

Tuesday, September 20, 2011, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

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

Americans With Disabilities Act - The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6000) 24 hours prior to the meeting.

Addressing the Council on Items on the Agenda - The Brown act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council's consideration of the item, provided no action shall be taken on any item not on the agenda. Each citizen will be allowed a maximum of five minutes for input or testimony. At the Mayor's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

Consent Calendar - All items listed on the Consent Calendar are considered routine and/or consistent with previous Council direction. A motion and roll call vote may enact the entire Consent Calendar. No separate discussion of Consent Calendar items will occur unless members of the City Council, City staff or the public request discussion on a specific item at the beginning of the meeting.

Addressing the Council on Items not on the Agenda – The Brown Act prohibits discussion or action on items not on the posted agenda. Members of the public addressing the Council should state their names and addresses for the record, and for contact information. The City Council's Procedures for the Conduct of Public Meetings provide that "Items from the Audience" following the Consent Calendar will be limited to 15 minutes. "Items from the Audience" listed near the end of the agenda will not have a maximum time limit. Each member of the public will be allowed a maximum of five minutes for public input or testimony. However, a maximum time limit of less than five minutes for public input or testimony may be set for "Items from the Audience" depending upon the number of members of the public wishing to provide public input or testimony. The five minute maximum time limit for each member of the public applies to all "Items from the Audience." Any item not on the agenda, brought up by a member of the public shall automatically be referred to staff. In accordance with Council policy, if staff is not able to resolve the matter satisfactorily, the member of the public may request a Council Member to sponsor the item for discussion at a future meeting. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

Presentations to Council - Persons who wish to make presentations which may exceed the time limits are encouraged to submit comments in writing at the earliest possible time to ensure distribution to Council and other interested parties. Requests for letters to be read into the record will be granted only upon approval of the majority of the Council. Power Point (or similar) presentations need to be provided to the City Clerk's office at least 24 hours prior to the meeting. All presentations must comply with the applicable time limits. Prior to the presentation, a hard copy of the Power Point (or similar) presentation will be provided to the City Clerk's office for inclusion in the record of the meeting and copies shall be provided to the Council. Failure to comply will result in the presentation being rejected. Any materials distributed to a majority of the Council regarding an item on the agenda shall be made available for public inspection at the City Clerk's office (address above) during regular business hours.

Notice - A 90 day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90 day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a City Council action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the City Council prior to or at the public hearing.

Full copies of the agenda are available at City Hall, 333 Civic Center Plaza, the Tracy Public Library, 20 East Eaton Avenue, and on the City's website

www.ci.tracy.ca.us

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENTATION – Certificate of Commendation – Tyler Romero

- Certificates of Appointment and Recognition - Tracy Arts Commission
- “Healthy Air Living Program” – S.J. Valley Air Pollution Control District

1. CONSENT CALENDAR

A. Minutes Approval

B. Authorize Federal Fiscal Year 2011 Grant Application for Section 5307 U.S. Department of Transportation Federal Transportation Administration Funds in the Amount of \$1,121,400 for Tracer Public Transportation Services and for Replacement Fixed Route Buses; Certification of Application Assurances; and the City Manager or Designee to Execute the Grant Documents

C. Award a Bid in the Amount of \$101,642 to Zoll Medical Corporation for the Purchase of Four Advanced Life Support Cardiac Monitors

D. Award a Construction Contract for Installation of a Traffic Signal at the Intersection of Byron Road and Lammers Road – CIP 72041 (Federal Project No. CML 5192-032), to Pacific Excavation, Inc., of Elk Grove, California, and Authorize the Mayor to Execute the Contract

E. Adopt a Resolution Regarding the Internal Revenue Code 414(H)(2) to Tax Defer Employee Paid Portions to the California Public Employees Retirement System

2. ITEMS FROM THE AUDIENCE

3. RECEIVE REPORT IDENTIFYING THE COSTS OF PROVIDING TWO YEARS ADDITIONAL SERVICE CREDIT WITH THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM TO ELIGIBLE EMPLOYEES IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 7507 AND DIRECT STAFF TO PRESENT REQUIRED RESOLUTION AND CERTIFICATIONS OF COMPLIANCE TO THE CITY COUNCIL FOR ADOPTION ON OCTOBER 4, 2011 PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 20903

4. INTRODUCE AN ORDINANCE AMENDING SECTIONS 3.04.010, 3.04.020(e), 3.04.030(c), 3.04.040(a),(b),(e) and (f), 3.04.050(a) and (b), 3.04.060(a), 3.04.070(b), 3.04.080(e), 3.04.090(a) and 3.04.100(b) OF CHAPTER 3.04, ENTITLED “FIREWORKS” OF THE TRACY MUNICIPAL CODE

5. ITEMS FROM THE AUDIENCE

6. STAFF ITEMS

A. Accept a Preliminary Fiscal Report for FY 10-11

7. COUNCIL ITEMS

- A. Consider an Item for Discussion on a Future City Council Agenda Regarding Honoring Military Veterans

8. ADJOURNMENT

June 21, 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 Reverend Willie Rolland, People of Christ Missionary Baptist Church.

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

Leon Churchill, Jr., City Manager, presented the Employee of the Month award for June 2011, to Alan Bell, Senior Planner, Development and Engineering Services.

Mayor Ives presented Certificates of Commendation to the Gang and Narcotics Enforcement Team, the Directed Patrol Unit, Records Personnel and Support Staff recognizing their dedication to duty and commitment to improving public safety during "Operation Gateway."

Jeremy Ward, Firefighter-Paramedic, offered a presentation on the re-establishment of the Fire Explorer program.

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 – Regular meeting minutes of May 3, 2011, special meeting minutes of May 10, 2011, and closed session minutes of June 7, 2011, were approved.
 - B. Authorization to Award Chemical Bids for Water and Wastewater Treatment for Fiscal Year 2011-12 – Resolution 2011-115 authorized award of the bid.
 - C. Approval of Resolutions: (1) Initiating Proceedings for the Annual Levy for Tracy Consolidated Landscape Maintenance District, (2) Preliminarily Approving the Engineer's Report for the Tracy Consolidated Landscape Maintenance District and (3) Declaring the Intention to Levy Annual Assessments and Setting the Date for the Public Hearing – Resolution 2011-116 initiated proceedings for the annual levy and collection of assessments for the Tracy Consolidated Landscape Maintenance District for FY 2011/2012. Resolution 2011-117 preliminarily approved the engineer's report. Resolution 2011-118 declared the City's intent to levy annual assessments. Council Member Abercrombie abstained from voting on Zone 9; Mayor Ives abstained from voting on Zone 24.
 - D. Implementing GASB 54 by Adopting a Fund Balance Policy, Committing the Ending Fund Balances of all Special Revenue Funds for Specific Purposes, and Delegating Authority to the Finance and Administrative Services Director for "Assigning" Ending Fund Balances – Resolution 2011-119 implemented GASB 54.

