

October 21 2014, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

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

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

The invocation was offered by Pastor Tim Heinrich, Crossroads Baptist Church

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

Mayor Ives presented a proclamation to Dr. Brian Stephens, Superintendent for TUSD, declaring the month of October 2014 "Anti-Bullying Month."

1. CONSENT CALENDAR – Following the removal of items 1.A by Council Member Rickman, and 1.G by Dave Helm, it was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - B. Authorization for Submitting Assessment Ballots for the Proposed Assessment for Reclamation District 2058 – Resolution 2014-174 authorized the ballots be submitted.
 - C. Acceptance of the Bessie Avenue Building Demolition Project – CIP 78142, Completed by Modesto Sand & Gravel Inc., of Modesto, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2014-175 accepted the project.
 - D. Authorize an Appropriation of Funds for Replacement of Water Filter Media at the John Jones Water Treatment Plant – CIP T5pp-105, from Water Fund F105 in FY 2014-15 and FY 2015-16, and Authorize Construction of the Project – Resolution 2014-176 authorized the appropriation
 - E. Approve an Offsite Improvement Agreement for the Cordes Ranch Offsite Waterline Improvements on Old Schulte Road, Hansen Road, and Road "E", and Authorization for the Mayor to Execute the Agreement – Resolution 2014-177 approved the agreement.
 - F. Adopt a Resolution Authorizing Amendment No. 2 to the Professional Services Agreement and Software License Agreement With Spillman Technologies, Inc. for the Computer Aided Dispatch / Records Management System to Discontinue Further Work and Obtain a Partial Refund for Completed Work and Authorize the Mayor to Execute the Amendment – Resolution 2014-178 authorized the amendment.
 - H. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Primrose - Phase 1, Tract 3772, Authorize the Mayor to Execute the

Agreement, and Authorize the City Clerk to File the Subdivision Improvement Agreement with the San Joaquin County Recorder – Resolution 2014-179

- A. Approval of Minutes – Council Member Rickman stated he was opposed to the option the Council agreed to on the August 19 City Council agenda, item 8, “Accept Status Report on the Youth Sports Leagues Legacy Fields Project, Provide Direction on Possible Assistance to the Leagues, and Authorize Termination of the Lease with the Tracy Futbol Club.” The meeting minutes of August 19, will be amended to reflect Council Member Rickman’s opposition to Option 1, and brought back for Council approval on November 5. Regular meeting minutes of June 17, 2014, and closed session minutes of October 7, 2014, were approved.
- G. Adopt a City Council Policy for Filling City Council Vacancies and Vacancies Occurring in the Office of Mayor – On October 7, 2014, the City Council considered a draft policy regarding filling City Council vacancies and vacancies occurring in the office of Mayor. At that time, the City Council directed staff to make changes to the draft policy to clarify the following two provisions: (1) that the order of interviews is to be determined based on a random drawing; and (2) the voting procedure. The policy attached to the staff report includes clarifications to these two provisions.

Dave Helm questioned whether it was the Council’s intent to appoint someone as Mayor who was not sitting on the Council. Mayor Ives asked if Council has the authority to appoint the Mayor. Dan Sodergren, City Attorney, responded the Council has two options. Within 60 days, the Council can either fill a Council vacancy by appointment or call a special election. A similar process is included in the Government Code for vacancies occurring in the Office of the Mayor. Staff would request from the Council whether they wanted to hold a special election or use the appointment process. However, state law does not specify a procedure for selection of appointees and the Council may choose any method it desires.

Mr. Helm questioned the procedure regarding the number of signatures required for the application process, and asked who would verify the signatures and the residency requirements. Mr. Sodergren stated the City Clerk’s office in conjunction with the Registrar of Voters office.

Mayor Ives suggested removing the Office of Mayor from the policy. Mr. Helm suggested a Council Member fill the Mayor’s seat until the term expires. Mayor Pro Tem Maciel stated he had no problem either removing the Office of Mayor from the policy, or leaving it in.

Mayor Pro Tem Maciel motioned to adopt item I.G as written, adopting a City Council Policy for Filling City Council Vacancies and Vacancies Occurring in the Office of Mayor. Motion died for lack of a second.

Mayor Pro Tem Maciel motioned to adopt item I.G as amended (Resolution 2014-180), adopting a City Council Policy for Filling City Council Vacancies. Council Member Young seconded the motion.

Council Member Young asked if staff would bring back a policy for appointing a Mayor. Troy Brown, City Manager, responded Council could remove the Office of the Mayor from the policy, but would have to revisit the issue in the future.

Mr. Sodergren stated Council could defer adopting a policy for the Office of the Mayor until it became necessary.

Mayor Ives suggested removing the Office of the Mayor from the policy.

Mr. Sodergren stated the intent of the policy was to give the Council a headstart on conducting an appointment process if and when it becomes necessary. However, at the time an appointment becomes necessary Council will have the option to either to create an appointment process or conduct a special election.

Mayor Pro Tem Maciel referred to the requirements of term limits and added he would like to see term limits revisited since an appointment made for a limited amount of time counts as one full term.

Mayor Ives stated he had a motion and a second to adopt item 1.G as amended. Voice vote found all in favor; passed and so ordered.

Mr. Sodergren stated he would remove the reference to the Office of the Mayor from the staff report and the resolution.

2. ITEMS FROM THE AUDIENCE - Rhodesia Ransom, extended two invitations to the Council to attend a red carpet event in support of anti-bullying. The event will take place at Kimball High on Nov 5, beginning at 6 p.m., and Tracy United will hold "Make a Difference Day" on Saturday. Participants are invited to gather outside City Hall at 8:30 a.m.

Steve Nicolaou, 1068 Atherton Drive, suggested an item be placed on the agenda to consider a censure policy.

Dave Helm referred to a workshop he had attended in June regarding credit card issues and asked when a report would be brought back to Council. Assistant City Manager, Maria Hurtado, responded a report will be brought to Council on November 18.

3. THAT COUNCIL CONDUCT A PUBLIC HEARING DECLARING THE EXISTENCE OF WEEDS, RUBBISH, REFUSE AND FLAMMABLE MATERIAL ON EACH OF THE PARCELS LISTED IN EXHIBIT "A" TO THIS AGENDA ITEM A NUISANCE; CONSIDER OBJECTIONS TO ABATEMENT OF SAID NUISANCE, AND ADOPT A RESOLUTION AUTHORIZING FIRE DEPARTMENT STAFF TO ORDER CONTRACTOR TO ABATE SAID NUISANCES – Steve Hanlon, Division Chief, Fire Department, presented the staff report. On September 17, October 2, and October 6, 2014, pursuant to Tracy Municipal Code, Section 4.12.280, the Fire Department sent notices to the property owners listed in Exhibit "A" to the staff report. Mr. Hanlon noted three properties need to be removed from the parcels listed since they have been cleared. That notice required owners to abate weeds, rubbish, and flammable material on the parcels listed within 20 days, and informed the property owners that a Public Hearing would be conducted on October 21, 2014, where any protests regarding the notice to abate would be heard. The Tracy

Municipal Code provides that upon failure of the owner, or authorized agent, to abate within 20 days from the date of notice, the City will perform the necessary work by private contractor and the cost of such work will be made a personal obligation of the owner, or become a tax lien against the property.

Under the provisions of Tracy Municipal Code, Section 4.12.290, the Fire Department will proceed at Council's direction with instructing the City's contractor to perform weed, rubbish, and flammable material abatement on the parcels listed in Exhibit "A". Per the Tracy Municipal Code, property owners are liable for the cost of abatement and will be billed for the actual cost of the City contractor's services, plus a 25 percent administrative charge. All unpaid assessments will be filed with the San Joaquin County Auditor Controller's office to establish a lien on the property.

There is \$12,100 budgeted in Fiscal Year 2014-15, Grounds and Maintenance account, 211-52110-252-0000. Sufficient funds remain to accomplish abatement services.

Mayor Ives opened the public hearing.

Robert Tanner, 1371 Rusher Street, asked whether the City ever receives any money from liens against properties which the City has abated, and how much is still owed. Bill Sartor, Assistant City Attorney, stated the City does receive money from properties which have been abated when the property is sold, and added the Finance Department would keep a record of how much is outstanding.

Mayor Ives closed the public hearing.

Motion made by Mayor Pro Tem Maciel, seconded by Council Member Rickman to adopt Resolution 2014-181, Declaring the existence of weeds, rubbish, refuse and flammable material on the parcels listed in Exhibit "A", amended to remove the three parcels which have been brought into compliance, a nuisance and authorizing Fire Department staff to order contractor to abate. Voice vote found all in favor; passed and so ordered.

4. PUBLIC HEARING TO CONSIDER APPROVING AN AMENDMENT TO THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN (SJMSCP) DEVELOPMENT FEE, RESULTING IN AN INCREASE IN FEES FOR 2015 - Vicki Lombardo, Senior Planner, Development Services Department, presented the staff report. In 2001, the Council approved a resolution to establish the authority to collect a development fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). That fee was established in 2001, and updated in 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.

The formula for updating the fee was categorized into three distinct components to better calculate an accurate fee per acre [FEE = Category A (acquisition) + Category B (assessment and enhancement) + Category C (management and administration)]. The final mitigation fees reflect true costs in each category and other real costs associated to fulfill the goals of the plan.

Category A (acquisition) – This category is directly related to land valuation based on comparables which occur in specific zones of the plan. The final weighted cost per acre of each zone is calculated into a blended rate under Category A (acquisition) figure for each habitat type. The criteria used to determine the weighted calculation results in an

increase to the Agricultural/Natural Habitat type of Category A component from \$8,288.74 to \$9,427.21.

Category B (assessment and enhancement) - This category is an average of the California Consumer Price Index (CPI), as reported by the California Department of Finance, for a 12 month period following a fiscal year (July – June) to keep up with inflation on a yearly basis. The California CPI calculation increased 2.2%. The calculation results in an increase to the Category B component from \$3,189.59 last year to \$ 3,259.76.

Category C (management and administration) - This category is an average of the California Consumer Price Index (CPI), as reported by the California Department of Finance, for a 12 month period following a fiscal year (July – June) to keep up with inflation on a yearly basis. The California CPI calculation increased 2.2%. The calculation results in an increase of the Category C component to \$1,856.24, up from \$1,816.28 in 2014.

All land within and adjacent to the current City limits is classified as Open Space or AG/Natural. The 2014 per-acre fees are \$6,656 per acre for Open Space, and \$13,295 for AG/Natural. The mitigation fee to be adopted for 2015 is \$7,281 per acre for Open Space and \$14,543 for AG/Natural.

In addition, the SJMSCP is required to monitor the plan to address funding shortfalls. SJCOG, Inc. undertakes an internal review of the SJMSCP funding plan every three years to evaluate the adequacy of each funding source identified in the plan, identify existing or potential funding problems, and identify corrective measures, should they be needed in the event of actual or potential funding shortfalls. This will be reported to the permitting agencies for review in Annual Reports.

Mayor Ives opened the public hearing. Since there was no one wishing to address the Council Mayor Ives closed the public hearing.

Motion made by Mayor Pro Tem Maciel, seconded by Council Member Rickman to adopt Resolution 2014-182, Approving amended development fees for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan. Voice vote found all in favor; passed and so ordered.

5. RECEIVE PUBLIC TESTIMONY FROM PUBLIC HEARING FOR ANNUAL UNMET TRANSIT NEEDS, CITY OF TRACY, FISCAL YEAR 2014-15 EXECUTIVE SUMMARY
Ed Lovell, Management Analyst II, Public Works Department, presented the staff report. Under provisions of the State of California Transportation Development Act (TDA), local public hearings must be held annually to review any unmet transit needs prior to the allocation of TDA funds. The hearings were held on October 21, 2014, at 10:30 a.m. in the Tracy Transit Station Conference Room 105, and again at 7:00 p.m. in City Hall Council Chambers during the regularly scheduled City Council meeting. The City requested TDA funds for Fiscal Year 2013-14 amounting to \$4,114,452.

The TRACER Public Transit System provides Fixed Route and Paratransit Bus services Monday through Friday from 7:00 a.m. until 8:00 p.m., and Saturdays from 9:00 a.m. to 6:00 p.m. The Paratransit Subsidized Taxi service operates during the days and hours that the Paratransit Bus service is not in operation.

The purpose of the public hearing is for the Council to receive public testimony concerning any unmet transportation needs which may exist for the Tracy community. The minutes of the public hearing on October 21, 2014, shall be forwarded to the San Joaquin County Council of Governments (SJCOG) which has the responsibility of determining whether transit needs remain unmet and would be reasonable to meet by the applicable jurisdiction. Staff members from SJCOG attended the Tracy public hearings to witness the community responses and to answer specific questions concerning the TDA process.

Council Member Rickman inquired if funding was available to purchase additional buses. Mr. Lovell responded the City has received funding through FTA grants which should be available within 18 months.

Mayor Ives opened the public hearing.

Dave Helm stated the numbers in the staff report for the total claim for 2013-14 did not add up, and there was a discrepancy of approximately \$69,000. Mr. Lovell explained the total figure for the FY13-14 TDA claim was listed in the staff report as \$4,114,452 while it should have read \$4,183,867. The difference of \$69,415 is the amount the City claimed under State Transit Assistance (STA) and was inadvertently left off when transferring the data from the TDA claim to the staff report. The City did in fact receive all of the money from the submitted FY13-14 TDA claim.

Mayor Ives closed the public hearing.

Motion made by Mayor Pro Tem Maciel, seconded by Council Member Manne to accept the report. Voice vote found all in favor; passed and so ordered.

6. PUBLIC HEARING TO CONSIDER AN APPLICATION TO AMEND THE GENERAL PLAN, APPROVE A VESTING TENTATIVE SUBDIVISION MAP ON A 10.15-ACRE SITE TO CREATE 51 LOTS AND AN AMENDMENT TO THE CONCEPT DEVELOPMENT PLAN FOR THE STERLING PARK AND SAN MARCO PLANNED UNIT DEVELOPMENTS FROM A SCHOOL SITE TO A 51 LOT RESIDENTIAL SUBDIVISION KNOWN AS BARCELONA INFILL, AND APPROVAL OF THE CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLANS FOR THE BARCELONA INFILL PLANNED UNIT DEVELOPMENT; THE PROJECT IS LOCATED AT THE NORTHWEST CORNER OF BARCELONA DRIVE AND TENNIS LANE, ASSESSOR'S PARCEL NUMBERS 252-520-44 AND 240-390-33; THE APPLICANT AND PROPERTY OWNER IS TVC TRACY HOLDCO, LLC; APPLICATION NUMBERS GPA14-0003, PUD14-0002 AND TSM14-0002 EXECUTIVE SUMMARY – Vicki Lombardo, Senior Planner, Development Services Department, presented the staff report. The subject property consists of two parcels of vacant land totaling 10.15-acres at the intersection of Barcelona Drive and Tennis Lane. The property is bordered by the Sterling Park residential subdivision to the north and the San Marco residential subdivision to the south. The northerly five acres of the site is contained within the Sterling Park Planned Unit Development (PUD), and the southerly five acres is in the San Marco PUD, both of which were approved in the late 1990's.

The total 10.15-acre site was designated for a K-6 school in the respective PUDs at the request of the Tracy Unified School District. In 1994, the City annexed the Sterling Park and San Marco areas and designated both properties Residential Low in the General Plan. In 2006, the City updated the General Plan and designated the subject 10.15-acre

site and other planned or developed public school sites citywide as Public Facilities. To maintain the reservation of a school site, the School District must enter into a binding agreement to purchase the land at the approval of the final map (Per Government Code Section 66480). That agreement reserves the land for the School District for two years. The final maps creating the two lots that make up the site were approved on July 5, 2000 (San Marco Unit 1) and July 2, 2002 (Sterling Park Unit 6). The School District did not enter into any agreements with the property owners, and the two-year time frames have long lapsed.

On April 9, 2014, the property owner submitted an application to amend the land use designation from Public Facilities to the Residential Low designation and to amend the Sterling Park and San Marco Concept Development Plans (CDP) from a school site to a residential subdivision known as Barcelona Infill. The application included a Concept Development Plan, Preliminary Development Plan (PDP), a Final Development Plan (FDP); and a Vesting Tentative Subdivision Map for 51 lots.

City staff referred the application to TUSD and has received no objection to the proposed project. With the site no longer reserved to be a school, a General Plan amendment to Residential Low to accommodate the developer's proposal for single-family homes is required. This designation is consistent with the surrounding neighborhood. The applicant has requested to amend the Sterling Park and San Marco CDPs from a school site to a residential site and wishes to establish a separate PUD comprised of a CDP, PDP, and FDP for the purposes of constructing 51 single-family homes. The proposed project would be consistent with the density allowed under the Residential Low designation, which ranges from 2.1 to 5.8 units per gross acre. The average density of the proposed Barcelona Infill subdivision is 5.03 dwelling units per gross acre.

The proposed development plan is consistent with the City's Design Goals and Standards and the following General Plan policies for residential design.

The proposed residential land use is compatible with the residential neighborhoods in the Sterling Park and San Marco subdivisions. The proposed lots range between 5,500 and 16,954 square feet with an average lot size of 6,818 square feet. The lots are sized to be similar to the surrounding subdivisions, with particular attention to lots adjacent to existing homes. The Barcelona Infill subdivision proposes minimum lot sizes of 55 feet in width by 100 feet in depth. In consideration of the homes that back up to the proposed subdivision, the applicant proposes deeper rear yards than typical to provide greater privacy to the existing homes. These lots are between approximately 121 feet and 191 feet in depth, which is significantly deeper than most residential lots in the city.

The subdivision would have its primary access from Corral Hollow Road by way of Tennis Lane or Cypress Drive.

Upon submittal of a vesting tentative subdivision map, as well as a PUD, the applicant is required by Tracy Municipal Code Sections 12.28.040(b)(2) and 10.08.1830 to submit architectural floor plans and elevations for review and approval by the Planning Commission and City Council. The proposed architecture for the 51 lots contains four floor plans. Each of the four plan types would have four distinct elevation styles, giving the subdivision 16 different exterior house designs. The proposal includes one single-story plan and three two-story plans with sizes ranging between approximately 2,126 and 3,369 square feet of living space (2,563-4,288 total square feet). The

proposed architectural styles are Spanish, Craftsman, English Country, Italian and Farmhouse. The garages are deemphasized with all four plans designed with garage facades five or more feet behind the leading edge of the house. At least one of the plans features a garage that is even more recessed, allowing the project to meet the requirements of the City's Design Goals and Standards that some garages be set back 30 feet from the street. The proposed architecture is consistent with the City's Design Goals and Standards and applicable General Plan policies for residential design.

The proposed project is located within the Tracy Unified School District. To mitigate the proposed developments' impacts on school facilities, Memorandums of Understanding (MOU) were executed with the Tracy Unified School District when the Sterling Park and San Marco subdivisions were developed, which included this 10.15-acre site. Per the MOUs, a per-unit fee will be charged for each of the 51 units constructed.

Parks are required to be established within residential neighborhoods and projects are either required to build their own park or pay park in-lieu fees. In this case, staff has determined that no dedication of park acreage is desired within the proposed project because the parks established for the Sterling Park and San Marco subdivisions already exceed the City's requirement for park land. In lieu of providing park land, the applicant would be required to pay the park in-lieu fees which would provide funds for the creation and maintenance of parks and recreation facilities consistent with the Parks Master Plan and the City's General Plan.

The applicant conducted several private meetings and two neighborhood-area meetings on August 26, 2014, at the Sports Complex meeting room, and on September 7, 2014, at Verner Hanson Park to introduce the proposed project to nearby residents and to collect feedback. According to the applicant, the primary interests of the neighbors in attendance related to development timing, density, lot size, architecture, and home price.

Concerns related to vehicular speeding on Tennis Lane adjacent to the vacant subject site were raised. When the new subdivision is constructed, nine homes will face onto Tennis Lane, and the future through-street will intersect Tennis Lane. These improvements will increase cross-traffic and encourage more careful driving that will cause traffic to slow down along Tennis Lane. According to the applicant, no comments were offered related to traffic congestion.

The project is exempt from the California Environmental Quality Act per Section 15162 pertaining to projects with a certified Environmental Impact Report (EIR) where the project does not propose substantial changes that will result in a major revision of the previous EIR. The project does not propose new significant changes to the environment that was not analyzed in the General Plan EIR, including the areas of traffic, air quality, and aesthetics. Therefore, no further documentation is needed.

The Planning Commission held a public hearing to consider the project on September 24, 2014, and discussed traffic, architecture, and a neighbor's concerns. Some traffic concerns already exist within the neighborhood, including speeding on Tennis Lane and turning movements at the Barcelona and Cypress intersection. Those concerns will be addressed with a traffic study to be completed and its mitigation measures implemented during construction of the project. Commissioner Vargas provided architectural suggestions for enhancements on some front and side elevations that the developer agreed to implement. Finally, a neighboring property owner noted that he would prefer

to have single story homes built adjacent to his existing house. The Commission suggested that this request would be best addressed by the developer rather than required per the project approval.

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 approximately \$2.7 million in building permit and development impact fees upon the commencement of construction of the dwelling units and other improvements.

In response to a question from Mayor Ives regarding public outreach Ms. Lombardo gave an overview of the outreach conducted by the applicant and the City.

Mayor Ives opened the public hearing.

Chris Tyler, 3208 White Cliff Drive, Modesto, applicant, gave a brief overview of the project and offered to answer questions. In response to the question posed by Mayor Ives regarding public outreach, Mr. Tyler stated two public outreach sessions had been held and a flyer offering to meet with residents at any time had been sent to neighbors adjacent to the project.

Mayor Ives closed the public hearing.

Motion made by Mayor Pro Tem Maciel, seconded by Council Member Rickman to adopt Resolution 2014-183, Approving a General Plan land use designation amendment of a 10.15-acre site for the Barcelona Infill Subdivision (APNs 240-520-44 and 240-390-33) from Public Facilities to Residential Low. The applicant and owner is TVC Tracy Holdco, LLC. Application Number GPA 14-0003. Voice vote found all in favor; passed and so ordered.

Motion made by Mayor Pro Tem Maciel, seconded by Council Member Rickman to adopt Resolution 2014-184, Approving the 51-Lot Barcelona Infill Vesting Tentative Subdivision Map and Amendment to the Concept, Preliminary and Final Development Plans for a 10.15-acre site located at the northwest corner of Barcelona Drive and Tennis Lane – Application Numbers TSM14-0002 and PUD 14-0002. Voice vote found all in favor; passed and so ordered.

7. COUNCIL DISCUSSION AND DIRECTION REGARDING THE TRANSFER OF FEDERAL USE RESTRICTIONS AND REVERSIONARY RIGHTS FROM THE SCHULTE ROAD PROPERTY, APN 209-230-29 AND 30, TO THE UNDEVELOPED 300 ACRES OF LEGACY FIELDS APN 212-150-04 – Andrew Malik, Director, Development Services Department, presented the staff report. The Schulte Road property is approximately 200 acres and is located on the south side of Schulte Road, west of Lammers Road. In 1998, the United States Congress authorized the General Services Administration (“GSA”) to convey 200 acres to the City via special legislation for “economic development” purposes and the remaining 150 acres at no cost to the City, but specifically for recreational and/or educational “public benefit” purposes. The City purchased the 50 acres with no restrictions and has land banked the 50 acres for the past 14 years. The City explored several projects over the years, which focused on recreational and educational activities on the remaining 150 acres, but no viable project emerged from those efforts.

On October 7, 2008, staff began to work with Congressional Delegates to amend the existing property conveyance legislation to allow for renewable and/or alternative energy uses and began exploring a City project that involved renewable and/or alternative energy uses. Consequently, over the next two years, the City began negotiations to sell or lease the site to GWF for a private project that involved renewable and/or alternative energy uses. Ultimately, on November 16, 2010, a Purchase and Lease Option Agreement with GWF to develop the 200 acre site as a solar farm was executed and included the option for GWF to acquire the property. Over the course of the next couple of years, GWF proceeded with renewable and alternative energy development plans on the site. However, on June 27, 2012, GWF informed the City that after an exhaustive and expensive effort to secure a mutually acceptable Power Purchase Agreement with a utility provider, they were unable to obtain the agreement. Although a solar project was not a viable option for GWF, they stated that their research showed that the property still had good potential for a smaller renewable energy project and GWF agreed to transfer their solar resource data and analysis, including engineering studies and environmental reports to the City for use by the City or a new development partner in order to explore a similar, but smaller, project on the site.

On May 15, 2012, Congress enacted Public Law 112-119, authorizing GSA to offer the City the option to acquire the 150 acres at appraised fair market value, thereby releasing any reversionary interest retained by the United States on the property. The June 27, 2012, letter from GSA to the City requested that the City consider acquiring the property for \$1,115,250 (appraised value of \$1,100,000, and the appraisal expense of \$5,250).

On September 18, 2012, Council appropriated \$1,105,250 RSP funds to pay the cost to remove use restrictions and Federal reversionary rights on 150 acres of the 200 acre City-owned Schulte Road property. A Request for Proposals was issued by the City in early 2013 to determine if there was interest from alternative energy companies to purchase the site for solar or other alternative energy uses. While there was some private interest, no proposal included fronting funds to pay the GSA to remove the use restrictions and allow alternative energy facilities on the site. At the September 18, 2012, Council meeting, Council directed staff to appropriate the \$1,105,250 and to continue to work with GSA to try to reduce the amount requested to remove the use restrictions.

Following numerous discussions between GSA and the City to reduce the cost to remove the use restrictions on the Schulte Road property, GSA and staff have identified a concept whereby the use restrictions and reversionary rights recorded on the Schulte Road property could be transferred to other undeveloped park property in the City. On July 22, 2014, staff provided a tour of Legacy Fields to Clark Van Epps, GSA Regional Director, and his support staff. On September, 10, 2014, the City received a letter from GSA outlining certain requirements and documents necessary to proceed with the transfer concept. The following represent those requests:

1. Confirmation from the City Council to proceed with the use restrictions and reversionary interest transfer from the Schulte Road property to 300 acres of the undeveloped Legacy Field project.
2. Provide a public use plan that details the City's plans for the entire replacement property with a development schedule.

3. Complete a Phase I Environmental Site Assessment to determine whether the property is environmentally safe and not contaminated.
4. Provide a title report and legal description of the replacement property.

Staff is currently working on items 2-4 above. Item 1 is the subject of this discussion.

Following receipt of the requested documentation, GSA will commission a market appraisal of both parcels to ensure the replacement property is of equal or greater fair market value than the current park property. Once the market analysis is complete GSA will draft the deeds and a Memorandum of Agreement (MOA) to finalize the transfer/abrogation. It is anticipated that a new abrogation agreement, removing the use restrictions on the Schulte Road site, can be executed by December 2014, provided GSA can expedite their market analysis/appraisal of the Legacy Fields site and the City and the GSA are in agreement on the MOA.

Mr. Malik stated the goal is not to give GSA the property but to effectuate the development of these properties.

There is no impact to the General Fund. If the City and GSA can agree on this transfer concept there is a balance of \$565,000 of unused funds which would go back to RSP.

Mr. Malik concluded his presentation by recommending that Council support the concept of transferring the use restrictions and revisionary rights from the City's Schulte Road property to the undeveloped 300 acre Legacy Field property and direct staff to work with GSA on the next steps in the process.

Mayor Pro Tem Maciel asked whose idea this was. Mr. Malik stated it came from a concept proposed by GSA that they could sell this idea to the National Parks Service.

Mayor Ives invited public comment.

Steve Nicolaou, 1068 Atherton Drive, stated he agreed this was a good way to resolve the issue, but questioned whether by dealing with the Federal government there could be restrictions placed on the property in the future. Mr. Nicolaou asked if changing the use would still have to go to a vote of the people, for example, to convert Legacy Fields to a shopping center.

Dan Sodergren, City Attorney, responded State law would prevail.

Motion made by Council Member Manne, seconded by Council Member Rickman to adopt Resolution 2014-185 supporting the concept of transferring the Use Restrictions and Reversionary Rights from the City's Schulte Road property to the undeveloped 300 acre Legacy Field property. Voice vote found all in favor; passed and so ordered.

8. APPOINT AN APPLICANT TO THE TRANSPORTATION ADVISORY COMMISSION FROM THE COMMISSION'S ELIGIBILITY LIST – Troy Brown, City Manager, presented the staff report. There is a vacancy on the Transportation Advisory Commission due to Commissioner Frankel resigning on October 8, 2014. The last time appointments were made to the Transportation Advisory Commission was April 15, 2014. At that time the subcommittee nominated two applicants to fill vacancies on the Transportation Advisory Commission and recommended three applicants be placed on an eligibility list. Council

confirmed the subcommittee's nomination and the creation of an eligibility list. Resolution 2004-152 includes direction on the "Selections Process for Appointee Bodies," and also states that if an appointee will fill an un-expired term with six months or less remaining, the appointment shall be deemed to be for the new term. Staff recommended Council either appoint Mr. Ball to the Transportation Advisory Commission to serve the remainder of Commissioner Frankel's term commencing on October 22, 2014, and expiring on April 30, 2017, or direct staff to open a new recruitment.

Mayor Ives invited public comment – None

Motion made by Council Member Young, seconded by Council Member Rickman to appoint Mr. Ball to the Transportation Advisory Commission. Voice vote found all in favor; passed and so ordered.

9. ITEMS FROM THE AUDIENCE – None.

10.A CITY MANAGER'S REPORT – Troy Brown, City Manager presented the report. Mr. Brown began with business activity related to new construction and expansions, continued with community-wide informational updates, and closed his presentation with special events at the Grand Theatre.

Commercial construction activity remains active in Tracy, including the Amazon Expansion and Grace Baptist Church.

Business improvements include Delta Brews (downtown brew pub), Red Robin (new Building replacing Chevy's in the I-205 area), Sweethearts Bakery (downtown on B Street), Sports Clips (I-205 area), I Live for Desserts (downtown on Central), Hair Club for Men, Extreme Pita & Ono Hawaiian BBQ.

A Resident Survey will be issued to a randomly selected pool of Tracy residents during the Fall 2014. The National Research Center, Inc. will administer The National Citizen Survey™ (The NCS) on behalf of the City. The NCS measures resident opinion across eight aspects including public safety, community engagement, recreation, and mobility. Results of the survey will be used to measure the quality of City services, help to establish the budget and set future priorities and direction for the City.

The City has begun pre-storm maintenance clearing trash and debris from storm drains and channels. Beginning on November 17, 2014, a limited quantity of sandbags and plastic sheeting will be available to residents to help protect homes from storm related damage. Materials will be available for pickup at the Public Works Department, Boyd Service Center, 520 N. Tracy Boulevard, when inclement weather is forecast.

Work continues on the new Tracy Animal Shelter. The project is on schedule with an anticipated opening date of early this December.

"Tracy's Child," one of Tracy's first public commissioned sculptures, was re-installed at William Larsen Park today. The commissioned bronze statue depicting a girl flying a kite suffered extensive damage after it was vandalized and removed from the park in 2012.

Finally, upcoming performances at the Grand Theatre include a "Haunting Masquerade Ball" on November 1, 2014. The Grand Theatre will be transformed into a haunting castle with guests arriving in medieval ball gowns, classy men's attire and gorgeous masks. Tickets cost \$25 and include music, entertainment, dancing, appetizers and two drink tickets.

On November 8, 2014, Joni Morris & the After Midnight Band will perform at the Grand Theatre. Joni Morris of Stockton, California, will pay tribute to "Legendary Ladies in Country Music" including Patsy Cline, Kitty Wells, Loretta Lynn, Tammy Wynette and more. Tickets cost \$18-\$22 and the show begins at 7:30 p.m.

Council accepted the update.

11. COUNCIL ITEMS – Council Member Rickman commended the Bulldog project which has been recognized at the state level for their anti-bullying efforts.

Council Member Young pointed out that since November 4 is election day the Council meeting will be held on November 5, and added that anti-bullying events will take place at Kimball High on November 5. Council Member Young also stated that the opening ceremonies for Make a Difference Day begin at 8:00 a.m. on Saturday, outside City Hall.

Mayor Ives stated that recently the City applied for funding from the Safe Routes to School programs for the Mount Oso and Mount Diablo area. The Council of Governments has awarded funding in the amount of \$950,000, and the project has been forwarded to the California Transportation Commission for approval.

12. ADJOURNMENT – Motion made by Council Member Manne and seconded by Council Member Rickman to adjourn. Voice vote found all in favor; passed and so ordered. Time 8:24 p.m.

The above agenda was posted at the Tracy City Hall on October 16, 2014. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk