

January 18, 2011, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

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

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

The invocation was given by Pastor Kevin James, New Creation Bible Fellowship.

Roll call found Council Members Abercrombie, Elliott, Rickman, Mayor Pro Tem Maciel and Mayor Ives present.

Mayor Ives presented Certificates of Appointment to Tracy Arts Commissioner Ffjorren Zolfaghar, and Youth Advisory Commissioners Arashpreet Gill, Raj Makker, Michelle Mizuno, and Aloukika Shah.

1. CONSENT CALENDAR - It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - A. Minutes Approval – Special meeting minutes of November 3, 2010, regular meeting minutes of December 7, 2010, and closed session minutes of January 4, 2011, were approved.
 - B. Acceptance of the Overlay & Chip Seal of Various City Streets Project (FY 2009-10) – CIP 73117, Completed by International Surfacing Systems of Sacramento, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2011-012 accepted the project.
 - C. Acceptance of the Slurry Seal Project (FY 2009-10) - CIP 73117, Completed by Graham Contractors, Inc. of San Jose, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2011-013 accepted the project.
 - D. Authorization to Enter into Cooperative Agreements, Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements, Cooperative Working Agreement (CWA) Between the City of Tracy and the State of California Department of Transportation (Caltrans) for the Reimbursement of Current and Future, Federal and/or State Funded Transportation Projects which May be Eligible for Reimbursements, and Authorization for the City Manager to Execute these Agreements; Authorization for the City Engineer to Execute All Right of Way Certifications for Federal and/or State Funding Projects – Resolution 2011-014 authorized entering into the agreements.

- E. Acceptance of the 2010 Traffic Calming Project, CIP 72065, Completed by Republic ITS of Fremont, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2011-015 accepted the project.
 - F. Approve Professional Services Agreements for Plan Review Services and or Building Inspection Services – Resolution 2011-016 approved the agreements.
 - G. Approval of a Professional Services Agreement with Design, Community and Environment for the Preparation of an Environmental Impact Report, Assistance with the Preparation of a Specific Plan and Annexation for the Cordes Ranch Specific Plan Project – Resolution 2011-017 approved the agreement in the amount of \$353,402.
 - H. Acceptance of the Community Development Agency of the City of Tracy's Annual Report for Fiscal Year 2009-2010 – The report was accepted.
2. ITEMS FROM THE AUDIENCE - None.
3. FOLLOW-UP REPORT ON PREVIOUS COUNCIL DIRECTION FOR ADDITIONAL ANALYSIS, REVIEW OF A SCOPE OF SERVICES AND APPROPRIATION OF \$10,000 FROM THE GENERAL FUND FOR THE COST OF PROFESSIONAL SERVICES FOR EVALUATING NOISE EMISSIONS FROM THE LEPRINO FOODS PROCESSING OPERATION LOCATED AT 2401 N. MACARTHUR DRIVE - Andrew Malik, Director of Development and Engineering Services, presented the staff report. Mr. Malik stated that on December 21, 2010, the City Council considered Council Member Abercrombie's request for reconsideration of Council's previous direction to staff. That previous direction was to not use more City resources to address the Van Lehn's noise complaint regarding the Leprino Foods processing operation at 2401 N. MacArthur Drive (Leprino). At the December 21, 2010 meeting, Council directed staff to provide a scope of services, including detailed costs for an acoustical analysis of the sound emanating from the Leprino site and to include potential noise mitigation measures.

After reviewing previous noise studies from the City's consultant, Brown Buntin Associates (BBA), Leprino's consultant, Illingsworth and Rodkin, and walking the property line with the Van Lehns, all parties agreed that the primary source of noise along Leprino's west property line is the refrigeration units on the rail cars. Although previous readings found no evidence that Leprino is in violation of its 1994 noise exemption, the Van Lehns believe that the rail cars may be emitting lower frequency noise that is penetrating the barriers and the homes and is the cause of their noise concern.

To address this concern, BBA submitted a proposal. Staff reviewed the scope of services with Brian and Leanne Van Lehn. The Van Lehns agreed the scope of work covers their concerns, and also agreed with the number of locations for the noise readings. The noise readings will be coordinated with the Van Lehns availability and shall take place when four rail cars are present with each of their refrigeration units running, when most, if not all, refrigeration units are on the south end of the rail cars and at two specific locations along the residential property line where the Van Lehns perceive the noise from the rail cars to be the loudest. One location will be directly west of the rail cars near the closest residential property to the parked rail cars; the other location will be along the Van Lehns' property line with the rail property. An additional noise reading will be taken inside the Van Lehns' home. The readings will include a

standard A-Weighted noise reading as well as an analysis of the various frequencies compiling the reading.

The proposal also includes the identification of potential mitigation measures that could be employed to reduce additional noise exposure to the residential property line from the rail car refrigeration units. As BBA identifies potential noise mitigation measures, BBA will help City staff estimate costs of potential mitigation measures by identifying specialized equipment or material so that reasonable cost estimates of potential mitigation measures may be obtained.

The cost of the proposed work is \$10,000. The source of the funds for the professional services would be from the City's General Fund. The General Fund operating budget deficit in FY10-11 is expected to be \$4.8 million. This proposal would add another \$10,000 to that deficit.

Although the financial impact is relatively small, there are significant policy implications for the City. There is no legal or policy imperative for the City to resolve a private issue with public funds. The City has a legitimate rationale to abandon this issue.

Mayor Pro Tem Maciel stated he reluctantly agreed to spend up to \$10,000 to triple check the data that is available. Mayor Pro Tem Maciel asked if this was within the City's realm of authority. Mr. Malik indicated this action was over and above what is required by the noise ordinance. Mayor Pro Tem Maciel stated if that was the case, where are we. Mr. Malik indicated the consultant will look at noises/vibrations that emit a lower frequency and/or vibration to the neighboring homes.

Mayor Pro Tem Maciel indicated he believed the City has lived up to expectations and more and was concerned that the City was headed into un-chartered territory.

Council Member Elliott asked if the 65 decibel standard was a nationally accepted standard. Alan Bell, Senior Planner, stated there are no national published standards, but there are state agencies that publish guidelines that cities can use for reference. Mr. Bell provided further history regarding the Leprino noise exemption for up to 67 decibels.

Council Member Elliott asked how many times Code Enforcement staff had taken readings. Ana Contreras, Community Preservation Manager, stated a couple of dozen times. Council Member Elliott asked if there was any reason to expect that the City's readings were incorrect. Ms. Contreras stated the City had used a fully calibrated instrument to take the readings.

In response to a question from Council Member Elliott regarding what the consultant would be doing differently, Mr. Malik responded the consultant would be doing a a-weighting for the noise, along with a noise frequency analysis.

Council Member Rickman asked for clarification regarding frequency. Mr. Malik indicated he believed the spectrum would be everything from 31 hertz and up.

Council Member Rickman asked if there were any state or federal standards to go by. Mr. Malik stated he was not aware of any other cities that use frequency to regulate their noise ordinance.

Council Member Rickman stated his concerns regarding being legally obligated to undergo this process for other residents.

Leon Churchill, City Manager, indicated the City has the right to address situations on a case by case basis and he did not believe it would set a precedent. Mr. Churchill stated he believed the City was compelled to find the answer and that the solution was a private one.

Council Member Abercrombie asked if staff and Council had addressed speeding situations in neighborhoods. Mr. Malik stated yes. Council Member Abercrombie stated the goal was to find the source of the noise. Mr. Sodergren stated that was his understanding of the scope of work.

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

Paul Miles, 1397 Mansfield Street, asked if there was an explicit length of time when the noise limit could not be exceeded. Mr. Bell stated a violation exists if the average sound level limit for a one hour period exceeds the sound level limit on three occasions in a 30 day period. Mr. Bell stated no violations were documented at this site for more than 15 or 30 minutes.

Council Member Rickman asked if the neighbors have been informed that the City is not obligated to fix any possible problem that exists. Mr. Malik stated staff has been working with Leprino and the Van Lehns.

Brian Van Lehn, 540 Winston Court, stated he is prepared to deal with what he has to deal with. Mr. Van Lehn further stated he cannot identify the problem to come up with the right fix. Mr. Van Lehn indicated he did not believe it was the City's responsibility to fix the problem; it would be up to Leprino to make repairs since their conditional use permit indicated their operations would not be detrimental to the well being of the neighbors.

Council Member Elliott stated the City started the year with a budget deficit and since this action would add to that deficit he was troubled as to why the City would use public funds on an individual issue such as this one.

Mayor Pro Tem Maciel indicated his concern was financial as well, adding the City had made a good faith effort investigating this issue.

Mayor Ives stated a business or residence is not supposed to violate an ordinance at any time and re-checking is the City's responsibility. The City does have a fiscal situation, but the City is required to serve its citizens and this will be the end of the issue. Mayor Ives indicated he was in favor of the proposal.

It was moved by Council Member Abercrombie and seconded by Mayor Ives to adopt Resolution 2011-018 accepting the proposal by Brown Buntin Associates and approving an appropriation of \$10,000 from the General Fund for the cost of professional services for evaluating noise emissions from the Leprino Foods processing operation located at 2401 N. MacArthur Drive. Roll call found Council Members Abercrombie, Rickman and Mayor Ives in favor; Council Member Elliott and Mayor Pro Tem Maciel opposed. Motion carried 3:2:0.

4. ADOPT A RESOLUTION ESTABLISHING THE MEASURE E RESIDENTS' OVERSIGHT COMMITTEE GUIDELINES AND BYLAWS - Maria Hurtado, Assistant City Manager, presented the staff report. Ms. Hurtado stated that on August 17, 2010, the Council adopted Ordinance 1151 imposing a transactions and use tax to be administered by the State Board of Equalization, enacting the transactions and use (sales) tax, if a majority of the electors approved the imposition of the tax. Section 6.28.180 of Ordinance 1151 states that the City Council will establish a five member Residents' Oversight Committee no later than March 1, 2011. On November 2, 2010, Tracy residents approved Measure E with 57.98% of the vote.

On December 21, 2010, Council discussed preliminary guidelines in seven areas, which included the application/recruitment process; term of service; meeting frequency; powers and duties; staff liaison appointment; qualifications for appointment; and selection of members.

Council recommended specific changes to five of the seven areas which are reflected in the Residents' Oversight Committee guidelines and by-laws.

1. Application/Recruitment Process

Council recommended that, in addition to using the current recruitment process for boards and commissions, the items listed below be implemented and, where appropriate, incorporated into the Residents' Oversight Committee guidelines and bylaws.

- A Press Release announcing the Committee vacancies, in addition to the normal posting requirements, will be released to the various media contacts
- An advertisement announcing the availability of the Committee vacancies will be purchased in the local newspaper
- An application will be placed on the City's website for 24/7 public access and easy downloading.

2. Term of Service

Council recommended that the term of service reflect the following change:

- Of the five members of the Committee first appointed three be appointed for a three-year term and two be appointed for a two-year term.

3. Meeting Frequency

Council discussed the meeting frequency and training needs of the Committee and recommended the following changes.

- The Residents' Oversight Committee will meet a minimum of four times a year, on a quarterly basis
- Additional meetings may be scheduled by the Committee, at its discretion
- Committee members' training needs will be considered and training will be provided to ensure their effectiveness in executing their duties, including, but not limited to, training provided by the Finance Director.

4. Staff Liaison Appointment

Council recommended that the following changes be incorporated in the guidelines and by-laws as appropriate:

- The staff liaison assigned to the Residents' Oversight Committee will be responsive to Committee requests for information, and
- At least one City staff person will attend all Residents' Oversight Committee meetings.

5. Powers and Duties

The Residents' Oversight Committee Member position is a volunteer, non-paid position whose roles and responsibilities will include the following:

- To serve in an advisory-only capacity to the City Council
- To provide oversight of the revenues and expenses pertaining to the portion of the sales tax generated by Measure E
- To review the annual independent financial audit of the City performed by an independent auditor on sections pertaining to the revenue and expenses related to the portion of the sales tax generated by Measure E
- To review other City financial reports pertaining to the revenue generated by and expenses related to the portion of the sales tax generated by Measure E revenue and expenses
- To provide Council with an annual written report
- Additional reports to Council can be provided to Council at the Commission's discretion (all reports must be in writing and agendaized pursuant to the Brown Act).

The Residents' Oversight Committee roles and responsibilities will not include the following:

- Oversight on Enterprise and other funds generated independent of Measure E;
- Decision-making on spending priorities;
- Reviewing Enterprise and, except to the extent necessary for the General Fund, other funds generated independently of Measure E.

The Measure E Residents' Oversight Committee's findings will be presented annually in a written report to the City Council. The City Council retains final authority in decisions for all aspects of the sales tax revenue.

After Council approves the Residents' Oversight Committee guidelines and By-Laws, residents will be notified of the Committee vacancies and the Council subcommittee will interview applicants before bringing its recommendations back to Council on Feb. 15th as listed below. Finally, additional research on the Measure E ballot question concludes a City residency requirement for the Oversight Committee. All meetings will be publicly noticed, open to the public and will provide opportunities for public comment.

Adoption of a Resolution Establishing the Measure E
Residents' Oversight Committee Guidelines and By-Laws

01/18/11

Notice to Residents of Committee Vacancies and
Begin Recruitment Process 01/19/11

Applicant Interviews by Council Subcommittee 2/8/11 – 2/14/11

Appointment of Measure E Residents' Oversight Committee
Members by Council 02/15/11

No fiscal impact is associated with Council adopting a resolution establishing the Residents' Oversight Committee guidelines and By-Laws.

Staff recommended that Council adopt a resolution establishing the Measure E Residents' Oversight Committee Guidelines and By-Laws.

Mayor Pro Tem Maciel indicated a member of the public who lives outside the city limits had enquired about serving on the committee. Ms. Hurtado stated the current By-Laws require residency within the City of Tracy. Ms. Hurtado stated Council does have some discretion, but staff recommended the member be a Tracy resident because the title states "resident" oversight committee. Ms. Hurtado added all meetings would be open to the public and anyone would be able to provide input.

Council Member Abercrombie asked if a press release would be published regarding the vacancies. Ms. Hurtado stated yes.

Council Member Abercrombie asked if the City pays for ads for vacancies on other boards and commissions. Ms. Hurtado stated no, but Council had requested this opening be advertised. Council Member Abercrombie asked how many letters of interest have been received. Ms. Hurtado stated approximately seven inquiries.

Mayor Ives referred to Attachment B regarding "additional reports" and suggested the wording be revised to reflect "at the Council and/or Committee's discretion".

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

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2001-019 establishing the Measure E Residents' Oversight Committee Guidelines and By-Laws as amended. Voice vote found all in favor; passed and so ordered. Voice vote found all in favor; passed and so ordered.

5. STAFF ITEMS

- A. That Council Discuss and Accept this Update Report by the Police Department Staff Regarding the Conditions of Criminal Conduct and Quality of Life Issues Resident or Perceived in the Central Downtown Business District - Lieutenant David Sant presented the staff report. Lt. Sant stated that the Police Department has been implementing the program as previously outlined to Council. Since November of 2010, staff has: Deployed the first Neighborhood Resource Officer for a minimum of 12 hours per week. The VIPS have initiated a minimum of 10 hours of Eyes and Ears patrol per week. Patrol has provided a minimum of 21 hours of patrol time per week. The second Neighborhood Resource Officer was

added on December 1, 2010, for an additional minimum of 12 hours per week. In addition, weekly, personal contacts with the merchants and business owners have been continued; specific crime/quality of life issues have been identified and resources applied; a Safety Survey of 89 business owners was conducted to use as a baseline of their perceived safety within the downtown business district.

In response to Council Member Maciel's request staff provided a short tutorial on the Calls for Service (CFS) workflow and resolution process. When a matter comes to the attention of the Police Department it is either from an observation of a police officer, known as "Officer Initiated Activity" or when it is based upon a complaint or request for service by a member of the community, known as "Citizen Initiated Activity". Regardless of the initiation method, all CFS's are routed to the Communications Center where they are evaluated and, if appropriate, entered into the Computer Aided Dispatch (CAD) system.

Once there, a prioritization protocol directs the nature and scope of response from the Police Department and a unique CFS number is associated with each event. The CFS is then assigned to an employee for resolution. Once the CFS is resolved by the employee, a disposition code is rendered as the closing authority. There are 23 such codes in the system to identify the CFS disposition. A representative sample of these codes is:

RDS: Service Rendered- usually no police report is taken or necessary.

UTL: Unable to Locate the source of the event or the complainant.

CIT: Citation issued (traffic enforcement).

MAL: An alarm residential/commercial response is adjudicated based upon a system malfunction.

RTF: Report To Follow. This code generates a police report.

ARR: An arrest that generates a police report.

IMP: Impound of an animal that generates a police report.

TOW: Tow of a vehicle that generates a police report.

As shown not all CFS's generate police reports. For FY 09/10, city wide, the Police Department generated over 62,933 CFS (roughly 175 per day) yet only 12,558 (34.5 per day) of those events, or roughly 20%, generated police reports.

It is important to note that the number of CFS's or reports taken is quantitative and not qualitative, thus bearing no reflection on the complexity of the call as it relates to the resources necessary to conclude the event. For example, a simple theft of a bicycle left on the sidewalk in front of a house may require one Community Service Officer and 20 minutes of time to generate one (1) CFS and one (1) report. At the same time, the Sandra Cantu investigation which required thousands of staff hours, involved numerous jurisdictions and required over a year to complete, also generated only one (1) CFS and one (1) report.

The CFS's were identified in the Downtown Business District from January 2007 to December 20, 2010. In those 16 quarters, TPD generated 9,384 calls averaging 586 CFS per quarter. The lowest period was the first quarter of 2010 (432) and the highest was the 4th quarter of 2010 (753).

In the two quarters before the downtown officer program was instituted there were 1,267 calls in the area averaging 633.5 per quarter or 211 per month. During the downtown officer assignment there were 6,903 call averaging 575.25 per quarter or 191 per month. In the two quarters since the downtown officer, there were 1,214 calls averaging 607 per quarter or 202 per month. This last quarter reflects increased activity due to the Downtown Security Initiative and police-generated calls for service.

The downtown safety survey was conducted from November 29 through December 3, 2010. There were nine points to the survey ranging from the type of business, how long it had been downtown, the hours most customers frequent establishments to the perception of how safety had increased or decreased since their business came to the downtown, what type of crime/blight issues were a concern and their overall sense of safety in the downtown business district.

The vast majority of businesses surveyed were professional or personal services oriented (over 80%) and with a customer base that frequents their businesses during daytime hours (73%). Regarding how long they have been established in the downtown, the highest single percentage of businesses have been here over nine years (46%), while the next highest grouping was two years or less (22%).

Safety issues of concern included Panhandling (23%), Graffiti (22%), Traffic Issues (11%), Illegal Dumping / trash (10%), Drug dealing (10%), Gang issues (9%), Unkempt / Abandoned buildings (6%), Street vendors (3%), Violent crime (3%), and Junk / Abandoned cars (2%).

When asked if they believed that safety had improved since they opened their business, 56% said yes, 19% said no, 7% said that it had remained the same and 18% did not respond.

The wrap up question was asked to determine the overall satisfaction with a merchant's sense of safety in the downtown. Seventy-two percent said that they were satisfied or very satisfied with safety. Nineteen percent had no opinion either way, and only 7% said they were dissatisfied or very dissatisfied with the safety downtown.

Over the next few months, the Police Department will continue to partnership with the community, merchants, other City Departments and allied law enforcement agencies to build upon the early initiative successes by:

- Continuing enhanced enforcement
- Increasing community education, as opportunities are presented
- Continuing one-on-one contacts with merchants and business owners
- Introducing the Business Watch program.
- Continuing the Eyes and Ears patrol
- Conducting a second Safety Survey within 90 days to further gauge progress

Staff recommended that Council accept the updated report related to activities in the Central Downtown Business District and remain receptive to further briefings as necessary or desired by Council.

Council Member Abercrombie asked for clarification regarding the business watch date. Lt. Sant stated it would be in February.

Council Member Abercrombie asked how many patrol officers were part of the plan. Lt. Sant stated all patrol was available to go downtown. Lt. Sant further explained that during each shift at least one officer would spend a minimum of one hour downtown which equates to a minimum of 21 and up to 30 hours per week.

Council Member Abercrombie asked what would be the effectiveness of having two full time officers downtown. Lt. Sant stated aside from the cost, it would include approximately 80 staff hours per week or less.

Council Member Elliott stated it was extremely important for police officers to interact with the business owners downtown and hoped that was one of the focuses. Lt. Sant stated it was a goal and a by-product of what was happening.

Council Member Elliott asked what Lt. Sant saw as the perception of relative safety compared to having a dedicated officer downtown vs. what is occurring now. Lt. Sant stated the perception is fairly good and most comments were supportive of police action.

Mayor Pro Tem Maciel asked if the police differentiated between gang graffiti and tagging. Lt. Sant stated it was reported as gang activity if it could be identified.

Mayor Ives asked about the downtown security initiative update and referred to the graph that showed before and after activity of the downtown officer. Lt. Sant explained that it was activities that generated a computer tracking log of something done by police response; not indicative of criminal activity. Mayor Ives asked what was indicative of criminal activity downtown. Lt. Sant stated it would take significant work with the crime analyst to drill down to specific information.

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

Dave Helm, 1000 Central Avenue, addressed Council regarding problems that started occurring after the elimination of the downtown officer. Mr. Helm stated there was a period of time where it didn't seem as though anything was being done. Mr. Helm added he was very satisfied with the department's current response. Mr. Helm did state he was concerned that the current efforts would not be sustainable, and that statistics about crime in the downtown were not provided. Mr. Helm further stated he could not see a plan. Lt. Sant indicated the Police Department did have a plan.

Council Member Rickman asked what time of day Police receives the most calls for service. Lt. Sant stated primarily between 8 a.m. and 6 p.m., with the largest amount of calls for security checks.

Mayor Pro Tem Maciel asked if the neighborhood resource officer program was temporary. Lt. Sant stated the neighborhood resource officer is a two year research program to see how it dovetails into the overall strategy. Mayor Pro

Tem Maciel asked if the directive to patrol officers to spend time downtown was temporary. Lt. Sant the focus time and required minimums were temporary, but the overall contact time that will be required is permanent.

Council Member Elliott stated there seemed to be a fairly high level of satisfaction with the current program and asked if that program was expected to continue. Lt. Sant stated some portions were temporary but that the neighborhood resource officer would be a permanent asset in the downtown.

Chief Thiessen added that the neighborhood resource officer was a two year pilot program that would be assessed to determine if those bodies were providing what was needed or if there was a need to shift focus to places throughout the city.

Mayor Ives asked if the contention of the department was that it will improve from this point forward. Lt. Sant stated he believed Council would see improvement from what was perceived at the end of November and additional improvement from here out.

Mayor Ives asked if the department had set a goal regarding crime downtown. Chief Thiessen stated most activity downtown was nuisance activity with the goal to eradicate it. Some areas were more problematic than others. Chief Thiessen added the Police Department may need assistance from Code Enforcement or the City Attorney's office to fully eradicate those problems.

Mayor Ives stated the citizens need to know that it is going to get better. The citizens need to be the gauge, not just downtown merchants. Mayor Ives further stated there needed to be some metric that shows improvement.

Council Member Abercrombie agreed that the Council needed to define what safety is in the downtown.

Mayor Pro Tem Maciel stated that when the Council sets goals it has to make sure there are realistic expectations.

Council Member Rickman asked if Code Enforcement and Police worked well together. Chief Thiessen stated yes. Council Member Rickman asked the Chief if they had been in contact with the City Attorney regarding specific properties. Chief Thiessen stated yes, and that they were trying to gain compliance from the property owners.

Council Member Elliott agreed that it was valuable to have a goal, but cautioned against an over reliance on statistics stating a large part of public safety is based on perception.

Mayor Ives asked what the next steps were. Lt. Sant responded to increase community awareness operations, query the business owners by March, continue current enforcement, and to check with Council on expectations. Mayor Ives asked Council for their thoughts on developing a poll.

Council Member Abercrombie responded questionnaires could be made available to participants of the Grand Theatre. Council Member Rickman stated it couldn't hurt. Mayor Pro Tem Maciel stated it would be a worthy endeavor. Council Member Elliott stated it might be worthwhile to find out what people think.

Mr. Churchill stated it was fortunate that the City had recent experience with surveying. The City knows that the process is a \$25,000 to \$30,000 endeavor. Mr. Churchill indicated that in an ideal situation you want both qualitative and quantitative analysis.

Mr. Helm stated he did not believe it was wise to spend between \$25,000 and \$30,000 on a survey.

Council accepted the report.

Mayor Pro Tem Maciel stated he was concerned that statistical information was called into question. Mayor Pro Tem Maciel stated the statistics can be relied upon; that the Police Department is successful and he believed the data was trustworthy.

- B. Acceptance of the City of Tracy's Violent Crime and Gang Suppression Plan - Lt. Greg Farmanian presented the staff report. Lt. Farmanian stated that the first and most immediate emphasis for the Violent Crime and Gang Suppression Plan is enforcement. This includes policing tactics and strategies wherein the Police Department's field operations teams will increase visibility, police presence, enforce violations of law and identify people involved in suspected criminal or gang related activity. The Gang and Narcotics Enforcement Team, a two officer patrol unit, with assistance from the two Neighborhood Resource Officers, and all six patrol teams will focus on suppressing violent crime and gang related activity. The three School Resource Officers will continue to work closely with students, parents and school officials to identify and take appropriate action on school campuses in the city. These efforts are expected to result in a marked decrease in visible gang related activity and a decrease in violent criminal behavior. The Police Department has experience as recent as one year ago that suggests these strategies are effective. The Police Department will continue to work with other area law enforcement agencies, the City Attorney's Office, the San Joaquin County District Attorney's Office and County Probation to identify and implement specific strategies within the criminal justice environment to achieve both short and long-term results that decrease crime and the fear of crime in Tracy. Any budgetary implications will be analyzed and proposed as part of the FY 2011-12 budget process.

The three other components of this comprehensive plan intervention, prevention and communication rely on support and involvement of other City, County and community entities. Long term success at detecting, deterring and disrupting criminal and gang related activity cannot be achieved just through enforcement and suppression efforts. While the Police Department desires to be a partner in prevention, intervention and education efforts, that is not the primary purpose, nor should it be the focus, of a local law enforcement agency. Lt. Farmanian suggested the City needs to reexamine its partnerships with other community

resources and determine expected outcomes from service providers funded in whole, or in part, by the City.

Intervention strategies include working with property owners in specific locations to reduce known gang activity. The Tracy Police Department will enlist the help of other city staff and the community to address graffiti clean up, crime and disorder in blighted areas and to provide services to families struggling with the impacts of violent crime and/or gang involvement. The Tracy Police Department will work closely with community resources identified as service providers through the Mayor's Community Youth Support Network to match individual and family needs with specific resource providers. The police department continues to research strategies used by other cities with similar gang demographics to identify best practices. Another component of intervention involves working closely with school officials and parents to identify youth who are involved in gang activity or at risk of becoming involved in gang activity and providing information, education and resources to curb this involvement.

Prevention is grounded in education and requires the involvement of the community and their willingness to take ownership for themselves and others. The Police Department will focus crime prevention strategies based on neighborhood needs and crime data. Creating a support system within neighborhoods is the responsibility of residents and business owners. A critical component of deterring and preventing criminal activity in a defined area first involves a neighborhood assessment to determine what has and is occurring, followed by development and implementation of specific strategies designed to bring about the greatest benefit at the least cost. The final step is evaluating the level of success in reducing and preventing crime and adjusting strategies as needed to achieve desired outcomes.

Communication focuses on sharing information within the Police Department to ensure a coordinated and effective response as well as dialoging on a regular and concerted basis with community partners and residents. To this end, the Police Department has, and will continue to present educational information for presentations at service clubs, community meetings, school assemblies and parent/teacher forums. The Department's public information officer will work with local media and Channel 26 to publish and/or broadcast information to assist the community in understanding crime rates and crime statistics, identify gang involvement, report criminal activity, and prevent crime. Currently, anyone with information on criminal activity can call 911 in cases of emergency; 209-831-6648 for non-emergency gang related information; or email gangtip@ci.tracy.ca.us. Additionally, the Tracy Police Department accepts and provides information through tip411, Nixle (a free subscription service for information, Twitter and Facebook).

The City's Police Department is analyzing staffing availability and projected overtime costs for 2011. It is anticipated that a mid-year budget allocation of approximately \$120,000 will be requested to fund officer overtime for the remainder of fiscal year 10/11, and an additional one time \$5,000 for clerical assistance overtime to update the Tracy Police Department's gang database. Staff recommended that City Council accept the report and provide direction to City staff.

Mayor Pro Tem Maciel asked if the Police Department had the resources for this plan. Lt. Farmanian stated for the remainder of the fiscal year they would request \$125,000 in overtime costs and \$5,000 for clerical staff to input the data. Mayor Pro Tem Maciel asked if that would be to catch up and maintain the plan. Lt. Farmanian stated it was to catch up with no additional costs to maintain.

Council Member Elliott asked for clarification regarding prevention education for third through sixth grade. Lt. Farmanian stated it was currently being done through D.A.R.E. Service providers focus on those grade levels, and that MCYSN was a very important component.

Mayor Pro Tem Maciel asked if the funding was in place for this program. Ms. Hurtado stated MCYSN has \$200,000 in place to award to several non-profits that provide intervention services. Ms. Hurtado stated the intervention programs were doing their part to help the police while they focus on suppression.

Council Member Rickman asked if the City has a gang problem. Chief Thiessen stated yes. Council Member Rickman asked if there was a problem, why it took Council to put this item on the agenda. Chief Thiessen stated she disagreed; that the Police deal with gangs on a regular basis. Chief Thiessen stated the long term history of gang activity in Tracy is that it goes in cycles.

Council Member Rickman stated the entire department had to be involved in gang activity. Chief Thiessen stated the bulk of what officers focus on is service calls and responding to violent crime. Chief Thiessen added street officers and patrol officers are making the initial contact.

Council Member Rickman stated the Chief needed to be proactive, the program long term, and not just to appease Council or the public temporarily. Chief Thiessen stated it would for as long as Council continues to fund the resources that the Police Department needs for enforcement.

Council Member Rickman stated he was concerned that gang activity will decrease because of saturation, but stated he wanted to see buy in from everybody.

Chief Thiessen stated many of the people involved are unwilling to help in identifying the individuals doing crimes because of gang affiliation. Chief Thiessen further stated there will always be some level of gang activity in the City. The police do everything they can to stay on top of it, but currently there is a lot of retaliation going on.

Council Member Rickman stated something is not working; fear is increasing in the City and it is unacceptable.

Mayor Ives asked if Council Member Rickman was satisfied with what was being proposed. Council Member Rickman stated he was concerned about spending a lot of money for a program that will only last three or four months and the problem doesn't go away.

Mr. Churchill stated the fiscal year 2011/12 budget will include the resources to do what is proposed on an annual basis, for an indefinite period.

Council Member Rickman asked the City Manager what his plan was. Mr. Churchill stated he goes into the community regularly, and that the problems are what the community thinks they are. Mr. Churchill stated he understands that the gang issue is a heightened issue and that the City is responding accordingly, while balancing all of the other resources and priorities of the City.

Council Member Abercrombie asked if the Police Department had contacted the District Attorney's office to discuss this strategy. Lt. Farmanian stated on a routine basis. Chief Thiessen stated that was part of her discussions with District Attorney Jim Willet, and Larry Ferraria, Chief of the District Attorney Investigators.

Council Member Abercrombie asked if part of the plan included reaching out to rotary clubs and non-profit organizations. Lt. Farmanian stated yes.

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

Robert Tanner, 1371 Rusher Street, asked how many types of gangs were in the City, had the number gone down in the last year, and what was the count of documented gang members. Lt. Farmanian stated the numbers have gone up slightly. There are approximately 525 documented nortenos and 125 documented surenos.

Council Member Abercrombie asked if "hit and run" types of crimes have been on the rise. Lt. Farmanian stated yes, they have been on the rise. Lt. Farmanian clarified that the documented gang members were not necessarily residents of the City, but come into Tracy from neighboring cities.

Council Member Abercrombie asked how much gang enforcement the surrounding cities were involved in. Lt. Farmanian stated the City of Manteca does not currently have a gang unit, and the City of Stockton has dissolved one of their units.

Council Member Rickman apologized to Chief Thiessen if it felt like he was attacking her. Council Member Rickman stated he would like to see a long-term plan. Chief Thiessen stated she understood.

Mayor Pro Tem Maciel stated as a Council realistic goals need to be set. Mayor Pro Tem Maciel thanked Chief Thiessen for the report.

Council Member Elliott stated the gang problem was key to the perception of safety. Council Member Elliott asked what kind of liaison or sharing of information does Tracy have with surrounding cities. Lt. Farmanian stated the City has a system called Cal Gangs that allows various cities to look at shared information, especially when dealing with a gang enhancement type case. Mayor Ives thanked staff for coming up with a plan. Mayor Ives stressed that this plan worked quite well last year and believed it would work again. Mayor Ives stated the difference is that Council will continue to monitor the situation until it is

made better and better. Mayor Ives stated the City needed to continue its efforts on prevention and intervention.

Council accepted the report.

6. ITEMS FROM THE AUDIENCE – None.
7. COUNCIL ITEMS - None
8. ADJOURNMENT - It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adjourn. Voice vote found all in favor; passed and so ordered. Time - 9:45 p.m.

The above agenda was posted at the Tracy City Hall on January 13, 2011. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk