

August 2, 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 Deacon Don Shade, 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 Vivian Mendoza, Crime Prevention Specialist, proclaiming August 2, 2011, as "National Night Out."

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 May 17, 2011, regular meeting minutes of May 17, 2011, June 7, 2011, special meeting minutes of June 24, 2011, and closed session minutes of July 19, 2011, were approved.
 - B. Award a Professional Services Agreement (PSA) with De Novo Planning Group to Provide Services to Prepare Environmental Documentation (CEQA/NEPA) for the Macarthur Drive Widening Project between Valpico Road and Schulte Road – CIP 73126, and Authorize the Mayor to Execute the Agreement – Resolution 2011-144 awarded the agreement.
 - C. Approve Amendment 1 to the Professional Services Agreement with Bay Computing Group, Inc., to finalize the New City Website, Authorize the Mayor to Execute the Agreement and Authorize a Supplemental Appropriation of \$23,572 from Fund 353 (RSP) to CIP 79404 – Resolution 2011-145 approved the amendment.
 - D. Approve a Loan Modification Agreement between Daniel G. Hobbs and the City of Tracy, and Authorize the Mayor to Execute Associated Loan Documents on Behalf of the City – Resolution 2011-146 approved the loan modification.
 - E. Approval of Permit for the Consumption of Alcoholic Beverages on City Streets for the Tracy Chamber of Commerce "2011 Dry Bean Festival" on September 10 and 11, 2011 – Resolution 2011-147 approved the permit.
 - F. Award a Construction Contract to Top Grade Construction Company of Livermore, California, for the Pond Removal – Greenleaf # 1 Project - CIP 76058, and Authorize the Mayor to Execute the Contract – Resolution 2011-148 awarded the construction contract in the amount of \$265,765.

- G. Find that it is in the Best Interest of the City to Forego the Formal Bid Process and Award the Purchase of Four Crown Victoria Police Interceptor Vehicles to Downtown Ford of Sacramento, California – Resolution 2011-149 authorized the purchase in the amount of \$102,540.
 - H. Authorize Amendment of the City's Classification Plan by Approving Revisions to the Classification Specification of Division Fire Chief in the Fire Department – Resolution 2011-150 amended the classification plan.
 - I. Adoption of a Resolution Designating Muniservices as an Authorized City Representative to Examine Sales and Use Tax Records – Resolution 2011-151 approved the designation of Muniservices as the City's representative.
 - J. Adopt a Resolution Amending the Department Heads Compensation and Benefits Plan to reflect that the Benefits for the Position of Police Chief will now be governed by an At-Will Employment Agreement – Resolution 2011-152 amended the compensation and benefits plan.
 - K. Adopt Resolution Approving an Employment Agreement between Gary Hampton and the City of Tracy to Serve as Police Chief – Resolution 2011-153 approved the employment agreement.
 - L. Authorize Amendment to the City's Compensation Plan to Eliminate the Salary Range for Police Chief – Resolution 2011-154 amended the compensation plan.
2. ITEMS FROM THE AUDIENCE – None.
3. ADOPT A RESOLUTION DECLARING THE CITY'S INTENT TO PROVIDE THE TRACY EXPRESS SOFTBALL, ASOCIACION DE CLUBS UNIDOS SOCCER LEAGUE, SOCCER XTAR LIGA, ITIFAQ AFGHAN SOCCER CLUB, TRACY RAIDERS, TRACY COUGARS, TRACY BUCCANEERS AND ALTERNATIVO FUTBOL CLUB WITH PRIORITY TO ENTER INTO PROPERTY LEASES FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING AND OPERATING YOUTH SPORTS FIELDS AT THE HOLLY SUGAR SPORTS COMPLEX IF AND WHEN FUTURE PHASES ARE AVAILABLE FOR SUCH FIELD DEVELOPMENT - Rod Buchanan, Director of Parks and Recreation, presented the staff report. On March 1, 2011, Council approved a Memorandum of Understanding (MOU) with the Tracy Little League, Tracy Babe Ruth, Tracy Youth Soccer League and Tracy Futbol Club for the rights to enter into property leases for the construction, maintenance and operation of youth sports fields in the first phase of development of the Holly Sugar Sports Complex.

In addition to the four organizations that entered into MOUs for the construction of facilities in the first phase, staff included eight other local youth sports organizations in the discussions and negotiations on the development of facilities at the Holly Sugar site. These other organizations included: The Tracy Express Softball, Asociacion de Clubs Unidos Soccer League, Soccer Xtar Liga, Itifaq Afghan Soccer Club, Tracy Raiders, Tracy Cougars, Tracy Buccaneers, and Alternativo Futbol Club. The City was unable to enter into similar MOUs with these organizations at that time due to the limited scope of the first phase of the project.

Although the first phase does not include enough amenities to meet the requests of all 12 local youth sports organizations, the first phase does meet a portion of these needs as shown in the chart below:

FIELD TYPE	2015* NEEDS	PHASE 1
Baseball (all sizes)	15	12
Softball (all sizes)	.4	0
Football (all sizes)	3.2	0
Soccer (all sizes)	7.9	8

*Note: Based on field needs assessment conducted in 2006 by Beals Alliance. Veterans Park Baseball Field was added to the existing field inventory since 2006 and is included above.

The conceptual plan for the entire site includes additional fields. Staff recommended the Council adopt a resolution declaring the Council's intent to provide the Tracy Express Softball, Asociacion de Clubs Unidos Soccer League, Soccer Xtar Liga, Itifaq Afghan Soccer Club, Tracy Raiders, Tracy Cougars, Tracy Buccaneers and Alternativo Futbol Club with priority to enter into property leases for the purpose of constructing, maintaining, and operating youth sports fields at the Holly Sugar Sports Complex if and when future phases are available for such field development.

Mayor Pro Tem Maciel asked if there had been outreach to all the sports leagues and if there was an opportunity for other leagues to get on this lease. Mr. Buchanan stated yes, there would be extra capacity as the fields are being built.

Council Member Elliott asked if listing the specific clubs precluded future consideration to future clubs that might be more competitive or capable of entering into an MOU at a later date. Mr. Buchanan stated that because these leagues were doing fund raising now, that a priority be given to them. Mr. Buchanan further stated that through the RFP process some of these leagues may not be able to perform.

Council Member Elliott asked if the leagues listed were interested in being part of the MOU previously. Mr. Buchanan stated yes; that it has been a collaborative effort over the last three years.

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

Linda Jiminez, P.O. Box 1065, addressed Council stating any organization that provides an opportunity for kids to succeed is a good thing. Ms. Jiminez encouraged Council to vote yes on the request.

Zabi Azrpor, 2791 Oxford Lane, President of the Afghan Soccer Club, stated their club serves approximately 300 local kids and teenagers and that due to the lack of fields, practices had been cut to two times per week. Mr. Azrpor further stated that for the last year and one half, the Club has had to turn away players because of a lack of playing fields. Mr. Azrpor asked Council for their support.

Council Member Abercrombie asked for the current time line. Floyd Lewis, Recreation Services Supervisor, stated the plans and specifications for construction were being

reviewed at 60%, and staff planned to return to Council to award the contract by December 2011. Construction on the infrastructure is expected to begin in January 2012.

Mayor Ives asked what the leagues were going to need to do regarding finances. Mr. Buchanan stated the primary obstacles are the planning; meeting with the design consultant, and the City putting in the infrastructure.

Council Member Rickman stated he was glad to see the teams come on board to benefit the City's youth. Council Member Rickman thanked Mr. Buchanan for his efforts.

Mayor Pro Tem Maciel asked if the Veterans field added a lot of use. Mr. Buchanan stated yes because the field is lit.

It was moved by Council Member Abercrombie and seconded by Council Member Rickman to adopt Resolution 2011-155 declaring the City's intent to provide the Tracy Express Softball, Asociacion De Clubs Unidos Soccer League, Soccer Xtar Liga, Itifaq Afghan Soccer Club, Tracy Raiders, Tracy Cougars, Tracy Buccaneers, and Alternativo Futbol Club, all local youth sports organizations, with priority to enter into property leases for the purpose of constructing, maintaining and operating youth sports fields at the Holly Sugar Sports Complex if and when future phases are available for such field development. Voice vote found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – None.

5. STAFF ITEMS

A. Receive an After Action Report on the Sale and Discharge of Safe and Sane Fireworks for 2011 - Chief Nero presented the staff report. Ordinance 1158 which became effective on June 17, 2011, permits the sale and discharge of Safe and Sane Fireworks in Tracy. Prior to the adoption of Ordinance 1158, all fireworks were considered unlawful in the City. The process to arrive at the point of selling fireworks includes application, review, lottery, selection, permitting, and inspection. Allowing for the sale and discharge of fireworks also increases the need for enforcement of illegal fireworks.

On May 17, 2011, Council adopted Resolution 2011-102 which approved a lottery process for non-profits to obtain one of nine safe and sane fireworks sales permits for July 4, 2011. The fire department received 30 applications. Following a review of the applications seven applicants were disqualified and 23 applicants were approved for lottery eligibility.

The lottery was conducted on June 1, 2011, and nine non-profit organizations were selected to continue in the permitting process. In addition, three alternates were selected in the event one of the nine originally selected organizations failed to qualify.

Approximately 97.5 of hours of staff time were spent processing the applications. The fully burdened estimated cost of staff hours spent processing safe and sane fireworks is an estimated \$11,135. Staff time included reviewing applications, verifying non-profit status, permit processing, temporary use permit review,

safety seminar, correspondence, and inspection services. In addition, all non-profit organizations were required to attend a Safety Seminar provided by the fire department which was held on June 15, 2011. One hundred thirty-two volunteers from the non-profits attended the meeting.

The fire department hosted two post July 4th meetings to evaluate the safe and sane fireworks process. Staff met internally with Fire, Police, Development and Engineering Services and the City Attorney's Office to evaluate the 2011 process and identify areas in need of modification or improvement. The fire department also invited all non-profit organizations and the fireworks wholesalers to a meeting on July 14, 2011, to review the process from the customer's perspective.

The July 14, 2011 meeting was attended by the wholesalers and two of the non-profit organizations that operated a sales booth. Feedback received from the non-profit organizations in attendance was positive. Organizations mentioned that the running of a safe and sane sales booth was more work than originally anticipated but the end result was "worth it" for their respective organization.

Staff was unable to obtain exact sales figure totals from the fireworks wholesalers; however, approximate gross sales were obtained verbally. The amount of sales of safe and sane fireworks varied between each organization and the location of the booths. Each non-profit organization had an agreement with their respective wholesaler indicating the terms between each party, which may vary. The total amount of revenue received by each non-profit organization was dependent upon their individual agreement with their respective wholesaler but typically is less than 50% of gross sales after taxes and expenses.

The fire department worked collaboratively with the police department to actively enforce against the use of illegal fireworks. Both departments staffed up patrols on July 4, 2011. Fire and Police units received calls directly from Tracy Police Department Communications Center. Combined, Fire and Police units responded to 39 fireworks related calls for service between the hours of 7:00 p.m. and 12:00 midnight on July 4, 2011. The nature of these calls was for reports of illegal fireworks including aerial fireworks such as bottle rockets and explosives such as M-80's. There were nine separate incidents of fireworks confiscation with a total of 328 individual fireworks "booked for destruction." Among the items confiscated were bottle rockets, aerial mortars, firecrackers, and three homemade fireworks.

The Fire Department referenced calls for service from the past three years from June 28, 2011 through July 4, 2011. There was no increase in the total number of fires in the community during the evaluation period. In fact, the total number of fire incidents decreased from the totals for the two previous years. These numbers included fires of all types. There were fireworks reported or suspected in seven fire incidents during the evaluation period for 2011. There is no indication as to whether or not the fireworks involved were safe and sane or illegal in nature. There were no injuries reported as a result of fireworks of any type during the evaluation period.

Staff anticipated the need for potential modification of Ordinance 1158 Fireworks after experiencing the process for 2011. The internal staff meeting and

subsequent meeting with the non-profits yielded some suggested modifications to the ordinance. Chief Nero recommended that staff return to Council with the modifications at the September 20, 2011 Council meeting. A September meeting will provide sufficient time to have a modified ordinance effective prior to the anticipated lottery in December for the 2012 process.

The fiscal impact to the City is based upon staff hours contributed to the administering of the safe and sane fireworks application, permitting and inspection process. The City receives revenue by way of sales tax and permit fees. The sales tax revenue is not yet available. The permit revenue of \$3,523 is derived from the fireworks permits, temporary use permits and storage permits. It is estimated that staff expended approximately 97.5 hours of staff time specific to safe and sane fireworks program administration. Staff time was calculated at the fully burdened employee hourly rate for an estimated cost of \$11,135. It is anticipated that the sales tax and permit fees will not yield a significant amount of revenue to the City above program administration costs.

Staff recommended that Council accept the after action report on the sale and discharge of safe and sane fireworks for 2011.

Mayor Pro Tem Maciel asked if there would be a fee increase next year to make the City whole. Chief Nero stated yes.

Mayor Ives asked if the system would be more efficient next year and therefore require less staff time. Chief Nero stated it would be efficient next year; however, it would be prudent for the City to verify the information provided by the non-profit organizations.

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

Dennis Rovellet, on behalf of TNT Fireworks, thanked fire staff for their efforts and Council for approving the sale of safe and sane fireworks. Mr. Rovellet indicated working with the non-profits was a pleasure and added he hoped they had contributed to the non-profits in their efforts to serve the community.

George Riddle, 1850 Harvest Landing, thanked the Fire Chief for a very illuminating report. Mr. Riddle stated that streamlining the process of obtaining permits may reduce the amount of administration time before raising fees. Mr. Riddle asked why it took so long to obtain tax information. Mayor Ives indicated it takes up to one quarter to receive tax information.

Council Member Elliott stated that based on the sales figures it looked like it was a successful event and thanked the Chief and staff for all their efforts. Chief Nero indicated it was definitely a group effort by all departments.

The report was accepted.

Mayor Ives recognized the new Police Chief in attendance in the audience.

6. COUNCIL ITEMS

- A. Consider Cancellation of the Regular City Council Meeting Scheduled for Tuesday, August 16, 2011 - Maria Hurtado, Assistant City Manager, presented the staff report.

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

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to cancel the City Council meeting scheduled for Tuesday, August 16, 2011, due to a lack of agenda items. Voice vote found all in favor; passed and so ordered.

- B. Council Designation of Voting Delegate and Up to Two Voting Alternates for the League of California Cities 2011 Annual Conference Business Meeting - Maria Hurtado, Assistant City Manager presented the staff report.

Mayor Pro Tem Maciel indicated he could attend. Mayor Ives indicated he too could attend, but that he would like to see the agenda of the items to be voted on. It was agreed that Mayor Pro Tem Maciel and Mayor Ives would attend the conference.

Ms. Hurtado indicated the information would be provided by the middle of August.

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 2011-56 designating Mayor Pro Tem Maciel as the voting delegate and Mayor Ives as the alternate for the League of Cities 2011 Annual Conference Business Meeting. Voice vote found all in favor; passed and so ordered.

- C. Appointment of City Council Subcommittee to Interview Applicants for Vacancy on the Tracy Arts Commission - It was moved by Council Member Elliott and seconded by Mayor Pro Tem Maciel to appoint Council Member Abercrombie and Council Member Rickman as the subcommittee to interview applicants for the vacancy on the Tracy Arts Commission. Voice vote found all in favor; passed and so ordered.

Council Member Abercrombie thanked Crime Prevention Officer, Vivian Mendoza, and all who participated in the National Night Out event held at City Hall earlier in the evening.

Council Member Rickman indicated he had spoken with Leon Churchill Jr., City Manager, and requested an item regarding maintenance of pre-foreclosed homes be placed on an agenda for discussion. Council Member Rickman clarified that it pertained only to vacant abandoned homes. Mr. Churchill indicated an item is scheduled for discussion on September 20, 2011.

7. 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: 7:46 p.m.

The agenda was posted at the Tracy City Hall on July 28, 2011. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk