

June 7, 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 Tim Heinrich of Crossroads Baptist Church.

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

Mayor Ives presented a proclamation to Staff Sergeant Timothy Tabellija, Tracy Station Commander, proclaiming June 11 through June 17, 2011, as United States Army Week in Tracy.

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 February 15, 2011, regular meeting minutes of March 15, 2011, and April 19, 2011, and closed session minutes of May 3, 2011, and May 17, 2011, were approved.
 - B. Adoption of the Appropriations Limit for Fiscal Year 2011-2012 for the City of Tracy – Resolution 2011-103 established the Appropriations Limit.
 - C. Approval of the San Joaquin County Council of Governments' (SJCOG) Annual Financial Plan for Fiscal Year (FY) 2011-2012 – Resolution 2011-104 approved the SJCOG's annual financial plan.
 - D. Annual Review of City's Investment Policy and Approval of Revisions – Resolution 2011-105 approved the annual review and revisions.
 - E. Authorization to Remove a "No Parking" Zone on the North Side of Ninth Street Between the Two Driveways Accessing the Parks and Community Services South Parking Lot to Allow Parking Spaces and Establishment of "No Stopping Anytime" Zones on Both Sides of Ninth Street between East Street and School Street, Excluding the Existing Parking West of North School Street – Resolution 2011-106 authorized removal of the "No Parking" Zone and establishment of "No Stopping Anytime" Zones.
 - F. Award a Professional Services Agreement with RBF Consulting to Provide Topographic Surveying Services for MacArthur Drive Widening Project Between Valpico Road and Schulte Road – CIP 73126, and Authorize the Mayor to Execute the Agreement – Resolution 2011-107 awarded an agreement for an amount not to exceed \$29,800 to RBF Consulting.

- G. Award a Construction Contract to Zim Industries of Fresno, California, for the Construction of the Lincoln Park Well & Production Well #1 Rehabilitation Project – CIP 75076, Approve a Supplemental Appropriation of \$251,000 from Water Fund (F513), and Authorize the Mayor to Execute the Construction Contract – Resolution 2011-108 awarded the contract and approved the appropriation.
 - H. Reject All Bids for the HVAC Replacement – Parks And Community Services Building Project - CIP 78119 and Authorize Staff to Update the Project Specifications and Contract Documents and Re-Advertise the Project for Construction Bids – Resolution 2011-109 rejected all the bids.
 - I. Approval of an Offsite Improvement Agreement (OIA), for the Construction of Public Improvements Along the Frontage of the Proposed American Custom Meats Meat Processing Facility to be Located on 4276 North Tracy Boulevard, and Authorization for the Mayor to Execute the Agreement – Resolution 2011-110 approved the agreement.
 - J. Approve Amendment Number 4 to the Professional Services Agreement with MV Transportation to Increase the Not to Exceed Amount by \$25,000 for Fiscal Year 2010/2011 and Authorize the Mayor to Sign the Amendment – Resolution 2011-111 approved the amendment.
2. ITEMS FROM THE AUDIENCE - Nanette Martin, Vice President of the San Joaquin County Fair Board, invited Council and residents to the San Joaquin County Fair running June 15 through June 19, 2011. Admission is free and parking costs \$5. Ms. Martin outlined many of the features the fair offers this year, and provided Council with a packet of information.

Tom Benigno, 2473 Angora Court, addressed Council regarding water issues in California and San Joaquin County. Mr. Benigno read from a flyer he received in his utility bill regarding water and encouraged residents to read the flyer.

Brent Rodriguez, Phantom Fireworks, commended Council and staff on how quickly and efficiently they had completed the process required for the sale and use of Safe and Sane Fireworks in Tracy. Mr. Rodriguez indicated the process normally takes up to 6 months, but Tracy was able to accomplish the process in approximately 6 weeks.

Craig Saalwaechter, 4083 Peyton Lane, thanked Council for supporting the sale and discharge of Safe and Sane Fireworks in the City, and encouraged everyone to join in the 4th of July parade. Mr. Saalwaechter commended Council for approving the CDBG grant for the Senior Center, and thanked Jayne Pramod for opening the Transit Station on a cold day during a senior event. Mr. Saalwaechter discussed the proposed roundabout at Chrisman and Eleventh Street and urged staff, residents, and the Council to attend the meeting to protest this proposal.

Dave Helm, 1000 Central Avenue, addressed Council regarding a previous discussion on Council minutes and the D.A.R.E. program. Mr. Helm stated he believed Mayor Pro Tem Maciel's letters to the Editor were a violation of the Brown Act. Mr. Helm provided a history of concerns regarding various staff members.

Nancy Young thanked Council for attending the Tracy African American Association event held last weekend.

Brian Van Lehn, 541 Winston Court, addressed Council regarding noise issues with Leprino Foods. Mr. Van Lehn voiced frustration that there has been no resolution to his issues.

3. JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE COMMUNITY DEVELOPMENT AGENCY TO CONSIDER ADOPTION OF THE ANNUAL BUDGET FOR THE CITY OF TRACY AND THE TRACY COMMUNITY DEVELOPMENT AGENCY FOR FISCAL YEAR 2011-2012 AND APPROPRIATE FUNDS

Mayor Ives called the Community Development Agency to order at 7:48 p.m.

Roll Call found Agency Members Abercrombie, Elliott, Maciel, Rickman, and Chairman Ives present.

Zane Johnston, Director of Finance and Administrative Services, presented the staff report. Mr. Johnston stated the proposed operating budget for Fiscal Year 2011-12 (FY 2011-12) was presented to the Council at a budget workshop on May 17, 2011. The focus of the operating budget is the General Fund. As presented at the budget workshop the proposed General Fund expenditure budget was \$47,285,150. However, revenues are not sufficient to cover expenses resulting in a draw on reserves (budget deficit) of \$1,555,230.

The budget is identical to that presented at the workshop as the Council did not request any changes. However, further review by staff indicated the additional \$125,000 for Police overtime for gang intervention had inadvertently been excluded in the published figures. This has been corrected. Also, at the budget workshop it was noted that the Police Department had proposed a different organizational structure and program budget to what was published in the proposed budget. Although the total appropriation of \$22,430,850 to the department remains the same, its allocation to the 14 programs has been slightly modified.

All labor agreements with City labor units (except Police) have either expired or will expire on June 30, 2011. The possible outcome from these negotiations may lessen the budget deficit. The Police labor contract does not expire until June 30, 2012.

The proposed capital budget for FY 2011-12 was presented to the Council at a workshop on March 17, 2011. No changes were requested.

Sections 1 and 2 of the resolution authorize the appropriations and interfund transfers for FY 2011-12. Section 3 provides for all investment earnings and gains in FY 10-11 and FY 11-12 for funds with General Fund derived cash balances and the City's internal services funds will be allocated to the General Fund 101. Section 4 appropriates any un-appropriated proceeds of taxes to contingency reserves although none are anticipated. This section provides for a formal statement of the practice as policy for purposes of Gann Limit compliance. Also, it sets a targeted fund balance of \$18,985,100 for the City's General Fund 101, and authorizes staff to maintain this targeted fund balance at fiscal year-end, by transferring monies in or out of the General Fund 101 with the Economic Uncertainty Fund 299.

Section 5 specifies there is no uncommitted development impact fee monies held by the City from prior fiscal years. All fees collected to date have either been spent on capital projects or are committed to projects scheduled in the City's Capital Improvement Plan. Section 6 provides that any over expenditures in the current FY 10-11 operating budget as amended at the fund and department level will be offset by an equal reduction for the same fund and department in the new adopted budget for FY 11-12. It is not anticipated that any department will exceed their FY 10-11 amended budget.

Section 7 deals with fee revenues that are projected to cover program costs. If actual revenues are less than projected, actual program expenses should also decrease by an equal amount. This section provides that any expenditure of unrealized revenues will also be offset by an equal amount if over by 5%.

The proposed budget will allow for funding of substantial efforts to meet all of the Council's strategic plans. If a certain item within one of these plans cannot be accomplished within the proposed budget, such matter will be identified for the Council at a later date.

As projected, there will be sufficient resources to cover all proposed expenditures. Most funds have sufficient reserves and/or revenues to cover expenditures. In a few cases, short-term loans will be required for these funds.

Staff recommended that the Council adopt the Budget and Appropriations Resolution for Fiscal Year 2011-2012; and that the Agency Board of Directors adopt the Community Development Agency Budget and Appropriations Resolutions for Fiscal Year 2011-2012.

Council Member Abercrombie asked what full time regular position was deleted from the Police Department. Mr. Johnston indicated the overall reduction in the police department equaled one full time equivalent (FTE) and stated the budget was catching up on those reductions. Mr. Johnston added the information in the staff report was reflective of the organization's structure and was not coming from an "officer on the street". Leon Churchill, Jr., City Manager, stated the budget reflects the current situation in the Police Department. Mr. Churchill added he wanted to pursue a distinction between staffing for operational purposes versus staff for support functions and administrative functions. Mr. Churchill indicated no detrimental decisions would be made regarding police operations.

Council Member Abercrombie reiterated his understanding that there was an agreement with the Tracy Police Officers Association to reduce the number of police officers by four. Council Member Abercrombie asked if those were sworn officer positions. Mr. Johnston stated yes, but an administrative position could be included.

Council Member Abercrombie asked if two positions had been eliminated. Janet Thiessen, Chief of Police, stated the agreement was to eliminate seven positions and four have already been eliminated.

Council Member Abercrombie stated the budget calls for the elimination of a position and asked where that position was coming from. Chief Thiessen indicated the additional positions that are coming up are through attrition, and another position will be coming off the books as well. Regarding first responder strength, Chief Thiessen stated they were shifting resources.

Council Member Abercrombie asked for clarification regarding the number of districts. Chief Thiessen stated the numbers have remained the same (5 officers with 1 sergeant) per district. Chief Thiessen stated when staffing is down to the minimum, beats 4 and 5 share the calls with beat 6 and back-fill with overtime.

Council Member Abercrombie was concerned that the City may not be able to provide the service needed if staff is reduced further. Mr. Johnston indicated this was the same number of police officers that existed last October and that the budget count reflected the number of officers on the street since before Measure E.

Mr. Churchill stated the Council has charged the city manager with financial goals to meet and the ability for decision makers to fill a position or not at any particular time. Mr. Churchill stated the desire to maintain services should not be confused to mean that that decision making ability goes away.

Council Member Elliott asked if the street presence of officers has remained the same and if the current organization has caused any reduction in response times. Chief Thiessen indicated the City is maintaining the same response times, but that some things are being done differently.

Council Member Rickman asked how many officers. Chief Thiessen stated 84. Council Member Rickman asked if this budget included the same number of sworn officers. Mr. Johnston stated yes.

Mayor Ives stated a correct set of metrics to show how the city is meeting its commitment for service was needed.

Council Member Elliott asked for clarification on the handout, section 7, regarding any expenditure being offset by an equal amount. Mr. Johnston explained staff could not exceed the total expenditure, but had flexibility to move within the expense area.

Council Member Rickman asked if the \$75,000 and \$125,000 was money that was specifically for gang officers on the street for overtime. Chief Thiessen stated it was for gang suppression and for overtime needed to update the gang files. Council Member Rickman stated he would like to see exactly where the money was going.

Mayor Ives opened the public hearing.

Goldie Pappas, 950 W. Eaton, addressed Council indicating whatever the city can do to allow what the Police Department needs to do to keep the community safe should be taken seriously.

As there was no one further wishing to address Council, the public hearing was closed.

Mayor Pro Tem Maciel stated there is a difference between level of service and the number of officers and the focus should be on maintaining minimum staffing on a patrol team and not going below that.

Council Member Abercrombie asked if this budget had the same number of officers from last October until June 2012. Mr. Johnston stated Council would be approving the number.

Council Member Elliott stated Council needed to keep their eye on the other goal to balance the budget and to use all the tools to ensure that it continues toward that goal.

Council Member Rickman asked if the City did internal audits in all departments. Mr. Churchill stated operations are reviewed on a regular and continuing basis, along with quarterly reviews with management. Mr. Churchill added that all departments were about to re-design their operations.

Mayor Pro Tem Maciel asked if all departments still receive grey sheets. Mr. Johnston stated each department receives budget updates monthly.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2011-112 adopting the annual budget and appropriations for the City of Tracy for FY 2011-2012. Voice vote found all in favor; passed and so ordered.

Mayor Ives called for the Council to recess at 8:29 p.m.

It was moved by Agency Member Abercrombie and seconded by Agency Member Elliott to adopt Resolution 253 adopting the annual budget and appropriations for the Community Development Agency for the City of Tracy for Fiscal Year 2011-2012. Voice vote found all in favor; passed and so ordered.

Mayor Ives reconvened City Council at 8:29 p.m.

4. JOINT ITEM APPROVING A PURCHASE AND SALE AGREEMENT BY AND BETWEEN THE CITY OF TRACY AND FAHD OLOMARI, OLOMARI PROPERTIES LLC, AND OLOMARI ENTERPRISES, INC. FOR PROPERTY LOCATED AT 729 AND 741 CENTRAL AVENUE AND AUTHORIZE THE AGENCY BOARD TO ACCEPT THE ASSIGNMENT OF THE PURCHASE AND SALE AGREEMENT – Ursula Luna-Reynosa, Economic Development Director, presented the staff report. Ms. Luna-Reynosa stated the City and Seller have been negotiating for the purchase of the Property. City staff and the Seller have tentatively agreed to a purchase price of \$650,000 (the "Purchase Price") for the Property (approximately \$59 per square foot). The Property consists of an approximately 11,017 square feet of leasable space on a 10,500 square foot lot. It is staff's opinion that the Purchase Price represents the fair market value of the Property based on utilizing the income approach for the analysis. The income approach is a common approach to value commercial real estate based on net operating income and the market cap rate.

There are currently two tenants occupying the Property, including the Affiliated Tenant and Jack Elliot, d.b.a. Jack Elliot Productions (the "Unaffiliated Tenant"). The Seller intends to cause the Affiliated Tenant to vacate the Property not later than 60 days from the close of escrow in accordance with the short term lease agreement (the "Short Term Lease"). The Short Term Lease is between the City and the Affiliated Tenant.

The City will inherit the lease agreement with the Unaffiliated Tenant. The term is November 1, 2010 through August 31, 2013 with the following rent schedule:

Rent from 11/01/10 to 12/31/10 to be rent free.
Rent from 01/01/11 to 06/30/11 to be \$1,200 per month.
Rent from 07/01/11 to 12/31/11 to be \$2,400 per month.

Rent from 01/01/12 to 12/31/12 to be \$2,700 per month.

Rent from 01/01/13 to 08/31/13 to be \$3,000 per month.

The Unaffiliated Tenant has a two-year option which includes the following rent schedule:

Rent from 09/01/13 to 08/31/14 to be \$3,250 per month.

Rent from 09/01/14 to 08/31/15 to be \$3,500 per month.

The City and Community Development Agency of the City of Tracy (the "Agency") entered into a Public Improvements Grant and Cooperation Agreement (the "Cooperation Agreement") on January 17th 2011. The Cooperation Agreement included a list of public improvements to be funded by the Agency but for the City to cause the installation of such public improvements. Acquisition of real property and assistance for public improvements and related public-private improvements to eliminate blight and revitalize downtown was included in the list. Therefore, the funding source for the acquisition of the Property will come from tax increment funds.

Under the terms of the Agreement, the City has the authority to assign its rights, duties and obligations to any person or entity. It may be determined that it is in the best interest of the City to assign the Agreement to the Agency. In the case that this determination is made, staff is recommending that the City approve such assignment and that the Agency Board assume the Agreement. The specific approvals for such actions are outlined below in the Recommendation section of this staff report.

The approval of the Purchase and Sale Agreement is exempt from the California Environmental Quality Act ("CEQA") pursuant to Title 14 of the Code of California Regulations sections 15332 (In-Fill Development Projects) and 15061(b)(3) (there is no possibility that the activity may have a significant effect on the environment).

The execution of the Agreement will cost \$650,000 plus any title and escrow fees associated with the transaction. There will be further costs associated with inspections that will also be incurred as part of the due diligence period.

Staff recommended that the City take the following actions:

1. Authorize and direct the City Manager to file a Notice of Exemption with respect to the Agreement in accordance with the applicable provisions of CEQA;
2. Authorize the use of \$650,000 of the funds provided to the City pursuant to the Cooperation Agreement to fund acquisition of the Property;
3. Approve the Agreement and authorize and direct the Mayor to execute the Agreement on behalf of the City and to make all approvals and take all actions necessary or appropriate to carry out and implement the Agreement and to administer the City's obligations, responsibilities and duties to be performed under the Agreement;
4. Approve the assignment of the Agreement of the Agency, if such assignment is determined to be in the best interest of the City by the City Manager, and direct the City Manager to make such approvals and take all actions necessary to effectuate such assignment; and
5. Amend the City FY 10-11 Budget or the FY 11-12 Budget to the extent necessary to carry out the City's obligations pursuant to the Agreement.

Staff recommends that the Agency take the following actions:

1. Authorize and direct the Agency's Executive Director to file a Notice of Exemption with respect to the Agreement in accordance with the applicable provisions of CEQA;
2. Consent to the City's authorization to use \$650,000 of the funds provided to the City pursuant to the Cooperation Agreement to fund acquisition of the Property;
3. Approve the assignment of the Agreement to the Agency, if such assignment is determined to be in the best interest of the Agency by the Agency's Executive Director, and direct the Agency's Executive Director to make such approvals and take all actions necessary to effectuate such assignment; and
4. In the event the Agency assumes the Agreement from the City, authorize and direct the Agency's Executive Director to make all approvals and take all actions necessary or appropriate to carry out and implement the Agreement and to administer the Agency's obligations, responsibilities and duties to be performed under the Agreement.

Mayor Ives opened the public hearing. As there was no one wishing to address Council on the item, the public hearing was closed.

Council Member Rickman asked if this was a friendly purchase. Ms. Luna-Reynosa stated it was a voluntary acquisition. Ms. Luna-Reynosa added the Redevelopment Agency does not have power of eminent domain and the City is only able to acquire property for public purposes (i.e., a public street or public building).

It was moved by Council Member Abercrombie and seconded by Council Member Rickman to adopt Resolution 2011-113 authorizing the execution of a Purchase and Sale Agreement for the acquisition of certain real property located in the Redevelopment Project Area. Voice vote found all in favor; passed and so ordered.

Mayor Ives called for City Council to recess at 8:35 p.m.

It was moved by Agency Member Abercrombie and seconded by Agency Member Rickman to adopt Resolution 254 of the Board of the Community Development Agency consenting to the execution of a Purchase and Sale Agreement for the acquisition of certain real property located in the Redevelopment Project Area. Voice vote found all in favor; passed and so ordered.

Chairperson Ives called for the Agency to adjourn at 8:35 p.m. Mayor reconvened the City Council meeting at 8:35 p.m.

5. REVIEW AND APPROVE TRACY ARTS COMMISSION'S RECOMMENDATIONS FOR THE LANDMARK FEATURE OF THE DOWNTOWN PARK PLAZA - William Wilson, Gallery Supervisor, Grand Theatre, presented the staff report. Mr. Wilson stated that Council provided direction on the conceptual design alternatives for the Downtown Park Plaza on June 15, 2010. At that time the Council opted to wait on providing direction for the landmark feature in order to consider recommendations provided through the Civic Art Program.

As part of the Capital Improvement Project (CIP) for the Downtown Park Plaza, located at Central Avenue and 6th Street, staff explored the incorporation of a civic art project as a prominent landmark feature at a cost not to exceed \$200,000. A Request for Proposals was issued in July, 2010. Over 100 artists/artist collectives were solicited for interest, with 19 individual artists and 3 artist teams submitting a total of 29 proposals.

A project subcommittee was formed to review the artists' proposals, solicit and review public feedback, and provide a finalist recommendation to the Tracy Arts Commission. The Downtown Park Plaza Landmark Civic Project Subcommittee included: Tracy Arts Commissioners Michael Hays, Barbara Howard, and Marlene Jones; Transportation Advisory Commissioner and Architect Christina Frankel, Planning Commissioner and Member of the West Side Pioneers Pete Mitracos, Local Sculptor and Member of the Tracy Art League Frank Cameron, Downtown Business Owners Ray Morelos and Melody Potter.

All 29 proposals met the required criteria and were placed on public display from September 15th to November 6th at the Grand Theatre Center for the Arts. The public was invited, via media release, email announcement and flyers, to rate interest and provide commentary. The public was asked to consider the Artistic Excellence/Creativity (design concepts that are creative and demonstrate quality of work) and Strength of Content (considerations of the project, the community, and users) in order to provide useful data and comments. 190 public surveys were collected and quantified.

The Subcommittee reviewed the proposals to identify questions/concerns for the artists, toured the Downtown Park Plaza site, reviewed public feedback, discussed the proposals in depth, and then submitted evaluation worksheets and made finalist recommendation. The Subcommittee and the public both preferred the same proposal.

The Tracy Arts Commission reviewed the Subcommittee's recommendation on November 9, 2010. Commissioners discussed the historical significance of the project location, the public use of the transit station, plaza and roundabout, the site lines and scale of the artwork in relationship to the streetscape and architecture of the area, the durability of materials, and the desire for a low-maintenance artwork. The Commission unanimously agreed that the success of the landmark is dependent upon linking the history of Tracy and the community to the artwork.

The recommended proposal would integrate a large format sculpture in the center of the roundabout. This project celebrates Tracy's historic themes of labor, transportation and agriculture in the form of a monumental bronze figure. The sculpture forms an image of symbiotic strength and action. The highly recognizable, regional subject matter in a richly textured, impressionistic style make this sculpture a symbol of the importance of Tracy's past and future.

Upon Council approval, staff will negotiate with the artist to provide a revised itemized budget and for an initial contract in the amount of \$500 to provide a final design that could be referenced by project engineers to provide the proper infrastructure, such as concrete footings and electrical components, in the roundabout to accommodate future potential installation of the sculpture. The working budget below incorporates production, foundry casting, artist's fee and installation, as well as any known or suggested revisions to the project. In addition, a 10% contingency is established for required signage and fluctuating market-driven expenses.

The Artist will be asked to submit final scale model and/or drawings of project upon the Council's approval of the finalist recommendation. As the compensation for final design is nominal in this project, the expense of \$500 can be incurred from the Cultural Arts Division's budget, which includes the operations of the Tracy Arts Commission and the Civic Art Program.

With project approval staff can begin to research funding sources for any expenses needed to execute project completion outside of the Downtown Park Plaza Capital Improvement Project.

If future funding is identified to pay for this project, and upon Council approval, staff will negotiate a contract with the artist to include all aspects of fabrication and installation that follows the guidelines of the Civic Art Plan in the best interests of the City. Such contract will also be subject to Council approval as it will likely exceed the \$50,000 amount that the City Manager may authorize.

The fiscal impact is \$500, which is General Fund support for the Cultural Arts Division allocated in the FY10-11 budget. There is no additional General Fund impact.

Staff recommended that the Council approve the Tracy Arts Commission's finalist recommendation for a civic art project in the form of a landmark feature in the proposed roundabout at the new Downtown Park Plaza.

Council Member Elliott asked if the cost for the project was already in the budget. Andrew Malik, Development and Engineering Services Director stated staff would be coming back to Council on June 28, 2011. Mr. Wilson stated staff anticipated that there would be significant cost savings for the project.

Craig Saalwaechter, 4083 Peyton Lane, stated he has seen the artist's work previously, and indicated the proposal was an excellent piece of work he would love to see it in the downtown. Mr. Saalwaechter indicated staff needed to keep pressure on the railroad regarding replacing the Bowtie area.

Council Member Abercrombie asked if the budget would include maintenance. Mr. Malik stated staff has discussed the item with Kevin Tobeck, Director of Public Works.

Mayor Pro Tem Maciel asked if the portion of the project was part of the bid. Mr. Malik stated no.

It was moved by Council Member Abercrombie and seconded by Council Member Rickman to adopt Resolution 2011-114 approving the Tracy Arts Commission's finalist recommendation for the landmark feature of the Downtown Park Plaza. Voice vote found all in favor; passed and so ordered.

6. INTRODUCTION OF AN ORDINANCE TO UPDATE SECTION 3.16 OF THE MUNICIPAL CODE WHICH REGULATES TAXICABS AND AUTOMOBILES FOR HIRE
Ed Lovell, Management Analyst, presented the staff report. Mr. Lovell stated that the regulation of taxicabs was created by Ordinance 189 adopted in February 1943. It has been amended once by Ordinance 238 in October 1968. Since then, there have been changes in State law that now require local agency regulation of taxi drivers and taxi companies operating within its jurisdiction to include among other things, drug testing of

drivers and safety checks of vehicles. Due to the extensive changes needed, the proposed ordinance deletes existing Section 3.16 in its entirety and replaces it with new regulations and requirements.

After researching ordinances from other cities in the surrounding area, staff has drafted a proposed ordinance that is similar to other cities and meets the requirements of State law. Staff has met with the existing cab companies currently doing business in Tracy and all were in agreement with the language contained in the new ordinance.

The proposed ordinance requires that the Council establish limits on the number of taxicabs allowed to do business in the City, as well as limits on the number of vehicle permits allowed for any one business. The action to establish these limits will be brought to the City Council after the ordinance has been adopted. The establishment of the various fees listed in the new ordinance will also be brought to the Council as a separate action item at a later date.

There will be an increase in the revenue collected by the Police Department and the Parks and Community Services Department as a result of the annual permit fees established by the ordinance. Revenues collected by the Police Department will go to the General Fund and revenues collected by the Parks and Community Services Department will go to the Transit Fund.

Staff recommended that the Council introduce an ordinance to update and replace Section 3.16, "Taxicabs and Automobiles for Hire," of the Tracy Municipal Code.

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

Mayor Pro Tem Maciel asked if there were restrictions for a cab driver from a surrounding city to drop off a person in Tracy. Mr. Lovell stated other cabs are allowed to drop off passengers in the City limits.

The Clerk read the title of proposed Ordinance 1160

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to waive the reading of the text. Voice vote found all in favor; passed and so ordered.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to Introduce Ordinance 1160. Voice vote found all in favor; passed and so ordered.

7. SECOND READING AND ADOPTION OF ORDINANCE 1159 AN ORDINANCE OF THE CITY OF TRACY AMENDING AND REPEALING VARIOUS SECTIONS OF THE TRACY MUNICIPAL CODE AS A COMPREHENSIVE CLEAN-UP ORDINANCE RELATING TO THE ESTABLISHMENT OF A CITY MASTER FEE SCHEDULE: SECTIONS 3.16.030, 3.16.040, 3.20.060, 3.20.070, Chapter 4.36 (repealed), 4.20.040, 4.20.060, 4.20.110, 4.20.160, 4.20,180, 4.24.060, 5.08.130(n), 5.08.185 (new), 5.08.240

The Clerk read the title of proposed Ordinance 1159.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to waive reading of the text. Voice vote found all in favor; passed and so ordered.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Ordinance 1159. Roll call vote found all in favor; passed and so ordered.

8. ITEMS FROM THE AUDIENCE – none.

9. COUNCIL ITEMS

- A. Consider an Item for Discussion on a Future City Council Agenda Regarding the Police Firing Range - Council Member Abercrombie stated he would like staff to bring back an item for Council consideration outlining the possibilities for updating the range to make it a revenue generating range. Council Member Abercrombie further stated he would like to see what the City's goals are for the range.

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

Don Sader, 16214 Redondo Drive, encouraged Council to consider the request. Mr. Sader stated he believed there were opportunities for the police range to generate revenue, as well as adding a few additional jobs in the City.

George Riddle, 1950 Harvest Landing Lane, stated he believed it was a great opportunity for the community to become familiar with the police community.

Mayor Ives asked if staff could provide an estimate on how much time it would take to provide the requested information. Leon Churchill, Jr., City Manager, stated an item could be brought back within 60-90 days.

Mayor Pro Tem Maciel stated he was not sure Council needed to be involved until a proposal was provided.

Mr. Churchill indicated at some point staff may request Council to consider adding it as a Capital Improvement Project.

It was moved by Council Member Rickman and seconded by Council Member Elliott to direct staff to bring back an item for Council consideration. Voice vote found all in favor; passed and so ordered.

- B. Consider an Item for a Future City Council Agenda Related to Scheduling a Workshop to Discuss Downtown Issues - Council Member Abercrombie stated he would like to have a workshop with the Planning Commission, Chamber Board, TECA, and downtown business owners, etc., to see what the vision is for downtown.

Mayor Pro Tem Maciel asked staff if the City was currently having workshops on downtown projects. Mr. Churchill stated yes. Mayor Pro Tem Maciel suggested waiting until those meetings are concluded.

Leon Churchill, Jr., City Manager, stated he would highly encourage the Council to meet with the Planning Commission to ensure they are in line with public goals and to make sure others have input.

Mr. Churchill stated there are six workshops scheduled over the next several months.

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

Mayor Ives stated getting the collective vision in line was important to move projects forward for downtown.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to direct staff to organize a workshop to discuss downtown issues to be placed on a future Council agenda. Voice vote found all in favor; passed and so ordered.

- C. Consider Placing an Item on a Future Agenda to Reconsider Council's Prior Decision Authorizing the Wayfinding Sign System Phasing Plan –Council Member Rickman indicated the reason for bringing this item up was that he liked the Cal Trans freeway signs. Council Member Rickman stated he was struggling with the trail blazer signs and the cost of \$316,000. Council Member Rickman stated there was no evidence that it will provide an economic investment for the community. Council Member Rickman stated he was asking Council and the Mayor to sit with the downtown merchants to discuss their public/private partnership. Council Member Rickman referred to the Capital Improvement Project priority ranking for FY 09/10 where wayfinding signs were listed at #44. Council Member Rickman questioned what made the wayfinding signs a priority all of a sudden.

Mayor Ives invited members of the public to comment on the item.

Linda Jiminez, P.O. Box 1065, stated she fully supported the downtown and agreed with Council Member Rickman's comments and concern. Ms. Jiminez stated let's wait, get our plan, get it developed, then direct people downtown.

George Riddle, 1850 Harvest Landing Lane, stated he agreed with the previous speaker and Council Member Rickman.

Council Member Elliott stated it was not a concern to re-consider a past decision, but believed it would be a good idea to re-consider the item after the workshop with the groups discussed under the last Council discussion item.

Mayor Ives stated he believed that once Council made a decision, to re-consider so soon gives staff confusing guidance. Mayor Ives stated his previous points relative to wayfinding signs adding they are for economic development. Mayor Ives stated he would not change his vote and that it was fiscally responsible to make investments downtown. Mayor Ives stated the project should continue on the path that has been provided.

Mayor Pro Tem Maciel indicated the signs are not just for downtown, but for various retail and governmental sites as well. Mayor Pro Tem Maciel stated he was not interested in re-visiting the item.

It was moved by Council Member Rickman and seconded by Council Member Abercrombie to direct staff to place a future agenda item to reconsider Council's prior decision authorizing the Way Finding Sign System Phasing Plan. Voice vote found Council Member Rickman and Council Member Abercrombie in favor; Mayor Pro Tem Maciel and Mayor Ives opposed; Council Member Elliott abstained. The motion failed.

Council Member Abercrombie thanked Fire Engineer Paul O Neal and Police Officer Richard Graham for organizing the Guns and Hoses event.

Mayor Ives indicated he would bring an item to Council for discussion regarding Items from the Audience and moving the business on the agenda along more quickly.

Council Member Elliott indicated the planned workshop with downtown stakeholders should include a discussion of how the downtown merchants feel about Wayfinding signage.

10. ADJOURNMENT - It was moved by Council Member Abercrombie and seconded by Mayor Pro Tem Maciel to adjourn. Voice vote found all in favor; passed and so ordered. Time: 9:17 p.m.

The above agenda was posted at the Tracy City Hall on May 27, 2011. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk