee will be used

The fee will be used to plan, design, and construct wastewater facilities such as gravity sewer lines, pumping facilities, force mains, and wastewater treatment plant improvements.

Determination of how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed

The proposed impact fee will be used to construct wastewater conveyance and treatment facilities that are required to provide wastewater services to the development projects on which the fee is imposed. Construction of wastewater facilities provides direct benefit to the proposed development projects. Therefore, there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

Determination of how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed

The proposed developments need wastewater facilities such as gravity sewer lines, pump stations, and force mains to convey wastewater to the treatment facility. They also need a treatment facility to treat wastewater generated by new developments. Failure to provide wastewater facilities would make the proposed development uninhabitable. Therefore, there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

Determination of how there is a reasonable relationship between the amount of fee and the cost of the public facility (or portion of the facility) attributable to new development

The proposed wastewater facilities will be constructed to meet the wastewater demand from the new developments. Typically, the demand is calculated using a factor of 1 Equivalent Dwelling Unit (EDU) for a single family detached residential unit. The overall cost of the facilities is divided by the number of EDUs or residential units that are connected to the system. Therefore, each residential unit receives direct benefit and their cost will be proportional to the benefits received. In the case of commercial projects, each acre is equivalent to 5.2 Dwelling Units or a wastewater generation rate of 1,375 gpd. Each acre in the proposed development area will receive direct benefit with a cost proportional to the benefits received. Hence, there is a reasonable relationship between the amount of fee and the cost of the public facility (or portion of the facility) attributable to new development.

Benefit and Burden Analysis for Wastewater System

Introduction

The City of Tracy may establish a financing district to provide a funding mechanism for the proposed development projects subject to approval by the City and the Ellis program. Formation of financing districts is consistent with the objectives of the Mitigation Fee Act, Government Code Sections 66000, *et seq*, also known as Assembly Bill 1600 (AB 1600). To establish a financing district, the proposing agency (City of Tracy) should establish a reasonable relationship (benefit and burden) between the type of developments planned for the Ellis program area and the need for the wastewater infrastructure improvements proposed for the Ellis program area. This Benefit and Burden Analysis will show that there is a reasonable relationship between the proposed Ellis program area and the proposed infrastructure improvements that would benefit the Ellis program area.

This section describes the basis of assumptions or City standards for the purpose of estimating the wastewater generation rate of 80 gallons per person per day (gpd), the number of persons per unit type (residential low density=3.3 persons, residential medium density= 0.81 of low density, residential high density = 0.67 of low density) and wastewater demands for commercial areas.

Wastewater Generation Rate

The City of Tracy Design Standards (dated December 1990) state that the average wastewater generation rate for each person shall be 100 gallons per day. Per the City of Tracy Wastewater Master Plan, the following generation rates will be used.

Flow Parameter	2010 Master Plan Values
Per Capita Flow	80 gpcd
Residential Flow – Very Low Density	264 gpd/unit
Residential Flow – Low Density/RML	264 gpd/unit
Residential Flow – Medium Density/RMM	216 gpd/unit
Residential Flow – High Density/RMH	176 gpd/unit
Industrial Flow	1,056 gal/acre/day
Retail & Commercial Flow	1,375 gal/acre/day
Office Flow	1,140 gal/acre/day
Peak Wet Weather Flow	2.5 PF

Wastewater Demand for Commercial Areas

There are assumed to be 5.2 equivalent Dwelling Units (singe family units) EDUs per each General Commercial acre. Therefore, each General Commercial acre is expected to generate 1,375 gpd (5.2 EDUs * 264 gpd/EDU).

Existing Level of Service

The existing wastewater infrastructure in the City consists of gravity sewer lines, pump stations, and a wastewater treatment facility. The existing gravity sewer lines convey wastewater from the existing users to a pump station or to the treatment facility. The pump stations pump wastewater to the treatment plant from areas where wastewater cannot be conveyed by gravity sewer lines.

The existing wastewater treatment facility is used to treat domestic and industrial wastewater generated by the existing users. Treated effluent is discharged into the Old River using an effluent pipeline and outfall facilities.

Planned Projects and Their Potential Impact

Several new developments have been proposed on both the east and west sides of the City of Tracy. The Ellis program developers intend to build residential and commercial developments. Based on previous studies, there is interim excess capacity available in the existing Eastside sewer system to convey wastewater from the initial development of 250 units.

Additional sewer lines and wastewater treatment capacity will be needed, however, because the projected wastewater flows from the Ellis program developments exceed currently available excess capacity. If additional facilities are not constructed, the existing system would not be able to handle additional flows from the Ellis program developments and may lead to sewer overflows. This would be a violation of existing regulations promulgated by the California Regional Water Quality Control Board. In addition, there would be an impact on public health and welfare because of sewer overflows. Therefore, there would be a major impact on existing facilities without the additional facilities required to maintain the current level of wastewater services provided by the City of Tracy.

Need for Additional Public Facilities

Capacity of the existing wastewater system is not sufficient to accommodate additional flows that will be generated by the Ellis program developments. Existing excess capacity will be used; however, additional capacity obtained with expansion is needed. It was determined that additional public facilities are required based on sound engineering judgment and Policy PF 1.7 in the Tracy Urban Management Plan, which states that the City must "*provide adequate wastewater collection and treatment capacity for planned development in Tracy*."

Changes in Level of Service with Additional Public Facilities

After construction of additional facilities, the level of wastewater service with the new development will be similar to the current level of wastewater service provided to the City of Tracy. Wastewater will be collected and treated without causing any nuisance or pollution as defined in Section 13050 of the California Water Code. The treatment plant effluent will meet the conditions of the NPDES permit number R5-2012-0115 issued by the California Regional Water Quality Control Board dated December 2012.

Benefits to New Developments from Additional Public Facilities

The additional public facilities will benefit the Ellis program developments in the following ways:

- By providing wastewater collection and treatment services to the new developments.
- By providing the additional public facilities that are required before the City of Tracy can approve occupancy of the developments.

Cost Basis of Additional Public Facilities

The total wastewater flows were calculated using the following factors:

Single family detached unit = 1 EDU = 264 gpd/unit

Village Center/Commercial = 5.2 EDUs/acre

Based on the above rate, the required facilities (both conveyance and treatment) and associated costs to serve Ellis program developments were identified. The total cost was divided by the number of acres or units to obtain the cost per acre or unit.

Reference Documents Used in Analysis

The documents used in the analysis include the following:

1. *City of Tracy Wastewater Master Plan/Corral Hollow Sewer Analysis,* updated April 2012, CH2M HILL.
2. NPDES Permit dated December 2012 issued to the City of Tracy WWTP by the Central Valley Regional Water Quality Control Board
3. City of Tracy Wastewater Master Plan , CH2MHILL, 2012
4. Tracy Wastewater Conveyance and Treatment Development Impact Fee Study, January 2013

WEST YOST ASSOCIATES
Consulting Engineers

TECHNICAL MEMORANDUM

DATE: August 14, 2013 Project No.: 404-02-09-81

TO: Kul Sharma, City of Tracy

FROM: Charles Duncan, R.C.E. #55498
Shannon Barcal, E.I.T. #139195

SUBJECT: Ellis Specific Plan Water System Analysis - Technical Memorandum

OVERVIEW

This Technical Memorandum (TM) summarizes West Yost Associates' (West Yost's) technical evaluation and identification of required buildout water system facilities and associated costs for the City of Tracy's (City) proposed Ellis Specific Plan (ESP). The ESP is located just outside the southwestern portion of the City and is within the City's Pressure Zone 3 service area. Based on the City's General Plan Update (July 20, 2006), the land use designations for the ESP are comparable with those previously designated for the area. The City has requested a Water System Analysis for the ESP. In addition, ESP's proportionate share of recent water system improvements made to the City water distribution system will also need to be identified based on the hydraulic benefit these existing facilities provide to the ESP.

These new facilities required to serve the demands of the ESP are identified in this TM and include water supply, treatment, pumping and storage facilities, and transmission lines. Specifically, the facilities identified in this TM to serve the ESP are summarized below:

- Proportionate share of a new Zone 3 booster pump station to meet peak hour, daily flow, and pressure requirements for ultimate buildout of ESP;
- Proportionate share of one new Aquifer Storage and Recovery (ASR) well;
- Proportionate share of the City's long-term emergency groundwater storage supply;
- Proportionate share of future 2.0 million gallon (MG) clearwell at John Jones Water Treatment Plant (JJWTP);
- Proportionate share of the City's JJWTP expansion;
- Proportionate share of a recommended 20-inch diameter pipeline from JJWTP to the intersection of Corral Hollow Road and Linne Road;
- Proportionate share of a recommended 20-inch diameter pipeline from the intersection of Corral Hollow Road and Linne Road to the west side of the project site on Lammers Road;

- Proportionate share of the Zone 3 16-inch diameter main from near the City's existing Clearwell No. 2 along Tracy Boulevard to the 18-inch diameter main at Linne Road and English Oaks Avenue;
- Two check valve stations along Corral Hollow Road from Pressure Zone 2 to ESP;
- Pressure Reducing Valve on the 18-inch connection from ESP Phase 1, north to Valpico Road;
- Proportionate share of a 12-inch connection from Whirlaway Lane to Linne Road;
- Proportionate share of the 18-inch diameter pipeline along Corral Hollow Road from Linne Road to Middlefield Drive; and
- Proportionate share of the 18-inch diameter connection from Linne Road to Corral Hollow Road.

Total estimated costs for the facilities are $17,788,200. The ESP will pay these costs through connection fees based on the number of Equivalent Dwelling Units (EDUs). Required ESP Infrastructure costs will be shared among all ESP parcels. One EDU is defined as the average day demand for a low density residential unit and equals 429 gallons per day (gpd), or 4.16 EDUs per one individual/commercial acre (see Table 6 and accompanying text for more detail). Costs per EDU for the required facilities are summarized in Table 1.

Table 1. Ellis Specific Plan Cost Per EDU Summary

Facility Description	Estimated Total Project Cost, dollars	Estimated Aquatic Center Project Cost, dollars	Total Cost ESP, dollars	Cost Per EDU[(a)] for ESP, dollars
ESP Supply and Treatment	6,769,000	866,400	5,902,600	2,686
ESP Infrastructure	11,019,200	1,410,500	9,608,700	4,372
Total Costs	17,788,200	2,276,900	15,511,300	7,058

[(a)] One (1) EDU is equivalent to 429 gpd and is based on the average day demand for one Low Density Residential dwelling unit assuming 3.3 people/du. Total EDU's for the ESP Properties is 2,198. The current EDU water demand estimate for the ESP is 2,198 based on proposed assumptions. The assumptions may be updated based on future refinements and updates to the ESP.

As directed by the City, the initial residential units located in the Pressure Zone 2 area of Phase 1 of the ESP, can be provided interimly with supply from the existing system and therefore, may be constructed prior to the building of the 2.0 MG clearwell (Phase 1 storage) and 6.48 million gallon per day (mgd) booster pump station infrastructure. If Phase 1 includes any areas within Pressure Zone 3, a Pressure Zone 3 pump will need to be installed. This is discussed in more detail in the subsequent sections of this TM.

West Yost also evaluated the feasibility of supplying an Initial Phase 1 configuration, which would include all 540 units within the Ellis Phase 1 service area and the Aquatic Center as shown in Figure 3. Under this proposed configuration and demand condition, the required fire flow, shown in Figure 6, can be supplied to all areas in Phase 1 with the construction of two check valve connections to Pressure Zone 2. To serve this configuration the recommended pipelines as

shown in Figure 3 will be required including the Pressure Zone 3 booster pump at the JJWTP's Clearwell No. 2. Currently, the ESP is planning to implement Initial Phase 1 which includes only the residential units and the Aquatic Center. The initial residential units are discussed in more detail in the Recommended Water System Infrastructure Section of this TM.

INTRODUCTION

In February 2010, the City requested that West Yost provide technical engineering support to the City related to an analysis of water storage, pumping facilities, distribution system infrastructure, water supply and treatment capacity required to support the City's preparation of an AB1600 Technical Report for the ESP.

West Yost received authorization from the City to proceed with this work in September 2011. As detailed in our professional services agreement, this TM summarizes our findings and conclusions related to the following tasks:

1. Review of Previous Assumptions, Criteria and Studies
2. Water Demand Evaluation
3. Water Storage and Booster Pumping Facilities Evaluation

BACKGROUND

Definition of ESP

The ESP area is bounded by agricultural land on the north, the Union Pacific Railroad on the south, the Delta Mendota Canal to the southwest, Corral Hollow Road on the east, and Lammers Road on the west. Figure 1 shows the location of the ESP.

As shown on Figure 1, the ESP is currently now within the City of Tracy city limits. The ESP is located in the southern portion of an area formerly designated as the South Schulte Specific Plan.

The ESP is also located on agricultural land previously served by the Plain View Water District (PVWD), which recently merged into the Byron Bethany Irrigation District (BBID). The ESP area is currently sparsely developed. A large majority of the ESP area consists of undeveloped land, crops and fields. Residential development exists along Lammers Road and is characterized by large lots (five- and ten-acre parcels) that are developed with homes and accessory structures (barns, storage sheds, etc.).

The ESP includes a mix of residential, commercial, and recreational uses covering approximately 321 acres. The ESP includes a maximum of 2,250 residential units, 180,000 square feet of commercial space, a 16-acre swim center and community park, and approximately 21 acres of neighborhood parks.

As shown in Table 2, the land uses for the ESP area are comparable with those previously designated for the area in the City's General Plan. These land uses are also comparable with those previously specified for the southern portion of the former South Schulte Specific Plan area.[1]

The ESP is divided into three phases for this water system analysis, Initial Phase 1, Phase 1 and Buildout. ESP Phase 1 consists of approximately 150 acres located on the east side of the ESP. ESP Phase 1 is divided by the City's existing Pressure Zone 2/3 boundary, with the northern portion (approximately 47 acres which includes a portion of the Aquatic Center) within Pressure Zone 2 and the remaining area within Pressure Zone 3 (see Figure 2). The ultimate design for the ESP assumes most of the area will be served as part of Pressure Zone 3. The City and the ESP representatives also wanted to evaluate an Initial Phase 1 configuration, which would include the construction of approximately 540 homes in Pressure Zone 2 and Pressure Zone 3, including the Aquatic Center as shown on Figure 3.

PLANNING/MODELING CRITERIA

The general planning and hydraulic modeling criteria used by West Yost in our analysis of the ESP's potential impacts to the City's existing water system infrastructure are listed below:

- Design criteria
  - As presented in the City's Citywide Water System Master Plan:
    - The water treatment plant is sized to meet maximum day demands;
    - Pumping facilities are sized to meet the greater of either a maximum day demand concurrent with fire flow or peak hour demand conditions within each pressure zone with a minimum pressure of 30 psi or 40 psi respectively;
    - Transmission mains are sized to provide required peak hour flows at a minimum pressure of 40 pounds per square inch (psi);
    - Storage facilities are sized to include operational, short-term emergency, and fire storage; and
    - Long term (outage greater than two days) emergency water storage will be provided by the groundwater basin.
- Demands
  - Average day water demand will be calculated using the water duties presented in the City's Citywide Water System Master Plan.
  - Maximum day and peak hour demands will be calculated using the peaking factors of 2.0 and 3.4 times the average day demand, respectively, consistent with factors adopted for the City's Citywide Water System Master Plan.
  - In order to maintain a fire flow requirement at or below 1,500 gpm for Initial Phase 1, the ESP has agreed to limit the allowable construction for commercial land use to buildings of Type 1A or 1B with approved fire flow sprinkler system and a maximum square footage of 83,700 square feet (2007 California Fire Code, Table B105.1).

[1] Page 6-3, South Schulte Specific Plan, March 1997 (as referenced in Figure 2-1 South Schulte Specific Plan Area, Ellis Specific Plan Initial Study, August 2006).

Table 2. Potable Water Demand Estimate for Ellis Specific Plan (Proposed Project)

Land Use Designation	Land Use Data[a]: Area, gross acres	Potable Water Acres	Recycled Water Acres	Assumed Number of Dwelling Units (DU)[b]	Square Footage (sq ft)	Potable Water Use Factor: gpd/DU[c]	af/ac/yr[c]	gpd/sq ft[d]	Calculated Total Water Demand[e], af/yr
Phase I - Ellis Specific Plan									
Residential Mixed Low	31.0	31.0	-	159		429			76
Residential Mixed Medium	53.0	45.0	-	357		310			124
Irrigation Demand for Residential Mixed Medium[f]		8.0					4.0		32
Residential Mixed High	3.0	2.6	-	24		220			6
Irrigation Demand for Residential Mixed High[g]		0.5					4.0		2
Village Center[h]	5.7	4.8	0.9	-	60,000	220	2.0	0.1	10
Commercial (General)[h]	4.4	3.7	0.7		40,000		2.0	0.1	7
Limited Use[i]	26.0	22.1	3.9		80,000		2.0	0.1	44
Middle School	-						1.5		-
Neighborhood Parks[k]	5.0	-	5.0				4.0		-
Aquatic Center[l]	16.0	16.0				see footnote [l]			33
UAFW (7.5%)									27
Subtotal for Phase I - Ellis Specific Plan	**144.1**	**133.6**	**10.5**	**540**	**180,000**			**Subtotal**	**361**
								Rounded Subtotal	**360**
Remainder - Ellis Specific Plan									
Residential Mixed Low	89.0	89.0	-	346		429			166
Residential Mixed Medium	58.0	49.0	-	1,348		310			468
Irrigation Demand for Residential Mixed Medium[f]		8.7					4.0		35
Residential Mixed High	2.0	1.7	-	16		220			4
Irrigation Demand for Residential Mixed High[g]		0.3					4.0		1
Village Center[h]	-			-	-	220	2.0	0.1	-
Commercial (General)[h]	-				-		2.0	0.1	-
Limited Use[i]	-				-		2.0	0.1	-
Middle School	12.0	10.2	1.8				1.5		15
Neighborhood Parks[k]	16.0		16.0				-		-
Aquatic Center[l]	-					see footnote [l]			-
UAFW (7.5%)									56
Subtotal for Remainder - Ellis Specific Plan	**177.0**	**158.9**	**17.8**	**1,710**	**-**			**Subtotal**	**746**
								Rounded Subtotal	**750**
Total for Proposed Project	**321.1**	**292.5**	**28.3**	**2,250**	**180,000**			**Rounded Total**	**1,110**
Overall - Ellis Specific Plan									
Residential Mixed Low	120.0	120.0	-	505		429			243
Residential Mixed Medium	111.0	94.0	-	1,705		310			592
Irrigation Demand for Residential Mixed Medium[f]		16.7					4.0		67
Residential Mixed High	5.0	4.3	-	40		220			10
Irrigation Demand for Residential Mixed High[g]		0.8					4.0		-
Village Center[h]	5.7	4.8	0.9	-	60,000	220	2.0	0.1	10
Commercial (General)[h]	4.4	3.7	0.7		40,000		2.0	0.1	7
Limited Use	26.0	22.1	3.9		80,000		2.0	0.1	44
Middle School	12.0	10.2	1.8				1.5		15
Neighborhood Parks[i]	21.0	-	21.0				4.0		-
Aquatic Center[j]	16.0	16.0	-			see footnote [l]			33
UAFW (7.5%)									83
Overall Total - Ellis Specific Plan[k]	**321**	**293**	**28**	**2,250**	**180,000**			**Total**	**1,104**
								Rounded Total	**1,100**

[a] Acres, dwelling units and square footages as provided by Surland on May 2, 2013.

[b] Assumed number of dwelling units for purposes of calculating demand for up to 2,250 DUs maximum for Ellis Specific Plan.

[c] Unit Water Use Factors based on Citywide System Master Plan, Draft Report dated December 2011.

[d] Water Use Factor in gpd/sq ft accounts for only indoor water uses. This factor is not used in demand calculations.

[e] Calculated water demand includes estimated indoor and outdoor water uses.

[f] Unit potable water use factors for Residential Mixed Medium Density dwelling units do not include outdoor water uses. For the Ellis Specific Plan, the Residential Mixed Medium Residential dwelling units will be single-family homes with privately maintained front and back yards irrigated with potable water. Irrigation demand for Residential Mixed Medium Density Residential assumes that 15% of the gross acres will be landscaped and irrigated with potable water.

[g] Irrigation demand for Residential Mixed High Density Residential assumes that 15% of the gross acres will be landscaped and irrigated with potable water.

[h] Village Center includes High Density Residential (up to 50 DUs) and Commercial/Office (60,000 sq ft). Assumes that 15% of gross acres are landscaped with recycled water.

[i] Storage (self-storage units) do not have landscaping or recycled water demands and will only have a small apartment as reported by Surland on May 2, 2013.

[j] Assumes that 100% of Park gross acres are landscaped and irrigated with recycled water.

[k] Estimated water use per facility information obtained from RJM Design Group October and November 2010. Average Annual Demand = 33 af/yr. Maximum Day Demand = 189 gpm. Peak Hour Demand = 296 gpm.

[l] The water demand calculations shown for the Ellis Specific Plan are based on overall City-wide assumptions and the assumptions described herein. Actual water demands for the Ellis Specific Plan will be confirmed at the Tentative Map stage of the project. The ESP will be refined and updated in the future. As such refinements and updates occur, the City allows up to one thousand three hundred acre feet of demand for the ESP.

- Supply
  - The July 2012 WSA for the ESP determined that the City's existing and future water supplies are sufficient to meet the ESP future buildout demands.
- Modeling Criteria
  - New pipelines will be hydraulically modeled using a roughness coefficient (C-factor) of 130.
  - The 2010 calibrated hydraulic model of the City's water system will serve as the basis for evaluation of the hydraulic conditions at buildout of the proposed ESP.
- Land Use
  - ESP parcel information was provided to the City and West Yost by Harris & Associates, and is summarized in Table 2.

WATER DEMAND

Average day water demands for the ESP areas were calculated based on the number of acres by land use designation in each phase, as well as the number of dwelling units in the residential areas multiplied by the appropriate water use factors. These factors, which are consistent with those used in the City's Citywide Water System Master Plan, are presented in Table 3:

Table 3. City of Tracy Water Use Factors

Land Use	Water Use Factor
Low Density Residential	429 gallons per day per DU
Medium Density Residential	310 gallons per day per DU
High Density Residential	220 gallons per day per DU
Schools	1.5 acre-feet per acre per year (af/ac/yr)
Parks	4 af/ac/yr
Commercial	2 af/ac/yr

Maximum day and peak hour demands were calculated by multiplying the average day demand by the maximum day demand and peak hour demand peaking factors of 2.0 and 3.4, respectively. Maximum day and peak hour demands for the Aquatic Center facilities were calculated separately based on water use data provided by RJM Design Group.

The resulting demands for average day, maximum day and peak hour for the ESP are summarized in Table 4:

Table 4. Ellis Specific Plan Water Demand

Demand Condition	ESP Phase 1 Water Demands, mgd	Aquatic Center Water Demands[(a)], mgd	ESP Remainder Buildout Water Demands, mgd	Total ESP Water Demands, mgd
Average Day	0.29	0.03	0.66	0.98
Maximum Day	0.58	0.27	1.33	2.18
Peak Hour	0.99	0.43	2.26	3.68

[(a)] Aquatic Center maximum day and peak hour demands based on information provided by RJM Design Group and do not use the City's demand peaking factors.

RECOMMENDED WATER SYSTEM INFRASTRUCTURE

The on-going Citywide Water System Master Plan is completed and has identified the water system backbone transmission system, storage reservoirs and pump station system to serve all land within the City's SOI. As described in the Citywide Water System Master Plan a series of new Pressure Zone 3 booster pumps will be constructed at the existing JJWTP and a new looped transmission pipeline and reservoirs constructed to serve Pressure Zone 3 areas, including the ESP area, see Figure 2. The following sections provide the background for the ESP's proportionate share of these facilities.

Water Supply and Treatment Facilities

The City currently receives water supplies from three sources:

- Surface water from the Delta Mendota Canal (Central Valley Project),
- Surface water from the Stanislaus River via the South County Surface Water Supply Project treated and delivered by the South San Joaquin Irrigation District (SSJID), and
- Groundwater pumped from eight (soon to be nine) groundwater wells located within the City.

The City's CVP water supplies are treated at the City's John Jones Water Treatment Plant (JJWTP), which was constructed in 1979, expanded in 1988, and then expanded again in 2008. The JJWTP is located just north of the Delta Mendota Canal in the southern portion of the City. With the recent plant expansion now complete, the current treatment capacity of the JJWTP is 30 mgd. The JJWTP includes sufficient treatment capacity for buildout of the overall ESP.

The City, in partnership with the cities of Manteca, Lathrop and Escalon, and SSJID, have constructed a surface water treatment plant near Woodward Reservoir in Stanislaus County and a transmission pipeline to deliver treated surface water to each city. The project is called the South County Water Supply Project (SCWSP). This water supply is based on SSJID's senior pre-1914 appropriative water rights to the Stanislaus River, coupled with an agreement with the USBR to store water in New Melones Reservoir. As part of the SCWSP, the City has been allocated up to 10,000 af/yr of water.

The City overlies a portion of the San Joaquin Valley Groundwater Basin-Tracy Sub-basin (Tracy Sub-basin). The City currently operates eight groundwater wells, with a total extraction capacity of 15 mgd. Four wells (Production Wells 1, 2, 3 and 4) are located near the City's JJWTP and pump directly into the JJWTP clearwells, where the groundwater is blended with treated surface water. The other wells (Lincoln Well, Lewis Manor Well (Well 5), Park and Ride Well (Well 6), and Ball Park Well (Well 7)) are located throughout the City and pump water directly into the distribution system after disinfection. A new well (Well 8) has also been constructed. Well 8 will eventually be operated as part of the City's future Aquifer Storage and Recovery Well System. The 2001 Estimated Groundwater Yield Study, which established the City's estimated groundwater yield of 9,000 af/yr, considered the cumulative groundwater usage in the study area by the City and other users.

The City is currently anticipating the following future water supplies:

- Out-of-Basin water banking (Semitropic Water Storage Bank);
- Additional surface water from the Delta Mendota Canal (Central Valley Project);
- Surface water from BBID pre-1914 water rights;
- Aquifer Storage and Recovery Well System; and
- Recycled water.

Water Pumping Facilities

There are two design parameters used to calculate the size of a required pumping facility. The first design parameter is the ability to deliver maximum day demands plus fire flow and the second design parameter is the capability to serve peak hour demands at minimum system pressures within each pressure zone. The proposed ESP project is the first development within the City's Pressure Zone 3 service area. As such, the water system infrastructure system to provide service to the ESP will require a new booster pumping station to maintain the City's minimum design pressures.

In order to serve all of the Phase 1 portion of ESP (including the Aquatic Center), West Yost analyzed an initial Pressure Zone 3 system. This system evaluated serving Phase 1 of ESP, a portion of Infill and ISP South of Linne Road, and portions of the Plan C development that are within the Zone 3 boundary. The results from the analysis are provided in the Initial Pressure Zone 3 Water System Evaluation for the City of Tracy's Initial Pressure 3 Area (see Attachment A). The system configuration and required infrastructure is shown in Figure 4.

It is assumed that ultimately a series of new Pressure Zone 3 booster pumps will be constructed at the JJWTP. These booster pumps will include capacity for the ESP at buildout. The City's Citywide Master Plan has preliminary sized the booster pump station at 6.48 mgd of which ESP will contribute a proportionate share (see Table 5 and Figure 5).

Table 5. Estimate of Probable Water Distribution System and Infrastructure Costs for the Full Buildout of the Ellis Specific Plan Project[a,b]

Item	Unit	Price/Unit	Unit Price[c]	Qty	% for ESP	Total ESP Cost[d]
Zone 3-City-Side BPS (JJWWP)[e]						
6.48 mgd	each		$1,852,675	1	37%	$686,000
Clearwell at JJWTP[f]						
2.0 MG	each		$3,251,699	1	63%	$2,045,000
John Jones Water Treatment Plant Expansion[g]						
15.0 mgd	each		$33,269,046	1	15%	$4,835,000
Long-term Emergency Groundwater Storage[h]						
2,500 gpm	each		$2,500,000.00	1	26%	$662,000
On-site Backbone Pipelines[i,j]						
12-inch (ESP backbone - Phase 1)	lf		$210	8700	37%	$677,000
12-inch (ESP backbone - Buildout)	lf		$210	4370	37%	$340,000
12-inch (ESP backbone - Phase 1 to Valpico Rd)	lf		$210	2615	37%	$203,000
Water Transmission Lines from JJWTP Z3-City-side BPS[i,j]						
24-inch (JJWTP Clearwell to BPS3)	lf		$375	35	37%	$5,000
20-inch (ESP - JJWTP BPS3 to Corral Hollow Rd and Linne Rd - Phase 1)	lf		$320	9300	37%	$1,102,000
20-inch (Corral Hollow Rd and Linne Rd to ESP Northwest corner - Buildout)	lf		$320	7950	37%	$942,000
18-inch (ESP - Corral Hollow and Linne Rd to Middlefield Rd - Buildout)	lf		$300	705	37%	$78,000
18-inch (ESP-Linne Rd to Corral Hollow Rd - Phase 1-PZ2 Bypass)	lf		$300	120	37%	$13,000
16-inch (From existing Clearwell No. 2 to English Oaks)	lf		$230	7705	37%	$656,000
20-inch Jack and Bore under Delta Mendota Canal	lf		$1,005	458	37%	$170,000
20-inch Jack and Bore (Corral Hollow and Linne Rd under RR)	lf		$1,005	250	37%	$93,000
Water Transmission Lines to move Portion of Plan C into Zone 3[i,j]						
12-inch (Whirlaway Lane to Linne Road)	lf		$210	562	37%	$44,000
12-inch Jack and Bore (SW Portion of Plan C under R/R to Linne Road)	lf		$690	150	37%	$38,000
Valve Connections						
Connection at Middlefield Drive:						
18-inch diameter check valve	each		$84,000	1	37%	$31,000
12-inch diameter bypass PZ2 on Corral Hollow, Jack and Bore (SW Portion of Plan C under Corral Hollow)	lf		$690	60	37%	$15,000
Pressure Reducing Valve ESP - Phase 1 to Valpico Rd (12-inch diameter)	each		$102,000	1	37%	$38,000
Estimated Construction Cost						$12,673,000
Design and Planning (10%)		10%	10%			$1,267,000
Construction Management (10%)		10%	10%			$1,267,000
General Contingency (15%)		15%	15%			$1,901,000
Program Administration (5%)		5%	5%			$634,000
Land Acquisition Costs[k]	acres	$184,316	$184,316	0.25		$46,000
Groundwater Conjunctive Use Study[l]	LS		$60,000	1	0%	$0
Total Anticipated "In Place" Project Cost						$17,788,000

[a] Does not include site specific facilities.

[b] All markups and contingencies are consistent with the City's December 2012 Citywide Water System Master Plan.

[c] All unit prices are presented in January 2012 dollars. Unit prices based on combination of cost curves, construction cost guidelines and similar construction projects.

[d] Costs rounded to nearest one thousand dollars.

[e] Pump station costs for ESP assume ESP's proportionate share of the total cost to construct the 6.48 mgd pump station (ESP buildout share is estimated @ 37% of the total construction cost, 2.18 mgd [ESP Buildout Area's Maximum Day Demand] divided by 5.9 mgd [Buildout Zone 3 Area's Maximum Day Demand]).

[f] Clearwell costs for ESP assume ESP's proportionate share of the total cost to construct the 2.0 MG clearwell (ESP's share is estimated @ 63% of the total construction cost, 2.18 mgd [ESP's Maximum Day Demand] divided by 3.46 mgd [operational storage available at clearwell to support a maximum day demand equivalent to 3.46 mgd]).

[g] Water treatment costs assume the ESP proportionate share of the total cost to of the 15.0 mgd expansion of the John Jones Water Treatment Plant (ESP share is estimated at 15% of the total expansion cost, based on [ESP Maximum Day Demand] of 2.18 mgd). The cost of the 15.0 mgd expansion is based on the FY 09/10 adopted budget, CIP 75053, and is equal to $44,358,728. This cost does not include program management mark-ups of 5%, but include all other mark-ups. So the unit price is based on $44,358,728 multiplied by 1.05 and then divided by 1.40, or $33,269,046.

[h] Long-term emergency storage costs assume ESP's proportionate share of the total cost to construct a groundwater well (ESP's share is estimated at 26% of the total cost, 661.5 gpm [ESP's average day demand] ÷ 2,500 gpm [Assumed well capacity]).

[i] Water transmission line costs assume Initial Zone 3 Area's proportionate share of the total cost to construct the Zone 3 pipelines (Initial Zone 3 Area's share is estimated @ 37% of the total construction cost, 2.18 mgd [ESP's Maximum Day Demand] divided by 5.9 mgd [Buildout Zone 3 Area's maximum day demand]).

[j] The unit construction costs for pipeline include pipeline materials, trenching, placing and jointing pipe, valves, fittings, hydrants, service connections, placing imported pipe bedding, native backfill material, and partial asphalt pavement replacement, if required.

[k] Land for facilities identified within the ESP boundary will be dedicated to the City. Land for off-site pump station will need to be acquired.

[l] The groundwater conjunctive use study is Initial Zone 3 Area's proportionate share of the City's Groundwater Management Plan Study.

For the Initial ESP Phase 1, the proposed Pressure Zone 3 Pump station at the JJWTP would serve the area during a peak hour demand condition. Maximum day demands and maximum day demand plus a 1,500 gpm fire can be provided directly from the Pressure Zone 2 system, without additional pumping, however two check valves will be required, see Figure 3. Further discussion on these connections is provided in the Transmission and Distribution mains section below. The available fire flow within the Initial Phase 1 area and portions of the initial Pressure Zone 3 areas, with these check valve connections, are shown on Figure 6.

Water Storage Facilities

The principal advantages that storage provides for the water system are the ability to equalize demands on supply sources, production facilities, and transmission mains; to provide emergency storage in case of supply failure; and to provide water to fight fires. The City's water service area has two sources of available storage: above ground storage (*i.e.*, clearwells and storage tanks) and storage available through the groundwater basin. Together, these two sources of storage must be sufficient to meet the City's operational, emergency, and fire flow storage criteria. The volumes required for each of these three storage components are listed below:

- Operational Storage: 30 percent of a maximum day demand;
- Emergency Storage: Two times an average day demand; and
- Fire Flow Storage: The required fire flow rates multiplied by their associated fire flow duration periods, as required by the City's Fire Department. Two concurrent fire flow events were assumed for the fire flow storage analysis. However, the recommended fire flow storage does not include the volume associated with sprinkler flows.

Based on the above criteria and Ellis' projected demands, the total estimated storage requirements at build out include:

- Operational Storage: 0.65 MG
- Emergency Storage: 1.96 MG
- Fire Flow Storage: 0.42 MG (represents Ellis proportionate share total 1.14 MG storage for Pressure Zone 3)

This results in a total storage requirement of approximately 3.0 MG.

Because the City's potable water supply includes supply from groundwater wells, the groundwater basin can account for a portion of the recommended emergency storage, in the form of a groundwater credit. However, the following must be true to use the groundwater supply to offset the need to provide surface storage reservoirs:

- Groundwater supply is of potable water quality and can be reliably accessed (*i.e.*, wells are equipped with on-site emergency generators);
- Groundwater supply is not already relied upon to meet the City's average day demand requirements;

- Groundwater supply is of firm groundwater supply availability (*i.e.*, assumes 20 percent of wells will be out of service at any given time); and
- Sufficient water distribution facilities are available to distribute this water to demand areas.

In addition, the City currently has two independent sources of treated surface water supply, and some quantity of the total treated surface water supply capacity can also account for a portion of the recommended emergency storage. The treated surface water credit assumes that the smaller of the treated surface water supply sources can be available to offset a portion of the emergency storage requirement. However, the following must be true to use treated surface water supply to offset the need to provide surface storage:

- Treated surface water supply can be reliably accessed (*i.e.*, treated surface water supply facility is equipped with on-site emergency generator); and
- Sufficient treated surface water booster pumping facilities are available to distribute this water to demand areas.

In summary, the Emergency Storage Credit is equal to the sum of the groundwater and treated surface water supply credits. However, the Emergency Storage Credit can only provide a maximum storage credit equal to the Ellis's required emergency storage volume.

Currently, the City does not have any services or storage within the Zone 3 Pressure Zone. For the purposes of this study, West Yost assumed that the total storage calculated is required to be placed in the Zone 3 Pressure Zone and will be pumped from new storage tank(s) into the distribution system.

Previously approved specific plans that have been allotted water in the existing system are not fully built out and do not expect to be completed for several years. Therefore, the City has existing storage capacity on an interim basis available for use. As directed by City Staff, West Yost has assumed that no new storage facility will be constructed to serve the first 540 units in the initial Phase 1 area. Once the initial allotment of 540 units has been reached, or other specified time is agreed to by the City, the ESP will be required to construct some storage in Pressure Zone 3. In order not to lock the ESP into the timing for development in the other areas of Pressure Zone 3, West Yost assumed that the ESP will pursue the option of developing an ASR well on-site, or at the JJWTP, in-lieu of construction of an on-site storage tank, or other tank in Pressure Zone 3 to meet their emergency storage requirements. Therefore, in addition to the ASR well, the ESP will be required to construct an additional 1.1 MG of active storage (1.2 MG of total storage) to complete buildout. To complete Phase 1, without having to construct an ASR well, it was assumed that the ESP would share in the cost to construct the new 2.0 MG clearwell, Clearwell No. 3, at the JJWTP. Phase 1 buildout would require 0.94 MG of storage or approximately forty-seven (47) percent of the capacity of Clearwell No. 3. Proportionate costs of the required storage for the ESP Properties are presented in Table 5.

Transmission and Distribution Mains

The proposed connection for the Initial Phase 1 of the ESP project into the City's treated water transmission system is through an existing 24-inch diameter transmission main running along Corral Hollow Road from the JJWTP. This pipeline was originally sized to provide treated surface water to the Patterson Pass Business Park and transmission of potable water into Pressure Zone 2. The transmission main was not originally sized to provide service to Pressure Zone 3. In addition, the Patterson Booster Pump experiences low suction pressures and is sensitive to demands in Pressure Zone 2. Proportionate costs of the pipeline for the ESP Properties are presented in Table 5. In addition, West Yost does not recommend the long term use of this 24-inch diameter main as a transmission main for Pressure Zone 3. In coordination with the preparation of the Citywide Master Plan, new transmission mains to serve Pressure Zone 3 have been recommended. The proposed pipelines include 20-inch diameter transmission mains to convey water demands to Pressure Zone 3 from the JJWTP which includes ESP.

Per the ESP and City's request, West Yost has evaluated and concluded that it is possible to serve an Initial Phase 1 for the ESP project of 540 EDUs or less. The required pipelines to serve an Initial Phase 1 are shown in Figure 3 and include:

- Two Pressure Zone 2 tie-in connections located along Corral Hollow Road with check valves
- 18-inch transmission main from just north of the railroad on Corral Hollow Road to Middlefield Drive.
- 20-inch transmission main from the intersection of Corral Hollow Rd. and Linne Road to just north of the railroad on Corral Hollow Road.
- 12-inch diameter Pressure Zone 2 bypass on Corral Hollow Road.
- 12-inch pipeline from Linne Road to Whirlaway Road.
- 16-inch main from the vicinity of the existing Clearwell No. 2 along Tracy Boulevard to near the intersection of Linne Road and English Oaks Avenue.

These connections and pipelines are presented on Figure 3, and the proportionate costs for the ESP Properties are presented in Table 5.

ESTIMATE OF PROBABLE PROJECT COSTS FOR ESP RECOMMENDED WATER SYSTEM FACILITIES

Adequate water supplies exist and will be made available to the Ellis Program at no cost. The City reserved for Ellis sufficient capacity in all the various elements of infrastructure in this report so as to ensure adequate and uninterrupted water service for the Ellis Program according to the following:

- The City has reserved and is providing storage and treatment sufficient to serve 540 units for the first phase of the Ellis Program from the existing system.
- In the new, approximately 2 million-gallon clearwell (Clearwell No. 3) to be constructed at the JJWTP, the City reserved priority capacity for the maximum capacity needs of the Ellis Program. Additional development projects during the term

of the Ellis build out would only be allowed use of Clearwell No. 3 on a temporary and interruptible basis, so long as they would not impair or impede the City's ability to provide said reserved water supply/storage to the Ellis Program or impair or impede the City's ability to make all necessary water infrastructure for treatment, storage and transmission needed for the Ellis Program available to the Ellis Program in its development of the Ellis Project to its potential maximum development. Once the Clearwell No. 3 is in service, the Ellis project will have all services required to meet the maximum water supply demands of the Ellis Program. However, additional infrastructure will be required to be constructed as Ellis continues to build out.

- The City shall provide supply, storage, treatment, and transmission through water system upgrades and expansions sufficient to serve 1,100 acre feet per year of potable water to meet the water demands arising from development of the maximum Ellis Program, which does not include the initial 540 units. The City will supply the Ellis Program with thirteen hundred acre feet of water per year.

Figure 5 presents the location of the pumping facility, storage reservoir and transmission mains required to serve the ESP Properties at buildout. Figure 2 shows the proposed Phase 1 and Buildout areas for the ESP. The cost for the ESP Properties' required water facilities is detailed in Table 5 and is summarized in Table 1.

ESTIMATE OF REQUIRED CONNECTION FEES TO FUND ESP WATER SYSTEM FACILITIES

The costs for the water system facilities required for the ESP will be paid for through connection fees, also known as capital facilities fees or development impact fees, to be paid by each of the ESP projects on an EDU basis.

One EDU is defined as the average day demand for a low-density residential unit and equals 429 gpd. On this basis, EDUs can be calculated for other land uses such as medium- and high-density residential, industrial and commercial uses as shown in Table 6.

Table 6. City of Tracy Equivalent Dwelling Customer Units (EDU)

Land Use	Average Day Water Demand	Average Day Water Demand	EDUs
Residential			
Low-Density	429 gpd/du	429 gpd/du	1 EDU per du
Medium-Density	310 gpd/du	310 gpd/du	0.72 EDU per du
High-Density	220 gpd/du	220 gpd/du	0.51 EDU per du
Schools	1.5 af/ac/yr	1,339 gpd/ac	3.12 EDUs per acre
Parks	4.0 af/ac/yr	3,570 gpd/ac	8.32 EDUs per acre
Industrial	1.5 af/ac/yr	1,339 gpd/ac	4.16 EDUs per acre
Commercial	2.0 af/ac/yr	1,785 gpd/ac	4.16 EDUs per acre
Aquatic Center[(a)]	33 af/yr	29,461 gpd	69 EDUs

[(a)] Demands for the Aquatic Center based on facility information obtained from RJM Design Group (updated November 2010). Do not include UAFW.

The proposed 2012 ESP land uses correspond to a total of 2,198 EDUs. The ESP Phase 1 corresponds to 683 EDUs (including the Aquatic Center), and the remainder of the ESP corresponds to 1,515 EDUs. The assumptions may be updated based on future refinements and updates to the ESP; the EDU's may be refined and updated at that time.

The costs per EDU for the proposed supply and treatment and infrastructure improvements are shown in Table 1. Based on the costs per EDU, the corresponding connection fees for each of the proposed ESP phases are also presented in Table 1. The assumptions for Table 1 may be updated with future refinements and updates to the ESP.

SUMMARY OF RESULTS

The ESP Project was evaluated under three separate system configurations. The first was the Initial Phase 1 scenario which evaluated Phase 1 with the Aquatic Center and 540 units constructed in Pressure Zone 2 and 3 of the ESP. Under this configuration, the construction of 12-inch diameter pipeline (8,700 feet) is required, the JJWTP booster pump station, and 16-inch diameter pipeline from the vicinity of Clearwell No. 2 to English Oaks Avenue. The ESP Phase 1 scenario requires the construction of the 2.0 MG clearwell, 6.48 mgd pump station and various pipelines (see Figure 4). The buildout of the ESP Project requires:

- Proportionate share of a new Zone 3 booster pump station to meet peak hour, daily flow, and pressure requirements for ultimate buildout of ESP;
- Proportionate share of one new Aquifer Storage and Recovery (ASR) well;
- Proportionate share of the City's long-term emergency groundwater storage supply;
- Proportionate share of future 2.0 million gallon (MG) clearwell at John Jones Water Treatment Plant (JJWTP);
- Proportionate share of the City's JJWTP expansion;
- Proportionate share of a recommended 20-inch diameter pipeline from JJWTP to the intersection of Corral Hollow Road and Linne Road;
- Proportionate share of a recommended 20-inch diameter pipeline from the intersection of Corral Hollow Road and Linne Road to the west side of the project site on Lammers Road;
- Proportionate share of the Zone 3 16-inch diameter main from the vicinity of Clearwell No. 2 along Tracy Boulevard to the 18-inch diameter main at Linne Road and English Oaks Avenue;
- Two check valve stations along Corral Hollow Road from Pressure Zone 2 to ESP;
- Pressure Reducing Valve on the 12-inch connection from ESP Phase 1, north to Valpico Road;
- Proportionate share of a 12-inch connection from Whirlaway Lane to Linne Road;
- Proportionate share of the 18-inch diameter pipeline along Corral Hollow Road from Linne Road to Middlefield Drive; and
- Proportionate share of the 18-inch diameter connection from Linne Road to Corral Hollow Road.

The cost for each of these Phases is summarized in Table 7.

Table 7. Estimate of Probable Water Distribution System and Infrastructure Costs By Phase[a,b]

Item	Initial ESP Phase 1	ESP Phase 1	Total ESP Cost[c]
Zone 3-City-Side BPS (JJWTP)[d]			
6.48 mgd	$0	$308,303	$611,000
Zone 3-Pump near Clearwell No. 2[e]			
2.5 mgd	$75,000	$0	$75,000
Clearwell at JJWTP[f]			
2.0 MG	$0	$1,528,454	$2,045,000
John Jones Water Treatment Plant Expansion[g]			
15.0 mgd	$0	$2,439,679	$4,835,000
Long-term Emergency Groundwater Storage[h]			
2,500 gpm	$0	$0	$662,000
On-site Backbone Pipelines[i,j]			
12-inch (ESP backbone - Phase 1)	$677,000	$677,000	$677,000
12-inch (ESP backbone - Buildout)	$0	$0	$340,000
12-inch (ESP backbone - Phase 1 to Valpico Rd)	$0	$0	$203,000
Water Transmission Lines from JJWTP Z3-City-side BPS[i,j]			
24-inch (JJWTP Clearwell to BPS3)	$0	$2,523	$5,000
20-inch (ESP - JJWTP BPS3 to north of Corral Hollow Rd and Linne Rd - Phase 1)	$0	$556,055	$1,102,000
20-inch (North of Corral Hollow Rd and Linne Rd to ESP Northwest corner - Buildout)	$0	$0	$942,000
18-inch (ESP - north of Corral Hollow and Linne Rd to Middlefield Rd - Phase 1)	$78,000	$78,000	$78,000
18-inch (ESP-Linne Rd to Corral Hollow Rd - Phase 1-PZ2 Bypass)	$13,000	$13,000	$13,000
16-inch (From Clearwell No. 2 to English Oak)	$331,009	$331,009	$656,000
20-inch Jack and Bore under Delta Mendota Canal	$0	$85,780	$170,000
20-inch Jack and Bore (Corral Hollow and Linne Rd under RR)	$93,000	$93,000	$93,000
Water Transmission Lines to move Portion of Plan C into Zone 3[i,j]			
12-inch (Whirlaway Lane to Linne Road)	$22,202	$22,202	$44,000
12-inch Jack and Bore (SW Portion of Plan C under R/R to Linne Road)	$19,174	$19,174	$38,000
Valve Connections			
Connection at Middlefield Drive:			
18-inch diameter check valve	$ 31,000	$31,000	$31,000
12-inch diameter bypass PZ2 on Corral Hollow, Jack and Bore (SW Portion of Plan C under Corral Hollow)	$15,000	$15,000	$15,000
Pressure Reducing Valve ESP - Phase 1 to Valpico Rd (12-inch diameter)	$0	$0	$38,000
12-inch diameter check valve at Peony Drive	$ 55,100	$0	$0
Estimated Construction Cost	$1,409,485	$6,200,179	$12,673,000
Design and Planning (10%)	$140,949	$620,018	$1,267,000
Construction Management (10%)	$140,949	$620,018	$1,267,300
General Contingency (15%)	$211,423	$930,027	$1,900,950
Program Administration (5%)	$70,474	$310,009	$633,650
Land Acquisition Costs[k]	$0	$0	$46,000
Groundwater Conjunctive Use Study[l]	$0	$0	$0
Total Anticipated "In Place" Project Cost	$1,973,279	$8,680,251	$17,788,000

[a] Does not include site specific facilities.

[b] All markups and contingencies are consistent with the City's December 2012 Citywide Water System Master Plan.

[c] Costs rounded to nearest one thousand dollars.

[d] Pump station costs for ESP assume ESP's proportionate share of the total cost to construct the 6.48 mgd pump station (ESP buildout share is estimated @ 37% of the total construction cost, 2.18 mgd [ESP Buildout Area's Maximum Day Demand] divided by 5.9 mgd [Buildout Zone 3 Area's Maximum Day Demand]). ESP Phase 1 proportionate share is estimated @ 50% of the ESP total cost, 1.1 mgd [Initial ESP Phase 1 Area's Maximum Day Demand] divided by 2.18 mgd [ESP Buildout Area's Maximum Day Demand]. Initial ESP Phase 1 proportionate share is estimated for a single Pressure Zone 3 pump station at 2.5 mgd located near existing Clearwell No 2.

[e] Initial ESP Phase 1 proportionate share is estimated for a single Pressure Zone 3 pump station with firm pumping capacity of 2.5 mgd located near existing Clearwell No 2. The costs associated with this pump station is credited towards the 6.48 mgd pump station for Phase 1 ESP and Total Costs of ESP.

[f] Clearwell costs for ESP assume ESP's proportionate share of the total cost to construct the 2.0 MG clearwell (ESP's share is estimated @ 63% of the total construction cost, 2.18 mgd [ESP's Maximum Day Demand] divided by 3.46 mgd [operational storage available at clearwell to support a maximum day demand equivalent to 3.46 mgd]).

[g] Water treatment costs assume the ESP proportionate share of the total cost to of the 15.0 mgd expansion of the John Jones Water Treatment Plant (ESP share is estimated at 15% of the total expansion cost, based on [ESP Maximum Day Demand] of 2.18 mgd). The cost of the 15.0 mgd expansion is based on the FY 09/10 adopted budget, CIP 75053, and is equal to $44,358,728. This cost does not include program management mark-ups of 5%, but include all other mark-ups. So the unit price is based on $44,358,728 multiplied by 1.05 and then divided by 1.40, or $33,269,046.

[h] Long-term emergency storage costs assume ESP's proportionate share of the total cost to construct a groundwater well (ESP's share is estimated at 26% of the total cost, 661.5 gpm [ESP's average day demand] ÷ 2,500 gpm [Assumed well capacity]).

[i] Water transmission line costs assume Initial Zone 3 Area's proportionate share of the total cost to construct the Zone 3 pipelines (Initial Zone 3 Area's share is estimated @ 37% of the total construction cost, 2.18 mgd [ESP's Maximum Day Demand] divided by 5.9 mgd [Buildout Zone 3 Area's maximum day demand]).

[j] The unit construction costs for pipeline include pipeline materials, trenching, placing and jointing pipe, valves, fittings, hydrants, service connections, placing imported pipe bedding, native backfill material, and partial asphalt pavement replacement, if required.

[k] Land for facilities identified within the ESP boundary will be dedicated to the City. Land for off-site pump station will need to be acquired.

[l] The groundwater conjunctive use study is Initial Zone 3 Area's proportionate share of the City's Groundwater Management Plan Study.

FEE JUSTIFICATION STUDY EXECUTIVE SUMMARY FOR THE ESP WATER SYSTEM

Based on the data and project criteria provided, the recommended backbone water system to serve the ESP Project at buildout is presented on Figure 5. ESP's infrastructure costs are summarized in Table 1. Table 5 presents the total program infrastructure cost to ESP.

It is anticipated that the City will establish a financing district to provide a funding mechanisms for the proposed development projects in ESP. Formation of these financing districts is consistent with the objectives of the Mitigation Fee Act, Government Code Sections 66000, et seq., also known as Assembly Bill 1600 (AB 1600). The Mitigation Fee Act requires documentation of a reasonable relationship (benefit and burden) between the type of development projects planned for the ESP and the need for the water infrastructure improvements proposed to serve the ESP. The purpose of this summary is to show that a reasonable relationship between the proposed development projects in the ESP and the recommended water infrastructure improvements exists.

1. Description of Assumptions and Design Criteria.

Water Demands

For single family residential (*i.e.*, very low and low density residential) water uses, the estimated average day water demand rate of 429 gallons per day per detached single family dwelling unit (gpd/sfdu) is based on work completed in the Citywide Water System Master Plan to verify unit water demand factors. For all other residential water uses, the projected water demand was also calculated based on the appropriate "water duty" or unit water demand factor adopted in the Citywide Water System Master Plan for each particular residential density category and are summarized below.

Medium Density Residential	=	310 gpd/du
High Density Residential	=	220 gpd/du
Very High Density Residential	=	150 gpd/du

The average annual water demands for non-residential land uses such as parks and schools were calculated using the following unit water demand factors:

Commercial	=	2.0 af/ac/yr
Office	=	1.5 af/ac/yr
Industrial	=	1.5 af/ac/yr
Institutional	=	1.5 af/ac/yr
Parks	=	4.0 af/ac/yr

These unit water demand factors presented above are consistent with the adopted water duty factors from the Citywide Water System Master Plan.

The estimated average day water demand rate from single family residential water uses can be used to define an Equivalent Dwelling Unit (EDU). Generally, one EDU is equal to the amount of water required to serve one single family dwelling unit per day (*i.e.*, 429 gallons, based on 130 gallons per capita per day (gpcd) times 3.3 people per single family dwelling unit). Based on this definition (*i.e.*, 1 EDU = 429 gpd), water demands from different types of land uses can be converted to EDUs for comparison.

Number of Persons Per Single Family Unattached Unit

Consistent with the Citywide Water System Master Plan, the City has established a policy regarding the estimated average number of persons per household, as set forth below.

- SFDU: 3.3 people/du
- MF 2-4: 2.7 people/du
- MF > 5: 2.2 people/du

The term "MF 2-4" applies to structures with 2 to 4 attached dwelling units (*i.e.*, medium density residential). The term "MF > 5" applies to structures with 5 or more attached dwelling units (*i.e.*, high density residential).

2. Description of Existing Level of Service.

The existing potable water system infrastructure serving the City consists of pipelines ranging in size from 2 to 42-inches in diameter, pump stations, storage tanks, groundwater production wells, and water treatment facilities. The existing potable water distribution system currently meets the minimum requirements as presented in the City's adopted performance criteria from the Citywide Water System Master Plan. However, not all of the existing approved projects (*i.e.*, development projects with approved water supply) are completely built out. Therefore, before any excess water system treatment, storage or transmission capacity can be assumed to be available for future service areas, full buildout of the previously approved projects must be assumed. This assumption ensures that no existing capacity required for and built (and paid for) by previously approved projects would be inadvertently assigned to the future service areas.

However, to serve the buildout needs of these existing approved projects, additional pumping and storage facilities and back-up generators are required for the existing potable water system. Only after these additional facilities are added to the existing potable water system can the system meet all adopted performance and design criteria as established in the Citywide Water System Master Plan.

3. Description of Assumptions Regarding the Type of Development Planned for ESP.

The ESP Planning Area has been proposed in the southwestern portion of the City. It is assumed, based on information from the City, that ESP will include single-family detached homes, high density housing, park sites, a school, commercial developments, and an aquatic swim center that will increase the overall water demand in the existing system. The existing water system will not be able to treat, store and deliver water of appropriate quality, quantity and pressure if existing water facilities are not modified to serve the future service areas. This would impact public health and welfare because of inadequate system pressures to provide service and/or fight fires. Because additional water demands will have a major impact on existing water system facilities, modifications to these facilities are required to maintain the current level of water service provided by the City. Therefore, additional water supply sources, treatment capacity, pumping capacity, storage capacity and transmission capacity will be required to meet the projected water demands at buildout of the ESP.

4. Description of how the impact of the development in ESP will require additional modifications to public facilities, including description of standards by which it was determined that additional modifications to public facilities are required.

The size and configuration of the City's existing water system is not sufficient to accommodate additional demands that will be generated by ESP. ESP will require additional storage, and pumping facilities and distribution facilities. Without these additional facilities, adequate water service cannot be provided to ESP.

As previously discussed, the City's existing system is sized to meet the full buildout of existing planning areas. Any demands above these will require additional facilities or modifications to the proposed facilities to meet the City adopted performance and design criteria from the Citywide Water System Master Plan. The criteria used to determine the additional public water facilities, or modifications to previously proposed facilities, included:

- Above Ground Storage Requirements—must contain operational storage, emergency storage, and fire flow storage.
- Emergency Storage—defined as 2 times average day demand.
- Allowable system pressure at peak hour must be maintained at or above 40 psi.
- Allowable system pressure during a maximum day plus fire flow demand must be maintained at or above 30 psi.

The City's existing system is capable of meeting all these criteria and with the design and construction of the various water facilities identified as the responsibility of previous planning areas, these too will be able to meet all minimum City required water system criteria. Those water system impacts identified and required in the ESP Water System Analysis will also be required to meet the above City Standards.

5. Description of the level of service that will result from the new development in ESP after the required additional public facilities and/or modifications to previously proposed public facilities are constructed.

After construction of the proposed ESP water facilities, the level of water service after development will be similar to the level of water service currently provided to the City. The City's water system will meet all of the adopted performance and design standards as described in Item 4 above. The system will be in full compliance with the City's adopted design and performance criteria as stated in the Citywide Water System Master Plan.

6. Description of how the new development in ESP benefits from the additional facilities.

It was previously identified that the City's existing water system infrastructure cannot support the ESP developments. For this reason, additional and/or modifications to previously proposed facilities need to be in place and operational for the ESP developments to benefit from them. Therefore, the ESP developments benefit directly from recommended and/or proposed water facility modifications as described in the ESP Water System Analysis. Without these facilities the ESP developments would not be able to meet the City's adopted performance and design criteria

for the water distribution system. Some of the benefits that the new/modified water facilities bring to the ESP developments include:

- Adequate peak hour and fire flow pressures are provided to the new development.
- Adequate storage (emergency, operational and fire) is provided to the new development.
- Adequate treated water supply is provided to the new development.

7. Description of the basis upon which the total estimated cost of providing the ESP Project public facilities is allocated to properties within the ESP area.

Tables 5 and 7 present an estimate of the reasonable costs associated with the required facilities to serve ESP. The unit costs are based on costs for similar water facility projects and from standard construction cost estimating guides and cost curves**.**

8. Description of the basis upon which the total estimated cost of providing the additional and/or the modifications to previously proposed public facilities is allocated to properties within the ESP area.

The total water demands were calculated using the factors set forth in section 1, above, as well as the maximum day and peak hour peaking factors of 2.0 and 3.4, respectively.

Based on the above unit water demands, the total ESP water demand was calculated, required water facilities necessary to support ESP (both conveyance, storage and treatment) were determined and associated costs to serve ESP developments were identified.

9. Reference Documents

The documents used in the analysis include:

1. City of Tracy, Citywide Water System Master Plan. December, 2012.
2. Technical Memorandum “Plan C Water System Analysis”. February 24, 1998.
3. Technical Memorandum “South ISP Water System Analysis”. October 13, 2008.
4. Technical Memorandum “Undeveloped Infill Properties”. October 24, 2011.
5. Technical Memorandum “Ellis Specific Plan Water System Analysis”. November 29, 2010.
6. Draft Technical Memorandum “Aquatic Center Facility Water Demand and Water System Infrastructure Analysis”. December 15, 2010.
7. Draft Technical Memorandum “Water System Evaluation for the City of Tracy’s Initial Pressure Zone 3 Area”. February 7, 2012.

10. Findings with Respect to the Mitigation Fee Act

The ESP Water Impact Fee will provide for the funding of the proportionate share of a portion of the water supply requirements of the ESP Planning Area in accordance with the requirements of the Mitigation Fee Act California Government Code sections 66000, et seq., also known as “AB 1600”. The capital improvements are required to mitigate the water impacts on new development

within the ESP Planning Area consistent with the land use and water policies of the General Plan and the Citywide Water System Master Plan. The fee is not imposed to improve or correct deficiencies in baseline service levels. The fee is based on a water and fair-share cost analysis which: 1) determines capital improvements required to mitigate the water supply impacts of the buildout of the ESP Planning Area, and 2) equitably distributes the costs of the improvements to the development areas that cause the impacts, per the provisions of the Mitigation Fee Act.

The Mitigation Fee Act requires impact fee programs to comply with the following basic requirements:

- Identification of the purpose of the fee.
- Identification of how the fee will be used.
- Determination of how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- Determination of how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.
- Determination of how there is a reasonable relationship between the amount of the fee and the cost of the public facility (or portion of facility) attributable to new development.

The following findings address each of these five issues:

1. **Identification of the purpose of the fee.** The purpose of the proposed water impact fee is to provide a source of funding based on the ESP's proportionate share of the overall project cost to be used to construct water facilities that are required to provide water supply to the ESP Planning Area. These program water facilities are more completely analyzed in the ESP Water System Analysis and generally include: upgrades to the City's water distribution system (as summarized on Tables 5 and 7).
2. **Descriptions of how the fee will be used.** The fee will be used to plan, design and construct new or water facilities such as pipelines, storage tanks, and booster pump station.
3. **Determination of how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.** The proposed impact fee will be used to construct water distribution facilities that are required to provide water services to the ESP Project. Construction of water facilities provides direct benefit to the proposed development projects. Therefore, there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
4. **Determination of how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.** The use of a sophisticated and calibrated hydraulic water distribution system computer model, validated and subsequently adopted by the City, demonstrates the need for public facility improvements due to the proposed land uses on which the fee will be imposed. This analytical model was used to determine impacts to the City's existing potable water system and identify impacts to public facilities. Analysis included

evaluation of treatment, transportation and storage requirements to deliver required pressure and flow for average day, maximum day, fire demand, and peak hour demand conditions. Without the identified improvements, the existing potable water system is incapable of providing the City's minimum standard system pressure and flow to serve the future service areas. This will not only affect the future service areas, but also the City's existing customers. Therefore, there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

5. **Determination of how there is a reasonable relationship between the amount of fee and the cost of the public facility (or portion of the facility) attributable to new development.** The proposed water facilities will be constructed to meet the water demand generated from the ESP Project. The demand is calculated using a factor of 1 EDU for a single-family detached residential unit (low density). The estimated overall cost of the facilities is based on current conceptual engineering estimates which are based on similar facility types. The overall cost of the facilities is divided by the number of EDUs or residential units that are connected to the system. Therefore, each residential unit receives direct benefit and their cost will be proportional to the benefits received. Hence, there is a reasonable relationship between the amount of fee and the cost of the public facility (or portion of the facility) attributable to new development.

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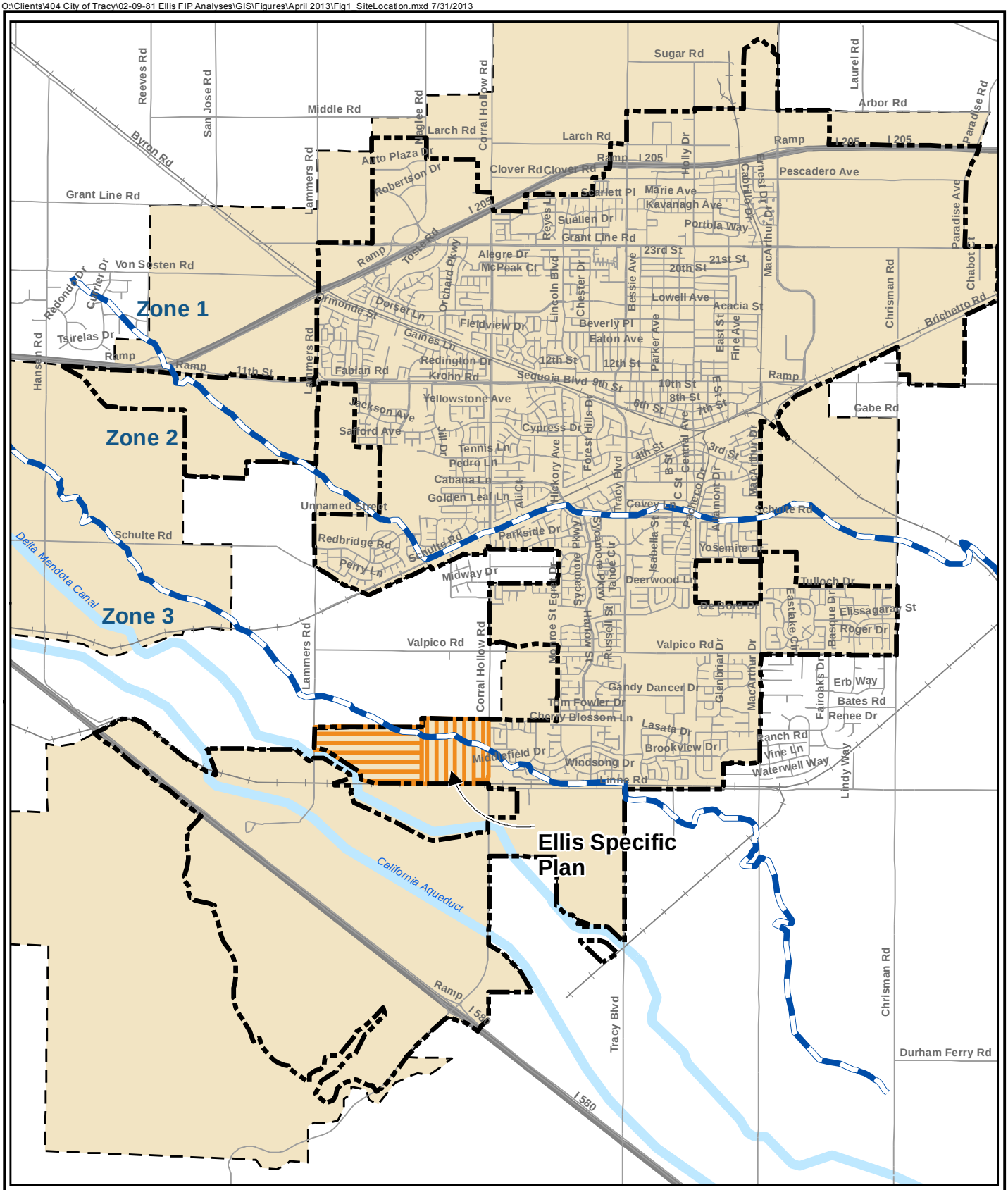


LEGEND

- Ellis Specific Plan - Phase 1
- Ellis Specific Plan - Remainder
- Existing Pressure Zone Boundary
- City Limits
- Amended Sphere of Influence (SOI)

N

0 0.5 1

Scale in Miles

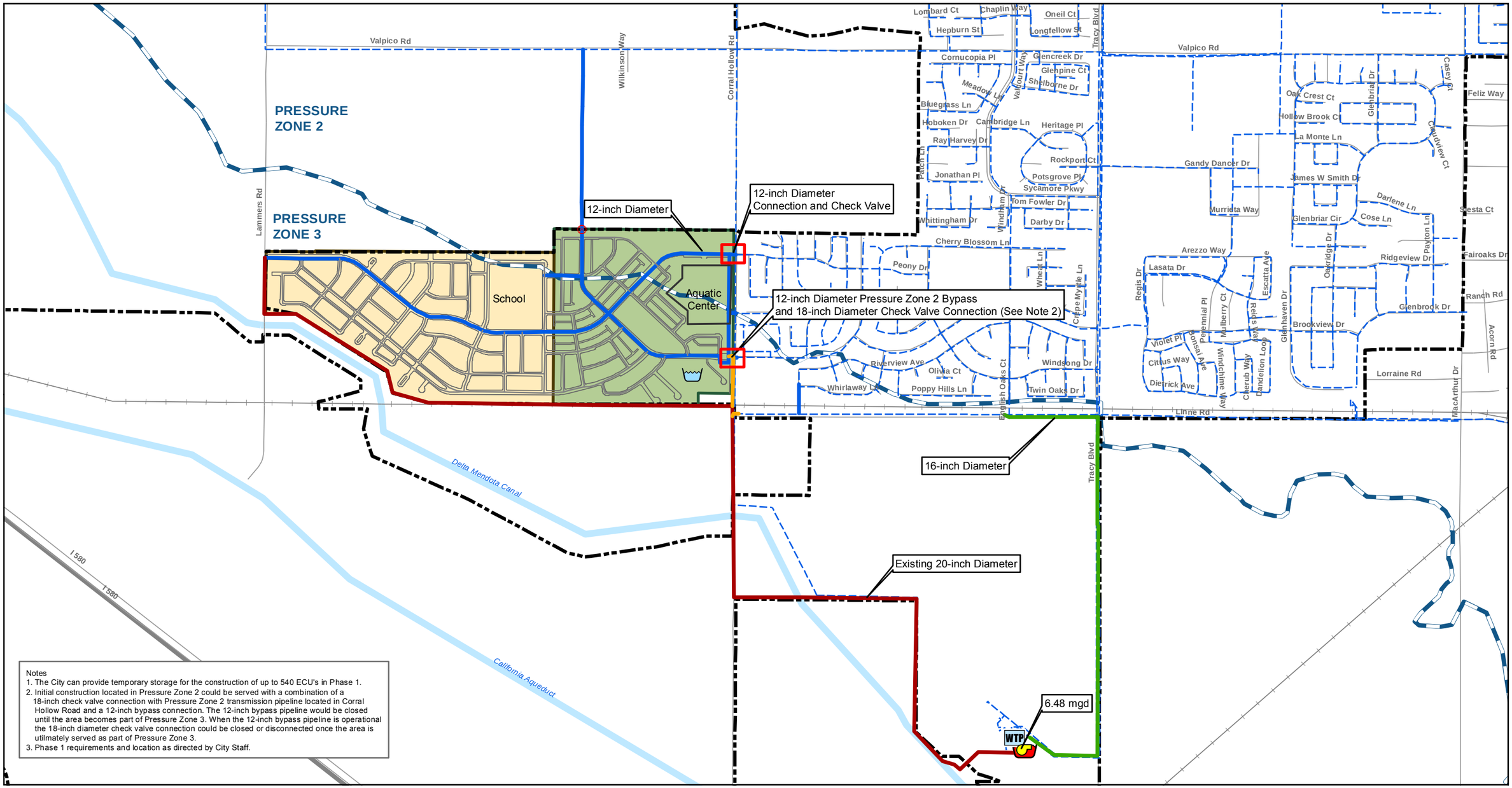
FIGURE 1

City of Tracy
Ellis Specific Plan
SITE LOCATION

TRACY

WEST YOST ASSOCIATES

Consulting Engineers



Notes
1. The City can provide temporary storage for the construction of up to 540 ECU's in Phase 1.
2. Initial construction located in Pressure Zone 2 could be served with a combination of a 18-inch check valve connection with Pressure Zone 2 transmission pipeline located in Corral Hollow Road and a 12-inch bypass connection. The 12-inch bypass pipeline would be closed until the area becomes part of Pressure Zone 3. When the 12-inch bypass pipeline is operational the 18-inch diameter check valve connection could be closed or disconnected once the area is utilmately served as part of Pressure Zone 3.
3. Phase 1 requirements and location as directed by City Staff.

LEGEND

Ellis Required Pipelines
- 8 inch
- 12 inch
- 16 inch
- 18 inch
- 20 Inch
- 24 inch

- Required PRV
- Required Booster Pump Station
- Existing Tracy Pipeline
- Existing Pressure Zone Boundary
- WTP John Jones Water Treatment Plant
- Proposed ASR Well
- Proposed 2.0 MG Clearwell
- ESP Phase 1
- ESP Remainder (Buildout)
- City Limits

N

0 700 1,400
Scale in Feet

FIGURE 2

City of Tracy
Ellis Specific Plan

ELLIS SPECIFIC PLAN PHASING AND INFRASTRUCTURE

TRACY
WEST YOST ASSOCIATES
Consulting Engineers

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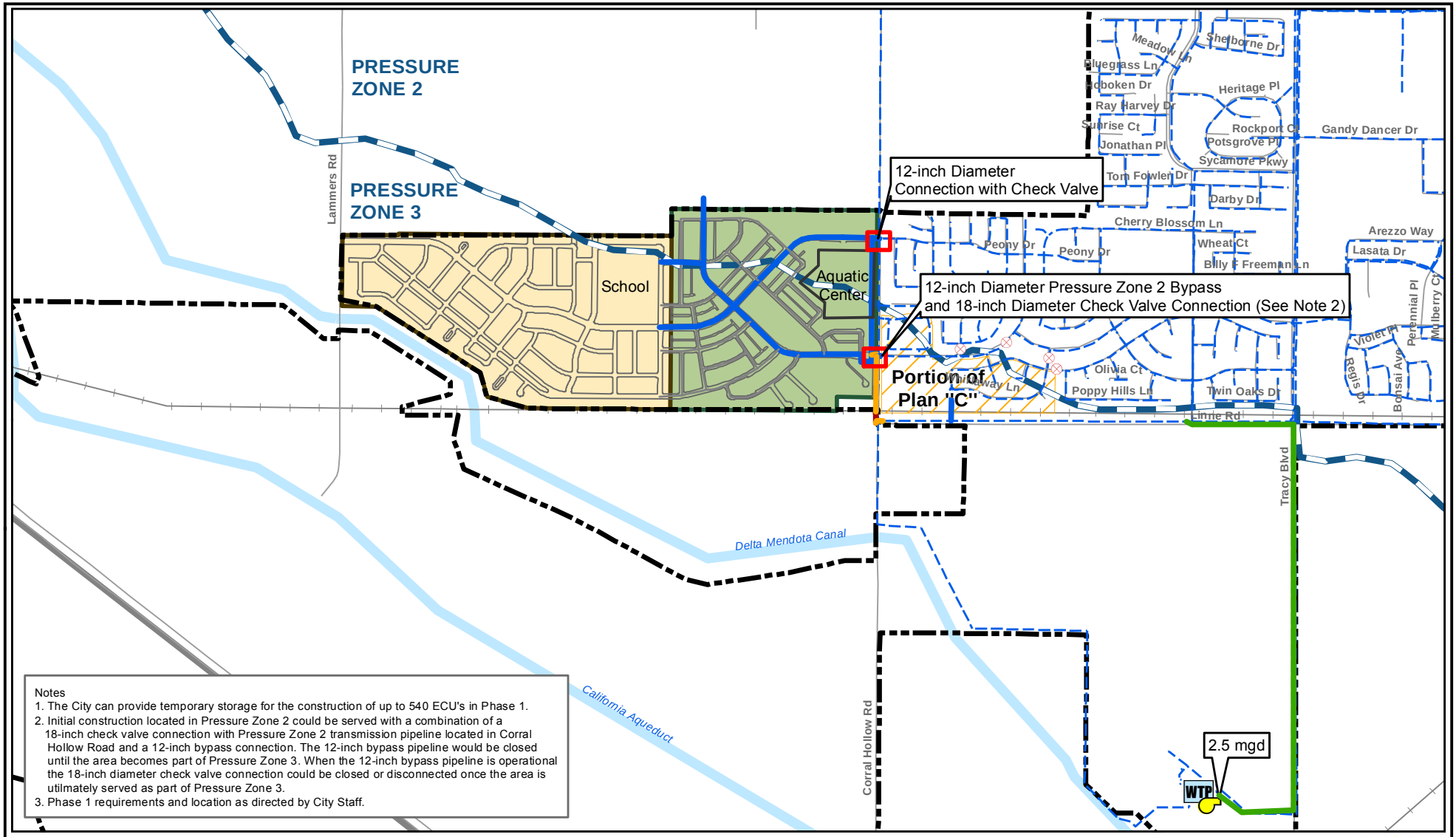

Notes
1. The City can provide temporary storage for the construction of up to 540 ECU's in Phase 1.
2. Initial construction located in Pressure Zone 2 could be served with a combination of a 18-inch check valve connection with Pressure Zone 2 transmission pipeline located in Corral Hollow Road and a 12-inch bypass connection. The 12-inch bypass pipeline would be closed until the area becomes part of Pressure Zone 3. When the 12-inch bypass pipeline is operational the 18-inch diameter check valve connection could be closed or disconnected once the area is utilmately served as part of Pressure Zone 3.
3. Phase 1 requirements and location as directed by City Staff.

LEGEND

Ellis Required Pipelines
- 8 inch
- 12 inch
- 16 inch
- 18 inch
- 20 inch

- Existing Tracy Pipeline
- Existing Pressure Zone Boundary
- Required Booster Pump Station
- Interzonal Valve Closure
- WTP John Jones Water Treatment Plant

- ESP Phase 1
- ESP Remainder (Buildout)
- Plan C
- City Limits

N

0 900 1,800
Scale in Feet

FIGURE 3

City of Tracy
Ellis Specific Plan
INITIAL ESP PHASE 1 INFRASTRUCTURE

TRACY
WEST YOST ASSOCIATES
Consulting Engineers

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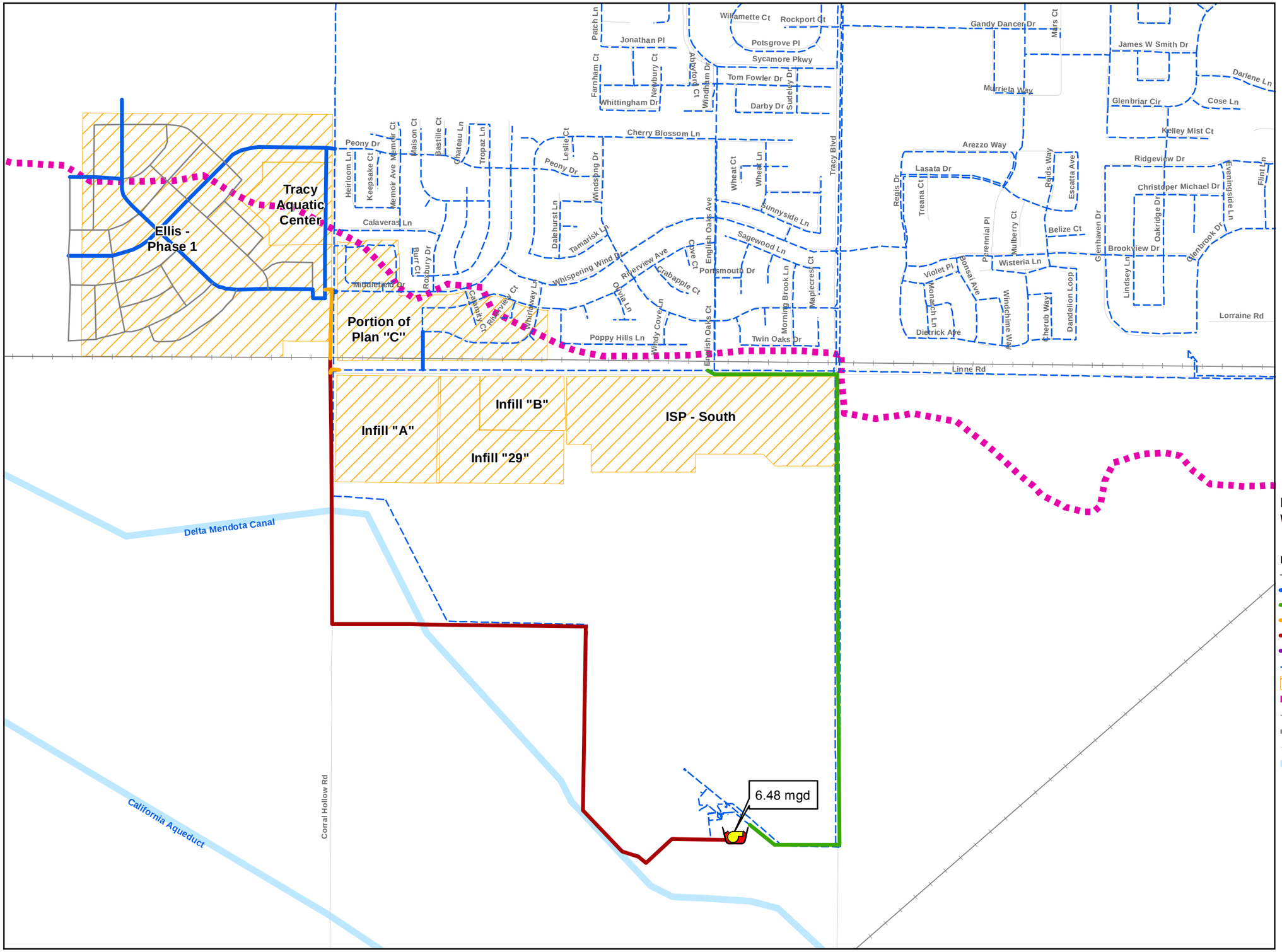
FIGURE 4

City of Tracy
Ellis Specific Plan
ESP - PHASE 1 PROPOSED IMPROVEMENTS



0 500 1,000
Scale in Feet

NOTES

1. Project boundaries are approximate.

LEGEND

- Proposed 2.0 MG Clearwell
- Required Booster Pump Station

Initial Pressure Zone 3 Required Pipelines

- 8 inch
- 12 inch
- 16 inch
- 18 inch
- 20 Inch
- 24 inch
- Existing Tracy Pipeline
- Initial Pressure Zone 3 Area
- Existing Pressure Zone Boundary
- Railroad
- Highway
- Streets
- Major Canals

TRACY

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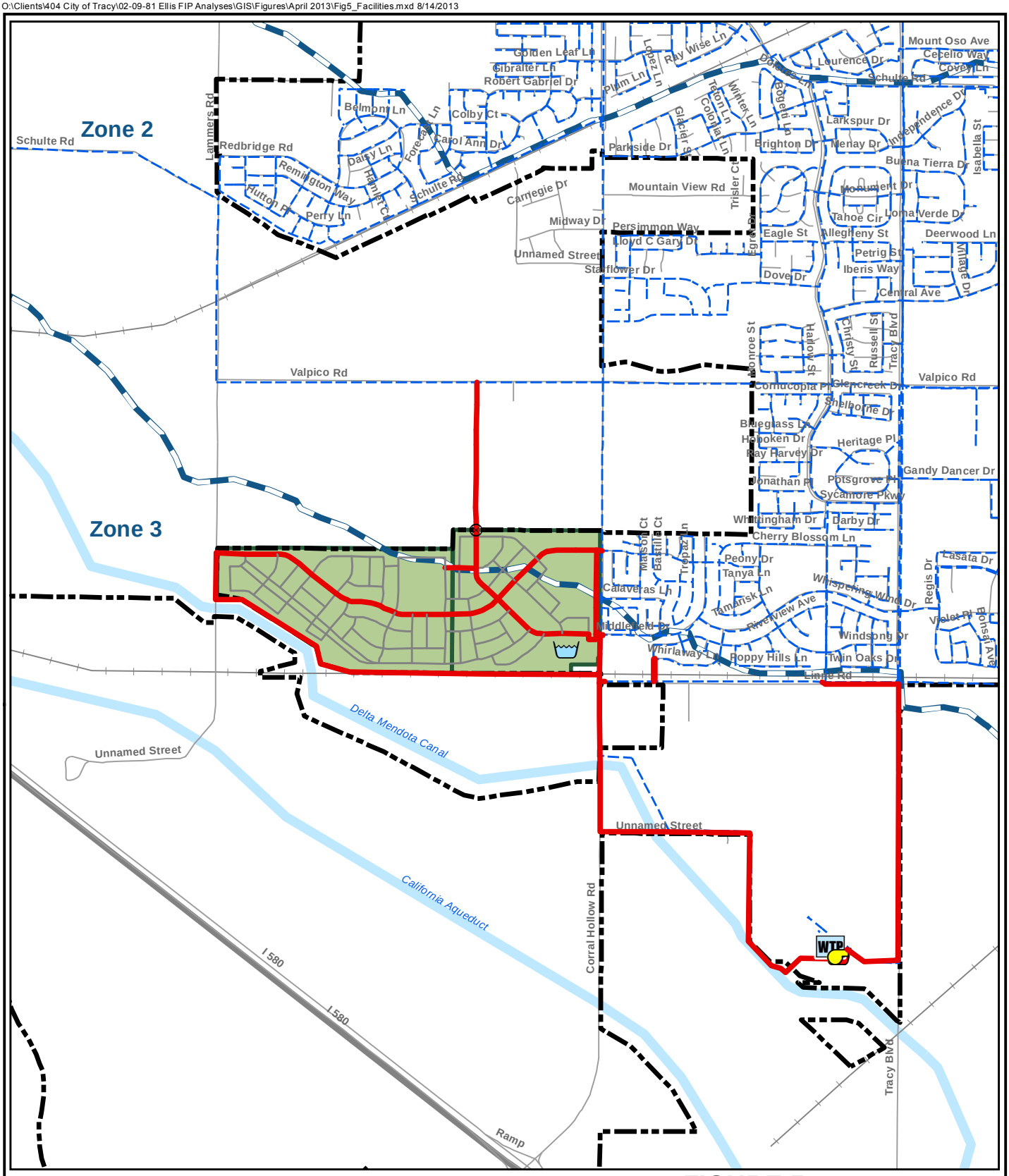


LEGEND

- 8 inch Pipeline
- Required Pipelines (12 to 24 inch)
- Existing Tracy Pipeline
- Required PRV
- Booster Pump Station
- Proposed ASR Well
- Proposed 2.0 MG Clearwell
- WTP John Jones Water Treatment Plant
- Existing Pressure Zone Boundary
- Ellis Specific Plan
- City Limits

N

0 1,200 2,400

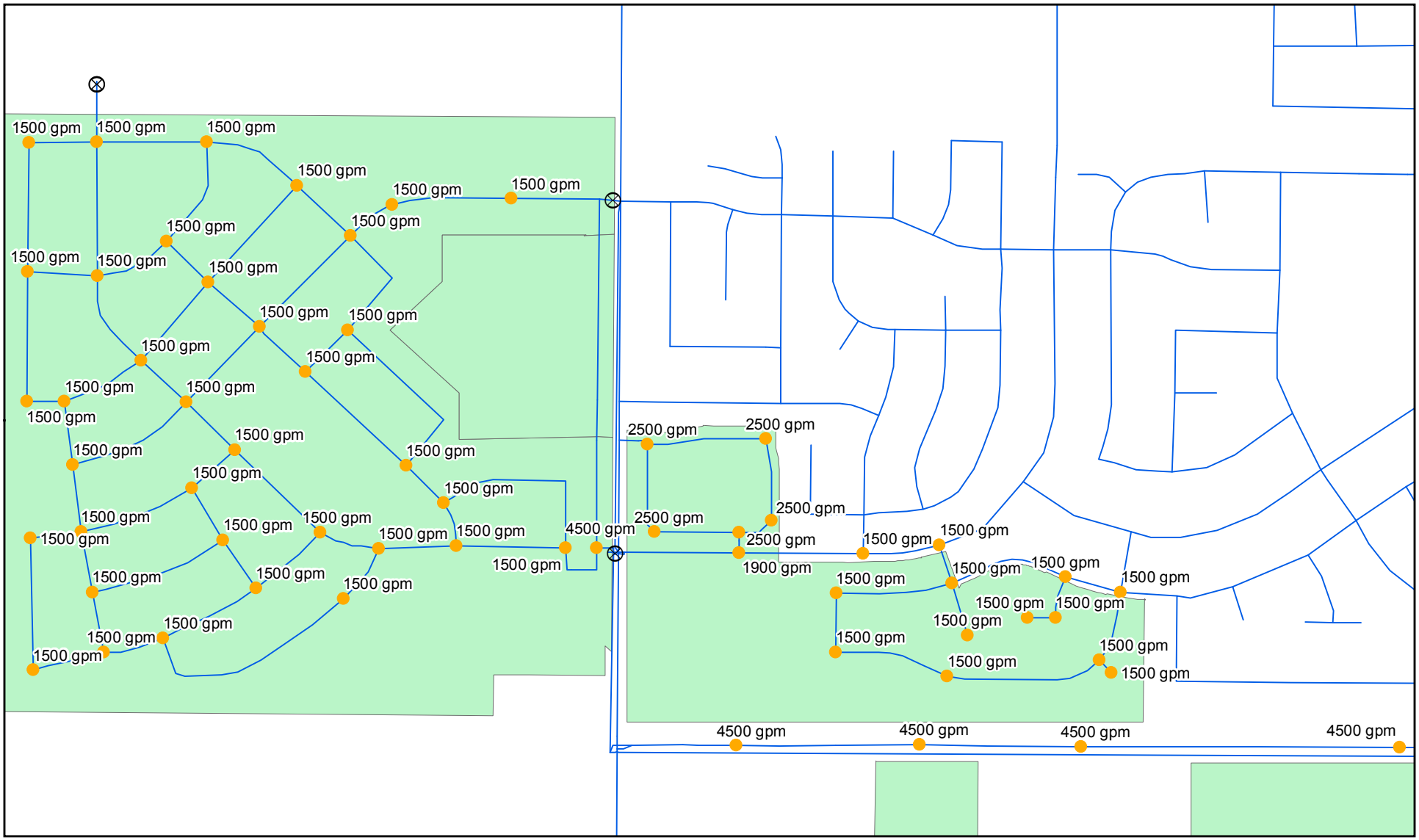
Scale in Feet

FIGURE 5
City of Tracy
Ellis Specific Plan

ESP BUILDOUT PROPOSED INFRASTRUCTURE

TRACY

WEST YOST ASSOCIATES
Consulting Engineers



LEGEND

- Fire Flow Junction (Available Fire Flow)
- Valve
- Water System Pipelines
- Pressure Zone 3

N

0 300 600

Scale in Feet

FIGURE 6

City of Tracy
Ellis Specific Plan
Water System Analysis

ELLIS PHASE 1
AVAILABLE FIRE FLOW

TRACY

WEST YOST ASSOCIATES
Consulting Engineers

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ATTACHMENT A

Water System Evaluation for the
City of Tracy's Initial Pressure Zone 3 Area Technical Memorandum,
June 3, 2013

WEST YOST ASSOCIATES
Consulting Engineers

REGISTERED PROFESSIONAL ENGINEER
CHARLES DUNCAN
No. 55498
EXP. 12-31-14
CIVIL
STATE OF CALIFORNIA

TECHNICAL MEMORANDUM

DATE: June 3, 2013 Project No.: 404-02-11-91

TO: Kul Sharma, City of Tracy

CC: Alison Bouley, Harris and Associates

FROM: Charles Duncan, R.C.E. #55498
Shannon Barcal, E.I.T. #139195

SUBJECT: Water System Evaluation for the City of Tracy's Initial Pressure Zone 3 Area

SUMMARY

This Technical Memorandum (TM) summarizes West Yost Associates' (West Yost) technical evaluation and identification of water system facilities and costs for the City of Tracy's (City) Initial Pressure Zone 3 Area Project (Project). The Project area includes a portion of Plan C (southwest corner of Edgewood subdivision southeast of Corral Hollow Road and Middlefield Drive), existing and future Infill properties south of Linne Road, between Tracy Boulevard and Corral Hollow Road, the proposed Aquatic Center and phase 1 of the Ellis Specific Plan area. All of these properties are located within the City's General Plan Sphere of Influence (SOI). The locations of these existing and proposed development projects are shown on Figure 1.

The new facilities, including water supply, treatment, pumping and storage facilities, and transmission lines that will need to be constructed to serve the needs of the Project are identified in this TM. Specifically, these facilities include:

- Proportionate share of the City's John Jones Water Treatment Plant (JJWTP) Expansion;
- Proportionate share of the City's proposed 2.0 million gallons (MG) Clearwell No. 3 at the JJWTP to provide storage for Zone 3-City Side;
- Proportionate share of the City's proposed 6.48 million gallons per day (mgd) Zone 3-City side booster pump station (JJWTP) to meet peak hour and maximum day flow and pressure requirements;
- Proportionate share of the City's Banta Carbona/Westside Irrigation District supply transfer with storage in Semitropic Water Bank;
- Proportionate share of recommended pipelines from City's proposed Zone 3 City-Side booster pump station (JJWTP) to the Project;
- Proportionate share of the Zone 3 16-inch diameter main from the existing 14-inch diameter main in Tracy Boulevard to the 18-inch diameter main at Linne Road and English Oak;

- Proportionate share of pipelines recommended to serve a portion of Plan C from Zone 3;
- Proportionate share of Aquifer Storage and Recovery well;
- Proportionate share of the City's Regional Groundwater Study.

Total estimated costs for the Initial Zone 3 Pressure Area facilities are $9,813,000 and are shown on Table 2. The proportionate share for the Ellis-Phase 1 Development was calculated to be 43 percent based on the Average Day Demand for the Ellis-Phase 1 Development properties (174 gpm) in relation to the Average Day Demand for the Initial Pressure Zone 3 Area (403 gpm). This proportionate cost equals approximately $4.6 million.

INTRODUCTION

In August 2011, the City authorized West Yost to provide technical engineering support to the City related to performing a water system analysis and defining water system infrastructure needs for the City's Initial Pressure Zone 3 Area. As detailed in our professional services agreement, this TM summarizes our findings and conclusions related to the following tasks:

- Water Demand Evaluation,
- Water Storage and Booster Pumping Facilities Evaluation, and
- Estimate of Probable Facilities Cost and Allocation.

The results of this TM should be incorporated by reference into the City's Citywide Water System Master Plan.

The following sections of this TM describe the additional supply, treatment capacity and pumping and storage facilities required to serve the Project. Also included in this TM are the estimated costs for the new facilities, which will need to be assessed to the Project properties.

PLANNING/MODELING CRITERIA

The general planning and hydraulic modeling criteria used by West Yost in the analysis of the Project's potential impacts to the City's existing water system infrastructure are listed below:

- Design criteria
  - As presented in the City's Citywide Water System Master Plan:
  - The water treatment plant is sized to meet maximum day demands;
  - Pumping facilities are sized to meet maximum day, peak hour or maximum day plus fire flow demand conditions;
  - Transmission mains are sized to provide required peak hour flows at a minimum pressure of 40 pounds per square inch (psi); and
  - Storage facilities are sized to include both operational and fire storage.
  - Emergency water storage will be provided by the groundwater basin.
- Demands

  - Average day water demand will be calculated using the water duties adopted in the City's Citywide Water System Master Plan.
  - Maximum day and peak hour demands will be calculated using the peaking factors of 2.0 and 3.4 times the average day demand, respectively.
- Supply
  - The Project will receive its water supply from the Delta Mendota Canal through the existing water treatment plant, and local groundwater sources.
  - The City's Banta Carbona/Westside Irrigation District supply transfer with storage in Semitropic Water Bank will be utilized as an additional supply source.
- Modeling Criteria
  - New pipelines will be hydraulically modeled using a roughness coefficient (C-factor) of 130.
  - The 2010 calibrated hydraulic model of the City's water system will serve as the basis for evaluation of the hydraulic conditions in the Project area.
- Land Use
  - Land use for the parcels south of Linne Road between Tracy Boulevard and Corral Hollow Road are assumed to be commercial/light industrial.

WATER DEMAND

Average day water demands for the Project were calculated based on the number of acres in each project area as well as the number of dwelling units in the residential areas multiplied by the appropriate water use factors. These factors, which are consistent with those used in the City's Citywide Water System Master Plan, are presented below:

Land Use	Density	Water Use Factor
Low Density Residential	4.35 dwelling units (DU) per acre	429 gpd per DU
Medium Density Residential	9 DU per acre	310 gpd per DU
High Density Residential	18.75 DU per acre	220 gpd per DU
Commercial	FAR[(a)] 0.3	2.0 af/ac/yr
Office	FAR[(a)] 0.45	1.5 af/ac/yr
Industrial	FAR[(a)] 0.5	1.5 af/ac/yr

[(a)] FAR is floor to area ratio.
gpd = gallons per day
af/ac/yr = acre-feet per acre per year

Maximum day and peak hour demands were calculated by multiplying the average day demand by the maximum day and peak hour demand peaking factors of 2.0 and 3.4, respectively.

The resulting demands for average day, maximum day and peak hour for the Project, are presented in Table 1.

Table 1. Summary of Proposed Water Demands in Initial Pressure Zone 3 Area

Development Project	Land Use Type	Dwelling Units (du) or Acres		Unit Water Demand Factor[a]		Average Day Demand, gpm	Maximum Day Demand, gpm[b]	Peak Hour Demand, gpm[c]
Plan "C"								
Existing Residential Units[d]	Low Density Residential	87	du	429	gpd/du	26	52	88
Waterstone Apartments[d]	High Density Residential	147	du	220	gpd/du	22	44	75
Don Cose Park[d]	Park	3.4	acres[j]	4	af/ac/yr	8	16	27
Proposed Apartments[e]	High Density Residential	144	du	220	gpd/du	22	44	75
UAFW (7.5%)						6	13	21
Subtotal						**84**	**169**	**286**
ISP - South[f]								
Parcel "I-8"	Industrial	66.3	acres	1.5	af/ac/yr	62	124	211
UAFW (7.5%)						5	10	17
Subtotal						**67**	**134**	**228**
Infill[g]								
Parcel "29"	Industrial	17.1	acres	1.5	af/ac/yr	16	32	54
Parcel "A"	Industrial	26.5	acres	1.5	af/ac/yr	25	50	85
Parcel "B"	Industrial	11.7	acres	1.5	af/ac/yr	11	22	37
UAFW (7.5%)						4	8	14
Subtotal						**56**	**112**	**190**
Ellis - Phase 1[h]								
Residential Low	Low Density Residential	93	du	429	gpd/du	28	56	95
Residential Medium	Medium Density Residential	357	du	310	gpd/du	77	154	262
Village Center	Commercial	5.7	acres	2	af/ac/yr	7	14	24
General Commercial	Commercial	4.4	acres	2	af/ac/yr	5	10	17
Limited Use	Commercial	26.0	acres	2	af/ac/yr	32	64	109
Neighborhood Parks	Park	5.0	acres	4	af/ac/yr	12	24	41
UAFW (7.5%)						13	26	44
Subtotal						**174**	**348**	**592**
Tracy Aquatic Center[i]								
Base Bid + Additional Options						20	189	296
UAFW (7.5%)						2	15	24
Subtotal						**22**	**204**	**320**
					Total, gpm[k]	403	968	1,617
					Total, mgd	0.6	1.4	2.3
					Total, af/yr	650		

[a] Based on the adopted unit water demand factors from the City's December 2012 Citywide Water System Master Plan.
[b] Based on the adopted maximum day peaking factor of 2.0 from the City's December 2012 Citywide Water System Master Plan, except for demands from the proposed Tracy Aquatic Center.
[c] Based on the adopted peak hour peaking factor of 3.4 from the City's December 2012 Citywide Water System Master Plan, except for demands from the proposed Tracy Aquatic Center.
[d] Existing parcel(s) currently served by Zone 2 water supply facilities. Proposed to be re-zoned into Pressure Zone 3 to meet the City's minimum pressure requirement.
[e] Data provided to West Yost in email from City staff dated July 27, 2011.
[f] Proposed acreage based on data presented in South ISP Water System Analysis TM prepared by West Yost Associates dated October 2008.
[g] Proposed acreage based on data presented in Undeveloped Infill Properties TM prepared by West Yost Associates dated October 2011.
[h] Proposed dwelling units and acreage based on data presented in the Ellis SP Water System Analysis TM prepared by West Yost Associates dated December 2012.
[i] Proposed water demand based on data presented in the DRAFT Aquatic Center Facility Water Demand and Water System Infrastructure Analysis TM prepared by West Yost Associates dated December 2010.
[j] Acreage based on data presented on the City's website.
[k] Total demand includes 7.5% unaccounted for water.
= Existing Plan C Development Project Demands.

RECOMMENDED WATER SYSTEM INFRASTRUCTURE

Figure 2 presents the location of the facilities and transmission mains required to serve the Project.

Water Supply and Treatment Facilities

Based on the maximum day demand estimated for the Project properties, an additional maximum day treated water supply of 1.2 mgd (the maximum day demand for the Zone 3 initial area), and an additional annual supply of 553 af/yr, will be required to serve the demand of the Project properties. This demand requirement is slightly less than the demand presented in Table 1, because it does not include the existing Plan C Development Project demands (total supply minus the existing Plan C Development Project; 650 af/yr – 97.1 af/yr = 553 af/yr). These demands were removed from the water supply and treatment facilities allocation, since they have already paid for their proportionate share of the existing JJWTP.

The City plans to expand the JJWTP by 15 mgd. In addition, the City has signed a surface water agreement with the Westside and Banta Carbona Irrigation Districts for up to 10,000 af/yr. However, this surface water does not have the same reliability as a Municipal and Industrial (M&I) water supply. To compensate for potential cut backs in the water supply, the City has also entered into an agreement with Semitropic Water Bank to firm up the reliability of the supply. The Project properties will need to pay their proportionate share of the costs for these improvements and supply reliability. The proportionate share of the water supply transfer for the Project properties is based on the Project's average day demand of 553 af/yr (does not include the existing Plan C Development Project demands). As shown on Table 2, this equates to a cost of approximately $857,000.

Costs for the JJWTP expansion are presented in Table 2. The proportionate share of the JJWTP expansion for the Project properties is based on the Project's maximum day demand (1.4 mgd) minus the existing Plan C Development Project demands (0.17 mgd) in relation to the 15 mgd expansion. As shown on Table 2, this equates to approximately 8.2 percent of the expansion at a cost of about $2.6 million. Therefore, the total estimated costs for both the additional raw water supply and the JJWTP expansion are approximately $3.5 million.

Water Pumping Facilities

The December 2012 Citywide Water System Master Plan recommended the installation of a new booster pump station with a minimum firm pumping capacity of 4,500 gpm to meet the buildout maximum day water demands of the Zone 3 City-Side area. The Project's proportionate share of this 6.48 mgd booster pump station is detailed in Table 2 and is equal to $392,000.

Water Storage

Required water storage for the initial Pressure Zone 3 area is based on several components including operational storage, fire flow storage and short-term emergency storage. Operational storage is required to meet peak hour demands and is based on 30 percent of the maximum day demand. Fire flow storage is based on an assumed fire flow demand and duration. The City's required fire flow demand is 4,000 gpm for a duration of four (4) hours. Short-term emergency storage is required to provide a water supply in the event of a supply or treatment plant outage, and is assumed to equal two times the average day demand.

Table 2. Estimate of Probable Water Distribution System and Infrastructure Costs for the Initial Pressure Zone 3 Area[a,b]

Item	Unit	Price/Unit	Unit Price[c]	Qty	% for Initial Area	Initial Zone 3 Area Cost[d]	Ellis Phase 1 Cost [e]
Zone 3-City-Side BPS (JJWWP)[f]							
6.48 mgd	each		$1,822,591	1	22%	$392,000	$169,250
Clearwell at JJWTP[g]							
2.0 MG	each		$3,198,900	1	40%	$1,286,000	$555,243
John Jones Water Treatment Plant Expansion[h]							
15.0 mgd	each		$32,121,838	1	8%	$2,612,000	$1,326,112
BCID/WSID Supply Transfer with Storage in Semi Tropic Water Bank[i]							
10,000 af	each	$15,500,000	$1,550	553	100%	$857,000	$435,099
Long-term Emergency Groundwater Storage[j,k]							
2,500 gpm	each		$2,500,000	1	16%	$403,000	$173,999
Water Transmission Lines from JJWTP Z3-City-side BPS[k,l]							
24-inch	lf		$375	35	24%	$3,000	$1,295
20-inch	lf		$320	9300	24%	$704,000	$303,959
18-inch	lf		$300	825	24%	$59,000	$25,474
16-inch	lf		$230	2935	24%	$160,000	$69,082
20-inch Jack and Bore under Delta Mendota Canal, Railroad	lf		$1,005	458	24%	$109,000	$47,062
20-inch Jack and Bore (Corral Hollow and Linne Rd under RR)	lf		$1,005	250	24%	$59,000	$25,474
Water Transmission Lines to move Portion of Plan C into Zone 3[k,l]							
12-inch (Whirlaway Lane to Linne Road)	lf		$210	562	24%	$28,000	$12,089
12-inch Jack and Bore (SW Portion of Plan C under R/R to Linne Road)	lf		$690	150	24%	$24,000	$10,362
Valve Connections							
Connection at Middlefield Drive:							
18-inch diameter check valve	each	$84,000	$84,000	1	24%	$20,000	$8,635
12-inch diameter bypass PZ2 on Corral Hollow, Jack and Bore (SW Portion of Plan C under Corral Hollow)	lf		$690	60	24%	$10,000	$4,318
Estimated Construction Cost						$6,726,000	$3,167,454
Design and Planning (10%)		10%	10%			$673,000	$317,000
Construction Management (10%)		10%	10%			$673,000	$317,000
General Contingency (20%)		20%	20%			$1,345,000	$633,000
Program Administration (5%)		5%	5%			$336,000	$158,000
Groundwater Conjunctive Use Study[m]	LS		$60,000	1	100%	$60,000	$25,800
Total Anticipated "In Place" Project Cost						$9,813,000	$4,618,000

[a] Does not include site specific facilities.

[b] All markups and contingencies are consistent with the City's 2012 Citywide Water System Master Plan.

[c] All unit prices are presented in 2012 dollars. Unit prices based on combination of cost curves, construction cost guidelines and similar construction projects.

[d] Costs rounded to nearest one thousand dollars.

[e] Ellis- Phase 1 proportionate share of Initial Zone 3 Area costs was estimated at 43% of the total costs (Average Day Demand for Ellis - Phase 1 [174 gpm] in relation to Average Day Demand for Initial Z3 Area [403 gpm]). However, for the water supply and treatment costs, the proportionate share is increased to reflect the existing Plan C Development already paying for their fair share. Ellis- Phase 1 proportionate share of Initial Zone 3 Area costs for water supply and treatment was estimated at 51% of the total costs (Average Day Demand for Ellis - Phase 1 [174 gpm] in relation to Average Day Demand for Initial Z3 Area [342.7 gpm]).

[f] Pump station costs for Initial Zone 3 Area assume Initial Zone 3 Area's proportionate share of the total cost to construct the 6.48 mgd pump station (Initial Zone 3 Area's share is estimated @ 22% of the total construction cost, 1.4 mgd [Initial Zone 3 Area's Maximum Day Demand] divided by 6.48 mgd [Buildout Zone 3 Area's Maximum Day Demand]).

[g] Clearwell costs for Initial Zone 3 Area assume Initial Zone 3 Area's proportionate share of the total cost to construct the 2.0 MG clearwell (Initial Zone 3 Area's share is estimated @ 40 % of the total construction cost, 1.4 mgd [Initial Zone 3 Area's Maximum Day Demand] divided by 3.5 mgd [Maximum Day Demand that the available operational storage can support at Clearwell No. 3]).

[h] Water treatment costs assume the Initial Zone 3 Area's proportionate share of the total cost of the 15.0 mgd expansion of the John Jones Water Treatment Plant (Initial Zone 3 Area's share is estimated @ 8.2% of the total expansion cost, based on [Initial Zone 3 minus existing Plan C Development Area's Maximum Day Demand] of 1.22 mgd). The cost of the 15.0 mgd expansion is based on the FY 09/10 adopted budget, CIP 75053, and is equal to $44,358,728. This cost does not include program management mark-ups of 5%, but include all other mark-ups. So the unit price is based on $44,358,728 multiplied by 1.05 and then divided by 1.45, or $32,121,838.

[i] Supply transfer costs assume Initial Zone 3 Area's proportionate share of the total cost supply transfer and water bank storage (Initial Zone 3 Area's share is estimated at 100% of the total cost of 553 afa [Initial Zone 3 Area's minus existing Plan C Development Average Day Demand]).

[j] Long-term emergency storage costs assume initial Zone 3's proportionate share of the total cost to construct a groundwater well (Initial Zone 3's share is estimated at 16% of the total cost, 403 gpm [Initial Zone 3's average day demand] ÷ 2,500 gpm [Assumed well capacity]).

[k] Water transmission line costs assume Initial Zone 3 Area's proportionate share of the total cost to construct the Zone 3 pipelines (Initial Zone 3 Area's share is estimated @ 24% of the total construction cost, 1.4 mgd [Initial Zone 3 Area's Maximum Day Demand] divided by 5.9 mgd [Buildout Zone 3 Area's maximum day demand]).

[l] The unit construction costs for pipeline include pipeline materials, trenching, placing and jointing pipe, valves, fittings, hydrants, service connections, placing imported pipe bedding, native backfill material, and partial asphalt pavement replacement, if required.

[m] The groundwater conjunctive use study is Initial Zone 3 Area's proportionate share of the City's Groundwater Management Plan Study.

Currently, the City does not have any services or storage within the Zone 3 Pressure Zone. For the purposes of this study, West Yost assumed that the total storage calculated is required to be placed in the Zone 3 Pressure Zone and will be pumped from new storage tank(s) into the distribution system.

As part of the JJWTP expansion, the December 2012 Citywide Water System Master Plan recommended the installation of a new clearwell with a minimum active storage capacity of 2.0 MG. The Project's proportionate share of this facility is detailed in Table 2 and is equal to $1,286,000.

Clearwell No. 3 will only supply the initial Pressure Zone 3 Area's fire flow and operational storage. Short term emergency storage will need to be supplied by another storage facility or an ASR well. In order not to lock in the timing of development of Initial Pressure Zone 3 area with others in Pressure Zone 3, West Yost assumed that the short-term emergency storage would come from a future ASR well. The Project's proportionate share of this facility is detailed in Table 2 and is equal to approximately $403,000.

In addition, as part of the City's policy to continue to allow new development to use the groundwater basin as a long-term emergency supply source, the City is requiring that each new planning area participate in a comprehensive regional groundwater study. As part of the study, maximum groundwater extraction rates and quantities of groundwater that could be extracted in the event of an emergency, without encountering significant issues, such as subsidence or water quality, will be determined. A conjunctive use program will also be evaluated, including the possible use of injection and extraction wells to recharge and store excess water during wet hydrologic periods for future extraction and use during emergency situations and/or improve water supply reliability. Proportionate costs of the study for the Project are presented in Table 2.

Transmission and Distribution Mains

In order to serve water demands for the Project area, the installation of approximately 14,575 linear feet of new pipelines ranging from 8 to 24-inches is recommended. Proportionate costs of the pipelines for the Project are presented in Table 2.

FEE JUSTIFICATION STUDY EXECUTIVE SUMMARY FOR THE PROJECT WATER SYSTEM

Based on the data and project criteria provided, the recommended water system to serve the Initial Pressure Zone 3 Area is presented on Figure 2. Project's infrastructure costs are detailed in Table 2.

It is anticipated that the City will establish a financing district to provide funding mechanisms for the proposed development projects in the Project. Formation of these financing districts is consistent with the objectives of the Mitigation Fee Act, Government Code Sections 66000, et seq., also known as Assembly Bill 1600 (AB 1600). The Mitigation Fee Act requires documentation of a reasonable relationship (benefit and burden) between the type of development projects planned for Project and the need for the water infrastructure improvements proposed for the Project. The purpose of this summary is to show that a reasonable relationship between the proposed development projects for the Project properties and the proposed infrastructure improvements exists.

1. Description of Assumptions and Design Criteria

Water Demands

For single family residential (i.e., very low and low density residential) water uses, the estimated average day water demand rate of 429 gallons per day (gpd) per detached single family dwelling unit (gpd/sfdu) is based on work completed in the Water System Master Plan to verify unit water demand factors. For all other residential water uses, the projected water demand was also calculated based on the appropriate "water duty" or unit water demand factor adopted in the Water System Master Plan for each particular residential density category and are summarized below.

Medium Density Residential	=	310 gpd/du
High Density Residential	=	220 gpd/du
Very High Density Residential	=	150 gpd/du

The average annual water demands for non-residential land uses such as parks and schools were calculated using the following unit water demand factors:

Commercial	=	2.0 af/ac/yr
Office	=	1.5 af/ac/yr
Industrial	=	1.5 af/ac/yr
Institutional	=	1.5 af/ac/yr
Parks	=	4.0 af/ac/yr

These unit water demand factors presented above are consistent with the adopted water duty factors from the Citywide Water System Master Plan.

The estimated average day water demand rate from single family residential water uses can be used to define an Equivalent Customer Unit (ECU). Generally, one ECU is equal to the amount of water required to serve one single family dwelling unit per day (i.e., 429 gallons, based on 130 gallons per capita per day (gpcd) times 3.3 people per single family dwelling unit). Based on this definition (i.e., 1 ECU = 429 gpd), water demands from different types of land uses can be converted to ECUs for comparison.

Number of Persons per Detached Single Family Unit

Consistent with the Citywide Water System Master Plan, the City has established a policy regarding the estimated average number of persons per household, as set forth below.

- SFDU: 3.3 people/du
- MF 2-4: 2.7 people/du
- MF > 5: 2.2 people/du

The term "MF 2-4" applies to structures with 2 to 4 attached dwelling units (i.e., medium density residential). The term "MF > 5" applies to structures with 5 or more attached dwelling units (i.e., high density residential).

2. Description of Existing Level of Service

The existing potable water system infrastructure in the City consists of pipelines ranging in size from 2 to 42-inches in diameter, pump stations, storage tanks, groundwater production wells, and a water treatment facility. The existing potable water distribution system currently meets the minimum requirements as presented in the City's adopted performance criteria from the Citywide Water System Master Plan. However, not all of the existing approved projects (i.e., development projects with approved water supply) are completely built out. Therefore, before any excess water system treatment, storage or transmission capacity can be assumed to be available for future planning areas, full buildout of the previously approved projects must be assumed. This assumption ensures that no existing capacity required for and built by previously approved projects would be inadvertently assigned to the future planning areas.

However, to serve the buildout of these existing approved projects, additional pumping and storage facilities are required for the existing potable water system. Only after these additional facilities are added to the existing potable water system can the system meet all adopted performance and design criteria as established in the Citywide Water System Master Plan, December 2012.

3. Description of assumptions regarding the type of development planned

Based on buildout of the City's General Plan, various future planning areas have been proposed within the City's revised Sphere of Influence. Future planning areas will include a variety of land uses (e.g., residential, commercial, industrial, etc.). These proposed land uses from the future planning areas will increase the overall water demand in the existing potable water system. The existing potable water system will not be able to treat, store and deliver water of appropriate quality, quantity and pressure if existing potable water facilities are not modified to serve the future planning areas. This would impact public health and welfare because of inadequate pressures to fight fires. Because additional water demands will have a major impact on existing potable water system facilities, modifications to these facilities are required to maintain the current level of water service provided by the City. Therefore, additional water supply sources, treatment capacity, pumping capacity, storage capacity and transmission capacity will be required to meet the projected water demands at buildout of the City's General Plan.

4. Description of how the impact of future development projects will require additional modifications to public facilities, including description of standards by which it was determined that additional modifications to public facilities are required

The size and configuration of the City's existing potable water system is not sufficient to accommodate additional water demands that will be generated by the future planning areas. These proposed development projects will require additional storage, pumping and distribution facilities. Without these additional facilities, adequate water service cannot be provided to the future planning areas.

As previously discussed, the City's existing potable water system has been sized to meet the full buildout of existing approved projects. Any demands above these will require additional new facilities or modifications to the proposed facilities to meet the City's adopted performance and design criteria from the Citywide Water System Master Plan. The criteria used to determine the additional public water facilities or modifications to previously proposed facilities included:

- Above Ground Storage Requirements—must contain operational, emergency, and fire flow storage;
- Allowable system pressure during a peak hour demand condition must be maintained at or above 40 psi; and
- Allowable system pressure during a maximum day plus fire flow demand condition must be maintained at or above 30 psi.

The City's existing potable water system is currently capable of meeting all the above criteria based on existing water demands. With the design and construction of the various other water facilities identified as the responsibility of the previously approved projects, demands for these previously approved projects can also be met consistent with the City's potable water system design criteria. However, water system improvements identified and required for future planning areas as documented in the Citywide Water System Master Plan will also be required to meet the above City standards for buildout of the City's General Plan Sphere of Influence.

5. Description of the level of service that will result from new developments after the required additional public facilities and/or modifications to previously proposed public facilities are constructed

After construction of the proposed buildout potable water system facilities recommended for the future planning areas, the level of water service after development will be similar to the level of water service currently provided by the City. The City's potable water system will meet all of the adopted performance and design standards as described in Item 4 above. The potable water system will be in full compliance with the City's adopted design and performance criteria as stated in the Citywide Water System Master Plan.

6. Description of how the new developments benefit from the additional facilities

It was previously identified that the City's existing potable water system infrastructure cannot support the future planning areas. For this reason, additional and/or modifications to previously proposed facilities need to be in place and operational for the future planning areas to benefit from them. Therefore, the proposed development projects benefit directly from recommended and/or proposed potable water facility modifications as described in the Citywide Water System Master Plan. Without these facilities, the future planning areas would not be able to meet the City's adopted performance and design criteria for the potable water distribution system. Some of the benefits that the new/modified water facilities bring to the future planning areas include:

- Adequate peak hour and fire flow pressures;
- Adequate storage (emergency, operational and fire); and
- Adequate treated water supply.

7. Description of the basis upon which the total estimated cost of providing the proposed public facilities is allocated to properties within the future planning areas

Table 2 presents an estimate of the reasonable costs associated with the required facilities to serve the future planning areas. The unit costs are based on costs for similar water facility projects and from standard construction cost estimating guides and cost curves**.**

8. Description of the basis upon which the total estimated cost of providing the additional and/or the modifications to previously proposed public facilities is allocated to properties within the future planning areas

The total projected potable water demands from the future planning areas were calculated using the factors set forth in Item 1 above, as well as the maximum day and peak hour peaking factors of 2.0 and 3.4, respectively.

Based on the above unit water demand and peaking factors and the total projected potable water demand from all the future planning areas as calculated, the required water facilities necessary to support these future planning areas (for conveyance, storage and treatment) were determined and associated costs to serve proposed development projects were identified.

9. Reference Documents

The documents used in the analysis include:

1. City of Tracy, Citywide Water System Master Plan. December, 2012.
2. Plan C Water System Analysis - Final Technical Memorandum. February 24, 1998.
3. Technical Memorandum “South ISP Water System Analysis.” October 13, 2008.
4. Technical Memorandum “Undeveloped Infill Properties.” October 2011.
5. Technical Memorandum “Ellis SP Water System Analysis.” November 2012.
6. Draft Technical Memorandum “Aquatic Center Facility Water Demand and Water System Infrastructure Analysis,” December 2010

10. Findings with respect to the Mitigation Fee Act

The future planning area development impact fee will provide for the funding of the proportionate share of the water supply requirements for the future planning areas in accordance with the requirements of the Mitigation Fee Act California Government Code sections 66000, et seq., also known as “AB 1600”. The recommended capital improvements are required to mitigate the water impacts of new development within the future planning areas consistent with the land use and water policies of the City’s General Plan and the Citywide Water System Master Plan. The fee is not imposed to improve or correct deficiencies in the City’s baseline (i.e., existing) service level. The fee is based on a water and fair-share cost analysis which: 1) determines capital improvements required to mitigate the water supply impacts from the buildout of the City’s General Plan, and 2) equitably distributes the costs of the improvements to the development areas that cause the impacts, per the provisions of the Mitigation Fee Act.

The Mitigation Fee Act requires impact fee programs to comply with the following basic requirements:

- Identification of the purpose of the fee;
- Identification of how the fee will be used;
- Determination of how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed;
- Determination of how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed; and
- Determination of how there is a reasonable relationship between the amount of the fee and the cost of the public facility (or portion of facility) attributable to new development.

The following findings address each of these five issues:

a. **Identification of the purpose of the fee.** The purpose of the proposed water impact fee is to provide a source of funding, based on the future planning areas' proportionate share of the overall project costs, to be used to construct water facilities that are required to provide water supply to the future planning areas. These proposed water facilities are more completely analyzed and presented in the Citywide Water System Master Plan and generally include upgrades to the City's water distribution system (as summarized in Table 2).

b. **Descriptions of how the fee will be used.** The fee will be used to plan, design and construct new or improved water facilities such as pipelines, storage tanks, and booster pump stations.

c. **Determination of how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.** The proposed impact fee will be used to construct water distribution facilities that are required to provide water service to the future planning areas. Construction of water facilities provides direct benefit to the proposed development projects. Therefore, there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

d. **Determination of how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.** The use of a sophisticated and calibrated hydraulic water distribution system computer model, validated and adopted by the City, demonstrates the need for public facility improvements due to the proposed land uses on which the fee will be imposed. This analytical model was used to determine impacts to the City's existing potable water system and identify impacts to public facilities. Analysis included evaluation of treatment, transportation and storage requirements to deliver pressure and flow for average day, maximum day, fire demand, and peak hour demand conditions. Without the identified improvements, the existing potable water system is incapable of providing the City's minimum standard system pressure and flow to serve the future planning areas. This will not only affect the future planning areas, but also the City's

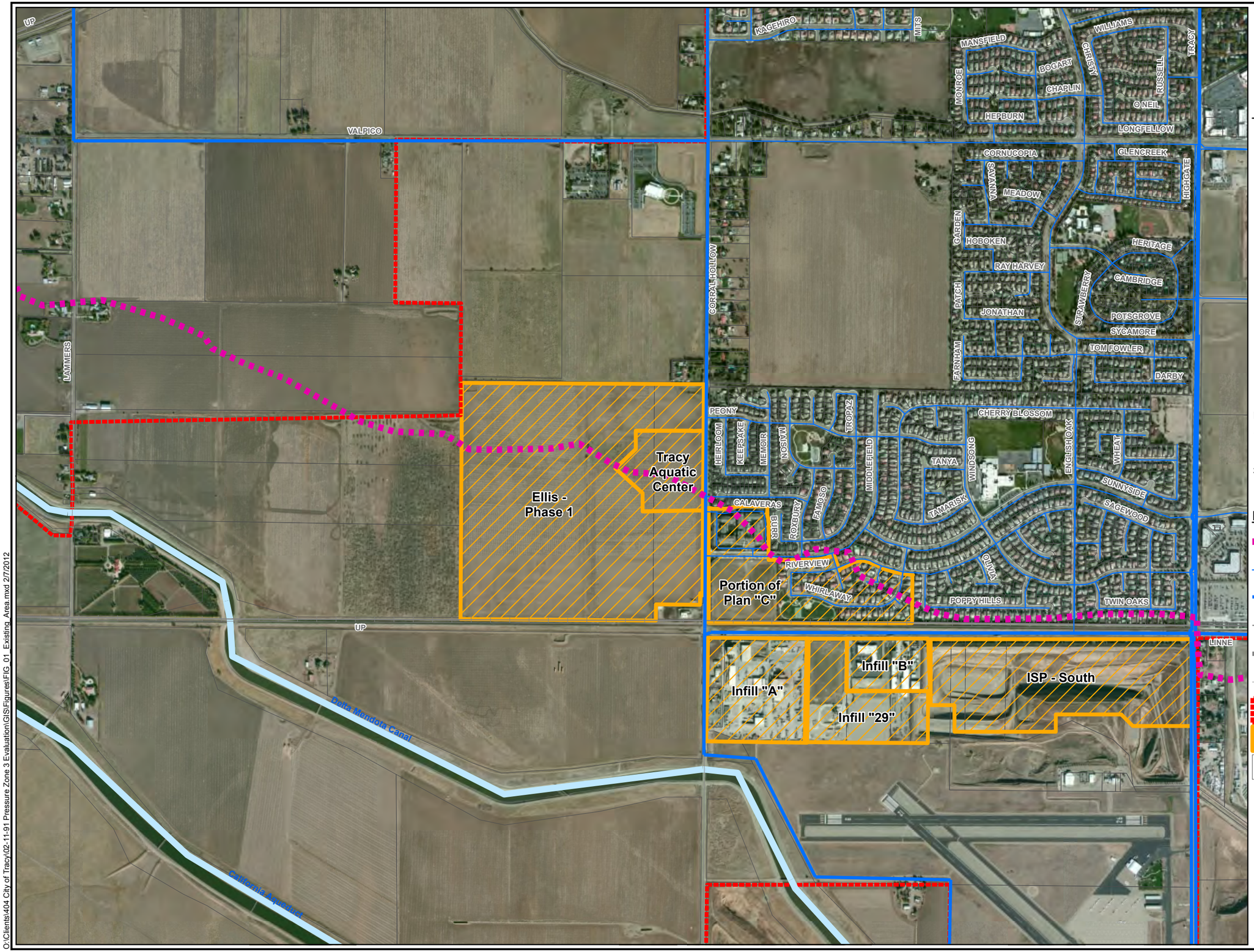
existing customers. Therefore, there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

e. **Determination of how there is a reasonable relationship between the amount of fee and the cost of the public facility (or portion of the facility) attributable to new development.** The proposed water facilities will be constructed to meet the water demand generated from the future planning areas. The demand is calculated using a factor of one EDU for a single family detached residential unit (i.e., very low or low density residential). The estimated overall cost of the facilities is based on current conceptual engineering estimates which are based on similar facility types. The overall cost of the facilities is divided by the number of EDUs that will be connected to the system. Therefore, each residential unit or developed acre receives direct benefit and their cost will be proportional to the benefits received. Hence, there is a reasonable relationship between the amount of fee and the cost of the public facility (or portion of the facility) attributable to new development.

FIGURE 1

City of Tracy
Initial Pressure Zone 3
Water System Evaluation

INITIAL PRESSURE ZONE 3 AREA



0 500 1,000
Scale in Feet

NOTES

1. City limits and SOI files (citylimit.shp and SOI_revised_January_09.shp) provided by DCE on 11/05/09. SOI shape file was revised based on data received from the City on 08/03/10.
2. Project boundaries are approximate.

LEGEND

- Existing Pressure Zone Boundary
- Pipeline Diameter < 18-inches
- Pipeline Diameter ≥ 18-inches
- Railroad
- Highway
- Existing Street
- SOI
- Study Area
- Parcel

TRACY

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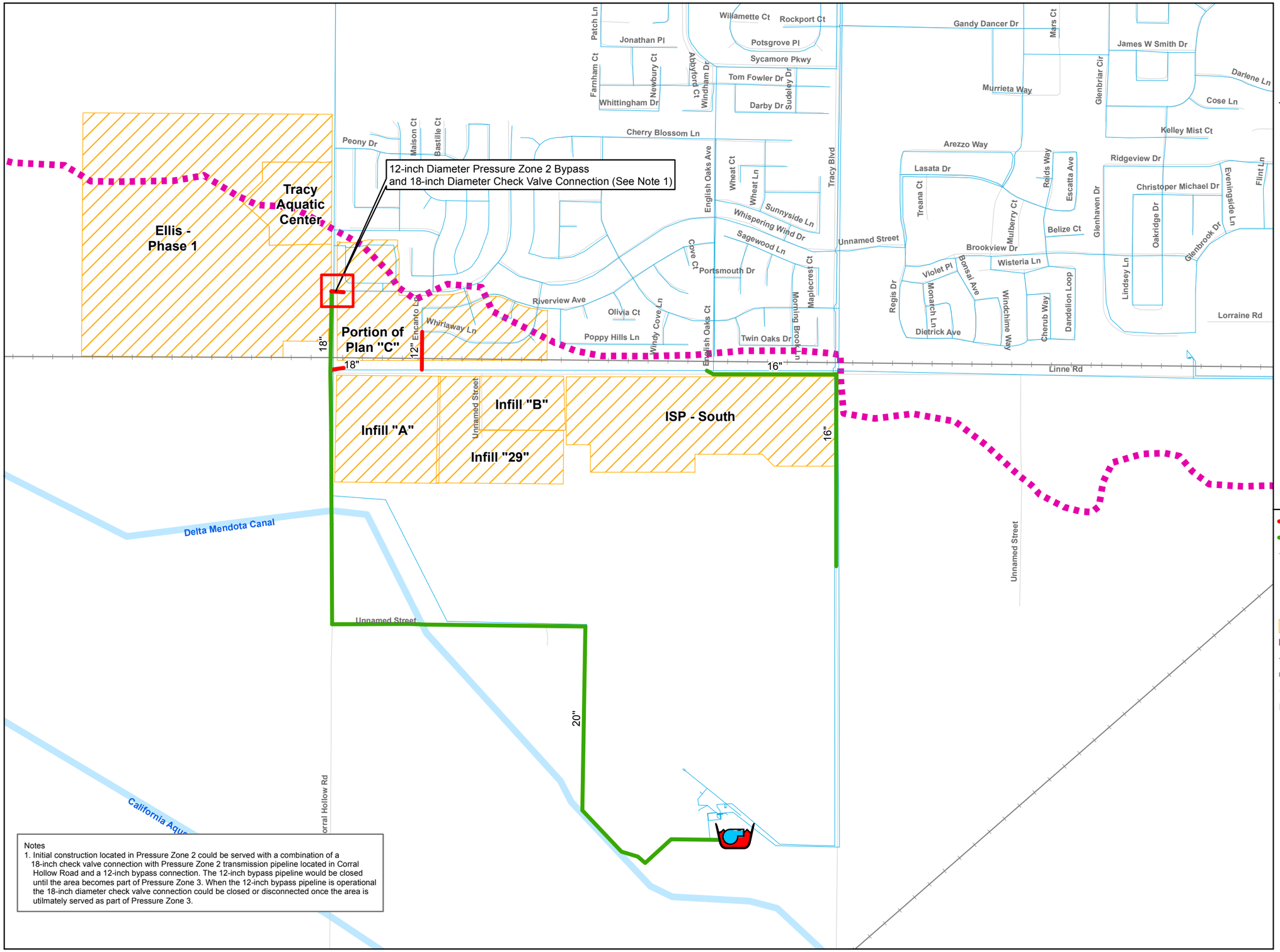
FIGURE 2

City of Tracy
Initial Pressure Zone 3
Water System Evaluation

PROPOSED IMPROVEMENTS



Notes
1. Initial construction located in Pressure Zone 2 could be served with a combination of a 18-inch check valve connection with Pressure Zone 2 transmission pipeline located in Corral Hollow Road and a 12-inch bypass connection. The 12-inch bypass pipeline would be closed until the area becomes part of Pressure Zone 3. When the 12-inch bypass pipeline is operational the 18-inch diameter check valve connection could be closed or disconnected once the area is utilmately served as part of Pressure Zone 3.

N

0 500 1,000
Scale in Feet

NOTES

1. Project boundaries are approximate.

LEGEND

- Pipeline Recommended for Zone 3 Initial Area
- Pipeline Recommended in Citywide WMP
- Existing Pipeline
- Proposed 2.0 MG Clearwell
- Proposed Zone 3-City side BPS
- Initial Pressure Zone 3 Area
- Existing Pressure Zone Boundary
- Railroad
- Highway
- Streets
- Major Canals

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Ellis Program Sub-Basin

FINAL STORM DRAINAGE TECHNICAL REPORT

City of Tracy

September 2012

Storm Water Consulting Inc.

Stantec

STORM DRAINAGE TECHNICAL REPORT

FOR THE

ELLIS PROGRAM SUB-BASIN

City of Tracy

Final Report
September 2012
SWC Project No. 2010-71

Resolution No. _____

Prepared by:

Storm Water Consulting Inc.

Stantec

City of Tracy
Storm Drainage Technical Report
Ellis Program Sub-Basin
Final Report
September 2012

TABLE OF CONTENTS

REPORT SECTIONS

1.0 Executive Summary *1*
2.0 Introduction *2*
3.0 Existing City Facilities and Levels of Service *4*
4.0 Required Level of Service for Ellis Program Sub-basin Funded Storm Drainage Infrastructure *5*
5.0 Hydrology *6*
Methodology, Sub-basin Delineation, Soil Group Classifications, Rainfall Loss and SCS Curve Numbers, Land Use Percent Impervious, Rainfall, Unit Hydrograph, Lag Time, Routing, Results
6.0 Hydraulics *11*
7.0 Program Storm Drainage Infrastructure *12*
Storm Drainage Infrastructure Plan for the Ellis Program Sub-basin, Preliminary Opinion of Probable Cost, Downstream Storm Drainage Facilities, Phasing of Infrastructure
8.0 Storm Water Quality Provisions and Requirements *17*
9.0 Storm Drainage Fees and AB 1600 Findings *19*
Overview, Impact Fees, Westside Storm Drainage Fees, Findings with Respect to the Mitigation Fee Act (AB 1600)

LIST OF EXHIBITS

Exhibit A	Ellis Program Sub-basin – Listing of Properties and Future Land Uses
Exhibit B1	Program Storm Drainage Infrastructure
Exhibit B2	Preliminary Opinion of Probable Cost – Program Storm Drainage Infrastructure
Exhibit B3	Program Storm Drainage Impact Fees
Exhibit C1	Cost of Existing Drainage Facilities to be Utilized Downstream of DET 5
Exhibit C2	Cost of Existing Drainage Facilities to be Utilized Upstream of DET 5
Exhibit C3	Westside Storm Drainage Fee Cost Obligation
Exhibit C4	Westside Storm Drainage Fees

APPENDICES

A-1	HEC-HMS Hydrologic Model Data (Fully Built Out Condition)
A-2	Assessor's Parcel Maps

1.0 Executive Summary

This technical report summarizes the results of a storm drainage analysis performed to determine the master plan drainage infrastructure needed to serve properties located within the Ellis Program Sub-basin. The boundary of the Ellis Program Sub-basin is shown on **Exhibit B1** and is generally bordered by Corral Hollow Road on the east, the Delta Mendota Canal (south of Linne Road) on the south, Lammers Road on the west and Valpico Road on the north. Properties included in the Ellis Program Sub-basin are the Ellis Specific Plan, the South Linne Planning Area, St. Bernard's Church, an LDS Church, and other undeveloped and developed parcels. These properties are all included in the Ellis Program Sub-basin as they are contiguous properties in the City's Sphere of Influence that are topographically connected from a storm drainage perspective.

The proposed master plan, or "program", storm drainage infrastructure that will serve the Ellis Program Sub-basin is shown on **Exhibit B1**. A Preliminary Opinion of Probable Cost for implementing the "program" storm drainage infrastructure plan is provided on **Exhibit B2**. "Program" storm drainage infrastructure has been sized for a 100-year 24-hour return period storm capacity.

Storm runoff generated by the development of properties located within the Ellis Program Sub-basin will discharge to existing downstream storm drainage facilities that were built previously by the City and others. These downstream facilities also have a 100-year 24-hour return period storm capacity, including excess capacity to accept attenuated storm runoff from the Ellis Program Sub-basin.

As a result of increased population, all new development in a community creates additional demands on public facilities provided by local government. If the supply or capacity of facilities is not increased to satisfy the additional demand, the quality of public services and infrastructure for the entire community will deteriorate. The purpose of this study is to analyze the impact of development of the Ellis Program Sub-basin on downstream storm drainage facilities in the City of Tracy to ensure that the City's established level of service is maintained and to calculate fair and equitable development impact fees based on that analysis.

This storm drainage technical report includes the derivation of storm drainage impact fees to fund Ellis Program Sub-basin "program" storm drainage infrastructure (**Exhibit B3**), Westside Storm Drainage Fees to utilize excess capacity in existing downstream storm drainage facilities (**Exhibit C4**), and findings with respect to the Mitigation Fee Act.

2.0 Introduction

This technical report summarizes the results of a storm drainage analysis performed to determine the master plan drainage infrastructure needed to serve properties located within the Ellis Program Sub-basin and to determine storm drainage impact fees and fees pertaining to the use of excess capacity in existing downstream storm drainage facilities. The boundary of the Ellis Program Sub-basin is shown on **Exhibit B1** and is generally bordered by Corral Hollow Road on the east, the Delta Mendota Canal (south of Linne Road) on the south, Lammers Road on the west and Valpico Road on the north. Properties included in the Ellis Program Sub-basin are the Ellis Specific Plan, the South Linne Planning Area, St. Bernard's Church, an LDS Church, and other undeveloped and developed parcels. These properties are all included in the Ellis Program Sub-basin as they are contiguous properties in the City's Sphere of Influence that are topographically connected from a storm drainage perspective.

There are several prior storm drainage analyses, studies and improvement projects that have evaluated storm drainage conditions and solutions that include components relevant to the Ellis Program Sub-basin. To the extent applicable, information contained in these prior storm drainage analyses, studies and improvement projects will be superseded by this technical report. The relevant prior studies are:

- Storm Drainage Master Plan; Cella Barr Associates, 1994.
- Citywide Storm Drainage Master Plan; Stantec Consulting Services Inc., March 2012 version.
- Plan "C" Storm Drainage Analysis, Final Report; Cella Barr Associates, April 29, 1998.
- Plan "C" Storm Drainage Analysis Update, Final Report; Stantec Consulting Inc., May 2000.
- Documents provided by The Surland Companies for the Ellis Program, including Project/Document Outline for Utilities, Master Layout (Illustrative Plan), topographic mapping, land use assumptions, boundary survey and soils reports.
- The current Ellis Specific Plan document and Chapter 3A.10 of the Draft EIR for the Ellis Specific Plan entitled Hydrology, Drainage, and Water Quality.
- Plans and project costs pertinent to downstream components of the CITY's Westside Channel system.
- Group 76 Drainage Improvement, Fund 322 project cost data provided by Harris & Associates.

Future land use assumptions for properties residing within the Ellis Program Sub-basin have formed the basis for determining rates and volumes of storm runoff production in this technical report and were provided by the City and by The Surland Companies. A listing of these properties along with their areas and proposed land uses is provided on **Exhibit A**. Assessor's Parcel Maps depicting the properties referenced on **Exhibit A** are provided in **Appendix A-2**.

The Ellis Program Sub-basin is located entirely within the City's Westside Channel Watershed as defined in the Citywide Storm Drainage Master Plan. It occupies the southernmost, upstream portion of the Westside Channel Watershed. Provision has been made in existing downstream storm drainage facilities to accept attenuated (metered) storm runoff from the Ellis Program Sub-basin. Applicable downstream storm drainage infrastructure that will collect and convey future storm runoff from the Ellis Program Sub-basin includes trunk line storm drains and open channels serving residential subdivisions to the north to DET 5 (Plasencia Field) and facilities downstream of DET 5 associated with the City's Westside Channel Outfall System.

This technical report recommends new storm drainage infrastructure (program infrastructure) that will be needed to serve the future buildout of the Ellis Program Sub-basin and provides a Preliminary Opinion of Probable Cost to construct the program infrastructure. The proposed program storm drainage infrastructure improvements needed to serve the Ellis Program Sub-basin are shown on **Exhibit B1**. A Preliminary Opinion of Probable Cost for said infrastructure is provided on **Exhibit B2**.

Also included herein are discussions and calculations for the following storm drainage fees that are proposed for adoption for the Ellis Program Sub-basin:

- Storm Drainage Impact Fees – to fund the program storm drainage infrastructure improvements that will serve the Ellis Program Sub-basin.

- Westside Storm Drainage Fees – to utilize excess capacity in existing downstream storm drainage facilities.

3.0 Existing City Facilities and Levels of Service

Existing City storm drainage facilities include open channels, underground storm drains, detention and retention basins, and pumping facilities. The following is a description of their general levels of service:

- Open channels and detention basins are intended to have a 100-year 24-hour return period storm design capacity under built out conditions for land development in conformance with the City's General Plan and supplemental land use assumptions currently being utilized by the City for infrastructure master planning purposes. Pumping facilities serving detention basins are sized to provide the desired function and attenuation during a 100-year 24-hour return period storm.

- Underground storm drains are intended to have either a 10-year or a 100-year 24-hour return period storm capacity depending upon their location, function and contributing watershed. Generally, the 100-year capacity standard is applied to trunk line storm drains, and the 10-year capacity standard is applied to lateral storm drains or storm drains serving internal areas of individual development projects.

- Some of the City's older, historical storm drains have a capacity that is limited to a 10-year 24-hour return period storm capacity or lower.

- Retention ponds are utilized as a temporary measure to control storm runoff until such time as sufficient downstream facilities are constructed to accommodate the desired flows. These temporary retention ponds are required to have a capacity equivalent to the runoff volume generated from 2 times a 10-year 48-hour storm per the City's Engineering Design and Construction Standards (City Standards).

The previous Storm Drainage Master Plan prepared for the City's Sphere of Influence that was completed in 1994 supported the above levels of service. The new Citywide Storm Drainage Master Plan supports the City's recently updated General Plan and reflects more current storm drainage conditions and requirements. The new Citywide Storm Drainage Master Plan also reaffirms the above stated levels of service.

4.0 Required Level of Service for Ellis Program Sub-basin Funded Storm Drainage Infrastructure

The underground storm drains and detention basins that are proposed as program improvements to serve development within the Ellis Program Sub-basin are considered to fall under the 100-year 24- hour return period storm level of service category, which is consistent with existing downstream storm drainage facilities and City policy.

Underground storm drains that are internal and will serve individual development areas are considered to be onsite facilities and shall have design capacities that are consistent with City Standards. These onsite facilities are not addressed in this Storm Drainage Technical Report.

The City also requires that new development projects include a provision for “emergency downstream release” of runoff to provide a factor of safety that accounts for the possible failure of storm drainage facilities or the occurrence of storms that exceed the design storm. This requirement needs to be addressed with individual development projects and is not included in the program drainage infrastructure presented herein.

Until such time as sufficient downstream storm drainage infrastructure serving the Ellis Program Sub-basin is funded and constructed, some individual developments may be required to construct temporary retention facilities in conformance with City Standards.

5.0 Hydrology

Methodology

The U.S. Army Corps of Engineers' HEC-HMS computer program was used to develop a rainfall/runoff computer simulation for the Westside Channel Watershed, including the Ellis Program Sub-basin. The Soil Conservation Service dimensionless unit hydrograph method, frequently used in practice, was used for the analysis. The HEC-HMS computer model develops a runoff hydrograph for individual sub-basins through the input of numerical representations of their physical and hydrologic characteristics. The computed hydrographs are then routed and/or combined with hydrographs from other sub-basins to yield a dynamic numerical analysis of peak discharges (design flows) and volumes that may be expected to occur at key locations. The model was run for the 100-year 24-hour storm event. The design flows and volumes were subsequently used for the sizing of program storm drainage facilities to serve the Ellis Program Sub-basin.

Sub-basin Delineation

The Ellis Program Sub-basin was further subdivided into four (4) internal sub-basins for hydrologic modeling purposes. These internal sub-basins are shown on **Exhibit B1** and are named Sub-basins W40, W41, W41A and W41B. Sub-basin W40 consists of the South Linne planning area to the south of the Ellis Specific Plan property. Sub-basin W41 consists of the Ellis Specific Plan property and a small existing telecommunications site. Sub-basin W41A consists of undeveloped land and a small residential parcel to the north of the Ellis Specific Plan property. Sub-basin W41B includes St. Bernard's Church (existing), an LDS Church (existing) and small contiguous parcels.

The existing church developments currently drain to temporary onsite retention ponds that provide terminal drainage on an interim basis.

Soil Group Classifications

Soil groups within the Westside Channel Watershed and the Ellis Program Sub-basin were initially determined using soil maps contained in a report entitled *Soil Survey for San Joaquin County, California* issued March 2006 by the Natural Resources Conservation Service (NRCS) - formerly the US Department of Agriculture Soil Conservation Service. Soil groups are classified as A, B, C, or D with Soil Group A having the highest rate of infiltration (lowest runoff production) and Soil Group D having the lowest rate of infiltration (highest runoff production). The NRCS data indicates that the western portions of the Ellis Program Sub-basin consist of Soil Group D soils, and the eastern portions of the sub-basin consist primarily of Soil Group B soils with a small area of Soil Group C soils. Site specific soils data was also provided by The Surland Companies for the properties residing in Sub-basins W41 and W41A. This soils

information was presented in four (4) separate soils reports prepared by Engeo Incorporated (Engeo), along with written opinions from Engeo that the underlying soils for these sub-basins consisted entirely of Soil Group B. Since the site specific soils information prepared by Engeo was based on more detailed evaluations and testing than the broader based soils information prepared by NRCS, Soil Group B was adopted and utilized in the hydrologic modeling of Sub-basins W41 and W41A.

Rainfall Loss and SCS Curve Numbers

Rainfall loss is that portion of the precipitation depth that is lost due to evaporation, interception by vegetation, infiltration into soil, and surface depression storage. Rainfall excess is that portion of the precipitation depth that appears as surface or collected storm runoff during and after a storm event. Rainfall loss consists of both initial and constant losses and was determined using the NRCS Curve Number (CN) Method that uses a soil cover complex for estimating watershed losses. The CN is related to the underlying hydrologic soil group (A, B, C, or D), land use, cover density, and soil moisture conditions. In addition to soil classification, the Curve Numbers are based on the vegetative cover. A vegetative cover classified as “good” with grass cover on at least 75% of the area was assumed.

Land Use Percent Impervious

Future land uses assumed for the Westside Channel Watershed, including the Ellis Program Sub-basin, were taken from the City’s General Plan update, with supplemental input and direction from City staff.

In the Ellis Program Sub-basin, the land use assumptions for the South Linne planning area (Sub-Basin W40) were taken from a land use table dated December 8, 2009 that the City previously provided for use in the preparation of recent infrastructure master plan updates. Land use assumptions and residential unit counts for the Ellis Specific Plan and APN’s 240-140-05 and 06 in Sub-basins W41 and W41A were provided by The Surland Companies. Existing church developments were assigned their existing land uses. The remaining undeveloped properties located within Sub-basins W41A and W41B were assigned a future land use of Residential – Low Density per input from City planning staff. These land uses and residential unit count assumptions are shown on **Exhibit A**.

The percent of impervious area assigned to each sub-basin was based on a weighted average of the amount and type of the different land uses within the sub-basin. This is an important input parameter in the HEC-HMS program because the model relates the amount of impervious area to the total area of a given sub-basin to estimate the amount of runoff losses attributed to pervious areas. For the purposes of hydrologic modeling, design flow determination, and the planning of storm drainage facilities, future build-out of the Sphere of Influence within the Westside Channel Watershed was assumed.

Based on the requirements of the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment (SWQC Manual) adopted by the City Council in August 2008, different land use percent impervious values were used for existing development than for future development. The Citywide Storm Drainage Master Plan includes an analysis of the impact of the use of sustainable infrastructure principles on storm runoff generation rates and volumes during a 100-year 24-hour storm that would result from implementing practices required per the SWQC Manual for new development. This resulted in a reduction in impervious cover percentages to be applied to new development areas in HEC-HMS modeling at a master plan level, including this storm drainage technical report. *The procedures for hydrology to be utilized for onsite storm drainage facilities are not impacted by this approach and procedures described per City Standards for said facilities shall be adhered to.*

Table 1, below, shows the impervious cover percentages of the different land uses that have been utilized in the HEC-HMS model provided herein.

Table 1 - Land Use Impervious Cover Values

Land Use Designation	**% Impervious *(Existing and Infill Development)****	**% Impervious *(New Development)*****
Residential – Very Low Density	10	6
Residential - Low Density	25	16
Residential - Medium Density	35	22
Residential - High Density	65	41
Commercial A – Standard Uses	90	57
Commercial B – Gravel Surface	25	16
Office/Church	90	57
Industrial	90	57
Downtown	90	57
Village Center	90	57
Public Facilities	60	38
Park	10	6
Open Space	3	2

* Provisions from City's *Manual of Stormwater Quality Control Standards for New Development and Redevelopment* **NOT applied**

** Provisions from City's *Manual of Stormwater Quality Control Standards for New Development and Redevelopment* **applied**

As shown in Table 1, the Commercial land use category has been broken down into two (2) separate categories having different impervious cover percentages. This was done to more effectively represent the runoff production characteristics of a proposed 11-acre commercial storage site proposed within the Ellis Specific Plan area. The 11-acre commercial storage site will have a finished ground surface that will consist of loose gravel that will promote onsite retention of rainfall and reduce runoff that leaves the site.

New development areas within the Ellis Program Sub-basin were modeled using the reduced percent impervious values shown on Table 1. The existing churches were modeled utilizing a 90% impervious value assumption based on a review of aerial photographs. The future Swim Center within the Ellis Specific Plan area was modeled under the land use category of Public Facilities.

Rainfall

A 100-year 24-hour storm depth of precipitation of 2.69 inches was used in the HEC-HMS modeling in conformance with the new Citywide Storm Drainage Master Plan. The SCS 24 hour Type I rainfall distribution was used in the modeling of the Westside Channel Watershed, including the Ellis Program Sub-basin.

Unit Hydrograph

For runoff computations from each sub-basin, the NRCS Dimensionless Unit Hydrograph option was utilized in the HEC-HMS computer model.

Lag Time

The temporal distribution of the unit hydrograph is a function of the sub-basin lag time. The lag time is defined as a time required for 50 percent of the volume of runoff to reach the sub-basin outlet and was estimated utilizing the NRCS method. The equation is as follows:

$$\text{Lag} = (L)^{0.8}(S+1)^{0.7}/1900(Y)^{0.5}$$

L = hydraulic length of sub-basin in feet

S = potential maximum surface retention = (1000/CN) -10

CN = hydrologic curve number

Y = average watershed land slope in percent

Routing

Routing of runoff between sub-basins was performed utilizing the Muskingum-Cunge method. The Modified Puls Reservoir Routing method was used to route flow through existing and proposed detention basins.

Results

The HEC-HMS output files are included in **Appendix A-1**.

6.0 Hydraulics

The sizing of storm drains required to serve development within the Ellis Program Sub-basin was performed utilizing 100-year discharges derived from the HEC-HMS analysis and assumed full flow conditions for reinforced concrete pipe (RCP) having an average slope of 0.003 ft/ft. Under these assumptions, the following full flow capacities were estimated:

Storm Drain	Capacity
12” RCP	2 cfs
18” RCP	6 cfs
42” RCP	59 cfs

Routing of flows through the detention basins that are proposed to serve the Ellis Program Sub-basin (DET SL and DET 3A) was performed utilizing the reservoir routing options in the HEC-HMS model for the 100-year 24-hour return period storm.

7.0 Program Storm Drainage Infrastructure

Storm Drainage Infrastructure Plan for the Ellis Program Sub-basin

A schematic representation of the master plan (or "program") storm drainage facilities that will be required to serve the fully built out condition for the Ellis Program Sub-basin is depicted on **Exhibit B1**. The program facilities only include the backbone facilities needed to serve the Ellis Program Sub-basin. Other storm drains will be needed but are considered to be a part of required onsite improvements and costs attributable to new development.

As a part of formulating the master plan for program storm drainage facilities, capacity has been provided to allow future drainage connections for the existing church developments within Sub-basin W41B and the subsequent decommissioning of the existing temporary retention ponds that serve them.

The program storm drainage facilities proposed to serve the Ellis Program Sub-basin are:

- A detention basin (DET SL) within Sub-basin W40 (South Linne). This detention basin will provide sufficient storage to accept all future runoff from Sub-basin W40 and attenuate inflow to a metered outflow of 1 cfs. The 100-year peak storage volume for DET SL is 17 acre-feet (AC-FT). Outflow from DET SL will be discharged to onsite storm drains that will serve future internal development within the future Ellis Program Sub-basin development to the north.

- An assumed 12" SD gravity discharge pipe extending to the north from DET SL through the Ellis Specific Plan area and the Sub-basin W41A to Valpico Road. This assumed 12" SD will require a "jack and bore" crossing underneath the existing Western Pacific Railroad track on the north side of the alignment of Linne Road. A 12" SD is the size of storm drain required to convey the 1 cfs outflow from DET SL to Valpico Road and is being assumed as a program storm drainage element for impact fee analysis purposes. The actual size of the storm drain connection between DET SL and Valpico Road will vary, as capacity will be integrated into future onsite storm drainage facilities associated with new development. It is also assumed that the storm drain(s) will be aligned within future public streets.

- A 42" SD extending north from Valpico Road, west of Corral Hollow Road that will serve as the discharge pipeline for combined onsite runoff generated from the overall Ellis Program Sub-basin (Sub-basins W40, W41, W41A and W41B). This 42" SD will discharge to proposed detention basin DET 3A on the north side of Valpico Road (described below).

- A detention basin (DET 3A) to be located on the north side of Valpico Road that will store and attenuate runoff from the collective existing and future development within the Ellis Program Sub-basin. This detention basin will have sufficient storage to attenuate inflow to a metered outflow of 3 cfs. The 100-year peak storage volume for DET 3A is 36 AC-FT. Overexcavation will be required for DET 3A in order for upstream storm drainage connections to be made and to maintain a design 100-year water surface elevation that is low enough to avoid surcharging within future upstream connecting storm drains. This detention basin will also have opportunities to incorporate recreational elements as a joint-use for the completed facility. The proposed location for DET 3A has been changed from the location previously reflected in the 1994 Storm Drainage Master Plan for the City, but is reflected in the new Citywide Storm Drainage Master Plan. The new proposed location offers the following benefits when compared to the former proposed location (that abutted the south side of the Union Pacific Railroad track, north of the new proposed location): 1) Improved access, via direct frontage along Valpico Road (the prior proposed location was landlocked), 2) Less acreage due to more favorable topographic conditions, and 3) Greater potential community benefit with regard to joint-use opportunities.

- An 18" SD gravity discharge pipe extending to the north from DET 3A that will connect to an existing 30" SD stub that was previously provided within the Gabriel Estates subdivision (a Plan "C" Yellow Zone residential development) on the north side of the Union Pacific Railroad track. Acquisition of a 20' wide storm drain easement will be required. The 18" SD will need to cross underneath the West Side Irrigation District's (WSID's) Upper Main Canal and will require a "jack and bore" crossing underneath the Union Pacific Railroad track.

At buildout of the proposed storm drainage infrastructure serving the Ellis Program Sub-basin, the program storm drainage facilities will have a capacity to accommodate the 100-year 24-hour return period storm under fully developed conditions and the existing downstream storm drainage facilities will retain their 100-year 24-hour return period storm capacity.

Preliminary Opinion of Probable Cost

The Preliminary Opinion of Probable Cost for program storm drainage facilities that will serve the Ellis Program Sub-basin is provided on **Exhibit B2**, with a total estimated cost of **$6,034,500**.

The Preliminary Opinion of Probable Cost is considered to be an "order of magnitude" estimate that is acceptable for use in initial budgeting and for impact fee calculation purposes. Final project costs will be dependent on a number of factors at the time of bidding, including final design and project scope of work, labor and material costs, number of competing projects, allotted construction schedule, and time of year, among other things.

The Preliminary Opinion of Probable Cost has utilized the same unit costs and markups for construction items that are included in the new Citywide Storm Drainage Master Plan. The unit costs for storm drainage infrastructure elements represent installation costs under what would be considered "typical" site conditions.

The City provided the following unit costs for land acquisitions to utilize in this storm drainage technical report:

Drainage ROW Unit Cost = $100,000/acre

Drainage Easement Unit Cost = $50,000/acre

Soft cost mark-ups incorporated into the preparation of the Preliminary Opinion of Probable Cost account for costs and functions that support the actual construction process and for contingencies. The actual costs for each item in the following four main categories of soft cost mark-ups will vary according to many individual project factors (i.e., complexity of the project, existing site conditions, etc.) but, in general, they are supported historically as appropriate mark-up estimates for master planning purposes (standardized as a percentage relative to the estimated construction cost) and are included in the total estimated cost for identified program storm drainage infrastructure serving the Ellis Program Sub-basin.

General Contingency – Due to the fact that there are many unknowns related to a given project at the master planning level (i.e., site conditions, unforeseen constraints, details of design alternatives, construction schedule uncertainty, etc.), a 15 percent construction contingency is added to the construction cost estimate.

Design & Planning – These services typically include management of consultant agreements, preliminary site investigations, feasibility studies, plans and specifications, surveying and staking, and geotechnical reports. The cost of this work is estimated to be 10 percent of the estimated construction cost.

Construction Management – This primarily covers management of the construction contract, sampling and testing of materials, and site inspections during construction. This work is estimated to be 10 percent of the estimated construction cost.

Program Administration – Among other things, this category includes management and administrative costs, environmental review, permits, regulatory compliance, financing expenses, and legal review. This work is estimated to be 5 percent of the estimated construction cost.

Downstream Storm Drainage Facilities

The program storm drainage facilities that will serve the Ellis Program Sub-basin will connect to an existing 30" storm drain stub that was provided within the Gabriel Estates

subdivision to the north in anticipation of accepting attenuated storm drainage from future upstream development. This 30" storm drain stub discharges to larger trunk line storm drains and an existing open channel (C2 Channel) that ultimately drain to the City's existing DET 5 (Plasencia Field) to the north.

Previous master planning proposals included a need for a future interconnection to be made between the downstream storm drains and future DET 3B to the northwest of proposed DET3A (along the alignment of Schulte Road) whenever future development upstream of the Union Pacific Railroad (such as the Ellis Program Sub-basin) would become connected to the system. DET 3B was intended to provide additional storage and attenuation prior to discharge to DET 5 in order to maintain adequate system capacity. DET 3B would also store and attenuate additional runoff from specific future development areas to the west. Due to the extent of storage and attenuation afforded by proposed DET SL and DET 3A that will serve the Ellis Program Sub-basin, the interflow connection to future DET 3B will not longer be required.

DET 5 discharges to the Westside Channel Outfall System, which consists of a network of City storm drains, detention basins, and channel parkways that ultimately discharge to DET 10/11, a large terminal detention basin located on the west side of Naglee Road north of Tracy Auto Plaza. This system drains the entire Westside Channel Watershed, excepting a roughly 2-square mile area that drains to WSID's Main Drain open channel as facilitated by a drainage agreement between the City and WSID.

Phasing of Infrastructure

It is likely that construction of the program storm drainage infrastructure serving the Ellis Program Sub-basin will occur in phases. The construction of program storm drainage infrastructure elements will be influenced by the location and extent of new development, land acquisition opportunities, and available funding. The following are considerations that may be applied to the phasing of future construction of program storm drainage improvements:

- To the extent considered to be practical and allowed by the City, new development may utilize temporary retention ponds as an interim terminal drainage solution until such time as appropriate program storm drainage infrastructure elements may be constructed. The design requirements for these temporary retention ponds are set forth in current City Standards.

- Phased construction of DET SL and/or DET 3A may occur to serve interim stages of development within the Ellis Program Sub-basin. Phased versions of these program detention basins may be utilized as temporary retention ponds (with capacities set forth in City Standards), or if constructed in conjunction with the program outfall systems, they may be sized to accommodate the phased 100-year 24-hour storm inflow runoff expected from new development with an appropriate reduction for detention basin outflows.

- The City has indicated that they may be willing to allow percolation rates to be factored into the storage volume sizing requirements for the ultimate buildout of DET 3A if supported by data obtained for the initial phase of DET 3A construction via monitoring over a minimum period of 2 storm seasons. If a volume reduction is accepted by the City, it will only account for a portion of the assumed percolation rates given that there are inherent uncertainties associated with the long-term function and effectiveness of percolation facilities.

- Generally, when offsite right-of-way or drainage easements are needed, the City prefers that land acquisitions and easements be acquired for the ultimate system even if actual infrastructure construction is phased.

8.0 Storm Water Quality Provisions and Requirements

The City Council adopted a Manual of Stormwater Quality Control Standards for New Development and Redevelopment (SWQC Manual) in August 2008. The SWQC Manual has the following goals:

- Assist new development in reducing urban runoff pollution to prevent or minimize water quality impacts.
- Provide standards for developers, design engineers, agency engineers, and planners to use in the selection, design, and implementation of General Site Design Control Measures for Low Impact Design (LID) and appropriate site-specific source and treatment control measures.
- Provide maintenance procedures to ensure that the selected control measures will be maintained to provide effective, long-term pollution control.

LID is an approach to managing stormwater runoff that mimics the natural pre-development hydrology of the site by using design techniques that infiltrate, filter, store, treat, evaporate, and detain stormwater runoff close to the source. Almost all areas of site design can incorporate LID measures, including residential landscaping, open space, streetscapes, parking lots, sidewalks, and medians. LID can be used in combination with traditional storm drain systems to infiltrate the smaller, more frequent storms, while allowing the larger storms to flow to pipes and basins for flood control (possibly with lower offsite costs than traditional non-LID systems). LID techniques offer great benefits to stormwater quality, especially for the smaller return interval storm events. LID will help reduce the amount of runoff entering the City's system and will aid in recharging ground water.

The infrastructure identified in this storm drainage technical report assumes that LID practices will be implemented with new development within the Ellis Program Sub-basin in conformance with the SWQC Manual and that the rates and volumes of runoff will be reduced when compared against developed condition runoff production in the absence of said measures.

The Clean Water Act (CWA) was amended in 1972 to prohibit the discharge of pollutants to Waters of the United States from any point source unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. Section 402(p) was added to the CWA in 1987 to establish the framework for regulating municipal and industrial stormwater discharges under the NPDES program through a two-phase implementation plan. Phase I regulations were promulgated in 1990 and require large and medium size municipalities (population over 100,000) to comply with the NPDES municipal program. Phase II regulations were promulgated in 1999 and require small municipalities obtain coverage under the NPDES municipal program. The

City of Tracy is subject to the Phase II municipal program and has prepared a Storm Water Management Program (SWMP) to comply with the regulations (General Permit Number CAS000004, Water Quality Order No. 2003-0005-DWQ).

The intent of the SWMP is to implement Best Management Practices to reduce the discharge of pollutants from the City to the Maximum Extent Practicable. The City's current SWMP, dated September 2003, includes six program categories:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Runoff Control
- Post-Construction Storm Water Management in New Development and Redevelopment
- Pollution Prevention and Good Housekeeping for Municipal Operations

The State Water Resources Control Board (SWRCB) is in the process of creating a new Water Quality Order to replace Water Quality Order No. 2003-0005-DWQ. The new Water Quality Order will include additional requirements that Phase II municipalities will need to comply with.

One of the most cost effective methods to improve the quality of stormwater runoff is to utilize detention basins that provide attenuation storage and opportunities for pollutants to settle and be retained within these basins prior to the stormwater being discharged into receiving waters. Detention basins have been used as an acceptable BMP to help the City achieve improvements in stormwater quality. Allowing urban runoff to flow through grassy swales and turf areas also provides a filtering mechanism that serves to improve the quality of urban runoff.

On September 2, 2009, the State Water Resources Control Board (SWRCB) adopted a new Construction General Permit, or CGP (Order No. 2009-0009DWQ) that became effective and superseded the former CGP as of July 1, 2010. New development within the Ellis Program Sub-basin will need to comply with the provisions of this new CGP.

9.0 Storm Drainage Fees and AB 1600 Findings

Overview

In determining program storm drainage *impact fees*, percent impervious cover formed the basis for allocating funding responsibility to different land uses proposed with future development within the Ellis Program Sub-basin. Percent impervious values listed in Section 5.0 of this report were utilized in the impact fee analysis. Application of percent impervious values to the impact fee analysis provides for a consistent approach that may be applied to new development within the Ellis Program Sub-basin and storm drainage connections from the existing churches to program storm drainage facilities.

In determining the *Westside Storm Drainage Fees* that are required for new development within the Ellis Program Sub-basin to utilize excess capacity in existing downstream storm drainage facilities, runoff volume formed the basis for assessing the total fee and reimbursement responsibility. Use of the runoff volume approach allows the effects of flow attenuation within the Ellis Program Sub-basin to be factored into consideration of the degree of fee and reimbursement responsibility that is warranted and appropriate. Once the total level of Westside Storm Drainage Fee responsibility was determined for the Ellis Program Sub-basin on a runoff volume basis, percent impervious was then used to allocate the total fee responsibility among the different land use categories, consistent with the approach used in the impact fee analysis.

Impact Fees

The aggregate of new development within the Ellis Program Sub-basin (and existing churches that will utilize the program storm drainage infrastructure) will fund the program storm drainage infrastructure listed on the Preliminary Opinion of Probable Cost for the facilities (**Exhibit B2**).

In order to establish an equitable fee structure, total areas for each proposed land use category within the Ellis Program Sub-basin were weighted according to their runoff production using their assigned percent impervious values. The percent impervious approach assigns a lesser funding requirement on a per acre basis to a lower runoff producing land use (such as Residential Mixed Low, or RML) than the requirement that will be applied to a greater runoff producing land use (such as Industrial). The total funding responsibility for each land use category was then divided by the total acreage for the land use category to yield a funding responsibility value (or impact fee value) for the land use category on a per acre basis.

For residential land uses, the per acre impact fee amounts were divided by the proposed number of dwelling units for the land use category to yield values for impact fees per dwelling unit. For those properties not in the Ellis Specific Plan or APN's 240-140-05 and 06 and having a Residential-Low Density proposed land use that did not

have a specific number of proposed dwelling units assigned to them, an average development density of 4.0 du/acre was assumed.

Storm drainage impact fees to be applied to the different land use categories within the Ellis Program Sub-basin are derived and presented in the described manner on **Exhibit B3** of this report.

There is a proposed 16-acre school site located within the Ellis Specific Plan area (Sub-basin W41). The program storm drainage facilities that will serve the Ellis Program Sub-basin will have adequate capacity to accommodate storm runoff from this future school site. The school site is an "excluded" parcel with respect to the derivation of storm drainage impact fees, and a proportional fee allocation of roughly $200,000 attributable to the school site will be covered within the storm drainage impact fees that are charged to other development constituents.

Westside Storm Drainage Fees

The program storm drainage facilities that will serve new development within the Ellis Program Sub-basin will discharge to existing downstream trunk line storm drains and open channels within existing residential subdivisions draining to DET 5 and subsequently to existing flood control improvements associated with the City's Westside Channel Outfall System downstream of DET 5. In order to utilize excess capacity provided for in these downstream facilities, new development within the Ellis Program Sub-basin will be required to pay a Westside Storm Drainage Fee.

The Westside Storm Drainage Fee has been determined for the use of facilities draining to DET 5, for the use of facilities discharging downstream of DET 5, and for the composite of downstream storm drainage facilities. The fee derivation was based on determining the ratio of the runoff volume produced by new development in the Ellis Program Sub-basin to the total runoff volume produced by the sub-basins contributing to the C2 Channel that drains to DET 5 and to the overall Westside Channel Watershed and by subsequently applying these proportions to the total cost of the downstream facilities being utilized. The analysis was performed for the 100-year 24-hour storm, which is the capacity of the downstream facilities. Numerical information regarding runoff volumes was obtained from the HEC-HMS modeling of the Westside Channel Watershed performed for this storm drainage technical report, **Appendix A-1**.

Calculation of the Westside Storm Drainage Fees included the following steps:

1. *Runoff Volume Calculation* – Derived from the HEC-HMS model.

2. *Cost Estimate for Downstream Facilities to be Utilized* – Cost estimates were prepared for components of downstream storm drainage facilities draining to DET 5 and components of the Westside Channel Outfall System facilities downstream of DET 5 that will be utilized for conveyance and storage of Ellis

Program Sub-basin runoff. The cost estimate for the Westside Outfall System facilities included actual bid costs from the Westside Channel Outfall Project and unit costs and mark-ups that were being used by the City at or about the time frame for project construction. This cost estimate is included in this report as **Exhibit C1**, and derived a downstream facility total of $23,826,088. The cost estimate for the storm drainage facilities upstream of DET 5 utilized an extrapolation of Group 76 Drainage Improvements Fund 322 data and land acquisition unit costs and markups that were utilized in prior storm drainage analysis reports prepared for Plan "C". This cost estimate is included herein on **Exhibit C2**, and derived a downstream facility total of $1,074,714.

3. *Total Cost Obligation* – The proportion of the new development runoff volume for the Ellis Program Sub-basin to the Westside Channel Watershed runoff volume and the runoff volume contributing to the C2 Channel draining to DET 5 were determined and multiplied by the estimated cost of the applicable downstream facilities as shown on **Exhibit C3**. These calculations yielded a "gross" cost obligation for the use of facilities downstream of DET 5 and facilities upstream of DET 5. Based on the upstream orientation of the Ellis Program Sub-basin within the overall Westside Channel Watershed and the significant degree of flow attenuation that will be provided by DET SL and DET 3A prior to discharge of Ellis Program Sub-basin runoff to downstream facilities, a 50% reduction adjustment was made to determine the fair share "net" cost obligations for the Ellis Program Sub-basin per **Exhibit C3**.

4. *Westside Storm Drainage Fees* – **Exhibit C4** provides the derivation of Westside Storm Drainage Fees recommended to be assessed to the different land use categories within the Ellis Program Sub-basin. The derivation of these fees is based on the fair share "net" cost obligations derived on **Exhibit C3** and uses the same approach to weighting percent impervious for each of the land use areas as was performed in deriving the storm drainage impact fees.

Findings With Respect to the Mitigation Fee Act (AB 1600)

This section provides the nexus findings for establishing development impact fees for storm drainage pursuant to the *Mitigation Fee Act*, California Government Code sections 66000, et seq., AB 1600.

Description of assumptions and design criteria regarding existing level of service, including a description of the existing public facilities and the existing users

Existing condition storm drainage facilities within the City include open channels, underground storm drains, and detention and retention basins. Existing condition levels of service are a) 100-year design capacity for open channels and detention basins, b) 2 times the 10-year 48-hour storm runoff volume for temporary retention basins, and c) either a 10-year or a 100-year design capacity for underground storm drains, depending

upon whether or not they are an integral part of the City's drainage infrastructure or are considered to be lateral facilities. Some of the City's older, historical storm drainage facilities have a capacity that is less than the desired level of service and will eventually require upgrading via a source of funding other than Ellis Program Sub-basin impact fees and drainage fees.

Description of assumptions regarding the type of development planned for the Ellis Program Sub-basin

The Ellis Program Sub-basin consists of approximately 0.98 square miles of land bordered by Corral Hollow Road on the east, the Delta Mendota Canal (south of Linne Road) on the south, Lammers Road on the west and Valpico Road on the north. Proposed land uses include residential, commercial, industrial, public facilities, open space and existing churches. The land uses and acreages for future development properties are shown on **Exhibit A**.

Description of the impacts that new development within the Ellis Program Sub-basin will have on the level of service to existing City residents

New development within the Ellis Program Sub-basin will significantly increase runoff rates and volumes resulting from storm events when compared with existing agricultural, vacant, and lower density land use conditions due to the construction of more efficient storm drainage conveyance elements and the increase in impervious ground cover. These runoff increases will require the construction of new storm drainage facilities and flow attenuating BMPs serve the new development.

Also, the new storm drainage facilities that will serve new Ellis Program Sub-basin development will connect to existing downstream drainage facilities. Some excess capacity is available within these downstream facilities, and this excess capacity may be used by Ellis Program Sub-basin development. However, Ellis program Sub-basin storm drainage infrastructure will need to be planned, designed, and constructed in a manner such that the required capacity will continue to exist in the downstream facilities. This will be accomplished by providing stormwater detention within the Ellis Program Sub-basin and incorporating measures set forth per the City's SWQC Manual to attenuate runoff rates.

Ellis Program Sub-basin runoff will not be hydraulically connected with the City's older, historical storm drains and will have no impact on their level of service.

Description of the facilities required for the new development in the Ellis Program Sub-basin to meet the City's design criteria and level of service standards

New storm drainage facilities that will be needed to serve new development within the Ellis Program sub-basin will include underground storm drains and detention basins.

The "program" storm drains are considered to be integral components of the storm drainage infrastructure. New "program" storm drains and detention basins will have a 100-year 24-hour return period storm capacity, consistent with City policy for master plan storm drainage facilities. The required storm drainage facilities are shown on **Exhibit B1**. Also, the existing downstream storm drainage facilities will retain their capacity to accommodate the 100-year 24-hour return period storm discharge after the completion of the "program" storm drainage infrastructure improvements serving the Ellis Program Sub-basin.

Description of how new development within the Ellis Program Sub-basin will benefit from the new storm drainage facilities

The new storm drainage facilities will benefit new development in the Ellis Program Sub-basin by providing proper control and conveyance of runoff generated by the 100-year 24-hour return period storm.

Pursuant to Government Code section 66005(a), an estimate of the total cost for providing the required public facilities necessary to support the buildout condition for the Ellis Program Sub-basin

Exhibit B2 provides an opinion of probable cost for constructing the necessary program storm drainage improvements to serve Ellis Program Sub-basin. These are considered to be reasonable order of magnitude estimates of costs that will be incurred to construct the required improvements, and have been corroborated with actual bids and experiences on prior storm drainage improvement projects. The cost estimates assume full improvements for integral storm drainage facilities as well as provisions for design and planning, construction management, land acquisition, general contingency, and program administration. The costs do not account for or include the following elements:

- Storm drainage facilities that are internally needed to serve individual developments (onsite facilities).
- Lateral storm drainage facilities that are components of street drainage, but are not considered an integral component of the City's storm drainage infrastructure.
- Temporary retention basins

Description of the basis, or bases, upon which the total estimated cost of providing the required storm drainage facilities will be allocated

The total estimated cost of providing the required storm drainage facilities to serve new development within the Ellis Program Sub-basin will be allocated to new development based on a proportional fair share analysis that utilizes a "percent impervious" approach

as described in this technical report. The Westside Storm Drainage Fee required for new development in the Ellis Program Sub-basin to utilize excess capacity in existing downstream storm drainage facilities has been based on a "proportional runoff volume" assessment, and then allocated to Ellis Program Sub-basin properties utilizing the "percent impervious" approach.

The Storm Drainage Impact Fees to fund new storm drainage infrastructure to serve the Ellis Program Sub-basin are derived and represented on **Exhibit B3**. The Westside Storm Drainage Fees for new development within the Ellis Program Sub-basin to utilize excess capacity for runoff conveyance and storage in existing downstream storm drainage facilities are derived and represented on **Exhibit C4**.

Findings with Respect to the Mitigation Fee Act

This sub-section provides findings which comply with the requirements of California Government Code Section 66000, et seq. The capital improvements to be funded by storm drainage impact fees and the fees required to utilize excess capacity in existing downstream facilities are required to mitigate the storm drainage impacts of new development within the Ellis Program Sub-basin, consistent with the land use and storm drainage policies set forth by the City. The storm drainage impact fees are not being imposed to improve or correct deficiencies in existing condition service levels. The impact fees and drainage fees are based on a storm drainage and fair-share cost analysis which: 1) determines capital improvements required to mitigate the storm drainage impacts of the buildout of new development within the Ellis Program Sub-basin, 2) determines the fair share cost for new development in the Ellis Program Sub-basin to utilize excess capacity in the existing downstream storm drainage facilities, and 3) equitably distributes the costs of the improvements to the new development areas that cause the impacts, per the provisions of the *Mitigation Fee Act*.

The *Mitigation Fee Act* requires mitigation fee programs incorporate the following basic requirements and information relating to reasonable relationship:

- *Identification of the purpose of the fee.*
- *Identification of how the fee will be used.*
- *Determination of how there is a reasonable relationship between the fee's use and the type of development projects on which the fee is imposed.*
- *Determination of how there is a reasonable relationship between the need for the public storm drainage facilities and the type of development projects on which the fee is imposed.*
- *Determination of how there is a reasonable relationship between the amount of the fee and the cost of the public storm drainage facilities (or portion of facilities) attributable to new development.*

The following findings address these requirements on reasonable relationship:

1. Identify the purpose of the fee. The purpose of the fee is to provide a source of funding to be used to construct storm drainage facilities to serve new development within the Ellis Program Sub-basin and for new development within the Ellis Program Sub-basin to utilize excess capacity in existing downstream storm drainage facilities.
2. Identify how the fee will be used. The impact fees and drainage fees will be used to construct the needed program storm drainage facilities, including underground storm drains, detention basins, and appurtenant improvements and to utilize excess capacity in existing downstream storm drainage facilities.
3. Determine how there is a reasonable relationship between the fee's use and the type of development projects on which the fee is imposed. New development proposed within the Ellis Program Sub-basin will generate additional runoff during storm events. The quantities and rates of runoff generated from new development exceed the amounts of runoff generated under existing land uses and create a need for the utilization of program and downstream storm drainage facilities. The establishment of fees to fund storm drainage improvements required to serve and mitigate the impacts of new development and utilize excess capacity in existing downstream facilities is directly related to the type of new development anticipated based on relative rates and volumes of runoff production created by new development.
4. Determine how there is a reasonable relationship between the need for the public storm drainage facilities and the type of development on which the fee is imposed. Hydrologic and hydraulic technical evaluations have been performed to determine quantities and rates of runoff that will be generated by new development within the Ellis Program Sub-basin. Based on these evaluations, relevant storm drainage infrastructure improvements have been recommended to serve said new development and proportional fair share responsibility to utilize excess capacity in existing downstream facilities have been derived.
5. Determine how there is a reasonable relationship between the amount of the fee and the cost of the public storm drainage facilities (or portion of the facilities) attributable to new development. Estimated costs of storm drainage infrastructure improvements that are needed to serve new development have been prepared and are presented in this storm drainage technical report. These are considered to be reasonable order of magnitude estimates of costs that will be incurred to construct the required improvements, and have been corroborated with actual bids and experiences on prior storm drainage improvement projects and other storm drainage planning documents. The Storm Drainage Impact Fees and Westside Storm Drainage Fees allocate a proportionally fair share amount of the estimated storm drainage infrastructure costs and benefits to the various proposed land uses associated with new development.

EXHIBIT A
ELLIS PROGRAM SUB-BASIN - LISTING OF PROPERTIES AND FUTURE LAND USES
September, 2012

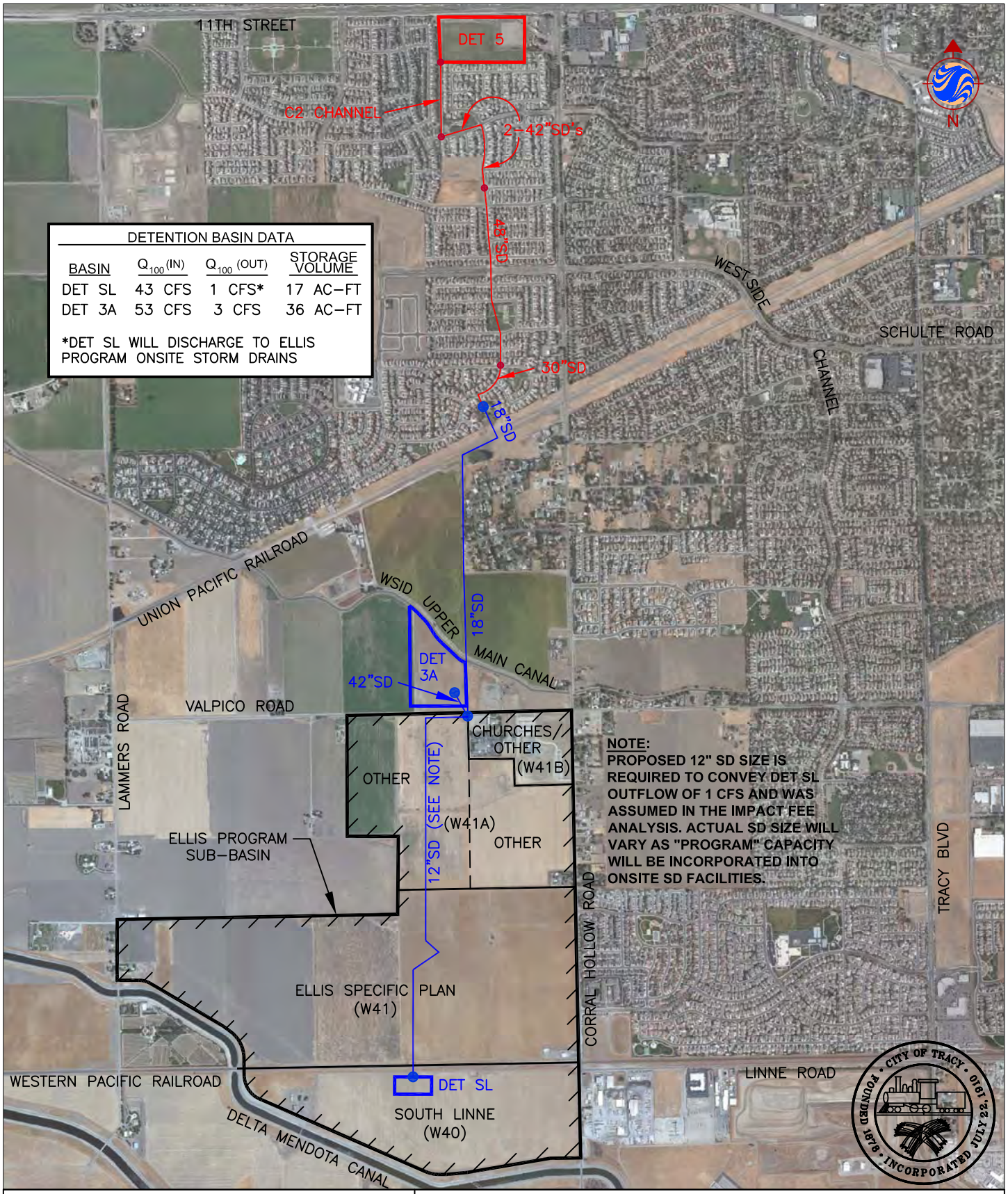
		RESIDENTIAL ACRES			*OTHER ACRES*				
Planning Area or APN ID	**Development Status**	**RML**	**RMM**	**RMH**	**Church**	**Commercial**	**Industrial**	**Public Facilities**	**Excluded**
Ellis Specific Plan Area	Proposed	120.7	111.6	5.2		35.0		16.0	32.5 (PF & OS)*
240-140-05 and 06	Proposed	19.8	70.3						3.9 (PF & OS)*
253-020-11, and 12 (South Linne)	Proposed						120.0		
240-140-07, 08, 10, 11 and 29	Proposed	66.6							
240-140-21 (Telecommunications)	Existing						2.0		
240-140-24 (St. Bernard's Church)	Existing				18.4				
240-140-28 (LDS Church)	Existing				5.6				
Totals		207.1	181.9	5.2	24.0	35.0	122.0	16.0	36.4

Total Acreage = 627.6 Acres
Total Acreage Less Excluded = 591.2 Acres
Total Residential Units for Combined Ellis Specific Plan Area and APN's 240-140-05 and 06 = 2,250 units

* PF & OS = Public Facilities and Open Space

Residential Dwelling Units	Proposed	771**	1705***	40****

** 370 (Ellis Specific Plan) + 135 (APN's 240-140-05 and 06) + 266 (remaining 66.6 acres @ 4.0 du/acre, avg. density)
*** 1240 (Ellis Specific Plan) + 465 (APN's 240-140-05 and 06)
**** Units for HMR Ellis Specific Plan Area



DETENTION BASIN DATA			
BASIN	Q_{100} (IN)	Q_{100} (OUT)	STORAGE VOLUME
DET SL	43 CFS	1 CFS*	17 AC-FT
DET 3A	53 CFS	3 CFS	36 AC-FT

*DET SL WILL DISCHARGE TO ELLIS PROGRAM ONSITE STORM DRAINS

NOTE:
PROPOSED 12" SD SIZE IS REQUIRED TO CONVEY DET SL OUTFLOW OF 1 CFS AND WAS ASSUMED IN THE IMPACT FEE ANALYSIS. ACTUAL SD SIZE WILL VARY AS "PROGRAM" CAPACITY WILL BE INCORPORATED INTO ONSITE SD FACILITIES.

LEGEND:

DET 3A	PROGRAM DETENTION BASIN
DET 5	EXISTING DETENTION BASIN
18"SD	PROGRAM STORM DRAIN
48"SD	EXISTING STORM DRAIN
(W41)	HEC - HMS SUB - BASIN NUMBER

PROGRAM STORM DRAINAGE INFRASTRUCTURE

EXHIBIT B1

ELLIS PROGRAM SUB-BASIN STORM DRAINAGE TECHNICAL REPORT

SCALE:	1"=2000'	DATE:	09/26/12
SHT.	1 OF 1		–
JOB NO:	2010-71; 184110003		

Storm Water Consulting Inc.
Stantec

V:\1841\active\184110003\drawing\ellis\drawing\Exhibit B1.dwg 9/27/12 8:40am dgonzalez

Exhibit B2

Preliminary Opinion of Probable Cost for Program Storm Drainage Infrastructure

ELLIS PROGRAM SUB-BASIN

DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL COST
ELLIS PROGRAM SUB-BASIN				
Construction of Major Facilities				
DET 3A (36 AF, plus 36 AF add'l excavation)	72	AF	$ 10,000	$ 720,000
DET SL (17 AF, plus 8 AF add's excavation)	25	AF	$ 10,000	$ 250,000
Construction of Storm Drains				
12" SD	6,100	LF	$ 75	$ 457,500
12" SD (Bore & Jack)	100	LF	$ 500	$ 50,000
18" SD	4,200	LF	$ 100	$ 420,000
18" SD (Bore & Jack)	100	LF	$ 600	$ 60,000
42" SD	200	LF	$ 350	$ 70,000
Other Items				
Dewatering	1	LS	$ 200,000	$ 200,000
UPTC/WPRR Crossing Agreements	2	EA	$ 5,000	$ 10,000
WSID Crossing Agreement	1	EA	$ 5,000	$ 5,000
Subtotal of Construction				**$ 2,242,500**
Design & Planning @ 10% of Construction Subtotal				**$ 224,250**
Construction Management @ 10% of Construction Subtotal				**$ 224,250**
General Contingency @ 15% of Construction Subtotal				**$ 336,375**
Program Administration @ 5% of Construction Subtotal				**$ 112,125**
Land Acquisition				
DET 3A	20.0	AC	$ 100,000	$ 2,000,000
DET SL	8.0	AC	$ 100,000	$ 800,000
18" SD Easement	1.9	AC	$ 50,000	$ 95,000
Subtotal of Land Acquisition				**$ 2,895,000**
TOTAL ESTIMATED COST				**$ 6,034,500**

EXHIBIT B3
ELLIS PROGRAM SUB-BASIN
Program Storm Drainage Impact Fees

Area of Participating Properties in Ellis Program Sub-basin (acres)	Program Storm Drainage Infrastructure Cost	Land Use Category	Acreage by Land Use Category	Proportional Land Use Area	Percent Impervious	Proportional Funding Factor (Land Use % times % Impervious)	Proportional Funding Responsibility (Funding Factor % of Total)	Total Fee Responsibility	Impact Fee (Per Acre)	Dwelling Units (Residential)	Impact Fee (Per Dwelling Unit)
591.2	$ 6,034,500	Residential Mixed Low - RML	207.1	35.03%	16%	0.0560	17.63%	$ 1,063,918	$ 5,137	771	$ 1,380
		Residential Mixed Medium - RMM	181.9	30.77%	22%	0.0677	21.29%	$ 1,284,883	$ 7,064	1705	$ 754
		Residential Mixed High - RMH	5.2	0.88%	41%	0.0036	1.13%	$ 68,453	$ 13,164	40	$ 1,711
		Church	24.0	4.06%	90%	0.0365	11.49%	$ 693,525	$ 28,897		N/A
		Public Facilities (Swim Center)	16.0	2.71%	38%	0.0103	3.23%	$ 195,214	$ 12,201		N/A
		Commercial A - Standard Uses	24.0	4.06%	57%	0.0231	7.28%	$ 439,232	$ 18,301		N/A
		Commercial B - Gravel Surface	11.0	1.86%	16%	0.0030	0.94%	$ 56,509	$ 5,137		N/A
		Industrial	122.0	20.64%	57%	0.1176	37.00%	$ 2,232,764	$ 18,301		N/A
			591.2	100.00%		0.3179	100.00%	$ 6,034,500			

EXHIBIT C1

ELLIS PROGRAM SUB-BASIN - WESTSIDE STORM DRAINAGE FEE DATA

COST OF EXISTING DRAINAGE FACILITIES TO BE UTILIZED DOWNSTREAM OF DET 5

SEPTEMBER, 2012

Item	Quantity	Unit	Unit Cost	Total Cost
DET 5 to Old River (Total Cost)	1	LS	17,653,617	17,653,617
Less Proportional Construction Staking	1	LS	(20,000)	(20,000)
Less Proportional Chain Link Fence	1	LS	(20,000)	(20,000)
Less Proportional Earthwork for Channels	1	LS	(120,000)	(120,000)
Less Proportional Bike Path	1	LS	(125,000)	(125,000)
Less Proportional Cast in Place CBC	1	LS	(122,120)	(122,120)
Less 36" Concrete Storm Drain Pipe	1	LS	(274,498)	(274,498)
Less Proportional 42" Concrete SD Pipe	1	LS	(40,000)	(40,000)
Less Allan Block Walls	1	LS	(183,680)	(183,680)
Less Concrete Channel Linings	1	LS	(24,450)	(24,450)
Less Grouted Rock Riprap	1	LS	(194,740)	(194,740)
Less Irrigation Junction Box & Grate	1	LS	(7,800)	(7,800)
Less Trash Rack @ GLR	1	LS	(3,500)	(3,500)
Less Proportional Landscape Planting	1	LS	(380,000)	(380,000)
Less Proportional Irrigation/Maintenance	1	LS	(400,000)	(400,000)
Less Proportional Channel Furniture	1	LS	(35,000)	(35,000)
Less CO3 (Reimbursed by Chevron)	1	LS	(1,500,000)	(1,500,000)
Less CO5 (Utilities, Byron)	1	LS	(794,097)	(794,097)
Less CO11 (Lammers/Byron Traffic)	1	LS	(57,703)	(57,703)
Less CO13 & CO14 (Fill Dirt @ Future Parks)	1	LS	(49,500)	(49,500)
"Add Back" DET 5 Cost Elements	1	LS	331,391	331,391
Subtotal Construction				13,632,920
Design & Planning @10%				1,363,292
Program/Construction Management @ 10%				1,363,292
Land Acquisition				
C1(60) Channel	1.5	AC	60,000	90,000
Dobler (30' Wide R/W)	1	AC	125,000	125,000
Kuimelis/Robertson (30' Wide R/W)	2	AC	125,000	250,000
DET 11	55	AC	45,000	2,475,000
Program Implementation @ 5%				681,646
Contingency @ 15%				2,044,938
Amendment to Drainage Agreemt w/ WSID - 20 Years				1,800,000
TOTAL ESTIMATED COST				**23,826,088**

Note: Actual bid costs and original estimated unit costs provide basis for this estimate.

EXHIBIT C2
ELLIS PROGRAM SUB-BASIN - WESTSIDE STORM DRAINAGE FEE DATA

COST OF EXISTING DRAINAGE FACILITIES TO BE UTILIZED UPSTREAM OF DET 5
SEPTEMBER, 2012

Item	Quantity	Unit	Unit Cost	Total Cost
30" SD	1	LS	50,000	50,000
48" SD	1	LS	261,700	261,700
2-42" SDs	1	LS	180,070	180,070
C2 Channel Improvements	1	LS	111,260	111,260
DET 5 Modifications	1	LS	57,480	57,480
Subtotal Construction				660,510
Design & Planning @10%				66,051
Program/Construction Management @ 10%				66,051
Land Acquisition				
C2 Channel	1.2	AC	125,000	150,000
Program Implementation @ 5%				33,026
Contingency @ 15%				99,077
TOTAL ESTIMATED COST				**1,074,714**

Note: Costs were extrapolated from Group 76 Drainage Improvements Fund 322 data and prior Storm Drainage Analysis reports prepared for Plan C.

EXHIBIT C3
ELLIS PROGRAM SUB-BASIN
WESTSIDE STORM DRAINAGE FEE COST OBLIGATION

SEPTEMBER, 2012

Ellis Program Sub-basin Runoff Volume (acre-feet)	Westside Channel Watershed Runoff Volume (acre-feet)*	Percent Runoff Volume	Cost of Facilities Used D/S of DET 5	Gross Cost Obligation (Facilities D/S of DET 5)	Reduction for Runoff Attenuation**	Net Cost Obligation (Facilities D/S of DET 5)
56.07	416.53	13.46%	$23,826,088	$3,207,281	($1,603,640)	$ 1,603,640

Ellis Program Sub-basin Runoff Volume (acre-feet)	Runoff Volume at C2 Channel U/S of DET 5 (acre-feet)	Percent Runoff Volume	Cost of Facilities Used U/S of DET 5	Gross Cost Obligation (Facilities U/S of DET 5)	Reduction for Runoff Attenuation**	Net Cost Obligation (Facilities U/S of DET 5)
56.07	136.19	41.17%	$1,074,714	$442,464	($221,232)	$ 221,232

* Excluding 2-square mile area covered by drainage agreement with WSID and excluding I-205 Specific Plan.

** Based on upstream orientation within the watershed and the significant amount of flow attenuation provided by DET SL and DET 3A = 50% Reduction Factor

Note: Runoff Volumes are for 100-year 24-hour storm.

EXHIBIT C4
ELLIS PROGRAM SUB-BASIN
Westside Storm Drainage Fees

Area of Participating Properties In Ellis Program Sub-basin (acres)	Westside SD Cost Obligation (D/S of DET 5)	Land Use Category	Acreage by Land Use Category	Proportional Land Use Area	Percent Impervious	Proportional Funding Factor (Land Use % times % Impervious)	Proportional Funding Responsibility (Funding Factor % of Total)	Westside SD Fee Responsibility (D/S of DET 5)	Westside SD Fee (Per Acre) For Use of Facilities D/S of DET 5	Dwelling Units (Residential)	Westside SD Fee (Per Dwelling Unit) For Use of Facilities D/S of DET 5
591.2	$ 1,603,640	Residential Mixed Low - RML	207.1	35.03%	16%	0.0560	17.63%	$ 282,731	$ 1,365	771	$ 367
		Residential Mixed Medium - RMM	181.9	30.77%	22%	0.0677	21.29%	$ 341,452	$ 1,877	1705	$ 200
		Residential Mixed High - RMH	5.2	0.88%	41%	0.0036	1.13%	$ 18,191	$ 3,498	40	$ 455
		Church	24.0	4.06%	90%	0.0365	11.49%	$ 184,301	$ 7,679		N/A
		Public Facilities (Swim Center)	16.0	2.71%	38%	0.0103	3.23%	$ 51,877	$ 3,242		N/A
		Commercial A - Standard Uses	24.0	4.06%	57%	0.0231	7.28%	$ 116,724	$ 4,863		N/A
		Commercial B - Gravel Surface	11.0	1.86%	16%	0.0030	0.94%	$ 15,017	$ 1,365		N/A
		Industrial	122.0	20.64%	57%	0.1176	37.00%	$ 593,347	$ 4,863		N/A
			591.2	100.00%		0.3179	100.00%	$ 1,603,640			

Area of Participating Properties In Ellis Program Sub-basin (acres)	Westside SD Cost Obligation (U/S of DET 5)	Land Use Category	Acreage by Land Use Category	Proportional Land Use Area	Percent Impervious	Proportional Funding Factor (Land Use % times % Impervious)	Proportional Funding Responsibility (Funding Factor % of Total)	Westside SD Fee Responsibility (U/S of DET 5)	Westside SD Fee (Per Acre) For Use of Facilities U/S of DET 5	Dwelling Units (Residential)	Westside SD Fee (Per Dwelling Unit) For Use of Facilities U/S of DET 5
591.2	$ 221,232	Residential Mixed Low - RML	207.1	35.03%	16%	0.0560	17.63%	$ 39,005	$ 188	771	$ 51
		Residential Mixed Medium - RMM	181.9	30.77%	22%	0.0677	21.29%	$ 47,105	$ 259	1705	$ 28
		Residential Mixed High - RMH	5.2	0.88%	41%	0.0036	1.13%	$ 2,510	$ 483	40	$ 63
		Church	24.0	4.06%	90%	0.0365	11.49%	$ 25,425	$ 1,059		N/A
		Public Facilities (Swim Center)	16.0	2.71%	38%	0.0103	3.23%	$ 7,157	$ 447		N/A
		Commercial A - Standard Uses	24.0	4.06%	57%	0.0231	7.28%	$ 16,103	$ 671		N/A
		Commercial B - Gravel Surface	11.0	1.86%	16%	0.0030	0.94%	$ 2,072	$ 188		N/A
		Industrial	122.0	20.64%	57%	0.1176	37.00%	$ 81,856	$ 671		N/A
			591.2	100.00%		0.3179	100.00%	$ 221,232			

Area of Participating Properties In Ellis Program Sub-basin (acres)	Total Westside SD Cost Obligation	Land Use Category	Acreage by Land Use Category	Proportional Land Use Area	Percent Impervious	Proportional Funding Factor (Land Use % times % Impervious)	Proportional Funding Responsibility (Funding Factor % of Total)	Total Westside SD Fee Responsibility	Total Westside SD Fee (Per Acre)	Dwelling Units (Residential)	Total Westside SD Fee (Per Dwelling Unit)
591.2	$ 1,824,872	Residential Mixed Low - RML	207.1	35.03%	16%	0.0560	17.63%	$ 321,736	$ 1,554	771	$ 417
		Residential Mixed Medium - RMM	181.9	30.77%	22%	0.0677	21.29%	$ 388,557	$ 2,136	1705	$ 228
		Residential Mixed High - RMH	5.2	0.88%	41%	0.0036	1.13%	$ 20,701	$ 3,981	40	$ 518
		Church	24.0	4.06%	90%	0.0365	11.49%	$ 209,726	$ 8,739		N/A
		Public Facilities (Swim Center)	16.0	2.71%	38%	0.0103	3.23%	$ 59,034	$ 3,690		N/A
		Commercial A - Standard Uses	24.0	4.06%	57%	0.0231	7.28%	$ 132,827	$ 5,534		N/A
		Commercial B - Gravel Surface	11.0	1.86%	16%	0.0030	0.94%	$ 17,089	$ 1,554		N/A
		Industrial	122.0	20.64%	57%	0.1176	37.00%	$ 675,202	$ 5,534		N/A
			591.2	100.00%		0.3179	100.00%	$ 1,824,872			

APPENDIX A-1

HEC-HMS Hydrologic Model Data

Westside Watershed - 100-yr Peak Flows

Hydrologic Element	Drainage Area (MI2)	Peak Discharge (CFS)	Time of Peak	Volume (AC-FT)
W02	0.4975	42.87	12Apr2010, 13:28	32.63
RCP4	0.4975	42.87	12Apr2010, 13:32	32.63
W10	0.2163	44.45	12Apr2010, 11:20	17.7
RCP2	0.2163	44.37	12Apr2010, 11:28	17.7
W03	0.0243	6.6	12Apr2010, 11:00	2.27
RCP1	0.0243	6.59	12Apr2010, 11:08	2.27
COMB 1	0.2406	50.22	12Apr2010, 11:24	19.97
W09	0.209	62.41	12Apr2010, 11:20	24.49
COMB2	0.4496	112.5	12Apr2010, 11:20	44.45
W04	0.034	7.7	12Apr2010, 11:16	3.03
RCP3	0.034	7.7	12Apr2010, 11:24	3.03
COMB 3	0.4836	120.16	12Apr2010, 11:20	47.48
COMB 4	0.9811	137.05	12Apr2010, 11:24	80.11
DET2A	0.9811	5.29	13Apr2010, 03:52	19.45
CP1	0.9811	5.29	13Apr2010, 04:12	19.31
W01	0.2162	26.51	12Apr2010, 11:56	13.95
RCP5	0.2162	26.5	12Apr2010, 12:04	13.95
W08	0.1288	17.85	12Apr2010, 12:04	9.67
COMB 5	0.345	44.35	12Apr2010, 12:04	23.62
W05	0.0633	7.73	12Apr2010, 11:56	4.08
CP7	0.4083	52	12Apr2010, 12:04	27.7
W11	0.0812	23.98	12Apr2010, 10:56	7.63
W11A	0.0319	18.33	12Apr2010, 10:36	4.24
RR03	0.0319	18.23	12Apr2010, 10:40	4.24
Junction-1	0.1131	39.12	12Apr2010, 10:48	11.87
DET2B	0.5214	5	12Apr2010, 07:56	24.45
CP8	1.5025	10.29	13Apr2010, 04:12	43.76
RC1 1C	1.5025	10.29	13Apr2010, 04:40	43.29
W12	0.0362	6.22	12Apr2010, 11:24	2.62
CP5	1.5387	11.22	12Apr2010, 11:24	45.91
RCP6	1.5387	11.09	12Apr2010, 11:40	45.61
W21	0.2483	17.32	12Apr2010, 13:12	13.36
RPCP7	0.2483	17.32	12Apr2010, 13:20	13.36
W15	0.1238	9.72	12Apr2010, 12:36	6.66
W14	0.1224	8.84	12Apr2010, 12:20	5.81
Junction-2	0.4945	34.61	12Apr2010, 12:48	25.84
RCP8	0.4945	34.58	12Apr2010, 13:08	25.84
W16	0.1354	11.01	12Apr2010, 12:20	7.11
W17	0.1251	7.77	12Apr2010, 12:48	5.76
Junction-3	0.755	52.39	12Apr2010, 12:56	38.71
Reach-1	0.755	52.38	12Apr2010, 13:00	38.71
W18	0.0655	6.38	12Apr2010, 12:00	3.66
CP6	2.3592	66.48	12Apr2010, 12:52	87.98
RCP9	2.3592	66.43	12Apr2010, 13:04	87.7
W19	0.1877	10.93	12Apr2010, 13:28	9.05

W20	0.1292	15.39	12Apr2010, 12:08	8.68
CP9	2.6761	89.39	12Apr2010, 12:56	105.43
W23	0.2573	15.17	12Apr2010, 12:48	11.31
W22	0.2517	13.6	12Apr2010, 12:48	10.34
RPCP11	0.2517	13.6	12Apr2010, 12:56	10.34
CP11	0.509	28.74	12Apr2010, 12:52	21.65
RPCP9	0.509	28.73	12Apr2010, 13:00	21.65
Junction-5	3.1851	118.12	12Apr2010, 12:56	127.08
W25	0.0967	11.75	12Apr2010, 11:56	6.24
RCP12	0.0967	11.74	12Apr2010, 12:00	6.24
W26	0.0602	7.83	12Apr2010, 11:44	3.88
CP12	0.1569	19.43	12Apr2010, 11:52	10.12
Reach-2	0.1569	19.42	12Apr2010, 11:56	10.12
Junction-6	3.342	132.81	12Apr2010, 12:44	137.2
RCP13	3.342	132.76	12Apr2010, 12:52	137.08
W24	0.1291	14.06	12Apr2010, 11:56	7.88
CP13	3.4711	143.96	12Apr2010, 12:44	144.96
RCP17	3.4711	143.88	12Apr2010, 12:48	144.86
W27	0.1234	15.63	12Apr2010, 12:04	8.63
RCP14	0.1234	15.63	12Apr2010, 12:12	8.63
W28	0.0669	9.04	12Apr2010, 11:40	4.32
CP14	0.1903	23.73	12Apr2010, 11:56	12.95
RPCP15	0.1903	23.72	12Apr2010, 12:00	12.95
W29	0.0429	6.84	12Apr2010, 11:16	2.77
CP15	0.2332	28.63	12Apr2010, 11:52	15.72
RPCP16	0.2332	28.61	12Apr2010, 11:56	15.72
W29A	0.0166	5.36	12Apr2010, 10:52	1.58
C W29A	0.2498	30.69	12Apr2010, 11:48	17.29
RRW29A	0.2498	30.68	12Apr2010, 11:56	17.29
W30	0.0787	9.04	12Apr2010, 11:56	4.9
CP16	0.3285	39.72	12Apr2010, 11:56	22.19
RR W30	0.3285	39.69	12Apr2010, 12:00	22.19
W31	0.0342	5.08	12Apr2010, 11:08	2.03
CP17	0.3627	42.8	12Apr2010, 11:52	24.22
W34	0.1558	12.52	12Apr2010, 12:04	7.67
W33	0.0529	7.18	12Apr2010, 11:28	3.28
W47	0.042	7.73	12Apr2010, 11:00	2.71
RR W47	0.042	7.7	12Apr2010, 11:08	2.71
ADDW33	0.0949	14.41	12Apr2010, 11:16	5.99
RR W33	0.0949	14.39	12Apr2010, 11:40	5.98
W32	0.0916	15.02	12Apr2010, 11:04	5.67
RP17A	0.0916	15.01	12Apr2010, 11:12	5.67
Junction-7	4.1761	208.4	12Apr2010, 12:24	188.4
RCP18A	4.1761	208.22	12Apr2010, 12:32	188.24
W36	0.0459	3.89	12Apr2010, 11:40	2.13
CP18A	4.222	211.18	12Apr2010, 12:32	190.37
RCP18	4.222	211.06	12Apr2010, 12:36	190.28

W35	0.0792	10.1	12Apr2010, 11:52	5.4
CP18	4.3012	219.43	12Apr2010, 12:32	195.69
RCP19	4.3012	219.15	12Apr2010, 12:44	195.44
W38	0.0984	9.35	12Apr2010, 12:16	5.72
W37	0.0778	7.04	12Apr2010, 11:32	3.58
RPCP19	0.0778	7.04	12Apr2010, 11:36	3.58
CP19	0.1762	15.57	12Apr2010, 11:56	9.3
RCP20	0.1762	15.48	12Apr2010, 12:04	9.3
CP20	4.4774	232.87	12Apr2010, 12:44	204.73
Reach-6	4.4774	232.67	12Apr2010, 12:48	204.62
W41	0.502	37.09	12Apr2010, 12:20	24.41
W40	0.1875	42.67	12Apr2010, 11:28	18.14
DET SL	0.1875	1	12Apr2010, 11:32	4.56
RPCP21	0.1875	1	14Apr2010, 15:56	4.5
CP21	0.6895	38.09	12Apr2010, 12:20	28.91
RCP22	0.6895	38.06	12Apr2010, 12:36	28.89
W41A	0.243	11.51	12Apr2010, 12:20	8.35
W41B	0.045	20.57	12Apr2010, 10:40	5.17
CP22	0.9775	53.2	12Apr2010, 12:28	42.41
RRCP3A	0.9775	53.2	12Apr2010, 12:28	42.41
DET 3A	0.9775	2.63	13Apr2010, 04:20	10.26
RCP26	0.9775	2.63	13Apr2010, 04:40	10.17
W49	0.4703	33.31	12Apr2010, 14:00	28.31
CP26	1.4478	34.6	12Apr2010, 14:04	38.48
RCP27	1.4478	34.59	12Apr2010, 14:04	38.46
W51	0.0546	4.92	12Apr2010, 11:40	2.63
CPW51	1.5024	36.72	12Apr2010, 14:00	41.09
RR W51	1.5024	36.71	12Apr2010, 14:04	41.07
W52	0.1002	16.53	12Apr2010, 11:32	7.22
J1	1.6026	42.74	12Apr2010, 13:48	48.29
RRW52	1.6026	42.74	12Apr2010, 13:48	48.28
W50	0.1974	28.09	12Apr2010, 12:00	16.39
W80	0.0927	17.66	12Apr2010, 11:24	8.85
RR 06	0.0927	17.61	12Apr2010, 11:32	8.85
W81	0.0477	7.19	12Apr2010, 11:20	2.97
RR 08	0.0477	7.18	12Apr2010, 11:24	2.97
CP 3B	0.3378	50.62	12Apr2010, 11:40	28.21
DET 3B	0.3378	0.75	13Apr2010, 06:12	3.04
RCP28	0.3378	0.75	13Apr2010, 06:24	3.02
W54	0.0535	8.62	12Apr2010, 11:32	3.76
CP28	1.9939	46.49	12Apr2010, 13:40	55.06
RR W54	1.9939	46.49	12Apr2010, 13:40	55.03
W39	0.2435	26.65	12Apr2010, 12:20	16.36
RPCP20	0.2435	26.64	12Apr2010, 12:24	16.36
W53	0.1574	18.59	12Apr2010, 12:00	9.99
DET5	6.8722	196.3	12Apr2010, 15:44	285.32
RWCR11	6.8722	196.28	12Apr2010, 15:48	285.14

W55	0.0833	10.78	12Apr2010, 11:48	5.42
W56	0.04	17.9	12Apr2010, 10:52	5.33
RPCP29	0.04	17.88	12Apr2010, 10:56	5.33
CP29	6.9955	201.91	12Apr2010, 15:40	295.89
RCP29	6.9955	201.91	12Apr2010, 15:44	295.81
W57	0.1038	15.29	12Apr2010, 11:52	7.65
W54A	0.085	11.07	12Apr2010, 11:44	5.5
CPBYRN	0.085	11.06	12Apr2010, 11:52	5.5
Junction-10	7.1843	210.42	12Apr2010, 15:28	308.96
RR 01	7.1843	210.41	12Apr2010, 15:32	308.79
W84	0.2047	29.43	12Apr2010, 11:40	13.79
W82	0.0918	12.52	12Apr2010, 11:44	6.1
RR 02	0.0918	12.51	12Apr2010, 11:56	6.1
W83	0.0388	10.69	12Apr2010, 11:00	3.39
Reach-3	0.0388	10.68	12Apr2010, 11:04	3.39
COBFD	0.3353	48.25	12Apr2010, 11:40	23.28
DET CP	0.3353	8.54	12Apr2010, 14:44	8.38
RR 04	0.3353	8.54	12Apr2010, 14:56	8.38
W85	0.1066	16.67	12Apr2010, 11:52	8.08
COMB	0.4419	16.67	12Apr2010, 11:52	16.46
CPBERG	7.6262	224.46	12Apr2010, 15:20	325.25
CP15MD	7.6262	224.46	12Apr2010, 15:28	325.04
W86	0.2557	36.89	12Apr2010, 12:36	25.13
CW86	7.8819	244.4	12Apr2010, 14:56	350.18
RP16MD	7.8819	244.39	12Apr2010, 15:00	350.1
W94	0.1343	68.23	12Apr2010, 10:44	18.06
CP1WMD	8.0162	252.38	12Apr2010, 15:00	368.17
W87	0.0716	26.25	12Apr2010, 10:52	7.53
ADD10	8.0878	256.13	12Apr2010, 15:00	375.69
RRW87	8.0878	256.05	12Apr2010, 15:00	375.64
W88	0.1572	41.63	12Apr2010, 11:20	16.39
ADD11	8.245	265.3	12Apr2010, 15:00	392.03
RRW88	8.245	265.27	12Apr2010, 15:04	391.89
W89	0.2343	63.45	12Apr2010, 11:20	24.64
ADDALL	8.4793	321.09	12Apr2010, 11:32	416.53
W93	0.6116	187.93	12Apr2010, 11:20	74.39
W90	0.25	56.45	12Apr2010, 11:36	25.18
RRW90	0.25	56.42	12Apr2010, 11:44	25.18
Junction-8	0.25	56.42	12Apr2010, 11:44	25.18
Reach-7	0.25	56.39	12Apr2010, 11:52	25.18
Junction-4	0.8616	237.36	12Apr2010, 11:28	99.56
W92	0.1656	20.39	12Apr2010, 11:48	9.77
W91	0.0835	23.78	12Apr2010, 11:12	8.78
ADD 12	0.2491	41.16	12Apr2010, 11:28	18.55
DET 11	9.59	10	12Apr2010, 03:44	50.65
W65	0.1453	18.66	12Apr2010, 11:56	9.99
W66	0.1391	12.43	12Apr2010, 12:56	8.68

W64B	0.016	5.76	12Apr2010, 10:48	1.64
DET 65	0.3004	1	12Apr2010, 12:00	4.51
W64	0.0507	6.74	12Apr2010, 11:20	3.03
W64A	0.0384	12.64	12Apr2010, 11:00	4.04
DET V	0.0384	2	12Apr2010, 00:00	4.05
ADDW64	0.0891	8.74	12Apr2010, 11:20	7.08
RCP1MD	0.0891	8.74	12Apr2010, 11:24	7.1
CP1MD	0.3895	9.52	12Apr2010, 11:28	11.62
RCP2MD	0.3895	9.51	12Apr2010, 11:28	11.62
CP2MD	0.3895	9.51	12Apr2010, 11:28	11.62
DET C	0.3895	4.09	12Apr2010, 21:00	6.86
RCP3MD	0.3895	4.09	12Apr2010, 21:00	6.85
W67A	0.0235	7.39	12Apr2010, 10:52	2.2
RW67A	0.0235	7.36	12Apr2010, 10:56	2.2
W67	0.0139	8.08	12Apr2010, 10:36	1.84
CP3MD	0.4269	14.06	12Apr2010, 10:44	10.9
Reach-4	0.4269	14.02	12Apr2010, 10:48	10.88
W68	0.1715	33.35	12Apr2010, 11:36	14.68
RCP4MD	0.1715	33.34	12Apr2010, 11:40	14.68
W69	0.0886	17.63	12Apr2010, 11:28	7.27
W70	0.0391	8.05	12Apr2010, 11:36	3.56
CP4MD	0.7261	66.07	12Apr2010, 11:28	36.38
RCP5MD	0.7261	66.03	12Apr2010, 11:32	36.38
W71	0.0563	9.99	12Apr2010, 11:44	4.67
CP5MD	0.7824	75.74	12Apr2010, 11:32	41.05
RCP6MD	0.7824	75.68	12Apr2010, 11:36	41.04
W72	0.1073	17.86	12Apr2010, 11:36	7.92
CP6MD	0.8897	93.53	12Apr2010, 11:36	48.96
RCP7D	0.8897	93.51	12Apr2010, 11:36	48.96
W73	0.049	6.84	12Apr2010, 11:36	3.2
CP7MD	0.9387	100.35	12Apr2010, 11:36	52.15
RCP8MD	0.9387	100.22	12Apr2010, 11:36	52.14
W74	0.1336	29.29	12Apr2010, 11:44	13.51
CP8MD	1.0723	129.49	12Apr2010, 11:40	65.66
RCP9MD	1.0723	129.42	12Apr2010, 11:40	65.65
W68B	0.0916	16.22	12Apr2010, 11:52	8
W63	0.0265	14.09	12Apr2010, 10:44	3.56
W68A	0.0491	11.28	12Apr2010, 11:36	5.03
CW68A	0.1407	27.26	12Apr2010, 11:48	13.04
RRW68A	0.1407	27.24	12Apr2010, 11:48	13.04
W77	0.1044	29.81	12Apr2010, 11:12	10.89
CW77	0.2451	53.1	12Apr2010, 11:24	23.92
RRW77	0.2451	53.05	12Apr2010, 11:28	23.92
W76	0.0885	14.91	12Apr2010, 11:40	6.79
CP10MD	0.3336	67.53	12Apr2010, 11:28	30.71
Reach-5	0.3336	67.5	12Apr2010, 11:32	30.71
W78	0.1893	32.85	12Apr2010, 11:56	16.48

Westside Watershed - 100-yr Peak Flows

RR W78	0.1893	32.83	12Apr2010, 12:04	16.48
W75	0.1387	22.11	12Apr2010, 11:56	11.1
CP9MD	1.7339	248.57	12Apr2010, 11:44	123.95
RCP31	1.7339	248.51	12Apr2010, 11:44	123.94
W58	0.1195	19.34	12Apr2010, 11:40	8.96
RWCR13	0.1195	19.1	12Apr2010, 12:04	8.95
W59	0.0517	7.61	12Apr2010, 11:28	3.35
ADDW59	0.1712	25.39	12Apr2010, 11:56	12.3
RR W59	0.1712	25.17	12Apr2010, 12:12	12.3
W60	0.0737	16.47	12Apr2010, 11:24	6.63
W61	0.0731	14.07	12Apr2010, 11:40	6.29
CP31	0.318	50.85	12Apr2010, 11:52	25.22
CP31MD	2.0519	298.81	12Apr2010, 11:44	149.16
RP11MD	2.0519	298.71	12Apr2010, 11:48	149.15
W79	0.0595	22.27	12Apr2010, 11:00	7.16
CP11MD	2.1379	315.42	12Apr2010, 11:44	159.88
RP1WMD	2.1379	315.16	12Apr2010, 11:48	159.85
DIV2	2.1379	170.16	12Apr2010, 11:48	23.73
W43	0.761	39.73	12Apr2010, 13:56	32.41
OUT2	0.761	39.73	12Apr2010, 13:56	32.41
W46	0.1813	12.12	12Apr2010, 12:28	7.68
OUT4	0.1813	12.12	12Apr2010, 12:28	7.68
W45	0.0585	8.97	12Apr2010, 11:16	3.34
OUT1	0.0585	8.97	12Apr2010, 11:16	3.34
W44	0.0509	7.97	12Apr2010, 11:12	2.91
OUT3	0.0509	7.97	12Apr2010, 11:12	2.91

Project: tracy_westside

Simulation Run: 100-yr 24-hr Reservoir: DET SL

Start of Run:	12Apr2010, 00:00	Basin Model:	Basin 1
End of Run:	14Apr2010, 15:56	Meteorologic Model:	Met 1
Compute Time:	06Oct2010, 15:43:42	Control Specifications:	Control 1

Volume Units: AC-FT

Computed Results

Peak Inflow :	42.67 (CFS)	Date/Time of Peak Inflow :	12Apr2010, 11:28
Peak Outflow :	1.00 (CFS)	Date/Time of Peak Outflow :	12Apr2010, 11:32
Total Inflow :	18.14 (AC-FT)	Peak Storage :	16.64 (AC-FT)
Total Outflow :	4.56 (AC-FT)	Peak Elevation :	112.63 (FT)

Project: tracy_westside

Simulation Run: 100-yr 24-hr Reservoir: DET 3A

Start of Run:	12Apr2010, 00:00	Basin Model:	Basin 1
End of Run:	14Apr2010, 15:56	Meteorologic Model:	Met 1
Compute Time:	06Oct2010, 15:43:42	Control Specifications:	Control 1

Volume Units: AC-FT

Computed Results

Peak Inflow :	53.20 (CFS)	Date/Time of Peak Inflow :	12Apr2010, 12:28
Peak Outflow :	2.63 (CFS)	Date/Time of Peak Outflow :	13Apr2010, 04:20
Total Inflow :	42.41 (AC-FT)	Peak Storage :	36.35 (AC-FT)
Total Outflow :	10.26 (AC-FT)	Peak Elevation :	99.63 (FT)

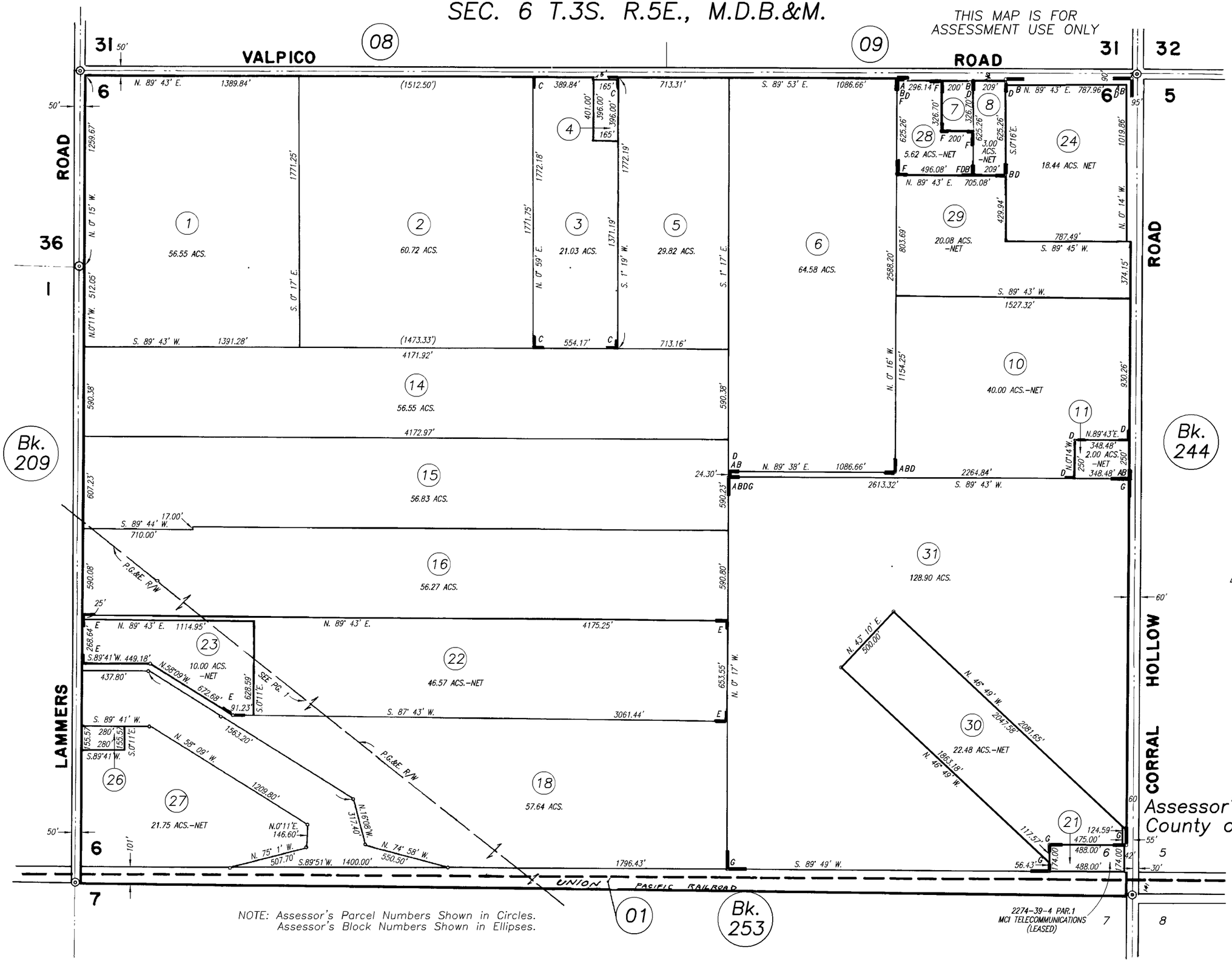
APPENDIX A-2

Assessor’s Parcel Maps

SEC. 6 T.3S. R.5E., M.D.B.&M.

THIS MAP IS FOR ASSESSMENT USE ONLY

240–14



1" = 600'

A – P. M. Bk. 06 Pg. 184
B – P. M. Bk. 06 Pg. 193
C – P. M. Bk. 15 Pg. 039
D – P. M. Bk. 15 Pg. 168
E – P. M. Bk. 18 Pg. 167
F – P. M. Bk. 21 Pg. 104
G – P. M. Bk. 25 Pg. 033

△ – WILLIAMSON ACT PARCELS

HIGHEST A.P.N. USED			
YEAR	PAR. #	PAR. #	PAR. #
89–90	19		
90–91	21		
93–94	23		
97–98	25		
98–99	27		
00–01	29		
09–10	31		

NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

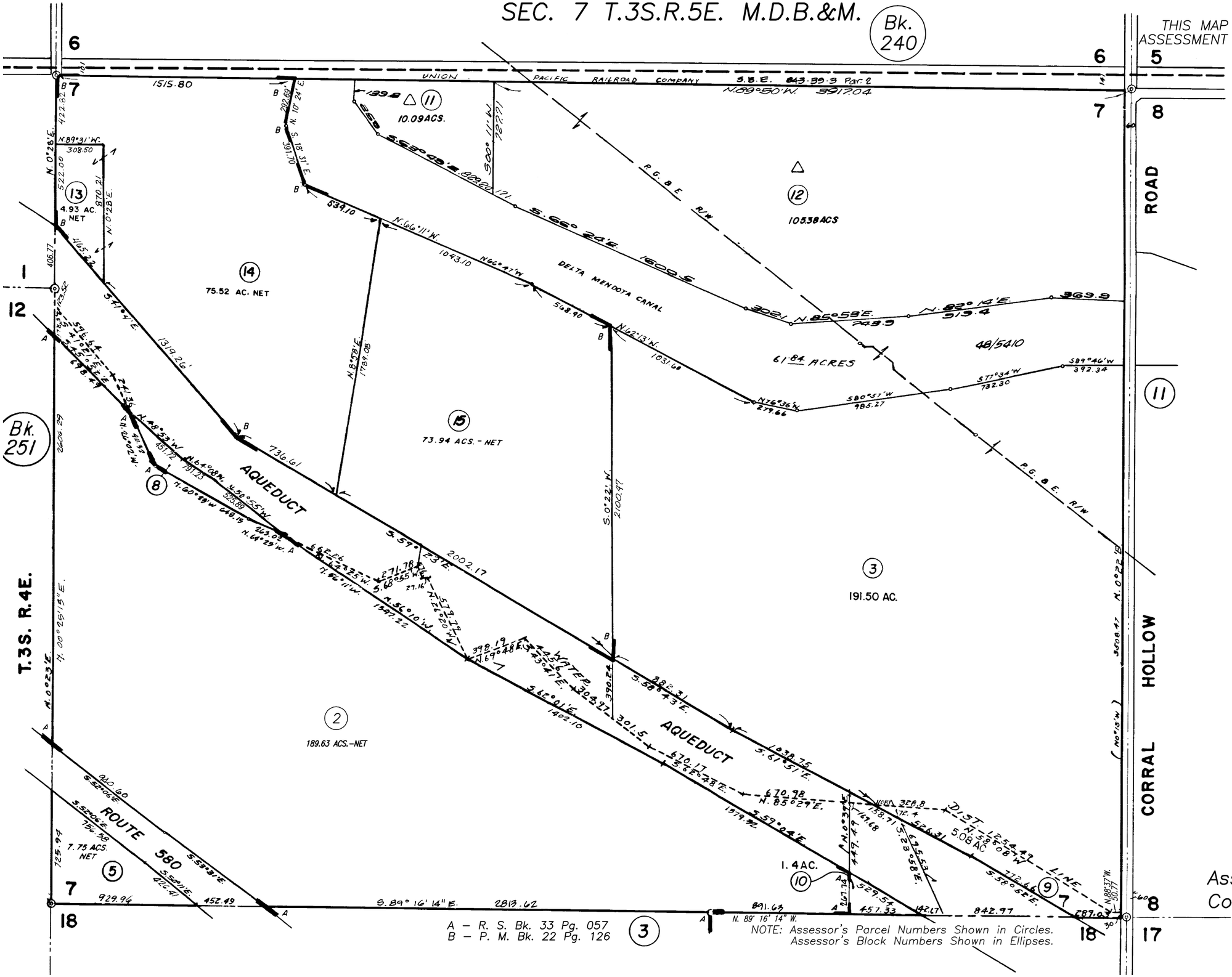
Assessor's Map Bk.240 Pg.14
County of San Joaquin, Calif.

SEC. 7 T.3S.R.5E. M.D.B.&M.

Bk. 240

THIS MAP IS FOR ASSESSMENT USE ONLY

253–02



△ – WILLIAMSON ACT PARCELS

HIGHEST A.P.N. USED			
YEAR	PAR. #	PAR. #	PAR. #
80–81	12		
03–04	15		

A – R. S. Bk. 33 Pg. 057
B – P. M. Bk. 22 Pg. 126

NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

Assessor's Map Bk.253 Pg.02
County of San Joaquin, Calif.

ELLIS PROGRAM SUB-BASIN
FINAL STORM DRAINAGE TECHNICAL REPORT

Storm Water Consulting Inc.
1899 Sapphire Way
El Dorado Hills CA 95762
Ph: (916) 801-3962

Stantec Consulting Services Inc.
3875 Atherton Road
Rocklin CA 95765
Ph: (916) 773-8100

City of Tracy

Ellis Program Area Parks Study

December 2012

Prepared by:

Harris & Associates

Shaping the future, One project at a time

Ellis Program

Parks Impact Fee Study

December 2012

I. Introduction

As a result of increased population, all new development in a community creates additional demands on public facilities provided by local government. If the supply of facilities is not increased to satisfy the additional demand, the quality of public services for the entire community will deteriorate. The purpose of this study is to analyze the impact of the Ellis Program on parks and recreation facilities in the City of Tracy, to ensure that the City's established level of service is maintained, and to calculate fair and equitable development impact fees based on that analysis.

The Ellis Program currently contains a 321 acre parcel located between Lammers Road and Corral Hollow Road along the north side of the Union Pacific rail line. The Ellis Program area consists of 505 residential mixed low density, 1705 residential mixed medium density, and 40 residential mixed high density units.

The Ellis Program park acreage includes multi-purpose paths and trails that are eight feet or wider and connect to the City path, trail or bikeway system and may be eligible for Neighborhood Park credits.

Surland's Consultant, Gates & Associates, provided cost estimates and facility plans for the Neighborhood Parks needed to serve the Ellis Program. These cost estimates have been reviewed by Harris & Associates and appear to be appropriate for the facilities required.

The City's Park Master Plan requires 3 acres of neighborhood park per 1000 people and 1 acre of community park per 1000 people. It is assumed that there are 3.3 people per residential mixed low density unit, 2.7 people per residential mixed medium density unit, and 2.2 people per residential mixed high density unit. Based on these requirements, a total of 19.1 acres of neighborhood parks are required to be built by the Ellis Program. In addition, the Ellis Program is responsible for funding 6.4 acres of community park.

The Ellis program will pay a community park fee towards the community park requirement, unless the city accepts the Ellis Program contribution towards the swim center, then the contribution will be in lieu of any community park fee requirements, and the Ellis Program's community park obligation will be met for the Ellis Program's 2250 allowed dwelling units.

The acreage requirements are summarized below:

Required Acreage Calculation

Landuse	No. Units	People/Unit	Total Population	Total Required Acreage (Neighborhood)	Total Required Acreage (Community)
RML	505	3.3	1666.5	5.0	1.7
RMM	1705	2.7	4603.5	13.8	4.6
RMH	40	2.2	88	0.3	0.1
Total	2250	8.2	6358	19.1	6.4

II. Neighborhood Parks

Construction of the parks will be in accordance with Section 4.6 and 5.2 of the Ellis Specific Plan.

The amenities required to serve the projected populations of the Ellis Program are shown in the table below. The table also shows the facilities that are planned to be built as part of the Ellis Program. These planned facilities are then used to determine the cost estimates for the parks in the Ellis Program.

Amenity Requirements - Neighborhood Parks

Amenity	Required	Planned
1 full play area per 3,000 (includes 2-5 AND 5-12)	2.1	4
1 small play or play element per 2,000	3.2	2
1 water play element per 2,500	2.5	2
1 basketball per 3,500 (half basketball permitted)	1.8	2
1 tennis per 5,000	1.3	2
1 multi-purpose (bantam soccer) field (minimum 160'x190') per 2,500	2.5	4
1 large picnic area (4 tables) per 1,500	4.2	6
1 small picnic area (2 tables) per 2,500	2.5	4

Based on the cost estimates provided by Gates & Associates, the following table summarizes the park program costs associated with the Neighborhood Parks for the Ellis Program. The detailed cost estimates are included in Appendix A to this report. A 40% mark-up has been added to account for design (10%), construction management (10%), program management (5%) and contingency (15%). In addition, the cost of the land has been estimated at $100,000 per acre.

Total Park Program Costs - Neighborhood Parks				
Basic Improvements	**Quantity**	**Units**	**Cost**	**Total**
Base Park Acre	19.07	AC	$ 235,092	$ 4,484,145
Amenities	0	0	$ -	$ -
Basketball	2	EA	$ 47,201	$ 94,402
Play Area (full)	4	EA	$ 256,839	$ 1,027,356
Play Area (small)	2	EA	$ 86,653	$ 173,306
Play Element	2	EA	$ 43,566	$ 87,132
Water Play Element	2	EA	$ 19,800	$ 39,600
Bocce	2	EA	$ 33,352	$ 66,704
Picnic Small	4	EA	$ 11,858	$ 47,432
Picnic Large	6	EA	$ 20,614	$ 123,684
Shade Structure	6	ALLOW	$ 75,000	$ 450,000
Tennis	2	EA	$ 74,718	$ 149,436
Soccer/T-ball Multi-use Field	4	EA	$ 8,382	$ 33,528
Open Green/Volleyball/Badminton	7	Included in base	$ -	$ -
Skate Spot	2	EA	$ 24,500	$ 49,000
Dog Park	2	EA	$ 39,754	$ 79,508
Drinking Fountain	6	EA	$ 6,000	$ 36,000
Fountain/Gazebo	2	ALLOW	$ 30,000	$ 60,000
Information Kiosk	2	EA	$ 10,000	$ 20,000
Focal Element (allowance)	6	ALLOW	$ 20,000	$ 120,000
Ornamental Garden	4	ALLOW	$ 23,705	$ 94,820
Park Sign Large	6	ALLOW	$ 10,000	$ 60,000
Park Sign Small	6	ALLOW	$ 5,000	$ 30,000
Total Program Cost			**$ -**	**$ 7,326,053**
Mark-up for Soft Costs (40%)			**$ -**	**$ 2,930,421**
Land Acquisition	**19.07**	**AC**	**$ 100,000**	**$ 1,907,400**
Total Cost			**$ -**	**$ 12,163,874**

The total cost of the program is divided by the estimated number of people generated by the Ellis Program to determine a cost per capita. This cost is then converted into a fee per unit for residential mixed low density, residential mixed medium density and residential mixed high density based on the assumed number of people per unit for each use. The cost per capita as well as the fees are summarized in the following table:

Neighborhood Park Fee Calculation

Total Cost	$ 12,163,874
Overall per-acre cost	$ 637,720
Per Capita Cost	$ 1,913
RML Fee	$ 6,313
RMM Fee	$ 5,166
RMH Fee	$ 4,209

The developer will have the option of entering into an agreement with the City to design and construct the neighborhood parks in-lieu of paying fees (including, but not limited to, improvements, amenities, design, construction management, program management, and contingency mark-ups, and right of way acquisition/land cost).

III. Community Park

Based on the cost estimates provided by Gates & Associates, the following table summarizes the park program costs associated with the Community Park Fee for the Ellis Program. A 40% mark-up has been added to account for design (10%), construction management (10%), program management (5%) and contingency (15%). In addition, the cost of the land has been estimated at $100,000 per acre.

Community Parks

Amenity	Cost/ac
Land Acquisition	$ 100,000
Park Construction	$ 321,000
Mark-up for Soft Costs (40%)	$ 129,000
Total Cost per Acre	$ 550,000

The cost per capital is calculated by dividing the cost per acres by 1000, as one acre of community park is required per 1000 new residents. This cost is then converted into a fee per unit for residential mixed low density, residential mixed medium density and residential mixed high density based on the assumed number of people per unit for each use. The cost per capita as well as the fees are summarized in the following table:

Community Park Fee Calculation

Total Cost per Acre	$ 550,000
Per Capita Cost	$ 550
RML Fee	$ 1,815
RMM Fee	$ 1,485
RMH Fee	$ 1,210

Should the Ellis program make the contribution towards the swim center, this will be in-lieu of paying the community park fee.

IV. Summary

The Ellis Program will be required to fund a total of 19.1 acres of neighborhood parks and 6.4 acres of community parks. This results in park fee as summarized below.

Total Fee

Landuse	Neighborhood Park	Community Park	Total
RML	$ 6,313	$ 1,815	$ 8,128
RMM	$ 5,166	$ 1,485	$ 6,651
RMH	$ 4,209	$ 1,210	$ 5,419

A summary of the total park costs that Ellis will fund are as follows:

Total Costs Paid By Ellis

Neighborhood Parks	$ 12,163,874
Community Parks	$ 3,496,900
Total	**$ 15,660,774**

The development of the parks and amenities described in this report will meet the Ellis Program park requirements and will be maintained by a Property Owners Association (POA) paid for by the residents of the Ellis Program. Park design and maintenance standards established by the POA will meet or exceed the City's current City Park Standards.

Appendix A

Ellis

Community Park Cost

Population

2,250 Units x 3.21 persons per unit = 7,223 population

Community Park Acreage Required

1 acre per 1,000 population

7,223/1,000=7.2 acres

City of Tracy Standard Community Park Costs

Land Acquisition: $100,000/acre

Park Development: $550,000/acre

Community Park Cost

7.2 acres x $650,000	$4,680,000

Ellis
Opinion of Probable Construction Costs

Basic Park Improvements (per acre)

Item	Description	Quantity	Unit	Unit Cost	Subtotal
A	**General Requirements**				
1.	Project start-up (10%)				**21,371.98**
	Mobilization - 7%				
	Bonding - 1.5%				
	Temp Facilities/Construction Fencing - 1.5%				
B	**Demolition**				
1.	Clear & grub	43560	SF	$0.20	**8,712.00**
C	**Earthwork**				
1.	Fine Grading	43560	SF	$0.35	15,246.00
				Earthwork Subtotal	**15,246.00**
D	**Basic Improvements**				
1.	Concrete Walks	3500	SF	$8.00	28,000.00
2.	Lighting	1	allow	$5,000.00	5,000.00
	Pedestrian Fixtures				
3.	Benches (5')	2	EA	$1,400.00	2,800.00
4.	Trash Cans	1	EA	$1,200.00	1,200.00
5.	Bike Rack	1	EA	$1,000.00	1,000.00
				Basic Improvements Subtotal	**38,000.00**
G	**Planting**				
1.	Soil Prep.	40060	SF	$0.30	12,018.00
2.	Turf	39060	SF	$0.65	25,389.00
3.	Irrigation	40060	SF	$2.50	100,150.00
	3" Poc, 3" Backflow, Maxicom Contr,		LS		
	Valves, Rotors, 12" pop ups,		EA		
	Mainline, Lateral Line		LF		
4.	Trees	20	EA	$250.00	$5,000.00
5.	Enhanced Planting	1000	EA	$6.00	$6,000.00
5.	Plant Estab. Maintenance (90 day)	40060	SF	$0.08	$3,204.80
				Planting Subtotal	**151,761.80**
H	**Subtotal**				**213,719.80**
I	**Total**				**$235,092**

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Ellis
Opinion of Probable Construction Costs

Basketball -Outdoor
1 court (sized for NCAA)

Item	Description	Quantity	Unit	Unit Cost	Subtotal
A	**General Requirements**				
1.	Project start-up (10% of project cost				**$4,291.00**
B	**Demolition**				
1.	Clear & grub	included in park site			
C	**Earthwork & Drainage**				
1.	Drainage	included in park site			
2.	Rough grading	included in park site			
3.	Soil prep. & fine grading	included in park site			
F	**Basketball court**				
1.	Basketball (double ac courts)	4200	SF	$6.50	$27,300
2.	Basketball court surfacing	4200	SF	$2.50	$10,500
3.	Basketball standards	2	EA	$1,800.00	$3,600
4.	Benches	2	EA	$1,400.00	$2,800
5.	Trash receptacles	1	EA	$1,200.00	$1,200
6.	Misc Concrete and Seatwalls	1	LS	$10,000.00	$10,000
6.	Bike Rack	2	EA	$1,000.00	$2,000
			Subtotal Baseketball Court		**$57,400**
G	**Subtotal**				**$57,400**
H	**Minus Base Planting Cost**	4200	SF	$3.45	**($14,490)**
	Soil Prep, Turf, Irrig., Estab. Maint.				
I	**Subtotal**				**$42,910**
J	**Total**				**$47,201**

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Ellis
Opinion of Probable Construction Costs

Play Area - Full (2-5, 5-12)

Item	Description	Quantity	Unit	Unit Cost	Subtotal
A	**General Requirements**				
1.	Project start-up	10% of project cost			**$23,349**
B	**Demolition**				
1.	Clear & grub	included in park site			
C	**Earthwork & Drainage**				
1.	Drainage	included in park site			
2.	Rough grading	included in park site			
3.	Soil prep. & finish grading	included in park site			
D	**2-5 play:**				
1.	Seating Elements	1	allow	$4,500.00	$4,500
2.	Rubber Surfacing	1800	SF	$15.00	$27,000
3.	Play structure (2-5 y.o.)	1	LS	$54,000.00	$54,000
4.	Sand	20	CY	$85.00	$1,700
5.	Concrete play area curb/ramp	250	LF	$22.00	$5,500
6.	Concrete access ramp	1	EA	$1,500.00	$1,500
7.	Misc Site Concrete	1	LS	$7,000.00	$7,000
8.	Tot swings	1	EA	$3,000.00	$3,000
9.	Trash Receptacle	1	EA	$1,200.00	$1,200
				Subtotal 2-5 Play	**$105,400**
E	**5-12 play:**				
1.	Seating Elements	1	allow	$4,500.00	$4,500
2.	Rubber Surfacing	2000	SF	$15.00	$30,000
3.	Play structure (5-12 y.o.)	1	LS	$68,000.00	$68,000
4.	Concrete play area curb/ramp	250	LF	$22.00	$5,500
5.	Misc Site Concrete	1	LS	$7,000.00	$7,000
6.	Trash Receptacle	1	EA	$1,200.00	$1,200
				Subtotal 5-12 Play	**$116,200**
F	**Shade Structure**				
1.	Shade Structure	1	EA	$25,000.00	**$25,000**
	25' x 25 similar to Capital Village Renaissance				
G	**Subtotal**				**$246,600**
H	**Minus Basic Planting Cost**	3,800	SF	$3.45	($13,110)
	Soil Prep, Turf, Irrigation, Maintenance				
I	**Subtotal**				**$233,490**
J	**Total**				**$256,839**

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Ellis

Opinion of Probable Construction Costs

Play Area - Small

Item	Description	Quantity	Unit	Unit Cost	Subtotal
A	**General Requirements**				
1.	Project start-up	10% of project cost			**$7,878**
B	**Demolition**				
1.	Clear & grub	included in park site			
C	**Earthwork & Drainage**				
1.	Drainage	included in park site			
2.	Rough grading	included in park site			
3.	Soil prep. & finish grading	included in park site			
D	**Site Construction**				
1.	Benches	2	EA	$1,400.00	$2,800
2.	Rubberized Surfacing	2200	SF	$15.00	$33,000
3.	Play structure	1	LS	$48,000.00	$48,000
4.	Misc Concrete Paving	300	SF	$8.00	$2,400
5.	Trash Receptacle	1	EA	$1,200.00	$1,200
			Subtotal Site Construction		**$87,400**
E	**Minus Basic Planting Cost**	2500	SF	$3.45	**($8,625)**
	Soil prep., turf, irrigation, maintenance				
F	**Subtotal**				**$78,775**
G	**Total**				**$86,653**

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Ellis

Opinion of Probable Construction Costs

Bocce Ball Courts

(1 court)

Item	Description	Quantity	Unit	Unit Cost	Subtotal
A	**General Requirements**				
	1. Project start-up	10%			**$3,032**
B	**Earthwork & Drainage**				
	1. Drainage	1	LS	$2,500.00	**$2,500**
	2. Rough grading	included in park site			
	3. Soil prep. & fine grading	included in park site			
C	**Site Furnishings**				
	1. Benches	1	EA	$1,400.00	$1,400
	2. Shade structure*	1	EA	$15,000.00	$15,000
	3. Trash receptacles	1	EA	$1,200.00	$1,200
			Subtotal Site Furnishings		**$17,600**
D	**Bocce & Horseshoe Courts**				
	1. Header	420	LF	$20.00	$8,400
	2. Base Rock	1400	SF	$2.00	$2,800
	3. Finish surface (oyster shell)	1400	SF	$2.00	$2,800
	4. Top Dressing (Clay)	1400	SF	$0.75	$1,050
			Subtotal Bocce/Horseshoe		**$15,050**
E	**Subtotal**				**$35,150**
F	**Minus Base Planting Cost** Soil Prep, Turf, Irrigation, Maintenance	1400	SF	$3.45	**($4,830)**
G	**Subtotal**				**$30,320**
H	**Total**				**$33,352**

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Ellis
Opinion of Probable Construction Costs

Drinking Fountain

Item	Description	Quantity	Unit	Unit Cost	Subtotal
A	**Water**				
1.	Drinking Fountain	1	EA	$6,000.00	$6,000.00
B	**Total**				**$6,000.00**

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Ellis

Opinion of Probable Construction Costs

Decorative Fountain

Item	Description	Quantity	Unit	Unit Cost	Subtotal
A	**Water**				
1.	Fountain -Decorative	1	ALLOW	$30,000.00	30,000.00
				Subtotal Water	**30,000.00**
B	**Total**				**30,000.00**

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Ellis
Opinion of Probable Construction Costs

Soccer Field - Bantam - Small
(Bantam Small U9)

Item	Description	Quantity	Unit	Unit Cost	Subtotal
A	**General Requirements**				
1.	Base project start-up	included in park site			**$762**
B.	**Site Preparation**				
1.	Base Construction fencing	Included in park site			$0
2.	Base Temp facilities	Included in park site			$0
C	**Demolition**				
1.	Base clear & grub	included in park site			$0
D	**Earthwork & Drainage**				
1.	Base rough grading	included in park site			$0
2.	Base soil prep.	included in park site			$0
3.	Base fine grading	included in park site			$0
F	**Soccer Fields** **(30yd x 50yd)**				
1.	Base turf sod	included in park site			$0
2.	Base 90 day turf establishment	included in park site			$0
3.	Add for Soccer				
	3a. 90 day turf establishment	19,000	SF	$0.08	$1,520
4.	Base irrigation	included in park site			$0
5.	Add for Soccer				
	5a. Isolation Valves	2	EA	$250.00	$500
6.	Goal posts & field markers	1	SET	$4,000.00	$4,000
7.	Players bench	2	EA	$800.00	$1,600
	Subtotal				**$7,620**
G	**Subtotal**				**$7,620**
H	**Total**				**$8,382**

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Ellis
Opinion of Probable Construction Costs

Tennis Court

Item	Description	Quantity	Unit	Unit Cost	Subtotal
A	**General Requirements**				
1.	Project start-up	10% of project cost			**$6,793**
B	**Demolition**				
1.	Clear & grub	included in park site			
C	**Earthwork & Drainage**				
1.	Drainage	included in park site			
2.	Rough grading	included in park site			
3.	Soil prep. & fine grading	included in park site			
D	**Tennis Courts (2 courts)**				
1.	Tennis court (base)	5500	SF	$5.00	$27,500
	Tennis court (surface)	5500	SF	$2.00	$11,000
2.	Tennis Edge	240	LF	$15.00	$3,600
3.	Tennis fence & wind screen	360	LF	$100.00	$36,000
5.	Tennis accessories	1	LS	$6,000.00	$6,000
6.	Benches	2	LS	$1,400.00	$2,800
		1		**SubtotalTennis Courts**	**$86,900**
E	**Subtotal**				**$86,900**
F	**Minus Base Planting Cost**	5500	SF	$3.45	**($18,975)**
	Soil Prep, Turf, Irrigation, Maintenance				
G	**Subtotal**				**$67,925**
H	**Total**				**$74,718**

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Ellis

Opinion of Probable Construction Costs

Shade Structure

Item	Description	Quantity	Unit	Unit Cost	Subtotal
A	**Water**				
1.	Shade Structure	1	ALLOW	$75,000.00	$75,000.00
B	**Total**				**$75,000.00**

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Ellis
Opinion of Probable Construction Costs

Ornamental Garden

Item	Description	Quantity	Unit	Unit Cost	Subtotal
A	**General Requirements**				
1.	Project start-up	10% of project cost			**$2,155**
B	**Demolition**				
1.	Clear & grub	included in park site			
D	**Site Construction**				
3.	Enhanced Site Amenities	1	allow	$20,000.00	$20,000
	tree grates, pots, bollards, garden ornamentation, etc.				
5.	Ornamental Planting	1,000	SF	$5.00	$5,000
			Subtotal Site Construction		**$25,000**
E	**Subtotal**				**$25,000**
F	**Minus Base Planting Cost**	1,000	SF	$3.45	**($3,450)**
	Soil prep., turf, irrigation, maintenance				
G	**Subtotal**				**$21,550**
H	**Total**				**$23,705**

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Ellis
Opinion of Probable Construction Costs

Water Play Element

Item	Description	Quantity	Unit	Unit Cost	Subtotal
A	**General Recommendations**				
1.	Project Startup	10% of total			**$1,800**
B	**Drainage**				
1.	Drainage	1	LS	$3,000.00	$3,000
D	**Site Construction**				
1.	Water Mister for incorporation into play area	1	LS	$15,000.00	$15,000
			Subtotal Site Construction		**$15,000**
E	**Subtotal**				**$18,000**
H	**Total**				**$19,800**

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Ellis
Opinion of Probable Construction Costs

Picnic - 4 Tables

Item	Description	Quantity	Unit	Unit Cost	Subtotal
A	**General Requirements**				
1.	Project start-up 10%				**$1,874**
B	**Demolition**				
1.	Clear & grub	included in park site			
C	**Earthwork & Drainage**				
1.	Drainage	1	LS	$1,000.00	$1,000
2.	Rough grading	included in park site			
3.	Soil prep. & finish grading	included in park site			
D	**Site Construction**				
1.	Trees for Shade	6	EA	$350.00	$2,100
2.	Picnic Tables	4	EA	$1,800.00	$7,200
3.	BBQ Grills	2	EA	$1,200.00	$2,400
4.	Misc Concrete Paving	800	SF	$8.00	$6,400
5.	Trash Receptacle	2	EA	$1,200.00	$2,400
			Subtotal Site Construction		**$20,500**
E	**Subtotal**				**$21,500**
F	**Minus Base Planting Cost**	800	SF	$3.45	**($2,760)**
	Soil Prep, Turf, Irrigation, Maintenance				
G	**Subtotal**				**$18,740**
H	**Total**				**$20,614**

The above items, amounts, quantities, and related information are based on DGA judgement at this level of document preparation and is offered only as reference data. DGA has no control over construction quantities, costs, and related factors affecting costs, and advises the client that significant variations may occur between this opinion of probable construction costs and actual construction prices. Costs shown reflect todays dollars and no adjustments have been made for inflation/deflation in this estimate. Estimates do not include basic park costs, soft costs or inflation.

Ellis

Opinion of Probable Construction Costs

Picnic -2 tables

Item	Description	Quantity	Unit	Unit Cost	Subtotal
A	**General Requirements**				
1.	Project start-up 10%				**$1,078**
B	**Demolition**				
1.	Clear & grub	included in park site			
C	**Earthwork & Drainage**				
1.	Drainage	1	LS	$1,000.00	$1,000
2.	Rough grading	included in park site			
3.	Soil prep. & finish grading	included in park site			
D	**Site Construction**				
2.	10 Trees for Shade	3	EA	$350.00	$1,050
3.	Picnic Tables	2	EA	$1,800.00	$3,600
4.	BBQ Grills	1	EA	$1,200.00	$1,200
5.	Misc Concrete Paving	600	SF	$8.00	$4,800
6.	Trash Receptacle	1	EA	$1,200.00	$1,200
			Subtotal Site Construction		**$11,850**
E	**Subtotal**				**$12,850**
F	**Minus Base Planting Cost**	600	SF	$3.45	**($2,070)**
	Soil Prep, Turf, Irrigation, Maintenance				
G	**Subtotal**				**$10,780**
H	**Total**				**$11,858**

The above items, amounts, quantities, and related information are based on DGA judgement at this level of document preparation and is offered only as reference data. DGA has no control over construction quantities, costs, and related factors affecting costs, and advises the client that significant variations may occur between this opinion of probable construction costs and actual construction prices. Costs shown reflect todays dollars and no adjustments have been made for inflation/deflation in this estimate. Estimates do not include basic park costs, soft costs or inflation.

RESOLUTION_____

ESTABLISHING ROADWAYS, WATER, WASTEWATER, STORM, RECYCLED WATER, PARKS AND PUBLIC BUILDING DEVELOPMENT IMPACT FEES FOR THE ELLIS PROGRAM AREA.

WHEREAS, The Ellis Program Area consists of approximately 320 acres of residential, commercial and storage areas; and

WHEREAS, The Ellis Program Area is generally located between Corral Hollow Road and Lammers Road south of Valpico Road; and

WHEREAS, The city hired the services of consultants to complete the following technical analysis, reports and studies, which identifies the infrastructure demands created by the entire Ellis Program Area, including description of the required infrastructure and estimated construction costs; and

- Ellis Program sub basin Final Drainage Technical Report by Storm Water Consulting, September 2012
- Ellis Specific Water System Analysis-Technical Memorandum by West Yost, June 2013
- Ellis Program Area Wastewater Analysis, Finance and Implementation program fee by CH2MHILL, June 2013
- Ellis Program Area Traffic impact fees by Harris & Associates, December 2012
- Ellis Program Area Public Building Study by Harris & Associates, December 2012
- Ellis Program Area Park Study by Harris & Associates, December 2012

WHEREAS, The City is authorized pursuant to the Police power granted by Article XI, Section 7 of the California Constitution and pursuant to the Subdivision Map Act as set forth in Government Code Section 66410. Et seq., to impose development impact fees to offset the costs required to provide public improvements to new developments; and

WHEREAS, State law, as set forth in Government Code sections 66000, et seq., also known as “AB 1600” or “ Mitigation Fee Act” requires the City to follow specified procedures, and make specified substantive findings in establishing, increasing , or imposing development impact fees; and

WHEREAS, In preparing the Ellis Program Area Development Impact Fees, the City has been consistent within the procedural and substantive requirements of the Mitigation Fee Act also known as (AB1600) as set forth in the Technical analysis, reports and studies prepared by various consultants as noted above; and

WHEREAS, The findings and conclusions from the above-mentioned technical analysis, reports and studies for the Ellis Program Area are also summarized in the Ellis Program Area Finance and Implementation Plan (FIP); and

WHEREAS, The Ellis Program Area is responsible for its “fair share” of impacts to the City’s Roadways, Water, Wastewater, Storm, Recycled Water, Parks and Public Building System, and the property owners will pay their fair share through the Development Impact Fees

at the building permit stage or as agreed between the City and the property owners through Development Agreement; and

WHEREAS, There is no fiscal impact to the General Fund since all Development Impact Fees will be paid by the property owners at the time of development; and

WHEREAS, The recycled water fee is the proposed recycled fee based upon the Citywide Water Master Plan and this fee will not be effective until 60 days following the adoption of the Citywide Recycled Water Fee; and

WHEREAS, The City provided the notice of public meeting, and made all relevant information available to the public, within the times specified by Government Section 66016; and

WHEREAS, Government Code Section 66017 provides that the development impact fees are not effective until 60 days following the adoption of the fees by the City;

NOW, THEREFORE BE IT RESOLVED, That City Council adopts the Roadways, Water, Wastewater, Storm, Recycled Water, Parks and Public Building Development Impact Fees for the Ellis Program Area as follows:

	Public Buildings[1]	Traffic	County Traffic	Waste-water[4]	Water	Recycled Water[4]	Storm Drain	Parks & Recreation	Total Fee[2,3]
Residential (per unit)									
RML	$3,479	$3,121	$1,500	$8,337	$ 7,936	$ 2,654	$ 1,797	$8,128	$36,953
RMM	$2,846	$3,121	$1,500	$6,753	$ 5,714	$ 2,282	$ 981	$6,651	$29,849
RMH	$2,319	$1,498	$720	$5,586	$ 4,047	$ 1,539	$ 2,229	$5,419	$23,358
Non-residential (per acre)									
Commercial	$ 2,369	$49,625	$ -	$43,352	$ 33,014	$ 14,942	$ 23,836	$ -	$164,769
Storage	$ 2,369	$ 13,595	$ -	$3,168	$ 33,014	$ 14,942	$ 6,691	$ -	$71,410

1. Public Building fees for commercial zoning assumed 180,000 Sq. Ft. of commercial buildings over 35.6 acres
2. Residential per unit, commercial per acre
3. Fees do not include school, habitat mitigation, county fees, etc.
4. Fees are from Citywide Master Plans

The foregoing Resolution _____ was adopted by the City Council of the City of Tracy on the 20th day of August, 2013, by the following votes:

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

_____
Mayor

ATTEST:

_____
City Clerk

RESOLUTION_____

AUTHORIZINGTHE RESOLUTION ADOPTING AND APPROVING THE ELLIS PROGRAM AREA FINANCE AND IMPLEMENTATION PLAN (FIP), INCLUDING INFRASTRUCTURE TECHNICAL ANALYSIS, REPORTS, STUDIES, AND THE ELLIS CAPITAL IMPROVEMENT PLAN

WHEREAS, The City has, for the purpose of defining required public infrastructure for new development, established a geographic area approximately 320 acres, known as the Ellis Program Area generally located between Corral Hollow Road and Lammers Road south of Valpico Road; and

WHERAS, The City adopted Development Impact Fees for Roadways, Water, Wastewater, Storm, Recycled Water, Parks and Public Buildings for the Ellis Program Area based upon the following technical analysis, reports and studies prepared by City's Consultants meeting Mitigation Fee Act requirements; and

- Ellis Program sub basin Final Storm Drainage Technical Report by Storm Water Consulting, September 2012
- Ellis Specific Water system Analysis- Technical Memorandum by West Yost, August 14, 2013
- Ellis Program Wastewater Analysis, Finance and Implementation Program fees by CH2MHILL, August 14, 2013
- Ellis Program Area Traffic fees by Harris & Associates, December 2012
- Ellis Program Area Public Building Study by Harris & Associates, December 2012
- Ellis Program Area Park Study by Harris & Associates, December 2012

WHEREAS, The Implementing Development Impact Fee Resolution for the Ellis Program Area has been adopted by the City Council , in accordance with the requirement of the Impact Fee Ordinance, Tracy Municipal Code Title 13; and

WHEREAS, each of the technical analysis, report or analysis listed above for Ellis Program Area , include an estimate of reasonable cost to provide the infrastructure, including an estimate of land acquisition and a mark- up of the estimated construction costs to cover the design, construction contingency, construction management and program management; and

WHERAS, all of the above mentioned analysis, report and studies used the same mark-up methodology as follows:

- 10% design
- 10% construction management
- 15% construction contingency
- 5% program management (For Implementation of Ellis Program)

WHEREAS, The term Ellis Program Area – Finance and Implementation Plan(FIP) includes Development Impact Fees described in this resolution, including all subsequent approved updates thereto; and

WHEREAS, Pursuant to government code section 66002 and 66007(f), the Ellis Program area Finance and Implementation Plan includes a Capital Improvement Plan including description of approximate location, size, time of availability and estimates of cost for all public facilities to be financed by Ellis Program Area Development Impact Fees; and

WHEREAS, By City council action approving the Ellis Program Area – Finance and Implementation plan, the City will adopt the Ellis Program Area Technical Analysis, Reports, and Studies, including the Ellis Program Area Capital Improvement Plan; and

WHEREAS, Government Code section 66017 provides that the development impact fees are not effective until 60 days following adoption of the fees by the City, the Ellis Program Area – Finance and Implementation Plan is not effective until the date on which all fees described in the Ellis Program Area - Finance and Implementation Plan are effective; and

NOW, THEREFORE, BE IT RESOLVED, That the City Council does hereby adopt and approve the Ellis Program Area- Finance and Implementation Plan including the Ellis Program capital Improvement plan;

The foregoing Resolution_____ was adopted by the City Council of the City of Tracy on the 20th day of August, 2013 by the following votes:

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

_____
Mayor

ATTEST:

_____
City Clerk

August 20, 2013

AGENDA ITEM 7

REQUEST

APPROVE AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT BY AND BETWEEN THE CITY OF TRACY AND WT MITCHELL GROUP, INC. FOR THE CITY-OWNED PROPERTY LOCATED AT 729/741 CENTRAL AVENUE AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT

EXECUTIVE SUMMARY

The City of Tracy is the owner of the Westside Market building at 729/741 Central Avenue. WT Mitchell Group, Inc. is interested in securing a tenant for the space and potentially purchasing the property. This is a request for City Council to approve an Exclusive Negotiating Rights Agreement (ENRA) with WT Mitchell Group, Inc., to provide the parameters for good faith negotiations.

BACKGROUND

The City purchased the Westside Market building in downtown Tracy in August 2011. The total building is approximately 11,000 square feet, which includes a large basement area. The ground level of the building encompasses approximately 8,500 square feet of the total building. The strategic objective in purchasing the property was to develop a public-private partnership for the construction of a catalyst restaurant in downtown Tracy. Additionally, the property's key location next to the Grand Theatre and the fact that the property owner was a willing seller provided a unique economic development opportunity for the City. Redevelopment funds were used to purchase the property prior to the State eliminating redevelopment agencies in California.

After contacting and interviewing several developers and prospective restaurants in the fall of 2011, a Request for Qualifications (RFQ) / Letter of Interest was sent out to restaurants and brew pubs in Northern California. The owners of Ruth McGowan's Brew Pub in Cloverdale submitted a letter of interest. Council authorized staff to begin negotiations with this prospect in March of 2012. Those negotiations have not progressed due to the need for additional investors. Staff has since been reaching out to other restaurants and developers for potential interest.

DISCUSSION

Over the past several months, the City has reached out to numerous developers and restaurant owners seeking potential renewed interest in the project given a strengthening local economy. Staff's outreach efforts identified three developers who expressed preliminary interest in the site. After providing detailed site information and touring the facility with the three prospects, WT Mitchell Group, Inc., submitted a letter of interest to move forward with due diligence on purchasing the site. A copy of the June 25, 2013 letter is attached (Attachment A).

WT Mitchell Group has a long history of developing commercial projects throughout Northern California. A summary of the company's recent project experience is attached (Attachment B), along with plans for a project currently underway for Centennial Village, a transit-oriented mixed use development in South San Francisco (Attachment C).

Mr. Mitchell, the President of WT Mitchell Group, (the "Developer") has indicated that the first phase of the project will focus on leasing the property. He estimates that it may take 9 to 12 months to obtain a binding agreement with a tenant(s) that is satisfactory to the City to anchor the redevelopment of Downtown. He has requested that the City enter into an Exclusive Negotiating Rights Agreement (ENRA) with him to provide the parameters for a good faith negotiation.

The attached ENRA has been prepared to provide the parameters for a six month negotiating period (Attachment D). During that time, if the Developer is successful in obtaining a signed Letter of Interest (LOI) from a tenant that is acceptable to the City, then a Purchase Agreement will be prepared for City Council consideration. The ENRA does provide a provision for a four month extension period if the Developer is making sufficient progress in the negotiation of an LOI or lease agreement with a desired tenant.

STRATEGIC PLAN

This agenda item supports the Economic Development Strategic Plan's goal of attracting retail and entertainment uses that offer resident's quality dining, shopping, and entertainment experiences, and specifically implements the following Action/ Task:

Action/ Task 2.c.3: Secure successful development partner/tenant(s) for the Westside Market building

FISCAL IMPACT

There is no impact to the General Fund as a result of approving this ENRA, aside from staff time. The City budgeted $1 million for this Downtown restaurant/ brewpub project, of which, approximately $950,000 is remaining (CIP# 79364).

RECOMMENDATION

That City Council approves an Exclusive Negotiating Rights Agreement by and between the City of Tracy and WT Mitchell Group, Inc. for the City-owned property located at 729/ 741 Central Avenue and authorize the Mayor to sign the agreement.

Prepared by: Scott Claar, Associate Planner
Amie Mendes, Economic Development Analyst

Reviewed by: Bill Dean, Assistant Development Services Director

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

ATTACHMENTS

Attachment A – Letter of Interest from WT Mitchell Group
Attachment B – Summary of Recent Project Experience
Attachment C – Sample of Work – Plans for Centennial Village, a transit-oriented mixed-use development in South San Francisco
Attachment D – Exclusive Negotiating Rights Agreement

Attachment A

WT MITCHELL GROUP

INVESTMENTS, DEVELOPMENT, ASSET MANAGEMENT, REAL ESTATE BROKERAGE

June 25, 2013

Mr. Andrew Malik
Director Development & Engineering Svcs
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

RECEIVED
JUL 01 2013
CITY OF TRACY
D.E.S.

Re: Downtown Tracy Redevelopment

Dear Andrew,

We are interested in entering into a right to exclusively negotiate with the city that would allow us to redevelop the Westside Market Property located on Central Avenue.

There are three phases of the redevelopment first of which is the leasing of the property. It may take 9 to 12 months for us to obtain a binding agreement with a tenant(s) that is satisfactory to the city to anchor the redevelopment. The latter phases would be defined in agreements between the parties after the leasing hurdle is achieved.

Please note that we do not view the leasing effort as an easy one but hope it ultimately will be successful. We view this effort as a partnership (figuratively speaking) to achieve goals set forth by the city council that will act as a catalyst for future downtown redevelopment. Given some of the recent economic activities in Tracy and the greater San Joaquin Valley we believe the time is right for us to enter into this endeavor.

My firm is excited at the possibility of working with the City of Tracy. We hope this to be the beginning of a mutually beneficial long term relationship.

With Best Personal Regards,
WT Mitchell Group Inc.

William T. Mitchell
President

P O Box 5127, Walnut Creek, CA 94596, (t) 925-407-2676 (f) 925-988-8032

Attachment B

WT MITCHELL GROUP

INVESTMENTS, DEVELOPMENT, ASSET MANAGEMENT, REAL ESTATE BROKERAGE

Projects In Development

Centennial Village, **South San Francisco, CA**

Transit oriented mixed use development anchored by a Safeway Grocery, CVS Drug, Ross Dress For Less and 24 Fitness. The project includes 35,000 SF of neighborhood serving offices with 284 apartment homes in an urban village design. Construction Start Fall 2013

Monte Vista Crossings South **Turlock, CA**

Expansion of the 100+ acres Monte Vista Crossings Shopping Center. Kohl's and Olive Garden are the first tenants of this 300,000 expansion to open. Completion Fall 2014

Harvest Crossings **Lodi, CA**

An eight acre property located at the gateway to Lodi on Highway 99 and Kettleman Lane. Currently leasing to anchor tenants.

Completed Development Projects

Sunwest Marketplace **Lodi, CA**

Neighborhood shopping center anchored by Safeway Food and Drug, Marshall's , Starbucks, Washington Mutual Bank, and other national chains.

Arden Watt Marketplace **Sacramento, CA**

A shopping center redevelopment with Safeway Food & Drug, Longs Drugs, Orchard Supply Hardware and other national chains.

Countryside Plaza **Turlock, CA**

A community shopping center anchored by Food Maxx, Wal-Mart, JC Penney, Staples Office Superstore and many other national retail chains.

Vasco Crossings **Livermore, CA**

Small three acre convenience center located at Vasco Road and Highway 580 interchange. Tenants included McDonalds, KFC, A&W, ARCO AM/PM and Country Waffle..

Main Street Plaza **Turlock, CA**

A two-story retail/commercial building Downtown Turlock.

The Howe Mitchell Building **Oakdale, CA**

A downtown redevelopment anchored by Washington Mutual, Starbucks Coffee and Fidelity Title Company.

Valencia Marketplace **Valencia, CA**

85 acre power center anchored by Wal-Mart, Vons, Toys R Us, Staples, Sports Mart, Gap, Old Navy, Petsmart and many other national retail chains.

Valley Central **Lancaster, CA**

50 acre power center anchored by Costco, Home Base, Wal-Mart, Food 4 Less, Petsmart, Circuit City, Movies 12, Marshall's and many other national chains.

Madera Marketplace **Madera, CA**

Community shopping center anchored by Wal-Mart, J.C. Penney's and Pak'N Save.

Vineyard Square **Sacramento, CA**

Neighborhood shopping center anchored by Lucky's and Payless Drugs.

Cochrane Plaza **Morgan Hill, CA**

Community shopping center anchored by Mervyn's and Target.

Palmdale Place **Palmdale, CA**

Neighborhood shopping center anchored by Albertson's and Payless.

Scotts Village Shopping Center **Scotts Valley, CA**

Neighborhood shopping center anchored by Safeway and Longs Drugs.

Scotts Valley Square **Scotts Valley, CA**

A shopping center with Kmart as the anchor.

Manteca Market Place **Manteca, CA**

Power center with Wal-Mart, Mervyns, Pak'N Save and Big 5 as anchor tenants.

Single Tenant Retail Buildings

Walgreen Drugs **Hayward, CA**

Hollywood Video **Turlock, CA**

Hollywood Video **Castro Valley, CA**

Hollywood Video **Santa Maria, CA**

Hollywood Video **Berkeley, CA**

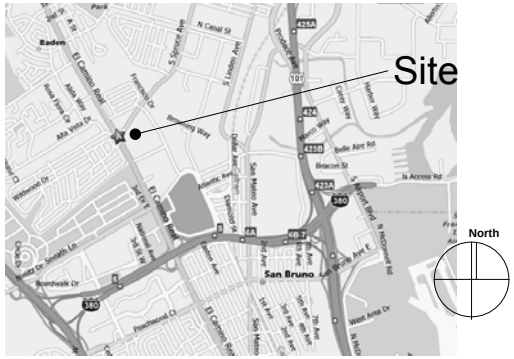
Hollywood Video	**San Carlos, CA**
Auto Zone	**Lodi, CA**
Carl's Jr.	**Stockton, CA**
County Bank of Merced	**Modesto, CA**
Carl's Jr. Restaurant	**Modesto, CA**
Jack in The Box	**Turlock, CA**

Completed Leasing Assignments

A list or our completed leasing assignments will be provided upon request.

View to Building E looking East

Vicinity Map



Project Summary - Final Phase

Building	Area
Retail/Office	
Majors 1,2,3	100,670 sf
Health Club	36,000 sf
Shops A,B,C,D,E (1st Level)	50,500 sf
Major 3 & Shops A,B,C,D (2nd Level)	35,327 sf
Sub Total	**222,497 sf**
Apartments (267 units on 3 Levels)	
47 One Bdrm @ 800 sf x 3 levels	112,800 sf
42 Two Bdrm @1,100 sfx 3 levels	138,600 sf
Corridor/Common area x 3 levels	137,538 sf
Podium Plaza area	47,735 sf
Sub Total	**436,673 sf**
Total Building Area w/out parking structure	**659,170 sf**

Parking

Retail/Office 222,497 sf (250 sf/car) = 890 cars	
141 One Bdrm units (1.5 cars/unit)	212 cars
126 Two Bdrm units (1.8 cars/unit)	227 cars
Total cars required	**1,329 cars**
Total cars provided	**1,249 cars**
(580 cars - Ground Level)	
(669 cars - Parking Structure)	
Total Bike stalls provided	**20 Bikes**

F.A.R.

Bldg Area w/out parking structure = 659,170 sf

Site Area 14.5 acres (631,700 sf)

FAR: 1.04

Ground Level Area = 187,170 sf (30% coverage)

Landscape Area = 68,200 sf (11% coverage)

Active uses(Grd Lvl uses-no office) = 187,170 sf

Active Use FAR: .30

Usable Open space for Residential

Required area =40,050 sf (267 units@150sf/unit)

Provided area =47,735 sf (outdoor courtyard)

Project Team

Developer

WT Mitchell Group
3380 Vincent Road, Ste HUB
Walnut Creek, CA 94523
(925) 988-8033
(925) 988-8032 fax

Architect

Johnson Lyman Architects
1375 Locust St., #202
Walnut Creek, CA 94596
925.930.9690
925.930.9039 fax

Landscape Architect

Thomas Baak & Assoc.
1620 North Main, #4
Walnut Creek, CA 94596
925.933.2583
925.933.0242 fax

Civil Engineer

Pacific Land Services
2151 Salvio St., Suite S
Concord, CA 94520
925.680.6406 ext. 18
Fax 924.680 6407

Project Description

The design statement respects the historic tradition of South San Francisco, and recall the imagery of those architectural styles.

The buildings at the corner of Spruce and El Camino create a nice urban statement, with two story building forms that define the street edge and a nice presentation to the passerby, and also provide a prominent node for the project. A mix of Victorian and more classical elements are incorporated here.

This theme is continued for the apartments on the east side above the retail and is broken down architecturally to create interest along the façade, including the tower element on the south side of the building as a landmark feature...

The retail buildings create the south edge of the project continuing down to El Camino Real

The buildings are further broken down with varied materials including a mix of stucco with a varied mix of colors, roof tiles, fabric awnings, which all blend into the urban fabric and context.

Pedestrian amenities are another critical component of the project, and we have indicated decorative lights, benches, decorative signage, street trees, etc.

Sheet Index

A1	Cover Sheet	A4-PH1	Phased Elevation
A1A	Site Aerial	A5	Elevations
PH1	Context Photos	A5-PH1	Phased Elevation
A1B	Rendering	A6	Elevations
A1C	Rendering	A7	Elevations
A1D	Rendering	A8	Elevations
A1E	Aerial View	A9	Elevations
A1E-PH1	Aerial View - PH1	A10	Elevations
A1F	Rendering	A11	Elevations
A2	Ground Level	A12	Sections
A2A	Second Level Plan	CB	Color/Materials
A2B	Third Level Plan	SE1	Lighting Plan
L1	Landscape Plan	C4.1	Grading Plan
L2	Landscape Plan	C5.1	Utility Plan
L3	Landscape Detail	C6.1	Stormwater Plan
L2A	Landscape Plan Enlarged	C1	Existing Survey
L2B	Landscape Plan Enlarged	P1	Phasing Plan
A3	Elevations	PH2	Existing Photos
A4	Elevations		

JOHNSON LYMAN ARCHITECTS
1375 Locust Street, #202, Walnut Creek, CA 94596
925.930.9690 930.9039 fax

WT MITCHELL GROUP

Centennial Village

A Transit Oriented Development South San Francisco

Cover Sheet

A1

1.15.13

View from Spruce Avenue

JOHNSON
LYMAN
ARCHITECTS
1375 Locust Street, #202, Walnut Creek, CA 94596
925.930.9690 930.9039 fax

WT MITCHELL GROUP

Centennial Village

A Transit Oriented Development South San Francisco

A1B

1.15.13

View to Plaza from Intersection

JOHNSON
LYMAN
ARCHITECTS
1375 Locust Street, #202, Walnut Creek, CA 94596
925.930.9690 930.9039 fax

WT MITCHELL GROUP

Centennial Village

A Transit Oriented Development South San Francisco

A1C

1.15.13

View from Huntington Avenue Driveway

View from El Camino Real Driveway

JOHNSON
LYMAN
ARCHITECTS
1375 Locust Street, #202, Walnut Creek, CA 94596
925.930.9690 930.9039 fax

WT MITCHELL GROUP

Centennial Village

A Transit Oriented Development South San Francisco

A1D

1.15.13

View looking south

Aerial View from Intersection

JOHNSON
LYMAN
ARCHITECTS
1375 Locust Street, #202, Walnut Creek, CA 94596
925.930.9690 930.9039 fax

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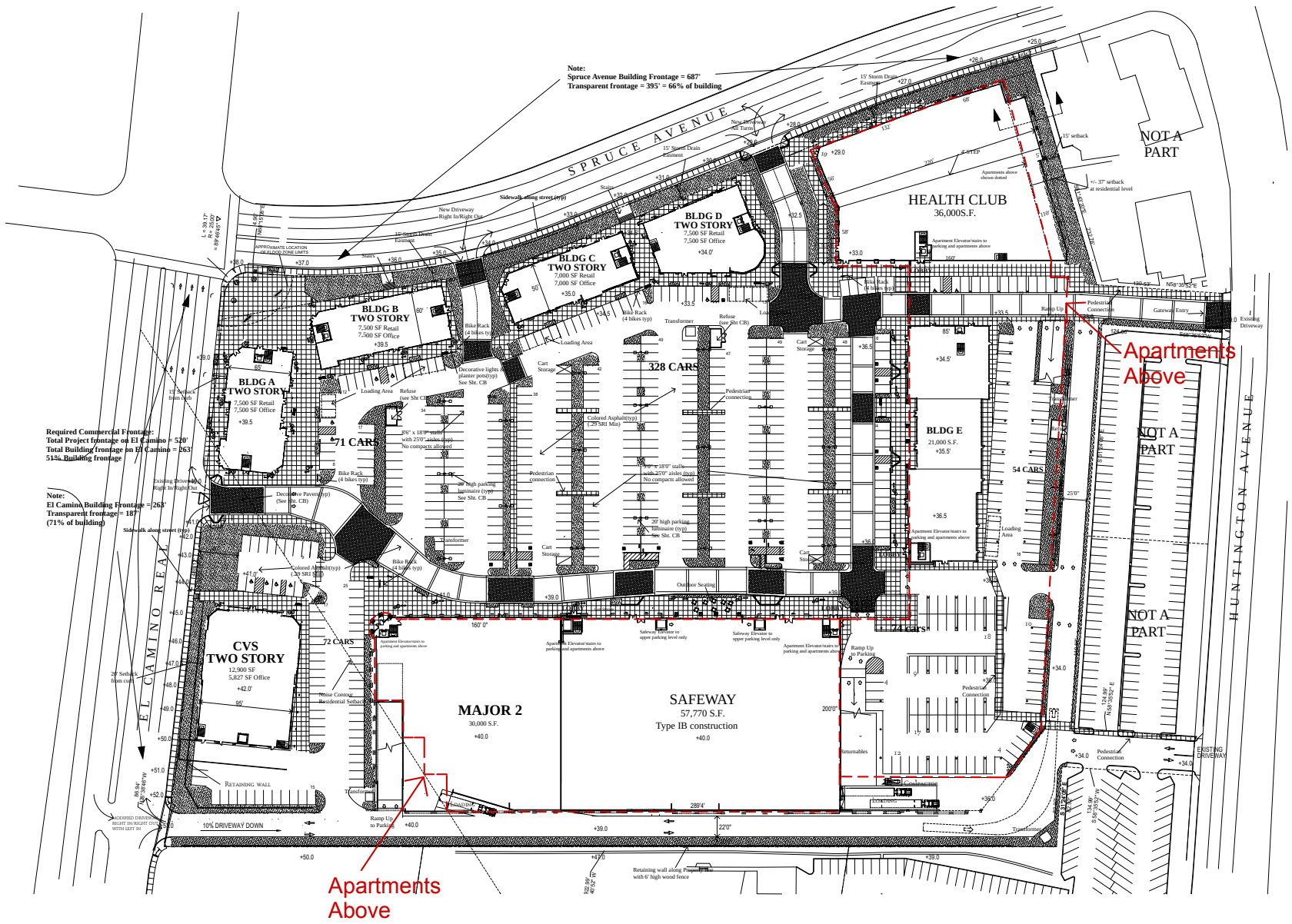
Centennial Village

A Transit Oriented Development South San Francisco

A1E

1.15.13



JOHNSON
LYMAN
ARCHITECTS
1375 Locust Street, #202, Walnut Creek, CA 94596
925.930.9690 930.9039 fax

WT MITCHELL GROUP

Centennial Village

A Transit Oriented Development South San Francisco

Site Plan

1" = 40'

A2

1.15.13

Attachment D

EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT
(Westside Market Property - Downtown)

This Exclusive Negotiating Rights Agreement (the "Agreement") is entered into as of _____, 2013 by and between the City of Tracy (the "City"), a California Municipal Corporation, and WT Mitchell Group, Inc., a ~~California~~ Nevada corporation (the "Developer"), with reference to the following facts:

Recitals

A. The City of Tracy (the "City") is the owner of real property located at 729 N. Central Avenue in the City of Tracy (APN 235-068-06), as indicated in Exhibit A (the "Site"); and

B. WT Mitchell Group (the "Developer") has proposed redevelopment of the 11,000 square foot building (the "Project") on the Site; and

C. The purpose of this Agreement is to establish procedures and standards for the negotiation by the City and the Developer of a Purchase Agreement for disposition the Site. As more fully set forth in Section 4.1, this Agreement in itself does not obligate the City to convey the Site or any portion thereof to the Developer, nor does it grant the Developer the right to redevelop the Project.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties mutually agree as follows:

ARTICLE 1
EXCLUSIVE NEGOTIATING RIGHT

Section 1.1 Good Faith Negotiations. The City and the Developer shall negotiate diligently and in good faith, during the Negotiating Period described in Section 1.2, the terms of a Purchase Agreement for the disposition of the Site. During the Negotiating Period, the parties shall use good faith efforts to accomplish the respective tasks outlined in Article 3 to facilitate the negotiation of a mutually satisfactory Purchase Agreement.

Among the issues to be addressed in the negotiations are land disposition and method and land price for the Site, physical and land title conditions of the Site, the

development schedule for the Project, financing of the Project development, use of the Project, marketing and management of the Project, design and aesthetic considerations of the Project, and the provision of public improvements related to the Project.

Section 1.2 Negotiating Period. The negotiating period under this Agreement (the "Negotiating Period") shall commence as of the date of this Agreement and terminate one hundred eighty (180) calendar days from the date of this Agreement. The Negotiating Period may be extended on the City's behalf for additional one hundred twenty (120) day period(s) by written notice to the Developer from the City Development Services Director, if in the City Development Services Director's judgment, Developer has made sufficient progress in meeting the requirements of Section 3.2.

If a Purchase Agreement has not been executed by the City and Developer by the expiration of the Negotiating Period, then this Agreement shall terminate and neither Party shall have any further rights or obligations under this Agreement except as set forth in Section 4.5. If a Purchase Agreement is executed by the City and Developer, then upon such execution this Agreement shall terminate, and all rights and obligations of the Parties shall be as set forth in the executed Purchase Agreement.

Section 1.3 Exclusive Negotiations. Subject to Section 4.14, during the Negotiating Period the City shall not negotiate with any entity, other than the Developer, regarding development of the Site or any portion thereof, or solicit or entertain bids or proposals to do so. This provision shall not preclude the City from providing copies of documents or information related to the Site in response to a request under the California Public Records Act or other applicable statutory provisions.

ARTICLE 2
THE DEVELOPER

Section 2.1 Identification of Developer Representatives. The Developer, its address, and its authorized representatives to negotiate the Purchase Agreement with the City are as follows:

WT Mitchell Group
P.O. Box 5127
Walnut Creek, CA 94596

Representatives: Bill Mitchell, President

Section 2.2 Development Entity. The Developer shall make full disclosure to the City of all information pertinent to the ownership, control and financial ability of the development entity that is proposed to serve as developer under the Purchase Agreement.

ARTICLE 3
NEGOTIATION/PRE-CONSTRUCTION TASKS

Section 3.1 Overview. During the Negotiating Period, the parties shall use reasonable good faith efforts to accomplish the pre-construction tasks set forth in this Article 3 and to accomplish the negotiation of a mutually acceptable Purchase Agreement. To facilitate negotiation of the Purchase Agreement, the parties shall use reasonable good faith efforts to accomplish the tasks set forth in this Article 3 in a timeframe that will support achievement of these goals.

Section 3.2 Letter of Intent; Lease as Condition to Conveyance. The Developer intends to enter into a long term lease of the Site with a tenant(s) who will operate a business(es) in the Project. During the Negotiating Period, the Developer shall make good faith efforts to enter into a letter of intent for the long-term lease of the Site with a tenant who will operate the Project (the "Letter of Intent"). The tenant entering into the Letter of Intent with Developer shall have demonstrated experience in operating well-maintained and successful business establishments similar to the business that will be operated on the Site (the "Tenant"). An executed Letter of Intent, with terms that are consistent with this Agreement and with a tenant that is acceptable to the City, shall be a condition precedent to the City entering into any Purchase Agreement with Developer. The City and Developer agree that any Purchase Agreement will require the Developer to enter into a lease with the Tenant, and satisfy or waive any and all contingencies contained therein concurrent with Developer's acquisition of the Site from the City.

Section 3.3 Reports. The Developer shall provide the City with copies of all reports, studies, analyses, and similar documents, prepared or commissioned by the Developer with respect to this Agreement, the Site and the Project, promptly upon their completion. The City shall provide the Developer with copies of all reports, studies, analyses, and similar documents prepared or commissioned by the City or within the City's possession or control with respect to this Agreement, the Site and the Project, promptly upon their completion; provided, however, that in no event shall the City be obligated to provide Developer with documentation or materials that are subject to attorney- client privilege or otherwise confidential. The Developer acknowledges that the City will need sufficient, detailed information about the proposed Project to make informed decisions about the content and approval of the Purchase Agreement. Nothing in this Section 3.3 obligates the City to undertake any studies or analyses.

Section 3.4 Planning Approvals. The Developer acknowledges that the Project requires approvals and entitlements from the City (the "Planning Approvals"). During the Negotiating Period, the Developer may submit site plans and designs for the Project and architectural designs for all buildings within the Project to the City and the appropriate City departments for their informal review. The Developer understands that a formal application for the Planning Approvals would not occur until after the execution of a Purchase Agreement, and that such application for and issuance of the Planning Approvals will be a pre-disposition condition under any Purchase Agreement, in addition to other pre-disposition conditions.

Section 3.5 Environmental Review. The Developer shall prepare at its sole cost, and submit to the City such plans, specifications, drawings, and other information, as specified by the City, that are reasonably necessary to perform the environmental review process required by CEQA for the Project, and the Developer shall prepare, at its sole cost, all environmental documentation required by CEQA. The City shall assist and cooperate with the Developer in the Developer's compliance with this Section 3.5.

Section 3.6 Utilities. The Developer shall consult with the utility companies serving the area of Site to determine if existing utility facilities require expansion, relocation or underground installation in connection with development of the Project. The City shall assist and cooperate with the Developer in such consultations.

Section 3.7 Purchase Price for the Site. The City and the Developer shall seek to agree upon the purchase price for the Site.

Section 3.8 Financial Ability. Prior to the execution of a Purchase Agreement, the Developer shall provide the City with proper documentation to indicate the Developer's financial ability to complete the Project.

Section 3.9 Progress Reports. Upon reasonable notice, as from time to time requested by the City, the Developer shall make oral or written progress reports advising the City on studies being made and matters being evaluated by the Developer with respect to this Agreement and the Project.

ARTICLE 4
GENERAL PROVISIONS

Section 4.1 Limitation on Effect of Agreement. This Agreement (and any extension of the Negotiating Period) shall not obligate either the City or the Developer to enter into a Purchase Agreement or to enter into any particular Purchase Agreement. By execution of this Agreement, the City is not committing itself to or agreeing to undertake disposition or exercise of control over any Site or any portion of the Site. By execution of this Agreement, the City is not committing itself to or agreeing to finance any portion of the Site or Project. Execution of this Agreement by the City is merely an

agreement to conduct a period of negotiations in accordance with the terms hereof, reserving for subsequent City Council action the final discretion and approval regarding the execution of a Purchase Agreement and all proceedings and decisions in connection therewith. Any Purchase Agreement resulting from negotiations pursuant to this Agreement shall become effective only if and after such Purchase Agreement has been considered and approved by the City Council of the City, following conduct of all legally required procedures, including without limitation, all required environmental review processes and all other applicable governmental approvals, and executed by duly authorized representatives of the City and the Developer. Until and unless a Purchase Agreement is signed by the Developer, approved by the City Council, no agreement drafts, actions, deliverables or communications arising from the performance of this Agreement shall impose any legally binding obligation on either party to enter into or support entering into a Purchase Agreement or be used as evidence of any oral or implied agreement by either party to enter into any other legally binding document. As such, the City retains absolute discretion before action on a Purchase Agreement by the City Council (if required by law) to (i) subject to the agreement of the parties, make such modifications to the Purchase Agreement and Project as may be necessary to mitigate significant environmental impacts or as may otherwise be necessary or appropriate, (ii) select other feasible alternatives to avoid significant environmental impacts, (iii) balance the benefits against any significant environmental impacts prior to taking final action if such significant impacts cannot otherwise be avoided or (iv) determine not to proceed with the Project.

Section 4.2 Notices. Formal notices, demands and communications between the City and the Developer shall be sufficiently given if, and shall not be deemed given unless, dispatched by certified mail, postage prepaid, return receipt requested, or sent by express delivery or overnight courier service, with signature required, to the office of the parties shown as follows, or such other address as the parties may designate in writing from time to time:

City: Development Services Department of the
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376
Attn: Development Services Director

Developer: WT Mitchell Group
PO Box 5127
Walnut Creek, CA 94596
Attn: Bill Mitchell, President

Such written notices, demands and communications shall be effective on the date shown on the delivery receipt as the date delivered or the date on which delivery was refused.

Section 4.3 Waiver of Lis Pendens. It is expressly understood and agreed by the parties that no lis pendens shall be filed against the Site, or any portion of the Site, with respect to this Agreement or any dispute or act arising from it.

Section 4.4 Costs and Expenses. Each party shall be responsible for its owns costs and expenses in connection with any activities and negotiations undertaken in connection with this Agreement, and the performance of each party's obligations under this Agreement.

Section 4.5 No Commissions. The City shall not be liable for any real estate commissions or brokerage fees that may arise from this Agreement or any Purchase Agreement that may result from this Agreement. The City represents that it has engaged no broker, agent or finder in connection with this transaction, and the Developer shall defend and hold the City harmless from any claims by any broker, agent or finder retained by the Developer.

Section 4.6 Default and Remedies.

(a) Default. Failure by either party to negotiate in good faith as provided in this Agreement shall constitute an event of default hereunder. The non-defaulting party shall give written notice of a default to the defaulting party, specifying the nature of the default and the required action to cure the default. If a default remains uncured thirty (30) days after receipt by the defaulting party of such notice, the non-defaulting party may exercise the remedies set forth in subsection (b).

(b) Remedies. In the event of an uncured default by the City, the Developer's sole remedy shall be to terminate this Agreement. Following such termination, neither party shall have any further right, remedy or obligation under this Agreement; provided, however, that the Developer's obligation to turn over work pursuant to Section 3.3, and the Developer's indemnification obligation pursuant to Section 4.5 shall survive such termination.

In the event of an uncured default by Developer, the City's sole remedy shall be to terminate this Agreement. Following such termination, neither party shall have any right, remedy or obligation under this Agreement; provided, however, that the Developer's obligation to turn over work pursuant to Section 3.3, and the Developer's indemnification obligation pursuant to Section 4.5 survive such termination.

Except as expressly provided above, neither party shall have any liability to the other for damages or otherwise for any default, nor shall either party have any other claims with respect to performance under this Agreement. Each party specifically waives and releases any such rights or claims they may otherwise have at law or in equity.

Section 4.7 Assignment. The Developer may not transfer or assign any or all of its rights or obligations hereunder except with the prior written consent of the City, which consent shall be granted or withheld in the City's sole discretion, and any such attempted transfer or assignment without the prior written consent of City shall be void. The City hereby consents to the Developer's assignment of this Agreement to a California limited liability company that is wholly owned and controlled by Developer. The City also consents to the Developer's assignment of this Agreement to a California limited liability company in which Developer wholly controls the limited liability company and is the managing member of such limited liability company; provided that any transfer of control to another member of such limited liability company must be approved in advance by the City. Any assignment of this Agreement shall not be valid unless the assignee expressly assumes Developer's rights and obligations under this Agreement pursuant to an assignment agreement approved in advance by the City.

Section 4.8 No Third Party Beneficiaries. This Agreement is made and entered into solely for the benefit of the City and the Developer and no other person shall have any right of action under or by reason of this Agreement.

Section 4.9 Attorneys' Fees. The prevailing party in any action to enforce this Agreement shall be entitled to recover attorneys' fees and costs from the other party.

Section 4.10 Governing Law; Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of California. Venue shall be in San Joaquin County, California.

Section 4.11 Entire Agreement. This Agreement constitutes the entire agreement of the parties regarding the subject matters of this Agreement.

Section 4.12 Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same agreement.

Section 4.13 Authority to Execute: The undersigned represent and warrant they are each duly authorized to execute this Agreement on behalf of the respective party and to take the actions necessary to perform hereunder without the need to seek further authorization from the entity each represents.

WHEREFORE, the parties have executed this Agreement on or as of the date first above written.

CITY:

By: _____
Brent H. Ives
Mayor

Date: _____

APPROVED AS TO FORM:

By: _____
Daniel G. Sodergren
City Attorney

DEVELOPER:

WT Mitchell Group, a ~~California~~ Nevada Corporation

By: _____
William T. Mitchell

Title: President

Date: July 29, 2013

Exhibit A

Map of Site

RESOLUTION _____

APPROVING AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT BY AND BETWEEN THE CITY OF TRACY AND WT MITCHELL GROUP, INC. FOR A CITY-OWNED PROPERTY LOCATED AT 729/741 CENTRAL AVENUE AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

WHEREAS, The City of Tracy purchased the property at 729/741 Central Avenue (former West Side Market) in August of 2011 for the purpose of revitalizing Downtown; and

WHEREAS, WT Mitchell Group, Inc. has expressed an interest in securing a tenant for the space and potentially purchasing the property; and

WHEREAS, The City and the Developer desire to enter into an Exclusive Negotiating Rights Agreement (the "Agreement") to provide the parameters for a good faith negotiation;

NOW, THEREFORE BE IT RESOLVED That the City Council does hereby approve an Exclusive Negotiating Rights Agreement by and between the City of Tracy and WT Mitchell Group, Inc. for the City-owned property located at 729/ 741 Central Avenue, and authorize the Mayor to sign the agreement.

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 20th day of August 2013, by the following vote:

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

August 20, 2013

AGENDA ITEM 8

REQUEST

DISCUSS AND APPROVE THE FORMATION OF A SENIOR STEERING COMMITTEE AND AUTHORIZE A FY 13/14 SUPPLEMENTAL APPROPRIATION OF $10,000

EXECUTIVE SUMMARY

Staff was directed by City Council to explore the formation of a Steering Committee that would facilitate a series of community conversations with the public. This forum would provide the opportunity for seniors and community stakeholders, to identify issues that are of importance to the seniors in the Tracy community. The series of meetings will allow seniors to voice their opinions on issues that impact them directly. Additionally, the City of Tracy would be proactive in planning for the future needs of our local senior population.

DISCUSSION

At the July 2, 2013 City Council meeting, Council directed staff to identify best practice approaches to forming a Senior Steering Committee that would provide the local senior population a forum to identify and discuss current and future service needs.

Staff identified and evaluated several cities that used a Senior Steering Committee structure to outreach to their respective senior community. Cities surveyed included Claremont Heights, Encinitas, Loomis, Norco, Oakland, and Sonora. Many of these agencies engage the senior population through town hall and community forums.

Based on staff research, the membership of Senior Steering Committees vary and are made up of representatives from the community or a blend of community members and existing City Commissioners. Council may wish to form a Senior Steering Committee using the latter model, which would include both existing commissioners and members of the public. Attachment A outlines a various considerations regarding the formation of a Tracy Senior Steering Committee, including the committee's purpose, responsibilities, committee structure and appointment guidelines, staffing and fiscal impacts, and implementation timeline.

Should Council choose to form a Senior Steering Committee, it is recommended that a series of community conversations meetings be held to outreach to local seniors and gather feedback related to their current and future service needs. The meetings would focus on relevant topics identified by the Committee and be led by an outside facilitator. A report discussing input received from the senior community would be presented to the City Council and Parks and Community Services Commission at a future joint meeting.

Should Council choose to form a Senior Steering Committee, the estimated timeframe for implementation, including the committee recruitment process (Attachment B) and hosting two community conversation meetings would be approximately six months.

STRATEGIC PLAN

This item is in accordance with the Council Strategic priority, Quality of Life, Goal 1, Improve current recreation and entertainment programming & services to reflect the community and match trending demands.

FISCAL IMPACT

Should the Council form a Senior Steering Committee, two initial community conversations would be held and facilitated by an outside consultant. The consultant would lead the community discussions and prepare and present a report summarizing the findings at a future joint City Council and Parks and Community Services Commission meeting. Facilitation costs are anticipated to be approximately $10,000 and will require a supplemental appropriation to the General Fund.

RECOMMENDATION

That the City Council discuss and approve the formation of a Tracy Senior Steering Committee and authorize a supplemental appropriation of $10,000.

Prepared by: Kim Scarlata, Recreation Services Program Manager
Jolene Jauregui, Recreation Coordinator II

Reviewed by: Maria Hurtado, Assistant City Manager

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

Attachment A – Considerations Regarding Formation of a Tracy Senior Steering Committee

Attachment B - Resolution 2004-152 Establishing the Council Selection Process, and Defining Residency Requirements, for Appointee Bodies

Attachment A

CONSIDERATIONS REGARDING FORMATION OF A TRACY SENIOR STEERING COMMITTEE

This attachment outlines various considerations in the formation of a Tracy Senior Steering Committee, and includes the purpose, responsibilities, membership guidelines, staffing and fiscal impacts, and potential timeline.

PURPOSE:

The Tracy Senior Steering Committee is to receive input from seniors in the community on current and future needs of senior citizens and provide feedback to the Parks and Community Services Commission and the City Council.

RESPONSIBILITIES INCLUDE:

1. Host two Community Conversations to invite the following members of the Tracy Community: seniors, caregivers, stakeholders and members of the public.

2. Receive input from the senior community, including input from other individuals and organizations on issues relevant to current and future needs of the seniors.

3. Provide feedback to the Parks and Community Services Commission and City Council on the assessment of current and future needs of the senior citizen community.

MEMBERSHIP GUIDELINES:

The Tracy Senior Steering Committee shall consist of one appointed Commissioner from each of the following City of Tracy Commissions: Parks & Community Services Commission, Planning Commission, Tracy Arts Commission and Transportation Commission. Additionally, three senior at large from the Tracy community would be appointed by City Council that meet the following qualifications.

1. Minimum age requirement of 55 years
2. Currently work or have experience working in a senior related field
3. Have the ability to take an active role in meetings
4. Be a resident of the City of Tracy.

Appointment to the Tracy Senior Steering Committee positions is voluntary.

COMMUNITY CONVERSATION MEETINGS:

1. Two Community Conversation meetings will be held.
2. A facilitator will lead the discussion during the time meetings.

3. The facilitator will compile results from the two Community Conversations.
4. The facilitator will work with staff and members of the Tracy Senior Steering Committee to prepare a report and presentation to the Parks and Community Services Commission and City Council at a joint meeting.

STAFFING AND FISCAL IMPACTS:

Using various media outlets, staff will market the two community conversations at locations including the Lolly Hansen Senior Center and other locations where seniors gather. Marketing efforts will also include reaching out to non-profits and other organizations that provide services to seniors.

It is anticipated that there will be no additional expenses beyond the cost of facilitator services authorized by Council. Staff will coordinate required meeting logistics and provide support as needed to the facilitator with respect to the development of related staff reports.

TIMELINE

Below is a tentative timeline for the formation of a Tracy Senior Steering Committee:

TASK	DATE
Staff begins to prepare documents necessary to recruit members of the Tracy Senior Steering Committee	Aug 26, 2013
Recruitment will begin and it will follow the process of other City of Tracy recruitments	Aug 28, 2013
Applications due to the Clerk's office	Sep 18, 2013
Interviews	Oct 2013
Appointments to the Tracy Senior Steering Committee made by City Council	Oct 15, 2013
First Town Hall meeting	Oct 28, 2013
Second Town Hall meeting	Nov 18, 2013
Prepare report and presentation	Dec 2013 & Jan 2014
Provide feedback to the Parks and Community Services Commission at City Council at a joint special meeting	Jan 21, 2014

RESOLUTION 2004-152

REVISING RESOLUTION NO. 2004-089 ESTABLISHING THE COUNCIL SELECTION PROCESS, AND DEFINING RESIDENCY REQUIREMENTS, FOR APPOINTEE BODIES (GOVERNMENT CODE §54970 ET SEQ. LOCAL APPOINTEE OFFICERS)

WHEREAS, Council Policy D-5 was adopted by Resolution 2002-434 on October 15, 2002, which established a selection process for appointee bodies, and

WHEREAS, A variety of terms are used to define residency for the purposes of eligibility for appointment to various Appointee bodies and a method to verify residency has not been established, and

WHEREAS, Council wishes to define the terms and identify methods by which to verify residency and to incorporate those definitions into the selection process, and

WHEREAS, The definitions established herein shall apply to all boards and commissions to which the City Council appoints members unless the Bylaws of the board or commission specifically define otherwise, and

WHEREAS, Revisions to Resolution No. 2004-089 were considered and approved by the City Council on May 18, 2004 as set forth below.

NOW, THEREFORE, the Tracy City Council hereby resolves as follows:

A. SELECTION PROCESS FOR APPOINTEE BODIES:

1. On or before December 31st of each year, the clerk shall prepare an appointment list of all regular and ongoing boards, commissions and committees that are appointed by the City Council of the City of Tracy. The list shall contain the following information:

   a. A list of all appointee terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of the appointment, the date the term expires and the necessary qualifications for the position.

   b. A list of all boards, commissions and committees whose members serve at the pleasure of the Council and the necessary qualifications of each position.

   c. The list of appointments shall be made available to the public for a reasonable fee that shall not exceed actual cost of production. The Tracy Public Library shall receive a copy of the list.

2. Whenever a vacancy occurs in any board, commission or committee, whether due to expiration of an appointee's term, resignation, death, termination or other causes, a special notice shall be posted in the office of the City Clerk, The Tracy Public Library, the City website, and in other places as directed within twenty (20) days after the vacancy occurs. Final

appointment to the board, commission or committee shall not be made by the City Council for at least ten (10) working days after the posting of the notice in the Clerk's office. If Council finds an emergency exists, the Council may fill the unscheduled vacancy immediately.

3. Appointments shall be made for the remainder of the term created by the vacancy except as follows:

   a. If appointee will fill an un-expired term with six months or less remaining, the appointment shall be deemed to be for the new term.

   b. If the vacancy is filled by an emergency appointment the appointee shall serve only on an acting basis until the final appointment is made pursuant to section 3.

4. The council shall use the following selection process to provide an equal opportunity for appointment to a board, commission or committee:

   a. Mayor (or designee) and a selected Council member will review applications, interview applicants and recommend a candidate for appointment to the board, commission or committee.

   b. If the interview subcommittee determines there are multiple qualified candidates, the subcommittee can recommend the Council establish an eligibility list that can be used to fill vacancies that occur in the following twelve (12) months.

   c. At the interview subcommittee's discretion, the chair (or designee) of the board, committee or commission for which a member will be appointed, can participate in the interviews.

5. In the event there are not two or more applicants than vacancies on any board, commission or committee, the filing deadline may be extended by staff.

6. An individual already serving on a City of Tracy board, committee or commission may not be appointed to serve on an additional City of Tracy board, committee, or commission concurrently.

B. DEFINITION OF RESIDENCY REQUIREMENTS:

1. The following definitions shall be used to determine whether residency requirements are met for boards and commissions to which the Tracy City Council appoints members:

   a. Tracy Planning Area means the geographical area defined in the City of Tracy General Plan and any amendments thereto.

   b. City of Tracy means within the city limits of the City of Tracy.

c. Citizen means a resident of the City of Tracy.

d. Tracy School District means the geographical area served by the Tracy Unified School District.

e. Sphere of Influence shall be the geographical area approved by the Local Agency Formation Commission (LAFCo) of San Joaquin County and any amendments thereto.

2. Residency, as defined above and as set forth in the applicable bylaws for each board or commission, shall be verified annually by the City Clerk. The residency must be verifiable by any of the following means:

a. Voter registration,

b. Current California Driver's License or Identification,

c. Utility bill information (phone, water, cable, etc.),

d. Federal or State tax returns.

3. Members of boards or commissions shall notify the City Clerk in writing within thirty (30) days of any change in residency. If the change in residency results in the board member or commissioner no longer meeting the residency requirements, the member shall tender their resignation to the City Clerk who shall forward it to the City Council.

****

The foregoing Resolution 2004-152 was passed and adopted by the Tracy City Council on the 18th day of May, 2004, by the following vote:

AYES: COUNCIL MEMBERS: HUFFMAN, IVES, TOLBERT, TUCKER, BILBREY

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

Mayor

ATTEST:

City Clerk

ca:dec:general:Policy- Select, Appoint, Residency (Reso rev. 5-18-04)

RESOLUTION _____

AUTHORIZING THE FORMATION OF A TRACY SENIOR STEERING COMMITTEE AND AUTHORIZE A FY 13/14 SUPPLEMENTAL APPROPRIATION OF $10,000

WHEREAS, Formation of the Tracy Senior Steering Committee would facilitate receiving input from seniors in the community on current and future needs of the senior citizens community; and

WHEREAS, The Tracy Senior Steering Committee will host two Community Conversation meetings; and

WHEREAS, The Tracy Senior Steering Committee will present the findings to the Parks and Community Services Commission and City Council at a future joint meeting;

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby approves the formation of a Tracy Senior Steering Committee and authorizes a FY 13/14 supplemental appropriation of $10,000.

* * * * * * * * * * * * * *

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

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
Mayor

ATTEST:

_____
City Clerk

August 20, 2013

AGENDA ITEM 9

REQUEST

CONSIDERATION OF APPOINTMENT OF TWO COUNCIL MEMBERS TO SERVE AS CITY REPRESENTATIVES ON A JOINT CITY/COUNTY CRIMINAL JUSTICE TASK FORCE

EXECUTIVE SUMMARY

The San Joaquin County Board of Supervisors has requested that each City appoint two Council members to serve on a Joint City/County Criminal Justice Task Force. The City Manager and Police Chief will also serve on this task force.

DISCUSSION

On March 26, 2007, the County hosted a City/County meeting to discuss various regional and county-wide issues. Subsequently, the Joint City/County Criminal Justice Task Force was formed with representatives from the County and each City, including the City Manager and Chief of Police of the respective agencies. The Task Force was charged to evaluate and develop program and funding recommendations to be considered by the respective City Councils and the Board of Supervisors.

Since its formation, the Task Force met periodically and focused primarily on identifying revenue sources to operate an expanded jail facility. The Task Force last met in February 2010.

Vice Chairman Bob Elliott and Supervisor Carlos Villapudua are the County's representatives of the Task Force and would like to reconvene the Task Force as a forum to maintain a dialogue and exchange ideas on how best to address the many facets of crime in San Joaquin County.

STRATEGIC PLAN

This agenda item relates to:

Public Safety Goal 2: To Promote public health, safety, and community welfare by responding and addressing unsafe, unhealthy or blighted conditions in homes, neighborhoods and the entire community.

FISCAL IMPACT

There is no fiscal impact with this agenda item.

RECOMMENDATION

That the City Council consider appointment of two Council members to serve on the Joint City/County Criminal Justice Task Force, along with the Chief of Police and the City Manager.

Prepared by: Maria A. Hurtado, Assistant City Manager
Approved by: R. Leon Churchill, Jr., City Manager

August 20, 2013

AGENDA ITEM 10

REQUEST

ACCEPT CONSULTANT UPDATE ON CITY COST ALLOCATION PLAN

EXECUTIVE SUMMARY

In Spring 2013, the City retained Management Partners to evaluate the City's Cost Allocation Plan to ensure that the City's current methodology and allocation of costs was aligned with industry standards. The consultant firm reported that the City's methodology was sound, although the presentation of overhead costs on City invoices could be improved. At a future date, Management Partners will present a report of its findings, including recommended next steps.

BACKGROUND

In 2008, the City engaged Management Partners, a management consultant firm to identify and recommend strategies to address revenue shortfalls due to the great recession. Several options were presented, including the full recovery of City overhead costs, which include administration's time spent on development related activities/projects.

The City later adjusted the cost allocation plan to fully recover its overhead expenses. Prior to this action, the City only recovered 66% of salary expenses, or 47% of total labor costs.

DISCUSSION

In response to a Council Member's request to evaluate the application of City overhead, Management Partners was retained in April 2013 to examine the City's cost allocation methodology. The evaluation process also involved meeting with local developers who had expressed concerns about how overhead was applied and amount paid for applicable projects.

After completing its analysis, Management Partners concluded that the City's cost allocation methodology was reasonable and acceptable, and was within industry standards. It was also determined that the City's presentation of its overhead charges would benefit from further clarification on customer invoices.

After reviewing the findings with members of the development community, the consultants reported that participants were less concerned about the overhead methodology and more focused on the City's policy to recover full overhead costs.

As part of its update at the August 20, 2013 Council meeting, Management Partners will discuss its findings to date, including preliminary recommendations. At a future meeting in Fall 2013, the consultants will present a final report and suggested next steps for Council consideration.

STRATEGIC PLAN

This item is in accordance with Council Strategy Priority for Organizational Efficiency, Goal 1: To advance City Council's fiscal policies.

FISCAL IMPACT

There is no fiscal impact associated with this agenda item.

RECOMMENDATION

It is recommended that the City Council accept Management Partner's update on the City's Cost Allocation Plan and current methodology.

Prepared by: Jenny Haruyama, Administrative Services Director
Approved by: R. Leon Churchill, Jr., City Manager

August 20, 2013

AGENDA ITEM 11 ____

REQUEST

SECOND READING AND ADOPTION OF ORDINANCE 1185 AN ORDINANCE OF THE CITY OF TRACY INCREASING WASTEWATER RATES

EXECUTIVE SUMMARY

Ordinance 1185 was introduced at the Council meeting held on July 16, 2013. Ordinance 1185 is before Council for a second reading and adoption.

DISCUSSION

Ordinance 1185 was introduced at the Council meeting held on July 16, 2013, to increase rates for wastewater service. The revenue requirements associated with providing wastewater service have increased due to higher operating costs and the need to construct a second outfall line. The revenues from the increased rates for wastewater service will not exceed the funds required to provide wastewater service, and will not be used for any purpose other than the provision of wastewater service. The proposed wastewater rates are set forth in Exhibit A attached to Ordinance 1185.

Ordinance 1185 is before Council for a second reading and adoption.

STRATEGIC PLAN

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

FISCAL IMPACT

None.

RECOMMENDATION

That Council adopt Ordinance 1185 following its second reading.

Attachment: Ordinance 1185

Prepared by: Adrianne Richardson, Deputy City Clerk
Reviewed by: Sandra Edwards, City Clerk

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

ORDINANCE 1185

AN ORDINANCE OF THE CITY OF TRACY INCREASING WASTERWATER RATES

WHEREAS, The revenue requirements associated with providing wastewater service have increased due to higher operating costs and the need to construct a second outfall pipeline, and

WHEREAS. The City of Tracy needs to increase its rates for wastewater service in order to pay for the increased cost of providing wastewater service, and

WHEREAS, The revenues from the increased rates for wastewater service will not exceed the funds required to provide wastewater service, and

WHEREAS, The revenues derived from the increased rates for wastewater service will not be used for any purpose other than the provision of wastewater service, and

WHEREAS, The rates are based upon the wastewater service required of various classifications of residential, commercial, and industrial users, and

WHEREAS, The rates for wastewater service imposed upon any parcel or person as an incident of property ownership does not exceed the proportional cost of the wastewater service attributable to each parcel, and

WHEREAS, No rate or charge will be imposed if wastewater service is not used by a property owner;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TRACY DOES ORDAIN AS FOLLOWS:

SECTION 1: That the City's wastewater rates are adopted in the amounts set forth in the attached Exhibit A, which is incorporated by reference.

SECTION 2: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 3: This Ordinance shall be published once in the Tri Valley Herald, a newspaper of general circulation, within fifteen (15) days from and after its final passage and adoption.

* * * * * * * * * * * * * * *

The foregoing Ordinance 1185 was introduced at a regular meeting of the Tracy City Council on the 16th day of July, 2013, and finally adopted on the 20th day of August, 2013, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
Mayor

ATTEST:

_____
City Clerk

EXHIBIT A

Wastewater User Charges

Residential (Monthly Charge)		
Single-Family Residential		$34.00
Multiple-Family Dwellings		$28.75
Septage (per 1,000 gallons)		$66.90
Commercial Classes		
(Minimum Monthly Charge)		
Commercial I	(Volume Charge per ccf)	$1.98
Commercial II	(Volume Charge per ccf)	$2.91
Commercial III	(Volume Charge per ccf)	$4.89
(ccf = 100 cubic feet or 748 gallons)		
Industrial Charges		
Capacity Charges		
Flow ($ per mgd per year)		$285,430
BOD ($ per lb.)		$31.07
SS ($ per lb.)		$47.47
Use Charges		
Flow ($ per mg)		$767
BOD ($ per 1,000 lbs.)		$521.19
SS ($ per 1,000 lbs.)		$249.83
Industrial Charges (Leprino Foods)		
Capacity Charges		
Flow ($ per mgd per year)		$258,289
BOD ($ per lb.)		$28.23
SS ($ per lb.)		$43.13
Use Charges		
Flow ($ per mg)		$334
BOD ($ per 1,000 lbs.)		$489.19
SS ($ per 1,000 lbs.)		$232.35

(mgd = million gallons per day)
(mg = million gallons)

August 20, 2013

AGENDA ITEM 13.A

REQUEST

RECEIVE AND ACCEPT THE CITY MANAGER INFORMATIONAL UPDATE

EXECUTIVE SUMMARY

This agenda item will update the Council on newsworthy events.

DISCUSSION

The City Manager will provide Council with an informational report on various items, including upcoming special events, status on key projects, or other items of interest in an effort to keep Council, staff, and residents abreast of newsworthy events.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no fiscal impact with this informational item.

RECOMMENDATION

That Council receive and accept the City Manager's informational update.

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

August 20, 2013

AGENDA ITEM 14.A

REQUEST

THE LEAGUE OF CALIFORNIA CITIES REQUEST THAT THE CITY COUNCIL DETERMINE THEIR POSITION ON TWO RESOLUTIONS TO BE CONSIDERED AT THE 2013 ANNUAL BUSINESS MEETING OF THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

EXECUTIVE SUMMARY

The League of California Cities requests that Council discuss and determine their position on two resolutions to be considered at the Annual Business Meeting of the League of California Cities (LOCC) Annual Conference.

DISCUSSION

The LOCC Annual Conference is scheduled for Wednesday, September 18, through Friday, September 20, in Sacramento. An important part of the conference is the Annual Business Meeting. At this meeting, the League membership considers and takes action on resolutions that establish League policy. At the request of the LOCC, and in order to expedite the conduct of business at this policy-making meeting, a City Council Member from each city is designated as the voting delegate.

At the City Council meeting held on July 16, 2013, Mayor Pro Tem Maciel was designated as the voting delegate and Council Member Young as an alternate for the City of Tracy.

The League will consider two resolutions at this year's annual conference. Additional background on the two resolutions listed below are included in the attachment.

1. **Water Bond Funds**: A resolution calling upon the Governor and the Legislature to work with the League of California Cities in providing adequate funding and to prioritize water bonds to assist local government in water conservation, ground water recharge and reuse of storm water and urban runoff programs. This resolution was referred to the Environmental Quality Policy Committee.

2. **Public Safety Realignment**: A resolution calling upon the Governor and the Legislature to enter into discussions with the League and California Police Chiefs' Association representatives to identify and enact strategies that will ensure the success of public safety realignment from a local municipal law enforcement perspective. This resolution was referred to the Public Safety Policy Committee.

The League requests that City Council discuss the resolutions and determine the City's position so that the Council's designated voting delegate Mayor Pro Tem Maciel or alternate voting delegate Councilmember Young can represent the City's position on each resolution at the Annual Meeting.

STRATEGIC PLAN

This agenda item is a routine operational item and is not related to the Council's four strategic plans.

FISCAL IMPACT

None.

RECOMMENDATION

That Council discuss and determine their position on two resolutions to be considered at the 2013 Annual Business Meeting of the League of California Cities Annual Conference.

ATTACHMENT

Attachment A: 2013 LOCC Annual Conference Resolutions Packet

Prepared by: Sandra Edwards, City Clerk
Reviewed by: Maria A. Hurtado, Assistant City Manager
Approved by: R. Leon Churchill, Jr., City Manager

ATTACHMENT A

1400 K Street
Sacramento, CA 95814
ph: (916) 658-8200
fx: (916) 658-8240

LEAGUE OF CALIFORNIA CITIES℠

WWW.CACITIES.ORG

July 23, 2013

TO: Mayors, City Managers and City Clerks
League Board of Directors

RE: Annual Conference Resolutions Packet
Notice of League Annual Meeting

Enclosed please find the 2013 Annual Conference Resolutions Packet.

Annual Conference in Sacramento. This year's League Annual Conference will be held September 18 - 20 in Sacramento. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at www.cacities.org/ac. We look forward to welcoming city officials to the conference.

Annual Luncheon/Business Meeting - Friday, September 20, 12:00 p.m. The League's Annual Business Meeting will be held at the Hyatt Regency Hotel.

Resolutions Packet. At the Annual Conference, the League will consider the two resolutions introduced by the deadline, Saturday, July 20, 2013, midnight. These resolutions are included in this packet. New this year, resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. These letters of concurrence are included with this packet. We request that you distribute this packet to your city council.

We encourage each city council to consider the resolutions and to determine a city position so that your voting delegate can represent your city's position on each resolution. A copy of the resolutions packet is posted on the League's website for your convenience: www.cacities.org/resolutions.

The resolutions packet contains additional information related to consideration of the resolutions at the Annual Conference. This includes the date, time and location of the meetings at which resolutions will be considered.

Voting Delegates. Each city council is encouraged to designate a voting delegate and two alternates to represent their city at the Annual Business Meeting. A letter asking city councils to designate their voting delegate and two alternates has already been sent to each city. Copies of the letter, voting delegate form, and additional information are also available at: www.cacities.org/resolutions.

Please Bring This Packet to the Annual Conference
September 18 - 20 — Sacramento

GCU 636-M

LEAGUE®
OF CALIFORNIA
CITIES

Annual Conference Resolutions Packet

115th Annual Conference

Sacramento
September 18 - 20, 2013

ANNUAL CONFERENCE MEETING SCHEDULE FOR RESOLUTIONS

1. Policy Committee Meetings

Wednesday, September 18, 2013
Sheraton Grand Hotel
1230 J Street, Sacramento

Public Safety: 9:00 a.m. – 10:30 a.m.
Environmental Quality: 10:30 a.m. – 12:00 p.m.

2. General Resolutions Committee

Thursday, September 19, 2013, 1:00 p.m.
Sacramento Convention Center
1400 J Street, Sacramento

3. Annual Business Meeting and General Assembly Luncheon

Friday, September 20, 2013, 12:00 p.m.
Hyatt Regency Hotel
1209 L Street, Sacramento

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, two resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees.

POLICY COMMITTEES: Two policy committees will meet at the Annual Conference to consider and take action on resolutions referred to them. The committees are Environmental Quality and Public Safety. These committees will meet on Wednesday, September 18, 2013, at the Sheraton Grand Hotel in Sacramento. The sponsors of the resolutions have been notified of the time and location of the meetings.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, September 19, at the Sacramento Convention Center, to consider the reports of the two policy committees regarding the two resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:00 p.m. on Friday, September 20, at the Hyatt Regency Hotel.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (47 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Session of the General Assembly. This year, that deadline is 12:00 p.m., Thursday, September 19. If the petitioned resolution is substantially similar in substance to a resolution already under consideration, the petitioned resolution may be disqualified by the General Resolutions Committee.

Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's eight standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.

2. The issue is not of a purely local or regional concern.

3. The recommended policy should not simply restate existing League policy.

4. The resolution should be directed at achieving one of the following objectives:

   (a) Focus public or media attention on an issue of major importance to cities.

   (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.

   (c) Consider important issues not adequately addressed by the policy committees and board of directors.

   (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings

Wednesday, September 18, 2013
Sheraton Grand Hotel
1230 J Street, Sacramento

Public Safety:	9:00 a.m. – 10:30 a.m.
Environmental Quality:	10:30 a.m. – 12:00 p.m.

General Resolutions Committee

Thursday, September 19, 2013, 1:00 p.m.
Sacramento Convention Center
1400 J Street, Sacramento

Annual Business Meeting and General Assembly Luncheon

Friday, September 20, 2013, 12:00 p.m.
Hyatt Regency Hotel
1209 L Street, Sacramento

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
2 - General Resolutions Committee
3 - General Assembly

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
1	Water Bond Funds			

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
2	Public Safety Realignment			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet will be posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

Action Footnotes

* Subject matter covered in another resolution

** Existing League policy

*** Local authority presently exists

KEY TO ACTIONS TAKEN

A - Approve

D - Disapprove

N - No Action

R - Refer to appropriate policy committee for study

a - Amend

Aa - Approve as amended

Aaa - Approve with additional amendment(s)

Ra - Amend and refer as amended to appropriate policy committee for study

Raa - Additional amendments and refer

Da - Amend (for clarity or brevity) and Disapprove

Na - Amend (for clarity or brevity) and take No Action

W - Withdrawn by Sponsor

Procedural Note: Resolutions that are approved by the General Resolutions Committee, as well as all qualified petitioned resolutions, are reported to the floor of the General Assembly. In addition, League policy provides the following procedure for resolutions approved by League policy committees but *not* approved by the General Resolutions Committee:

Resolutions initially recommended for approval and adoption by all the League policy committees to which the resolution is assigned, but subsequently recommended for disapproval, referral or no action by the General Resolutions Committee, shall then be placed on a consent agenda for consideration by the General Assembly. The consent agenda shall include a brief description of the basis for the recommendations by both the policy committee(s) and General Resolutions Committee, as well as the recommended action by each. Any voting delegate may make a motion to pull a resolution from the consent agenda in order to request the opportunity to fully debate the resolution. If, upon a majority vote of the General Assembly, the request for debate is approved, the General Assembly shall have the opportunity to debate and subsequently vote on the resolution.

2013 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTION REFERRED TO ENVIRONMENTAL QUALITY POLICY COMMITTEE

1. RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO WORK WITH THE LEAGUE OF CALIFORNIA CITIES IN PROVIDING ADEQUATE FUNDING AND TO PRIORITIZE WATER BONDS TO ASSIST LOCAL GOVERNMENT IN WATER CONSERVATION, GROUND WATER RECHARGE AND REUSE OF STORMWATER AND URBAN RUNOFF PROGRAMS.

Source: Los Angeles County Division
Concurrence of five or more cities/city officials: Cities of Alhambra; Cerritos; Claremont; Glendora; Lakewood; La Mirada; La Verne; Norwalk; Signal Hill; Mary Ann Lutz, Mayor, city of Monrovia.
Referred to: Environmental Quality Policy Committee
Recommendations to General Resolutions Committee: Approve

WHEREAS, local governments play a critical role in providing water conservation, ground water recharge and reuse of stormwater infrastructure, including capture and reuse of stormwater for their citizens, businesses and institutions; and

WHEREAS, local governments support the goals of the Clean Water Act to ensure safe, clean water supply for all and the U.S. Environmental Protection Agency has encouraged local governments to implement programs to capture, infiltrate and treat stormwater and urban runoff with the use of low impact development ordinances, green street policies and programs to increase the local ground water supply through stormwater capture and infiltration programs; and

WHEREAS, local governments also support the State's water quality objectives, specifically Section 13241of the Porter-Cologne Water Quality Control Act, on the need to maximize the use of reclaimed and water reuse and the Regional Water Quality Control Boards and the State Water Resources Board encourage rainwater capture efforts; and

WHEREAS, the State's actions working through the water boards, supported by substantial Federal, State and local investments, have led to a dramatic decrease in water pollution from wastewater treatment plants and other so-called "point sources" since 1972. However, the current threats to the State's water quality are far more difficult to solve, even as the demand for clean water increases from a growing population and an economically important agricultural industry; and

WHEREAS, the State's Little Hoover Commission found in 2009 that more than 30,000 stormwater discharges are subject to permits regulating large and small cities, counties, construction sites and industry. The Commission found that a diverse group of water users – the military, small and large businesses, home builders and local governments and more – face enormous costs as they try to control and limit stormwater pollution. The Commission concluded that the costs of stormwater clean up are enormous and that the costs of stormwater pollution are greater, as beach closures impact the State's economy and environmental damage threatens to impair wildlife; and

WHEREAS, at the same time that new programs and projects to improve water quality are currently being required by the U.S. EPA and the State under the National Pollution Discharge Elimination System (NPDES) permits and the Total Daily Maximum Load (TMDL) programs, many local governments find that they lack the basic infrastructure to capture, infiltrate and reuse stormwater and cities are facing difficult economic challenges while Federal and State financial assistance has been reduced due to the impacts of the recession and slow economic recovery; and

WHEREAS, cities have seen their costs with the new NPDES permit requirements double and triple in size in the past year, with additional costs anticipated in future years. Additionally, many local businesses have grown increasingly concerned about the costs of retrofitting their properties to meet stormwater and runoff requirements required under the NPDES permits and TMDL programs; and

WHEREAS, the League of California Cities adopted water polices in March of 2012, recognizing that the development and operation of water supply, flood control and storm water management, among other water functions, is frequently beyond the capacity of local areas to finance and the League found that since most facilities have widespread benefits, it has become the tradition for Federal, State and local governments to share their costs (XIV, Financial Considerations); and the League supports legislation providing funding for stormwater and other water programs; and

WHEREAS, the Governor and the Legislature are currently contemplating projects for a water bond and a portion of the bond could be directed to assist local government in funding and implementing the goals of the Clean Water Act and the State's water objectives of conserving and reusing stormwater in order to improve the supply and reliability of water supply; and now therefore let it be

RESOLVED by the General Assembly of the League of California Cities, assembled in Sacramento on September 20, 2013, that the League calls for the Governor and the Legislature to work with the League and other stakeholders to provide adequate funding for water conservation, ground water recharge and capture and reuse of stormwater and runoff in the water bond issue and to prioritize future water bonds to assist local governments in funding these programs. The League will work with its member cities to educate federal and state officials to the challenges facing local governments in providing for programs to capture, infiltrate and reuse stormwater and urban runoff.

/////////

Background Information on Resolution No. 1

Source: Los Angeles County Division

Background:
In order to meet the goals of both the Federal Clean Water Act and the State's Porter-Cologne Water Quality Control Act, which seek to ensure safe clean water supplies, cities provide critical water conservation, ground water recharge and reuse of stormwater infrastructure, including capture and reuse of stormwater for their citizens, businesses and institutions.

Working with the State's Regional Water Quality Control Boards and the State Water Resources Board through the National Pollution Discharge Elimination System (NPDES) permitting process and Total Maximum Daily Load (TMDL) Programs, California's cities implement programs to capture, infiltrate and treat stormwater and urban runoff with the use of low impact development ordinances, green streets policies and other programs to increase the local ground water supply.

These actions have led to a dramatic decrease in water pollution from wastewater treatment plants and other so-called "point sources" since the adoption of the Clean Water Act in 1972. However, current threats to the State's "non-point sources " of pollution, such as stormwater and urban runoff are far more difficult to solve, even as the demand for clean water increases from a growing population and an economically important agricultural industry.

Current Problem Facing California's Cities

The Little Hoover Commission found in 2009 that more than 30,000 stormwater discharges are subject to permits regulating large and small cities, counties, construction sites and industry. The Commission found that a diverse group of water users – the military, small and large businesses, home builders and local governments and more – face enormous costs as they try and control and limit stormwater pollution. The Commission concluded that the costs of stormwater clean up are enormous and that the costs of stormwater pollution are greater as beach closures impact the state's economy and environmental damage threatens to impair wildlife.

Additionally, new programs and projects to improve water quality are currently being required by the U.S. EPA and the State under the NPDES permits and the TMDL programs. Many local governments find that they lack the basic infrastructure to capture, infiltrate and reuse stormwater and the cities are facing difficult economic challenges while Federal and State financial assistance has been reduced due to the impacts of the recession and slow economic recovery.

Cities have seen their costs with the new NPDES permit requirements triple in size in the past year, with additional costs anticipated in future years. Additionally, many local businesses have grown increasingly concerned about the costs of retrofitting their properties to meet stormwater and runoff requirements required under the NPDES permits and TMDL programs.

In Los Angeles County alone, reports commissioned by the Los Angeles County Flood Control District estimate the costs of achieving region-wide compliance for implementing TMDL programs in the NPDES permits required by the Los Angeles Regional Water Quality Control Board (LARWQCB) will be in the tens of billions of dollars over the next twenty years. Additionally, failure to comply with the LARWQCB's terms could result in significant Clean Water Act fines, state fines and federal penalties anywhere from $3,000- $37,500 per day. Violations can also result in third-party litigation. Such costs are not confined to Los Angeles County and are being realized statewide.

Clearly, compliance with the NPDES permit and TMDL programs will be expensive for local governments over a long period of time and cities lack a stable, long-term, dedicated local funding source to address this need. Many cities are faced with the choice of either cutting existing services or finding new sources of revenue to fund the NPDES and TMDL programs.

Los Angeles County Division Resolution

The Division supports strong League education and advocacy at both the State and Federal levels to help cities face the challenges in providing programs to capture, infiltrate and reuse stormwater and urban runoff. While Los Angeles County cities and other regions seek to secure local funding sources to meet the Clean Water Act and the State's water objectives, it will simply not be enough to meet the enormous costs of compliance. The Los Angeles County Division strongly believes that State and Federal cooperation are necessary to fund programs to secure and reuse stormwater in order to improve water supply and reliability throughout the state.

The Division calls for the League to engage in discussions on 2014 State Water Bond to assist cities in funding and implementing the goals of the Clean Water Act and the State's Water objectives. This resolution does not support the 2014 bond issue, since the League and individual cities will need to make this decision at a later time upon review of the final language. However, the Governor and Legislature have reopened discussions for the 2014 water bond and funding of urban runoff and stormwater programs has taken a back seat in past bond issues, such as Proposition 84. In May, Assembly Speaker John Perez appointed a Water Bond Working Group which recently outlined a new set of Priorities and Accountability Measures for developing a water bond that would gain the support of 2/3 of the Legislature and voters. One of the priorities identified by the committee included, "Regional Self Reliance/Integrated Regional Water

Management," posing the question if stormwater capture should be included in any future bonds. The Division believes the opportunity to advocate for funding in the bond is now.

///////////

League of California Cities Staff Analysis on Resolution No. 1

Staff: Jason Rhine; (916) 658-8264
Committee: Environmental Quality

Summary:
This resolution seeks to call upon the Governor and the Legislature to work with the League of California Cities in providing adequate funding and to prioritize water bonds to assist local governments in water conservation, ground water recharge and reuse of stormwater and urban runoff programs.

Background:
In 2009, the State Legislature passed and Governor Arnold Schwarzenegger signed a package of legislation that included four policy bills and an $11.1 billion water bond (The Clean, and Reliable Drinking Water Supply Act). The water bond included the following major spending proposals:

- $455 million for drought relief projects, disadvantaged communities, small community wastewater treatment improvements and safe drinking water revolving fund
- $1.4 billion for "integrated regional water management projects"
- $2.25 billion for projects that "support delta sustainability options"
- $3 billion for water storage projects
- $1.7 billion for ecosystem and watershed protection and restoration projects in 21 watersheds
- $1 billion for groundwater protection and cleanup
- $1.25 billion for "water recycling and advanced treatment technology projects"

The $11.1 billion bond also included nearly $2 billion in earmarks. Projects slated for funding included:

- $40 million to educate the public about California's water
- $100 million for a Lake Tahoe Environmental Improvement Program for watershed restoration, bike trails and public access and recreation projects
- $75 million for the Sierra Nevada Conservancy, for public access, education and interpretive projects
- $20 million for the Baldwin Hills Conservancy to be used to buy more land
- $20 million for the Bolsa Chica Wetlands for interpretive projects for visitors

The water bond was originally scheduled to appear on the 2010 ballot as Proposition 18. However, due to significant criticism over the size of the bond, the amount of earmarked projects, and a lack of public support, the Legislature has voted twice to postpone the ballot vote. The water bond is now slated for the November 4, 2014 ballot.

It is unclear whether or not the water bond will actually appear on the November 2014 ballot. In recent months, pressure has been mounting to postpone the water bond yet again or significantly rewrite the water bond to drastically reduce the overall size of the bond and remove all earmarks. The Legislature has until the summer of 2014 to act.

Fiscal Impact:
Unknown. This resolution does not seek a specified appropriation from a water bond.

Existing League Policy:
In 2008, the League formed a new Water Task Force to consider updates and revision to the Water Guidelines the League drafted and adopted 20 years earlier. These new Guidelines were formally approved by the League board of directors in Feb. 2010. Below are the most pertinent policy and guiding principles related to the proposed resolution. To view the entire water policy guidelines, go to www.cacities.org/waterpolicyguidelines.

General Principles

- The League supports the development of additional groundwater and surface water storage, including proposed surface storage projects now under study if they are determined to be feasible, including but not limited to: environmentally, economically, and geographically relating to point of origin. Appropriate funding sources could include, but are not limited to user fees, bonds and federal funding.
- The League supports state water policy that allows undertaking aggressive water conservation and water use efficiency while preserving, and not diminishing, public and constitutional water rights.

Water Conservation

- The League supports the development of a statewide goal to reduce water use by 20% by 2020 through the implementation of fair and equitable measures consistent with these principles.
- Accomplishing water conservation and water use efficiency goals will require statewide action by all water users, including residential, commercial, industrial and agricultural water users, local and regional planning agencies, state and federal agencies, chambers of commerce, and business, commercial and industrial professional and trade associations.

Water Recycling

- Wherever feasible, water recycling should be practiced in urban, industrial and agricultural sectors. This includes increasing the use of recycled water over 2002 levels by at least one million acre-feet/year (afy) by 2020 and by at least two million afy by 2030.
- Increased recycling, reuse and other refinements in water management practices should be included in all water supply programs.

Water Storage

- The development of additional surface facilities and use of groundwater basins to store surface water that is surplus to that needed to maintain State Water Resource Control Board (SWRCB) Bay-Delta estuary water quality standards should be supported.

Groundwater

- The principle that local entities within groundwater basins (i.e., cities, counties, special districts, and the regional water quality control boards) working cooperatively should be responsible for and involved in developing and implementing basin wide groundwater, basin management plans should be supported. The plans should include, but not be limited to: a) protecting groundwater quality; b) identifying means to correct groundwater overdraft; c) implementing better irrigation techniques; d) increasing water reclamation and reuse; and e) refining water conservation and other management practices.
- Financial assistance from state and federal governments should be made available to requesting local agencies to develop and implement their groundwater management plans.

Financial Considerations

- It is recognized that the development and operation of water supply, water conveyance, flood control and stormwater management, water storage, and wastewater treatment facilities is frequently beyond the capability of local areas to finance;

- The League supports legislation to provide funding for stormwater, water and wastewater programs, including a constitutional amendment which would place stormwater fees in the category of water and wastewater fees, for the purposes of Proposition 218 compliance.

Support:
New this year, any resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. Those submitting resolutions were asked to provide written documentation of concurrence. The following letters of concurrence were received: cities of Alhambra; Cerritos; Claremont; Glendora; Lakewood; La Mirada; La Verne; Norwalk; Signal Hill; and Mary Ann Lutz, Mayor, city of Monrovia. A letter of support was also received from the California Contract Cities Association.

RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

2. RESOLUTION CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSIONS WITH THE LEAGUE AND CALIFORNIA POLICE CHIEFS' ASSOCIATION REPRESENTATIVES TO IDENTIFY AND ENACT STRATEGIES THAT WILL ENSURE THE SUCCESS OF PUBLIC SAFETY REALIGNMENT FROM A LOCAL MUNICIPAL LAW ENFORCEMENT PERSPECTIVE.

Source: Public Safety Policy Committee
Concurrence of five or more cities/city officials: Cities of Arroyo Grande, Covina; Fontana; Glendora; Monrovia; Ontario; Pismo Beach; and Santa Barbara
Referred to: Public Safety Policy Committee
Recommendation to General Resolutions Committee: Approve

WHEREAS, in October 2011 the Governor proposed the realignment of public safety responsibilities from state prisons to local government as a way to address recent court orders in response to litigation related to state prison overcrowding, and to reduce state expenditures; and

WHEREAS, the Governor stated that realignment needed to be fully funded with a constitutionally protected source of funds if it were to succeed; and

WHEREAS, the Legislature enacted the realignment measures, AB 109 and AB 117, and the Governor signed them into law without full constitutionally protected funding and liability protection for stakeholders; and

WHEREAS, California currently has insufficient jail space, probation officers, housing and job placement programs, medical and mental health facilities, lacks a uniform definition of recidivism; and utilizes inappropriate convictions used to determine inmate eligibility for participation in the realignment program; and

WHEREAS, since the implementation of realignment there have been numerous issues identified that have not been properly addressed that significantly impact municipal police departments' efforts to successfully implement realignment; and

WHEREAS, ultimately many of these probationers who have severe mental illness are released into communities where they continue to commit crimes that impact the safety of community members and drain the resources of probation departments and police departments throughout the state; and

WHEREAS, an estimated 30 counties were operating under court-ordered or self-imposed population caps before realignment, and the current lack of bed space in county jails has since led to many convicted probationers being released early after serving a fraction of their time; with inadequate to no subsequent supervision, leaving them free to engage in further criminal offenses in our local cities; and

WHEREAS, there is increasing knowledge among the offender population which offenses will and will not result in a sentence to state prison, and many offenders, if held in custody pending trial, that would be sentenced to county jail are ultimately sentenced to time served due to overcrowding in county facilities; and

WHEREAS, there are inadequate databases allowing local police departments to share critical offender information among themselves, with county probation departments, and with other county and state law enforcement entities; and

WHEREAS, local police departments have not received adequate funding to properly address this new population of offenders who are victimizing California communities; and now therefore let it be

RESOLVED by the General Assembly of the League of California Cities, assembled in Sacramento on September 20, 2013, to request the Governor and State Legislature to immediately enter into discussions with League representatives and the California Police Chiefs' Association to address the following issues:

1. The need to fully fund municipal police departments with constitutionally protected funding to appropriately address realignment issues facing front-line law enforcement;

2. Amend appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates (N3) inmates to include their total criminal and mental history instead of only their last criminal conviction;

3. Establish a uniform definition of recidivism with the input of all criminal justice stakeholders throughout the state;

4. Enact legislation that will accommodate the option for city police officers to make ten (10) day flash incarcerations in city jails for probationers who violate the conditions of their probation;

5. Establish oversight procedures to encourage transparency and accountability over the use of realignment funding;

6. Implement the recommendations identified in the California Little Hoover Commission Report #216 dated May 30, 2013;

7. Provide for greater representation of city officials on the local Community Corrections Partnerships. Currently AB 117 provides for only one city official (a police chief) on the seven-member body, six of which are aligned with the county in which the partnership has been established. As a result, the counties dominate the committees and the subsequent distribution of realignment funds.

8. Provide, either administratively or by legislation, an effective statewide data sharing mechanism allowing state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.

/////////

Background Information on Resolution No. 2

Source: Public Safety Policy Committee

Background:
In October 2011 the Governor proposed the realignment of public safety tasks from State Prisons to local government as a way to address certain judicial orders dealing with State prison overcrowding and to reduce State expenditures. This program shifts the prisoner burden from State prisons to local counties and cities.

When the Governor signed into law realignment he stated that realignment needed to be fully funded with constitutionally protected source of funds to succeed. Nonetheless, the law was implemented without full constitutional protected funding for counties and cities; insufficient liability protections to local agencies; jail space; probation officers; housing and job placement programs; medical and mental health facilities; and with an inappropriate definition of N3 (non-serious, non-sexual, non-violent) criminal convictions used to screen inmates for participation in the program.

Two-thirds of California's 58 counties are already under some form of mandated early release. Currently, 20 counties have to comply with maximum population capacity limits enforced by court order, while another 12 counties have self-imposed population caps to avoid lawsuits.

At this time no one knows what the full impact of realignment will ultimately be on crime. We hope that crime will continue to drop, but with the current experience of the 40,000 offenders realigned since October 2011, and an estimated additional 12,000 offenders being shifted from State prison to local jails and community supervision by the end of fiscal year 2013-14, it will be very difficult to realize lower crime rates in the future.

Beginning in October 2011, California State prisons began moving N3 offenders into county jails, the county probation and court systems, and ultimately funneled them into community supervision or alternative sentencing program in cities where they will live, work, and commit crime.

Note: There is currently no uniform definition of recidivism throughout the state and no database that can deliver statistical information on the overall impact realignment has had on all cities in California. Because of this problem we have used data from Los Angeles County.

The March 4, 2013 report to the Los Angeles County Criminal Justice Coordination Committee (CCJCC) shows a strong effort and progress in addressing the realignment mandate. However, there is insufficient funding.

The report also states the jail population continues to be heavily influenced by participants housed locally. On September 30, 2012, the inmate count in the Los Angeles County Jail was 15,463; on January 31, 2013, the count was 18,864. The realignment population accounted for 32% of the Jail population; 5,743 offenders sentenced per Penal Code Section 1170 (h) and 408 parole violations.

By the end of January 2013, 13,535 offenders were released on Post Release Community Supervision (PRCS) to Los Angeles County including prisoners with the highest maintenance costs because of medical and drug problems and mental health issues costing counties and local cities millions of dollars in unfunded mandates since the beginning of the program. Prisoners with prior histories of violent crimes are also being released without proper supervision. That is why sections of **AB 109 must be amended to change the criteria used to justify the release of N3 inmates to include an offender's total criminal and mental history instead of only their last criminal conviction.** Using the latter as the key criteria does not provide

an accurate risk assessment of the threat these offenders pose to society if they are realigned to county facilities, or placed on Post Release Community Supervision.

Chief Jerry Powers from the Los Angeles County Probation Department recently stated the release criteria for N3 offenders "has nothing to do with reality." He said initially the State estimated the population of released PRCS offenders would be 50% High Risk, 25% Medium Risk and 25% Low Risk. The reality is 3% are Very High Risk, 55% are High Risk, 40% are Medium Risk and only 2% are Low Risk offenders. He said the High Risk and serious mentally ill offenders being released "are a very scary population." One of the special needs offenders takes the resources of 20-30 other offenders.
Assistant Sheriff Terri McDonald who is the county Jail Administrator recently stated the Jail has only 30 beds for mentally ill offenders being released – when in fact she actually needs 300 beds to accommodate the volume of serious mentally ill offenders being released that require beds.

Los Angeles County data shows 7,200 released offenders have had some sort of revocation. This number is expected to increase because of a significant increase in the first four months of year two of realignment that totals 83% of the entire first year of the program; 4,300 warrants were issued for offenders; 6,200 offenders have been rearrested; and 1,400 prosecuted. Data reveals one in 10 offenders will test positive for drugs during the first 72 hours after being released knowing they are required to report to a probation officer during that time. Only one in three offenders will successfully complete probation.

There are more than 500 felony crimes that qualify State prison inmates for release under realignment. They will be spending their time in cities with little, if any, supervision.

/////////

League of California Cities Staff Analysis on Resolution No. 2

Staff: Tim Cromartie (916) 658-8252
Committee: Public Safety Policy Committee

Summary:
This Resolution seeks to outline the deficiencies in the State's current public safety realignment policy, as implemented in 2011 by AB 109, and to identify policy changes that will assist State, county and municipal law enforcement entities to cope with the expanded universe of offenders that are now being directed to county facilities, resulting in increased related impacts on both local communities and municipal law enforcement.

Background:
This resolution was brought to the Public Safety Policy Committee by individual members of that committee who are increasingly concerned about municipal public safety impacts resulting from county jail overcrowding, a problem that has intensified with realignment, resulting in certain categories of offenders doing no jail time or being sentenced to time served. This has created a climate in which some offenses receive little or no jail time, accompanied by a growing body of anecdotal evidence that property crimes have correspondingly increased, with some, such as auto theft, being committed in serial fashion. Increased criminal activity has strained the resources of many local police departments already struggling to more closely coordinate information sharing with county probation offices to effectively monitor offenders on post-community release supervision.

In addition, there is growing concern about the criteria established for determining which offenders are eligible for post-release community supervision (the non-violent, non-serious, non-sex offenders). There is so much concern that a May 2013 report of California's Little Hoover Commission recommended adjusting

the criteria to examine an offender's total criminal history rather than merely his or her last known offense, as a means of more accurately assessing the risk he or she might pose to the community.

Implementation of the realignment policy is handled in part by the Community Corrections Partnerships established by AB 109, which currently have only one city representative, compared to at least four county-level representatives.

Fiscal Impact:
Unknown impact on the State General Fund. This resolution seeks to establish increased and constitutionally protected funding for city police departments (and county sheriff's departments, to the degree they are contracted to provide police services for cities), but does not specify a dollar amount for the revenue stream. At a minimum, it would entail an annual revenue stream of at least the amount provided for cities for front-line law enforcement in the State's 2013-14 Budget, $27.5 million, indefinitely – although that revenue stream has never been formally identified by the Brown Administration as having any direct connection to realignment.

Existing League Policy:
Related to this resolution, existing policy provides:

- The League supports policies establishing restrictions on the early release of state inmates for the purpose of alleviating overcrowding, and limiting parole hearing opportunities for state inmates serving a life sentence, or paroled inmates with a violation.

- The League supports increasing municipal representation on and participation in the Community Corrections Partnerships, which are charged with developing local corrections plans.

- In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, included the promotion of local control for strong cities. The resolution's objectives of locking in ongoing funding for front-line municipal law enforcement, and increasing city participation in the Community Corrections Partnerships, are consistent with promoting local control.

Support:
New this year, any resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. Those submitting resolutions were asked to provide written documentation of concurrence. The following cities/city officials have concurred: cities of Arroyo Grande; Covina; Fontana; Glendora; Monrovia; Ontario; Pismo Beach; and Santa Barbara.

LETTERS OF CONCURRENCE

Resolution #1

Water Bond Funds

City of Alhambra
Office of the Mayor and City Council

Gateway to the San Gabriel Valley

111 South First Street Alhambra California 91801

626 570-5010

FAX 281-2248

July 1, 2013

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

Dear President Bogaard:

The City of Alhambra supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The City of Alhambra is anticipating spending $24,101.96 this year to start the development of the Enhanced Watershed Plan and monitoring plan. Prior to 2016, the City anticipates spending $1,169,000 for full capture device on our storm drain catch basins. In the future, it is estimated the city may need $34 million dollars to finance the required infrastructure to meet the new permit guidelines. We also anticipate needing to hire additional staff to monitor and maintain the program. None of these costs have a dedicated funding source.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Mary Chavez, Director of Public Works, at (626) 570-5067 if you have any questions.

Very truly yours,

Steven Placido, DDS
Mayor

cc: Jennifer Quan, League of California Cities

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CITY OF CERRITOS

CIVIC CENTER • 18125 BLOOMFIELD AVENUE
P.O. BOX 3130 • CERRITOS, CALIFORNIA 90703-3130
PHONE: (562) 916-1310 • FAX: (562) 468-1095
CELL PHONE: (562) 547-1732
E-mail: bbarr90703@aol.com
WWW.CERRITOS.US

Cerritos
All-America City
2008

OFFICE OF THE MAYOR
BRUCE W. BARROWS

July 8, 2013

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

President ~~Bogaard~~: Bill

The City of Cerritos supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The City of Cerritos expended $866,000 in the Fiscal Year 2011-2012 for compliance with required stormwater programs. Future expenditures are expected to be over $1.5 million annually, as the City will be required to begin construction of costly stormwater capital improvements.

As members of the League our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Art Gallucci, City Manager at (562)916-1301 or agallucci@cerritos.us, if you have any questions.

Sincerely,

Bruce W. Barrows
MAYOR

cc: Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division, robb@lacities.org

CITY OF CLAREMONT

City Hall
207 Harvard Avenue
P.O. Box 880
Claremont, CA 91711-0880
Fax: (909) 399-5492
Website: www.ci.claremont.ca.us
Email: contact@ci.claremont.ca.us

City Council • (909) 399-5444
Corey Calaycay
Joseph M. Lyons
Opanyi K. Nasiali
Sam Pedroza
Larry Schroeder

July 1, 2013

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

President Bogaard:

RE: Los Angeles County Division Proposed Resolution for LCC Approval At The 2013 Annual Conference

The City of Claremont supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond.

As members of the League, our City values the policy development process provided to the General Assembly and appreciates your time on this issue. If you have any questions, please feel free to contact Tony Ramos, City Manager, at (909) 399-5441.

Sincerely,

OKNasiali

Opanyi Nasiali
Mayor

c: Jennifer Quan, League of California Cities

v:/TMoreno/City Council/Letters/LCC Annual Conf Approval Ltr-ON-July'13

CITY OF GLENDORA CITY HALL (626) 914-8200
116 East Foothill Blvd., Glendora, California 91741
www.ci.glendora.ca.us

July 15, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

President Bogaard:

The City of Glendora supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond.

As members of the League our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact me, if you have any questions.

Sincerely,

Joe Santoro

Joe Santoro, Mayor

cc: Ling-Ling Chang, President, Los Angeles County Division c/o Robb Korinke, Executive Director, Los Angeles County Division, robb@lacities.org
Jennifer Quan, Regional Public Affairs Manager, League of California Cities – jquan@cacities.org

PRIDE OF THE FOOTHILLS

Todd Rogers
Vice Mayor

Diane DuBois
Council Member

Jeff Wood
Council Member

Ron Piazza
Council Member

Steve Croft
Mayor

CITY OF LAKEWOOD
CALIFORNIA

July 2, 2013

Mr. Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Los Angeles County Division Annual Conference Resolution - Support

Dear President Bogaard:

The City of Lakewood supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond

For Lakewood, the initial cost alone to prepare the Watershed Management Plan (WMP), Coordinated Integrated Management Plan (CIMP), and Reasonable Assurance Modeling for the three watersheds that Lakewood is a part of is estimated to be $153,167. This cost does not include administration costs, monitoring costs, construction costs, or inspection costs, which are estimated to be in the millions of dollars.

As members of the League our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Paolo Beltran, Senior Management Analyst, at (562) 866-9771, extension 2140, or email at pbeltran@lakewoodcity.org, if you have any questions.

Sincerely,

Steve Croft
Mayor

cc: Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division,
robb@iacities.org

Lakewood
5050 Clark Avenue, Lakewood, CA 90712 • (562) 866-9771 • Fax (562) 866-0505 • www.lakewoodcity.org • Email: service1@lakewoodcity.org

CITY OF LA MIRADA
DEDICATED TO SERVICE

13700 La Mirada Boulevard
La Mirada, California 90638
P.O. Box 828
La Mirada, California 90637-0828
Phone: (562) 943-0131 Fax: (562) 943-1464
www.cityoflamirada.org

July 15, 2013

LETTER OF SUPPORT

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

SUBJECT: LOS ANGELES COUNTY DIVISION ANNUAL CONFERENCE RESOLUTION

Dear President Bogaard:

On behalf of the City of La Mirada, I am writing to express support for the League of California Cities, Los Angeles County Division's effort to submit a resolution for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for local governments working to meet Federal and State objectives to protect water resources and storm water management plans. The resolution also provides direction for the League to educate State leaders and advocates for the inclusion of storm water funding in the State's proposed 2014 Water Bond.

Like many cities, the City of La Mirada does not have the basic infrastructure to capture, filter, and reuse storm water, and Federal and State funding to assist in providing this infrastructure has been reduced in recent years as a result of the economic recession. Compliance with the MS-4 permit and other storm water regulations could cost the City millions, and reduce funding for other vital City services such as infrastructure and public safety. The City could also face steep fines, penalties, and third party lawsuits if it is unable to meet the National Pollutant Discharge Elimination Systems (NPDES) permit requirements. Receiving State funding could help alleviate the financial burden placed on local governments to meet storm water requirements.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Jeff Boynton, Deputy City Manager, at (562) 943–0131 if you have any questions.

Sincerely,

CITY OF LA MIRADA

Steve De Ruse
Mayor

TER:jb:vdr

cc: Ling-Ling Chang, President, Los Angeles County Division
Robb Korinke, Executive Director, Los Angeles County Division

Steve De Ruse, D. Min. Mayor | Lawrence P. Mowles Mayor Pro Tem | Pauline Dea Councilmember | Steve Jones Councilmember | Andrew Sarega Councilmember | Thomas E. Robinson City Manager

CITY OF LA VERNE
CITY HALL
3660 "D" Street, La Verne, California 91750-3599
www.ci.la-verne.ca.us

July 2, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

President Bogaard:

The City of La Verne supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. While the City is still in the process of identifying the costs associated with meeting the new requirements of the MS-4 PERMIT, it is expected these measures will far exceed existing local resources.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact our City Manager, Bob Russi at 909-596-8726, if you have any questions.

Sincerely,

Don Kendrick
Mayor

cc: Jennifer Quan, League of California Cities
JR Ranells, Senior Management Analyst

U:\My Documents\CITY COUNCIL\D KENDRICK\Support 2013 League Conf Reso.doc

LUIGI VERNOLA
Mayor
MARCEL RODARTE
Vice Mayor
CHERI KELLEY
Councilmember
MICHAEL MENDEZ
Councilmember
LEONARD SHRYOCK
Councilmember
MICHAEL J. EGAN
City Manager

City of NORWALK

12700 NORWALK BLVD., P.O. BOX 1030, NORWALK, CA 90651-1030 * PHONE: 562/929-5700 * FACSIMILE: 562/929-5773 * WWW.NORWALKCA.GOV

July 2, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

Dear President Bogaard:

The city of Norwalk supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The cost of compliance wilh the new storm water permit is in the millions of dollars. The Watershed Management Plan alone will cost close to $1M. Implementation of projects in the near future based on that Watershed Management Plan could potentially cost the City of Norwalk $5 - $10 million annually.

As members of the League our City values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Mike Egan, City Manager, at (562) 929-5772 if you have any questions.

Sincerely,

Luigi Vernola
Mayor

cc: Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division, robb@lacities.org

CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, California 90755-3799

June 27, 2013

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

President Bogaard:

The city of Signal Hill supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The city of Signal Hill currently budgets for $755,000 annually for compliance with required stormwater programs, which represents over 4% of the entire General Fund. Future expenditures are expected to be over $1.5 million annually, as the City will be required to begin construction of costly stormwater capital improvements.

As members of the League our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Ken Farfsing, City Manager at (562) 989-7302 or kfarfsing@cityofsignal.org, if you have any questions.

Sincerely,

Michael J. Noll
Mayor

CC: Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division, robb@lacities.org

City of MONROVIA

1887

All-America City

Office of the Mayor and the City Council

July 2, 2013

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

SUBJECT: Los Angeles County Division Annual Conference Resolution

Dear President Bogaard:

As Mayor of the City of Monrovia, I support the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. The City is anticipating millions of dollars in stormwater permit compliance costs over the next five years – funds the City currently does not have available. Funding assistance is vital in order for the City to meet stormwater permit requirements.

As members of the League, our City values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact Heather Maloney, Senior Management Analyst, at (626) 932-5577 or hmaloney@ci.monrovia.ca.us, if you have any questions.

Sincerely,

Mary Ann Lutz,
Mayor

cc: City Council
Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division, robb@lacities.org
Laurie K. Lile, City Manager
Ron Bow, Director of Public Works

415 South Ivy Avenue • Monrovia, California 91016-2888 • (626) 932-5550 • FAX (626) 932-5520

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EXECUTIVE DIRECTOR
SAM OLIVITO

June 20, 2013

Bill Bogaard
President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Los Angeles County Division Annual Conference Resolution

President Bogaard:

The California Contract Cities Association supports the Los Angeles County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2013 Annual Conference in Sacramento.

The Division's resolution seeks to address a critical funding need for cities working to meet the State's water quality objectives and storm water management plans by providing direction for the League to educate state leaders and advocate for funding during discussions on the 2014 Water Bond. All of the 58 cities we represent can ill afford this increasingly expensive ongoing cost.

As members of the League our association values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact our office at (562) 622-5533 if you have any questions.

Sincerely,

Steve Tye

Steve Tye
CCCA President

CC: Ling-Ling Chang, President, Los Angeles County Division c/o
Robb Korinke, Executive Director, Los Angeles County Division, robb@lacities.org

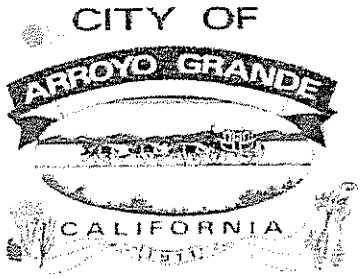
11027 Downey Ave. Downey, CA 90241 P(562) 622-5533 F(562) 622-9555 www.contractcities.org

LETTERS OF CONCURRENCE

Resolution #2

Public Safety Realignment

OFFICE OF THE
MAYOR



300 East Branch Street
Arroyo Grande, CA 93420
Phone: (805) 473-5400
FAX: (805) 473-0386
agcity@arroyogrande.org
www.arroyogrande.org

July 17, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Arroyo Grande, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact our City Manager, Steve Adams, at (805)473-5404, if you have any questions.

Sincerely,

Tony Ferrara

Mayor, City of Arroyo Grande

CITY OF COVINA

125 East College Street • Covina, California 91723-2199
www.covinaca.gov

July 17, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Covina, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Daryl Parrish, City Manager, at (626) 384-5410, if you have any questions.

Sincerely,

Walter Allen III
Mayor, City of Covina

The City of Covina provides responsive municipal services and manages public resources to enhance the quality of life for our community.

Mayor Acquanetta Warren

July 17, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Fontana, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Ken Hunt City Manager, at (909)350-7654, if you have any questions.

Sincerely,

Mayor, City of Fontana

AW/ac

8353 Sierra Avenue, Fontana, California 92335 (909) 350-7606 FAX (909) 350-6613 www.fontana.org

CITY OF GLENDORA CITY HALL (626) 914-8201
116 East Foothill Blvd., Glendora, California 91741
FAX (626) 914-8221
www.ci.glendora.ca.us
OFFICE OF THE MAYOR

July 19, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Glendora, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Chris Jeffers, City Manager, at cjeffers@ci.glendora.ca.us or (626) 914-8201, if you have any questions.

Sincerely,

City of Glendora

Joe Santoro

Joe Santoro
Mayor

PRIDE OF THE FOOTHILLS

City of MONROVIA 1887

Office of the Mayor and the City Council

July 19, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: PUBLIC SAFETY REALIGNMENT RESOLUTION

Dear President Bogaard:

As Mayor of the City of Monrovia, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Laurie Lile, City Manager, at (626) 932-5501, if you have any questions.

Sincerely,

Mary Ann Lutz
Mayor

cc: City Council
James Hunt, Police Chief

415 South Ivy Avenue • Monrovia, California 91016-2888 • (626) 932-5550 • FAX (626) 932-5520

CITY OF ONTARIO

303 EAST "B" STREET, CIVIC CENTER ONTARIO CALIFORNIA 91764-4105 (909) 395-2000
FAX (909) 395-2070

PAUL S. LEON
MAYOR

JIM W. BOWMAN
MAYOR PRO TEM

ALAN D. WAPNER
DEBRA DORST-PORADA
PAUL VINCENT AVILA
COUNCIL MEMBERS

CHRIS HUGHES
CITY MANAGER

MARY E. WIRTES, MMC
CITY CLERK

JAMES R. MILHISER
TREASURER

July 18, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Ontario, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision; i.e., a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact Chris Hughes, City Manager, at (909) 395-2010, if you have any questions.

Sincerely,

Paul S. Leon

PAUL S. LEON
Mayor

From the Office of the Mayor
Shelly Higginbotham
760 Mattie Road
Pismo Beach, CA 93449
(805) 235-6604
shigginbotham@pismobeach.org

July 18, 2013

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Pismo Beach, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

As a member of the League, our City values the policy development process provided to the General Assembly. Please contact James R. Lewis, City Manager, at (805) 773-7007, if you have any questions.

Sincerely,
Shelly Higginbotham
Shelly Higginbotham
Mayor

City of Santa Barbara

Office of Mayor

HSchneider@SantaBarbaraCA.gov
www.SantaBarbaraCA.gov

July 19, 2013

Helene Schneider
Mayor

City Hall
735 Anacapa Street
Santa Barbara, CA
93101-1990

Mailing Address:
P.O. Box 1990
Santa Barbara, CA
93102-1990

Tel: 805.564.5323
Fax: 805.564.5475

Bill Bogaard, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

RE: Public Safety Realignment Resolution

Dear President Bogaard:

On behalf of the City of Santa Barbara, I am writing to express support for the League of California Cities' Public Safety Resolution, which will be submitted for consideration by the League's General Assembly at the September 2013 Annual Conference in Sacramento.

The League's Resolution seeks to highlight a number of deficiencies with the current public safety realignment policy, and what funding and policy changes need to occur in response. The resolution specifically calls out the need for ongoing local law enforcement funding related to realignment, as well as modification of the criteria for which offenders are eligible for post-release community supervision, i.e. a non-violent, non-serious, non-sex offender criteria that focuses on total criminal history rather than merely the last recorded offense.

It is important to our City, that such state-mandated programs remain fully-funded and that the regulations do not impede our law enforcement officers' ability to use their professional discretion in protecting our community.

As a member of the League, our City values the League's leadership and policy direction on this issue.

Sincerely,

Helene Schneider,
Mayor

cc: Dave Mullinax, League of California Cities

Please consider the environment before printing this letter.