

Tuesday, March 18, 2014, 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 – Proclamation – Multiple Myeloma Awareness Month
- Certificates of Appointment – Measure E Residents’ Oversight Committee
- Certificates of Recognition – Outgoing Measure E Residents’ Oversight Committee Members

1. CONSENT CALENDAR

- A. Approval of the Final Subdivision Map, Subdivision Improvement Agreement (SIA), and Deferred Improvement Agreement (DIA) for Tiburon Village, Tract 3290 (A.K.A. Ventana Subdivision), Authorization for the Mayor to Execute the Agreements, and Authorization for the City Clerk to File the Deferred Improvement Agreement with San Joaquin County Recorder
- B. Approval of Permits for the Consumption of Alcoholic Beverages on City Streets for the Following Events: City of Tracy Downtown Block Parties on May 2, June 13, June 20, July 11, July 18, August 1, and August 15, 2014; City of Tracy “Girls Night Out” Event on May 9, 2014; Chamber of Commerce “Fourth of July Celebration” on July 4, 2014; Tracy City Center Association “Fall Wine Stroll” on September 27, 2014; and City of Tracy “Girls Night Out – Witches and Broomsticks” Event on October 24, 2014
- C. Approve Amendment 1 to the Memorandum of Understanding Between the City of Tracy and the West Side Pioneers Association and Authorize the Mayor to Execute the Amendment
- D. Authorization to Amend the City’s Conflict of Interest Code
- E. Approve Extending the Term, By Eighteen Months, of the Exclusive Negotiating Rights Agreement with Combined Solar Technologies, Inc., for Green Energy and Thermal Desalination Project and Authorize the Mayor to Execute the Amendment
- F. Approve an Exclusive Negotiating Rights Agreement (ENRA) by and Between the City of Tracy and Becker Commercial Properties for City-Owned Properties Located Near the Northeast Corner of Naglee Road and Grant Line Road and the Southwest Corner of Naglee Road an pavilion Parkway, and Authorize the Mayor to Sign the Agreements

2. ITEMS FROM THE AUDIENCE

3. PUBLIC HEARING TO CONSIDER A PRELIMINARY AND FINAL DEVELOPMENT PLAN APPLICATION FOR A CAR WASH AND VACUUM SERVICE ON THE WESTERN PORTION OF ASSESSOR’S PARCEL NUMBER 238-600-04 LOCATED IN THE TRACY MARKETPLACE. APPLICANT IS FRANK MADRUGA AND PROPERTY OWNER IS LAMORINDA DEVELOPMENT AND INVESTMENT CORPORATION. APPLICATION NUMBER D13-0014

4. PUBLIC HEARING TO CONSIDER A VESTING TENTATIVE SUBDIVISION MAP AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN AMENDMENT TO CONSTRUCT 60 DUPLEX UNITS ON APPROXIMATELY 4.32 ACRES AT THE NORTHEAST CORNER OF LAMMERS ROAD AND FETEIRA WAY. THE APPLICANT IS VALLEY OAK PARTNERS AND THE OWNER IS TRACY WESTGATE APARTMENTS, LLC – APPLICATION NUMBERS TSM13-0004 AND PUD13-0004
5. COUNCIL UPDATE AND DISCUSSION REGARDING AQUATICS CENTER NEGOTIATIONS AND PROVIDE DIRECTION TO STAFF TO NEGOTIATE WITH WILD RIVERS, LLC FOR DEVELOPMENT OF AN AQUATICS CENTER AT THE ELLIS LOCATION
6. RECEIVE UPDATE AND PROVIDE FURTHER DIRECTION RELATED TO AN AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH SURLAND COMMUNITIES, LLC FOR THE ELLIS DEVELOPMENT LOCATED ON APPROXIMATELY 321-ACRES OF LAND ON THE NORTHWEST CORNER OF CORRAL HOLLOW ROAD AND LINNE ROAD
7. SELECT AN EXECUTIVE SEARCH AND CONSULTING FIRM FOR THE RECRUITMENT OF THE CITY MANAGER POSITION AND AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT
8. ACCEPT REPORT REGARDING THE CITY'S INTERNAL CONTROL WORK PLAN
9. REVIEW AND DISCUSS PRIORITY PROJECTS WHICH INCLUDE THE JUNE 18, 2013 COUNCIL ADOPTED STRATEGIES AND APPROVE RECOMMENDATION FOR DEADLINE ADJUSTMENTS ON SPECIFIED ACTION ITEMS
10. ITEMS FROM THE AUDIENCE
11. STAFF ITEMS
 - A. Receive and Accept the Interim City Manager Update
12. COUNCIL ITEMS
 - A. Receive Report on Citizen Police Review Boards and Determine Whether the City Council Desires to Explore Establishing a Similar Board
 - B. Consider Whether an Item to Discuss a Public Records Act Request Log Should be Placed on a Future City Council Agenda
 - C. Appointment of City Council Subcommittee to Interview Applicants for Vacancies on the Transportation Advisory Commission
13. ADJOURNMENT

AGENDA ITEM 1.A

REQUEST

APPROVAL OF THE FINAL SUBDIVISION MAP, SUBDIVISION IMPROVEMENT AGREEMENT (SIA), AND DEFERRED IMPROVEMENT AGREEMENT (DIA) FOR TIBURON VILLAGE, TRACT 3290 (A.K.A. VENTANA SUBDIVISION), AUTHORIZATION FOR THE MAYOR TO EXECUTE THE AGREEMENTS, AND AUTHORIZATION FOR THE CITY CLERK TO FILE THE DEFERRED IMPROVEMENT AGREEMENT WITH THE SAN JOAQUIN COUNTY RECORDER

EXECUTIVE SUMMARY

City staff requests that the City Council approve the Final Subdivision Map of Tiburon Village, Tract 3290, for the subdivision of Tiburon Village Subdivision into 105 single family dwelling lots. Approval of the Final Subdivision Map will facilitate recordation of the Final Subdivision Map, and the issuance of the building permits to construct the residential houses. Tri Pointe Homes, Incorporated, a Delaware corporation (Subdivider) has signed the Subdivision Improvement Agreement (SIA) for the construction of subdivision improvements to serve 105 single family dwelling lots. The Subdivider has also signed the Deferred Improvement Agreement (DIA) to guarantee completion of the removal of the on-site storm drainage retention basin.

DISCUSSION

In 2007, City Council approved the Vesting Tentative Subdivision Map and Preliminary and Final Development Plans for Tiburon Village, for 103 residential lots. An amendment to the Vesting Tentative Subdivision Map of Tiburon Village was approved on August 20, 2013, to allow a density up to 5.6 dwelling units per acre and create 105 single family dwelling units. This subdivision is designated in the General Plan as Low Density Residential (LDR) for residential low development.

In addition to the in-tract subdivision improvements, the Subdivider will construct street and utility improvements on MacArthur Drive which include a masonry wall and frontage landscaping, a temporary pedestrian walkway along the west side of MacArthur Drive from the subdivision entry to Valpico Road, and the undergrounding of overhead utilities on MacArthur Drive. An on-site storm drainage retention facility will be constructed as a temporary solution for the disposal of storm water.

The Subdivider has executed the SIA, for the completion of subdivision improvements. The Subdivider has also executed the DIA to guarantee removal of the on-site storm drainage retention facility when it is no longer needed and grading of the basin site. The Engineering Division has reviewed the Improvement Plans and all improvements required of Tiburon Village are guaranteed as part of the SIA and DIA with security.

The Final Subdivision Map has been reviewed as to its substantial compliance with design of the approved Vesting Tentative Subdivision Map. The SIA, DIA, Final

Subdivision Map, and Improvement Plans are on file with the City Engineer and are available for review upon request.

Upon completion of all improvements, the City will accept the improvements for maintenance and will accept all offers of dedication of public right-of-way at that time.

FISCAL IMPACT

There will be no impact to the General Fund. The Subdivider has paid the applicable engineering review fees which include the cost of processing the Final Subdivision Map and Subdivision Improvement Agreement.

STRATEGIC PLAN

This agenda item is consistent with the Council approved Economic Development Strategy to ensure physical infrastructure necessary for development.

RECOMMENDATION

That City Council, by resolution, approve the Final Subdivision Map for Tiburon Village , Tract 3290 (a.k.a. Ventana), and authorize the Mayor to execute the Subdivision Improvement Agreement and Deferred Improvement Agreement, and authorize the City Clerk to file the Deferred Improvement Agreement with the San Joaquin County Recorder.

Prepared by: Criseldo Mina, Senior Civil Engineer

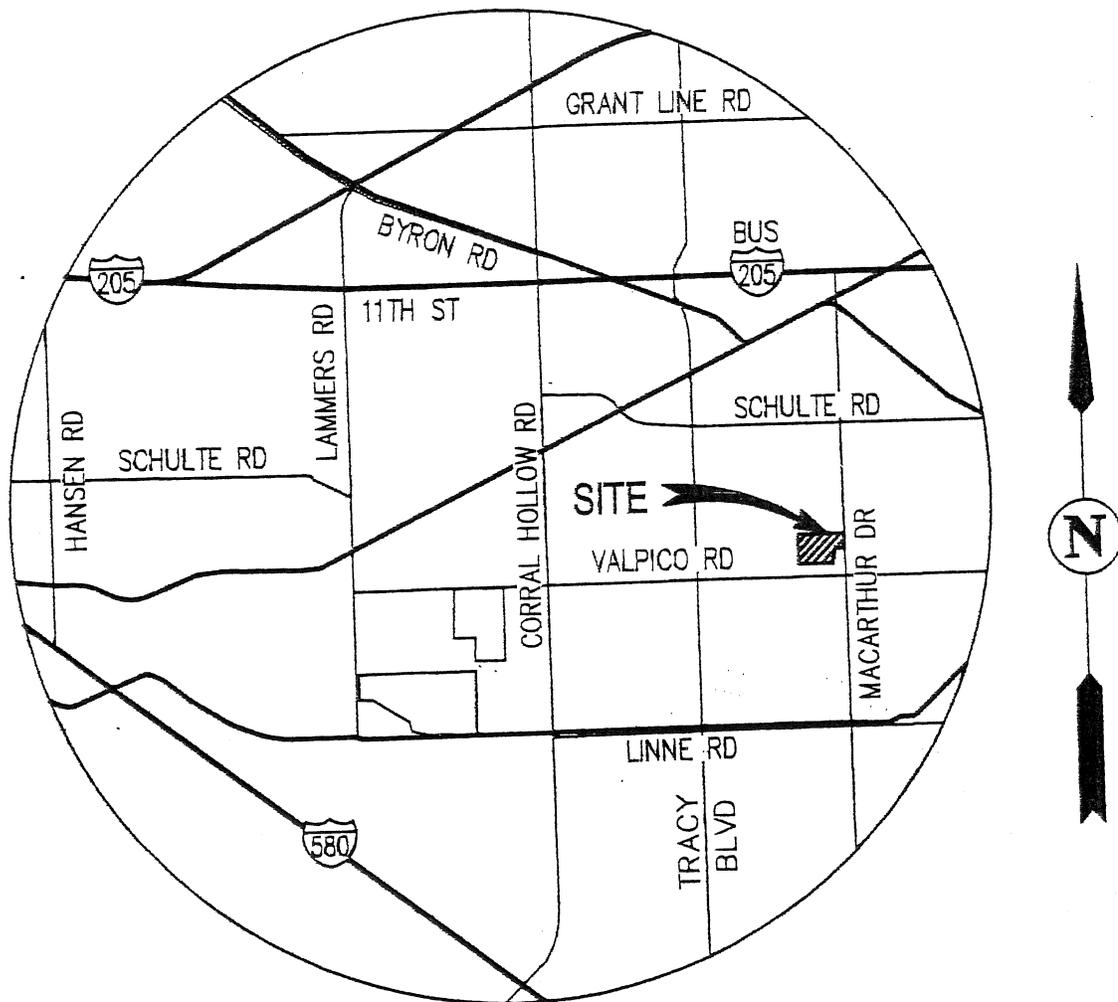
Reviewed by: Kuldeep Sharma, City Engineer
Andrew Malik, Development Services Director

Approved by: Maria A. Hurtado, Interim City Manager

ATTACHMENTS

Attachment A - Vicinity Map

TIBURON VILLAGE (VENTANA)
TRACT # 3290



VICINITY MAP
NOT TO SCALE

RESOLUTION 2014 - _____

APPROVING THE FINAL SUBDIVISION MAP, SUBDIVISION IMPROVEMENT AGREEMENT, AND DEFERRED IMPROVEMENT AGREEMENT FOR TIBURON VILLAGE (VENTANA), TRACT 3290, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENTS, AND AUTHORIZING THE CITY CLERK TO FILE THE DEFERRED IMPROVEMENT AGREEMENT WITH THE SAN JOAQUIN COUNTY RECORDER

WHEREAS, An amendment to the Vesting Tentative Subdivision Map for the Tiburon Village Subdivision, a single-family residential subdivision with a total of 105 single family dwelling lots, was approved by City Council on August 20, 2013, pursuant to Resolution 2013-133, and

WHEREAS, Tri Pointe Homes, Incorporated, a Delaware corporation, has requested to construct public improvements to serve the proposed residential development, and

WHEREAS, The Subdivider has executed the Subdivision Improvement Agreement and posted security, for construction of the subdivision improvements, and

WHEREAS, The Subdivider's obligation to remove the in-tract storm drainage retention basin and the re-grading of the basin site is guaranteed under the Deferred Improvement Agreement with security, and

WHEREAS, Upon completion of all improvements, the City will accept the public improvements for maintenance and will accept all offers of dedication of public right-of-way, and

WHEREAS, There will be no impact to the General Fund. The Developer has paid the applicable engineering review fees which include the cost of processing the Final Subdivision Map, Improvement Plans, Subdivision Improvement Agreement and Deferred Improvement Agreement;

NOW, THEREFORE, BE IT RESOLVED, that City Council approves the Final Subdivision Map for Tiburon Village (Ventana), Tract 3290, authorizes the Mayor to execute the Subdivision Improvement Agreement and Deferred Improvement Agreement for Tiburon Village (Ventana), Tract 3290, and authorizes the City Clerk to record the Deferred Improvement Agreement for Tiburon Village (Ventana), Tract 3290 with the San Joaquin County Recorder.

* * * * *

The foregoing Resolution 2014-_____ was adopted by the Tracy City Council on the 18th day of March, 2014, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

March 18, 2014

AGENDA ITEM 1.B

REQUEST

APPROVAL OF PERMITS FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON CITY STREETS FOR THE FOLLOWING EVENTS: CITY OF TRACY DOWNTOWN BLOCK PARTIES ON MAY 2, JUNE 13, JUNE 20, JULY 11, JULY 18, AUGUST 1, AND AUGUST 15, 2014; CITY OF TRACY “GIRLS NIGHT OUT” EVENT ON MAY 9, 2014; CHAMBER OF COMMERCE “FOURTH OF JULY CELEBRATION” ON JULY 4, 2014; TRACY CITY CENTER ASSOCIATION “FALL WINE STROLL” ON SEPTEMBER 27, 2014; AND CITY OF TRACY “GIRLS NIGHT OUT – WITCHES AND BROOMSTICKS” EVENT ON OCTOBER 24, 2014

EXECUTIVE SUMMARY

Tracy Municipal Code states Council may, by resolution, issue a permit allowing the consumption of alcohol on public streets and the like at an organized event of community-wide interest. The Public Works Department is coordinating several requests for an alcohol permit in conjunction with community events and is seeking Council approval.

DISCUSSION

Tracy Municipal Code Section 4.12.1190(d) states, the Council, by resolution, may issue a permit under Chapter 4.40 allowing the consumption of intoxicating beverages on public property at an organized event of community-wide interest. The consumption of intoxicating beverages shall be restricted to the perimeters of the event as described in the permit.

Additionally, Tracy Municipal Code Chapter 4.40 governs special event permits occurring on or within the public right-of-way.

For many years, the City of Tracy has successfully coordinated special community events that have community-wide interest with various local non-profit organizations, including the Tracy Chamber of Commerce and the Tracy City Center Association (TCCA). Many of these events have received City approval for the consumption of alcoholic beverages within the boundary of the events. Most of these functions were conducted within the Downtown Tracy Business District.

At the present time, the Public Works Department is coordinating several requests for alcohol permits to allow alcoholic beverages to be served as a component of the following community events: “Fourth of July Celebration” conducted by the Tracy Chamber of Commerce; “Fall Wine Stroll” held by the Tracy City Center Association; and two “Girls Night Out” events and a series of seven “Block Parties” hosted by the City of Tracy.

Block Parties: The Tracy City Center Association is requesting a permit to serve alcoholic beverages at seven block party events on May 2, June 13, June 20, July 11, July 18, August 1, and August 15, 2014, from 6:00 p.m. to 9:00 p.m. along 6th Street between Central Avenue and D Street. This event is hosted by the City of Tracy.

Girls Night Out: The Tracy City Center Association is requesting a permit to serve alcoholic beverages at its event on May 9, 2014, from 6:00 p.m. to 10:00 p.m. on east bound and west bound 6th Street and the Downtown Plaza. This event is hosted by the City of Tracy.

Fourth of July Celebration: The Tracy Chamber of Commerce is requesting a permit to serve alcoholic beverages at its event on July 4, 2014, from 10:00 a.m. to 6:00 p.m., at Lincoln Park located on Eaton Avenue between Holly Drive and East Street.

Fall Wine Stroll: The Tracy City Center Association is requesting a permit to serve alcoholic beverages at its event on September 27, 2014, from 6:00 p.m. to 9:00 p.m., along Central Avenue from 11th Street to 6th Street (including side streets).

Girls Night Out – Witches and Broomsticks: The Tracy City Center Association is requesting a permit to serve alcoholic beverages at its event on October 24, 2014, from 6:00 p.m. to 10:00 p.m. along 7th Street between Central Avenue and D Street and west bound 6th Street and the Downtown Plaza. This event is hosted by the City of Tracy.

STRATEGIC PLAN

This agenda item supports Quality of Life Strategy to provide an outstanding quality of life by enhancing the City's amenities, business mix and services and cultivating connections to promote positive change and progress in our community, and specifically implements the following goal:

Goal 1: Improve current recreation and entertainment programming and services to reflect the community and match trending demands.

FISCAL IMPACT

These special events can generate indirect costs that impact the General Fund, which are absorbed through the existing budget.

RECOMMENDATION

That City Council, by resolution, approve the permits described above for consumption of alcoholic beverages within the above-described designated areas for the following events: City of Tracy's "Block Parties" on May 2, June 13, June 20, July 11, July 18, August 1, and August 15, 2014; "Girls Night Out – Pink Party" on May 9, 2014; Tracy Chamber of Commerce "Fourth of July Celebration" on July 4, 2014; TCCA's "Fall Wine Stroll" on September 27, 2014; and "Girls Night Out – Witches and Broomsticks" on October 24, 2014.

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March 18, 2014
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Prepared by: Brian MacDonald, Management Analyst II

Reviewed by: Kim Scarlata, Recreation Program Manager
David Ferguson, Director of Public Works

Approved by: Maria A. Hurtado, Interim City Manager

RESOLUTION _____

APPROVING PERMITS FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON CITY STREETS FOR THE FOLLOWING EVENTS: CITY OF TRACY DOWNTOWN BLOCK PARTIES ON MAY 2, JUNE 13, JUNE 20, JULY 11, JULY 18, AUGUST 1, AND AUGUST 15, 2014; CITY OF TRACY "GIRLS NIGHT OUT" EVENT ON MAY 9, 2014; CHAMBER OF COMMERCE "FOURTH OF JULY CELEBRATION" ON JULY 4, 2014; TRACY CITY CENTER ASSOCIATION "FALL WINE STROLL" ON SEPTEMBER 27, 2014; AND CITY OF TRACY "GIRLS NIGHT OUT – WITCHES AND BROOMSTICKS" EVENT ON OCTOBER 24, 2014

WHEREAS, The City of Tracy has requested a permit to conduct special events on May 2, May 9, June 13, June 20, July 11, July 18, August 1, August 15, and October 24, 2014, that requires approval of City Council to permit the consumption of alcoholic beverages in public places, and

WHEREAS, The Tracy Chamber of Commerce has requested a permit to conduct a special event in the City of Tracy on July 4, 2014, that requires approval of City Council to permit the consumption of alcoholic beverages in public places, and

WHEREAS, The Tracy City Center Association (TCCA) has requested a permit to conduct a special event in the City of Tracy on September 27, 2014, that requires approval of City Council to permit the consumption of alcoholic beverages in public places, and

WHEREAS, Subject to City Council approval, the Tracy Municipal Code allows such activities and permits under Section 4.12.1190(d) and Chapter 4.40;

NOW, THEREFORE, BE IT RESOLVED, That City Council approves the issuance of a permit to the Tracy Chamber of Commerce, TCCA and the City of Tracy for the possession and consumption of alcoholic beverages within the boundary and time frames of the above-described special events, to be conducted in the Downtown Area of Tracy.

* * * * *

The foregoing Resolution _____ was adopted by City Council on the 18th day of March, 2014, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.C

REQUEST

**APPROVE AMENDMENT 1 TO THE MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF TRACY AND THE WEST SIDE PIONEERS ASSOCIATION
AND AUTHORIZE THE MAYOR TO EXECUTE THE AMENDMENT**

EXECUTIVE SUMMARY

In 2008, City Council approved a Memorandum of Understanding (MOU) with the West Side Pioneers Association (WSPA), a non-profit organization who provides programs and services that benefit the City. Due to extensive fire damage of the Historical Lammersville Schoolhouse in Clyde Bland Park, WSPA's "A School Day in 1876" educational program needs to relocate. Staff recommends an amendment to the MOU to allow such to occur.

DISCUSSION

The WSPA was formed and organized for the purpose of collecting, preserving and displaying historical locations, artifacts and information as it pertains to the Tracy area. Its activities include, but are not limited to, developing and implementing the museum and its programs which foster the broadest possible public use of the museum.

Due to extensive fire damage of the Historical Lammersville Schoolhouse in Clyde Bland Park, WSPA's "A School Day in 1876" educational program needs to relocate. Staff has worked with the officers of the organization to find a suitable facility to relocate the program. To continue the "A School Day in 1876" program, staff recommends that City Council amend the MOU to allow WSPA free use of Conference Room 105 at the Tracy Transit Station from 8 a.m. to 12 p.m., every Tuesday through Friday beginning March 19, 2014, until the Lammersville Schoolhouse is deemed occupiable by the City's Building Safety and Fire Prevention Division.

STRATEGIC PLAN

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

FISCAL IMPACT

Approval of this Amendment to the MOU will have a fiscal impact to the General Fund for staff time and resources to support the free use of City facilities. Staff time may vary based on actual needs and demands of each event and use. These costs currently can be absorbed within existing budgets as they have been in the past agreement. Additionally, is a potential loss of facility rental revenues exists, a \$5,376 value, due to competing requests.

RECOMMENDATION

That City Council, by resolution, approve Amendment 1 to the Memorandum of Understanding (MOU) between the City of Tracy and the West Side Pioneer Association and authorize the Mayor to execute the agreement.

Prepared by: Brian MacDonald, Management Analyst II

Reviewed by: David Ferguson, Director of Public Works

Approved by: Maria A. Hurtado, Interim City Manager

ATTACHMENT

Attachment: A – Amendment 1 to the Memorandum of Understanding between the City of Tracy and the West Side Pioneer Association (WSPA)

AMENDMENT 1 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TRACY AND THE WEST SIDE PIONEER ASSOCIATION (WSPA)

RECITALS

- A.** This Amendment 1 (hereinafter "AMENDMENT") to the Memorandum of Understanding (hereinafter "MOU") is made by and between the City of Tracy (hereinafter "CITY"), a municipal corporation, and West Side Pioneer Association (hereinafter "WSPA"), a non-profit public benefit California Corporation.
- B.** The Historical Lammersville Schoolhouse referenced in the MOU as "SCHOOLHOUSE" is uninhabitable due to fire damage. In order to allow WSPA access to an interim facility, the parties wish to amend the MOU.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

- 1. Incorporation by Reference.** This Amendment hereby incorporates by reference all terms and conditions set forth in the MOU, unless specifically modified by this Amendment. All terms and conditions set forth in the MOU which are not specifically modified by this Amendment shall remain in full force and effect.
- 2. Terms of Amendment.** The following language is hereby added to the MOU under Section No. III.A.7: *"Until such time as the SCHOOLHOUSE is deemed occupiable by City's Building Safety and Fire Prevention Division, references to SCHOOLHOUSE in this MOU (other than those in this section) shall be replaced with Conference Room 105 and space in one storage room to store school supplies at the Transit Station located at 50 East Sixth Street (hereinafter referred to as "TRANSIT STATION"). Notwithstanding any other provisions in the MOU, the TRANSIT STATION shall be used from 8:00am to 12:00pm Tuesday through Friday from March 19, 2014, until the SCHOOLHOUSE is deemed occupiable by City's Building Safety and Fire Prevention Division."*
- 3. Modifications.** This Amendment may not be modified orally or in any manner other than by an agreement in writing signed by both parties, in accordance with the requirements of the MOU.
- 4. Signatures.** The individuals executing this MOU represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this MOU on behalf of the respective legal entities of WSPA and the CITY. This MOU shall inure to the benefit of and be binding upon the parties thereto and their respective successors and assigns.

CITY OF TRACY

By: _____

Brent H. Ives

Title: Mayor

Date: _____

WEST SIDE PIONEERS

By: *Larry Gamijo*

Larry Gamijo

Title: President

Date: 2/27/14

By: Wes Huffmann
Wes Huffmann
Title: Treasurer
Date: 3-3-2014

ATTEST:

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

APPROVED AS TO FORM:

By: _____
Bill Sartor, Assistant City Attorney

RESOLUTION _____

APPROVING AMENDMENT 1 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TRACY AND THE WEST SIDE PIONEERS ASSOCIATION AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT

WHEREAS, On March 15, 2005, the City Council adopted "Guidelines: Agreement with External Organizations" which established policies and procedures for local organizations to enter into a Memorandum of Understanding with the City, and

WHEREAS, The West Side Pioneers Association submitted a request to enter into a Memorandum of Understanding (MOU) with the City which the City Council approved on February 19, 2008, and

WHEREAS, Staff recommends an amendment to the MOU between the City and the West Side Pioneers Association because of fire damage at the Historical Lammersville Schoolhouse;

NOW, THEREFORE, BE IT RESOLVED, That City Council approves Amendment 1 to the MOU between the City of Tracy and the West Side Pioneers Association, and authorizes the Mayor to execute the Amendment.

* * * * *

The foregoing Resolution _____ was adopted by City Council on the 18th day of March, 2014, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

March 18, 2014

AGENDA ITEM 1.D

REQUEST

AUTHORIZATION TO AMEND THE CITY'S CONFLICT OF INTEREST CODE

EXECUTIVE SUMMARY

This item updates the City's Conflict of Interest Code in accordance with the Political Reform Act.

DISCUSSION

Pursuant to the State Political Reform Act, the City's Conflict of Interest Code is required to be amended on a regular basis, and whenever changes to the Code are made. The Code was last updated by Resolution 2013-034, adopted on March 5, 2013.

Appendix I includes an explanation of the disclosure category. Appendix II, the Conflict of Interest Code, lists designated positions and the required category of disclosure. Each designated position included in Appendix II is required by Government Code 87302, to file the Fair Political Practices Statement of Economic Interests, Form 700, annually. Appendix II (Attachment B) shows the recommended revisions.

STRATEGIC PLAN

This item does not specifically relate to one of the Council's Strategic Plans.

FISCAL IMPACT

There is no impact to the General Fund.

RECOMMENDATION

That City Council approve, by resolution, amendments to the City's Conflict of Interest Code.

Prepared by: Sandra Edwards, City Clerk
Reviewed by: Maria A. Hurtado, Interim City Manager
Approved by: Maria A. Hurtado, Interim City Manager

ATTACHMENTS

Attachment A - Appendix I
Attachment B - Appendix II

Appendix I

CONFLICT OF INTEREST STATEMENTS

Disclosure Categories

Category 1 - All designated employees in this category shall disclose all sources of income, investments, interests in real property, and business positions required to be disclosed of those public officials named in Government Code section 87200.

Category 2 - All designated employees in this category shall disclose all sources of income, investments and business entities in which the designated employee holds a management position if the business entity engages in land development; construction; the provision of architectural, engineering or other services in connection with construction; the manufacture or sale of electrical, plumbing and other products used in construction; the acquisition or sale of real property or financing of land acquisition, development or construction.

Category 3 - All designated employees in this category shall disclose all sources of income, investments, and business entities in which the designated employee holds a management position if the business entity is of the type which contracts with the City of Tracy to provide services, supplies, materials, machinery or equipment.

Category 4 - All designated employees in this category shall disclose all sources of income, investments, and business entities in which the designated employee holds a management position if the business entity is of the type which contracts with the designated employee's department.

Appendix II

CITY OF TRACY CONFLICT OF INTEREST CODE
DESIGNATED POSITIONS AND ASSIGNED DISCLOSURE CATEGORIES

Government Code section 87200 requires certain City officials and employees to file "Statements of Economic Interests." In addition, these designated City officials, employees, and consultants are required, pursuant Government Code section 87302 and this Code, to file Statements of Economic Interests:

City EmployeesDisclosure Categories

Accounting Officer – VACANT	3, 4 delete
Animal Services Supervisor	3, 4
Assistant City Attorney	1
Assistant City Manager	1
Assistant City Engineer – VACANT	4 delete
Assistant Civil Engineer	2, 3, 4
<u>Assistant Director of DS</u>	1 add
Assistant Director of DES/City Engineer	1 update title
Associate Civil Engineer	2, 3, 4 delete
Associate Planner	1
Budget Officer	3, 4
Chief Building Official	1
City Attorney*	1
City Clerk	3, 4
City Council*	1
City Manager*	1
City Treasurer*	1
Community Access Coordinator – (part-time)	4
Community Preservation Manager	1
Cultural Arts Manager – Visual Arts	1
Cultural Arts Manager – Performing Arts	1
Deputy City Attorney I/II	1
Deputy Director of Public Works (Utilities)	4 delete
Development and Engineering Services Director	1 update title
Economic Development Management Analyst	3, 4
Facilities Maintenance Superintendent	3, 4
Finance and Administration Director	1
Fire Chief	1
Fire Division Chief	2, 3, 4
Human Resources Analyst	3, 4
Human Resources Director	3, 4 delete
Information Technology Specialist	3, 4
Information Technology Manager	3, 4
Laboratory Supervisor	3, 4

*These positions required to file pursuant to Government Code section 87200

Appendix II
Page Two

Landscape District Maintenance Superintendent	3, 4 delete
Management Analyst I/II	3, 4
Mayor*	1
Parks and Community Services Director	1 delete
Police Captain	3, 4
Police Chief	1
Police Lieutenant	3, 4
Professional Standards Officer – (part-time)	3, 4
Police Support Operations Manager	1
Public Works Director	1
Public Works Maintenance and Operations Superintendent	3, 4
Recreation Coordinator	3, 4
Recreation Services Program Manager	3, 4
Senior Accountant	3, 4
Senior Civil Engineer	1
Senior Human Resources Analyst	3, 4
Senior Planner	1
Special Counsel	1
Supervising Building and Fire Inspector	1
<u>Utilities Director</u>	1 add
Utilities Line Maintenance Superintendent	3, 4
Wastewater Operations Superintendent	3, 4
Water Plant Superintendent	3, 4

Consultants

Disclosure requirements will be determined on a case-by-case basis using the criteria contained in the Regulations of the FPPC.

Legal Consultant	3, 4
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Boards and Commissions

Tracy Arts Commission	1
Parks and Community Services Commission	1
Planning Commission*	1
Transportation Advisory Commission	1
Measure E Residents' Oversight Committee	1

*These positions required to file pursuant to Government Code section 87200

RESOLUTION 2014-

AUTHORIZING AMENDMENTS TO THE CITY'S CONFLICT OF INTEREST CODE

WHEREAS, Pursuant to the State Political Reform Act, the City's Conflict of Interest Code is required to be updated on a regular basis, and whenever changes to the Code are made, and

WHEREAS, The Code was last updated by Resolution 2013-034, adopted on March 5, 2013, and

WHEREAS, The City Council is the Code Reviewing Board for processing the City's Conflict of Interest Code, and

WHEREAS, Government Code Sections 87306 and 87307 provide that a City Council may amend its Conflict of Interest Code whenever there are changed circumstances, including recognition of new positions within the City;

NOW, THEREFORE, BE IT RESOLVED, That City Council hereby authorizes amendments to the City's Conflict of Interest Code as indicated on the attached Appendix II.

* * * * *

The foregoing Resolution 2014-_____ was passed and adopted by the Tracy City Council on the 18th day of March 2014, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

Appendix II

CITY OF TRACY CONFLICT OF INTEREST CODE DESIGNATED POSITIONS AND ASSIGNED DISCLOSURE CATEGORIES

Government Code section 87200 requires certain City officials and employees to file "Statements of Economic Interests." In addition, these designated City officials, employees, and consultants are required, pursuant Government Code section 87302 and this Code, to file Statements of Economic Interests:

City Employees

Disclosure Categories

Animal Services Supervisor	3, 4
Assistant City Attorney	1
Assistant City Manager	1
Assistant Civil Engineer	2, 3, 4
Assistant Director of DS	1
Assistant Director of DS/City Engineer	1
Associate Planner	1
Budget Officer	3, 4
Chief Building Official	1
City Attorney*	1
City Clerk	3, 4
City Council*	1
City Manager*	1
City Treasurer*	1
Community Access Coordinator – (part-time)	4
Community Preservation Manager	1
Cultural Arts Manager – Visual Arts	1
Cultural Arts Manager – Performing Arts	1
Deputy City Attorney I/II	1
Development Services Director	1
Economic Development Management Analyst	3, 4
Facilities Maintenance Superintendent	3, 4
Finance and Administration Director	1
Fire Chief	1
Fire Division Chief	2, 3, 4
Human Resources Analyst	3, 4
Information Technology Specialist	3, 4
Information Technology Manager	3, 4
Laboratory Supervisor	3, 4

**These positions required to file pursuant to Government Code section 87200*

Appendix II
Page Two

Management Analyst I/II	3, 4
Mayor*	1
Police Captain	3, 4
Police Chief	1
Police Lieutenant	3, 4
Professional Standards Officer – (part-time)	3, 4
Police Support Operations Manager	1
Public Works Director	1
Public Works Maintenance and Operations Superintendent	3, 4
Recreation Coordinator	3, 4
Recreation Services Program Manager	3, 4
Senior Accountant	3, 4
Senior Civil Engineer	1
Senior Human Resources Analyst	3, 4
Senior Planner	1
Special Counsel	1
Supervising Building and Fire Inspector	1
Utilities Director	1
Utilities Line Maintenance Superintendent	3, 4
Wastewater Operations Superintendent	3, 4
Water Plant Superintendent	3, 4

Consultants

Disclosure requirements will be determined on a case-by-case basis using the criteria contained in the Regulations of the FPPC.

Legal Consultant	3, 4
------------------	------

Boards and Commissions

Tracy Arts Commission	1
Parks and Community Services Commission	1
Planning Commission*	1
Transportation Advisory Commission	1
Measure E Residents' Oversight Committee	1

*These positions required to file pursuant to Government Code section 87200

AGENDA ITEM 1.E

REQUEST

APPROVE EXTENDING THE TERM, BY EIGHTEEN MONTHS, OF THE EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH COMBINED SOLAR TECHNOLOGIES, INC., FOR GREEN ENERGY AND THERMAL DESALINATION PROJECT AND AUTHORIZE THE MAYOR TO EXECUTE THE AMENDMENT

EXECUTIVE SUMMARY

Combined Solar Technologies, Inc., (CST) has worked for the past four years to develop a project to desalinate Tracy's wastewater. The current approach is a combination of ethanol production, electrical generation and desalination facility. More time is needed in order to develop the project. The Amendment to the Exclusive Negotiating Rights Agreement (ENRA) extends the term for an additional 18 months until November 2, 2015.

DISCUSSION

On April 20, 2010, City Council authorized CST to conduct a Green Energy Pilot Project at the Wastewater Treatment Plant (WWTP). The pilot project demonstrated how thermal desalination can be used to remove salt from Tracy's wastewater. On January 4, 2011, City Council authorized staff to negotiate with CST for a feasibility study. On April 19, 2011, City Council authorized an ENRA to reserve the City-owned property for use by the energy project and in turn the City received reimbursement for costs of annexation of the City owned property into the City. In accordance with CEQA, the City Council adopted a Negative Declaration for the project on May 1, 2012. At its September 4, 2012 meeting, the City Council extended the term of the ENRA and adopted an addendum to the environmental document.

The project plan is to produce an ethanol production facility which will also produce electrical power, as well as the object of this endeavor, a desalination facility. The ethanol production facility would use sugar beets as a sugar source. Sugar beets were historically grown in the Tracy area and farmers are willing to grow them again. The beet mash would be heat dried and off hauled for use as cattle feed. The salt removed from the treated water will be added to the beet mash as a cattle feed supplement. Approximately two tanker trucks per day of ethanol will be produced and taken offsite daily. A carbon dioxide capture system would be in place to reduce greenhouse gas emissions. Technology today allows for all air used in processing the beets to be reused in the process, eliminating odors. The project includes odor control technology. The condensed steam would be blended with the effluent reducing the salinity concentration of the City's wastewater effluent.

An optimistic schedule would have the plant constructed and operating within two years.

CST's approach, in comparison to other green energy alternatives, provides a public benefit to the daunting, ongoing challenge of reducing the salinity of Tracy's wastewater, while at same time producing renewable energy. CST operates its business in Tracy and

specializes in creating renewable systems that support the production of clean water and green energy. The company prides itself in developing American-made systems and hiring staff locally.

The potential for grant funding for this type of renewable energy project continues to be explored. Project financing will take research and evaluation to determine the optimal method of ownership. Project options include the project being privately owned and the City contracting for operation of the thermal desalination and to purchase the electrical power, or the project could be a public/private venture.

STRATEGIC PLAN

This agenda item supports the Environmental Sustainability Strategic Plan by generating electricity from renewable resources and improving wastewater effluent water quality.

FISCAL IMPACT

There is no fiscal impact to the General Fund. There is a cost recovery agreement in place which provides funding from CST for the annexation, and for negotiating, drafting, preparation and processing of various agreements and documents needed for the financing of the facility and for lease of the property to CST.

RECOMMENDATION

That City Council, by resolution, approve extending the term, by eighteen months, of the Exclusive Negotiating Rights Agreement with CST for a Green Energy and Thermal Desalination Project and authorize the Mayor to execute the Amendment.

Prepared by: Steve Bayley, Project Specialist, Public Works

Reviewed by: David Ferguson, Director of Public Works

Approved by: Maria A. Hurtado, Interim City Manager

ATTACHMENTS

Attachment A – Amendment 2 to the Exclusive Negotiating Rights Agreement

**CITY OF TRACY
AMENDMENT 2 TO
EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT
BETWEEN COMBINED SOLAR TECHNOLOGIES, INC.
AND THE CITY OF TRACY**

This Amendment 2 ("Amendment") to the Exclusive Negotiating Rights Agreement Between Combined Solar Technologies, Inc. and the City of Tracy is made and entered into by and between the City of Tracy, a municipal corporation ("City"), and Combined Solar Technologies, Inc., a Delaware corporation ("CST").

RECITALS

- A. The City and CST entered into an Exclusive Negotiating Rights Agreement ("Agreement") for the Tracy Desalination and Green Energy Project which was approved by the City Council on April 19, 2011, under Resolution 2011-084.
- B. CST completed a feasibility study and a California Environmental Quality Act Negative Declaration was prepared and adopted by City Council on May 1, 2012, under Resolution 2012-075. On September 4, 2012, the City Council adopted an Addendum to the previously adopted Negative Declaration.
- C. The City and CST entered into Amendment 1 to the Exclusive Negotiating Rights Agreement on _____ under Resolution 20_____ to modify the purpose of the project to include ethanol production and to extend the term of the Agreement by 18 months.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

- 1. **Incorporation by Reference.** All terms and conditions set forth in the Agreement and Amendment 1 which are not specifically modified by this Amendment shall remain in full force and effect.
- 2. **Amendment.** Section 3, Term, of the Agreement is amended to extend the term of the Agreement for an additional eighteen months beyond the term set forth in Amendment 1 to the Agreement.
- 3. **Modifications.** This Amendment may not be modified orally or in any manner other than by an agreement in writing signed by both parties, in accordance with the requirements of the Agreement.

4. Signatures. The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Amendment on behalf of CST and the City.

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

CITY OF TRACY

COMBINED SOLAR TECHNOLOGIES, INC.

By: _____
Brent H. Ives
Title: Mayor

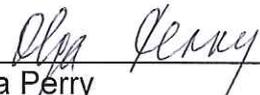
By: _____
Frank Schubert
Title: President

Date: _____

Date: 3/11/2014

Attest:

By: _____
Sandra Edwards
Title: City Clerk

By: _____
Olga Perry
Title: Chief Financial Officer

Date: _____

Date: 3/11/2014

Approved as to form

By: _____
Daniel G. Sodergren
Title: City Attorney

Date: _____

RESOLUTION _____

APPROVING EXTENDING THE TERM, BY EIGHTEEN MONTHS, OF THE EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH COMBINED SOLAR TECHNOLOGIES, INC., FOR GREEN ENERGY AND THERMAL DESALINATION PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT

WHEREAS, On April 20, 2010, City Council authorized Combined Solar Technologies, Inc. (CST) to conduct a Green Energy Pilot Project at the Wastewater Treatment Plant (WWTP), and

WHEREAS, On January 4, 2011, City Council authorized staff to negotiate with CST for a feasibility study, and

WHEREAS, On April 19, 2011, City Council authorized an Exclusive Negotiating Rights Agreement with CST, and

WHEREAS, CST completed a feasibility study and a California Environmental Quality Act Negative Declaration was prepared and adopted by City Council on May 1, 2012, and

WHEREAS, On September 4, 2012, City Council authorized Amendment 1 to the Exclusive Negotiating Rights Agreement and adopted an addendum to the CEQA Negative Declaration, and

WHEREAS, A portion of the electricity produced would be used at the WWTP, and ethanol produced by the energy plant would be sold, and

WHEREAS, The City would receive the benefit of desalinated water to blend with the wastewater treatment plant effluent, and

WHEREAS, An additional eighteen months of time is needed to develop the project, until November 2, 2015;

NOW, THEREFORE, BE IT RESOLVED, That City Council approves extending the term, by eighteen months, of the Exclusive Negotiating Rights Agreement with Combined Solar Technologies, Inc. for Green Energy and Thermal Desalination Project and authorizes the Mayor to execute the Amendment.

* * * * *

Resolution _____
Page 2

The foregoing Resolution _____ was adopted by City Council on the 18th day of March 2014, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 1.F

REQUEST

APPROVE AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT (ENRA) BY AND BETWEEN THE CITY OF TRACY AND BECKER COMMERCIAL PROPERTIES FOR CITY-OWNED PROPERTIES LOCATED NEAR THE NORTHEAST CORNER OF NAGLEE ROAD AND GRANT LINE ROAD AND THE SOUTHWEST CORNER OF NAGLEE ROAD AND PAVILION PARKWAY, AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENTS

EXECUTIVE SUMMARY

The City of Tracy is the owner of a 0.938-acre property located near the northeast corner of Naglee and Grant Line Roads, adjacent to Texas Roadhouse Restaurant and a 2.78-acre property located near the southwest corner of Naglee Road and Pavilion Parkway, currently in use as a Park and Ride Lot. Becker Commercial Properties, a California Corporation, has been marketing both of these sites under two separate, recently expired, ENRA's and is interested in continuing their efforts. Staff recommends that City Council approve a new Exclusive Negotiating Rights Agreement (ENRA) with Becker Commercial Properties (the "Developer") incorporating both properties and providing the parameters for good faith negotiations for a period of six months.

DISCUSSION

The City of Tracy (the "City") owns a 0.938-acre of property located near the northeast corner of Naglee Road and Grant Line Road, adjacent to Texas Roadhouse Restaurant and a 2.78-acre property located near the southwest corner of Naglee Road and Pavilion Parkway, currently in use as a Park and Ride Lot (the "Sites"). The Developer has been actively marketing these two Sites under two separate, recently expired ENRAs.

Negotiations with restaurant tenants identified as highly desirable by City residents, has progressed favorably for the City. As the national economy begins to recover, staff believes renewing the ENRA with the Developer will allow for a sufficient negotiation period.

The Exclusive Negotiating Rights Agreement (the "Agreement") has been prepared to provide the parameters for a six month negotiating period. During that time, if the Developer is successful in obtaining a signed Letter of Interest (the "LOI") from a tenant that is acceptable to the City, then a Purchase Agreement will be prepared for City Council consideration. The Agreement does provide a provision for a four month extension period should the Developer make sufficient progress in negotiating an LOI or lease agreement with a desired tenant.

Staff continues to be in discussions with representatives from San Joaquin Council of Governments (SJCOG) regarding the relocation of the existing Park and Ride Lot to a neighboring property. The ENRA with Becker Commercial Properties contains a contingency clause related to the successful negotiation with SJCOG to relocate the Park and Ride Lot to an acceptable alternative site. Development of the Site will only

occur if the City is successful in identifying a location and receiving approval from SJCOG to relocate the Park and Ride Lot.

STRATEGIC PLAN

This agenda item supports Goal 2, Objective 2a of the Economic Development Strategic Plan by focusing recruitment efforts on retailers and restaurants that meet the desires of the Tracy community.

FISCAL IMPACT

There is no fiscal impact associated with this action.

RECOMMENDATION

Staff recommends that the City Council approve, by resolution, an Exclusive Negotiating Rights Agreement by and between the City of Tracy and Becker Commercial Properties and authorize the Mayor to sign the Agreement.

Prepared by: Barbara Harb, Management Analyst

Reviewed by: Amie Mendes, Economic Development Analyst
Andrew Malik, Development Services Director

Approved by: Maria A. Hurtado, Interim City Manager

(A copy of the signed Exclusive Negotiating Rights Agreement with Becker Commercial Properties will be provided at the March 18, 2014, Council meeting)

RESOLUTION _____

APPROVING AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT (ENRA) BY AND BETWEEN THE CITY OF TRACY AND BECKER COMMERCIAL PROPERTIES FOR CITY-OWNED PROPERTIES LOCATED NEAR THE NORTHEAST CORNER OF NAGLEE ROAD AND GRANT LINE ROAD AND THE SOUTHWEST CORNER OF NAGLEE ROAD AND PAVILION PARKWAY, AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENTS

WHEREAS, the City of Tracy (the "City") owns a a 0.938-acre property located near the northeast corner of Naglee and Grant Line Roads, further described as APN 212-290-48, and a 2.78-acre property located near the southwest corner of Naglee Road and Pavilion Parkway, further described as APN 212-290-39 (the "Site(s)"); and

WHEREAS, the City is interested in pursuing the development of the Site(s) for a restaurant or retail user; and

WHEREAS, Becker Commercial Properties (the "Developer") has approached the City and indicated a desire to market the Site to an appropriate tenant; and

WHEREAS, the City and the Developer desire to enter into an Exclusive Negotiating Rights Agreement (the "Agreement") to negotiate in good faith terms to a Purchase Agreement.

NOW, THEREFORE, BE IT RESOLVED that City Council hereby approves an Exclusive Negotiating Rights Agreement by and between the City of Tracy and Becker Commercial Properties, and authorizes the Mayor to sign the agreement.

* * * * *

The foregoing Resolution _____ was adopted by the Tracy City Council on the 18th day of March, 2014, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 3

REQUEST

PUBLIC HEARING TO CONSIDER A PRELIMINARY AND FINAL DEVELOPMENT PLAN APPLICATION FOR A CAR WASH AND VACUUM SERVICE ON THE WESTERN PORTION OF ASSESSOR'S PARCEL NUMBER 238-600-04 LOCATED IN THE TRACY MARKETPLACE. APPLICANT IS FRANK MADRUGA AND PROPERTY OWNER IS LAMORINDA DEVELOPMENT AND INVESTMENT CORPORATION. APPLICATION NUMBER D13-0014

EXECUTIVE SUMMARY

This agenda item is a proposed development plan and proposed architecture for a new car wash tunnel, covered vacuum areas, and associated parking area improvements on a vacant parcel located in the Tracy Marketplace.

DISCUSSION

Project Description and Location

The proposed project is a car wash tunnel, covered vacuum areas, and associated parking area improvements proposed to be constructed on the western third of a vacant three-acre parcel within the Tracy Marketplace, north of Les Schwab Tire Centers (Attachment A). The project location is within the I-205 Corridor Specific Plan area. The site is zoned Planned Unit Development (PUD), is designated Commercial by the General Plan, and is designated General Commercial by the I-205 Corridor Plan. In accordance with Tracy Municipal Code, the Planning Commission and the City Council shall review all Planned Unit Development Preliminary and Final Development Plans (PDP/FDP).

The proposed vehicle service use is conditionally permitted in the General Commercial designation. On February 12, 2014, the project was granted a Conditional Use Permit to operate, contingent upon the City Council's approval of the PDP/FDP.

The proposed development is located on the western third of an approximately three-acre vacant parcel. The property owner is concurrently processing a tentative parcel map to subdivide the parcel and transfer ownership of the one-acre project site to the project applicant (MS13-0006).

Architecture, Circulation, Parking, and Landscaping Analysis

The proposed project meets the City's Design Goals and Standards for commercial development. The buildings incorporate design elements, materials, and colors from nearby buildings, including roofline designs, use of stone and metal accents, and application of warm colors. These design elements are proposed on the tunnel building, equipment building, trash and recycling enclosure, and vacuum canopies for architectural consistency throughout the site (Attachment B).

The proposed parking area will provide adequate vehicular and pedestrian circulation in accordance with the requirements established in the Tracy Municipal Code, City Standards, and the I-205 Corridor Specific Plan, including substantial vehicle stacking area to the car wash for efficient circulation (Attachment A). The landscaping distributed throughout the site, as conditioned, will provide aesthetic value, parking area shading, and screening of mechanical equipment and utilities in accordance with City standards. The primary access to the site will be from the existing private access roads that run through Tracy Marketplace. The north-south access road along the western perimeter of the site will be acquired by the City for the future extension of Lammers Road from Byron Road to Grant Line Road. The future right-of-way is anticipated to be located at the face of the curb along the western planter. Until the Lammers Road extension is constructed, the access road will remain open for use.

Planning Commission Recommendation

The Planning Commission held a public hearing on February 12, 2014, to review and consider the applicant's proposed PDP/FDP and Conditional Use Permit. No concerns were raised. Planning Commission unanimously voted in favor of recommending City Council approval of the PDP/FDP and approved the Conditional Use Permit contingent upon the City Council's approval of the PDP/FDP.

Environmental Document

The proposed project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332, which pertains to certain in-fill development projects. Because the project is consistent with the General Plan and Zoning, occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, has no value as habitat for endangered, rare or threatened species, would not result in any significant effects relating to traffic, noise, air quality, or water quality, and can be adequately served by all required utilities and public services, no further environmental assessment is necessary. Furthermore, the project is consistent with the I-205 Corridor Specific Plan Environmental Impact Report certified on August 21, 1990.

FISCAL IMPACT

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

STRATEGIC PLAN

This agenda item supports the Economic Development Strategic Plan, related to retail recruitment. Approval of the project will allow a new business to establish in Tracy and provide a desirable service to local consumers.

RECOMMENDATION

Staff and the Planning Commission recommend that City Council approve the PDP/FDP for the car wash and vacuums, Application Number D13-0014, subject to the conditions and based on the findings contained in the City Council Resolution dated March 18, 2014.

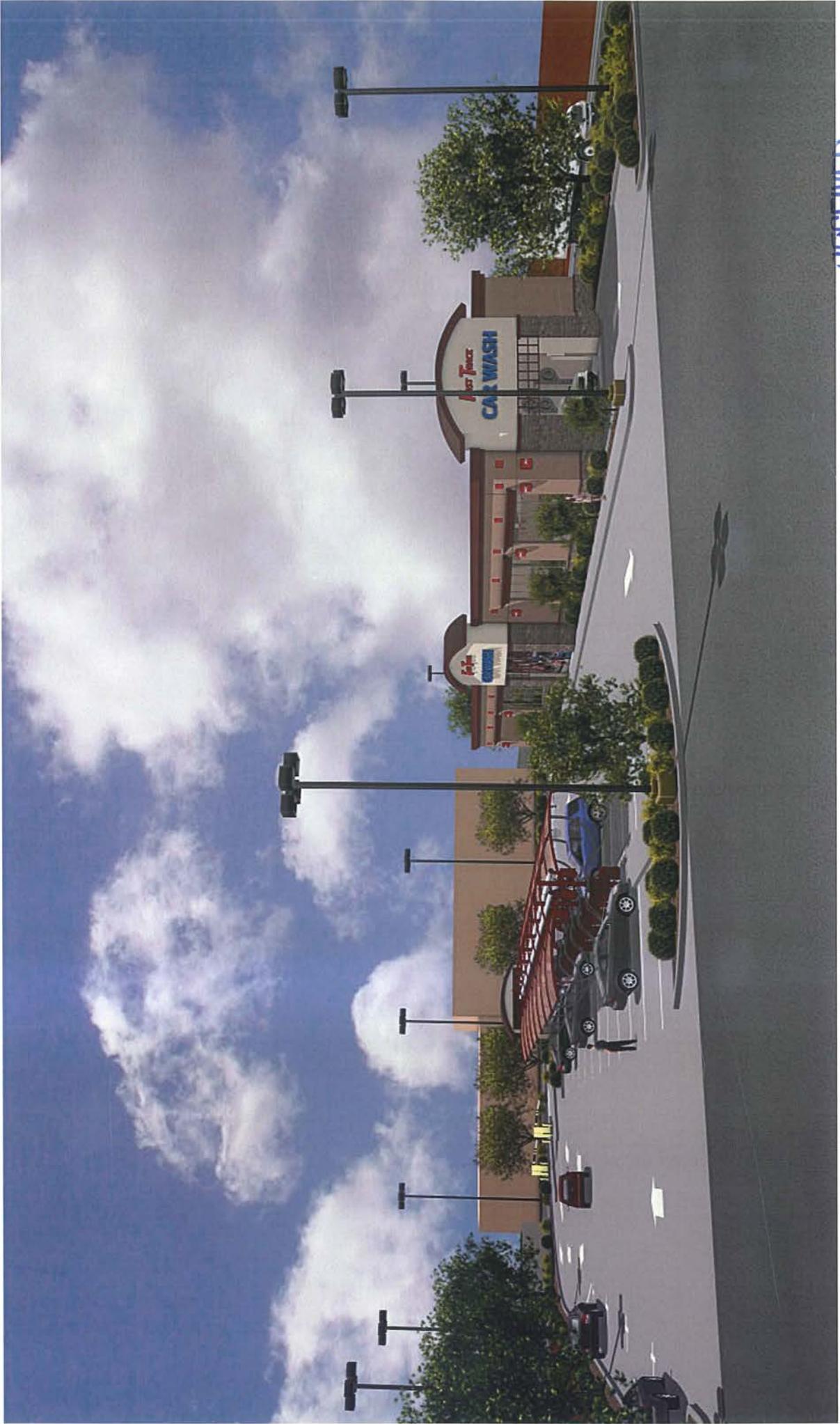
Prepared by: Kimberly Matlock, Assistant Planner

Reviewed by: Bill Dean, Assistant Development Services Director
Andrew Malik, Development Services Department Director

Approved by: Maria A. Hurtado, Interim City Manager

ATTACHMENTS

- Attachment A – Vicinity Map, Site, Floor, Landscape, Civil, and Elevation Plans (Oversize Item: Copies available in the Development Services Department)
- Attachment B – Color Rendering



RECEIVED

FEB 05 2014

CITY OF TRACY

RESOLUTION 2014 - _____

APPROVING A PRELIMINARY AND FINAL DEVELOPMENT PLAN APPLICATION FOR A CAR WASH AND VACUUM SERVICE ON THE WESTERN PORTION OF ASSESSOR'S PARCEL NUMBER 238-600-04 LOCATED IN THE TRACY MARKETPLACE. APPLICANT IS FRANK MADRUGA AND PROPERTY OWNER IS LAMORINDA DEVELOPMENT AND INVESTMENT CORPORATION. APPLICATION NUMBER D13-0014

WHEREAS, The City Council adopted the I-205 Corridor Specific Plan and certified its Environmental Impact Report on August 21, 1990, and,

WHEREAS, Frank Madruga, on behalf of Fast Track Car Wash, submitted an application for a Preliminary and Final Development Plan and a Conditional Use Permit for a car wash, covered vacuum area, and associated parking area improvements on a site within the Tracy Marketplace on November 22, 2013, and

WHEREAS, The subject property is zoned Planned Unit Development and is located within the I-205 Corridor Specific Plan area, and

WHEREAS, In accordance with Tracy Municipal Code Section 10.08.1830, the Planning Commission and the City Council shall review and approve all Planned Unit Development Preliminary and Final Development Plan applications, and the Planning Commission shall review and approve all Conditional Use Permit applications, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15332 pertaining to in-fill development projects, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the applications on February 12, 2014, and recommended approval of the Preliminary and Final Development Plan and approved a Conditional Use Permit contingent upon City Council approval of the Preliminary and Final Development Plan;

NOW, THEREFORE BE IT RESOLVED, That City Council hereby approves the Preliminary and Final Development Plan for a car wash and covered vacuum area, Application No. D13-0014, subject to the conditions contained in Exhibit "1" to this Resolution and based on the following findings:

1. The establishment, maintenance, and operation of the proposed improvements are compatible with the land use, design, and operational characteristics of the neighboring properties. The proposed project consists of a car wash tunnel, covered vacuum areas, and a parking area that proposes good circulation and landscaping. The proposed buildings are complementary with the commercial buildings in the vicinity. The use and circulation will be wholly on site and will not impose negative impacts on the common drive aisles or other properties in the vicinity.
2. The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use and its associated structure, or to the general welfare of the City because the project, as conditioned, is consistent with the land use, design, and other elements of the I-205 Corridor Specific Plan, the Tracy Municipal Code the City of Tracy

General Plan, the Design Goals and Standards, City Standards, California Building Codes, and California Fire Codes.

3. The project will not adversely affect or impair the benefits of occupancy, most appropriate development, property value stability, or the desirability of property in the vicinity and will not adversely visually impair the benefits of the properties in the vicinity. The main and accessory buildings incorporate design elements, materials, and colors from other buildings in the vicinity, including colors, building pop outs, roofline designs, and use of stone and metal accents. Mechanical equipment and similar utilities will be internal to the building or screened by substantial landscaping, such as the large canopy trees located at the car wash tunnel entrance and exit to screen the tunnel equipment that is otherwise readily visible.

* * * * *

The foregoing Resolution 2014 - _____ was adopted by the City Council on the 18th day of March, 2014, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

City of Tracy
Conditions of Approval
Car Wash and Covered Vacuums
Application Number D13-0014
March 18, 2014

A. General Provisions and Definitions.

A.1. General. These Conditions of Approval apply to:

The Project: A car wash tunnel, covered vacuum area, and associated parking area improvements (known as Fast Track Car Wash)

The Property: The western portion of Assessor's Parcel Number 238-600-04

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General 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).
- d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the car wash, covered vacuum area, and associated parking area improvements located at on the western portion of Assessor's Parcel Number 238-600-04, Application Number D13-0014. The Conditions of Approval shall specifically include all City of Tracy conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development Services Department on December 16, 2013. These plans include the site plan, floor plan, landscape plan, elevations, and color rendering.

A.4. Payment of applicable fees. 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.

- A.5. Compliance with laws. 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 California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
- A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.
- A.7. Protest of fees, dedications, reservations, or other exactions. 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.

B. Development Services Planning Division Conditions

Contact: Kimberly Matlock (209) 831-6430 kimberly.matlock@ci.tracy.ca.us

- B.1. Parapets. Before the approval of a building permit, the applicant shall submit plans that demonstrate the back of parapets that will be visible from any public or private drive aisle and public right-of-way will be fully finished match the front of the parapets, which may include cornices, materials, textures, and paints, to the satisfaction of the Development Services Director.
- B.2. Parking lot.
- B.2.1. Before the approval of a building permit, the applicant shall provide detailed plans that demonstrate parking areas designed to City Standard Plan 154 containing a minimum of 7 employee and customer parking spaces.
- B.2.2. Before the approval of a building permit, the applicant shall provide site plans and construction details that demonstrate 12-inch wide concrete curbs along the perimeter of landscape planters where such planters are parallel and adjacent to vehicular parking spaces to provide access to vehicles without stepping into the landscape planters.
- B.2.3. Before the approval of a building permit, the applicant shall provide detailed plans that demonstrate a minimum of one foot candle per Standard Plan 154 throughout the parking area as defined in TMC Section 10.08.3450.

- B.2.4. Before the approval of a building permit, if a bike rack will be installed, the applicant shall provide plans that demonstrate the bike rack located on a concrete pad for the safety and protection of the bicyclists.
- B.2.5. Before final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way and onto any adjacent private property to the satisfaction of the Development Services Director.
- B.3. Landscaping & irrigation. Before the approval of a building permit, the applicant shall provide detailed landscape and irrigation plans to address the following:
 - B.3.1. Said plans shall be consistent with the Department of Water Resources' Water Efficient Landscape Ordinance to the satisfaction of the Public Works Director.
 - B.3.2. Said plans shall demonstrate that no less than 40% of the total parking area, excluding areas not defined as part of the parking area for customers and employees, is shaded in canopy tree coverage at tree maturity.
 - B.3.3. Said plans shall demonstrate that the 10-ft landscape strip along the western perimeter of the site will be designed in accordance with landscaping requirements for landscaping adjacent to rights-of-way.
 - B.3.4. Said plans shall demonstrate that all planters be comprised of trees, shrubs, and groundcover. Trees shall be a minimum of 24" box size, shrubs shall be a minimum size of 5 gallon, and groundcover shall be a minimum size of 1 gallon.
 - B.3.5. The applicant shall execute an Agreement for Maintenance of Landscape and Irrigation Improvements and submit financial security to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements or \$2.50 per square foot of on-site landscape area.
- B.4. Screening utilities and equipment.
 - B.4.1. Before the approval of a building permit, the applicant shall submit plans for the design of the trash and recycling enclosure that architecturally matches the main building to the satisfaction of the Development Services Director. The enclosure shall be large enough to accommodate both trash and recycling bins. The walls shall be tall enough to fully screen the height of the bins, and the door shall be constructed of a solid metal door attached to posts which are attached to the walls.
 - B.4.2. Before final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures and bollards and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
 - B.4.3. Before final inspection or certificate of occupancy, no roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from any public right-of-way to the satisfaction of the Development Services Director. Plans to

demonstrate such compliance shall be submitted to the City prior to the issuance of a building permit.

- B.4.4. Before final inspection or certificate of occupancy, all PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures, walls, or landscaping, to the satisfaction of the Development Services Director.
- B.4.5. No bollards, chain link, or similar improvements that are industrial in nature shall be readily visible.
- B.5. Signs. Before issuance of a sign permit, the applicant shall submit an application and plans for all business identification signs. All signs shall be on private property and shall not encroach into the public right-of-way. The building and canopy structure, including windows, shall be kept clear of unpermitted signs, with the exception of temporary signs as permitted in TMC Section 10.08.34460. No temporary signs are permitted in the right-of-ways, on the fencing, or in a manner that disturbs the landscaping.
- B.6. Merchandise display indoors. All merchandise display and vending machines shall be located wholly within the building, unless a Temporary Use Permit is obtained from the Development Services Department for temporary uses and activities on the exterior of the building.
- B.7. Habitat conservation. Prior to issuance of any permits for ground disturbance, the applicant shall comply with the San Joaquin County Habitat Conservation Division and a signed copy of the Incidental Take Minimization Measures shall be submitted to the City as verification of compliance.

C. Development Services Engineering Division Conditions

Contact: Criseldo Mina, P. E., C#54782 (209) 831-6425 cris.mina@ci.tracy.ca.us

C.1 Grading and Encroachment Permits

No applications for grading and encroachment permits within the Project boundaries will be accepted by the City as complete until the Developer 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.1.1 The Developer has completed all requirements set forth in this section.
- C.1.2 The Developer has obtained the approval of all other public agencies with jurisdiction over the required public facilities.
- C.1.3 The Improvement Plans including the Grading and Drainage Plans prepared in accordance with the City's Subdivision Ordinance and Design Documents. The improvement plans for all improvements (in-tract and off-site) required to serve the Project in accordance with the City Design Documents, and these Conditions of Approval. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

- C.1.3.1 All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.
- C.1.3.2 All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports related to the design of streets and utilities improvements.
- C.1.3.3 The Project's on-site drainage connections to City's storm drainage system as approved by the City Engineer. Improvement Plans to be submitted with the hydrology and storm drainage calculations for the sizing of the on-site storm drainage system.
- C.1.3.4 Improvement Plans prepared on a 24" x 36" size polyester film (Mylar) with the City Engineer and Fire Safety Officer approval and signature blocks. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
- C.1.3.5 Joint Trench Plans and Composite Utility Plans, prepared on a 24" x 36" size Mylar, and signed and stamped by a Registered Civil Engineer, for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the 10 feet wide Public Utility Easement or to be installed to serve the residential lots or the Project, as required in Condition C.3, below.
- C.1.4 Three (3) copies of the Project's Geo-technical /Soils Report, prepared or signed and stamped by a Geo-technical Engineer and copy of recorded slope easements (if applicable), as required in Condition C.4.2, below.
- C.1.5 Three (3) sets of the Project's Storm Water Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs) and a copy of the Notice of Intent (NOI) with the State-issued Wastewater Discharge Identification number (WDID#), as required in Conditions C.4.1, C.4.3, and C.5.2, below.
- C.1.6 Payment of applicable fees required by these Conditions of Approval and City Regulations, including but not limited to, plan checking, grading and encroachment permits and agreement processing, construction inspection, and testing fees.
- C.1.7 Tracy's Fire Marshall's signature on the Improvement Plans indicating their approval of the location and construction detail of the Project's fire service connection(s), and the location and spacing of fire hydrants, as required in Condition C.7.3, below.
- C.1.9 All streets and utilities improvements within City right-of-way shall be designed and constructed in accordance with City Regulations, and City's

Design documents including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.

C.1.10 All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

C.2 Building Permit

No building permit within the Project boundaries will be approved by the City until the Developer 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 Developer has completed all requirements set forth in Condition C.1, above.

C.2.2 Completion of the map process to subdivide the resultant parcel described in that certain Certificate of Compliance for Lot Line Adjustment, recorded on May 19, 2005, as Document 2005-120655 of the San Joaquin County Official Records in order to create the parcels shown on the Tentative Parcel Map for the Lamorinda property, Assessor's Parcel Number 238-600-04, Application Number MS13-0006, which include the Project site. A copy of the final parcel map guarantee, tax certification issued by the San Joaquin County Assessor and Tax Collector's Office, payment of parcel map checking fees, and final closure calculations are submitted.

C.2.3 Payment of the I-205 Corridor Specific Plan Development Impact Fees that are applicable to I-205 Parcel GL-17B(1C) as required by the these Conditions of Approval and City Regulations.

C.2.4 Payment of San Joaquin County Facilities Fees (CFF), Regional Traffic Impact Fees (RTIF), and School Mitigation Fees, as required in the Tracy Municipal Code, these Conditions of Approval and City Regulations.

C.3 Undergrounding of Overhead Utilities

The Developer shall prepare improvement plans, and design and construct the required improvements in accordance with the following requirements.

C.3.1 All private utility services to serve Project such as electric, telephone and cable TV must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing utility easement to the building. The Developer shall submit improvement plans for the installation of new electric, gas, telephone and TV cable lines to serve the Project. If necessary, the Developer shall dedicate 10

feet wide Public Utility Easement (PUE) for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s) in the future.

C.4 Site Grading

The Developer shall prepare improvement plans and design and construct the required improvements in accordance with the following requirements.

- C.4.1 All grading work (on-site and off-site) shall require a Grading Permit. Erosion control measures shall be implemented in accordance with the Grading Plans approved by the City Engineer for all grading work not completed before October 15. Improvement Plans shall specify all erosion control methods to be employed and materials to be used during and after the construction.
- C.4.2 Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by Soils Engineering report. The technical report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, and others including the highest observed ground water elevation.
- C.4.3 Prior to the issuance of the Grading Permit, the Developer shall submit three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Developer. The Developer shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s).

C.5 Storm Drainage

The Developer shall prepare improvement plans and design and construct the required improvements in accordance with the following requirements.

- C.5.1 Storm drainage release point is a location at the boundary of the Project adjacent to a City right-of-way or public street where storm water leaves the Property, in a storm event and that the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall be designed such that the Project's storm drainage overland release point will be directly to a public street with a functional storm drainage system and the existing storm drainage line on the street has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least

0.70 foot lower than the building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

C.5.2 The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Drainage Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council in 2008 and any subsequent amendments.

C.6 Sanitary Sewer

The Developer shall prepare improvement plans and design and construct the required improvements in accordance with the following requirements.

C.6.1 It is the Developer's responsibility to design and construct the Project's permanent sanitary sewer connection in accordance with City Regulations. The Developer shall submit improvement plans that include the design of the sanitary sewer line from the Property to the point of connection. The Developer is responsible for the cost of installing the Project's permanent sanitary sewer connection including but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sanitary sewer connection.

C.6.2 The Developer 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 Water System

The Developer shall prepare improvement plans and design and construct the required improvements in accordance with the following requirements.

C.7.1 Domestic water service with a remote read (radio-read) water meter shall be installed in accordance with City Regulations and at the location 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, valves, and fittings shall be the responsibility of the Developer or the individual lot owner(s).

C.7.2 All costs associated with the installation of the Project's permanent water connection(s) including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street or parking area(s) that may be disturbed with the installation of the permanent water connection(s), or domestic water service, and other improvements shall be paid by the Developer.

C.7.3 The Developer shall design and install fire hydrants at the locations approved by the City's Building Division and Fire Department. Location and construction details of the fire service line shall be approved by the Chief Building Official and Fire Safety Officer. Prior to the approval of the Improvement Plans by the City Engineer, the Developer shall obtain written approval from the Chief Building Official and Fire Safety Officer, for the design, location and construction details of the individual lot fire service, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.8 Final Building Inspection

No final building inspection will be performed by the City until after the Developer provides documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.8.1 The Developer has completed all requirements set forth in this section, and Conditions C.1, C.2, C.3, C.4, C.5, C.6, and C.7, above.

C.8.2 The Developer has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested. Unless specifically provided in these Conditions of Approval, or some other City Regulation, the Developer shall take all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.9 Special Conditions

The Developer shall comply with the following requirements to the satisfaction of the City Engineer.

C.9.1 In order to increase efficiency of traffic circulation for the Walmart and Costco Areas and also to provide access to the Dobbler property when it is developed, Lammers Road is planned to be extended from Grant Line Road to Byron Road. This proposed street extension is consistent with the approved Tracy Citywide Roadway & Transportation Master Plan and is classified as an On-site Arterial street with a modified roadway section of 14 feet two-way-left-turn lane, one (1) 14 feet wide travel lane on each direction, and a 15 feet landscaping strip with 10-foot commercial sidewalk on each side of the street. The total street right-of-way width is 72 feet.

The Developer is required to dedicate 10 feet along the western boundary of the Project for the construction of the street extension described above. This amount of street right-of-way dedication is based on a building setback of 10 feet measured from the easterly right-of-way line of the street extension. All costs associated with the land dedication to the City shall be the responsibility of the Developer and no reimbursement will be due from the City.

- C.9.2 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the improvement plans, prior to the City Engineer's signature on the improvement plans, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

D. Public Works Department Conditions

Contact: Stephanie Hiestand (209) 831-4333 stephanie.hiestand@ci.tracy.ca.us

- D.1. Stormwater Quality. Before the approval of a grading or building permit, the applicant shall demonstrate compliance with the Manual of Stormwater Quality Control Standards adopted July 1, 2008, obtain approval of the Project Stormwater Quality Control Plan by the Water Resources Division, and sign a maintenance agreement in accordance with the Manual of Stormwater Quality Control Standards to the satisfaction of the Public Works Director.
- D.2. Compliance with Codes. Before the approval of a grading or building permit, the applicant shall demonstrate compliance with Tracy Municipal Code Chapter 11.28 Water Management and California Green Building Standards Code Chapter 5 for Non-Residential occupancies. A Stormwater Pollution Prevention Plan (SWPPP) and WDID number will be required prior to a grading permit issuance.

E. Police Department Conditions

Contact: Captain Jeremy Watney (209) 831-6687 jeremy.watney@ci.tracy.ca.us

- E.1. Security lighting. The wall packs should be illuminated during all hours of darkness for public safety.

AGENDA ITEM 4

REQUEST

PUBLIC HEARING TO CONSIDER A VESTING TENTATIVE SUBDIVISION MAP AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN AMENDMENT TO CONSTRUCT 60 DUPLEX UNITS ON APPROXIMATELY 4.32 ACRES AT THE NORTHEAST CORNER OF LAMMERS ROAD AND FETEIRA WAY. THE APPLICANT IS VALLEY OAK PARTNERS AND THE OWNER IS TRACY WESTGATE APARTMENTS, LLC – APPLICATION NUMBERS TSM13-0004 AND PUD13-0004

EXECUTIVE SUMMARY

This agenda item involves approval of a Tentative Subdivision Map, and amendments to an existing Preliminary and Final Development Plan for the construction of 60 duplex units. Approval of this agenda item would enable the land to be subdivided and homes built.

DISCUSSION

Background

On April 29, 1997, City Council conditionally approved the Westgate Preliminary and Final Development Plan and Vesting Tentative Subdivision Map for the entire 74.77-acre subdivision, which included 356 single-family lots and one parcel for high-density units. On July 15, 2003, City Council approved a Preliminary and Final Development Plan for an 80-unit apartment complex at the current project site. On May 11, 2005, the Planning Commission approved a Tentative Subdivision Map for the same site, to subdivide the approved 80-unit project into 80 condominium units, rather than apartments. On July 18, 2006, a revised version of the 80-unit condominium project was approved by City Council. That project was not constructed as approved, and a new applicant has returned with a different project, 60 duplex units for Planning Commission and City Council review and consideration.

Site and Project Area Description

The subject property is located at the northeast corner of Lammers Road and Feteira Way (Attachment A). Single-family lots with existing homes are adjacent to the north, south and east of the site. To the west, across Lammers Road, is land outside of the City Limits, with a General Plan designation of Urban Reserve. The General Plan Designation of the project site is Residential High. This project completes the Westgate Project, as it was shown on the original Westgate Vesting Tentative Subdivision Map and in the Westgate Development Agreement.

Project Summary

The project proposes to construct a total of 60 units, comprised of 30 duplex buildings, or attached single-family homes, on 60 lots (Attachment B). With each dwelling unit having its own lot, the result is a collection of small-lot, single-family homes, each of which share a wall with one other dwelling unit. The proposal would result in a density of approximately 13.9 units per gross acre, which is within the required range of 12.1 to 25 units per acre.

Each lot proposed has a usable private rear yard area of at least ten feet in depth, which makes the project unique as most high density sites (typically comprised of apartment or condominium units) provide community open space for their residents rather than privately maintained yards. Having designed the project to allow for this rear yard space, the front yard areas are minimal, with Home Owners Association (HOA)-maintained landscaping along the private drives. Each unit has a fully enclosed two-car, side-by-side garage (with room for trash and recycling containers designed into the garage spaces), and there are 28 on-street parking spaces provided on the overall site for guest parking.

Site Plan and Landscaping

Circulation is provided on the site with two main entrances, one on Feteira Way, allowing right and left entrance and exit turning movements and one at Milton Jenson Court. Both entries are designed with specialty accent pavers and enhanced landscaping to indicate the transition from a regular public street into the neighborhood with its narrower driveways. These two entries provide connectivity to and from the existing street network in the Westgate subdivision.

The configuration of the lots has homes backing up to Lammers Road (with the sound wall to be extended along Lammers Road), and Feteira Way. There will also be homes backing up to the existing single-family detached houses along Thelma Loop and Ormonde Court.

Landscape and hardscape features are used on this site to enhance the project and provide a streetscape that will feel like a traditional, wider street. In an effort to maximize the back yard space for each lot, the garages are placed a minimum of three feet from the street, with landscape pockets between each unit breaking up the streetscape. The site has also been designed with a sidewalk (separated from the street with a planter strip) on one side of each street, maximizing the ability to plant and maintain larger street trees for a traditional neighborhood feel (Attachment B). The preliminary landscape plans show the landscape and hardscape materials, and includes a variety of trees, shrubs, and groundcover, as well as fencing and pavers.

PUD Amendment

With the various previous approvals on the project site, Concept, Preliminary and Final Development Plans were approved by the City Council. To facilitate the construction of the currently proposed project, the Preliminary and Final Development Plans will need to be amended (from the previously approved 80-unit condominium complex) to reflect the current proposal for 60 single-family attached units, establishing the building setbacks, lot areas, lot coverage etc., for the current development and future regulation of the lots within the project area. These standards are proposed in Attachment C, and reflect a reasonable set of guidelines for the development of lots of this size.

Subdivision Map

The proposed subdivision map will create a total of 60 individual lots for residential development, the drive aisles, and parcels A through G, which will each be HOA-maintained landscape areas, spread throughout the project. The proposed lots range in size from 1,724 to 3,586 square feet, with the majority of the lots having approximately 2,100 square feet. The proposed duplex units will be placed on the lots in a manner where

the internal property lines are in the same location as the separation at the center of each duplex. This will allow each dwelling unit (even though it is attached to another unit) to be sold separately, as they will each be located on a single lot. The subdivision is designed to allow for small-lot for-sale units that include privately owned and maintained rear yard areas, with HOA-maintained access drives, landscaping and parking areas.

Architecture

The architecture of the project is comprised of four floor plans, ranging in size from 1,599 to 2,061 square feet, with each unit having an enclosed two-car garage (Attachment B). These four floor plans are paired in varying configurations to create buildings A through D. The buildings are designed in four different architectural styles, including Spanish, English Country, Craftsman and Italian. The Spanish style elevation includes features such as concrete "S" tile roofing, recessed windows and decorative metal accents. The English Country features brick veneer and wood trim accent details. The Craftsman houses have stone veneer wainscoting, and decorative gables as well as under-gable wood accents. Finally, the Italian style uses built-up window sill trims and stucco wainscoting. All of the elevations utilize concrete tile roofing materials, as well as decorative garage doors that vary according to the architectural style of units.

Neighborhood Meeting

On February 19, 2014, the applicant held a neighborhood meeting, inviting everyone in the general vicinity of the project site to learn about and comment on the proposed project. The two main concerns of the neighboring residents were traffic circulation and parking. Traffic circulation was studied with this project and the previous more dense projects, and the proposed circulation patterns on the new and existing streets meets the City's requirements. Because there is no on-street parking allowable within the project beyond the 28 stalls that are shown on the site plan, residents are concerned that the new residents of this project will park illegally on Thelma Loop (where parking is not allowable), which is already an existing concern. Staff has ensured that the Police Department as well as traffic engineering staff has been made aware of the existing illegal parking situation so that it can be addressed appropriately.

Planning Commission Discussion

The Planning Commission met and discussed this project on February 26, 2014. Among the issues they discussed were concerns regarding parking within the project as well as in the neighborhood outside of and adjacent to the project site, traffic circulation patterns, neighborhood park capacity and the potential for these to be rental versus ownership units. Residents in the vicinity of the project area expressed concern about traffic and parking as well, and staff indicated that efforts were being made to ensure the appropriate enforcement actions will be taken; both now to address existing concerns, as well as in the future once the project is constructed.

Environmental Document

The project is consistent with the Initial Study/Negative Declaration for the Citation/Souza Project, adopted by the City Council on August 16, 1994, and the General Plan Environmental Impact Report certified on February 1, 2011. No further environmental

review or documentation is required pursuant to California Environmental Quality Act Guidelines, Section 15162, as no significant changes have occurred to the project or the environment after the approval of the Negative Declaration. The project is also categorically exempt pursuant to Section 15332, Infill Development Projects. An analysis of the project shows that there will be no significant on or off-site impacts as a result of this particular project that were not already discussed in the Citation/Souza Mitigated Negative Declaration. The project is consistent with the General Plan and zoning designations, is less than five acres, and is substantially surrounded by urban uses, has access to public services, and has no value as a habitat for endangered, rare, or threatened species. There is also no evidence of any significant impacts to occur off-site as a result of the project, as traffic, air quality, land use and other potential cumulative impacts have already been considered within the original environmental documentation. No new evidence of potentially significant effects has been identified as a result of this project.

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 60 homes will also result in an increase to property tax revenues.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council approve the 60-unit Feteira project at the northeast corner of Lammers Road and Feteira Way, Application Numbers TSM13-0004 and PUD13-0004, based on the findings and subject to the conditions contained in the City Council Resolution dated March 18, 2014.

Prepared by: Victoria Lombardo, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Director
Andrew Malik, Development Services Director

Approved by: Maria A. Hurtado, Interim City Manager

ATTACHMENTS

Attachment A—Location Map

Attachment B—Tentative Subdivision Map, Color Renderings of Site Plan, Building Elevations, Landscaping (Oversized Item: Copies available in the Development Services Department and the City Clerk's office)

Attachment C—PUD Development Standards



PLANNED UNIT DEVELOPMENT (PUD)
FETEIRA SUBDIVISION

1. PURPOSE

The purpose of the PUD is to allow a unit type and size within the project that maximizes the efficiency of private open space, pedestrian usage, and enhancement of public improvements, including vehicular and pedestrian connectivity with the adjacent existing community.

2. PROPERTY DESCRIPTION

a. Location

The proposed project is approximately 4.3 acres in area, located at the intersection of South Lammers Road and Feteira Way, and abutting the existing Westgate community.

b. Site Description

The site is currently undeveloped, fallow land with a flat topography gradually sloping to the Northeast with a change in elevation from 43 feet in the southwest corner to elevation 39 feet in the northeast corner.

c. Access

The main access to the site will be via a neighborhood entry intersecting at Feteira Way as depicted on the Tentative Map plans dated February 18, 2014. A secondary access is proposed to the stubbed street at Milton Jenson Way. The community circulation will not include any direct access to South Lammers Road.

3. DESIGN CONCEPT

a. Land Use

The project shall be developed with duplex product types including four floor plans and four different building types. Each unit will be two stories and include side-by-side two car garages and private rear yards.

b. Development Standards

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, specifically the HDR zone. Parking of boats or recreation vehicles and motor homes within driveways or within any common area of the community is prohibited within the PUD.

<u>Yard</u>		
Front Setback to Garage/House		3' Minimum
Side Yard Setback		4' Minimum on one side and zero lot line on the other
Side Yard Setback on Corner Lot (street side)		5' Minimum (open porches [no walls] may project into the 5' setback area)
Rear Yard Setback		10' Minimum
Lot Area		1,700 sq ft minimum
Width at Front of home (excluding porch)/First Level House		29' Minimum
Minimum Lot Depth		60'
Height		35' (Max)
Maximum Lot Coverage		65% (Max)
Parking On-Site		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 four floor plans with four different building types shall be utilized within the development, as shown on the architectural renderings. No building type shall be used less than 15% of the total number of buildings and each building type 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

Four foot separated sidewalks are proposed on one side of each street throughout the community providing for pedestrian access for the development and access to the adjacent community and park.

v. Parking

Parking shall be restricted to designated parking stalls only. There shall be no street parking throughout the site and such restriction shall be appropriately identified.

RESOLUTION 2014-_____

APPROVING THE FETEIRA TENTATIVE SUBDIVISION MAP AND AMENDMENT TO THE PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR A 4.32-ACRE SITE LOCATED AT THE NORTHEAST CORNER OF LAMMERS ROAD AND FETEIRA WAY APPLICATION NUMBERS TSM13-0004 AND PUD13-0004

WHEREAS, The subject property was annexed to the City of Tracy in 1995 and is a part of the Plan C Finance Plan, and

WHEREAS, The project will approve a Tentative Subdivision Map to create 60 duplex dwelling units on 4.32 gross acres, with an overall density of approximately 13.9 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 High, which provides for a density range of 12.1 to 25 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. The 13.9 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 1994, and the General Plan EIR was adopted in 2011. 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 variation between floor plans and elevations, and used architectural features on all four sides of each building, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the Tentative Subdivision Map and Preliminary and Final Development Plan amendment on February 26, 2014 and recommended City Council approval of the project;

NOW, THEREFORE, BE IT RESOLVED, That the Tracy City Council does hereby approve the Feteira Tentative Subdivision Map and Preliminary and Final Development Plan Amendment, Application Numbers TSM13-0004 and PUD13-0004, subject to conditions stated in Exhibit “1”, attached and made part hereof.

* * * * *

The foregoing Resolution _____ was adopted by the City Council on the 18th day of March, 2014, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

**Conditions of Approval for the
Feteira Tentative Subdivision Map, and
Preliminary and Final Development Plan Amendment
Application Numbers TSM13-0004, and PUD13-0004**

These Conditions of Approval shall apply to the real property described as the Feteira Tentative Subdivision Map, and Preliminary and Final Development Plan Amendment, Application Numbers TSM13-0004, and PUD13-0004 (hereinafter "Project"), generally located on approximately 4.32 acres at the northeast corner of Lammers Road and Feteira Way, Assessor's Parcel Number 238-080-08.

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 Feteira Tentative Subdivision Map, and Preliminary and Final Development Plan Amendment, Application Numbers TSM13-0004, and PUD13-0004. The Conditions of Approval shall specifically include all Development Services Department Conditions set forth herein.
6. "Project" means the real property consisting of approximately 4.32 acres located at the northeast corner of Lammers Road and Feteira Way, Assessor's Parcel Numbers 238-080-08.
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 "Citation/Souza Initial Study/Mitigated Negative Declaration" dated August 16, 1994.
 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 Tentative Subdivision Map received by the Development Services Department on February 18, 2014, 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.
 10. 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.
 11. Prior to the issuance of building permits, the applicant shall pay all park in-lieu fees required for the project.

12. The floor plans and architectural elevations shall be consistent with the plans received by the Development Services Department on February 18, 2014.
13. All of the development standards for the 60 lots shall comply with the standards as listed in the "Planned Unit Development Feteira Subdivision" document, received by the Development and Engineering Services Department on February 20, 2014.
14. 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.
15. 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.
16. 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.
17. 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 of Approval

Contact: Criseldo S. Mina, P. E. C#54782 (209) 831-6425 cris.mina@ci.tracy.ca.us

C.1 Tentative Subdivision Map

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 include a space for the signature of the Secretary of the Planning Commission and date for the signature.
- C.1.2 Revise the Tentative Subdivision Map to incorporate the following:
 - C.1.2.1 Restricted access for Lots 32, through 44, Lot 1, and Parcels C and D to Lammers Road and for Lots 26 through 32 to Feteira Way.
 - C.1.2.2 Show the entire masonry wall and footing within City's right-of-way on Lammers Road and a one (1) foot wide reserve easement dedication along the entire frontage of the Property on Lammers Road.
 - C.1.2.3 Modify General Notes #15 to state that the water main and services up to the water meter will be owned and maintained by the City.
- 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 a notification of approval of the Tentative Subdivision Map. The signature of the owner of the Property on the Tentative Subdivision Map means consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.

C.2 Final Map

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 applicable requirements of the Tracy Municipal Code, the City Design Documents, and in substantial conformance with the Tentative Subdivision Map for the Project.
- C.2.3 The Final Map shall include dedications or offers of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required to construct and serve the Project described by the Improvement Plans and Final Map, in accordance with City Regulations and these Conditions of Approval.

- C.2.4 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 horizontal control points to a minimum of two (2) separate points adjacent to or within the Property described by the Final Map.
 - C.2.5 Submit an Engineer's Estimate that shows construction cost estimate of subdivision improvements and for all required public facilities, prepared in accordance with City Regulations. The Engineer's Estimate will be used for calculating engineering review fees and for bonding purposes. In determining the total construction cost, add ten percent (10%) for construction contingencies.
 - C.2.6 All the required 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 type and form of improvement security shall be in accordance with the Tracy Municipal Code.
 - C.2.7 All infrastructure or 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 plant including water supply have been evaluated and the City has determined that capacities are available for this Project.
 - C.2.8 Payment of final map checking fees and all other fees required by these Conditions of Approval and City Regulations are received.
 - C.2.9 Copy of the Updated Subdivision Map Guarantee or Guarantee of Title that is valid up to the time of recording the Final Map and issued by a competent title company, as required in sub-section 12.20.060(i) of the Tracy Municipal Code.
 - C.2.10 Copy of the Tax Certification issued by the San Joaquin County Assessor and Tax Collector's office stating that all taxes and assessments due have been paid, as required in sub-section 12.20.060(d) of the Tracy Municipal Code.
- C.3 Grading and Encroachment Permit
No applications for grading permit and 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.3.1 The Tentative Subdivision Map has been approved by the City Council, and the Subdivider has completed all requirements set forth in this section and Conditions 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 Subdivider has executed all the agreements, posted all improvement security, and provided documentation of insurance, as required by these Conditions of Approval.
- C.3.4 The Improvement Plans including the Grading and Drainage Plans prepared in accordance with the Subdivision Ordinance and the City Design Documents. The improvement plans for all improvements (in-tract and off-site) required to serve the Project in accordance with the City Design Documents, and these Conditions of Approval. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
 - C.3.4.1 All existing and proposed utilities including the size and location of the pipes.
 - C.3.4.2 All supporting engineering calculations, technical or materials specifications, cost estimate, and technical reports related to the design of streets and utilities improvements.
 - C.3.4.3 The Project's permanent storm drainage connection(s) to the City's storm drainage system as approved by the City Engineer. Improvement Plans to be submitted with the hydrology and storm drainage calculations for the sizing of the on-site storm drainage system and the permanent storm drainage connection(s).
 - C.3.4.4 Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar) with the City Engineer and Fire Safety Officer approval and signature blocks. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
- C.3.5 Joint Trench Plans and Composite Utility Plans, prepared on a 24" x 36" size mylar, and signed and stamped by a Registered Civil Engineer, for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the dedicated Public Utility Easement (PUE) or that are necessary to be installed to serve the residential lots or the Project, as required Condition C.5, below.
- C.3.6 Three (3) copies of the Project's Geo-technical /Engineering Soils Report, prepared or signed and stamped by a Geo-technical Engineer and copy of recorded slope easements (if applicable), as required in Condition C.6.2, below.
- C.3.7 Three (3) sets of the Project's Storm Water Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs) and a copy of the Notice of

Intent (NOI) with the State-issued Wastewater Discharge Identification number (WDID#), as required in Conditions C.6.1, and C.6.4, below.

- C.3.8 Payment of all applicable fees required by these Conditions of Approval and City Regulations, including but not limited to, plan checking, grading and encroachment permits and agreement processing, construction inspection, and testing fees.
 - C.3.9 Tracy's Fire Safety Officer's signature on the Improvement Plans indicating their approval of the location and construction detail of the Project's fire service connection(s), and the location and spacing of street fire hydrants, as required in Condition C.9.5, below.
 - C.3.10 Signed and notarized Inspection Improvement Agreement or Subdivision Improvement Agreement with the fully executed improvement security documents for faithful performance, labor and materials, and warranty, to guarantee construction of subdivision improvements including the Project's domestic, irrigation and fire service, storm drainage, and the permanent sanitary sewer connections, asphalt concrete overlay work on Milton Jenson Way and Feteira Way, and offsite improvements on Lammers Road, as required in Conditions C.7, C.8, C.9, and C.10, below.
 - C.3.11 All streets and utilities improvements within City right-of-way or streets that are to be dedicated to the City shall be designed and constructed in accordance with City Regulations, City's Design documents, and the City's Facilities Master Plan for storm drainage, roadway, wastewater, and water adopted by the City, or as otherwise specifically approved by the City Engineer.
 - C.3.12 All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Subdivider shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.
- C.4 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.4.1 The Subdivider has completed all requirements set forth in Condition C.1, C.2, and C.3, above.
 - C.4.2 The Property is within Category C Pay Zone B area and is classified as Agricultural Habitat Land/ Open Spaces per the San Joaquin County of Governments (SJCOG) Compensation Plan Map and is subject to applicable

habitat mitigation fees ("SJMSCP Development Fees") per the adopted San Joaquin County Multi-Species Habitat Conservation and Open Space Plan ("SJMSCP").

In accordance with the amended SJMSCP that was approved by the City Council on October 18, 2011, pursuant to Resolution 2011-196, the Project is subject to a fee rate of \$12,711 per acre. The update to the SJMSCP Development Fees that was approved by the City Council on October 15, 2013, per Resolution 2013-164 will become effective January 1, 2014. The new SJMSCP Development Fee applicable to the Project for the pay zone identified above is \$13,295 per acre.

The estimated SJMSCP Development Fees that are due at the time of issuance of the building permit is \$57,434.40, assuming that the Subdivider will grade the entire Project site at one time.

- C.4.3 The Project is within the Plan "C" development area and is subject to Plan "C" Development Impact Fees. Subdivider is required to pay Plan "C" Development Impact Fees required by these Conditions of Approval and City Regulations that are in effect at the time of issuance of the building permit.
- C.4.4 Due to high groundwater level within the Project and adjacent developments to the west (the Huntington Park and Westgate Subdivision), additional sub-surface flow (groundwater) is discharged to the City's storm drain system. The Project is subject to an incremental increase in storm drain impact fees due to the additional flows. The amount of increase in storm drainage impact fees has been determined by a storm drainage impact fee study performed by City's consultant and approved by the City Council on September 21, 1999, pursuant to Resolution No. 99-363. Prior to issuance of each building permit, the Subdivider shall pay the City the sub-surface drainage impact fees in the amount of \$281 per Single Family Dwelling Unit (SFDU) as established by City Council resolution.

C.5 Undergrounding of Overhead Utilities

The Subdivider shall prepare improvement plans, and design and construct the subdivision improvements in accordance with the following requirements.

- C.5.1 All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities. The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed within the dedicated Public Utility Easement on Milton Jenson Way and Feteira Way and within the Property.
- C.5.2 Pavement cuts or utility trench(s) on existing street(s) for the installation of electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking. The limits of asphalt concrete overlay shall be 25 feet from the trench and a

travel lane width or up to the street centerline. If the utility trench extends beyond the street centerline, the asphalt concrete overlay shall be applied over the entire width of the street (to the lip of gutter).

C.6 Site Grading

The Subdivider shall prepare improvement plans, and design and construct the required improvements in accordance with the City Regulations, these Conditions of Approval, and the following requirements.

- C.6.1 All grading work (on-site and off-site) shall require a Grading Permit. Erosion control measures shall be implemented in accordance with Grading Plans approved by the City Engineer for all grading work not completed before October 15. Improvement Plans shall specify all erosion control methods to be employed and materials to be used.
- C.6.2 Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by the Project's Geo-technical /Soils Engineering report. The report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, highest observed ground water elevation, and others.
- C.6.3 Reinforced or engineered masonry block retaining wall is the preferred method of retaining soil at property lines when the grade differential between the project site and adjacent property(s) exceeds 12 inches. The Subdivider is required to submit improvement plans, construction details and structural calculations of the retaining wall or masonry wall for City's review.
- C.6.4 Slope easements may be accepted subject to approval by the City Engineer and if permission is granted from owner(s) of the adjacent and affected property(s). Slope easement is an acceptable option as a substitute to a retaining wall, where cuts or fills do not match existing ground or final grade with the adjacent property, up to a maximum grade differential of two (2) feet, or where a masonry or block sound wall is not required, subject to approval by the City Engineer. Slope easements shall be shown and recorded with the final map. The Subdivider shall be responsible to obtain and record slope easement(s) on private properties or where it is needed to protect private improvements constructed within and outside the Project, and a copy of the recorded easement document(s) must be provided to the City, prior to the issuance of the Grading Permit.
- C.6.5 Prior to the issuance of the Grading Permit, the Subdivider shall submit three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued 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, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Subdivider. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s).

C.6.6 The Subdivider shall abandon or remove all existing irrigation structures, channels and pipes, if any, 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 tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Subdivider will design, coordinate and construct 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 to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.

C.7 Storm Drainage

The Subdivider shall prepare improvement plans, and design and construct the required improvements in accordance with the City Regulations, these Conditions of Approval, and the following requirements.

C.7.1 Storm drainage release point is a location at the boundary of the Project adjacent a City right-of-way or public street where storm water leaves the Property, in the event of a storm event and when the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall be designed such that the Project's storm drainage overland release point will be directly to a public street with a functional storm drainage system and the storm drainage line on the street has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

C.7.2 The Project's permanent storm drainage connection on Lammers Road shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Storm Drainage Plans and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council in 2008 and any subsequent amendments. As part of the Improvement plans submittal, the Subdivider shall submit hydrologic and storm drainage calculations for the sizing of the Project's permanent storm drainage connection.

C.7.3 Prior to starting the work described in this section, the Subdivider shall submit a Traffic Control Plan, to show the method and type of construction

signs to be used for regulating traffic during the installation of the Project's storm drainage connection on Lammers Road. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

C.8 Sanitary Sewer

The Subdivider shall prepare improvement plans, and design and construct the required improvements in accordance with the City Regulations, these Conditions of Approval, and the following requirements.

- C.8.1 It is the Subdivider's responsibility to design and construct the Project's permanent sanitary sewer connection at Milton Jenson Way in accordance with City Regulations. A standard sanitary sewer manhole shall be required within City right-of-way on Milton Jenson Way. The Subdivider shall submit improvement plans that include the design of the Project's permanent sanitary connection on Milton Jenson Way. The Subdivider is responsible for the cost of installing the Project's permanent sanitary sewer connection(s) including but not limited to, replacing asphalt concrete pavement, application of 2" thick asphalt concrete overlay where required, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sanitary sewer connection.
- C.8.2 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.9 Water System

The Subdivider shall prepare improvement plans, and design and construct the required improvements in accordance with City Regulations, these Conditions of Approval, and the following requirements.

- C.9.1 The City will own and maintain all water main and domestic and fire sprinkler services that are located within the permanent waterline easement.
- C.9.2 The Project's permanent water connection points will be at Melton Jenson Way and Feteira Way. Three (3) gate valves will be required at the new connection point on Feteira Way. All water connections that are bigger than 2 inches in diameter shall be Ductile Iron Pipe (DIP).
- C.9.3 Domestic water service with a remote read (radio-read) water meter shall be installed in accordance with City Regulations and at the location approved by the City Engineer. City's responsibility to maintain water lines shall be from the water main to the back of the water meter (inclusive) only. Repair and maintenance of all on-site water lines, laterals, valves, and fittings beyond the water meter shall be the responsibility of the Subdivider or the individual lot owner(s). In event that pavement excavation or street cut has to be made

within the Property after the completion of repair or maintenance work on the water main by the City, the City will replace the pavement in kind or similar materials (pavement structural section) within the utility trench area only.

- C.9.4 All costs associated with the installation of the Project's permanent water connection(s) and domestic water and fire service for each individual lot including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street that may be disturbed with the installation of the permanent water connection(s), domestic water service for each lot, and other improvements shall be paid by the Subdivider.
- C.9.5 If a water main shut down is necessary, the City will allow a maximum of 4 hours water supply shutdown. The Subdivider shall be responsible for notifying residents or property owner(s), regarding the water main shutdown. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or property owner(s) at least 72 hours before the planned water main shutdown. Prior to starting the work described in this section, the Subdivider shall submit a Traffic Control Plan, to show the method and type of construction signs to be used for regulating traffic during the installation of the water main. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.
- C.9.6 The Subdivider shall design and install fire hydrants at the locations approved by the City's Chief Building Official and Fire Safety Officer. Location and construction details of the individual lot fire service line shall be approved by the Chief Building Official and Fire Safety Officer. Prior to the approval of the Improvement Plans by the City Engineer, the Subdivider shall obtain written approval from the Chief Building Official and Fire Safety Officer, for the design, location and construction details of the individual lot fire service, and for the location and spacing of fire hydrants that are to be installed to serve the Project.
- C.10 Street Improvements
The Subdivider shall prepare improvement plans, and design and construct the required improvements in accordance with City Regulations, these Conditions of Approval, and the following requirements.
- C.10.1 The Subdivider shall design and construct street and utilities improvements on streets that are to be dedicated to the City except "Street A", "Street B", "Street C", and "Street D" in accordance with City Regulations. The Subdivider shall own and maintain all improvements within the private streets except for the water main, fittings, and water services up to the back of the water meter.
- C.10.2 The Subdivider shall design and construct offsite improvements along the Project's frontage on Lammers Road. The offsite improvements on Lammers Road include concrete curb, gutter, sidewalk, landscaping with automatic

irrigation system (Motorola), street light, storm drainage, catch basin, storm drainage manhole, masonry wall, traffic sign, pavement marking and striping, and other improvements as determined by the City Engineer. The Subdivider shall complete the construction of the offsite improvements on Lammers Road, prior to the final building inspection of the first residential building to be constructed within the Property.

The Subdivider shall dedicate all rights-of-way and/or permanent and temporary construction easements including a public access easement and permanent waterline easement that are necessary to construct, repair and maintain improvements that are necessary to serve the Project, all at the Subdivider's sole cost and expense.

- C.10.3 The Subdivider shall construct all the necessary improvements associated with the removal of the existing blow-off and standard guardrail and barricade, and the installation of the water main on Milton Jenson Way.
- C.10.4 The Subdivider shall replace all existing improvements including but not limited to, concrete curb, gutter, and sidewalk, pavement marking and striping that are disturbed as result of the installation of the Project's water main connection on Feteira Way. In order to hide pavement excavation or trench marks, the application of 2 inches thick asphalt concrete overlay and reinforcing fabric will be required over the entire width of Feteira Way 25 feet from both sides of the utility trench. The City Engineer may extend the limits of the asphalt concrete overlay, if determined to be necessary.

Grinding the existing asphalt concrete pavement 2 inches deep (uniform thickness) is required in order to maintain existing pavement grades, and cross and longitudinal slopes. The work described under this section must be completed, prior to City's acceptance of the subdivision improvements or performing the final building inspection, all at the Subdivider's sole cost and expense, with no reimbursement from the City.

- C.10.5 All work to be performed and improvements to be constructed within City's right-of-way including the installation of the Project's water main on Feteira Way and Milton Jenson Way, sewer main on Milton Jenson Way, and the storm drainage connection on Lammers Road will require an Encroachment Permit from the City, prior to starting the work. The Subdivider or its authorized representative shall submit all documents that are required to process the Encroachment Permit including but not limited to, approved Improvement Plans, Traffic Control Plan that is prepared by and signed and stamped by a Civil Engineer or Traffic Engineer registered to practice in the State of California, payment of engineering review fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance naming the City of Tracy as additional insured or as a certificate holder.

- C.10.6 The Subdivider shall install cluster mailbox(s) and coordinate with the Tracy Post Master for the location and construction details, and installation of the cluster mail box units.
- C.10.7 The Subdivider shall install stop sign(s) and all associated improvements at the intersection of Milton Jenson Way and Thelma Loop, if stop sign(s) are warranted.

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 of 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:

- C.11.1.1 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.
- C.11.1.2 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.11.1.3 The Subdivider has paid all required processing fees including plan check and inspection fees.
- C.11.1.4 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.
- C.11.1.5 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:

- C.11.2.1 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.

- C.11.2.2 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.11.2.3 The Subdivider has paid all required processing fees including plan check and inspection fees.
- C.11.2.4 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.
- C.11.2.5 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:
 - C.11.4.1 Faithful Performance (100% of the approved estimates of the construction costs of public facilities),
 - C.11.4.2 Labor & Material (100% of the approved estimates of the construction costs of public facilities), and
 - C.11.4.3 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:
 - C.11.5.1 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.

- C.11.5.2 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.11.5.3 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.
- C.11.5.4 Workers’ Compensation coverage shall be maintained as required by the State of California.
- C.11.5.5 Endorsements Subdivider shall obtain endorsements to the automobile and commercial general liability with the following provisions:
 - C.11.5.5.1 The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional “insured.”
 - C.11.5.5.2 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.
- C.11.5.6 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 cancelled 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.
- C.11.5.7 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.
- C.11.5.8 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.

C.11.5.9 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.

C.11.5.10 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

No Final building inspection will be performed by the City until after 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, and C.10, above.

C.12.2 The Subdivider has completed construction of all public facilities required to serve the Project or building for which a certificate of occupancy is requested. Unless specifically provided in these Conditions of Approval, or some other City Regulation, 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 construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.13 Special Conditions

C.13.1 The Project is subject to the applicable requirements of that certain Deferred Improvement Agreement for Westgate Unit 4, Tract 3389 that was approved by the City Council on April 5, 2005, pursuant to Resolution 2005-080 and recorded on May 6, 2005 as Document #2005-109411 at the San Joaquin County Recorder's Office.

- C.13.2 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the final subdivision map, improvement agreement, and improvement plans, prior to the City Engineer's signature on the final subdivision map and improvement plans, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

AGENDA ITEM 5

REQUEST

**COUNCIL UPDATE AND DISCUSSION REGARDING AQUATICS CENTER
NEGOTIATIONS AND PROVIDE DIRECTION TO STAFF TO NEGOTIATE WITH WILD
RIVERS, LLC FOR DEVELOPMENT OF AN AQUATICS CENTER AT THE ELLIS
LOCATION**

EXECUTIVE SUMMARY

On September 17, and October 1, 2013, Council directed staff to begin negotiations with Wild Rivers, LLC and Surland Communities respectively for development and operations of an aquatic center in the community. Staff developed and implemented a proposal review and selection process. In accordance with the review and selection process, Wild Rivers, LLC submitted a proposer response to the City in compliance with the deadline of December 6, 2013. Surland did not submit a proposer response. Wild Rivers' preferred location is the Ellis site. They require an additional four acres to adequately develop the center. Staff recommends that Council direct staff to negotiate with Wild Rivers, LLC to develop a 20 acre aquatic center on the Ellis location.

BACKGROUND

On September 17 and October 1, 2013, Council directed staff to begin negotiations with Wild Rivers, LLC and Surland Communities for the potential development and operation of an aquatics center in the City of Tracy. Since the initial proposals submitted to the City by Wild Rivers LLC and Surland Communities were very different projects in scope and scale, staff developed a formal process to review individual project proposals based on a consistent set of criteria. A copy of Wild Rivers, LLC and Surland Communities initial conceptual proposals are Attachment A.

The purpose of developing the formal review and selection process was to provide Council with a detailed comparative analysis of each development proposal from which Council could then direct staff to proceed with further negotiations with one or both of the developer entities.

DISCUSSION

Immediately following the September 17, 2013, Council meeting, a staff aquatic center team was assembled to develop and implement a negotiation process to obtain more detailed information from each of the proposers. In order for staff to ultimately make a recommendation to City Council selecting the best proposal, a Proposer Questionnaire was developed and sent to each developer on November 20, 2013.

The Proposer Questionnaire was organized as follows:

Section 1: Proposer's Project and Operational Information

- Part A - Business Description (The entities, partners, directors, etc.)
- Part B - Project Description (Amenities, location, acreage, etc.)
- Part C – Experience (References, etc.)
- Part D – Operations and Maintenance (Financial resources, operating schedule, hours, etc.)
- Part E – Expectations of the City / Business Plan (Business arrangement with City, estimated construction costs, number of jobs etc.)

Section 2: Proposer's Financial Information (Financial statements, tax returns, etc.)

In developing the questionnaire, it was understood by staff and the proposers that certain information relative to project details, operations and maintenance and financials would be "best estimates" at this early stage of the negotiations. The information is intended to assist staff in differentiating and selecting the best proposal.

The Proposers project and operational information outlined in Section 1 of the questionnaire was due to the City on December 16, 2013, while the financial information under Section 2 was due December 20, 2013. A copy of the Proposers Questionnaire and Cover Letter is Attachment B to this report.

As of the writing of this staff report, the only proposal received by the City was submitted by Wild Rivers, LLC. Attachment C is the Wild Rivers Questionnaire response. The following are key highlights.

Project Description

- Wild Rivers proposed the Ellis site as the best location requiring approximately twelve acres for amenities and seven acres for parking.
- They also initially indicated that a 25 meter activity pool rather than an Olympic size pool, which could then be operated year round, should demand warrant.

Operations and Maintenance

- Wild Rivers proposed a peak season operational schedule of 10:00 – 8:00 (Mid-June through Labor Day); suggesting a shorter schedule during off season (weekends)
- They anticipate youth swimming programs, junior life guarding and use by swim teams and the general public.

Expectations of the City/Business Plan

- Wild Rivers does not anticipate needing any financial assistance once the park is built and recommends being able to structure a deal that would return some or all of the assistance provided by the City.
- They indicate an initial step will be for them to obtain financing; adding that planning the project would take about three months and construction an additional nine to twelve months.

In analyzing the various key elements of the Wild Rivers proposal, certain project assumptions were identified that require further policy discussion and direction, which is the subject of this report. The following represent those key project assumptions and corresponding policy discussion and direction:

Wild Rivers – Key Project Assumptions and Policy Direction

A) Project Location and Physical Size

The Ellis site is the preferred location for Wild Rivers to build a privately constructed and operated aquatic center in the community. Other sites reviewed by Wild Rivers included the I-205 Mall area, Outlet Center lands, and the Holly Sugar property to name a few. According to Wild Rivers, the Ellis site is preferred because it is close to the residential part of the community while also being close to convenient freeway access.

Wild Rivers has indicated that they need a minimum of 20 acres to develop their proposed aquatic park concept in the community. The additional acreage, in part, is intended to handle the larger number of customers than originally anticipated under the original City aquatic center concept.

Policy Discussion / Direction

Council has already given direction to staff relative to negotiating a development agreement amendment with Surland Communities. In order to accommodate the aquatic center proposal from Wild Rivers, LLC, an additional four acres would need to be negotiated with the Surland Communities. Staff has had preliminary discussions with both Surland Communities and Wild Rivers, which were positive and warranted further negotiations.

If Council directs staff to proceed with the Wild Rivers proposal on 20 acres within the Ellis site, staff would continue to negotiate a Development Agreement Amendment with Surland Communities. A separate staff report and agenda item later this evening discusses the Development Agreement negotiation in more detail.

B) Project Amenities and Design

The new 20 acre aquatic center size recommended by Wild Rivers is necessary to accommodate a greater number of customers than the City's original concept. According to Wild Rivers, the proposed amenities would be consistent with development of their other facilities which are more water park in nature; for example, a wave pool is proposed which would accommodate a large number of customers at one time.

While there may be an industry formula for water park developers to accommodate more customers, Wild Rivers has indicated that they are open to including amenities and design concepts that meet the needs of both the community and the future neighboring Ellis residents. For example, Wild Rivers has proposed to include a recreational pool that can accommodate swim lessons as well as swim team practices inclusive of the lazy river which would allow for swimming against a current as additional conditioning.

Equally important is to design an aquatic center that will fit in with the neighboring Ellis community. Wild Rivers has indicated they are willing to work with the community and Surland Communities to find a balance between desired amenities and design elements that will be compatible with the Ellis development. In fact, if the private Wild Rivers operation is successfully sited at Ellis, there may be an opportunity to address citywide aquatic needs. The following highlights a concept to address citywide aquatic needs.

Citywide Aquatic Solution

There are three primary aquatic needs within the community: recreation, competition, and instruction (swim lessons). Using the three available sites within Tracy (Ellis site, Joe Wilson Pool, West High Pool) all three of the needs can be met in a variety of ways at each location. The Ellis site could be used to primarily address the recreation need and, to a degree, some of the competitive need. The West High Pool could be used to primarily address the competitive need and, to a degree, the recreation and instruction needs. The Joe Wilson Pool could be used to address the instruction need and some of the recreation need.

While the Ellis site would be built to suit the needs of the community, the West High Pool and Joe Wilson Pool would require some renovation and upgrades to better accommodate the needs of the community. These renovations would be done through the CIP process. Additional details will be given at the April 1, 2014, City Council meeting.

STRATEGIC PLAN

This agenda item supports the Economic Development Strategic Plan goal of attracting retail and entertainment uses that offer residents quality dining, shopping, and entertainment experiences, and specifically implements the following Action/Task:

Action/ Task 2.b.2: Outreach to developers and/or operators to determine if a market exists for the private development and operation of a regional waterpark in Tracy.

FISCAL IMPACT

This agenda item is an update and discussion item. There is no fiscal impact to the General Fund. As greater detail is analyzed as part of future negotiations, any General Fund impact will be addressed.

RECOMMENDATION

Staff recommends that Council direct staff to enter into negotiations with Wild Rivers, LLC for development of a Public / Private Aquatic Center at Ellis. This option would allow staff, the community and Surland Communities to continue to refine the Ellis site amenities and design. It is anticipated that several workshops/meetings with stakeholders would be scheduled over the next 5 – 7 months as part of this negotiation. Negotiations with Wild Rivers would also potentially leverage private funding to possibly solve community wide aquatic needs and provides for construction of aquatic facilities in

the shortest time frame possible as any location other than Ellis would likely require further environmental review and property acquisition.

Prepared by: Andrew Malik, Development Services Director
William Dean, Assistant Development Services Director
Ed Lovell, Management Analyst II
Amie Mendes, Economic Development Management Analyst
Barb Harb, Management Analyst
David Ferguson; Public Works Director

Approved by: Maria A. Hurtado, Interim City Manager

ATTACHMENTS

Attachment A - Wild Rivers and Surland Communities Conceptual Proposals

Attachment B - Proposer Cover Letter and Questionnaire

Attachment C - Wild Rivers Proposer Responses

EXECUTIVE SUMMARY

After 27 successful years, Wild Rivers became an icon in Orange County and in the waterpark industry. Yet, despite its success and importance, it lost its lease. Wild Rivers is now looking for new opportunities to recreate the success they had in the Irvine location. Accordingly, the Wild Rivers Waterpark team has identified The City of Tracy as an ideal place to build world-class, full-scale waterparks. The City of Tracy is ideal for a waterpark because there is no competition as there is no other waterpark in the geographically relevant area, the weather is warm and reliable, and the surrounding area has a large enough population base to support a waterpark.

HISTORY OF WILD RIVERS

Originally opened in 1986 Wild Rivers has not only been financially successful, but has come to be recognized by the insurance and waterpark industry as one of the best managed and safest waterparks in the country. Wild Rivers only ceased operating because the landowner, The Irvine Company, did not renew the ground lease, opting instead to build apartments. The same management team that managed Wild Rivers will be managing the new waterpark. Our business philosophy is to build and operate facilities that provide safe, fun, and clean family entertainment while respecting the site's local habitat. Because we believe long-term success comes through successfully operating waterparks, year after year, in a way that benefits the local community and its residents a principal member of the Wild Rivers' team will be onsite during the construction and daily operation of the waterpark. We also believe that one of the secrets of Wild Rivers success was that we were able to engage and become an important part of the community. Wild Rivers not only helped families create lasting memories but built large and loyal support of the community. We care about our community and in turn they care about us.

INDUSTRY SUMMARY

The waterpark industry has experienced phenomenal growth since its inception, enjoying particularly strong growth in the past decade. It is estimated that approximately 57 million Americans visited a waterpark in 2010. For the second year in a row, waterpark attendance in America exceeded the strong attendance at traditional theme parks such as Disneyland, Six Flags, and Knott's Berry Farm. Water-oriented recreational activities are among the most popular participation activities in America. A 1999 national survey by global marketing research firm A.C. Nielsen indicated water-oriented recreation has continued to grow in popularity, with 80% of 8- to 34-year-olds participating in water recreation.

Waterparks have proven to be safe, popular, insurable, and profitable businesses over a sustained period of time. Attractions such as wave pools, lazy rivers, speed slides, and body flumes have been developed, marketed, and operated all over the world. Waterparks offer many benefits to the community and surrounding area and are known for their willingness to participate in community activities and partner with charities.

THOUGHTFUL USE OF RESOURCES

Understanding that water is a scarce resource, the new park would endeavor to conserve it at every turn, including eco-friendly design features that were not around when the original park was constructed. While water use at waterparks is far below most people's expectations, the new park will further reduce water usage by including state-of-the-art water filtration and containment system. This system will reduce water consumption by more than 40%. Further water conservation can be effectuated by the use of waterless urinals; each one saving as much as 43,000 gallons of water per year. Even the foliage will be selected based on the water needs. Drought-tolerant, low-water-use native plant species will likely make up the majority of the waterpark's landscaping. Wherever possible, a "green" approach will be taken toward the construction, where ongoing need for resources will be considered and given a high priority instead of just looking at the construction costs.

The parks is being planned to be energy neutral or energy positive. Using alternative energy generation systems the park will actually produce more energy than it uses. This will also allow us to lock in our energy costs for years to come and not to be subject to rolling blackouts.. The waterpark will be equipped with adequate lighting to operate at night for special events and occasional maintenance during evening hours. Evening lighting will not be required for normal waterpark operations but will be installed in certain areas so the waterpark may be used at night for community events.

HOURS OF OPERATION AND SCHEDULE

The waterpark's schedule will be very similar to the successful model of the original Wild Rivers Waterpark, and take the local school schedule into account. It will be open on weekends from May to the middle of June between 11 a.m. and 5 p.m. Full-time hours of 10 a.m. to 8 p.m. daily will begin after the local schools are out through the end of August. During the month of September, the waterpark will return to the weekend schedule of 11 a.m. to 5 p.m. On an as-needed basis, the waterpark will be open from 9 a.m. to 4 p.m. Off-season activities and educational programs will maximize the use of the waterpark during these underutilized months. The waterpark will employ more than 1,000 young people, boosting the local economy and providing valuable experience in the operation and maintenance of the waterpark.

MANAGEMENT SUMMARY

Senior management team

The senior management team of Wild Rivers Waterpark is composed of Mike Riedel and Kevin Kopeny. In addition to operating Wild Rivers and helping to establish numerous other waterparks, the team has worked closely with trade associations to lead industry efforts to raise the standards for safety and operational protocols.

The team also worked hand-in-hand with the American Red Cross to improve training procedures and lifeguard standards, changes that were adopted for waterparks nationwide. Additionally, they have led national efforts to identify and educate park owners/operators about affordable construction and maintenance trends.

MANAGEMENT BIOS

Mike Riedel

Mike is the president of Beach West Properties, the managing general partner of Wild Rivers. Mike has more than 20 years of experience in project and property management. He co-founded Momentum Properties, a real estate syndication and management company.

In addition to Mike's managing general partner responsibilities, he has successfully managed the marketing strategies of Wild Rivers since 1999. Under his direction, Wild Rivers has significantly increased gross revenues in all major categories including general admissions, group sales, season pass holders and concession sales.

Mike serves on the World Waterpark Association's Best Practices Steering Committee, where he has helped develop a waterpark insurance buyers group. This group aims to keep liability insurance rates affordable and identify standard practices necessary to qualify amusement parks to join the insurance buyers group.

Mike is also the Secretary/Treasurer of the California Attractions and Parks Association, an association of California theme parks and waterparks.

Mike received a bachelor of arts in economics from UCLA.

Kevin Kopeny

Kevin served as the general manager of Wild Rivers until its recent closure. He began working at Wild Rivers in 1988 and possesses more than 20 years of experience in the waterpark industry.

In 1997, Kevin was promoted to the position of admissions manager at Wild Rivers. He was promoted to operations director in 1998, to assistant general manager in 2002, and to general manager in 2004. During Kevin's tenure as the operations director and assistant general manager from 1998 to 2003, attendance rose and the injury rate dropped during the same period.

Kevin is a member of the American Red Cross Advisory Committee, helping to develop new aquatic programs. Kevin also serves on the National Advisory Committee for the Red Cross Lifeguard Training Program, a committee that writes and updates the American Red Cross Lifeguard Manual. Kevin is an American Red Cross Lifeguard and a First Aid, CPR, AED and O2 instructor. In 2006, the American Red Cross selected Wild Rivers as the primary location to film their new Red Cross training videos under Kevin's direction.

Kevin received a Bachelor of Arts degree in sociology from the University of Colorado at Boulder.

Letters of Reference



February 7, 2011

To whom it may concern,

The World Waterpark Association is the world's leading water leisure trade association, serving more than 1000 waterpark operators and suppliers from more than forty-two countries around the world.

Wild Rivers has been a contributing and active member of the World Waterpark Association since its earliest days. Since joining the Association in 1984, the team at Wild Rivers has consistently been a leader in the water leisure industry, from safety and operations, to staff development and marketing.

In 2004, the WWA's Board of Directors honored Wild Rivers with its prestigious Industry Leadership Award for setting an exceptional standard for the industry over the years. This recognition was due to their long-standing reputation within the industry as a top flight operator.

They have built and maintained their own facility with a strong focus on guest and employee safety. They have considerable business acumen and are well respected for their financial success. Their team has continued to innovate with new attractions and inventive programs, all while maintaining a strong presence in the Irvine community.

When the WWA needed a partner to work with on its Be Water Aware Public Service Announcement campaign, Wild Rivers stepped up to offer its facilities as a backdrop for our campaign with Olympic athletes, Amanda Beard and Jason Lezak. Additionally, Wild Rivers' expert team members have provided many hours of insight and education as speakers at the WWA's annual Symposia.

Thanks to their strong internal leadership and extensive experience both within the California market and the industry as a whole, the team at Wild Rivers would make an excellent partner for the County of Orange Board of Supervisors. They are capable of accomplishing their stated goals both on time and within budget and feel a great sense of passion and commitment for the programs they champion.

I urge you to select them for this project. You will not find a better partner to support your county's goals and make this project a huge success than the team at Wild Rivers Waterpark.

Sincerely,

A handwritten signature in black ink that reads "Rick Root".

Rick Root
President

rroot@waterparks.org

WORLD WATERPARK ASSOCIATION

8826 Santa Fe Dr., Suite 310 | Overland Park, KS 66212 U.S.A.

PHONE: +913.599.0300 | FAX: +913.599.0520 | EMAIL: wwamemberinfo@waterparks.org | WEBSITE: www.waterparks.org



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Tel (604) 273-1068 · Fax (604) 273-4518 · e-mail: whitewater@whitewaterwest.com

To whom it may concern:

Re: Wild Rivers Management Group

We are writing to provide a reference for the Wild Rivers Management Group in support of their implementation of a New Waterpark development.

We have known and been involved with the Wild Rivers Group for in excess of 20 years and have found them to be a very experienced and capable team with a reputation of executing projects on a timely basis and a keen focus for on time, on budget implementation and delivery style. Their keen knowledge of the waterpark industry, development requirements, and construction systems and methods have provided them with the unique skill set to implement highly complex projects in an efficient and timely manner.

They display a high level of integrity and conduct themselves in a highly ethical manner at all times. Their successful approach has allowed them to excel at all levels of their works, as they set their own objectives at a very high level and achieve them without sacrificing integrity. This is also my personal experience in dealing with the individuals of this organization.

Should you have any questions regarding the capabilities of this group, we would be happy to address them at length at your convenience.

Sincerely

Yours truly,

WHITewater WEST INDUSTRIES LTD.

Ron Lausman M.L Arch., CSLA. MALA
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February 7, 2010

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Boardwalk
SeaWorld Parks
and Entertainment
Six Flags Discovery
Kingdom
Six Flags Magic Mountain
Sonoma Train Town
The Wave Water Park
Universal Parks and Resorts
Water World California
Wild Rivers Water Park
*Partial list

To Whom It May Concern:

This letter is in reference to Mike Riedel, President of Wildriders Waterpark, on behalf of the members of the California Attractions and Parks Association (CAPA).

CAPA is a trade association representing virtually all of California's theme, amusement and water parks, from the world renowned destinations such as Disneyland and SeaWorld to smaller regional parks. Our members produce more than \$12 billion in annual commerce, directly employ more than 125,000 workers and provide the economic foundation for communities throughout the state.

Mr. Riedel was instrumental in forming CAPA in 2004, and has served on its Board of Directors and as treasurer from our inception. Mr. Riedel is the acknowledged expert on water park issues, development and attractions within our group. He is an industry leader, in all respects, with deep knowledge of the attractions industry, and the role of different park types in attracting patrons.

Our board members consist of senior executives, typically general counsels, park presidents and Senior Vice Presidents from companies such as Disneyland, Universal Studios, Six Flags, Cedar Fair and SeaWorld.

Mr. Riedel has a proven history of industry leadership and the ability to develop his park and attracts to obtain a leading role in the California parks and attractions industry.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Robinson".

John Robinson
CEO CAPA



HAAS&WILKERSON
INSURANCE

February 7, 2011

To Whom It May Concern:

Haas & Wilkerson Insurance has insured all facets of the amusement industry since 1939. We insure fairs, festivals, special events, entertainment venues, carnivals, amusement parks, waterparks and family entertainment centers across the country. We are known as a leader with respect to insurance and risk management and in the amusement industry.

Haas & Wilkerson Insurance is proud to be the insurance provider for Wild Rivers Waterpark. In our experience working with waterparks throughout the industry, Wild Rivers has an excellent operation with superior management and exceptional claims experience. Wild Rivers is one of the finest waterpark operators in the country.

Please accept this letter as a strong recommendation for Wild Rivers Waterpark.

Regards,

Patrick Clark
Haas & Wilkerson

201 Sadegri
Hurtado

THE SURLAND COMPANIES



September 17, 2013

Residential

Commercial

Leon Churchill
City Manager
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Re: Surland Communities LLC; Request for Authorization to Negotiate An Agreement to Construct, Develop and Operate a Community Swim Center

1024 CENTRAL AVE.

Dear Mr. Churchill:

TRACY

CALIFORNIA

95376

TELEPHONE

(209)832-7000

FACSIMILE

(209)833-9700

WEBSITE

www.surlandcompanies.com

An enormously important part of the Development Agreement for Surland Communities Ellis Project is the obligation incurred in that agreement for Surland to offer to dedicate 16 acres of real property as a Swim Center Site and contribute \$10,000,000 towards the construction of the Swim Center. The Swim Center for the Citizens of the Tracy Community has long been an important goal. We understand that the City currently has approximately \$5,000,000 in funds earmarked for the construction of the Swim Center and its conceptual design has been vetted by several Citizens Groups and the Councils for many years, and its conceptual design has since been approved by Council. The purpose of this letter is to propose to the City that Surland Communities and the City enter into an agreement in some form pursuant to which Surland will alleviate the construction, ownership and operational risk for the City to construct, own, and operate a Swim Center. Such proposal would utilize the funds Surland is obligated to commit under the Ellis Development Agreement and utilize the Swim Center Site identified in that agreement, together with the funds pursuant to Swim Center development that the City currently has, along with any other funds that Surland or the City can raise, and develop the type of community swim center that was envisioned by the community. That agreement would be negotiated between Surland and the City but would include the following points:

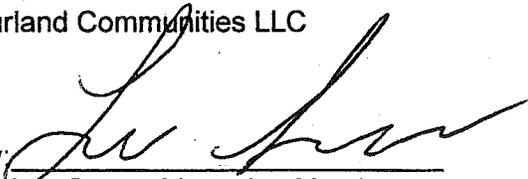
1. The Swim Center would be built on the Swim Center Site identified in the Ellis Development Agreement.

2. Surland would form a separate entity, which would utilize the approximately \$5,000,000 of funding which the City currently has available and the \$10,000,000 obligated from Surland along with any other funds that could be raised from grants, local developers or other sources to construct the Swim Center.
3. The Swim Center would include as many of the features as discussed in the conceptual design as possible and would be designed in a way which would address the long term needs of the Tracy Community and provide as many of the desired services as possible given financial constraints.
4. Surland would enlist the help of community groups and entities such as USA Swim to assist in operating and maintaining the Swim Center once it was constructed. The intent of the agreement would be to provide the same level of services to the community as envisioned through the many years of conceptual design discussion and consensus approval. The operation and ownership of the Swim Center would be undertaken by the entity established by agreement between Surland and the City.
5. The City would be able to program swim lessons and other related activities through the agreement between Surland and the City.

We believe that this proposal presents a superior alternative for the City and the community that alleviates the construction and operational risk for the City while still providing the family swim center that was envisioned by the community. We respectfully request that you seek authorization from the Council to begin negotiations for this project.

Sincerely,

Surland Communities LLC

By: 
Les Serpa, Managing Member



City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

CITY MANAGER'S OFFICE

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

November 20, 2013

Dear

Thank you for your September 17, 2013 Letter of interest to work with the City of Tracy to construct, develop and operate a community swim center in the City of Tracy.

As you know, Council expressed an interest to begin discussions with both proposers. In preparation for that, I've attached a Proposer Questionnaire that requests additional information prior to beginning negotiations with each of the proposers. The proposer questionnaire will assist the City's negotiation team obtain more detailed information to better understand the relationship and obligations for actions by this potential public / private partnership.

The City representatives leading the discussions on behalf of the City are Andrew Malik, Development Services Director and Ed Lovell, Management Analyst. Any questions about the questionnaire should be submitted in writing no later than December 6th. Both Mr. Malik and Mr. Lovell are available to meet or conference with you to clarify or answer any questions about the Proposer Questionnaire prior to the Dec. 6th deadline. Below is an outline of the proposed timeline.

<u>ITEM</u>	<u>TIMELINE</u>
Meet or Conference Call w/Staff: Answer Questions re Questionnaire	11/21/13-12/5/13
Proposer's Written Submittal of Questions to City re: Proposer Questionnaire	12/06/13
Response Submittal of Proposer's Questionnaire Section 1	12/16/13
Submittal of Financial Information to NDC	12/20/13
Meet with Proposer to discuss Proposer/City obligations proposed	Week of 01/13/14
2 nd meeting regarding Proposal (City/Proposer), if necessary	Week of 01/27/14
Council Update on Status of Discussions	03/18/14

Please feel free to contact us if you have any questions.

Sincerely,

Andrew Malik
Development Services Director

Ed Lovell
Management Analyst

**Tracy Aquatic Center
Proposer Questionnaire
November 20, 2013**

INTRODUCTION:

The City of Tracy has the need to provide aquatic facilities to the public and a unique opportunity to partner with the private sector to deliver services. The City has been approached by two aquatics development and operations entities (hereinafter referred to as "Proposer(s)") to meet the need.

City Staff have been directed by City Council to obtain more detailed information from each of the Proposers, to enable more informed decision making in selecting the best proposal. A series of negotiations prior to finalizing an agreement will then describe in more detail the relationship and obligations for action by the public/private partnership.

SECTION 1: PROPOSER'S PROJECT & OPERATIONAL INFORMATION

Section I includes information related to the Proposers business description, project description, experience, operations and maintenance approach, expectations of the City and Business Plan.

Part A – Business Description

1. Please describe the Proposer's business entity, name all principal stakeholders, partners, key personnel who will have a financial interest in the project for its duration.

Part B – Project Description

1. Please describe the physical project your development team envisions to provide for public use. Provide a list of amenities, approximate sizes and anticipated phasing (i.e. square footage of water, type/size/length of water related features, number of parking stalls, sizes of buildings, amount of pool deck space, etc.). Provide a conceptual diagram to scale on 11" x 17" paper to indicate the conceptual configuration and phasing of the major elements on the above list of amenities.
2. Please provide a location in Tracy that you envision construction of the project, with an approximate acreage requirement to make the conceptual diagram function as you envision it.
3. Please provide the expected annual attendance to the facility, broken down into type of facility user and/or price point. Provide the anticipated cost per person to enter that you have utilized in your business plan, broken down into type of user and/or price point.
4. Describe the anticipated ecological sustainability or "green building" elements you envision incorporating into the project and any impact they will have on operational costs.

Part C – Experience

1. Please provide a list and brief description of project experience that you or members of your team have planned, designed, constructed, operated and/or maintained that accurately describes your team's real experience and familiarity in funding, constructing and operating similarly sized and scoped projects.
2. Provide at least three references of individuals knowledgeable about your team's role in the projects listed above.

Part D – Operations and Maintenance

1. Describe the team members who will be physically and/or financially responsible for the ongoing annual operation and maintenance of the facility.
2. Provide the anticipated operation schedule in terms of hours of operation, hours of general public access, any anticipated hours of restricted or limited public use, and any seasonal closure.
3. Provide a list of recreation programs and services and expected attendance your team envisions will be provided through the project. Provide a list of special events and expected attendance at special events.
4. Provide a business plan that estimates the annual cost to operate the facility your team envisions. Include all expenses and include capital maintenance costs (depreciation/ replacement). Provide an estimate of all anticipated revenues you expect to garner that would offset the total operational cost. Indicate the anticipated difference (net surplus revenue or deficit cost). Provide a realistic estimate of economic impact your proposed project will bring to Tracy, with the basic calculations that show the basis for your assumptions.
5. Indicate how your team envisions keeping the project attractive, relevant and attended at acceptable levels over time.

Part E – Expectations of the City/ Business Plan

1. Please describe the business arrangement your team envisions entering into with the City; describe fully the expectations you have for the City in terms of financial considerations, personnel, planning assistance, design assistance, architectural review, recreation programming assistance, etc.
2. Please provide an estimate of the construction and development costs and your funding plan for implementing all aspects of the plan described in Part B. Indicate sources and level of funding from all sources.
3. Provide an estimate of job growth, in terms of quantity and quality of anticipated new jobs. Include temporary (construction), permanent, full time, part time and/or seasonal jobs. Indicate anticipated wage rates, educational or experience requirements, and anticipated benefits.
4. Provide your team's estimated optimal timeline in terms of major milestones, for example: FY 20xx-20xx Planning, FY 20xx-20xx Design, FY 20xx-20xx Construction, FY 20xx-20xx Operation, FY20xx-20xx Anticipated Renovation.

The Proposer's Project and Operational Information outlined in Section I is due no later than **December 16, 2013, 5:00 pm.** Any clarification requests shall be submitted in writing no later than end of business **December 6, 2013,** and will be responded to as soon as possible to both Proposers. The designated negotiation team will be available to meet and/to conference call individually prior to December 6, 2013 to answer any questions.

SECTION II: PROPOSERS FINANCIAL VERIFICATION:

1. Please be prepared to provide a statement of financial strength, describing corporate, personal or securitized third party financial backing that indicates proof the business financing plan you intend to implement is realistic, securable and fundable.
2. Provide financial references of individuals knowledgeable about your team's financial strength.
3. Please submit the following information:
 - (1) Personal Financial Statements,
 - (2) Federal Tax Returns for the current year and for the prior three years, and
 - (3) a Signed credit release form.

Please submit the financial information described in Section II to:

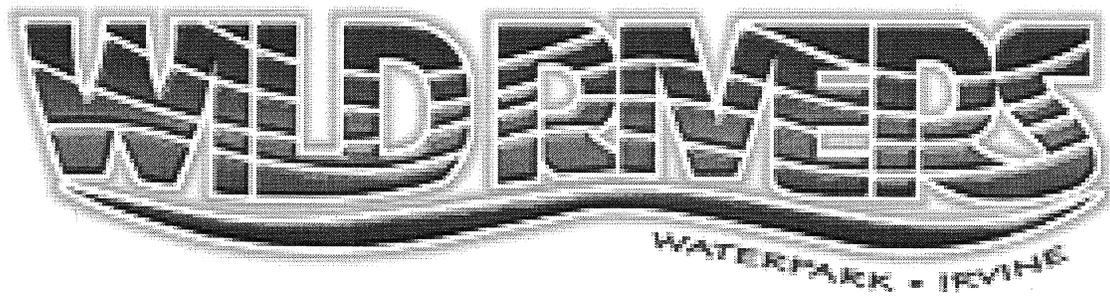
The National Development Council (NDC)
c/o Scott Rodde, Director
1500 Third St. Suite C
Napa, CA 94559

Email address: srodde@napanet.net

(fax) 707 257 1500

Do not submit this information directly to the City. The financial information you provide is confidential and will be reviewed by the City's consultant, NDC, to verify financial viability.

Please submit information no later than **December 20, 2013** directly to Scott Rodde at the National Development Council via email or postal mail.



**TRACY AQUATIC CENTER
PROPOSER QUESTIONNAIRE RESPONSE**

TRACY AQUATIC CENTER RESPONSE

SECTION ONE

PART A - BUSINESS DESCRIPTION

There will be a new entity for this project. It is most likely going to be Wild Rivers Tracy LLC. At this point I would be the only partner in the managing member of this LLC. As the structure of the project becomes clearer it will be easier to answer this capital stack question but it is assumed that there will be debt and equity investors that would have a financial stake in the project.

PART B -PROJECT DESCRIPTION

- 1) We will be building a waterpark whose amenities, while subject to change based on the feedback we get from City staff, City Council and the community, are listed on the site plan submitted. There will be not be an Olympic size pool but there will be an 25 meter activity pool included that could operate year round (if demand warrants).
- 2) We believe the best site would be the Ellis site although other sites would suffice. We will need approximately 12 acres for the amenities with an additional 7 acre for parking.
- 3) We anticipate the attendance to be approximately 300,000 annual visits to the waterpark. The pricing for the water will likely be as follows
Individual Season Passes.....\$60.00/season
General Admission (over 48 inches in height)\$30.00/day
General Admission (under 48 inches in height).....\$15.00/day
The pricing for the activities pool (free swim) will be \$10.00 per visit.
- 4) Green items that will be included in the project include
 - a. Regenerative filtration (reduces water use during backwash from 21,000 gallon per week per pool to 300 gallons per week.
 - b. Waterless urinals (saves about 40,000 gallons annually)
 - c. In addition we would like to entire project to be energy neutral or energy positive using alternative energy generation on-site to supply all the power necessary to run the park. This should stabilize to energy costs in the future.

PART C – EXPERIENCE

- 1) I was the President of Wild Rivers Waterpark in Irvine from 1998-2011. Since then my team has designed a proposed waterpark in both Temecula and Irvine. We have put together a team that includes a civil engineer, landscape architect, building and site architect, general contractor and project manager. From an operational standpoint all the key players of Wild Rivers remain dedicated to our future projects. From an operational standpoint my team was responsible for operating one of the biggest, safest and best run waterparks in the country. Waterpark operations is what we know best.
- 2) Doug Heke Whitewater West Industries P: 604-273-1068
Patrick Clark- Haas Wilkerson Insurance P: 913-558-3626
Rick Root President, World Waterpark Association P: 913-599-0300

PART D – OPERATIONS AND MAINTENANCE

- 1) The legal entity will be Wild Rivers Tracy LLC but ultimately the responsible party for the operation of the facility will be me. It is doubtful that I will be the person in the park on a day to day basis but the person we select to be the day to day operational manager will have the experience and know how to get the job done. He/She will also have the same safety and customer service focused approach that made us so successful in Irvine. I will be actively following the progress on the park and can come up to consult or adjust procedure and strategic plans as necessary.
- 2) The planned operational schedule for the waterpark will be 10-8 in the peak season (Mid June to Labor Day) and slightly shorter days in the shoulder season (Weekends in September and May through mid-June). The operational schedule for the 25 meter pool will be based on demand but we are hopeful that demand will allow us to have the pool open daily during the off-season and possible before and after the normal operating hours of the waterpark during the waterpark season.
- 3) In addition to the operation of the waterpark we anticipate youth swimming programs as well as junior lifeguarding type programming. We also think the activities pool will be used by swim teams and the general public. We are not experts in this area but we do have relationships with other facilities that have been successful in making the swim programs at break even proposition. We would utilize this knowledge to create programs that have proven to be successful at other facilities. In addition to regular operations Wild Rivers has a long tradition of becoming involved in our community. We would continue this tradition in Tracy looking for charity and other events we could get involved with and integrate ourselves into the community to be a positive force.

- 4) There certainly would be some economic impact to the surrounding area but we are not experts in calculating its impact. The Tracy park would employ about 10-20 people full time but would be the largest youth employer in the area (Wild Rivers was the number one youth employer in Orange County) supplying about 500-600 jobs for the young people of Tracy. It will be the first job for most of these people. A financial ProForma will be provided later. The proforma is confidential proprietary material.
- 5) Wild Rivers had an ongoing beautification program and the park looked better every year. We have capital improvements budgeted at approximately \$500,000 per year to keep the park looking clean and well landscaped as well adding new attractions to the waterpark. It has always been the philosophy of Wild Rivers to do things right and park appearance is critical to the success of the waterpark because if it looks run down moms will think that we are cutting back on key safety procedures too.

PART E - EXPECTATIONS OF THE CITY/BUSINESS PLAN

- 1) We have two other parks in the planning process and are further along on both of these parks. It is well documented how hard it has been for us to secure financing and the Tracy park would be third to be financed strictly by us so the City will have to provide some of the funds it has available to help us secure the financing. We can be creative in the structure of the deal but this will provide more discussions with the City staff to see how we can make this park a reality. Any developer who is just going to build an aquatic center with no proven source of net operating profits will have an even more difficult time getting financing unless he plans on rolling it into a bigger development. We will not need any financial assistance once the park is built and we might be able to structure the deal so some of all of the assistance that the City provides is returned. We would do all the planning and program design but would love to work with the city to assist us in additional programs and co-market those programs with the City.
- 2) The funding plan needs to be developed in conjunction with the City to establish how the project financing can be structured to secure the necessary funds while not obligating the city on an ongoing basis. I have attached a disbursement schedule that shows the estimated cost as well as the timing of the construction.
- 3) We are not experts in the construction so we will not comment on the construction jobs but we know that the park will employ 10-20 full-time employees and 500-600 seasonal employees. We will provide a 401k as well and medical coverage for our full-time staff. The education and experience required will change based upon the job responsibilities (as will pay levels) but key staff will be experienced in aquatic facilities and have a well established reputation for excellent customer service and an unparalleled focus on safety. We will train most of the seasonal employees. For most of

MAY 2015?

the season staff this will be there first job so no experience is needed....just a clean look and good a work ethic.

- 4) The first step is getting the financing. The planning should only take about three months once the property is entitled. Construction is 9-12 months. You can see on the attached disbursement schedule the timing of the construction.

AGENDA ITEM 6

REQUEST

RECEIVE UPDATE AND PROVIDE FURTHER DIRECTION RELATED TO AN AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH SURLAND COMMUNITIES, LLC FOR THE ELLIS DEVELOPMENT LOCATED ON APPROXIMATELY 321-ACRES OF LAND ON THE NORTHWEST CORNER OF CORRAL HOLLOW ROAD AND LINNE ROAD

EXECUTIVE SUMMARY

This agenda item relates to receiving direction from City Council related to processing amendments to a development agreement between the City and Surland Communities, LLC for a swim center project.

DISCUSSION

On April 18, 2013, the City and Surland Communities, LLC ("Surland") entered into an Amended and Restated Development Agreement ("Development Agreement"). The Development Agreement provides in relevant part that, not later than the annexation effective date (September 15, 2013), Surland shall deposit into a swim center funds account \$2,000,000 for use by the City in the development, construction, operation and maintenance of a swim center. Surland subsequently submitted an application for an amendment to the Development Agreement to extend the time to make this deposit. On September 17, 2013, the City Council authorized staff to negotiate such an amendment as long as the City received adequate consideration.

As part of the consideration for Surland's requested amendment, staff will be recommending an extension of the time the City has to accept the Ellis swim center site. The Development Agreement requires Surland to offer to dedicate to the City approximately 16 acres of land for the location of a potential swim center. Surland has submitted to the City a proposed draft dedication offer. Under the Development Agreement, the City has until July 17, 2014, to accept the dedication offer. If the City does accept the dedication offer, Surland will have been deemed to have satisfied its community park obligation for the Ellis Specific Plan.

Staff has been considering the Ellis swim center site as the possible location of a swim center, and has been discussing this possibility with Wild Rivers, LLC ("Wild Rivers"). Wild Rivers' interest in the site is further outlined in another agenda item the City Council will be considering. As discussed under that agenda item, Wild Rivers is proposing a preliminary site plan reflecting a 20 acre site within the Ellis Specific Plan. Therefore, to accommodate Wild Rivers' proposal, the City would have to acquire an additional four acres from Surland. This may also require minor amendments to the Ellis Specific Plan.

Negotiating an amendment to the Development Agreement to acquire these additional four acres of property, and processing any necessary Specific Plan amendments, will likely take much longer than July 17, 2014 -- the deadline the City has to determine whether to accept Surland's dedication offer. This is due to the process to negotiate,

consider and possibly approve a Development Agreement Amendment, which requires two public hearings and a second reading of an ordinance.

Additionally, staff believes that the City should not accept the dedication offer until it has a commitment from Wild Rivers that it will develop a swim center on the site. For these reasons, staff is recommending that the City Council direct staff to negotiate with Surland an amendment to the Development Agreement which would include: a one year extension of Surland's obligation to deposit funds in the swim center funds account; and a one year extension for the City to accept the dedication offer. This will give the City and Surland time to negotiate and process a subsequent amendment to the Development Agreement to take into account the additional four acres needed for the proposal submitted by Wild Rivers. It will also allow time for the City to further define and formalize this proposal with Wild Rivers.

In order to have such an amendment take effect before the July 17, 2014, deadline the City has to accept Surland's dedication offer, which would have to be presented to the Planning Commission for consideration no later than May 14, 2014. The alternative to negotiating such an amendment to push out the timing for payment/land dedication acceptance would be recommending denial of Surland's original request for an extension, thereby triggering the \$2 million payment.

STRATEGIC PLAN

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

FISCAL IMPACT

An approval authorizing staff to negotiate the Development Agreement Amendment will have no fiscal impact; actual costs are tracked by staff and paid by Surland through a Cost Recovery Agreement.

RECOMMENDATION

Staff recommends that City Council receive the update and direct staff to finalize negotiations with Surland for a one year extension of Surland's obligation to deposit funds in the swim center funds account; and a one year extension for the City to accept the dedication offer, and negotiate with Surland for an additional four acres of land for a swim center.

Prepared by: Bill Dean, Assistant Development Services Director

Reviewed by: Andrew Malik, Development Services Director

Approved by: Maria Hurtado, Interim City Manager

AGENDA ITEM 7

REQUEST

SELECT AN EXECUTIVE SEARCH AND CONSULTING FIRM FOR THE RECRUITMENT OF THE CITY MANAGER POSITION AND AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT

EXECUTIVE SUMMARY

This report outlines the general parameters for the recruitment and selection process for a new City Manager. The City Council is asked to provide direction to staff regarding the selection of an executive search firm. Staff solicited proposals from a number of executive search and consulting firms and reviewed the four that were submitted and recommends three for Council's review and consideration.

DISCUSSION

As of March 5, 2014, the City Manager position for the City of Tracy was vacated. The City requires the services of an executive search and consulting firm to recruit for the City Manager position.

The City solicited proposals from a number of reputable executive search firms. While two of the solicited firms had to decline submitting proposals due to their current case loads, four firms submitted proposals. Copies of these proposals are attached. After review of all the proposals received, staff is recommending that the City Council consider choosing from one of the following three firms:

Firm	Professional Fees	Estimated Expenses	Estimated Total	Time Frame
Avery & Associates	\$19,400	\$6,500	\$25,900	17 weeks
Bob Murray & Associates	\$17,500	\$6,500	\$24,000	16 weeks
Peckham & McKenney	\$18,000	\$6,500	\$24,500	16 weeks

These firms are being recommended based on the proposal packets they provided which detailed their experience in recruiting for City Managers throughout California, demonstrated their abilities to successfully find and place numerous City Managers as well as presenting strong references for previous placements at other municipalities.

It is noted that the quoted professional fees are fixed costs and are relatively equal among the consultants. The quoted expenses are estimated and actual expenses may vary but will not exceed these listed amounts.

Summary of Recruitment and Selection Process

The discussion below is intended to provide a summary of the City Manager recruitment and selection process. The selected consultant firm will provide specific details about their process and necessary decision points directly to the Council as they may arise. The above discussion

demonstrates that the recruitment and selection process is complex and time consuming. Based upon the various steps associated with the recruitment and selection process, it is estimated that it could take approximately 17 weeks from the time the consultant is hired until a candidate is selected.

As described by the executive recruitment firms in their individual proposals, there are several necessary components to recruit the best City Manager candidates. The typical recruitment and selection process performed by an executive recruitment firm would include the following:

- Position Profile and Organizational Assessment - This step includes the selected firm meeting with Council to discuss views on the ideal candidate. This may also include meetings with other key stakeholders identified by the City. During this time the firm gains a full understanding of the City's priorities for this position and insight of the various organizational dynamics and departmental issues that may exist within the organization.
- Prepare the Recruitment Brochure, Marketing Materials and Develop an Advertising Plan. A recruitment brochure would be developed based on the organizational assessment. Marketing materials would be prepared and may include direct mailing letters and an advertising campaign in professional journals, websites, newsletters and other appropriate sources.
- Candidate Outreach – Traditional advertising and marketing is helpful, however some of the best candidates are often sought out and the interests encouraged. It is in this area that the experience and expertise of the firm is invaluable.
- Candidate Assessment and Initial Screening – The consultant will screen applicants to determine which most closely match the needs of the City of Tracy. The consultant will typically interview a number of candidates to narrow the field of candidates prior to the selection of finalists to participate in the oral interview process.
- Presentation of Finalist Candidates – The consultant will provide a comprehensive evaluation of the potential candidates and provide recommendations for the selection of finalist candidates.
- Selection Process – Typically along with Human Resources, the consultant will coordinate interviews and develop selection procedures for the finalist candidates
- Candidate Selection/Background Checks/Employment Contract – The consultant will assist the City Council with follow-up interviews, finalist selection, appropriate background and reference checks and the formulation and documentation of appropriate compensation and other employment arrangements.

STRATEGIC PLAN

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

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

Based upon the selection of the Executive Recruitment Firm and the actual expenses related to the recruitment and selection process, the fiscal impact is estimated at \$26,000 and can be absorbed in the current Human Resources budget for FY 13/14

RECOMMENDATION

That the City Council, by resolution, select a recruitment firm to conduct a City Manager search and authorize the Mayor to execute a Professional Services Agreement with the selected firm.

Prepared by: Midori Dearborn, Senior Human Resources Analyst

Reviewed and Approved by: Gary Hampton, Acting Assistant City Manager

Attachments: "A" – Proposal: Avery & Associates
"B" – Proposal: Bob Murray & Associates
"C" – Proposal: Peckham & McKenney
"D" – Proposal: Mathis Consulting Group



AVERY
ASSOCIATES

Los Gatos ♦ San Luis Obispo

March 13, 2014

Maria A. Hurtado, Assistant City Manager
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Dear Ms. Hurtado:

Avery Associates is pleased to submit our proposal for the recruitment of a new City Manager for the City of Tracy. We value our past working relationship with the City and would look forward to supporting your needs in this assignment.

We feel well suited to support the City in this assignment, as our firm has extensive experience in City Manager recruitments. Our current City Manager searches include, Sunnyvale, Rio Dell, Hercules and Monterey. During the past 60 days we've completed City Manager assignments for the cities of South San Francisco, San Mateo, Hollister and Lynwood and during the past six months completed City Manager assignments for the cities of Pacifica and Emeryville and the County Executive Officer for the County of Santa Barbara. As a result of these collective assignments, we have a large, very current and active database of City Manager candidates that would be of great value in this search.

Our extensive database of executives in municipal government provides an excellent foundation for the outreach efforts we describe in our proposal. We've also had extensive interaction with City Councils, City Managers and Assistant City Managers based on our labor relations practice. All of these contacts would be an excellent resource in support of this recruitment.

Following review of our proposal, it is our hope that our prior work relationship with your city, our history of successful recruitments, our professionalism and the positive results we have delivered for our clients will provide the basis for selection of our firm. The enclosed proposal contains the following information:

- Company Overview
- Firm Qualifications/Experience
- Recruitment Team
- Recruitment Strategy
- * Recruitment Schedule
- References

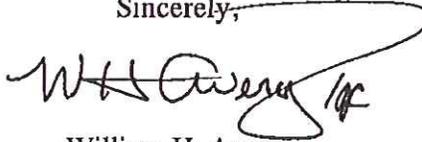
William Avery & Associates, Inc.
Consultants to Management

3-1/2 N. Santa Cruz Ave., Suite A
Los Gatos, CA 95030
408.399.4424
Fax: 408.399.4423
www.averyassoc.net

- Consulting Fee
- Guarantees & Ethics

Thank you for the opportunity to be considered for this recruitment. If you have any questions, please do not hesitate to call Paul Kimura or me at 408-399-4424.

Sincerely,

A handwritten signature in black ink, appearing to read "William H. Avery". The signature is fluid and cursive, with a large loop at the end.

William H. Avery

WHA:jmc



PROPOSAL FOR THE CITY OF TRACY RECRUITMENT FOR THE CITY MANAGER

William Avery & Associates, Inc. – Overview

William Avery & Associates, Inc. (Avery Associates) is a successful and service focused Management Consulting firm based in Los Gatos, California. Incorporated in 1982, the firm specializes in Executive Search, Labor Relations and Human Resources/Management Consulting.

The firm currently includes two Principals and several key consultants. Bill Avery, the founder of Avery Associates, heads the firm. He oversees the Labor Relations practice and also leads key searches. Paul Kimura is the Principal who oversees the Executive Search and Recruitment practice. Key staff members include Ann Slate, who supports the search practice and the firm's administrative staff includes Anne Matteini, the Finance/Contracts Administrator, and Jackie Collins and Jessica Towner. Temporary staff as needed augments the team.

Mr. Avery, having served in the past as a City Manager, provides the firm with direct experience and knowledge of city administration. Mr. Kimura's expertise in executive, technical and business recruitment, which he gained during his nineteen years of high technology experience, provides the basis for many of the recruitment strategies and tactics utilized by the firm. Collectively and combined, the firms Principals offer exceptional expertise in the area of public sector recruitment and consulting.

Firm Qualifications/Experience – What Differentiates Avery Associates

Exceptional service delivery and a very high quality work product provide excellent results for our clients. This begins with the initial client meetings, which lead to detailed timelines for deliverables followed by weekly recruitment status updates following initiation of the search. Our candidate outreach efforts are professionally and confidentially conducted. The evaluation materials we provide clients are routinely characterized as accurate, comprehensive and of very high quality. We believe more so than any other public sector recruitment firm. This is largely based on our interview system utilizing behavioral interview techniques, which we describe in our recruitment plan. This leads to a quality product with excellent end results for our clients.

The service element is based on two factors: The first is the collective service philosophy from all of our organizational team members. They are each dedicated to providing service and support to clients. The second factor is based on the high level of engagement and participation from the firm Principals in every search assignment. This hands-on involvement includes client interface, identifying and developing the ideal candidate profile and position specification, development of the search strategy, candidate outreach, interviewing and assessment, completion of reference interviews, candidate presentation, final interview facilitation and when desired, negotiation of employment terms with the successful candidate.



Recruitment Team for the City of Tracy

William Avery will serve as the Project Lead and will be assisted by Paul Kimura. Mr. Avery will be personally involved in the initial client discussions, strategy development, outreach, interview and assessment of candidates, presentation of final candidates and will be available throughout the search process to provide other related consulting services.

Recruitment Strategy and Services Provided

I. Position Profile and Organizational Assessment

The initial assessment phase is a critical component of the search process. Mr. Avery will meet with the key decision makers to discuss the organizational needs and position requirements and to formalize the job description.

In this assignment we would anticipate Mr. Avery having individual meetings with the City Council and with key staff members to solicit their views on the ideal candidate. If desired, the team would also meet with community groups and key stakeholders identified by the City. Community/stakeholder input can occur in several ways. Most of our clients utilize either one or a combination of the following approaches: (1) Convening a community meeting to solicit input on the ideal qualifications and attributes for the city manager; (2) Council identifies representatives from the community who would then be contacted and "interviewed" by the consulting firm; or (3) Creation of a link from the City's website to an Avery email box for forwarding direct input.

Our goal for this aspect of the recruitment process is to:

- Understand the City priorities for this position.
- Develop a clear understanding and consensus on the expertise, experience, education, performance attributes and operational style of the ideal candidate.
- Discuss the goals, objectives, deliverables, and challenges related to this position.
- Gain insight of the various organizational dynamics and departmental issues that exist within the organization.
- Identify the compelling aspects to this opportunity.

The formal position description and a subsequent ideal candidate profile would be developed from the above discussions and incorporated into the formal position announcement. The candidate profile is also utilized in various other means as a marketing tool, for advertising copy, postings, and for other announcements.



II. Development of the Search Strategy

Our search strategy will be developed in conjunction with the organizational assessment. The final approach is based on your input and considerations during the assessment activity. For this assignment, we feel it is critical to develop a high level of visibility with a comprehensive outreach program supplemented by a focused targeted recruitment approach. It is our experience that despite extensive mailing, postings and announcements, many qualified individuals will not know of a position being available. We would incorporate the following elements into this search:

- Development of a targeted candidate list based on our extensive database of key executive contacts, referrals and recommendations from key sources, and other current and former City Management personnel who have extensive contacts and networks in this area. Throughout the outreach period, this list of potential candidates is expanded through phone and/or email contact regarding this position.
- Direct outreach and contact to various city managers and city/county executives who could be viable candidates for the position. This allows us to contact and market the position to potential candidates that are not actively seeking new opportunities. This aspect of outreach is essential to the success of the recruitment as many times, the successful candidate is not looking for another opportunity or is not aware the opportunity exists. Our role is to actively and aggressively, yet professionally, identify and contact individuals that meet the position specifications.
- To ensure we create as much visibility to the position as possible. This includes an extensive mailing campaign to current city managers in the state and where possible utilizing email blasts to city management membership. Additionally, we would utilize Internet posting on sites such as the ICMA, Western City and other appropriate online sites. We would also use print advertising the ICMA newsletter, Jobs Available and if turn around time allows for it, Western City magazine.

III. Candidate Assessment

Our assessment process involves several "tiers" of evaluation. All candidates responding to this position will initially be evaluated based on their resume and if appropriate, an extensive phone "screening" by a member of the project team. Candidates who pass the initial "qualifying" criteria are then scheduled for a formal interview with Mr. Avery or Mr. Kimura. These extended personal interviews typically take one hour and a thorough discussion of their experience, accomplishments, management philosophy and interpersonal style takes place.

In interviewing candidates, we utilize a methodology based on "behavioral" interview techniques. Fundamentally, this approach explores a candidate's past accomplishments and experiences that relate to the position being considered. The philosophy here is that the best indicator of future performance is to evaluate past behavior. This methodology



allows the firm to "project" how a candidate would approach and address the key challenges in the new position.

Those individuals who best fit the position requirements will have a Candidate Assessment Report developed by the Principal who conducted the interview. Additionally, two initial reference interviews are performed on these candidates. The reference interviews provide our clients with additional insights on the candidate's "behavior" and style.

IV. Candidate Presentation

Upon completion of formal interviews, a selection of candidates for presentation is made. We feel our extensive qualification, interview, and reference interviewing process and the knowledge gained during our initial assessment period; enable our client to proceed with fewer rather than more finalists. However, we will not restrict or limit the number of candidates recommended as this decision is related to the overall strength and depth of the candidate pool.

The final candidates are presented in our extensive candidate presentation "book". Each finalist will have a file consisting of a candidate summary sheet, the submitted cover letter and resume, the Candidate Assessment Report (based on the "behavioral" interview), and two candidate reference interviews. This extensive profile on each recommended candidate continually generates positive feedback from our clients as it provides extensive detail beyond just a resume.

The Candidate book also identifies other candidates who were given secondary consideration, which provides the client insight on others who were interviewed. Candidate summary sheets are created for everyone who submitted a resume would also be included. This provides the client an insight to the level and nature of response for their position.

V. Selection Process

Once the final candidate interview group is identified, we will assist in the structuring of the interview process and coordinate the interview scheduling activity. Our firm will also provide candidates with guidance related to travel planning, hotel accommodations, as well as other interview planning issues. Our firm will also develop potential interview questions and be in attendance during final interviews to help facilitate the process and to lead an end of day debrief and evaluation process.

Upon request, our firm will also arrange for summary background evaluations on the City's final one or two candidates. A copy of these confidential reports can be provided for you. The costs for these investigations are considered independent of the recruitment expenses listed below and will be invoiced separately.



VI. Position Closure and Follow-Up

Based on the firm's experience in human resource management and executive search, we are able to assist our clients in formulating appropriate compensation and other employment arrangements. We will be available throughout our retention to assist in this process.

As a matter of policy, Avery Associates monitors the transition and progress of any executive we place with a client. Within the first three to six months following the hired individual joining the City, we will speak with that individual to ensure the transition has effectively occurred. During the same period we will also review the individual's status with your office.

Recruitment Schedule

Task	Scheduled Dates
<i>Search Initiation, Marketing & Advertising Development:</i> <ul style="list-style-type: none"> ▪ <i>Initial meetings with City Council, staff, key stakeholders/community to define the ideal candidate profile</i> ▪ <i>Develop working draft of the recruitment brochure for approval by client</i> ▪ <i>Recruitment strategy finalized</i> ▪ <i>Determination of advertising scope and placement deadlines</i> ▪ <i>Brochure designed and printed</i> 	<i>Weeks 1 - 4</i>
<i>Marketing, Advertisement and Outreach Period:</i> <i>Advertise in:</i> <ul style="list-style-type: none"> ▪ <i>Mailing to City Managers</i> ▪ <i>Jobs Available</i> ▪ <i>Western City</i> ▪ <i>ICMA newsletter and website</i> ▪ <i>City Management Internet advertising</i> <i>Preliminary candidate screening</i>	<i>Weeks 4 - 10</i>
<i>Candidate Review - Screening and Finalists Selection</i>	<i>Weeks 6 - 10</i>
<i>Development and finalization of Oral Board Interview process and interview questions</i>	<i>Weeks 11-13</i>
<i>Oral Board Interviews with City Council</i>	<i>Week 14</i>
<i>Department Head/Finance Staff/Council and/or Community representative interviews with finalists (if desired)</i>	<i>Week 14-15</i>
<i>Final interviews and reference checks</i>	<i>Week 16</i>
<i>Appointment Offer/Acceptance</i>	<i>Week >17</i>
<i>Report to Work Date</i>	<i>Week >17</i>



References

- I. City of Culver City
 - Jeffrey Cooper, Mayor; 310.253.6041
 - Michael O'Leary, Council Member; 310.754.9787
 - John Nachbar, City Manager; 310.253.6000
 - Serena Wright, Personnel Director; 310.253.5640
- II. Town of Los Gatos
 - Joe Pirzynski, Council Member; 408.356.3024
 - Greg Larson, Town Manager; 408.354.6837
- III. City of Santa Clarita
 - Ken Striplin, City Manager; 661.255.4905

Consulting Fee

Based on the services described in our proposal, the professional services consulting fee for this recruitment will be \$19,400. If awarded the search, we would request an initial retainer of \$7,400 at the outset of the search. A second invoice of \$6,000 would be submitted upon the Clients acceptance of a finalist candidate group. The final balance of \$6,000 would be invoiced upon acceptance of a job offer constituting completion of the search. Our invoicing models ensures the firm will remain totally committed to the City throughout the duration of the search as the final invoice is not submitted until the City has an accepted candidate. The consulting fee will be inclusive of all services defined within this proposal unless otherwise stated.

In addition to the Professional Services Fee, normal and direct out-of-pocket expenses associated with the search are charged back to the client. Expenses for this assignment would be a not-to-exceed amount of \$6,500 without the express consent of the City. These expenses include: advertising, clerical time, supplies, printing, telephone, postage, summary background evaluations, and consultant travel for client discussions, meetings and local or out-of-area candidate interviews. All expense items will be detailed and billed on a monthly basis.

Guarantees and Ethics

Whenever William Avery & Associates, Inc. is retained; we make several guarantees and commitments to a client. Due to our experience, knowledge and success within the management-consulting field, we assure a client that we will only present candidates who meet a substantial majority of the ideal qualifications that you have outlined. We are also committed to continue our search efforts until a successful candidate is employed.

During our placement efforts, we openly share any relationships, previous experience and knowledge for any candidate we present for consideration. Our commitment and responsibility is to our clients and their best interests.



It is also our practice to replace a candidate who may voluntarily resign during the first year of his/her employment. This same commitment applies if the client finds it necessary to terminate or to request the resignation of the selected individual in the first year for reasons which would have precluded his/her employment had they been known at the time employment started. In either case, we invoice a client only for out-of-pocket expenses incurred in identifying a replacement.





A PROPOSAL TO CONDUCT AN EXECUTIVE
RECRUITMENT FOR A
City Manager
ON BEHALF OF THE
City of Tracy

March 10, 2014

Mayor Brent Ives and
Members of the City Council
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Dear Mayor Ives and Council Members:

Thank you for inviting Bob Murray & Associates to submit a proposal to conduct the City Manager recruitment for the City of Tracy. The following proposal details our qualifications and describes our process of identifying, recruiting and screening outstanding candidates on your behalf. It also includes a proposed budget, timeline, guarantee, and sample recruitment brochure.

At Bob Murray & Associates, we pride ourselves on providing quality service to local governments. We have created a recruitment process that combines our ability to help you to determine the direction of the search and the types of candidates you seek with our experience recruiting outstanding candidates who are not necessarily looking for a job. Our proven expertise ensures that the candidates we present for your consideration will match the criteria you have established and will be outstanding in their field.

With respect to the City Manager recruitment, Bob Murray & Associates offers the following expertise:

- We have placed over 200 City Managers since our firm's inception in 2000. We are currently conducting City Manager recruitments on behalf of the cities of Oxnard, Pico Rivera, Rancho Cordova, and San Fernando, CA. In the past three years, we have placed City Managers in the California cities of Albany, Arcadia, Atherton, Cathedral City, Chino, Chino Hills, Colton, Concord, El Monte, Fortuna, Hemet, Lake Elsinore, Loomis, Marina, Monrovia, Montebello, Mountain View, Pittsburg, Rancho Santa Margarita, Salinas, San Marcos, Santa Ana, South Gate, St. Helena, Ventura, and Woodland, in addition to the cities of Arvada and Centennial, CO; Fort Lauderdale and Miami Beach, FL; Topcka, KS; Glendale, Tucson, and Phoenix, AZ; and Dallas, TX. For a complete list of our previous City Manager placements, please see the enclosed Client List. Our extensive contacts and knowledge of outstanding candidates will ensure you have a quality group of finalists from which to select the City of Tracy's next City Manager.
- Bob Murray & Associates is familiar with the City of Tracy, having previously completed recruitments for your Director of Economic Development and Director of Development and Engineering Services. We have also done work for a number of other communities in San Joaquin County. We recently completed the Chief of Police recruitment

on behalf of the Stockton Unified School District and have also conducted searches on behalf of the cities of Escalon, Lathrop, Lodi, Manteca, and Stockton. Our knowledge of the region, its issues and its quality of life will be an asset in presenting this opportunity to prospective candidates.

A significant portion of our process focuses on conducting thorough and confidential background investigations of the top 2-3 candidates to ensure that nothing about them is left undiscovered. We have candid discussions with references who have insight into the candidate's experience, style and ethics; conduct a search of newspaper articles; and run credit, criminal and civil records reports. This ensures that the chosen candidate will not only be an excellent fit with the City of Tracy, but also that the selected candidate will reflect positively upon your organization.

To learn first-hand of the quality of our service and our recruitment successes, we invite you to contact the references listed on page 9 of the attached proposal.

We look forward to your favorable consideration of our qualifications. Please do not hesitate to contact us at (916) 784-9080 should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Bob Murray". The signature is written in a cursive style with a large initial "B".

Bob Murray
President
Bob Murray & Associates

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THE RECRUITMENT PROCESS

Bob Murray & Associates' unique and client oriented approach to executive search will ensure that the City of Tracy has quality candidates from which to select the new City Manager. Outlined below are the key steps in our recruitment process.

STEP 1 DEVELOPING THE CANDIDATE PROFILE

Our understanding of the City of Tracy's needs will be key to a successful search. We will work with the Mayor and City Council, as well as other key stakeholders, to learn as much as possible about the organization's expectations for a new City Manager. We want to learn the values and culture of the organization, as well as to understand the current issues, challenges and opportunities that face the City. We also want to define the Mayor and City Council's expectations regarding the knowledge, skills and abilities sought in the ideal candidate and will work with the City to identify necessary education and experience. Additionally, we want to discuss expectations regarding compensation and other items necessary to complete the successful appointment of the ideal candidate. The profile we develop together at this stage will drive subsequent recruitment efforts.

STEP 2 ADVERTISING CAMPAIGN AND RECRUITMENT BROCHURE

After gaining an understanding of the City of Tracy's needs, we will design an effective advertising campaign appropriate for the City Manager recruitment. We will focus on professional journals that are specifically suited to the City Manager search. We will also develop a professional recruitment brochure on the Mayor and City Council's behalf that will discuss the community, organization, position and compensation in detail. Once completed, we will mail the profile to an extensive audience, making them aware of the exciting opportunity with the City of Tracy.

STEP 3 RECRUITING CANDIDATES

After cross-referencing the profile of the ideal candidate with our database and contacts in the field, we will conduct an aggressive outreach effort, including making personal calls to prospective applicants, designed to identify and recruit outstanding candidates. We recognize that the best candidate is often not looking for a new job and this is the person we actively seek to convince to become a candidate. Aggressively marketing the City Manager position to prospective candidates will be essential to the success of the search.

STEP 4 SCREENING CANDIDATES

Following the closing date for the recruitment, we will screen the resumes we have received. We will use the criteria established in our initial meetings as a basis upon which to narrow the field of candidates.

STEP 5 PERSONAL INTERVIEWS

We will conduct personal interviews with the top 10 to 12 candidates with the goal of determining which candidates have the greatest potential to succeed in your organization. During the interviews we will explore each candidate's background and experience as it relates to the City Manager position. In addition, we will discuss the candidate's motivation for applying for the position and make an assessment of his/her knowledge, skills and abilities. We will devote specific attention to establishing the likelihood of the candidate's acceptance of the position if an offer of employment is made.

STEP 6 PUBLIC RECORD SEARCH

Following the interviews, we will conduct a review of published articles for each candidate. Various sources will be consulted including Lexis-Nexis™, a newspaper/magazine search engine, Google, and local papers for the communities in which the candidates have worked. This alerts us to any further detailed inquiries we may need to make at this time.

STEP 7 RECOMMENDATION

Based on the information gathered through meetings with your organization, and personal interviews with candidates, we will recommend a limited number of candidates for your further consideration. We will prepare a written report on each candidate that focuses on the results of our interviews and public record searches. We will make specific recommendations, but the final determination of those to be considered will be up to you.

STEP 8 FINAL INTERVIEWS

Our years of experience will be invaluable as we help you develop an interview process that objectively assesses the qualifications of each candidate. We will adopt an approach that fits your needs, whether it is a traditional interview, multiple interview panel or assessment center process. We will provide you with suggested interview questions and rating forms and will be present at the interview/assessment center to facilitate the process. Our expertise lies in facilitating the discussion that can bring about a consensus regarding the final candidates.

We will work closely with your staff to coordinate and schedule interviews and candidate travel. Our goal is to ensure that each candidate has a very positive experience, as the manner in which the entire process is conducted will have an effect on the candidates' perception of your organization.

STEP 9 BACKGROUND CHECKS /DETAILED REFERENCE CHECKS

Based on final interviews we will conduct credit, criminal, civil litigation and motor vehicle record checks for the top one to three candidates. In addition, those candidates will be the subjects of detailed, confidential reference checks. In order to gain an accurate and honest appraisal of the candidates' strengths and weaknesses, we will talk candidly with people who have direct knowledge of their work and management style. We will ask candidates to forward the names of their supervisors, subordinates and peers for the past several years. Additionally, we make a point of speaking confidentially to individuals who we know have insight into a candidate's abilities, but who may not be on their preferred list of contacts. At this stage in the recruitment we will also verify candidates' degrees.

STEP 10 NEGOTIATIONS

We recognize the critical importance of successful negotiations and can serve as your representative during this process. We know what other organizations have done to put deals together with great candidates and will be available to advise you regarding current approaches to difficult issues such as housing and relocation. We will represent your interests and advise you regarding salary, benefits and employment agreements with the goal of putting together a deal that results in the appointment of your chosen candidate. Most often we can turn a very difficult aspect of the recruitment into one that is viewed positively by both you and the candidate.

STEP 11 COMPLETE ADMINISTRATIVE ASSISTANCE

Throughout the recruitment we will provide the Mayor and City Council with updates on the status of the search. We will also take care of all administrative details on your behalf. Candidates will receive personal letters advising them of their status at each critical point in the recruitment. In addition, we will respond to inquiries about the status of their candidacy within twenty-four hours. Every administrative detail will receive our attention. Often, candidates judge our clients based on how well these details are handled.

BUDGET AND TIMING

PROFESSIONAL FEE AND EXPENSES

The consulting fee for conducting the City Manager recruitment on behalf of the City of Tracy is \$17,500 plus expenses. Services provided for in the fee consist of all steps outlined in this proposal including three (3) days of meetings on site. The City of Tracy will be responsible for reimbursing expenses Bob Murray & Associates incurs on your behalf. We estimate expenses for this project to be \$6,000-\$6,500. Reimbursable expenses include such items as the cost of recruiter travel; clerical support; placement of ads; credit, criminal and civil background checks; education verification; and public records searches. Postage, printing, photocopying, and telephone charges are allocated costs and included in the expense estimate.

TIMING

We are prepared to start work on this assignment immediately and will work with the City of Tracy to design a recruitment schedule that is sensitive to the City's needs.

GUARANTEE

We guarantee that should the selected candidate be terminated within the first year of employment we will conduct the search again at no cost (with the exception of expenses) to the City of Tracy. We are confident in our ability to recruit outstanding candidates and do not expect the City of Tracy to find it necessary to exercise this provision of our proposal.

PROFESSIONAL QUALIFICATIONS

BOB MURRAY, PRESIDENT

Mr. Murray brings over 25 years experience as a recruiter. Mr. Murray is recognized as one of the nation's leading recruiters. He has conducted hundreds of searches for cities, counties, and special districts. He has been called on to conduct searches for some of the largest most complex organizations in the country and some of the smallest. Mr. Murray has conducted searches for chief executives, department heads, professional and technical positions. Mr. Murray has taken the lead on the firm's most difficult assignments with great success. His clients have retained him again and again given the quality of his work and success in finding candidates for difficult to fill positions.

Prior to creating Bob Murray & Associates, Mr. Murray directed the search practice for the largest search company serving local government in the country. Mr. Murray has worked in local government and benefits from the knowledge of having led an organization. Prior to his career in executive search he served as the City Manager for the City of Olympia, Washington. He has also served as an Assistant City Manager and held positions in law enforcement.

Mr. Murray received his Bachelor of Science Degree in Criminology from the University of California at Berkeley with graduate studies in Public Administration at California State University at Hayward.

REGAN WILLIAMS, VICE PRESIDENT

Mr. Williams brings 30 years of local government experience to Bob Murray & Associates. Most recently, he worked as a private consultant with Deloitte and Touche on various public sector assignments. Prior to that, he served as Director of Public Safety with the City of Sunnyvale, CA.

Mr. Williams was involved in the development of some of Sunnyvale's most innovative programs and has a national reputation for excellence in law enforcement. He has been responsible for numerous recruitments throughout his career. Clients find his insight and expertise in recruitment and selection a valuable asset.

Mr. Williams received his Bachelor of Science Degree in Administration of Justice from San Jose State University. He is also a graduate of the FBI National Academy.

VALERIE PHILLIPS, VICE PRESIDENT

Ms. Phillips has over 15 years of recruiting experience, including more than a decade of recent experience in executive search for public, private, and startup companies nationwide. Ms. Phillips has expertise in the full recruiting cycle, from process design and outreach through candidate assessment and selection. She has placed senior-level candidates in a variety of industries and fields, including Finance, Information Technology, and Engineering. Ms. Phillips is valued for her passion for finding and retaining the most outstanding candidates for even the most difficult or untraditional assignments and for her commitment to her clients' success. Ms. Phillips has a passion for helping people, evidenced by her fundraising and efforts to raise awareness for organizations such as Autism Speaks and the M.I.N.D. Institute.

JOEL BRYDEN, VICE PRESIDENT

Mr. Bryden has over 30 years of local government experience that he brings to the firm, having recently retired as the Chief of Police in Walnut Creek, CA.

Throughout his career, Mr. Bryden has been involved in public sector consulting. He has vast experience in hiring and promotional processes, as well as interviewing candidates for advancement in all aspects of local government. Mr. Bryden has a solid reputation as a leader in the public sector, and clients find his ability to find and evaluate outstanding applicants invaluable.

Mr. Bryden is a graduate of the FBI National Academy and obtained his Bachelor of Arts degree in Communication from San Diego State University.

FRED FREEMAN, VICE PRESIDENT

Mr. Freeman brings over 24 years of local government experience to Bob Murray & Associates, with 11 years in the recruitment field. Mr. Freeman is a retired Chief of Police and has served as an elected official in local government. He has vetted hundreds of local governmental officials in the pre-employment process and conducted recruitments for positions in all sectors of public agency employment.

In addition to his career in the law enforcement field, Mr. Freeman served as the Mayor and the Mayor Pro-Tem for the Los Alamitos City Council. Mr. Freeman has been a member of the Public Safety Policy Committee - California League of Cities; the Orange County Fire Authority Board of Directors; and the Orange Line Development Authority as the Vice-Chair. His unique perspective and experience, as both a member of executive city staff and as an elected official, provides exceptional results for our clients.

Mr. Freeman is a graduate of the FBI National Academy and received his Teaching Credential from the University of California Los Angeles.

SARAH KENNEY, PRINCIPAL CONSULTANT

As Principal Consultant with Bob Murray & Associates, Ms. Kenney is responsible for development of recruitment materials, research, reference checks, and background verifications. Her focus is client service, and she works closely with clients to coordinate candidate outreach and ensure successful searches.

Ms. Kenney brings over a decade of client service and management experience to Bob Murray & Associates. She uses her experience to ensure all parties involved are satisfied with every step of recruitment at our firm.

Ms. Kenney received her Bachelor of Arts degree in Psychology from the University of California at Davis.

AMBER SMITH, SENIOR CONSULTANT

As Senior Consultant with Bob Murray & Associates, Ms. Smith acts as a liaison between clients and candidates from beginning to end of each recruitment process. She is responsible for the development and distribution of position recruitment and advertising materials, client research, reference and background checks, responding to requests for proposals, and providing a broad range of support services for the recruiting team.

Ms. Smith brings over 5 years of client-oriented customer service, administrative, and management experience to Bob Murray & Associates. She is committed to working as a partner with clients and candidates in order to provide a quality service and experience.

Ms. Smith received her Bachelor of Arts degree in Business Administration from La Sierra University, Riverside, California.

ROSA GOMEZ, ADMINISTRATIVE MANAGER

Ms. Rosa Gomez is the Administrative Manager at Bob Murray & Associates. Ms. Gomez is the first point of contact at Bob Murray & Associates and has extensive administrative experience. Ms. Gomez is known for her personal approach as she works closely with clients and candidates alike to ensure a successful search. As the first point of contact for Bob Murray & Associates, Ms. Gomez's professional approach is of the highest caliber.

REFERENCES

Clients and candidates are the best testament to our ability to conduct quality searches. Clients for whom Bob Murray & Associates has recently conducted searches are listed below.

CLIENT: City of Hemet, CA
POSITION: City Manager
REFERENCE: Mayor Robert Youssef, (951) 765-2303

CLIENT: City of South Gate, CA
POSITION: City Manager and Police Chief
REFERENCE: Mayor Gil Hurtado, (323) 563-9500

CLIENT: City of San Marcos, CA
POSITION: City Manager
REFERENCE: Mayor Jim Desmond, (760) 744-1050

CLIENT: Stockton Unified School District, CA
POSITION: Chief of Police
REFERENCE: Dr. Steve Lowder, Superintendent, (209) 933-7070

CLIENT: City of Lodi, CA
POSITION: Fire Chief and Police Chief
REFERENCE: Mr. Konradt Bartlam, City Manager, (209) 333-6700

BOB MURRAY & ASSOCIATES
CLIENT LIST

CITY MANAGER

Airway Heights, WA
Albany, CA
Albany, OR
Antioch, CA
Apple Valley, CA (Town Manager)
Arcadia, CA
Arcata, CA
Arvada, CO
Barstow, CA
Benicia, CA
Campbell, CA
Capitola, CA
Carmel, CA
Castle Rock, CO (Town Manager)
Cathedral City, CA
Centennial, CO
Chico, CA
Chino, CA
Chino Hills, CA
Chowchilla, CA (City
Administrator)
Chula Vista, CA
Claremont, CA
Colton, CA
Concord, CA
Coos Bay, OR
Corcoran, CA
Corona, CA
Coronado, CA
Corte Madera, CA (Town Manager)
Dallas, TX
Dixon, CA
Dublin, CA
El Monte, CA
Elk Grove, CA
Escalon, CA
Eugene, OR
Fairfield, CA
Fort Lauderdale, FL
Fortuna, CA
Fremont, CA
Glendale, AZ
Goleta, CA
Grover Beach, CA
Half Moon Bay, CA
Hemet, CA
Hollister, CA
Imperial, CA
Ione, CA
Irwindale, CA
Kirkland, WA
La Mesa, CA
La Palma, CA
Laguna Beach, CA
Lake Elsinore, CA
Lakeport, CA
Lancaster, CA
Lathrop, CA
Lemon Grove, CA
Loomis, CA (Town Manager)
Los Alamitos, CA
Manteca, CA
Marina, CA
Martinez, CA
Menifee, CA
Menlo Park, CA
Merced, CA
Miami Beach, FL
Millbrae, CA
Mill Valley, CA
Milwaukie, OR
Monrovia, CA
Montebello, CA (City
Administrator)
Monterey Park, CA
Mountain View, CA
Needles, CA
Newberg, OR
Newcastle, WA
Novato, CA
Oak Creek, WI (City
Administrator)
Oakdale, CA
Oakley, CA
Oceanside, CA
Ojai, CA
Orinda, CA
Oxnard, CA
Pacifica, CA
Palo Alto, CA
Pasadena, CA
Patterson, CA
Phoenix, AZ
Pittsburg, CA
Pico Rivera, CA

Pismo Beach, CA
Pittsburg, CA
Poway, CA
Rancho Cordova, CA
Red Bluff, CA
Rio Vista, CA
Roseville, CA
Salem, OR
Salinas, CA
San Antonio, TX
San Carlos, CA
San Clemente, CA
San Fernando, CA
San Marcos, CA
San Pablo, CA
San Rafael, CA
San Ramon, CA
Santa Ana, CA
Santa Paula, CA
Santa Rosa, CA
Shoreline, WA
Sonoma, CA
South Lake Tahoe, CA
South Pasadena, CA
Springfield, OR
St. Helena, CA
Stanton, CA
Stockton, CA
Temple City, CA
Thousand Oaks, CA
Topeka, KS
Truckee, CA (Town Manager)
Tualatin, OR
Tucson, AZ
Turlock, CA
Vallejo, CA
Ventura, CA
Walnut Creek, CA
Westminster, CA
Woodland, CA
Yuba City, CA

**ASSISTANT/DEPUTY CITY
MANAGER**

Alameda, CA
Arlington, TX
Arvada, CO
Barstow, CA
Beverly Hills, CA
Carlsbad, CA

Dublin, CA
Lancaster, CA
Monterey, CA
North Las Vegas, NV
Orange, CA
Pasadena, CA
Peoria, AZ
Petaluma, CA
Pomona, CA
Rancho Cordova, CA
Reno, NV
Rocklin, CA
Stockton, CA
Virginia Beach, VA
Ventura, CA
Woodland, CA
Yuba City, CA

COUNTY ADMINISTRATOR

Alachua County, FL
Butte County, CA
Clackamas County, OR
Clark County, NV
Deschutes County, OR
Lee County, FL
Marion County, OR
Pasco County, FL
San Benito County, CA
Tehama County, CA
Wake County, NC
Washington County, OR

ADMINISTRATIVE SERVICES

DIRECTOR

Garden Grove, CA
Lincoln, CA
Los Alamitos, CA
Ontario, CA
Placer County Water Agency, CA
Pleasanton, CA
San Carlos, CA
Stockton, CA
Union City, CA
Yucca Valley, CA

ANIMAL SERVICES DIRECTOR

Oakland, CA
Rancho Cucamonga, CA
Sacramento County, CA

AVIATION/AIRPORT

Big Bear Airport, CA
Bob Hope Airport, CA
Clark County, NV-McCarran
International Airport
Dallas/Fort Worth, TX
Fresno, CA
Los Angeles World Airports, CA
San Jose, CA

BUILDING**OFFICIALS/INSPECTION**

Arroyo Grande, CA
Bakersfield, CA
Centre City Development
Corporation, CA
El Segundo, CA
Grants Pass, OR
Marin County, CA
Modesto, CA
Palo Alto, CA
Sacramento, CA
San Francisco, CA
San Luis Obispo County, CA
Stockton, CA
Tehama County, CA
Yuba City, CA

CITY CLERK

Central Contra Costa Sanitation
District, CA (Secretary to the
District)
Chino Hills, CA
Commerce, CA
Dublin, CA
Fremont, CA
Menlo Park, CA
Monterey County, CA (Clerk to the
Board)
Napa, CA
Rio Vista, CA
Santa Clara Valley Transportation
Authority, CA (Board Secretary)
Sunnyvale, CA

COMMUNITY DEVELOPMENT**DIRECTOR**

Benicia, CA
Beverly Hills, CA
Capitola, CA

Chino Hills, CA
Concord, CA
Cotati, CA
Daly City, CA
Dublin, CA
Fremont, CA
Fullerton, CA
Inglewood, CA
Lincoln, CA
Los Banos, CA
Maple Valley, WA
Marin County, CA
Modesto, CA
Moreno Valley, CA
Morgan Hill, CA
Newark, CA
Newcastle, WA
Oakland, CA
Oceanside, CA
Palo Alto, CA
Phoenix, AZ
Pleasanton, CA
Redlands, CA
Salem, OR
San Antonio Housing Authority,
TX
San Carlos, CA
Santa Cruz, CA
Stockton, CA
Sumter County, FL
Vacaville, CA
Vallejo, CA
Walnut Creek, CA
Yuba City, CA
Yucca Valley, CA

CONVENTION AND VISITOR'S**BUREAU DIRECTOR**

Las Vegas Convention and
Visitors' Authority, NV
Los Angeles, CA
North Lake Tahoe Visitors Bureau,
CA
Mammoth Lakes, CA
San Antonio, TX
Steamboat Springs, CO

ECONOMIC DEVELOPMENT

Broward County, FL
Chula Vista, CA

Concord, CA
Daly City, CA
Fullerton, CA
Milpitas, CA
Modesto, CA
Morgan Hill, CA
New Orleans Redevelopment
Authority, OR
Oakland, CA
Peoria, AZ
Phoenix, AZ
Port of Los Angeles, CA
Port of San Diego, CA
Redlands, CA
Sacramento, CA
Salinas, CA
San Antonio Housing Authority,
TX
Scottsdale, AZ
Stockton, CA
Taft, CA
Tracy, CA
Upland, CA
Vancouver, WA
Visalia, CA

ENGINEERING

Bakersfield, CA
Barstow, CA
Bob Hope Airport, CA
Central Contra Costa Sanitary
District, CA
Chino Hills, CA
Clark County, NV – McCarran
Airport
Corona, CA
Damascus, OR
Dublin San Ramon Services
District, CA
Elk Grove, CA
Imperial Irrigation District, CA
Los Banos, CA
Monterey County Water Resources
Agency, CA
Needles, CA
Nevada County, NV
Nye County, NV
Oceanside, CA
Omnitrans, CA
Peoria, AZ

Pico Rivera, CA
Pismo Beach, CA
Pomona, CA
Richmond, CA
Reno, NV
Stockton, CA
San Luis Obispo County,
Nacimiento Project, CA
South Pasadena, CA
Tiburon, CA
Tracy, CA
Visalia, CA

EXECUTIVE DIRECTOR

Association of Monterey Bay Area
Governments, CA
Arizona Municipal Water Users
Association, AZ
Bay Area Air Quality Management
District, CA
Broward County, FL (Port
Everglades Chief Executive/Port
Director)
California Fire and Rescue Training
Authority, CA
California Peace Officers
Association, CA
California State Association of
Counties, CA
California School Boards
Association, CA
Central Contra Costa Solid Waste
Authority, CA
Chula Vista Redevelopment
Agency, CA
Cooperative Agricultural Support
Services Authority (CASS), CA
Early Learning Coalition of
Broward County, Inc (CEO)
Elk Grove-Rancho Cordova-El
Dorado Connector JPA, CA
El Paso Water Utilities-Public
Service Board, TX
(President/CEO)
Florida Public Transportation
Association (FPTA), FL
Hillsborough County, FL-Head
Start Division (Division Director)
Housing Authority of the City of
Austin, TX (President/CEO)

Housing Authority of the City of
Los Angeles, CA
Housing Authority of the County
of Butte, CA
Housing Authority of the County
of Santa Cruz, CA
Hub Cities Consortium, CA
Kings Community Action
Organization, CA
Mammoth Lakes Visitors Bureau,
CA
March Joint Powers Authority, CA
Metro, Portland, OR
Oregon Cascades West Council of
Governments, OR
Palos Verdes Library District, CA
Pima Association of Governments
and Regional Transit Association,
AZ
Sacramento Area Flood Control
Agency, CA (Executive & Deputy)
San Bernardino Associated
Governments, CA
San Diego Association of
Governments, CA
Children's Board of Hillsborough
County (Executive Director)
Louisiana Housing Corporation
(Executive Director)
San Francisco Estuary Institute, CA
San Joaquin Council of
Governments, CA
Santa Clara Valley Water District,
CA (CEO)
SOS Children's Villages – Florida
(CEO)
South Bayside Waste Management
Authority, CA
Southern California Association of
Governments (Deputy)
Vancouver Housing Authority, WA
(Executive & Deputy)
West Contra Costa Integrated
Waste Management District, CA
West Contra Costa Transportation
Advisory Committee, CA
Yolo Emergency Communications
Agency, CA

FINANCIAL
Alameda County Congestion
Management Agency, CA
Aurora, CO
Baldwin Park, CA
Barstow, CA
Boulder, CO
Boulder City, NV
Calaveras County Water District,
CA
Campbell, CA
Chino Hills, CA
Clark County, NV
Corona, CA
Cotati, CA
Damascus, OR
D.C. Government, DC
East Bay Municipal Utility District,
CA
Elk Grove, CA
Grants Pass, OR
Half Moon Bay, CA
Hallandale Beach, FL
Healdsburg, CA
Hercules, CA
Housing Authority of the City of
Los Angeles, CA
Imperial Beach, CA
Imperial Irrigation District, CA
Inglewood, CA
Ione, CA
Lancaster, CA
Las Vegas Valley Water District,
NV
Lincoln, CA
Los Altos, CA
McCarran International Airport-
Clark County, NV
Menlo Park Fire Protection
District, CA
Modesto, CA
Monterey Park, CA
Norfolk, VA (Assistant Director)
Oakland, CA
Oceanside, CA
Palmdale Water District, CA
People Assisting the Homeless, CA
Pinellas Suncoast Transit
Authority, FL
Pleasanton, CA

Quincy, FL
Roseville, CA
Sacramento County, CA
San Bernardino International
Airport, CA
San Carlos, CA
San Diego, CA
San Francisco, CA
San Leandro, CA
San Jose, CA
Santa Monica, CA
Sparks, NV
Stockton, CA
Thornton, CO
Topeka, KS
Union City, CA
Washoe County, NV
Wayne County, MI
West Hollywood, CA
West Wendover, NV
White Pine County, NV
Yolo County, CA

FIRE CHIEF

Alameda, CA
Arroyo Grande (Director of
Building & Fire)
Aurora, CO
Chino Valley Independent Fire
District, CA
Chula Vista, CA
Encinitas, Del Mar, and Solana
Beach, CA
Eugene, OR
Fremont, CA
Folsom, CA
Fullerton, CA
Glendale, CO
Hillsboro, OR
Lodi, CA
Livermore – Pleasanton Fire
District, CA
Milpitas, CA
Monrovia, CA
Montebello, CA
Mountain View, CA
Newark, CA (Assistant & Chief)
Oceanside, CA
Peoria, AZ
Petaluma, CA

Piedmont, CA
Poudre Fire Authority, CO
Rancho Cucamonga, CA (Deputy
& Chief)
Rancho Santa Fe Fire Protection
District, CA
Sacramento County, CA
Salinas, CA
San Mateo, CA
San Miguel Fire Protection District,
CA
Santa Cruz, CA
Sonoma Valley Fire & Rescue
Authority, CA
Sumter County, FL
Sunnyvale, CA (Public Safety
Director)
University of California, Davis
Union City, CA (Assistant & Chief)
Upland, CA
Vacaville, CA
Walla Walla, WA

GENERAL MANAGER

Big Bear City Community Services
District, CA
Calaveras County Water District,
CA
Central Contra Costa Sanitation
District, CA
Central Marin Sanitation Agency,
CA
Coachella Valley Mosquito Vector
Control District, CA
Cordova Recreation and Park
District, CA (District
Administrator)
East Bay Dischargers Authority,
CA
Fallbrook Public Utilities District,
CA
Hilton, Famkopf, and Hobson
LLC, CA
Joshua Basin Water District, CA
Jurupa Community Services
District, CA
Kennewick Irrigation District, WA
(District Manager)
Los Angeles Convention Center,
CA

Monterey Peninsula Regional Park District, CA
Monterey Regional Waste Management District, CA
Monterey Regional Water Pollution Control Agency, CA (Assistant)
Oro Loma Sanitary District, CA
Public Agency Risk Sharing Authority of California, CA
Pleasant Valley Recreation & Park District, CA
Reclamation District 1000, CA (District Engineer)
Ross Valley Sanitary District, CA
Salinas Valley Solid Waste Authority, CA
Sanitary District No. 5 of Marin County, CA
Santa Cruz Consolidated Emergency Communications Center, CA
Sewer Authority Mid-Coastside, CA
South Placer Municipal Utility District, CA
Sweetwater Springs Water District, CA
Union Sanitary District, CA
Valley of the Moon Water District, CA
Walnut Valley Water District, CA

HOUSING

City of West Hollywood, CA (Rent Stabilization and Housing Manager)
Housing Authority of the City of Austin, TX
Housing Authority for the City of Brownsville, TX
Housing Authority for the City of Los Angeles, CA
Housing Authority for the County of Butte, CA
Fort Worth, TX Housing Authority
Housing Authority for the County of Santa Cruz, CA
Louisiana Housing Corporation Milpitas, CA
San Antonio Housing Authority, TX

Housing Authority the City of Vancouver Housing Authority, WA

LEGAL COUNSEL

Aurora, CO
Broward County, FL
Cupertino, CA
Fremont, CA
Gainesville, FL
Hayward, CA
Lathrop, CA
Lee County, FL
Monterey, CA
Morgan Hill, CA
Newport Beach, CA
North Las Vegas, NV
Oceanside, CA
Orange, CA
Palo Alto, CA
Port of San Diego, CA
Sacramento Area Flood Control Agency, CA
Sacramento County, CA
Salinas, CA
San Benito County, CA
San Bernardino Associated Governments, CA
San Mateo, CA
Santa Ana, CA
Stockton, CA
Sunnyvale, CA
Thousand Oaks, CA
Ventura, CA
Walnut Creek, CA
Yolo County, CA

LIBRARY

Corona, CA
Folsom, CA
Monterey Park, CA
Palos Verdes Library District, CA
Stockton-San Joaquin County Public Library, CA

PARKS/RECREATION/ COMMUNITY SERVICES

Anaheim, CA
Arlington, TX
Bakersfield, CA
Commerce, CA

El Segundo, CA
Emeryville, CA
Half Moon Bay, CA
Lemoore, CA
Long Beach, CA
Lynwood, CA
Maple Valley, WA
Milpitas, CA
Monterey County, CA
Peoria, AZ
Pleasanton, CA
Pleasant Valley Recreation and
Park District, CA
Pomona, CA
Sacramento County, CA
Sacramento, CA
San Carlos, CA
San Jose, CA
Santa Clarita, CA
Stockton, CA
Ventura, CA
Whittier, CA

**PERSONNEL/HUMAN
RESOURCES**

Alameda County, CA
Anaheim, CA
Apple Valley, CA
Arcadia, CA
Azusa, CA
Barstow, CA
Bellevue, WA
Benicia, CA
Colusa County, CA
Commerce, CA
Corona, CA
Desert Water Agency, CA
Fremont, CA
Inland Empire Utilities Agency, CA
Glendale, AZ
Grants Pass, OR
Judicial Council of California –
Administrative Office of the
Courts, CA
Las Virgenes Municipal Water
District, CA
Moreno Valley, CA
Monterey Park, CA
Napa, CA
Newark, CA

Norfolk, VA
North Las Vegas, NV
Oceanside, CA
Ontario, CA
Patterson, CA
Palmdale Water District, CA
Petaluma, CA
Pomona, CA
Rancho Cordova, CA
Redlands, CA
Rocklin, CA
Roseville, CA
San Antonio Housing Authority,
TX
San Francisco International Airport
(SFO), CA
Scottsdale, AZ
Sedgwick County, KS
Stockton, CA
Tehama County, CA
Wayne County, MI
White Pine County, NV
Yucca Valley, CA

PLANNING

Alameda, CA
Beverly Hills, CA
Centre City Development
Corporation, CA
Corona, CA
Chula Vista, CA
Damascus, OR
El Segundo, CA
Elk Grove, CA
Healdsburg, CA
Los Banos, CA
Madera, CA
Milpitas, CA
Modesto, CA
Needles, CA
Oceanside, CA
Pacifica, CA
Palo Alto, CA
Palm Springs, CA
Pleasanton, CA
Reno, NV
Riverside, CA
Robson Homes, CA
Roseville, CA
Sacramento, CA

Santa Clara County, CA
San Benito County, CA
San Luis Obispo County, CA
Santa Cruz, CA
Santa Monica, CA
Stockton, CA
Sumter County, FL
Tracy Unified School District, CA
Washington County, OR

POLICE CHIEF/SAFETY

Arroyo Grande, CA
Ashland, OR
Aurora, CO
Bay Area Rapid Transit, CA
Bellevue, WA
Berkeley, CA
California State University, East Bay
California State University, Sacramento
California State University, San Francisco
Capitola, CA
Carlsbad, CA
Chandler, AZ
Chico, CA
Concord, CA
Corona, CA
Coronado, CA
Culver City, CA
El Cerrito, CA
Eugene, OR
Fairfield, CA
Folsom, CA
Fullerton, CA
Glendale, AZ
Glendora, CA
Half Moon Bay, CA
Hayward, CA
Humboldt State University, CA
Huntington Beach, CA
Irvine, CA
Irwindale, CA
La Mesa, CA
Lake Oswego, OR
Littleton, CO
Livingston, CA
Lodi, CA
Los Angeles, CA

Los Angeles World Airports, CA
Los Banos, CA
Mammoth Lakes, CA (Interim)
Manhattan Beach, CA
Maywood, CA
Menlo Park, CA
Merced, CA
Mesa, AZ
Modesto, CA
Monrovia, CA
Montebello, CA
Monterey, CA
Monterey County Sheriff's Department, CA
Morgan Hill, CA
North Las Vegas, NV
Novato, CA
Oakdale, CA
Oceanside, CA
Orange County, CA
Orange County, FL (Chief of Corrections)
Palm Springs, CA
Palo Alto, CA
Pasadena, CA
Pasadena City College, CA
Peoria, AZ
Petaluma, CA
Piedmont, CA
Pismo Beach, CA
Pittsburg, CA
Placentia, CA
Pleasanton, CA
Port of Long Beach, CA
Port of San Diego, CA
Port of Seattle, WA
Redlands, CA
Reno, NV
Rio Vista, CA
Rocklin, CA
Roseville, CA
Sacramento, CA
Salinas, CA
San Bernardino, CA
San Diego State University, CA
San Fernando, CA
San Francisco, CA
San Diego State University, CA
San Jose State University, CA
San Rafael, CA

Santa Rosa Junior College, CA
Sausalito, CA
Seattle, WA
Seaside, CA
Signal Hill, CA
South Gate, CA
Stockton Unified School District,
CA
Sunnyvale, CA
Tehachapi, CA
Tulsa, OK
Turlock, CA
University of California at Davis,
CA
University of California at Santa
Barbara, CA
University of Oregon
Vacaville, CA
Vancouver, WA
Virginia Commonwealth University
Walla Walla, WA
Walnut Creek, CA
West Sacramento, CA
Whittier, CA

POLICE COMMAND STAFF

Atascadero, CA
Bay Area Rapid Transit, CA
California State University, East
Bay
California State University,
Sacramento
California State University, San
Francisco
Commerce, CA
Menlo Park, CA
Monterey County, CA
Pleasanton, CA
Santa Rosa, CA
Port of San Diego, CA
University of California at Merced
University of Oregon

POLICE OVERSIGHT

Bay Area Rapid Transit, CA
San Francisco, CA
San Jose, CA

**PUBLIC AFFAIRS/
INTERGOVERNMENTAL
RELATIONS DIRECTOR**

Beverly Hills, CA
Rancho Cordova, CA
Thornton, CO
San Diego Regional Airport
Authority, CA
West Basin Municipal Water
District, CA

**PUBLIC SAFETY
COMMUNICATIONS**

Aurora, CO
Clackamas County, OR
Heartland Communications Facility
Authority, CA
San Francisco, CA
San Jose, CA
Santa Cruz Consolidated
Emergency Communications
Center, CA
Scott Emergency Communications
Center
Consolidated Intergovernmental
Dispatch Agency-Tallahassee, FL
Washington County Consolidated
Communications Agency, OR
Yolo Emergency Communications
Agency, CA

PUBLIC WORKS

Belmont, CA
Chandler, AZ
Clark County, NV
Commerce, CA
Dallas, TX
Elk Grove, CA
Fresno, CA
Galt, CA
Grants Pass, OR
Half Moon Bay, CA
Healdsburg, CA
Huntington Beach, CA
Inglewood, CA
Lathrop, CA
Los Banos, CA
Mammoth Lakes, CA
Maple Valley, WA
Monrovia, CA

Morro Bay, CA
Needles, CA
Pico Rivera, CA
Pismo Beach, CA
Pomona, CA
Poway, CA
Provo, UT
Redlands, CA
Roseburg, OR
Roseville, CA
San Benito County, CA
San Carlos, CA
San Diego, CA
San Jose, CA
Santa Cruz, CA
South Pasadena, CA
Stockton, CA
Sumter County, FL
Tehama County, CA
Tiburon, CA
Upland, CA
Vallejo, CA
Woodland, CA
Yuba City, CA

PURCHASING

Central Contra Costa Sanitary
District, CA
Housing Authority of the City of
Los Angeles
Tacoma, WA

RISK MANAGEMENT

Central Contra Costa Sanitary
District, CA
Central Marin Sanitation Agency,
CA
Riverside Transit Agency, CA

TECHNOLOGY

Clark County, NV
Durham, NC
Fresno, CA
Hayward, CA
Hillsboro, OR
Inland Empire Utilities Agency, CA
Modesto, CA
Port of Los Angeles, CA
San Antonio Housing Authority,
TX

San Francisco, CA
State Bar of California
Tucson, AZ
West Hollywood, CA

TRANSPORTATION

Association of Monterey Bay Area
Governments, CA
Dallas, TX
Elk Grove-Rancho Cordova-El
Dorado County Connector Joint
Powers Authority, CA
Omnitrans, CA
San Diego Association of
Governments, CA
San Joaquin Council of
Governments, CA
Santa Clarita, CA
Washington County, OR
West Contra Costa Transportation
Advisory Committee, CA

**WASTE WATER/SANITATION/
SOLID WASTE**

Central Contra Costa Sanitation
District, CA
Central Contra Costa Solid Waste
Authority, CA
Central Marin Sanitation Agency,
CA
Dublin San Ramon Services
District, CA
East Bay Dischargers Authority,
CA
Monterey Regional Waste
Management District, CA
Monterey Regional Water Pollution
Control Agency, CA
Oro Loma Sanitary District, CA
Redlands, CA
Richmond, CA
Ross Valley Sanitary District, CA
Salinas Valley Solid Waste
Authority, CA
Sanitary District No. 5 of Marin
County, CA
San Jose, CA
Sewer Authority Mid-Coastside,
CA

South Bayside Waste Management Authority, CA
Stockton, CA
Union Sanitary District, CA
West Contra Costa Integrated Waste Management Authority, CA

WATER

Arizona Municipal Water Users Association, AZ
Aurora, CO
Bakersfield, CA
Calaveras County Water District, CA
Joshua Basin Water District, CA
Kennewick Irrigation District, CA
Phoenix, AZ
Reclamation District 1000, CA
Redlands, CA
Sacramento Area Flood Control Agency, CA
San Diego, CA
San Jose, CA
San Luis Obispo County, CA
Santa Clara Valley Water District, CA
South Placer Municipal Utility District, CA
Stockton, CA
Sweetwater Springs Water District, CA
Vallejo, CA
Valley of the Moon Water District, CA
Walnut Valley Water District, CA
Yuba City, CA

OTHER

Bay Area Air Quality Management District, CA (Deputy Air Pollution Control Officer)
Benton County, OR (Health Director)
Broward County, FL (Port Everglades Director of Business Development)
Bureau Veritas, CA (Vice President – Operations)
Central Contra Costa Sanitary District (Director of Collection

System Operations and Director of Plant Operations)
Cordova Recreation & Park District (District Administrator and Maintenance Superintendent)
Government Services Group, Inc. (Municipal Services Manager)
Houston Housing Authority (Director Real Estate Investments & Development)
Housing Authority of the City of Los Angeles (Director of General Services)
Imperial Irrigation District (Assistant Manager of Construction Operations and Maintenance)
Hilton, Farnkopf, and Hobson LLC (Manager/Vice President)
Las Vegas Convention and Visitors Authority, NV (Director of Facility Projects)
Metropolitan Washington Airports Authority (Vice President for Public Safety)
Monterey Bay Unified Air Pollution Control District, CA (Air Pollution Control Officer)
Port of Long Beach, CA (Managing Director)
Port of San Diego, CA (Senior Director of Real Estate)
Redlands, CA (8 Mid-Level Managers and Natural Resources Manager)
Robson Homes (Forward Planner and Land Acquisition Manager)
Sacramento, CA (Preservation Director)
Sacramento, CA (Urban Design Manager)
San Jose, CA (Assistant Director of Environmental Services and Environmental Services Director)
San Manuel Band of Tribal Indians, CA (Tribal Manager)
Superior Court of California, County of San Luis Obispo, CA (Assistant Court Executive Officer)
Washoe County, NV (Senior Services Director)

Washoe County, NV (Social
Services Director)
Monterey Park, CA (Director of
Management Services)



Executive Search Services

City Manager
City of Tracy

March 2014

"All About Fit"



March 11, 2014

Mayor Brent Ives
and Members of the City Council
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Dear Mayor Ives and Council Members:

Thank you for the opportunity to express our interest in assisting you in the recruitment of the City Manager. We understand that the selection of the new City Manager is a crucial decision for the Council, and we will do everything within our power to make this recruitment process a positive experience for everyone involved.

Headquartered in Roseville, our firm provides executive search services to local government agencies throughout the Western United States. We have conducted hundreds of searches over the years and have extensive experience conducting City Manager recruitments, in particular. In fact, we have conducted nearly 40 similar searches within the past three years alone, including:

<i>City of American Canyon</i>	<i>City of Indian Wells</i>
<i>City of Anderson</i>	<i>City of Hayward (Assistant)</i>
<i>City of Antioch</i>	<i>City of La Palma</i>
<i>City of Bell</i>	<i>City of La Quinta</i>
<i>City of Belvedere</i>	<i>City of Mill Valley</i>
<i>City of Benicia</i>	<i>Town of Moraga</i>
<i>City of Burbank</i>	<i>City of Palmdale</i>
<i>City of Burlingame</i>	<i>City of Palos Verdes Estates</i>
<i>City of Campbell</i>	<i>City of Palo Alto (Assistant)</i>
<i>City of Carmel-by-the Sea</i>	<i>City of Piedmont</i>
<i>City of Cupertino</i>	<i>City of San Clemente (Assistant)</i>
<i>City of Daly City (Assistant)</i>	<i>City of Santa Clara</i>
<i>City of Encinitas</i>	<i>City of Tulare</i>
<i>City of Eureka</i>	<i>City of Waterford</i>
<i>City of Exeter</i>	<i>City of West Sacramento</i>
<i>City of Fremont (Assistant)</i>	<i>Town of Woodside</i>

Having just recently completed City Manager searches for the cities Antioch, Daly City (Assistant), Eureka, and Piedmont, we are currently conducting the search for Auburn's City Manager.

We are familiar with the City of Tracy having conducted the previous City Manager, Assistant City Manager, and Parks & Community Services Director searches. The prior search for City Manager involved intensive outreach to community representatives to learn more about Tracy and its

"All About Fit"

opportunities as well as challenges. We believe this knowledge will be beneficial in conducting the search for Tracy's next City Manager.

City of Tracy

Page Two

A full list of executive searches conducted by either Bobbi Peckham or Phil McKenney is included in our proposal. Clearly, we have established an extensive database of industry contacts. We are also active in ICMA, Cal-ICMA, Municipal Management Associations of Northern and Southern California (MMANC and MMASC), and Women Leading Government.

Bringing over 26 years in executive search, significant experience in conducting City Manager searches, and a knowledge and familiarity with the City of Tracy, I would personally serve as your Recruiter. I welcome the opportunity to work on your behalf and look forward to the possibility of meeting you personally to ensure a good "fit" as your Recruiter.

Please contact me toll-free at (866) 912-1919 if you have any questions or need additional information.

Sincerely,



Bobbi C. Peckham
Partner, Peckham & McKenney
bobbi@peckhamandmckenney.com

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INTRODUCTION

Peckham & McKenney provides Executive Search services to local government agencies throughout the Western United States and is headquartered in Roseville, California. The firm was established as a partnership in June 2004 by Bobbi Peckham and Phil McKenney, who serve as the firm's Recruiters. We are supported by an Office Manager, marketing and design professional, research specialist, web technician, and distribution staff.

Peckham & McKenney was established on the premise that an executive search and consulting firm must be dedicated to providing its clients and candidates with professional service, as well as a personal, hands-on approach. Our business philosophy centers upon the understanding that this is a "people" related industry and that attention to others' needs is the key to providing effective customer service. Not only are we committed to providing our clients with well-qualified candidates, but we also take pride in treating both our clients and candidates with utmost respect. This commitment has led to multi-year retainer agreements with a number of agencies, as well as numerous client and candidate testimonials to their experiences with us. We invite you to visit our web site at www.PeckhamAndMcKenney.com.

At Peckham & McKenney, we are committed to local government and sensitive to the challenges and issues faced by our clients. As such, we participate in the Cal-ICMA *Preparing the Next Generation* Committee and also serve as the Administrator for the Credentialed Government Leader program for the Municipal Management Associations of Northern & Southern California. In addition, we have provided workshops and training sessions in California and Colorado to up-and-comers on resume and interview preparation and general career guidance.

Bobbi C. Peckham

Bobbi Peckham is one of the West Coast's leading local government recruiters and has 30 years' experience in local government and executive search. Ms. Peckham began her career with the City of Naperville, IL, where she became familiar with all aspects of local government. Ms. Peckham was then recruited to join the Executive Search practice of a leading California recruitment firm. Later, she played an integral role in creating a national search business for what became the largest recruitment practice serving local government in the country. Here, she became Regional Director overseeing Northern California and a nine-state region.

In 2004, Ms. Peckham formed her own search firm in partnership with Phil McKenney. Ms. Peckham has personally conducted hundreds of national searches throughout the Western United States. She has extensive experience working with City Councils, Executive Boards, and local government administrators, listening to and understanding their needs in executive level placements.

Ms. Peckham received a Bachelor of Science degree in Organizational Behavior from the University of San Francisco. She is a contributing member of the International City/County Management Association, Cal-ICMA, Women Leading Government, and Municipal Management Associations of Northern & Southern California. Ms. Peckham serves on the Planning Committee

for the annual *Women's Leadership Summit*, at which she coordinates and leads the highly regarded Executive Roundtable Discussions with over 30 female local government leaders. In addition, Ms. Peckham was instrumental in writing the ICMA's *Job Hunting Handbook*.

Phil McKenney

Phil McKenney has over 35 years' management experience and is very familiar with local government agencies, having led a county organization and having worked with numerous city governments and special districts. Mr. McKenney began his career in the resort and hospitality industry and served as General Manager for Mattakesett Properties on the island of Martha's Vineyard. He then relocated to Keystone Resort in Colorado, which is now acknowledged as a premiere all-season resort with special recognition for its level of guest services. Mr. McKenney later took over the helm of the Summit County Chamber of Commerce as their Executive Director. This hybrid-Chamber was the only countywide organization responsible for marketing all of Summit County, Colorado, home to Breckenridge, Keystone, and Copper Mountain resorts. Through his leadership and collaborative style, and working with the cities and county within Summit County, he led the Chamber to being a readily recognized and well-respected organization within Colorado and the Western United States.

Mr. McKenney was then selected by Placer County, California to lead the merger of the North Lake Tahoe Chamber of Commerce and the North Tahoe Visitors and Convention Bureau into the North Lake Tahoe Resort Association. As Executive Director of this new county organization, he represented the Tourism industry for all of North Lake Tahoe. The Resort Association is now a proactive, nationally recognized organization whose model of governance is being replicated in numerous resort communities across the western United States.

Mr. McKenney joined Ms. Peckham in executive recruitment in January 2003 and has since conducted numerous national recruitments throughout the Western states, including Colorado, Arizona, Oregon, and California. Mr. McKenney has an undergraduate degree in Recreation from Slippery Rock State College as well as a Master of Business Administration from the University of Denver.

Joyce Johnson

Joyce Johnson joined Peckham & McKenney in 2005 and serves as the firm's Office Manager. Ms. Johnson is complimented regularly on her strong customer orientation working with both clients and candidates alike. She oversees internal administration of the firm as well as directing contract administrative support in the areas of advertising and design, web posting, and duplication and mailing services. Prior to joining Peckham & McKenney, Ms. Johnson oversaw internal administration in the Western Region headquarters of two national management consulting and executive recruitment firms. She has a total of 28 years' experience in the field of administrative and executive support for all aspects of the executive recruitment process. Ms. Johnson holds an Associate of Arts degree from American River College.

THE SEARCH PROCESS

While it is our intent to customize the search and project schedule to fit the City of Tracy's specific needs, the search process typically includes the following key actions:

Project Organization – This phase provides for the development of a detailed Candidate Profile. We will meet individually with the Mayor and members of the City Council, as well as others you identify, to discuss the issues and challenges facing the City. The desired background and experience, leadership style and personality traits, skills and abilities of the ideal candidate will be discussed. We will also discuss expected parameters of the search, the search timeline, and schedule future meeting dates with the City Council.

Typically, we devote significant time to this phase of the recruitment in order to become fully knowledgeable of the organization, community, and desired profile of your next City Manager. We encourage our clients to allow us to meet with staff, the executive management team, Commission members, labor representatives, community business leaders, residents, and others. These may be one-on-one meetings, small group discussions, or larger public forums, depending upon the appropriate style and venue desired by the City. We have significant experience in a variety of methods for gaining input on the candidate profile, and we will provide advice and recommendations to the City Council. In addition, we ask for a tour of the community in order to more fully understand current and future projects as well as gain a stronger familiarity with the community.

Recruitment – Advertisements will be placed in the appropriate industry publications and websites, and our firm will assume responsibility for presenting your opportunity in an accurate and professional manner. Full information on the position will be posted on our firm's web site as well as the site of the City. In addition, an attractive brochure will be prepared to market the organization and position to potential candidates. This brochure will be mailed to 300-400 industry professionals, and it will also be available on our firm's web site. Copies of the brochure will also be made available to the City.

The main focus of our outreach, however, will be direct phone contact with quality potential candidates. With over 30 combined years of executive search experience, we have developed an extensive candidate database that is continuously utilized and updated. Our recruiting efforts will focus on direct and aggressive recruiting of individuals within the search parameters established during the Project Organization phase. We believe direct recruiting produces the most qualified candidates. We know how to identify the "hidden" candidates, including those passive candidates who may be resistant to considering an employment change. Throughout this active search process, we will regularly notify the City Council of the status and share questions, concerns, and comments received from potential candidates as they consider the opportunity. By doing so, we will "team" with the City Council to ensure that all issues and concerns of candidates are discussed and understood thereby eliminating "surprises" once the resume filing deadline has occurred.

As resumes are received, they will be promptly acknowledged, and we will personally respond to all inquiries. Once the resume filing deadline has passed, the City Council will be updated on the status of the recruitment, the number of resumes received, and our intent for preliminary interviews.

Preliminary Interviews/Recommendation – As resumes are received, supplemental questionnaires will be sent to candidates who appear to meet the candidate profile. Following the resume filing deadline and a thorough review of the resumes and questionnaires received, we will conduct preliminary interviews with those individuals most closely matching the candidate profile. Preliminary reference and background (credit and criminal) checks will be conducted, and a written recommendation of finalists will be personally presented at an on-site, one- to two-hour meeting with the City Council. The Council will receive a full listing of all candidates who applied for the position, as well as the cover letters, resumes, and supplemental questionnaires of the recommended group of candidates for further consideration.

Once a group of finalists has been selected by the City Council, all candidates will be notified of their status. We will prepare a finalist interview schedule and notify finalist candidates accordingly. If necessary, finalists will make their own travel plans and reservations. It is customary that the City reimburse finalists for roundtrip airfare, car rental, and lodging necessary to attend the interviews with the City. We will confirm this with the City Council at our meeting to recommend finalists.

Final Interviews/Selection – During this phase, finalists will be interviewed by the City Council. We will provide on-site advice and facilitation assistance during the final interview process. Interview materials, including suggested interview questions, evaluation and ranking sheets will be provided for the Council's convenience.

An orientation session will be held with those involved prior to the finalist interviews, and we will work with the City Council through a ranking process and discussion of the finalists at the end of the day. We will assist the City Council in coming to consensus on the leading two to three finalists for further consideration, and we will provide recommendations on next steps, including additional meetings or social engagement with each finalist to learn more of the "fit" they may bring. In the past, our clients have chosen to conduct subsequent interviews, roundtable discussions, meals, or receptions with these finalists; we will provide the City Council with recommendations and options.

Qualification – Once the final candidate has been selected, our firm will verify, at your discretion, professional work experience; degree verification; and criminal, civil, credit, and motor vehicle records (beyond industry-standard seven years). Second "tier" references will also be contacted. This comprehensive process ensures that only the most thoroughly screened candidate is hired. In addition, negotiation assistance will be provided as requested by the City Council. Our ultimate goal is to exceed your expectations and successfully place a candidate who "fits" your organization's and community's needs now and into the future.

PROJECT SCHEDULE

This sample schedule anticipates a 16-week process. In today's competitive recruiting environment, our goal is to make the process as efficient and effective as possible.

<u>ACTIVITY</u>	<u>TIME FRAME</u>
I. Project Organization	Two Weeks
<ul style="list-style-type: none">• Kick-Off Meeting to discuss Candidate Profile and formalize project schedule• Finalize Candidate Profile with City and identify "fit" required• Develop advertising and recruiting plan• Prepare marketing brochure	
II. Recruitment	Six Weeks
<ul style="list-style-type: none">• Advertise, network, and electronically post in appropriate venues• Send marketing brochure to 300-400 industry professionals• Post opportunity on firm's web site as well as City's site• Search for/identify/recruit individuals within the parameters of the Profile• Respond to all inquiries and acknowledge all resumes received	
III. Preliminary Interviews/Recommendation	Three Weeks
<ul style="list-style-type: none">• Review candidates' resumes and supplemental questionnaires• Conduct preliminary interviews with leading candidates• Conduct first-tier reference checks and credit/criminal checks• Present written recommendation of finalists to City Council• Notify all candidates of search status	
IV. Final Interviews/Selection	Three Weeks
<ul style="list-style-type: none">• Schedule finalist candidate interviews• Design process and facilitate finalist interviews with City Council• Assist City Council throughout process and provide recommendations• City Council selects candidate or leading 2-3 candidates for further consideration	
V. Qualification	Two Weeks
<ul style="list-style-type: none">• Conduct thorough background checks and second "tier" references• City conducts site visit to community of selected candidate (Optional)• Negotiation assistance• Exceed expectations and successfully place candidate who "fits."	

PROFESSIONAL FEE AND EXPENSES

The professional fee for the recruitment of the City Manager is \$18,000. One-third of this fee is due as a retainer upon execution of the agreement. The remainder of the fee will be divided and billed in two separate, monthly invoices.

The City of Tracy will also be responsible for reimbursement of expenses not to exceed \$6,500. Expenses will be pre-approved and will be billed back at cost. Expenses include out-of-pocket costs associated with consultant travel, clerical, advertising, telephone, printing/copying, supplies/postage, and background checks (partial checks on recommended candidates; full background check on selected candidate). Additional expenses incurred due to requested additional meetings as well as full background checks on more than one candidate will be negotiated and billed accordingly.

Insurance

Peckham & McKenney carries Professional Liability Insurance (\$1,000,000 limit) and Commercial General Liability Insurance (\$2,000,000 General Liability, and \$4,000,000 Products). Our Insurance Broker is Northeast Agencies out of San Antonio, Texas, and our coverage is provided by Markel America Insurance Company and The Hartford.

In addition, Bobbi Peckham and Phil McKenney each carry personal automobile liability insurance in the amount of \$1,000,000.

PLACEMENT GUARANTEE AND ETHICS

Our placement record is particularly strong in that 90% of the candidates we have placed within the past nine years continue in those positions today. In the unlikely event, however, that a candidate recruited and recommended by our firm leaves your employment ***for any reason within the first year*** (except in the event of budgetary cutbacks, promotion, or position elimination), we agree to provide a one-time replacement at no additional charge, except expenses.

Time and again, we receive unsolicited comments from clients and candidates relating to our integrity and high ethics.

- First, we believe in honesty. No client should ever appoint an individual without being fully knowledgeable of the candidate's complete background and history. Conversely, no candidate should ever enter into a new career opportunity without full disclosure of any organizational "issues."
- We strive to keep everyone involved in a recruitment process informed of the status. Not only do we provide regular updates to our clients, but we also have a reputation for keeping our candidates posted, even to the extent of informing them as to who was eventually selected.
- As recruitment professionals, we do not recruit our placements -- ***ever***. Should a placement of ours have an interest in a position for which we are recruiting, they may choose to apply. However, if they become a finalist, we ask that they speak to their supervisor (Council member or Manager) to alert them of their intent.
- We do not recruit staff from our clients for another recruitment during an active engagement. Nor do we "parallel process" a candidate, thereby pitting one client against another for the same candidate.
- We are retained only by client agencies and not by our candidates. While we have a reputation for being actively involved in the profession and providing training, workshops, and general advice to candidates, we represent only our clients. In addition, we ***always*** represent and speak of our client in a positive manner; during the recruitment engagement as well as years after.
- We do not misrepresent our client list. Only those searches that we personally conducted appear on our list; rather than those conducted by other Recruiters while with other executive search firms.

CLIENT REFERENCES

Please feel free to contact any of the following current and recent clients to inquire about their experience with Bobbi Peckham. In addition, we would be pleased to furnish the client contact and phone numbers for any past clients of Ms. Peckham or Mr. McKenney listed in the Attachment.

City of Auburn, CA – City Manager (current search)

Bridget Powers, Mayor; or Richard Ramirez, Interim City Manager
(Mr. Ramirez has served as our client contact on numerous searches including the Mountain House Community Services District)
(707) 333-9198; rramirez@auburn.ca.gov

City of Burbank, CA – City Manager

Emily Gabel-Luddy, Mayor; or Mark Scott, City Manager; or Justin Hess, Assistant City Manager
(818) 238-5810; jhess@burbankca.gov

City of Encinitas, CA – City Manager

Teresa Barth, Mayor; or Gus Vina, City Manager
(760) 633-2620; tbarth@encinitasca.gov

City of Indian Wells, CA – City Manager

Mary Roche, Mayor; or Wade McKinney, City Manager
(760) 346-2489; mwindsor@indianwells.com

City of Palmdale, CA – City Manager

James Ledford, Mayor; Matt Ditzhazy, City Attorney; or David Childs, City Manager
(661) 267-5151; mditzhazy@cityofpalmdale.org

City of Piedmont, CA – City Manager

John Chiang, former Mayor, or Margaret Fujioka, Mayor
(510) 604-8943, chiangjohn@comcast.net; or (510) 463-7821, mfujioka@ci.piedmont.ca.us

City of Santa Clara, CA – City Manager

Jamie Matthews, Mayor; Julio Fuentes, City Manager; or Liz Brown, Human Resources Director
(408) 482-7713; lizbrown@santaclaraca.gov

RECENT CLIENTS AND EXECUTIVE SEARCHES

City/County Manager, Executive Director, and Related

Alameda County Waste Mgt. Authority	Executive Director
American Canyon, City of	City Manager
American Water Works Assoc., CA/NV Section	Executive Director
Antioch, City of	City Manager
Arvada, CO, City of	Deputy City Manager
Ashland, OR, City of	City Administrator (2002 and 2005)
Atherton, City of	Assistant City Manager
Baldwin Park, City of	Chief Executive Officer
Belmont, City of	City Manager
Benicia, City of	City Manager
Big Bear Lake, City of	City Manager (1995, 2001 and 2006)
Big Bear Lake, City of	General Manager, Dept. of Water & Power
Big Bear Lake, City of	Asst. General Mgr., Dept. of Water & Power
Buellton, City of	City Manager
Burbank, City of	City Manager
California Water Pollution Control Association	Association Manager
Calistoga, City of	City Manager
Campbell, City of	City Manager
Carlsbad, City of	Assistant City Manager
Carmel-by-the-Sea, City of	City Administrator
Corvallis, OR, City of	City Manager
Daly City, City of	Assistant City Manager
Del Mar, City of	City Manager
Delano, City of	City Manager
Douglas County, CO	Deputy County Manager
Durango, CO, City of	City Manager
Encinitas, City of	City Manager
Eureka, City of	City Manager
Exeter, City of	City Administrator
Foothills Park & Recreation District, Littleton, CO	Executive Director
Fort Lupton, CO, City of	City Administrator
Fremont, City of	Assistant City Manager
Garfield County, CO	County Manager
Gilroy, City of	City Administrator
Gilroy, City of	Assistant City Administrator
Glendora, City of	City Manager
Grand Junction, CO, City of	City Manager (2001 and 2006)
Greeley, CO, City of	City Manager
Hayward, City of	City Manager
Hayward, City of	Assistant City Manager
Hesperia, City of	City Manager
Hughson, City of	City Manager
Indian Wells, City of	City Manager
Indio, City of	City Manager
Incline Village General Improvement District, NV	General Manager
King City, City of	City Manager

La Plata County, CO	County Manager
Laramie, WY, City of	City Manager
Mammoth Lakes, Town of	Town Manager
Manitou Springs Chamber of Commerce, Visitors Bureau & Office of Economic Development, CO	Chief Operating Officer
Martinez, City of	City Manager
Midpeninsula Regional Open Space District	General Manager
Midpeninsula Regional Open Space District	Assistant General Manager
Mill Valley, City of	City Manager
Milpitas, City of	City Manager
Monte Vista Water District	General Manager
Moraga, Town of	Town Manager
Mountain House Community Svcs. District, CA	General Manager
Mountain Village, CO, Town of	Town Manager
Norco, City of	City Manager
North Lake Tahoe Public Utility District	General Manager (2004 and 2007)
North Lake Tahoe Resort Association	Executive Director
Novato, City of	City Manager
Orange County Fire Authority	Assistant Chief, Business Services
Palmdale, City of	City Manager
Palo Alto, City of	Assistant City Manager
Palos Verdes Estates, City of	City Manager
Park City Municipal Corporation, UT	City Manager
Pleasant Hill, City of	City Manager
Porterville, City of	Deputy City Manager
Public Agency Risk Sharing Authority of CA	General Manager
Redding, City of	City Manager
Redlands, City of	City Manager
Redwood City, City of	City Manager
Rohnert Park, City of	City Manager
Sacramento, CA, Crocker Art Museum	Executive Director
San Clemente, City of	Assistant City Manager
San Jacinto, City of	City Manager
San Jose, City of	Executive Director, Historical Museum
San Mateo, County of	County Manager
San Rafael, City of	Assistant City Manager
Santa Clara Co. Open Space Authority	General Manager
Sea Ranch Association, CA	Community Manager
Sedona, AZ, City of	City Manager
Snowmass Village, CO, Town of	Town Manager
South San Francisco, City of	City Manager
St. Helena, City of	City Manager
Steamboat Springs, CO, City of	City Manager
Steamboat Springs Chamber Resort Assoc., CO	Executive Vice President
Teton County, WY	County Administrator
Tracy, City of	City Manager
Tracy, City of	Assistant City Manager
Truckee, Town of	Town Manager
Tulare, City of	City Manager (2005 and 2011)

Tulare Co. Economic Development Corporation
Washington County, OR
Waterford, City of
Windsor, CO, Town of
Winter Park, CO, Town of
Woodside, Town of
Yakima Regional Clean Air Authority, WA
Yolo, County of

President
Director of Health & Human Services
City Administrator
Town Manager
Town Manager
Town Manager
Executive Director/Air Pollution Contl Officer
County Administrator

City Attorney/Legal Counsel

Antioch, City of
Archuleta County, CO
Ashland, OR, City of
Brisbane, City of
Burlingame, City of
Eureka, City of
Garfield County, CO
Hayward, City of
Midpeninsula Regional Open Space District, CA
Milpitas, City of
Mountain Village, CO, Town of
Pleasanton, City of
Redding, City of
Richmond, City of
San Bruno, City of
South Lake Tahoe, City of

City Attorney
County Attorney
City Attorney
City Attorney
City Attorney
City Attorney
County Attorney
County Attorney
City Attorney
General Counsel
Assistant City Attorney
Town Attorney
City Attorney
Assistant City Attorney
City Attorney
City Attorney
City Attorney

Community Development/Planning/Environmental Services

Alhambra, City of
Ashland, OR, City of
Baldwin Park, City of
Belmont, City of
Beverly Hills, City of
Brookings Economic Development Agency, SD
Delano, City of
Eastern Municipal Water District
Fremont, City of
Fremont, City of
Hayward, City of
Hayward, City of
Hesperia, City of
Jefferson County, CO
Laguna Niguel, City of
Livermore, City of
Martinez, City of
Mountain Village, CO, Town of
Murrieta, City of
Needles, City of
North Tahoe Public Utility District, CA

Director of Development Services
Community Development Director
Community Development Director
Community Development Director
Community Development Director
Executive Director
Economic Development Manager
Director, Development & Customer Services
Deputy Director of Community Development
Deputy Rdlvpmnt Agency Director, Housing
Community Development Director
Economic Development Manager
Redevelopment Director
Planning & Development Director
Director of Community Development
Economic Development Director
Community Development Director
Dir. Of Community Development & Housing
Development Services Director
City Planner
Planning & Engineering Manager

Novato, City of
Novato, City of
Oceanside, City of
Palo Alto, City of
Pasadena, City of
Reno, NV, City of
San Bernardino, City of
San Bruno, City of
San Clemente, City of
San Mateo, City of
San Mateo, City of
San Pablo, City of
San Rafael, City of
County of Santa Clara, San Jose, CA
Seaside, City of
Seaside, City of
Teton County, CO
Vail, CO, Town of
Walnut Creek, City of
Washington County, OR
Winters, City of

Community Development Director
Planning Manager
Economic Development Director
Development Services Director
Director of Planning & Permitting
Redevelopment Administrator
Business Development Manager
Community Development Director
Econo. Development & Housing Director
Planning Manager
Building Official
Development Services Director
Community Development Director
Director, Dept. of Planning & Development
Sr. Planning Services Manager
Redevelopment Services Manager
Planning & Development Director
Director of Community Development
Economic Development Manager
Land Development Services Manager
Community Development Director

Library Director and Related

Boulder, CO, City of
Hayward, City of
Huntington Beach, City of
Mountain View, City of
Oceanside, City of
Orange, City of
Palo Alto, City of
Pleasanton, City of
Torrance, City of

Library Director
Library Director
Library Director
Library Director
Library Director
City Librarian
Library Director
Library Services Director
Cultural Arts Administrator

Parks & Recreation

Foothills Park & Rec. District, CO
Los Altos, City of
North Clackamas County, OR
Pacifica, City of
Palo Alto, City of
Pleasanton, City of
Pleasanton, City of
Reno, NV, City of
Rialto, City of
Roseville, City of
San Clemente, City of
Tracy, City of

Executive Director
Recreation Director
Parks & Recreation Director
Dir. Of Parks, Beaches & Recreation
Community Services Director
Community Services Manager
Director of Parks & Community Svcs.
Director of Parks & Recreation
Parks & Community Services Director
Parks, Rec. & Libraries Director
Dir. Of Beaches, Parks & Recreation
Parks & Community Services Director

Public Works/Engineering and Related

Ashland, OR, City of	Public Works Director
Belmont, City of	Public Works Director
Belmont, City of	Senior Civil Engineer
Benicia, City of	Land Use & Engineering Manager
Big Bear Lake, City of	City Engineer
Campbell, City of	City Engineer
Campbell, City of	Associate Civil Engineer
Carlsbad, City of	Deputy Public Works Director
Chino Basin Municipal Water District, CA	Manager of Planning & Engineering
Delta Diablo Sanitary District, CA	Senior Engineer
Fremont, City of	Manager of Maintenance Operations
Galt, City of	Public Works Director
Gilroy, City of	Building Field Services Manager
Greeley, CO, City of	Public Works Director
Greenfield, City of	Public Works Director
Hayward, City of	Director of Public Works
Jefferson County, Golden, CO	Airport Manager
Louisville, CO, City of	Public Works Director
Marin Municipal Water District, CA	Environmental Resources Division Manager
Milpitas, City of	Public Works Director/City Engineer
North Tahoe Public Utility District, CA	Planning & Engineering Manager
Oceanside, City of	Community Services Director
Orange County Fire Authority, CA	Fleet Manager
Port San Luis Harbor District, CA	Facilities Manager
Sacramento County, CA	Associate Civil Engineer
San Jose, City of	General Services Director
San Luis Obispo, City of	Public Works Director
South Lake Tahoe, City of	Public Works Director
Steamboat Springs, CO, City of	Public Works Director
Yorba Linda, City of	Field Services Supervisor

Human Resources/Personnel

AC Transit District	Human Resources Manager
American Canyon, City of	Administrative Services Director
Azusa, City of	Human Resources Director
Belmont, City of	Human Resources Director
Belmont, City of	Personnel Analyst
Brookings, SD, City of	Director of Human Resources
Contra Costa Water District, CA	Human Resources Manager
Delta Diablo Sanitation District, CA	Personnel Officer
Douglas County, CO	Human Services Director
East Bay Regional Park District	Personnel Director
Encinitas, City of	Human Resources Manager
Glendale, AZ, City of	Personnel Director
Hayward, City of	Human Resources Director
Jefferson County, CO	Human Resources Director
Mountain View, City of	Director of Employee Services

Oceanside, City of
Orange County Fire Authority, CA
Palm Desert, City of
Palo Alto, City of
Porterville, City of
Redwood City, City of
San Bruno, City of
San Rafael, City of
Seaside, City of
South Lake Tahoe, City of
Southern CA Association of Governments
Torrance, City of

Personnel Director
Human Resources Director
Human Resources Manager
Chief People Officer
Administrative Services Manager
Human Resources Director
Human Resources Director
Human Resources Director
Personnel Services Manager
Administrative Services Manager
Human Resources Manager
Risk Manager

Finance Director/Controller/Treasurer

Alameda County, CA
Alhambra, City of
American Canyon, City of
Antioch, City of
Arvada, CO, City of
Atherton, City of
Aurora, CO, City of
Azusa, City of
Brisbane, City of
Burbank, City of
Claremont, City of
Contra Costa Water District
Daly City, City of
Dublin, City of
Durango, CO, City of
East Bay Regional Park District
Emeryville, City of
Fairfield, City of
Goodwill Industries of San Joaquin Valley
Gonzales, City of
Hayward, City of
La Quinta, City of
Long Beach, City of
Marin Municipal Water District
Menlo Park, City of
Milpitas, City of
Modesto, City of
Monterey, City of
Morgan Hill, City of
Needles, City of
Oakland, City of
Orange County Fire Authority
Orange County Fire Authority
Orange County Fire Authority
Oxnard, City of

Finance Director
Finance Director
Finance Director
Finance Director
Director of Finance
Finance Director
Finance Director
Director of Finance
Finance Director
Finance Director
Finance Director
Finance Director
Director of Finance
Administrative Services Director
Finance Director
Controller
Finance Director
Director of Finance
Finance Director/Controller
Finance Director
Finance Director
Finance Director
City Treasurer
Auditor/Controller
Financial Services Manager
Finance Director
Director of Finance
Finance Director
Finance Director
Finance Director
Finance Director
Budget Director
Assistant Chief, Business Services
Financial Services Manager
Treasurer (2000 and 2004)
Finance Director

Pasadena, City of
Pasadena, City of
Porterville, City of
Rancho Cordova, City of
Reno, NV, City of
San Mateo, City of
San Mateo, City of
Santa Clarita, City of
Santa Cruz, City of
Seaside, City of
Steamboat Springs, CO, City of
Superior Court of Calif./Co. of San Mateo
Union City, City of
Ventura, City of
Visalia, City of
Washington County, OR
Western Municipal Water District
Winter Park, CO, City of
Yorba Linda, City of

Controller
Accounting Manager
Administrative Services Manager
Assistant Finance Director
Finance Director
Finance Director
Deputy Director of Finance
Finance Manager
Finance Director
Financial Services Manager
Finance Director
Finance Director
Finance Director
Treasury Manager
Finance Director
Finance Director
Finance Director
Finance Director
Finance Director

Public Safety/Law Enforcement

Alhambra, City of
Alhambra, City of
Antioch, City of
Atherton, City of
Baldwin Park, City of
Belmont, City of
Clayton, City of
Eureka, City of
Gilroy, City of
Hayward, City of
Livermore, City of
Lone Tree, CO, City of
Lone Tree, CO, City of
Los Altos, City of
Menlo Park, City of
Milpitas, City of
Modesto, City of
Oceanside, City of
Porterville, City of
Redondo Beach, City of
Riverton, WY, City of
San Rafael, City of
Santa Monica, City of
Vail, CO, Town of
West Covina, City of

Chief of Police
Fire Chief
Police Chief
Police Chief
Police Chief
Police Chief
Police Chief
Police Chief
Fire Chief
Fire Chief
Fire Chief
Patrol Operations Commander
Police Chief
Police Captain
Police Chief
Police Chief
Fire Chief
Police Captain
Chief of Police
Communications Manager
Police Chief
Chief of Police
Police Chief
Fire Chief
Fire Chief

City/County Clerk

Alameda County, CA

Clerk of the Board

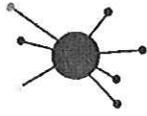
Berkeley, City of
Hayward, City of
Oceanside, City of
Menlo Park, City of
Midpeninsula Regional Open Space District, CA
Monterey, City of
Mountain View, City of
San Jose, City of
San Luis Obispo, City of
San Mateo, City of
Santa Cruz, City of

City Clerk
City Clerk
Public Information Officer
City Clerk
Public Information Officer
City Clerk
City Clerk
City Clerk
City Clerk
City Clerk
City Clerk

Information Technology

Fremont, City of
Jefferson County, Golden, CO
Superior Court of Calif., County of San Mateo

Information Svcs. Tech. Director
Information Technology Director
Information Technology Director



Mathis Consulting Group

A Mathis Company

Date: March 10, 2014

TO: Maria Hurtado
Assistant City Manager
City of Tracy

FROM: Dr. Bill Mathis
Management Recruiter

RE: Proposal for Recruitment of City Manager, City of Tracy

We appreciate the opportunity to submit our proposal for the recruitment of your new City Manager for the City of Tracy.

Dr. Mathis has 38 years of recruitment and organizational consulting with Cities and Counties. We were just hired to recruit the new City Manager for the City of Stockton; we have completed hiring the City Managers for cities of Azusa, Covina, Colton, interim for Indian Wells, Monrovia, Sierra Madre, Rancho Cucamonga and Beverly Hills plus more – just to name a few. We also enjoy working with cities after selection in helping to improve organizational culture building; this past year we've also recruited seven General Managers for water districts and are currently completed recruiting for Scotts Valley Water District and Central Basin Municipal Water District; Las Virgenes Municipal Water District in Calabasas, CA, and most East Valley Water District with General Manager, John Mura (formerly in the City of Chino Hills).

Under direction of the Mayor, Council, Assistant City Manager and the HR Dept., I would be very interested in assisting in the recruitment process.

Selecting Mathis Group

There are several reasons you would hire Mathis Group to work with you in recruiting your City Manager for the City of Tracy:

- a) Mathis Group has successfully hired Managers and has provided a large number of strong candidates from which the City Councils were able to select;
- b) Dr. Mathis personally can recruit from the best candidates both nationally and in California as he has done in the past;
- c) Dr. Mathis has personal knowledge and acquaintances with cities surrounding Tracy and would work exclusively for the Council;

- d) Dr. Mathis is familiar with the development of cities, and the County surrounding the character of Tracy in its leadership configuration;
- e) The City's timeline works well with Mathis Group for starting the process!

Special Considerations:

1. Circumstances causing the City Manager vacancy may be creating an increase in public concern over how their government works. This increased distrust will result in Council considering very different or expanded strategies for giving public support and trust back in terms of managing finances and credit cards.
2. Nearing an upcoming November election, in which significant turnover may occur with the Mayor leaving due to term limits, there is an opportunity to debate timing of selection.
 - a) Current Council would be more knowledgeable than any new Council member in hiring what's needed for the future of the City. Might, in fact, good candidates not apply for fear of Council turnover?
 - b) Should Council start the process soon, but leave selection to any new Council member(s) in 9-10 months? Should the Council operate with interim CM comfortably for the next 10 months?

This recruiter could be very helpful to Council in their decision.

3. Dr. Mathis is familiar with Tracy and has worked with the selection and recruitment of your current Police Chief who has been viewed as an outstanding Chief. Also, I am familiar with the culture of Tracy and all Departments.
4. We could hire on a fast track and slow process, but still provide the following:
 - a) Community Meeting of concerned citizens to express their positive views of traits for the next City Manager and major challenges they would want addressed. This helps Council define traits more clearly with this information.
 - b) Consultant meets with Union leaders for the City to gain their perspective and create buy-in and information to the Council.
 - c) Concur with Executive Staff of the City to determine their issues, discussion about style, what needs repair and help with decisions about timelines.
 - d) All the above can be done quickly by Dr. Mathis if selected.

City of Tracy ~ Proposal for City Manager Recruitment

- e) Council members each invite two citizens each to meet with Dr. Mathis or business leaders as invited additionally.

Proposal Activities would include the following process:

1. Develop Candidate Profile – Meet with City Council, Assistant City Manager, and other key staff members identified by the City to develop information regarding specific issues and opportunities facing the City. Also to determine the desired education, experience and background of the sought-after candidate, and to identify the management skills and style desired in the new City Manager. (See above additional recommendations.
2. Outreach – Active outreach and solicitation of individuals with superior qualifications to encourage them to become part of the pool of prospects. It is anticipated that this activity will range from the circulation of announcements in professional journals to extensive personal contacts with prospective candidates.
3. Depending on Council requirements, Dr. Mathis could meet with all those illustrated above and committee to review desired traits and strategies. Formalize announcements and coordinate recruitment with Personnel Director. Cost of ads will be managed and paid for by the City. Initiate a formal recruitment invitation to known qualified applicants and go to both State and nation-wide city manager’s meetings to review applicants.
4. Invitation to internal candidates
5. Evaluate and Screen – Review and grade all candidates against traits and qualifications outlined by Council. Recommend finalists to the Mayor and Recruitment Committee, who will then narrow them down to the best 5-6 for final interview. Dr. Mathis will review and grade all final candidates with the Committee.
6. Interview – Complete personal interviews with top candidates, which will focus on an assessment of the candidates’ skills, background, and experience as well as an assessment of the candidates’ strengths and weaknesses. Present a final list including written candidate profile and recruitment report to the City of the top candidates.
7. City Interviews – Coordinate with the finalists an interview process with an interview panel and city officials. Provide recommended interview questions and rating criteria and forms to City for review and edit, if needed.
 - a) Panel of City Managers
 - b) Panel of Departments Director
 - c) Panel from the Community

City of Tracy ~ Proposal for City Manager Recruitment

- d) Work with Mayor/Recruitment Committee in providing sample questions for panel(s).
 - e) Or Council only interview finalists!
8. Notification – Notify all candidates who are not selected of results. City will make job offer to final candidate. Dr. Mathis will assist in closing deal points.
9. Timelines and activities will be outlined and agreed upon. I would recommend a minimum timeline of a 90-day process (dates to be determined).

Additionally,

- The selection process should yield 4-5 candidates to move forward to the final round;
- Dr. Mathis will provide Management Profiles for each of these finalists, and all additional/supplemental information he may have on them.
- Dr. Mathis, Mayor/Recruitment Committee will negotiate final package for Council review and final meetings with top candidates. Council may elect to have final meetings with candidates and spouses to discuss the City of Tracy and a transition to the community.
- Supervise and finalize the background research of finalists to the comfort of Council. Dr. Mathis would work with Mayor and Recruitment Committee on coordination of press releases and updates to the Council and community.

Cost: \$16,950 (Expenses not to exceed \$4,500 in addition); \$19,950 total

Retainer: \$7,500 due upon signing of contract.

Payment Second incremental payment to be due after 10 finalists are selected. Final

Schedule: payment due when best candidate has been secured.

* Mathis Group guarantees candidates for one year or will recruit again for expenses only.

* Mathis Group can begin immediately and complete the search in the City's timeframe.

Interim City Manager, Maria Hurtado
City of Tracy

Dr. Bill Mathis

Management Recruiter
Mathis Group, Napa Valley

Attachments: Brochure, Bio, References



**R. WILLIAM MATHIS, PH.D.
MANAGEMENT PSYCHOLOGIST**

Biographical Summary

Dr. Mathis holds a Ph.D. in Clinical / Industrial Psychology from the University of North Dakota at Grand Forks, a Master's Degree in Clinical Psychology from the University of Portland in Oregon and a Bachelor's degree in Chemistry / Biology and Psychology from the University of Puget Sound in Tacoma, Washington.

Dr. Mathis is the founder of Mathis Group, and has sole proprietorship. The firm is currently located in Napa, California. The firm provides both general management and clinical consulting services to public and private sectors. High risk, safety, law enforcement and crisis related situations are special niches addressed through the clinical psychologists on staff.

Dr. Mathis is a well-known writer and speaker, whose published well-read articles include "When Council is Unhappy with the City Manager," "What Councils want from their Managers... but do not Tell Them," *The Business Journal*, "Don't Drop the Ball on Your City Council", "The 7 Symptoms of a Manager in Trouble...", "Public Management. He is well known throughout the United States and is frequently seen in both western and east coast cities. His "whole team" concept of intermingling business consultants with psychologists brings a "value added" concept to his clients.

Dr. Mathis and his firm, Mathis Group, offer a wide variety of services such as:

- City Manager / City Attorney Evaluation
- Team Building / Goal Setting Workshops
- Style Analysis - Individual and Group
- Effective Communications
- Problem Solving and Project Management
- Organization / Department Audits
- Strategic Planning
- Executive Recruitments
- Coaching and Mentoring
- Change Management Strategies
- Personnel Conflicts / Outpatient Services

Mathis Group has been a member of numerous Chambers of Commerce and public organizations including ICMA (International City Managers' Association) California, City Manager's Foundation, National League of Cities and League of California Cities.



**JANICE MATHIS, M.A.
PERSONNEL MANAGEMENT CONSULTANT
MATHIS GROUP**

Janice Mathis brings extensive government and public agency experience to The Mathis Group having served as Deputy City Manager for one of the largest cities in Los Angeles County. She held a variety of positions at CSU Long Beach, working in both University Relations and Development, and the Dean's Office of the Graduate Center for Public Policy and Administration. Janice holds an M.A. Degree in Human Behavior and a B.A. Degree in Behavioral Sciences, with a focus on the Employee Assistance Program.

An accomplished writer, Janice co-authored the article, "Don't Drop the Ball on Your City Council," with Dr. Bill Mathis and former City Manager, Bill Garrett.

Janice joined Mathis Group ten years ago and specializes in recruitments; policies and procedures (revisions and updating); customer service training; completion of assessments of executive staff and best fit for top leaders' executive assistants. She has broad knowledge and training in supervisory skills and has worked with Dr. Bill in City Council and Special District Board Goal Setting with City/General Managers and Department Heads. Janice coaches staff and has also performed staff personnel assessments in her work for a large District Attorney's Office.

Janice is involved in the California Utility Executive Management Association and California City Management Foundation; she also has prior experience in the real estate, insurance and banking industries.

RESOLUTION _____

AUTHORIZE THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT
WITH _____ TO CONDUCT THE CITY MANAGER RECRUITMENT

WHEREAS, On March 5, 2014, the City Manager position was vacated, and

WHEREAS, The City requires the services of a consultant in the recruitment of a new
City Manager, and

WHEREAS, Staff solicited proposals from a number of executive recruitment firms, and

WHEREAS, Staff reviewed and evaluated the proposals and recommend three consulting firms
for City Council to select from;

NOW, THEREFORE, BE IT RESOLVED, That the City Council authorizes the Mayor to
execute an Agreement with _____ to conduct the City Manager recruitment.

* * * * *

The foregoing Resolution _____ was adopted by the Tracy City Council on the 18th
day of March, 2014, by the following votes:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 8

REQUEST

ACCEPT REPORT REGARDING THE CITY'S INTERNAL CONTROL WORK PLAN

EXECUTIVE SUMMARY

This report outlines the City's preliminary work plan to audit, evaluate, and modify applicable internal control policies and procedures to ensure the continued protection of City assets and resources. The work plan will occur in three phases: Phase 1: Credit Card Audit and Best Practice Review; Phase 2: Transparency Initiative; and Phase 3: Financial Review and Policy Update. It is anticipated that the work plan will be implemented and completed over a period of 12 months.

DISCUSSION

At the Tuesday, March 4, 2014 City Council meeting, staff presented an overview of the City's fiscal and administrative policies and procedures, including the financial auditing process, which involves a comprehensive review of the City's financial statements and internal control processes. Staff also discussed next steps as it relates to the development of an internal control work plan to protect City assets, control expenditures, and prevent misuse of City resources. The City's Internal Control Work Plan is discussed in detail below.

Internal Control Work Plan

It is anticipated that the City's Internal Control Work Plan will occur in three phases over a period of 12 months:

Phase 1: Credit Card Audit and Best Practice Review

On March 4, 2014, staff indicated to Council that it would develop a work plan involving a comprehensive review of the City's internal controls. The first phase of this work plan is attached for Council reference and includes following objectives:

1. *Reduce Risk and Exposure.* A key principle in risk management is to implement efforts that reduce exposure. Currently, Department Directors approve and assign credit cards to their respective employees. In light of recent events, Department Directors are actively reviewing the number of city credit cards and store cards issued in their individual departments with the goal of reducing that amount significantly. After a more thorough review of credit cards, it has been determined that there are 160 credit cards city-wide. Approximately 54 credit cards are employee issued cal-cards and 106 are store cards. To date, 6 cal-cards and 38 store cards have been identified for destruction, reducing the total number of city-wide credit cards to 116. It is expected that the City's credit card inventory will be further reduced over the next several weeks.

2. *Identify Best Practice Policy Models.* A best practices review of the City's administrative and financial policies is already underway. This policy research will include identifying best practice policies and procedures related to authorization and card issuance, cardholder responsibilities, lost/stolen cards and receipts, parameters for usage, purchase reporting requirements, and administrative/financial processing to name a few.
3. *Evaluate and Test Current Policy/Procedures.* Concurrent to the best practice policy research, staff will engage an independent auditor to conduct an audit of the City's credit card transactions/statements for FY12/13 and July – December of FY 13/14. This process will include an evaluation of the City's current credit card policy and procedures and extensive sampling of credit card transactions to determine compliance with City policy. The auditor will also provide recommended reporting requirements for cardholders and desk specific procedures for administrative and finance staff.
4. *Revise Credit Card Policy/Procedures.* The results of the best practice research, credit card audit, and policy/procedural recommendations from the auditor will be used to update the City's current credit card policy. Additionally, city-wide feedback will be solicited from administrative staff and existing cardholders regarding the proposed policy changes.
5. *Enhance Internal Control Training and Communication.* For internal controls to be effective, frequent communication and training must occur. Staff will develop a communications plan to ensure that all cardholders receive policy and procedural training regarding city issued and store credit cards. The proposed training may also include anti-fraud and use of public funds education. Additionally, cardholders will be required to sign an updated cardholder agreement form, acknowledging City credit card use parameters and responsibilities, and potential disciplinary action for non-compliance.

The first phase of the attached work plan is already underway and is expected to be completed by June 2014; city-wide training is scheduled to occur June 2014 – August 2014. Upon completion of the credit card audit, staff will provide Council with an information report detailing the results and recommended next steps.

Phase 2: Transparency Initiative

Phase two of the Internal Control Work Plan involves the development of a Transparency Initiative. This initiative is reflective of the Council's Governance Strategy which promotes communication and civic engagement, financial transparency, and fiscal stewardship. The Transparency Initiative includes efforts to improve public access and understanding of City finances through the use of technology, including but not limited to open government software and upgrades to the City's financial system. Additionally, staff will begin to identify improvements to the City's website and explore the creation of a transparency webpage to consolidate information pertaining to council and administrative policies, statement of economic interests, fiscal, investment, and internal

control policies, Public Record Request (PRAs) submission processes, PRA frequently asked questions, and information related to financial audits and reporting requirements.

Phase 3: Financial Review and Policy Update

Phase three of the Internal Control Work Plan will involve a review of the City's financial policies. Several of the City's policies are outdated and require modification. Examples of these policies include but are not limited to: travel expense and reimbursement, cell phone use, issuance and stipends, petty cash handling, and purchasing practices. Update of the policies will include best practice research and a cross-departmental team review of any proposed changes.

The second and third phase of the Internal Control Work Plan will be brought forward to Council at a subsequent Council meeting. Phase two is expected to initially begin in March 2014 and completed by August 2014 or sooner. Phase three is anticipated to begin September 2014 and be completed by March 2015.

The Internal Control Work Plan is designed to be fluid in nature and is expected to change as phases are implemented. Monthly status reports will be scheduled to advise Council about staff progress, significant findings, and/or changes to the work plan.

STRATEGIC PLAN

This item is in accordance with Council Governance Strategy, Goal 2: Ensure continued fiscal sustainability through budgetary and financial stewardship; Objective 3: Enhance Fiscal Transparency and Goal 3: Identify resources to promote communication and civic engagement, enhance city services, and promote organizational productivity.

FISCAL IMPACT

Acceptance of this report will have no impact on the City's FY 13/14 operating budget. Expenses associated with retaining an auditor to conduct an independent audit of the City's credit card transactions/statements will not impact the General Fund; existing funding will be used to cover any applicable costs.

RECOMMENDATION

It is recommended that the City Council accept the report regarding the City's proposed Internal Control Work Plan.

Prepared by: Jenny Haruyama, Administrative Services Director
Approved by: Maria A. Hurtado, Interim City Manager

ATTACHMENTS:

Attachment 1: Internal Control Work Plan - Phase 1: Best Practices Review and Credit Card Audit

INTERNAL CONTROL WORK PLAN

PHASE 1: BEST PRACTICE REVIEW AND CREDIT CARD AUDIT

GOALS:

- To ensure appropriate internal controls are in place to protect the City's assets, control expenditures, and prevent misuse of City resources.
- To make modifications to the City Credit Card Policy based on a review of best practice models and results of an independent audit of city credit card transactions/statements.
- To effectively communicate credit card responsibilities and procedures to city-wide cardholders to ensure proper use and processing of credit card purchases.

KEY WORK PLAN OBJECTIVES:

Objectives	Tasks	Steps	Timeframe
1. Reduce Risk and Exposure	Conduct Inventory of City Issued Credit Cards	<ul style="list-style-type: none"> ▪ Review Departmental Criteria used to Issue Credit Cards. ▪ Evaluate and Reduce Number of City Credit Cards Issued to Employees. ▪ Review Single Purchase Limit and Cumulative Monthly Maximum Limit Amounts. 	March
2. Identify Best Practice Policy Models	Research Best Practice Credit Card Internal Control Policies and Procedures	<ul style="list-style-type: none"> ▪ Conduct a Best Practice Review of Policies and Procedures including but not limited to: Authorization and Card Issuance, Cardholder Responsibilities, Lost/Stolen Cards and Receipts, Unauthorized Purchases, Parameters for Usage, Purchase Reporting Requirements, and Administrative/ Financial Processing. 	March - April

INTERNAL CONTROL WORK PLAN

		<ul style="list-style-type: none"> ▪ Best Practice Sources include the International City/County Management Association (ICMA), Government Finance Officers Association (GFOA), California Municipal Society of Finance Officers (CSFMO), and other Local Government Resources/Agencies. 	March – April
3. Evaluate and Test Current Policy and Procedures	Conduct Independent Audit of City Issued Credit Cards	<ul style="list-style-type: none"> ▪ Retain Independent Auditor to Review Compliance with Current Credit Card Policy. ▪ Identify Recommended Policy Changes and Procedures for Cardholders and Administrative Processing. 	April - May
4. Revise Credit Card Policy/Procedures	Implement Recommended Changes per Independent Audit and Best Practice Research	<ul style="list-style-type: none"> ▪ Consolidate Best Practice Research and Consultant’s Recommended Policy and Procedural Changes. ▪ Update Current City Policy to Reflect Suggested Changes. ▪ Solicit City-Wide Feedback from Departments/Employees. 	June
5. Enhance Internal Control Training and Communication	Conduct City-Wide Policy and Procedure Training for City Credit Cardholders and Administrative Staff	<ul style="list-style-type: none"> ▪ Develop Communications Plan to Conduct City-Wide Training for all Applicable Administrative Staff and Cardholders. ▪ Schedule Annual Employee Training, including Anti-Fraud and Public Funds Education. ▪ Require all Cardholders to Sign an Updated Cardholder Agreement Form. 	June - August

AGENDA ITEM 9

REQUEST

REVIEW AND DISCUSS PRIORITY PROJECTS WHICH INCLUDE THE JUNE 18, 2013 COUNCIL ADOPTED STRATEGIES AND APPROVE RECOMMENDATION FOR DEADLINE ADJUSTMENTS ON SPECIFIED ACTION ITEMS

EXECUTIVE SUMMARY

The purpose of this staff report is to review and confirm the Council's priorities and make adjustments as deemed necessary by Council. Additionally, recommended adjustments to timeframes on selected milestones outlined in the strategies have been identified for Council consideration. The Strategies include Public Safety, Quality of Life, Economic Development and Governance strategies adopted by Council on June 18, 2013. In addition five projects are included in this status report for Council's information.

DISCUSSION

On June 18, 2013, the Council adopted Resolution 2013 - 088 outlining the City Council strategic priorities which contain a total of 131 action items under the four strategy areas.

The purpose of this staff report is to:

- Provide Council with a status update regarding the timelines of the action items outlined in the Council strategic priority areas (Attachments A, B, C, and D);
- Review additional work items since the June 18th Council adoption of the Strategic Plans, and
- Allow for Council discussion to verify Council priorities and/or provide staff with direction regarding any re-prioritization Council deems necessary.

STATUS UPDATE ON STRATEGIC PLANS:

The four strategic plans include Public Safety, Quality of Life, Governance and Economic Development. Both the Public Safety and the Quality of Life Strategic Plans are on time and on budget to date. For both the Governance Strategic Plan and the Economic Development Strategic Plans staff recommends extending the original due dates for the reasons discussed below.

Governance Strategic Plan:

Three goals are outlined in the Governance Strategic Plan with thirty-three associated action items. Action items related to two of the three goals are in the process of being implemented or have already been completed.

For Goal 3, related to identifying technological resources to promote communication, enhance city services, and promote organizational productivity, staff recommends extending the timeframes for two action items related to the implementation of the Enterprise Resource Planning Software. Due to the complexity of the system and scheduling conflicts, staff recommends extending the due date for action item 3.c.3 to April 1, 2014. (Attachment C).

Economic Development Strategic Plan:

The Economic Development Strategy contains four goals, one of which is progressing on schedule. Staff recommends due date extensions for three action items under Goal 1, two action items under Goal 3, and one action item under Goal 4.

Goal 1 relates to creating head-of-household jobs reflective of the City's target industries. Staff recommends that the due date for the action item related to the development of marketing and outreach plan to include quarterly newsletters, broker tours, and co-op advertising be extended from December, 2013 to June 2014. The City is currently finalizing consultant contracts with Pennino Group and the Placemaking Group. Additionally, staff recommends that the due date for the action item related to developing a business system to formally recolonize companies in Tracy be extended from December, 2013 to August, 2014.

Goal 3 relates to supporting a higher education presence in Tracy. Staff recommends that the due date of the action item related to the coordination of educational meetings to review and discuss the consultant's capacity analysis be extended from February, 2014 to July, 2014 due to staff transition. The other objectives under this goal are in the process of being implemented or have been completed.

Goal 4 relates to positioning Tracy as the preferred location for start-up companies and entrepreneurial investment. Staff recommends eliminating the concept of securing a single office location for entrepreneurs and negotiate a lease with property owners due to the recommendation from various high tech companies and other entrepreneurs that a higher level of support is fostering and supporting the entrepreneurial climate through exposure to support services from capital venture capitalists, attorneys, etc. Staff will replace that objective with the coordination of two events per year, in partnership with the Chamber of Commerce, TiE (Talent, Ideas, Enterprise) Silicon Valley, or other entrepreneurial organizations with a focus support and access to specific entrepreneurial networking needs.

ADDITIONAL WORK ITEM:

In addition to the priorities listed in the strategic plans, staff will continue to work with General Services Administration (GSA) relative to the Schulte Road Property.

FISCAL IMPACT

There is no fiscal impact related to the discussion of this agenda item.

RECOMMENDATION

That the City Council review and discuss priority projects which include the June 18, 2013 Council adopted strategies and approve recommendation for deadline adjustments on specified action items.

Prepared by: Vanessa Carrera, Management Analyst II

Reviewed by: Maria A. Hurtado, Interim City Manager

Approved by: Maria A. Hurtado, Interim City Manager

ATTACHMENTS

- Attachment A: Public Safety Strategic Plan Status Update
- Attachment B: Quality of Life Strategic Plan Status Update
- Attachment C: Governance Strategic Plan Status Update
- Attachment D: Economic Development Strategic Plan Status Update



ATTACHMENT A: PUBLIC SAFETY STRATEGIC PLAN STATUS UPDATE

Purpose: To enhance community safety by 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.

Goal	Objective	Action/Tasks	Original Due Date	Status Update
1. Develop partnership with with the community and engage residents in addressing public safety concerns	1a. Increase two-way communication regarding Part II crime information and prevention.	1.a.1 Create and distribute a resident survey regarding public safety perceptions.	7/31/14	In Progress/On Track
		1.a.2 Identify crime concerns and perceptions to develop communication plans.	11/30/14	In Progress/On Track
		1.a.3 Launch educational campaign on Facebook, Twitter, City web site, news papers, and utility bills.	3/30/15	In Progress/On Track
		1.a.4 Develop marketing materials for Go Request App and other communication tools.	3/30/15	In Progress/On Track
	1b. Increase visibility of public safety in the community.	1.b.1 Attend at least three community events.	10/31/13	Completed.
		1.b.2 Coordinate public presentations and educational material distribution for the "Drown without a Sound campaign".	8/15/14	In Progress/On Track

Goal	Objective	Action/Tasks	Original Due Date	Status Update
	1c. Increase community volunteer opportunities to maximize engagement.	1.c.1 Assign a volunteer coordinator to recruit, retain and train public safety volunteers.	1/31/14	In Progress/On Track
		1.c.2 Recruit members from Citizen's Academy & Neighborhood Watch Programs.	7/15/14	In Progress/On Track
		1.c.3 Implement semi-annual training for volunteers.	12/31/14	In Progress/On Track
		1.c.4 Re-establish and Kick-off an Adopt a Park Program through the Parks Commission's current FY 13/14 Goals.	7/31/15	In Progress/On Track
2. Promote public health, safety, & community welfare by responding & addressing unsafe, unhealthy or blighted conditions in homes, neighborhoods & the entire	2a. Reduce the number of blighted property conditions.	2.a.1 Schedule monthly inspections of recidivist violators.	7/1/14	In Progress/On Track
		2.a.2 Proactively inspect vacant, boarded buildings to ensure compliance with city codes.	7/1/14	In Progress/On Track
		2.a.3 Deliver general code enforcement presentations to grades K-8 about common violations.	3/31/14	In Progress/On Track
		2.a.4 Establish an awareness and education campaign about "How to identify the most common code violations." and FAQs using all media channels.	6/15/15	In Progress/On Track

Goal	Objective	Action/Tasks	Original Due Date	Status Update
the entire community	2b. Streamline enforcement processes regarding citywide violations that cross departments.	2.b.1 Develop and implement a cross training program to City Departments regarding prevalent Code violations.	6/31/14	In Progress/On Track
		2.b.2 Meet quarterly with public safety staff members to address reoccurring code violations.	10/31/13	Completed

Goal	Objective	Action/Tasks	Original Due Date	Status Update
3. Enhance citywide disaster preparedness	3a. Develop and implement a community education program for internal and external customers to better prepare and respond to man-made and natural disasters.	3.a.1 Identify disaster preparedness point of contacts.	2/28/14	Completed
		3.a.2 Write disaster preparedness educational curriculum and/or presentations.	4/30/14	In Progress/On Track
		3.a.4 Recruit community volunteers for C.E.R.T. specifically PD citizen academy graduates.	7/15/14	In Progress/On Track
		3.a.4 Establish a round-table exercise to include surrounding agencies relative to City wide Emergency Preparedness procedures.	11/30/14	In Progress/On Track
	3b. Develop a City-wide emergency safety and evacuation plan in the event of power outage, technological failure or natural or man-made disasters to as not to impact public safety.	3.b.1 Update and implement emergency response plans with Tracy Unified and Jefferson School Districts.	1/31/15	In Progress/On Track
		3.b.2 Update and implement City's Comprehensive Emergency Response Plan.	7/1/15	In Progress/On Track
4. Reduce the number of major injury collisions	4a. Increase public awareness of traffic safety issues specific to Tracy.	4.a.1 Implement student traffic safety awareness.	7/15/2015	In Progress/On Track
		4.a.2 Social media announcements, at community events, and to schools through the School Resource Officers.	6/15/14	In Progress/On Track

Goal	Objective	Action/Tasks	Original Due Date	Status Update
injury collisions		4.a.3 Distribute traffic safety awareness literature at Tracy Bean Festival, Safety Fair & Juneteenth celebration.	9/30/13	Completed
	4b. Increase traffic related enforcement by 5%.	4.b.1 Solicit cooperation from patrol officers and seek grants through the Office of Traffic Safety (OTS) to provide funding for staff costs.	12/31/14	In Progress/On Track
		4.b.2 ID locations of most frequent and serious collisions and deploy resources accordingly.	2/28/14	Completed



ATTACHMENT B: QUALITY OF LIFE STRATEGIC PLAN STATUS UPDATE

Purpose: The purpose of the Quality of Life Strategy is to provide an outstanding quality of life by enhancing the City’s amenities, business mix and services and cultivating connections to promote positive change and progress in our community.

Goal	Objective	Action/Tasks	Original Due Date	Status Update
1.Improve current recreation and entertainment programming & services to reflect the community and match trending demands.	1a. Analyze current programming participation trends and submitted evaluations.	1.a.1 Collect program evaluations from Fall 2011, Spring 2012 and summer 2012 and December to use as an evaluation baseline.	8/30/13	Completed
		1.a.2 Develop new participant evaluation forms geared towards ascertaining outputs, programming effectiveness and participant demographics	10/31/13	Completed
		1.a.3 Develop quarterly reports on arts education and recreation participant trends using ActiveNet software.	12/31/13	Completed
	1b. Interpret city and school district demographic shifts and recommend service improvements accordingly.	1.b.1 Review and prepare annual reports on demographic changes and present to city staff.	6/30/14	In Progress/On Track
		1.b.2 Research cities with comparable demographics for programming trends and service improvements.	4/30/14	In Progress/On Track
		1.b.3 Create and recommend a list of alternative programming based on social and cultural relevant demographic trends.	8/30/14	In Progress/On Track

Goal	Objective	Action/Tasks	Original Due Date	Status Update
	1c. Align recreation and cultural arts services & programs to match demographics, evaluation feedback and trends.	1.c.1 Use evaluation data and research to determine target markets	2/28/14	In Progress/On Track
		1.c.2 Remove and add recreation and cultural arts programs or classes per season.	3/30/14	Completed
		1.c.3 Streamline recreation and cultural arts programs and services.	1/30/15	Completed
		1.c.4 Propose any consequential budget changes or impacts to recreation and cultural arts programs and services.	3/15/14	In Progress/On Track
2. Address city amenities and facility usage with an emphasis on accessibility and streamlined services.	2a. Update facility use policies to protect and preserve our current inventory of amenities	2.a.1 Research and compare industry standards for facility usage and amenity policies, procedures and language use.	2/28/14	Completed
		2.a.2 Plan and facilitate user group meetings to discuss industry standards, proposed changes and gain feedback from users.	5/31/14	In Progress/On Track
		2.a.3 Update field reservation policy handbook, and the facilities rental and event permit policy handbook and forms.	1/30/15	Completed

Goal	Objective	Action/Tasks	Original Due Date	Status Update
	2b. Explore public-private facility initiatives geared towards a multi-use facility.	2.b.1 Inventory current facility partnerships throughout the city.	12/31/14	In Progress/On Track
		2.b.2 Determine additional needs and demands based on trends, parks masterplan, programming and surveys.	7/30/14	In Progress/On Track
		2.b.3 Solicit partnerships for naming rights of Legacy Fields	2/28/15	In Progress/On Track
		2.b.4 Research funding opportunities for facility usage improvements and partnerships.	1/30/15	Completed
	2c. Implement facility and class software improvement recommendations to sync, facility rentals, class enrollments and cultural arts needs.	2.c.1 Schedule software demonstrations with the industry predominate vendors.	8/30/13	Completed
		2.c.2 Prepare and open an RFP for new class software in accordance with all programming needs.	12/31/13	Completed
		2.c.3 Finalize purchase agreement; maintenace expectations and software installation schedule with website integration.	3/30/14	In Progress/On Track
		2.c.4 Coordinate staff trainings on new software and community friendly options.	8/30/14	In Progress/On Track

Goal	Objective	Action/Tasks	Original Due Date	Status Update
3.Cultivate community engagement through digital and traditional means	3a. Develop a value based marketing and communications plan that bridges the gap between residents, businesses and the city.	3.a.1 Identify three target audiences and match two values per audience.	5/30/14	In Progress/On Track
		3.a.2 Develop consistent city messages highlighting value.	6/30/14	In Progress/On Track
		3.a.3 Create marketing visuals for each target audience using tech tools and direct marketing.	7/31/14	In Progress/On Track
		3.a.4 Write a communications plan for distributing marketing materials to each target audience.	1/30/15	In Progress/On Track
	3b. Implement an on-line citizen engagement plug-in to the website that allows residents to share ideas, and digitally interact with City Council.	3.b.1 Schedule software demonstrations with the citizen engagement vendors; granicus, peak democracy, mindmixer, civicplus.	7/31/13	Completed
		3.b.2 Distribute survey to current users of engagement software and compile results in a SWOT matrix.	7/31/13	Completed
		3.b.3 Perform a cost benefit analysis and management recommendation of citizen engagement tool.	2/28/14	In Progress/On Track
		3.b.4 Finalize agreement with vendor and intergrate software into web site.	3/30/14	In Progress/On Track

Goal	Objective	Action/Tasks	Original Due Date	Status Update
	3c. Explore media partnerships with local news agencies to feature or provide column space for city news, editorials and information.	3.c.1 Create a digital press kit with: general city overview, bios, FAQs, annual themes, pictures, highlight,news coverage, contact info.	2/28/14	In Progress/On Track
		3.c.2 Identify media partners and general company info: circulation, publication frequency, press deadlines, editorial staff, journalist for Tracy.	2/28/14	Completed
		3.c.3 Coordinate and host media receptions.	11/30/14	In Progress/On Track
4. Coordinate community outreach with all strategic priority teams	4a. Implementation of an electronic communication strategy to enhance communication, transparency and engagement.	4.a.1 Identify department representatives and potential uses of an e-subscription service.	5/30/13	Completed
		4.a.2 Create design templates and language use guide for all e-subscription outputs.	7/30/13	Completed
		4.a.3 Facilitate user trainings and open labs for consistent communication.	8/30/13	Completed
		4.a.4 Launch e-subscription service.	3/30/14	In Progress/On Track
	4b. Assist Public Safety strategy team with goal 1, objective 2, and the	4.b.1 Gather current printed and electronic material used for public education and information.	3/30/14	In Progress/On Track
		4.b.2 Review and recommend changes to material.	6/30/14	In Progress/On Track

Goal	Objective	Action/Tasks	Original Due Date	Status Update
	Economic Development team with goal 2, objective 2	4.b.3 Calendar opportunities and promote social media presence of material and events.	7/31/13	In Progress/On Track
		4.b.4 Develop communications plan for promoting public safety and special events.	4/30/14	In Progress/On Track



ATTACHMENT C: GOVERNANCE STRATEGIC PLAN STATUS UPDATE

Purpose: *To retain and attract new talent, enhance fiscal stability, improve the use of technology, and enhance transparency for the betterment of the community of Tracy.*

Goal	Objective	Action/Tasks	Original Due Date	Status Update
1. Further develop an organization that attracts, motivates, develops and retains a high quality, engaged, informed and high performing workforce.	1a. Identify outreach opportunities to promote Tracy as a desirable place to work.	1.a.1 Contact each department to obtain their current outreach information.	8/31/2013	In Progress/On Track
		1.a.2 Compile outreach information into 2 documents: Email list and hard copy mailing list.	9/30/2013	In Progress/On Track
		1.a.3 Identify costs associated with each outreach opportunity.	10/31/2013	In Progress/On Track
		1.a.4 Post document Citywide on the intranet.	10/31/2013	In Progress/On Track
		1.a.5 Assign a department to maintain the list annually.	10/31/2013	In Progress/On Track
	1b. Affirm organizational values.	1.b.1 Create a survey to assess employee perception of City values.	9/30/2013	Completed
		1.b.2 Determine method to collect responses.	10/31/2013	Completed
		1.b.3 Collect and analyze data.	11/30/2013	In Progress/On Track
		1.b.4 Provide results and recommendations.	12/31/2013	In Progress/On Track

Goal	Objective	Action/Tasks	Original Due Date	Status Update
	1c. Evaluate and promote Tracy W.I.N.S.	1.c.1 Develop performance measures for Tracy W.I.N.S. program to measure its success.	7/31/2013	Completed
		1.c.2 Analyze Tracy Performance Academy participant surveys and report findings.	Quarterly	Completed
		1.c.3 Work with Leadership Development Team to ensure continued promotion and enrollment in the Tracy Performance Academy.	Ongoing	Completed
2. Ensure continued fiscal sustainability through financial and budgetary stewardship.	2a. Update General Fund reserve policy.	2.a.1 Survey other cities about reserve policies.	7/31/2013	Completed
		2.a.2 Hold a Council workshop to present findings and outline current status of Tracy.	9/15/2013	Completed
		2.a.3 Develop a policy based on Council input.	10/15/2013	Completed
		2.a.4 Implement City Council direction.	11/15/2013	Completed
	2b. Development of revenue growth and expenditure reduction strategies.	2.b.1 Review, analyze and present to council recommendations for development impact fees.	3/31/2014 Ongoing	In Progress/On Track
		2.b.2 Review all upcoming contracts for opportunities to reduce expenditures and rebid when beneficial.	6/30/2015 Ongoing	In Progress/On Track
		2.b.3 Use a sales tax consultant to audit all fulfillment centers in Tracy.	6/30/2015	In Progress/On Track

Goal	Objective	Action/Tasks	Original Due Date	Status Update
	2c. Enhance fiscal transparency.	2.c.1 Update budget docs on website to be more user friendly in conjunction with the purchase of new finance software.	6/30/2015	In Progress/On Track

Goal	Objective	Action/Tasks	Original Due Date	Status Update
3. Identify technological resources to promote communication, enhance city services, and promote organizational productivity.	3a. Develop IT policy guidelines to coordinate and streamline the implementation of new software/hardware.	3.a.1 Survey other cities for IT purchasing and implementation policies.	10/15/2013	Completed
		3.a.2 Develop a final policy based on Tracy's needs.	1/31/2014	In Progress/On Track
		3.a.3 Establish system purchasing controls.	1/31/2014	In Progress/On Track
		3.a.4 IT policy distributed to all departments.	1/31/2014	In Progress/On Track
	3b. Implement productivity initiatives to improve organizational effectiveness.	3.b.1 Make contact with each department and assign a technology liaison.	8/31/2013	In Progress/On Track
		3.b.2 Meet with each liaison to provide a scope of the task.	9/30/2013	In Progress/On Track
		3.b.3 Liaisons meet with their department to discuss technology improvements.	11/30/2013	Completed
		3.b.4 Compile list of ideas from each department and analyze.	1/31/2014	In Progress/On Track
		3.b.5 Prioritize list and provide recommendations.	1/31/2014	In Progress/On Track
	3.c.1 Determine the minimum requirements for the system and issue and RFI to vendors.	3.c.1 Determine the minimum requirements for the system and issue and RFI to vendors.	7/31/2013	Completed

Goal	Objective	Action/Tasks	Original Due Date	Status Update
	3c. Begin implementation of Enterprise Resource Planning software.	3.c.2 Select up to 3 qualified vendors and do an analysis utilizing employees from all levels of the organization who will be using the system.	9/30/2013	Completed
		3.c.3 Selection of vendor and on-site reference visits.	10/31/2013	Recommend extending due date to April, 2014 due to scheduling conflicts
		3.c.3 Contract negotiations with the preferred vendor and begin implementation.	11/30/2013	Recommend extending due date to May, 2014 due to complexity and scheduling



ATTACHMENT D: ECONOMIC DEVELOPMENT STRATEGIC PLAN STATUS UPDATE

Purpose: Enhance the competitiveness of the City while further developing a strong and diverse economic base.

Goal	Objective	Action/Tasks	Original Due Date	Status Update
1. Create head-of-household jobs reflective of the City's target industries and those that best match the skill sets of the local labor force.	1a. Focus business recruitment efforts on our identified Target Industries, including: <i>Medical Equipment & Supplies, Food Processing, Renewable Resources & Technology, Manufacturing, Backroom Office & Information Technology</i>	1.a.1 Develop a short list of companies within target industries to focus business attraction efforts.	12/2013	Completed
		1.a.2 Develop and implement a marketing and outreach plan to include quarterly newsletters, broker tours, co-op advertising, site visits, etc.	12/2013	Recommended Time Extension to June, 2014. Currently Finalizing consultant contracts with Pennino Group and the Placemaking Group
		1.a.3 Attend 4 tradeshow annually focused on outreach and recruitment of businesses within target industries.	6/2015	In Progress/On Track
		1.a.4 Work with the San Joaquin Partnership to leverage regional economic development efforts (i.e. tradeshow, CCC meetings, recruitment efforts, etc.).	6/2015	In Progress/On Track
		1.b.1 Develop a Business System to formally recognize companies in Tracy (i.e. top employers, top sales tax, expansions, etc.).	12/2013	Recommended Due Date Extension to Aug, 2014.

Goal	Objective	Action/Tasks	Original Due Date	Status Update
<p>1. Create head-of-household jobs reflective of the City's target industries and those that best match the skill sets of the local labor force.</p>	<p>1b. Foster relationships with the existing business community to support the overall upgrade and expansion of employment opportunities.</p>	<p>1.b.2 Utilize the Executive Pulse business retention and expansion database to profile Tracy companies and use the information to effectively communicate with the business community - events, news, updates, available resources, etc.</p>	<p>6/2014</p>	<p>In Progress/On Track</p>
		<p>1.b.3 Develop and market a Business Visitation Program to encourage a collaborative relationship between the business community and the City, while marketing available resources such as the Enterprise Zone Program and Grow Tracy Fund.</p>	<p>12/2013</p>	<p>Recommended Due Date Extension to Aug., 2014.</p>
		<p>1.b.4 Coordinate with the Chamber of Commerce to host a series of workshops and events aimed at educating small business owners in areas such as marketing, financial management, social media, etc.</p>	<p>9/2013</p>	<p>Completed</p>
		<p>1.c.1 Review all development areas to determine if streamlined development review is warranted in an effort to expedite the permit process (i.e. I-205).</p>	<p>6/2014</p>	<p>In Progress/On Track</p>

Goal	Objective	Action/Tasks	Original Due Date	Status Update
1. Create head-of-household jobs reflective of the City's target industries and those that best match the skill sets of the local labor force.	1c. Continuously review and improve the streamline permit process and ensure quality infrastructure to meet future development needs.	1.c.2 Develop and adopt Finance Implementation Plans in accordance with City Council's adopted policies related to residential and non-residential growth, ensuring adequate infrastructure is available to facilitate development.	6/2015	In Progress/On Track
		1.c.3 Expand the biweekly Development Review Team (DRT) meetings to include representatives of each department (PD, Fire, Finance, PW, etc.) in an effort to prepare staff for the increase in development activity.	9/2013	Completed
		2.a.1 Coordinate with IS to develop an online survey instrument in an effort to understand the community's desires related to retail and other amenities.	9/2013	Completed

Goal	Objective	Action/Tasks	Original Due Date	Status Update
<p>2. Attract retail and entertainment uses that offer residents quality dining, shopping and entertainment experiences.</p>	<p>2a. Focus retail recruitment efforts on quality retailers and restaurants that meet the desires of the community.</p>	<p>2.a.2 Identify current retail vacancies and proposed new retail areas and develop a tenant mix for both long and short term positioning, including a list of "Tier 1 - Stretch Retailers" and "Tier 2 Retailers" based upon the City's community/demographic profile, space available, desired tenants (those identified in 2.a.1.), and competitive supply.</p>	<p>12/2013</p>	<p>Completed</p>
		<p>2.a.3 Utilize the retail positioning information identified in 2.a.2. and work directly with property owners and managers, real estate brokers, and retailers to recruit them to specific projects through letter writing campaigns, emails and direct meetings.</p>	<p>6/2014</p>	<p>In Progress/On Track</p>
		<p>2.a.4 Re-evaluate the existing Retail Incentive Program to determine if the program is sufficient to attract the types of retailers and entertainment uses identified in 2.a.1, and amend if necessary.</p>	<p>6/2014</p>	<p>In Progress/On Track</p>

Goal	Objective	Action/Tasks	Original Due Date	Status Update
2. Attract retail and entertainment uses that offer residents quality dining, shopping and entertainment experiences.	2b. Increase the entertainment and recreational opportunities and events that draw people into Tracy.	2.b.1 Negotiate with private developer(s) for the development of recreational and/or entertainment uses on the City-owned Holly Sugar property.	6/2015	In Progress/On Track
		2.b.2 Outreach to developers and/or operators to determine if a market exists for the private development and operation of a regional waterpark in Tracy.	12/2013	Completed
	2c. Collaborate with and support the Tracy City Center Association (TCCA) in an effort to increase the drawing power of the downtown.	2.c.1 Secure CDBG funding from FY13-14 to fund a Downtown Façade Improvement Program. Target marketing efforts to property owners, business owners, and brokers.	1/2014	Completed
		2.c.2 Partner with the Tracy Chamber of Commerce and TCCA to launch a Shop Local Campaign for the holiday season(s).	12/2013	Completed
		2.c.3 Secure successful development partner/tenant(s) for the Westside Market building.	6/2014	In Progress/On Track

Goal	Objective	Action/Tasks	Original Due Date	Status Update
3. Support a higher education presence in Tracy.	3a. Research and collect supportive data to demonstrate the regional demand for higher education.	3.a.1 Collect and analyze Common Data Elements from colleges and universities that surround Tracy, including: enrollment data; programs offered; community college transfer patterns; pricing, etc.	12/2013	Completed
		3.a.2 Collect and analyze local (and surrounding) school district information and performance statistics, including: enrollment data; college trends; demographics of graduation rates, etc.	12/2013	Completed
		3.a.3 Outreach to businesses in the region to determine: employers with more than 100 employees (with map); employer educational reimbursement policies; and internship opportunities.	12/2013	Completed
		3.b.1 Develop a comprehensive marketing package that incorporates the data identified in 3a and highlights the quality of life aspects and future development of Tracy.	3/2014	In Progress/On Track

Goal	Objective	Action/Tasks	Original Due Date	Status Update
3. Support a higher education presence in Tracy.	3b. Identify potential higher education partners and begin marketing and outreach efforts to encourage the development of programming in Tracy.	3.b.2 Assemble a list of higher education institutions (including trade schools, vocational schools, and traditional higher education institutions) to target for outreach efforts and distribute marketing packages accordingly. Follow-up with invite for community tour and presentation.	6/2014	In Progress/On Track
	3c. Partner with the current university recruitment group in educating the Tracy community on the assessment and possible benefits of higher education in Tracy.	3.c.1 Coordinate educational meetings to review and discuss the consultants capacity analysis.	2/2014	Recommend Extending the Due Date to July, 2014 due to staff transition.
		3.c.2 Develop and implement a communication and outreach strategy to promote the importance and benefits associated with higher education in the community.	9/2014	In Progress/On Track
	4a. Explore opportunities for the development of existing incubator and entrepreneur programs in the region, including: San Joaquin Angel Network, Altamont Cowork, Tracy Chamber Entrepreneurs Group, etc.	4.a.1 Partner with the San Joaquin Angel Network (local Venture Capital group) to identify and grow start-up companies.	6/2015	In Progress/On Track
		4.a.2 Attend the Tracy Chamber Entrepreneurs Group meetings, and Altamont Cowork events to gain a better understanding of local entrepreneurs' needs.	6/2015	In Progress/On Track

Goal	Objective	Action/Tasks	Original Due Date	Status Update
4. Position Tracy as the preferred location for start-up companies and entrepreneurial investment.	4b. Attract start-up companies and entrepreneurs from the Silicon Valley and Bay Area region.	4.b.1 Secure partnership with i-Hub and other bay area entrepreneurial organizations. Support Tracy's local entrepreneurs by offering workshops and resources to support growth.	12/2014	In Progress/On Track
		4.b.2 Locate potential office building(s)/space(s) for Tracy's entrepreneur program and work with property owner(s) to negotiate favorable lease terms.	12/2014	Recommendation to eliminate this objective
		4.b.3 Attend two (2) industry trade shows focused on outreach and recruitment of entrepreneurs and start-up companies.	6/2015	In Progress/On Track

March 18, 2014

AGENDA ITEM 11.A

REQUEST

RECEIVE AND ACCEPT THE INTERIM CITY MANAGER UPDATE

EXECUTIVE SUMMARY

This agenda item will update the Council on newsworthy events.

DISCUSSION

The Interim City Manager will provide Council with a 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 item.

RECOMMENDATION

That Council receive and accept the Interim City Manager's update.

Prepared by: Maria A. Hurtado, Interim City Manager

Reviewed by: Maria A. Hurtado, Interim City Manager

Approved by: Maria A. Hurtado, Interim City Manager

AGENDA ITEM 12.A

REQUEST

RECEIVE REPORT ON CITIZEN POLICE REVIEW BOARDS AND DETERMINE WHETHER THE CITY COUNCIL DESIRES TO EXPLORE ESTABLISHING A SIMILAR BOARD

EXECUTIVE SUMMARY

During the January 7, 2014 City of Tracy Council meeting, Council Member Nancy Young requested that the City Council consider citizen oversight and/or review of citizen complaints lodged against police department staff. Council member Young indicated her request was in response to a request by Mr. Paul Miles.

DISCUSSION

The United States Department of Justice has opined that the vast majority of law enforcement officers in this country perform their very difficult jobs with respect for their communities and in compliance with the law. Even so, there are incidents in which this is not the case. Federal and State laws have been adopted addressing police misconduct. The laws protect all persons, citizens and non-citizens. Complaints regarding criminal police misconduct may be filed federally through the Federal Bureau of Investigations, or the State through the State Department of Justice. In California, criminal police misconduct may be reported through the California Attorney General's Office, the County District Attorney's Office or the local law enforcement agency where the alleged criminal misconduct occurred.

Non-criminal police officer misconduct complaints may be reported directly to the local law enforcement agency. California State law, section 832.5(a)(1) of the California Penal Code, states in part:

Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and shall make a written description of the procedure available to the public.

The Tracy Police Department is fully compliant with the state law. Tracy Police Department Policy #1020 *Personnel Complaint Procedure*; establishes procedures for the reporting, investigation and disposition of complaints regarding the conduct of members, employees and volunteers of the Department (see Attachment A). The policy, in addition to an abbreviated pamphlet detailing how to bring a complaint against members of the Tracy Police Department, are published on the City web page and made available in the lobby of the police department.

Personnel complaints originating from the public are generally classified as 'Citizen Complaints' and are processed in strict adherence to the aforementioned State law. The Chief of Police also has the authority to direct a personnel investigation into conduct and/or policy violations when information arises within the department through the normal course of leading and managing the daily operations of the department. These investigations are classified as 'Administrative Investigations' and reflect internal efforts to maintain accountability for strict adherence to department policies and procedures.

Over the past five years (2009-2013), the Tracy Police Department has received and investigated an average of 4.8 formal Citizen Complaints per year and also initiated 4.8 Administrative Investigations each year. In comparison, the police department experiences an average of 58,787 interactions with persons each year. Therein, the police department receives on average one formal Citizen Complaint out of every 12,247 interactions. (Note: for the purposes of this report, an interaction is defined as a police department staff member handling a call for police assistance, or self-initiating contact with a person in the community in carrying out law enforcement duties).

The relatively low number of Citizen Complaints each year is indicative of the opinion expressed herein that the Tracy community is not distrusting of its police department or personnel working on their behalf. Likewise, the infrequent necessity to convene an Administrative Investigation supports the assertion that the Tracy Police Department holds its personnel to the highest professional standards.

The following table reflects Citizen Complaints, Administrative Investigations and Interactions by police department staff over a five (5) year period:

<u>Year</u>	<u>Citizen Complaints (CC)</u>	<u>Administrative Inv. (AI)</u>	<u>Interactions</u>
2009	0	7	61,422
2010	5	4	59,227
2011	10	4	54,115
2012	5	3	59,005
2013	4	6	60,164
Total	24	24	293,933
Average (Per Year)	4.8	4.8	58,787

Complaints and their dispositions are reported annually to the California Citizen Department of Justice. The City Council and Tracy community also receive this information annually through the Tracy Police Department Annual Report. The following table reflects the outcome of Citizen Complaints (CC) and Administrative Investigations (AI) during the same five year period:

Time Period: 2009-2013

<u>Type</u>	<u>Exonerated</u>	<u>Unfounded</u>	<u>Not Sustained</u>	<u>Sustained</u>	<u>Pending</u>
CC (Total 24)	5	8	3	6	2
AI (Total 24)	0	1	4	15	4
<i>Total</i>	5	9	7	21	6

Of the combined total 48 Citizen Complaint and Administrative Investigations convened during the past five years, 21 (45%) concluded with sustained findings. Administrative Investigations convened by the department totaled 24, with 15 (60%) concluding in sustained findings; while the 24 Citizen Complaints concluded with 6 (21%) sustained findings.

In comparison, over the five year period 2001 through 2005, the state wide average of citizen complaints received by law enforcement agencies across the state concluded with sustained findings just over 10%. Thus, the Tracy Police Department personnel investigations into citizen complaints conclude with sustained findings twice as often than the state wide average. This does not suggest a lack of transparency, objectivity, or improprieties in the police department receiving, investigating and dispositioning personnel complaints brought by members of the public.

History of Citizen/Civilian Review Boards

A citizen review board is typically a panel of appointed citizens serving to review citizen complaints against police officers. Often referred to as police review boards, or citizen oversight boards, such boards were first established in large cities across the country in the late 1950s and early 1960s. By mid-2005 there were, reportedly, more than 100 oversight/review boards in cities across the nation. It is estimated that three-quarters of the largest cities in the United States have some form of citizen oversight. Such oversight boards are not prevalent in smaller cities the size of Tracy.

Seemingly, many oversight boards have been established when citizens of a community mistrust the police department and/or when there is a major incident involving the questionable use of force, or de-escalation thereof, which results in serious injury or death. The greater community of Tracy has not expressed mistrust in the Tracy Police Department, or its members, which can be attributed to the high ethical and professional standards established within the department.

The terms 'citizen oversight,' 'citizen review,' and 'civilian review' are commonly used and interchangeable. There doesn't appear to be a consensus on terminology.

Types of Citizen Oversight

There is no single model of citizen oversight. However, most models have features that fall into one of four types of oversight systems:

Type 1: Citizens investigate allegations of police misconduct and recommend findings to the Chief of Police. This seems to be the most prevalent model utilized in large cities. This model has the greatest level of independence and is usually comprised largely of persons appointed to a board by city councils (non-police officers) who handle the complaint process from start to finish. This model requires assignment of an Attorney to support the board.

Type 2: Police staff (Professional Standards) investigate allegations and develop findings; appointed citizen board review and recommend to the Chief of Police acceptance or rejection of the findings. This model avails less independence of the citizen board. This model does not permit citizens to investigate complaints themselves, but rather allows for review of investigations prepared internally by the department and provides for recommendations to the Chief of Police.

Type 3: Complainants may appeal findings established by the police department to a citizen review board, who may complete an independent review of the investigation and make a separate recommendation to the Chief of Police. This model relies upon the receipt and investigation of citizen complaints to be completed by the police department internally.

Type 4: An auditor appointed by City Council investigates the process by which the police department accepts and investigates complaints and reports on the thoroughness and fairness of the process to the City Council and public.

Generally, what distinguishes the different types of review is the degree of independence from the police department. It should be noted, however, that almost all types of oversight or review processes are limited in scope to only formulating recommendations.

Current External Oversight of Citizen Complaints

California law enforcement agencies are the subject of much ongoing and ever expanding review and monitoring by local, state and federal bodies. That review may be achieved through general annual reporting mandates, topic specific annual reporting and/or inquiries, or incident specific inquiry. The Tracy Police Department is currently subject of oversight by the following independent external bodies:

- | | | |
|-------|-----------------------------------|-------------------------|
| Local | | |
| | • City Manager's Office | Civil Courts |
| | • City Council | County Grand Jury |
| | • District Attorney | Special Interest Groups |
| | • Criminal Courts | Media |
| State | | |
| | • State Attorney General's Office | |
| | • Attorney General's Office | |
| | • Department of Motor Vehicles | |
| | • State Appellate Courts | |

Federal

- Federal Bureau of Investigations
- United States Attorney Office
- Federal Courts
- Federal Grand Jury

Legal Restrictions on Oversight Boards

Because Tracy is a general law city, any review or advisory panel/board created to oversee Police Department citizen complaints, or Department operations, must be created in an advisory capacity only. Under California law, only charter cities have the flexibility to establish citizen review boards that have the power to investigate citizen complaints, conduct internal affairs investigations, conduct officer use-of-force investigations and review of police officers' personnel files.

General Law cities, such as Tracy, have only those powers expressly conferred on them by the California Constitution or the Legislature. California Government Code Section 38630 gives control of the police department specifically to the chief of police who has the sole responsibility for investigating citizen complaints against members of the police department. California state law also specifically regulates the process for receiving, investigating, reporting and maintaining records of citizen complaints filed against peace officers. This process is well established within the collective bargaining agreement of the Tracy Police Officer Association.

Therefore, duties that cannot be transferred from the purview of the Police Chief to a police advisory or review board in general law cities like Tracy include investigating citizen complaints, conducting internal affairs investigations, conducting officer use-of-force investigations and the review of police officers' personnel files. However, citizen boards can provide *input and advice* relating to the process of conducting these investigations, police department policies, practices, equipment, resources and strategic direction.

The Chief of Police is responsible for the confidentiality of peace officer personnel investigations. The Tracy Police Department fully complies with the laws establishing and regulating Citizen Complaints against peace officers and has established policies and procedures insuring full compliance with laws and the highest ethical standards.

It is important to note that occasionally the question is asked why investigations into police officer conduct, initiated through a citizen complaint or internal inquiry, are not subject to public disclosure. California law provides that *"Peace officer personnel records and records maintained by any state or local agency.... or information obtained from those records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery."* Investigations into alleged police misconduct are in fact personnel records as defined by statute. This level of confidentiality was afforded to peace officers in recognition that they do not enjoy the rights that many other workers enjoy. Peace officers are routinely compelled through the potential of adverse

employment action, to fully cooperate with personnel investigations, which may include answering self-incriminating questions.

If the City Council is interested in exploring the establishment of a citizen oversight system, it is recommended that a deliberate process be undertaken. Staff would recommend the creation of a working group to further examine the matter in greater detail, explore the option, conduct workshops to gather community input and make a comprehensive report to City Council. This report is only intended to provide a general overview of citizen oversight, so that City Council can determine whether it wishes to proceed with further discussion.

Should City Council choose to establish the work group, staff would recommend that it is comprised of a broad representation of the community, City staff, Tracy Police Officer's Association and other members as directed by City Council.

STRATEGIC PLAN

This staff report serves as information only and does not apply to strategic priorities within the strategic plan.

FISCAL IMPACT

There is no fiscal impact by receiving this report and convening discussions.

RECOMMENDATION

It is recommended that the City Council receive this report and provide staff with further direction relative to this matter.

This report is only intended to provide a general overview of citizen oversight, to determine if the City Council wishes to proceed.

Prepared by: Gary R. Hampton, Chief of Police

Reviewed by: Dan Sodergren, City Attorney

Approved by: Maria A. Hurtado, Interim City Manager

ATTACHMENTS:

Attachment A - Tracy Police Department Policy #1020 'Personnel Complaints'



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Personnel Complaints

1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members, employees and volunteers of this department.

1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee or volunteer that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

This policy shall not apply to any interrogation, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code 3303(i)).

Personnel Complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Professional Standards Unit depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Unit, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public lobby. Forms may also be available at other government facilities.

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1020.2.2 SOURCE OF COMPLAINTS

- (a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee or volunteer which, if true, could result in disciplinary action.
- (c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

1020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action
- (b) When an uninvolved supervisor determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken
- (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form
- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint

1020.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor may elect to document informal complaints as a supervisor or Patrol Sergeant log entry.

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.

1020.3 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. Moreover, supervisors shall also maintain the ability to engage in the interrogation of an employee in the normal course of duty, counseling, instruction, or informal verbal admonishment, or other routine or unplanned contact (Cal. Govt. Code 3303(i)).

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This initial investigation is to determine whether or not the matter can be resolved at the immediate supervisor level as an informal complaint with no further administrative action. If the complaint is being made on a date or time when the immediate supervisor is not on duty, an attempt will be made to gain the citizen's agreement to allow the immediate supervisor to contact the citizen on their next duty day.

If the complainant's first contact is with the Records Unit, lobby receptionist or emergency dispatcher, an attempt should be made to have a supervisor or Watch Commander immediately meet with or speak with the complainant.

If the matter cannot be resolved in an informal manner, the supervisor shall be responsible for the following:

- (a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Watch Commander, appropriate Division Commander and Chief of Police are notified as soon as practicable.
- (b) A supervisor receiving or initiating any formal complaint shall ensure that the citizen completes a Personnel Complaint form as fully as possible. The original complaint form will then be directed to the Division Commander of the accused employee. If the citizen refuses or fails to complete a Personnel Complaint form, the supervisor will not complete a form for the citizen, but will report the complaint to the chain of command by using a memo.
 1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
 2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.
- (c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to Government Code § 3303, et seq.
- (d) The original complaint form will be directed to the Division Commander of the accused employee. The Division Commander can take appropriate action, or if the Division Commander believes an administrative investigation is warranted, they will forward the complaint form with their written recommendation to the Chief of Police.
- (e) Only the Chief of Police or Acting Chief of Police has the authority to initiate an administrative investigation and he can either assign the investigation to the Professional Standards Unit, or to the Division Commander.
- (f) In no case shall complainants be directed immediately to the Professional Standards Unit. Personnel Complaint forms shall not be delivered or directed to the Professional Standards Unit.

1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, the Chief of Police or designee may assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

1020.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

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- (a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline
- (b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment
- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor
- (d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered
- (e) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Division Commander and the Chief of Police
- (f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this department is accused of potential criminal conduct, a separate supervisor or assigned detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from an employee may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or an assigned member of the Professional Standards Unit, the following procedures shall be followed with regard to the accused employee(s):

- (a) All persons subject of an investigation shall be notified and interviewed as soon as practical.
- (b) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Government Code § 3303(a)).

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- (c) No more than two interviewers may ask questions of an accused employee (Government Code § 3303(b)).
- (d) Prior to any interview, an employee shall be informed of the nature of the investigation (Government Code § 3303(c)).
- (e) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated (Government Code § 3303(d)).
- (f) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e)).
- (g) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview (Government Code § 3303(g)).
- (h) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights pursuant to Lybarger. This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation. (Government Code § 3303(h)).
- (i) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

1020.6.1 ADMINISTRATIVE SEARCHES

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties, or, if the employee is assigned to or being considered for a special assignment with a potential for bribes (Government Code § 3308).

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place (Government Code § 3309).

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative

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search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

Introduction - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

Synopsis - Provide a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence As To Each Allegation - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation as soon as possible from the date of discovery by an individual authorized to initiate an investigation. In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government

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Code § 3508.1. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged within one year of discovery.

Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved employee(s).

Once received, the Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint (Penal Code § 832.7).

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

At the conclusion, all personnel who are a subject of an investigation shall be formally provided with a review of the complete investigation. The review or waiver thereof shall be memorialized within the file and signed by the subject personnel.

1020.8.1 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints, whether originating from a citizen or internally, shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations (Penal Code § 832.5).

All sustained citizen's complaints shall be maintained for a period of at least five years (Penal Code § 832.5). All internally initiated complaints shall be maintained at least two years (Government Code § 34090 et seq.).

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Professional Standards Unit apart from the employee's personnel file.

March 18, 2014

AGENDA ITEM 12.B

REQUEST

CONSIDER WHETHER AN ITEM TO DISCUSS A PUBLIC RECORDS ACT REQUEST LOG SHOULD BE PLACED ON A FUTURE CITY COUNCIL AGENDA

EXECUTIVE SUMMARY

Determine whether an item to discuss a Public Records Act (PRA) request log should be placed on a future Council agenda.

DISCUSSION

At the City Council meeting held on March 4, 2014, Council Member Young requested that Council consider a discussion item related to a PRA request log.

The purpose of this agenda item is to provide an opportunity for Council to discuss whether staff time and city resources should be devoted to research, and to determine whether a discussion item related to a PRA request log should be placed on a future agenda. Approval of Council Member Young's request would enable an agenda item to be brought back for discussion on a future Council agenda.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no fiscal impact as a result of this discussion item.

RECOMMENDATION

It is recommended that the City Council discuss Council Member Young's request and determine whether an item related to a Public Records Act request log should be included on a future agenda.

Prepared by: Sandra Edwards, City Clerk

Reviewed by: Maria A. Hurtado, Interim City Manager

Approved by: Maria A. Hurtado, Interim City Manager

AGENDA ITEM 12.C

REQUEST

APPOINTMENT OF CITY COUNCIL SUBCOMMITTEE TO INTERVIEW APPLICANTS FOR VACANCIES ON THE TRANSPORTATION ADVISORY COMMISSION

EXECUTIVE SUMMARY

Request appointment of subcommittee to interview applicants to fill upcoming vacancies on the Transportation Advisory Commission.

DISCUSSION

On April 30, 2014, terms will expire for two of the Transportation Advisory Commissioners. The upcoming vacancies have been advertised and the recruitment will close on March 25, 2014. At this time the City Clerk's office has received one application.

In accordance with Resolution 2004-152, a two-member subcommittee needs to be appointed to interview the applicants and make a recommendation to the full Council.

STRATEGIC PLAN

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

FISCAL IMPACT

None.

RECOMMENDATION

That Council appoint a two-member subcommittee to interview applicants to fill two upcoming term expirations on the Transportation Advisory Commission.

Prepared by: Adrienne Richardson, Deputy City Clerk

Reviewed by: Sandra Edwards, City Clerk

Approved by: Maria A. Hurtado, Interim City Manager