- E. Adopt a Resolution Approving the Youth Advisory Commission Bylaw Revisions – Resolution 2011-120 approved the bylaws.
 - F. Acceptance of the Storm Drain Improvements at Various Locations 2010 Project - CIP 76057, Completed by M.C.I. Engineering of Stockton, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2011-121 accepted the improvements.
 - G. Acceptance of the Offsite Improvements Completed by Winco Foods LLC, the Developer of the Winco Foods Facility, for Construction of Offsite Frontage Public Improvements on Pavilion Parkway and Power Road, and at the Intersections of Pavilion Parkway and Naglee Road, and Grant Line Road and Corral Hollow Road – Resolution 2011-122 accepted the improvements.
 - H. Authorization for the City to Enter into Lease Agreement with Arnaudo Bros. for the Lease of the Holly Sugar Northerly Paved Drying Bed and Authorization for the Mayor to Execute the Agreement – Resolution 2011-123 authorized the City to enter into the lease agreement.
 - I. Authorization to Submit the Annual Claim to the State of California, Through the San Joaquin County Council of Governments, for Transportation Development Act Funds in the Amount of \$2,827,547 for Fiscal Year 2010-2011, and for the Finance and Administrative Services Director to Execute the Claim – Resolution 2011-124 authorized submittal of the claim.
 - J. Adopt Resolution to Authorize the City Manager to be the Authorized Agent of the City of Tracy and to Execute any Actions Necessary for the Purpose of Obtaining Proposition 1B Funds in the Amount of \$25,000 for the Design of a Fiber Optic Line from City Hall to the Tracy Transit Station and Appropriate the Funds to CIP 77545 – Resolution 2011-125 authorized the City Manager to be the authorized agent.
 - K. Approve Resolution Authorizing the City Manager to Sign the Non-Competitive Bicycle Project Claim Forms for all Projects Funded by the Measure K Non-Competitive Bicycle, Pedestrian and Safe Routes to School Program – Resolution 2011-126 authorized the City Manager to sign the project claim forms.
 - L. Accept Travel Report from City Attorney Regarding Attendance at League of California Cities' City Attorneys' Department Conference – Report accepted.
2. ITEMS FROM THE AUDIENCE - John Favors, 2119 Laura Lane, addressed Council regarding repairs needed on Linne Road.
3. INTRODUCTION OF AN ORDINANCE TO AMEND SECTION 11.12.060 (DELINQUENT ACCOUNTS) AND SECTION 11.12.080 (ADVANCE DEPOSITS) OF THE TRACY MUNICIPAL CODE AND FURTHER DISCUSS CITY UTILITY BILLING ADMINISTRATION ISSUES - Zane Johnston, Administrative Services Director, presented the staff report. At the March 15, 2011 City Council meeting, information was presented related to the administration, billing and collection of City supplied utilities (water, wastewater, and solid waste). These enterprise funds have not fared well in recent years due to a number of factors including the expense of bad debt write-off which has been exacerbated during the recession and housing crisis.

Much of the bad debt is associated with tenants who leave with a balance owing on their utility bills. Currently tenants pay an \$80 deposit to open a utility account. However, the minimum City utility bill (before water consumption charges) is about \$75. City utilities are billed in arrears, and many tenants may have several months due when they move. An increase to the deposit would cover these charges and result in less bad debt.

While increasing the amount of the deposit, this opportunity should also be used to increase certain fees associated with delinquent accounts. A fee of \$35 is charged to restore water service which has been shut off for non-payment. Fifty dollars is the fee for locking water meters (because the customer turned the water back on after the City turned it off) and then damaging that meter (the customer cuts it off). If the City must remove the water meter (because of continued tampering), the fee is \$100. The City charges \$25 on checks returned by the bank (non-sufficient funds). All of the above fees do not exceed the City's cost to take these actions. A \$25 non-sufficient funds fee is very common. The fees for meter and lock tampering are to reimburse the City for damage.

Recently the Council adopted a Master Fee Schedule; however, utility related fees were not included in this Master Fee schedule and remain in the Municipal Code.

At the March 15, 2011 City Council meeting, information was presented to the Council regarding the administrative burden of permitting tenants to open City utility accounts instead of such services being restricted to be in the name of the landlord. Although the Council at that time did not direct staff to develop such a change, the issue was presented again for Council discussion due to a number of factors. The March 15, 2011, staff report on this matter described the many administrative burdens associated with tenant utility accounts; however, the staff report did not quantify in terms of reduced full time equivalents (FTE) the reduction in City staff possible through such a change. A verbal estimate of 3 to 4 FTEs noted at the March 15th meeting included reductions from both the change to a landowner only utility account, and the elimination of cash as a form of payment for City utilities. The impact of these changes is important in light of the City's financial goals to reduce costs over the next three years and to mitigate the magnitude of future utility rate increases.

Staff estimates that 2 FTEs could be eliminated if tenants were not allowed to sign up for utilities. Additional FTE reduction could be achieved by eliminating cash receipt functions; however, this issue will continue to be examined in terms of alternatives and may be the subject of a subsequent report to the Council.

Since March 15, 2011, the City has received survey information from employees concerning possible retirements. The data indicates that over the next 12-18 months, the Finance Department will likely experience a significant departure of staff. When proposing a policy change such as the elimination of tenant sign up for City utilities and the resulting reduction in FTE, it is also necessary to determine the outcome of the displaced staff. In some organizations such staff simply might be absorbed into duties and functions which never result in any real cash savings. Others may choose to lay-off staff. Due to upcoming Finance staff departures, this change could occur and the impacted staff would be moved into vacated positions, thereby eliminating the need for layoffs. This action would achieve a reduction in FTEs allocated to the Finance Department and provide real cash savings.

Currently, there are about 4,860 existing City utility accounts held in the names of renters. If this change were implemented it would be done prospectively, meaning

existing tenant accounts would remain in place until that tenant terminated the account. Thereafter, the property owner would be required to open the account in their name from that point forward. As such, it would take a considerable amount of time before the majority of tenant accounts would be converted to landlord accounts. This lengthy transition prevents an undue burden on landlords since they would know well in advance that the next time they have a change in tenant at their property, the City utility bill would be transferred to the landlord's name. As such, the landlord could advertise the amount of rent which would include City utilities.

As noted in the March 15, 2011 staff report, landowners of a multi-tenant building serviced by one water meter, must have the account in the name of the landowner. In these situations, inclusion of City utilities in the amount of rent is the common practice.

There is no direct impact to the General Fund as City utility billing and administration matters are funded by the City enterprise funds of water, sewer, garbage and storm drain.

Staff recommended that the Council introduce an ordinance raising the deposit for City utilities to \$175 and revising associated fees for disconnection of services due to non-payment. Staff also suggested Council discuss again the elimination of tenant utility accounts and provide direction to staff.

Council Member Abercrombie asked if Mr. Johnston was aware of any other cities that do not accept cash payments. Mr. Johnston stated he was not aware of any city that did not accept cash; however, other cities do provide other opportunities for payments.

Mayor Pro Tem Maciel asked how many residents pay their bill in person. Mr. Johnston indicated approximately 1% of residents pay in cash. Mayor Pro Tem Maciel stated the fee increase was reasonable.

Mayor Pro Tem Maciel indicated Council needed to look out for the interests of the City and stated he would like to see a workshop where property owners/managers could provide input or suggestions on this subject.

Council Member Elliott asked if the increases in fees were needed to recover the costs now. Mr. Johnston stated yes, that the City cannot charge more than the cost of service.

Council Member Elliott asked if the City was looking at other possibilities for residents to pay their bill other than at the 7-11. Mr. Johnston stated possibly, and outlined some of the cumbersome processes involved.

Council Member Elliott asked if there were any other collateral benefits to this option such as a reduction in utility bills, or is it just a savings to the City. Mr. Johnston provided estimates for the various options.

Council Member Rickman asked how much would it be for the property owner to include it in the rent monthly. Mr. Johnston stated there would be less bad debt and less staff time needed.

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

Tom Benigno, 2473 Angora Court, indicated he did not believe it was worth the City's time to change utility billing and lose 2-4 city jobs. Mr. Benigno stated it was the property owner's responsibility to take care of their property. Mr. Benigno suggested giving the responsibility of utilities back to the property owners/property managers.

The Clerk read the title of proposed Ordinance 1161.

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 1161. Voice vote found all in favor; passed and so ordered.

4. ACCEPTANCE OF A STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL GRANT ASSISTANCE PROGRAM #11G-LA43 FOR \$35,000 AND APPROPRIATION OF FUNDS TO THE POLICE DEPARTMENT BUDGET FOR THE PURPOSE OF ENFORCING ALCOHOLIC BEVERAGE RELATED LAWS - Cody Dellabitta, Neighborhood Resource Officer, presented the staff report. Periodically, the City has had difficulties with alcohol sales to under-aged persons and parties where underage drinking and other nuisance related issues occur. The risks to underage persons from the consumption of alcoholic beverages are obvious and the parties create a nuisance from increased noise levels and debris left in neighborhoods. Occasionally, the Police Department receives complaints about on-sale establishments failing to adhere to the terms of their Alcoholic Beverage Control (ABC) licenses.

The Police Department believes that educating local retail establishments that sell alcoholic beverages on the laws relating to sales and the conditions of their ABC licenses is the most effective deterrent to violations. Additionally, periodic inspections of licensee establishments to evaluate compliance will help to reduce the number of violations. The City submitted a grant application to the State of California Alcoholic Beverage Control for \$65,273 to conduct a variety of operations. However, by the nature of the competitive grant application, the City was awarded \$35,000.

Implementation of the grant will begin on July 1, 2011. All expenses incurred to establish and fulfill the terms of the grant for the grant period are covered by the grant amount. Under the conditions of the grant, the Department must submit monthly reports, listing the expenditures of monies for that period. After receipt of each monthly report, the State Controller's Office will reimburse the City's General Fund for expenses.

Funding for overtime and training costs to support this program were not included in the FY 2011-12 Budget. The proposed \$35,000 grant limit needs to be appropriated from the General Fund and added to the Police Department's Operating Budget. The State Controller's Office would reimburse the General Fund for all expenses up to the \$35,000 grant award limit. This request would be a net neutral expense to the City's budget.

Staff recommended that the Council authorize the acceptance of the grant and the appropriation of \$35,000 from the General Fund to the Police Department's Operating Budget to pay for training and overtime costs in support of this grant aimed at reducing the use of alcoholic beverages by underage persons within the City of Tracy with the General Fund receiving reimbursement from the grant, based upon monthly reports.

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 2011-127 accepting a grant through the State of California Department of Alcoholic Beverage Control Grant Assistance Program #11G-LA43 for \$35,000, and appropriating funds to the Police Department budget to enforce alcoholic beverage related laws. Voice vote found all in favor; passed and so ordered.

DEVIATION IN AGENDA

Mayor Ives asked Mr. Johnston to return to discuss agenda item #3 regarding alternatives not covered in the Ordinance.

Council Member Elliott indicated residents should be able to pay their bills in cash and if other locations were made available, that would be acceptable. Council Member Elliott stated accounts held in the name of the landlord would be acceptable as long as the change was phased in.

Mayor Pro Tem Maciel indicated he agreed with Council Member Elliott's comments regarding another viable alternative. Mayor Pro Tem Maciel stated he would like some middle ground regarding the responsibility of utility deposits, including conducting a workshop to collectively come up with a solution.

Council Member Abercrombie asked for clarification on the ordinance and whether the ordinance would have to change if Council pursued other options regarding tenant or landlord payments. Mr. Johnston indicated the ordinance only requires a higher deposit for utilities.

Council Member Abercrombie indicated he would like input from property owners/managers.

Council Member Rickman indicated he agreed with Council Member Abercrombie and Mayor Pro Tem Maciel.

Mayor Ives asked if a pre-council meeting workshop would be appropriate. Mr. Churchill stated it would be possible.

5. **APPROVE ANNUAL GROUND LEASE RATE INCREASE BY 1.4 PERCENT FOR PRIVATELY-OWNED HANGARS AT TRACY MUNICIPAL AIRPORT EFFECTIVE JULY 1, 2011** - Ed Lovell, Management Analyst, presented the staff report. The City has 24 ground lease agreements with Lessees who have privately owned hangars at the Tracy Municipal Airport. The lease agreements have provisions allowing for annual rate increases based upon the U.S. Consumer Price Index (CPI), but not to exceed 10% for any single increase. All rate increases require a 30 day notice and the approval of the Council. Ground Lease Tenants were individually notified of this pending increase in correspondence postmarked May 31, 2011.

The last rate increase for privately owned hangars was in July of 2010. The CPI of the previous calendar year is used to adjust the rate in July of the following year. The increase is taken from the Consumer Price Index for all Urban Consumers, Other Goods and Services, for the San Francisco-Oakland-San Jose Metropolitan Area (1982-84 =

100), as published by the Bureau of Labor Statistics of the U.S. Department of Labor. The CPI increase for 2010 was 1.4%.

Tracy Airport currently averages 4.5 cents per square foot on ground leases for constructed hangars that are privately owned. Other airports in the area are reporting between 10 cents and 38 cents per square foot for similar ground leases with the exception of Stockton Airport whose pricing is similar to Tracy's. All ground leases at other airports include an annual escalator that is tied to the CPI. In addition, all ground leases contain a reversionary clause in which at the end of the lease the constructed hangar becomes the property of the airport. It is important to note that the Tracy's privately owned hangar ground lease rate includes electricity.

The Transportation Advisory Commission did not endorse this ground lease rate increase at their June 9, 2011 regular meeting.

As a result of this action, the increase in revenue to the Airport Enterprise Fund for Ground Leases will be \$262.68 for Fiscal Year 2011-2012. The rate increase ranges from \$.69 to \$1.08 per hangar per month.

Staff recommended that the Council approve increasing the ground lease rate by 1.4% for privately-owned hangars at Tracy Municipal Airport effective July 1, 2011.

Council Member Elliott asked why Tracy did not have a reversionary clause. Mr. Buchanan stated when the leases are renegotiated they include reversionary clauses.

Council Member Elliott asked why Tracy includes electricity. Mr. Buchanan stated when the original leases expire, they could be renegotiated.

Council Member Elliott asked if the increase covers the cost of services the City provides. Mr. Buchanan stated they are less, but privately owned hangars provide income from fuel, etc.

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

Dave Anderson 1940 Earl Way, Vice President of the Tracy Airport Association, addressed Council regarding the information presented. Mr. Anderson indicated Stockton and other cities do provide electricity in their rates. Mr. Anderson added the Transportation Commission did not endorse this rate increase and thought the rates should not increase until the sub-standards conditions at the airport are corrected. Mr. Anderson asked that Council not approve the rate increase.

John Favors, 2119 Lara Lane, indicated the rental rates at the Tracy Airport are substantially higher than other airports in San Joaquin County. Mr. Favors stated a rate increase would not be appropriate until the needed repairs were made to the airport and suggested that Tracy Airport not be compared to airports in the Bay area. Mr. Favors further stated that if an individual invests in a hangar at the airport, it seems reasonable that at the end of the rental period that individual should be able to deconstruct the hangar and move it elsewhere.

Trina Anderson, 1940 Earl Way, addressed Council and suggested the City should use the rural CPI for San Joaquin County.

Mayor Ives asked for clarification regarding a rural CPI. Mr. Lovell stated he was not aware of a rural CPI. Mr. Lovell stated other cities use a general California CPI or one for the entire western United States. In response to a question from Mayor Ives regarding which CPI the City used, Mr. Lovell stated the San Francisco/San Jose metro CPI.

Mayor Ives asked if the lease agreement had clear language regarding the CPI and how rates are tied to it. Mr. Buchanan stated the lease agreement indicates any rate increase will be based on the US CPI, but not to exceed 10%.

Mayor Pro Tem Maciel asked how long a typical ground lease was for. Mr. Lovell indicated 20-30 years. Mr. Buchanan stated the life cycle is approximately 50 years.

Council Member Abercrombie proposed that staff return with a reprioritization of the airport and how it fits into the City's economic development.

Council Member Rickman asked what would be the direct effect of not increasing rates. Mr. Buchanan stated the fiscal impact would not be realized. Mr. Buchanan stated the airport currently runs at a deficit.

Mayor Ives suggested Tracy's rates were too low.

Mayor Pro Tem Maciel asked if the City was limited by the language of the lease. Mr. Buchanan stated 18 leases were currently out of contract and staff had been waiting for the opportunity to re-negotiate. Mr. Buchanan further stated that according to analysis, 2013 would be the best time to re-negotiate the contracts.

Council Member Elliott asked how much of a deficit the airport runs and how the City was looking to bridge the gap. Mr. Buchanan stated the airport has a \$100,000 yearly deficit. Mr. Buchanan stated staff was pursuing hangar projects and loans so the Enterprise Fund could pay off its debt.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Elliott to adopt Resolution 2011-128 approving the annual ground lease rate increase of 1.4 percent for privately-owned hangars at Tracy Municipal Airport effective July 1, 2011. Roll call vote found Mayor Pro Tem Maciel, Council Member Rickman, Council Member Elliott, and Mayor Ives in favor; Council Member Abercrombie opposed. Motion carried 4:1.

6. FOLLOW-UP REPORT ON PREVIOUS COUNCIL DIRECTION FOR ADDITIONAL NOISE MEASUREMENTS FROM THE LEPRINO FOODS PLANT LOCATED AT 2401 N. MACARTHUR DRIVE - Ana Contreras, Community Preservation Manager, presented the staff report. Ms. Contreras stated this report was a follow up to the Council's direction relative to noise complaints received from Brian Van Lehn and Leanne Van Lehn regarding the Leprino Foods processing plant at 2401 N. MacArthur Drive.

On January 18, 2011, the Council accepted a proposal by Brown Buntin Associates (BBA) for additional noise measurements west of the Leprino Foods plant and adjacent to the residential area. This proposal included noise readings at two outdoor locations and two indoor locations. The two outdoor locations indicated on Attachment A to the staff report are adjacent to Site 13 and next to the Van Lehn's residence (Site 10A). The two indoor locations were the master bedroom and the second bedroom of the home

located at 540 Winston Court, immediately west of the railroad siding at Leprino Foods where refrigeration railroad cars are stationed.

The noise readings were conducted on May 4, 2011, beginning at approximately 8:00 p.m. City staff worked with Union Pacific Railroad to have railcars brought onto the Leprino site with the refrigeration units all facing south at the request of the Van Lehn's, thereby creating a scenario with respect to the impact of the noise on the adjoining and affected residential properties. Leprino Foods was in full operation with all three railcar refrigeration units running continuously during the reading period.

The following information summarizes the readings obtained by BBA:

- Site 10A was calculated at 63.0 dBa
- Sound levels at Site 13 were calculated at 65.9 dBa
- Master bedroom sound level was calculated at 37.4 dBa
- Second bedroom sound level was calculated at 38.0 dBa

The report submitted by BBA established that noise levels from Leprino Foods are consistent with the measurements taken by City staff and other previous noise consultants. The noise readings conducted on May 4, 2011, approach but do not exceed the maximum allowable noise decibel level of 67dBa.

While not required, the BBA report further identifies potential mitigation measures that could be implemented to further reduce noise levels at or within homes adjacent to the railroad property immediately west of Leprino Foods. These potential noise reduction measurements include:

- Noise barriers and/or extending the sound walls at the residential property lines.

Engineer's estimate of the cost and materials for constructing a new sound wall (approximately 851 lineal feet along the western residential property line of the Leprino Facility) is within the range of \$110,630 and \$144,670, depending on the type of material used (i.e., precast concrete wall or masonry block wall).

- Adding additional panels to fill the gaps between the existing absorption treatments recently installed by Leprino Foods

Engineer's estimate for filling these gaps between the existing sound barriers is approximately \$238,388.75 (111.5 feet aggregate at a cost of \$1,504.03 per lineal foot).

- Residential Sound Attenuation. Reduction of noise within residential structures would require modifications to individual homes, such as replacing windows and doors with acoustically rated products.

The estimated cost of window and door replacements is \$19,000 (20 windows @ \$500 = \$10,000; 19 sliding glass doors @ \$1,000 = \$19,000, excluding labor costs). The cost for installing the windows and doors is estimated at \$11,600 (20 windows @ \$200 = \$4,000; 19 sliding glass doors @ \$400 = \$7,600). This estimate depends on whether the residence is a stucco or sided structure. Ten parcels were taken into consideration for this calculation from Grant Line Road continuing north along the railroad tracks, two houses past the last rail car.

The BBA report was prepared at a cost of \$10,000 following Council's request on January 18, 2011, (Resolution No 2011-018).

Noise measurements taken by BBA found noise levels from Leprino Food's processing plant at 2401 N. MacArthur Drive consistent with staff's previous noise readings that indicated the plant does not exceed the 67 dBA level approved by the City's exemption granted to Leprino Foods in 1994.

The City is under no obligation to implement a solution nor to adopt any of the noise reduction options outlined by BBA; conversely, information in the report satisfies adjacent homeowners' requests for a reading by a professional acoustical engineer, along with a comprehensive description of the noise levels and actions necessary to reduce the level of sound from the Leprino Foods plant.

Staff recommended the Council accept BBA's report as complete and that no further action be taken with regard to noise reduction options contained in the report.

Ms. Contreras clarified that the engineer's estimate in the staff report incorrectly stated \$19,000 vs. \$29,000.

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

Brian Van Lehn, 540 Winston Court, addressed Council disputing several points: Rodham July 1, 2009 reading of 70 decibels and staff readings of May 18, 2010, also over 70 decibels. Mr. Van Lehn indicated he would like an end to this problem adding the costs to abate the nuisance as outlined in the ordinance should be recouped by Leprino Foods. Mr. Van Lehn stated the night Mr. Brown took the readings was not a worst case scenario, even though the rail cars were situated in the correct position. Mr. Van Lehn stated he does not believe that Leprino is honoring their sound mitigation.

Council Member Abercrombie asked Mr. Brown to address Council in response to some of the comments presented by Mr. Van Lehn.

Bob Brown, President of Brown Buntin Associates, stated the measurements were taken with certified equipment and by staff trained to take the measurements. Mr. Brown further stated he stands behind the measurements observed and reported.

Council Member Abercrombie asked if Mr. Brown had any information about the noise difference regarding diesel vs. electric powered rail cars. Mr. Brown stated no.

Mr. Brown referred to the aerial photo of the sites and the gaps in the barriers and the differences in the barriers. Mr. Brown indicated the staff report included an option to eliminate the gaps which may decrease noise.

Council Member Elliott asked for review of what constitutes a code violation in this case. Mr. Malik provided a background of the Leprino Foods noise exemption of 67 decibels. Alan Bell, Senior Planner, stated the sound level limit for Leprino is 67 decibels. For a violation to occur there would need to be noise volume in excess of 67 decibels for an hour long period, and three hour long periods in a 30 day period. Mr. Bell stated the City has not been able to document a noise violation for 30 minutes much less an hour any time a reading has been taken.

Mayor Pro Tem Maciel asked for a definition of “detrimental.” Mr. Sodergren stated it was broad, but if a specific decibel level was built in the permit then that could be a factor for health and safety.

Mr. Bell stated that the health, safety, and welfare finding was one that the Planning Commission had to make which is subjective and qualitative. Mr. Bell further stated that Leprino Foods made noise reduction efforts in 1994 when the Planning Commission considered this exemption. Mr. Bell stated that the Planning Commission had determined that the noise exemption provided would not be detrimental to the health, safety, and welfare of the neighboring residents.

Mayor Pro Tem Maciel stated although no one discredits the discomfort the Van Lehn’s are experiencing he did not believe there was anything further staff or the City could do.

Mr. Van Lehn indicated the noise mitigation was tied into their Conditional Use Permit.

Mr. Bell stated part of the noise ordinance required a noise mitigation measure plan for anyone seeking an exemption. Mr. Bell further stated Leprino undertook, designed and implemented their noise mitigation measures.

Mr. Van Lehn indicated that in Leprino’s mitigation plan, it states that by using diesel powered cars, they were realizing a savings.

Council Member Abercrombie asked if it would be feasible for the City Manager or staff to share the report with Leprino Foods and ask them to address some of the recommendations. Mr. Churchill indicated he would provide Leprino with the information if that was Council’s direction.

Mayor Pro Tem Maciel stated sharing the information with Leprino was fine, but that he was not an advocate of pursuing this issue any further.

Council Member Elliott asked for clarification of what constitutes a detriment to the neighbors, and what would be a reasonable definition of making sure that the City did not create conditions detrimental to public health. Mr. Sodergren stated once the use permit is granted it becomes vested; that is not to say that the City can’t amend or revoke the permit, but before the City could do that, they would need to establish that there is some detriment to the public health and safety.

Council Member Elliott asked if it would be reasonable to say that if our measurements taken are less than the commonly accepted standards which are reported to be 45 decibels inside the living quarters and those are used by FAA HUD and the State of California, is it reasonable to say if the noise levels are less than those, then those are reasonably considered to be not detrimental to the health of nearby residents.

Council Member Elliott stated there was some dispute regarding whether what was observed was the worst case. Mr. Brown stated it was the worst case that was measured that night. Mr. Brown added there were three rail cars, all operating in full operational mode, along with other equipment at Leprino operating at normal levels, along with noise coming from other industrial sources in the area.

Council Member Elliott indicated it appears that the City had gone above and beyond normal responsibilities.

Council Member Elliott stated he agreed with Mayor Pro Tem Maciel that it is appropriate to notify Leprino of the readings, but the City should leave it to Leprino as to whether they believe it is appropriate to pursue further mitigation since they are not in violation. Council Member Rickman stated he did not see a problem sharing the information with Leprino.

Council accepted the report from Brown-Buntin Associates, Inc., and suggested staff provide Leprino Foods with a copy of the report.

7. SECOND READING AND ADOPTION OF ORDINANCE 1160 AN ORDINANCE OF THE CITY OF TRACY, CALIFORNIA, AMENDING TITLE 3, CHAPTER 3.16, ENTITLED "TAXI CABS AND AUTOMOBILES FOR HIRE"

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 adopt Ordinance 1160. Roll call vote found all in favor; passed and so ordered.

8. ITEMS FROM THE AUDIENCE – None.

9. STAFF ITEMS

- A. Accept Travel Report on City Manager's Lobbying Trip to Washington D.C. –
Leon Churchill, Jr., City Manager, indicated there were significant implications on how the City makes application for priority projects; the City is going to have to be more modest, going to have to leverage private investments and be more competitive in those processes.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to accept the report. Voice vote found all in favor; passed and so ordered.

10. COUNCIL ITEMS - Council Member Abercrombie indicated he would like to have a workshop with the Transportation Advisory Commission regarding the airport.

11. CLOSED SESSION

ITEMS FROM THE AUDIENCE – None

LABOR NEGOTIATIONS - (Gov. Code, § 54957.6)

Employee Organization: Tracy Firefighters' Association

City's designated representatives: R. Leon Churchill Jr., City Manager; and Jack Hughes, Esq.

MOTION TO RECESS TO CLOSED SESSION – Council Member Abercrombie moved to recess to Closed Session. Council Member Elliott seconded the motion. Voice vote found all in favor; passed and so ordered. Time 9:20 p.m.

RECONVENE TO OPEN SESSION – The meeting was reconvened into open session at 10:05 p.m.

REPORT OF FINAL ACTION - None

12. ADJOURNMENT - It was moved by Council Member Elliott and seconded by Council Member Rickman to adjourn. Voice vote found Council Member Elliott, Council Member Rickman and Mayor Pro Tem Maciel in favor; Council Member Abercrombie and Mayor Ives absent. Mayor Ives left the meeting at 9:50 p.m. Motion carried 3:0:2. Time 10:05 p.m.

The above agenda was posted at the Tracy City Hall on June 16, 2011. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk

July 19, 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 Jack Ryan.

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

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. Award a Construction Contract to Champion Industrial Contractors, Inc., of Modesto, California, for the HVAC Replacement – Parks & Community Services Building Project – CIP 78119, Authorize a Supplemental Appropriation in the Amount of \$171,165 from the General Project Fund 301, and Authorize the Mayor to Execute the Contract – Resolution 2011-137 awarded the contract in the amount of \$363,400.
 - B. Award a Construction Contract to MCI Engineering, Inc. of Stockton, California, for the Corral Hollow Road Widening (Schulte Road Railroad Crossing) Project - CIP 73103, and Authorize the City Manager to Execute the Contract – Resolution 2011-138 awarded the contract in the amount of \$67,770.
 - C. Accept Conference Travel Report from the Treasurer Regarding Attendance at the California Association of County Treasurers and Tax Collectors – Report accepted.
2. ITEMS FROM THE AUDIENCE - Dave Helm, 1000 Central Avenue, addressed Council regarding a recent Tracy Press article and the community effort to build a handicap ramp for a resident. Mr. Helm thanked Council Member Abercrombie for his efforts in spreading the news of this particular need in the community. Mr. Helm indicated he had spoken to the in-coming Police Chief and asked that Council give him the support and resources he will need.
3. PUBLIC HEARING DECLARING THE EXISTENCE OF WEEDS, RUBBISH, REFUSE AND FLAMMABLE MATERIAL ON EACH OF THE PARCELS LISTED IN EXHIBIT "A" TO THIS AGENDA ITEM A NUISANCE; CONSIDER OBJECTIONS TO ABATEMENT OF SAID NUISANCE, AND ADOPT A RESOLUTION AUTHORIZING FIRE DEPARTMENT STAFF TO ORDER CONTRACTOR TO ABATE SAID NUISANCES - Division Chief Germane Friends presented the staff report. The Tracy Municipal Code (TMC) sets forth the procedure for abating weeds, rubbish, refuse and flammable material on private property in the City.

On June 20, 2011, and June 28, 2011, pursuant to TMC, Section 4.12.280, the Fire Department sent notice to the property owner requiring abatement of weeds, rubbish, refuse and flammable material on his/her parcel within 20 days. The notice informed the property owner(s) that a Public Hearing would be conducted on July 19, 2011, where any protests regarding the notice to abate would be heard. The TMC provides that upon failure of the owner, or authorized agent, to abate within 20 days from the date of notice, the City will perform the necessary work by private contractor and the cost will be made a personal obligation of the owner, or become a tax lien against the property.

Per the TMC, property owners are liable for the cost of abatement and will be billed for the actual cost of the City contractor's services, plus a 25% administrative charge. All unpaid assessments will be filed with the San Joaquin County Auditor Controller's office to establish a lien on the property.

For Fiscal Year 2011-12, \$12,100 dollars have been budgeted, Grounds and Maintenance account 211-52150-252-00000, for contracting the abatement of weeds, rubbish, refuse and flammable material. There are sufficient funds at this time to accomplish abatement services.

Staff recommended that the Council conduct a public hearing to consider objections to the abatement, declare the weeds, rubbish, refuse, and flammable material located on the parcels listed in Exhibit "A" to the staff report to be a nuisance, and authorize the Fire Department to direct the City's contractor to abate such nuisance.

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 how long it would take to abate the properties. Division Chief Friends responded once the contractor has been contracted, abatement of the properties will begin immediately. Council Member Rickman added residents on Palm Circle were anxious to get something done.

It was moved by Council Member Abercrombie and seconded by Council Member Rickman to adopt Resolution 2011-139 declaring the existence of weeds, rubbish, refuse and flammable material on the parcels listed in Exhibit "A" to the staff report a nuisance, and authorizing Fire Department staff to order contractors to abate. Voice vote found all in favor; passed and so ordered.

4. PUBLIC HEARING TO CONSIDER (1) APPROVING THE ENGINEER'S ANNUAL LEVY REPORT AND (2) ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT; AND (3) AUTHORIZING THE BUDGET OFFICER TO MAKE NECESSARY BUDGET ADJUSTMENTS - Anne Bell, Management Analyst, presented the staff report. Ms. Bell stated that since the formation of the Tracy Consolidated Landscape Maintenance District (TCLMD), the Council has annually reviewed and approved assessments based on the Engineer's Annual Levy Reports. Most recently, the Council preliminarily approved the annual assessments proposed in the Engineer's Report presented to Council on June 21, 2011.

The maximum assessment rates, summarized in the Engineer's Report, include an "assessment formula" to allow for annual adjustments to the maximum assessment

rates. This formula allows the maximum rates to be increased annually by the lesser of: 3%, or the percentage increase of the applicable Consumer Price Index (CPI). The percentage difference for the CPI for the San Francisco-Oakland-San Jose Area for fiscal year 2010/2011 was 1.5%. Therefore, the maximum assessment rates allowed for fiscal year 2011/2012 will increase 1.5% over the prior year's maximum assessment rates. Because all the proposed assessment rates for fiscal year 2011/2012 are less than or equal to the maximum rates previously approved by voters, no ballot proceedings are required.

Based upon the estimated costs and expenditures to maintain the landscaping and appurtenant improvements within the TCLMD, staff recommended the approval of the assessment rates found in Section IV, Appendix A of the Engineer's Report for fiscal year 2011/2012. Of the 41 zones, 21 zones would be assessed the maximum assessment rates allowed for fiscal year 2011/2012, 13 zones would be assessed at a level below their maximum rate due to lower operating costs, and seven zones will not be assessed due to a Home Owners Association providing maintenance, adequate reserves, or no improvements.

The total revenue from the levy of assessments is \$2,472,018. The remaining District revenues would be \$150,000 from Drainage Fund 2 to cover the costs of storm channel related improvements, \$232,854 from General Fund support for improvements that are largely general benefit, \$190,000 from the Gas Tax support for zones that have arterial, median and right-of-way landscaping, and \$650,825 from zone reserves. The total cost to maintain the TCLMD for fiscal year 2011/2012 is estimated to be \$3,695,697.

Staff recommended that Council approve the final Engineer's Report; order the levy and collection of assessments for the TCLMD; and authorize the Budget Officer to make the necessary adjustments to the City's budget.

Mayor Pro Tem Maciel asked if the \$232,854 from the general fund supported improvements like Eleventh Street and if it was a one time or an annual expense. Ms. Bell indicated an annual expense. Mayor Pro Tem Maciel asked if it was a finite amount. Maria Hurtado, Assistant City Manager, added that the Council adopts the annual appropriation for the public works operating budget. Ms. Hurtado stated it does not come from the general reserves.

Council Member Rickman asked if the City was looking at ways to do this more efficiently. Ms. Bell indicated Eleventh Street went through a renovation process and reduced landscaping. Ms. Bell further indicated she did not believe there was any major effort to reduce maintenance.

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

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2011-140 approving the Engineer's Annual Levy Report regarding the proposed levy and collection of assessments for the Tracy Consolidated Landscape Maintenance District, Fiscal Year 2011/2012, pursuant to the provisions of the Landscaping and Lighting Act of 1972. Roll call vote found all in favor; passed and so ordered. Council Member Abercrombie abstained from voting on Zone 9. Mayor Ives abstained from voting on Zone 24.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2011-141 ordering the levy and collection of assessments within the Tracy Consolidated Landscape Maintenance District for Fiscal Year 2011/2012. Roll call vote found all in favor; passed and so ordered. Council Member Abercrombie abstained from voting on Zone 9. Mayor Ives abstained from voting on Zone 24.

5. PUBLIC HEARING TO REVIEW AND ADOPT PERMIT FEES EFFECTIVE AUGUST 1, 2011 AND ESTABLISH LIMITS ON TAXI VEHICLE PERMITS AS RECOMMENDED BY STAFF - Ed Lovell, Management Analyst, presented the staff report. On June 21, 2011, the Council adopted Ordinance 1160 which updated the City's existing taxi ordinance. As part of the new ordinance, Council must establish the fees for the various permits required.

In order to implement the fees, the Council must first approve the fees after a public hearing. Notice of the public hearing was published twice in the Tri-Valley Herald, each notice being at least five days apart. The final posting was published five days prior to the hearing. Staff recommended that the proposed fees go into effect August 1, 2011.

In addition to the fees, Ordinance 1160 also calls for Council to establish limits on both the maximum number of vehicle permits to be issued in Tracy, and the maximum number of vehicle permits any one company is allowed to obtain. Staff has met with each of the existing taxi companies currently doing business in Tracy and received their feedback with regard to the limits on the number of permits. Based on that information, staff recommended that Council sets the limit on the number of available vehicle permits at 15, and the number of vehicle permits allowed by any one taxi company to 5. Staff believes these limits will allow for the existing companies to continue with their business and allow for other interested companies to receive permits.

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. An exact dollar amount will be based on the number of permits issued, but it is anticipated that approximately \$1,500 will go to the General Fund and \$2,000 will go to the Transit Fund annually.

Staff recommended that Council adopt the Taxi Permit Fees effective August 1, 2011, and establish limits on Taxi vehicle permits as recommended by staff.

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 Elliott asked if the fees represented the costs to administer the program. Rod Buchanan, Director of Park and Community Services, stated yes.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2011-142 approving Taxi Permit Fees effective August 1, 2011, setting the maximum number of vehicle permits to 15, and setting the maximum number of vehicle permits for one company to 5. Voice vote found all in favor; passed and so ordered.

6. APPROVAL TO PROCEED WITH PHASE I OF THE STREET LIGHT RETROFIT PROJECT USING LIGHT EMITTING DIODES (LED) ENERGY EFFICIENT STREET LIGHT FIXTURES - Kevin Tobeck, Public Works Director, presented the staff report. In an effort to further reduce energy costs and employ sustainability practices, staff has researched the use of energy efficient street light fixtures to retrofit the City's existing system of street lights. Two different types of street lights were evaluated: (1) Light Emitting Diodes (LED), and (2) induction lighting. Both of these light types provide a whiter light distribution using less energy than the City's existing High Pressure Sodium (HPS) light fixtures.

There are approximately an additional 1,080 street lights owned and maintained by Pacific Gas and Electric (PG&E), primarily in the older sections of Tracy. Mr. Tobek stated PG&E plans to retrofit their streets lights with LED light fixtures, although no time frame for installation has been provided.

In an analysis of street lights tested in Tracy, two different wattage levels were compared between LED and induction lights. One wattage light was for the size typically used in residential areas (100 watt HPS). The 100 watt HPS was replaced with 65 watt LED and 50 watt induction lighting. The initial comparison showed the 50 watt induction light did not yield acceptable lighting. This was the conclusion of both Public Works and Police staff. Induction lighting of 70 watts was tested and this was determined to be an acceptable light quality. The 65 watt LED light was acceptable and determined to be a better quality light compared to both the 70 watt induction light and the existing 100 watt HPS light.

The same conclusion was reached for testing of wattage levels for an arterial street (typically 200 watt HPS). In this test case, 100 watt induction was not acceptable, but 150 watt induction was acceptable. The 95 watt LED light tested was determined to be the best quality light compared to the 150 watt induction light or the 200 watt HPS.

To further compare these test lights on an energy cost basis, an existing 100 watt/120 volt HPS street light costs \$59.76 a year. This compares to the lighting cost of a 70 watt induction light for \$39.36 a year and a 65 watt LED for \$31.20 a year. Another comparison example would be an existing 200 watt/240 volt HPS for \$118.08 a year compared to 150 watt induction at \$74.28 a year and a 95 watt LED at \$46.08 a year. Taking this information one step further and using the existing inventory of 1,269 200 watt/240 volt HPS street lights, the City would save \$91,368 annually if LED fixtures were installed in place of the HPS lights (\$149,843 vs. \$58,476).

An analysis of capital costs related to the retrofit project has found the most economical return on investment, combined with light quality, to be the retrofit of 200 watt HPS lights using LED lights. The annual energy savings of approximately \$91,368 provides for a simple payback of 7.6 years based on an estimated capital cost of \$694,365 to retrofit the existing 200 watt/240 HPS lights (Phase I of the Street Light Retrofit Project).

The evaluation of technology is also being considered as the price of LED lighting continues to fall and become more competitive with induction and HPS. Reports from Bloomberg Business Review indicate that LED costs will continue to fall substantially in the next three years due to reduced manufacturing costs from increased production as a result of growing demand in Europe, China, and North America. Due to these falling

costs, staff recommended a phased process with the first installation phase this fall, and additional phases to follow as warranted.

Funding for the first phase of this project will be provided through the City's Equipment Replacement Fund (approximately \$450,000) and from a "no-interest" loan from Pacific Gas and Electric Company (\$250,000).

Staff recommended that the Council approve staff's request to proceed with Phase I of the Street Retrofit Project using energy efficient LED street light fixtures.

Council Member Abercrombie asked if the rebate would be applied to the no interest loan. Mr. Tobeck stated it would offset the capital outlay.

Council Member Abercrombie referred to the seven year payback and asked if that was when the City would begin phase 2. Mr. Tobeck indicated phase 2 could begin within six months, and that staff would watch for technology advancements and pricing within the next 12/24 months.

Mayor Pro Tem Maciel asked if the fixtures were for arterials or residential. Mr. Tobeck stated for arterials. Mayor Pro Tem Maciel stated it would be money well spent.

Council Member Elliott asked how much longer the existing bulbs would last. Mr. Tobeck stated it depended upon their age, but the bulbs were burning out daily. Mr. Tobeck stated the bulbs have a typical lifespan of 5-6 years while the LED lights last for 12-15 years.

Council Member Elliott stated it looked like it would be worthwhile, but questioned whether it was the most fiscally important thing to do right now. Mr. Tobeck stated he did not believe the prices would come down much further and added the rebate from PG&E provided an incentive to move forward. Mr. Tobeck further stated it was a good return on the City's investment.

Council Member Elliott asked if the City would remove lights that were good. Mr. Tobeck stated the lights would be taken out regardless of their age.

Council Member Elliott asked if any consideration had been given to what other uses the money could be put to, such as the equipment replacement fund. Leon Churchill, Jr., City Manager, stated the City has the ability to allocate funds for this use and has shed equipment creating the capacity to make this improvement.

Council Member Elliott asked if it was good to do it now or wait two years. Mr. Churchill stated it was important to get started on the annual savings of \$90,000 while the rebates are available.

Council Member Abercrombie asked what the time frame was for the PG&E loan. Mr. Tobeck stated it was no finance fee for 7.5 years loan.

Mayor Ives asked how much this phase represented. Mr. Tobeck stated approximately 25%.

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

Michael Henry, 1501 Cuneo Court, stated he was concerned with the report. Mr. Henry stated he had provided the City with an 80 watt induction fixture which was installed at East Larch Road. Independent testing had been conducted and an analysis of that test could be provided upon request. Mr. Henry stated his fixture would also be eligible for the PG&E rebate, and may be eligible for stimulus funds because it was classified as "buy American". Mr. Henry provided Council with a handout regarding his testing.

David Knight, Manager of Consolidated Electrical, addressed Council regarding the project. Mr. Knight indicated the company has been in the area for 20 years and is operated nation-wide. Mr. Knight indicated he would like more time to see what the City has in inventory, along with an opportunity to put up one of their fixtures.

Paula McKay, 1981 Standridge Road, stated taking out a loan of \$250,000 in this climate seemed ridiculous. Ms. McKay asked if the LED fixtures had been tested or if other cities have seen the proposed savings.

Dave Helm, 1000 Central, asked if retrofit meant unscrewing a light bulb and putting in a new one. Mr. Tobeck stated it meant replacing the entire head. Mr. Helm asked if the City could partner with PG&E and buy more of these at one time and receive a discount. Mr. Helm stated he did not believe there was enough information available for Council to make a decision on the item.

Council Member Rickman asked the representative for warranty information. Mr. Henry stated 10 years direct from the factory. Council Member Rickman asked what the warranty was on the proposed fixtures. Mr. Tobeck stated a minimum of 5 years.

Mayor Pro Tem Maciel asked staff if the City was locked into a supplier. Mr. Tobeck stated no. Mayor Pro Tem Maciel asked if it was less efficient to replace the fixtures as they expire. Mr. Tobeck stated it was less efficient and no savings were realized by purchasing in large quantities.

Council Member Rickman asked how many lights the City has in storage and what would be done with them. Mr. Tobeck stated the City does not keep large quantities on hand.

Mayor Ives asked if there was any reason to believe that the PG&E loan would not be available a year from now. Mr. Tobeck stated he did not know.

It was moved by Council Member Abercrombie and seconded by Council Member Rickman to postpone the recommended action and have staff discuss options with Consolidated Electrical Distributors and others and return to Council with additional information.

Mayor Pro Tem Maciel asked if this was a proposal from Consolidated Electric or just additional information. Mr. Henry stated it was a little of both. Mr. Henry further stated he provided the proposal a couple of weeks ago to give staff a base idea. Mayor Pro Tem Maciel asked if a Request for Proposals had been issued. Mr. Tobeck stated no.

Voice vote found all in favor; passed and so ordered.

7. COUNCIL DISCUSSION OF THE STRATEGIC PLANS AND ADOPTION OF THE FISCAL YEARS 2011/2012 AND 2012/2013 STRATEGIC PRIORITIES WHICH INCLUDE PUBLIC SAFETY, ECONOMIC DEVELOPMENT, ORGANIZATIONAL EFFICIENCY, AND LIVABILITY - Leon Churchill Jr., City Manager, presented the staff report. Mr. Churchill stated that on February 28, 2011, the three strategic priority areas emerging from the Council retreat included Public Safety, Economic Development and Organizational Efficiency.

Livability as a fourth priority is recommended by staff and included in this staff report. This staff report presents these four strategic business plans, including the goals, objectives and performance measures to be implemented over the course of the upcoming two years.

STRATEGIC PRIORITY ONE: PUBLIC SAFETY

The purpose of the Public Safety Strategic Plan is to combine the collective knowledge and resources of all City of Tracy departments to address specific needs, as well as, to engage residents as active partners in ensuring Tracy is a safe community.

Public Safety Strategy Goals and Objectives:

The four goals identified in the Public Safety Strategy include the following:

Goal 1: Assess community perception and issues effecting public safety

The following three objectives will assist in meeting Goal One:

1. Develop sustainable survey plan;
2. Conduct comprehensive gang assessment, and
3. Identify Tracy resident gang members.

Goal 2: Educate City employees on City services, programs and codes

The following two objectives will assist with implementation of Goal Two:

1. Develop employee resource guide, and
2. Develop an internal training program for City employees.

Goal 3: Empower residents with the tools needed to maintain a safe quality of life

The following five objectives are identified to accomplish Goal Three:

1. Enhance and expand Neighborhood Watch groups;
2. Equip Neighborhood Watch groups with the tools needed to make a difference in their communities;
3. Implement "Children Drown without a Sound" program;
4. Implement Crime Free Multi Housing Program, and
5. Implement American Lung Association "Open Airways" Program.

Goal 4: Establish methods and processes to effectively address safety, blight and quality of life issues

The following six objectives are identified to address Goal Four:

1. Update Gang and Violence Crime Plan;
2. Complete Fire Department Strategic Plan;
3. Expand Weed/Trash/Debris/Blight abatement program;
4. Address blighted and dangerous building and dangerous building conditions throughout community;
5. Expand graffiti Voucher program for private properties, and
6. Consider the establishment of property maintenance standards for private and commercial properties.

Public Safety Strategy Performance Measures:

Fifteen performance measures were identified for the Public Safety Strategic plan, which will be tracked to ensure the goals identified in this plan are met over the next two years:

Design effective survey method;
Utilize print and web media for dissemination of survey;
Achieve 4% response rater;
Implement Resource Guide Program Citywide by March, 2012;
Educate 75% of City employees on Resource guide and its purpose;
Develop a minimum of 12 public safety messages for use year round;
Expand Neighborhood and Business Watch programs by 10%;
Conduct 12 Children Drown Without a Sound meetings;
Reduce Childhood Drowning;
Reduce Part 1 crime by 10%;
Reduce gang related incidents by 10%;
Sustain arrest to contact ratio of 28% in gang activity;
Address and abate at least 10 "3 strike" properties;
Train 75% of Fire and PD staff regarding customer response protocols for abatement, and
Establish multiple partnerships to address blight.

STRATEGIC PRIORITY TWO: ECONOMIC DEVELOPMENT

The Economic Development strategic priority's purpose is to proactively engage the business community to strategically position Tracy for emerging opportunities. Three goals are identified to meet this purpose and are outlined below as follows:

Economic Development Strategy Goals and Objectives:

Goal 1: Job Creation

The objectives and actions to ensure we meet this goal are still being developed as the City has retained the Natelson Dale Group to (1) complete an economic base analysis, industry "cluster" study, and to (2) evaluate the industry cluster potentials associated with Tracy's resident workforce. The final product will include a long-term economic development strategic plan outlining implementation of a business retention/expansion/attraction program focused on the targeted industries/clusters identified via the analysis described above. The components of this plan that can be implemented within the next two years will be incorporated into this two year business plan upon completion.

It is anticipated that this revised Economic Development Strategy, which will incorporate the findings of the economic cluster analysis and job creation opportunities will be brought back to Council on October 4, 2011.

Goal 2: Implement Downtown Revitalization in Accordance with the Downtown Specific Plan (DSP) and the National Main Street Program

Three objectives are identified to implement this goal and include the following:

1. Enhance the drawing power of the retail core;
2. Make Downtown look and feel like the “Heart of the City”, and
3. Continue to support and collaborate with the Tracy City Center Association (TCCA).

Goal 3: Focus Efforts on projects that will result in an increase to the sales tax and transient occupancy tax (TOT) revenues

Two objectives are identified to meet this goal:

1. Retail recruitment, and
2. Increase demand for hospitality, dining and shopping amenities.

Economic Development Strategy Performance Measures:

Seven performance measures are currently identified and included in this Economic Development Strategy and are listed below. As mentioned earlier, however, additional performance measures may be added, related to the Job Creation goal upon completion of the Natelson Dale Group Scope of Work.

- Execute lease agreement with a regional restaurant for the Westside Market space;
- Completion of the downtown plaza;
- Approve 4 Grow Tracy fund loans to downtown merchants;
- Decrease vacancy rate by 5%;
- Increase sales/SF by 5%;
- Increase sales tax revenue by 5%, and
- Increase TOT revenue by 5%.

STRATEGIC PRIORITY THREE: ORGANIZATIONAL EFFICIENCY STRATEGY

The Organizational Efficiency strategic priority’s purpose is to strengthen and stabilize our organizational foundation in the key areas of City Council’s fiscal policies, customer value, processes and systems and workforce viability. To that end, four goals are identified as follows:

Organizational Efficiency Strategy Goals and Objectives:

Goal 1: Advance City Council’s Fiscal Policies

Two objectives are identified to meet this goal:

1. To change the City’s organizational and fiscal structure, and

2. To take advantage of funding and revenue generation opportunities.

Goal 2: Strengthen Customer Value through ensuring quality and excellent customer service. Three objectives are identified to meet this goal:

1. Deliver services that are welcomed by the community;
2. Inform community of available City services, and
3. Promote excellent customer relations.

Goal 3: Integrate current and new processes and systems into business operations of the City of Tracy

The following four objectives will assist with the implementation of Goal Three:

1. Ensure interoperability and optimal usage of applicable data management systems to maximize productivity;
2. Expand GIS throughout the City;
3. Replace website to improve customer satisfaction, and
4. Implement a system that will continually compile available customer electronic information in a centralized location.

Goal 4: Ensure long-term viability and enhancement of the City's workforce

The following three objectives are identified to implement Goal Four:

1. Implement Workforce Readiness Initiative;
2. Train employees for new roles/responsibilities, and
3. Implement Citywide standards and technologies to enhance workforce productivity.

Organizational Efficiency Strategy Performance Measures:

Five performance measures were identified for the Organizational Efficiency Strategic plan, which are the measures that will be tracked in the next two years:

- Establish and maintain a General Fund reserve of at least 20%;
- Obtain a balanced budget by Fiscal Year 2014/2015 without dependence on Measure E;
- Receive ratings equivalent to "Good" or "Excellent" on existing and future customer satisfaction surveys;
- Meet implementation deadlines for GIS, City website and Citywide electronic customer information, and
- Complete implementation of Workforce Readiness Initiative.

STRATEGIC PRIORITY FOUR: LIVABILITY

The Livability strategic priority's purpose is to improve the quality of life in Tracy by providing an environment that is rich in arts, beauty, and entertainment and promotes active and healthy lifestyles. The concept of livability is very broad and can include everything that makes a place or time enjoyable, satiable, of the highest quality, and unique. For the next two years, this priority would focus on three goals identified below.

Livability Strategy Goals and Objectives:

Three goals are identified in the Livability strategic priority area including: (1) A more beautiful city, (2) A city with enticing arts, entertainment, and recreation, and (3) A city balanced with sustainability. All three goals correlate to the goals of the City's General Plan and support the Fiscal Year 2011-2013 strategic priorities of Economic Development and Public Safety. Goals 1 and 2 continue the theme established from the Fiscal Year 2009-2011 Community Amenities strategic priority, and Goal 3 is a continuation of the work established in Fiscal Year 2009-2011 strategic priority, Environmental Sustainability. The Livability strategy will result in direct impacts to citywide economic development and indirect impacts in citywide public safety that will be realized after time.

Goal 1: A more beautiful City of Tracy

For Goal One, four objectives have been identified: These include the following:

1. Create recognizable city entrances;
2. Beautify the I-205 and I-580 Corridor;
3. Enhance Eleventh Street, and
4. Maximize civic art opportunities.

Goal 2: A city with enticing arts, entertainment, and recreation

Three objectives have been identified: These include:

1. Consider a Downtown Arts District;
2. Increase the number of entertaining, cultural, educational, and recreational activities, and
3. Amenitize the California Aqueduct Bikeway.

Goal 3: A city balanced with sustainability

Two objectives have been identified to implement Goal Three. These include:

1. Implement the Sustainability Action Plan, and
2. Increase environmental awareness in the community

Livability Strategy Performance Measures:

Nine performance measures have been identified to measure whether the three goals in the Livability strategy are met. These include:

Begin construction of east Eleventh St. bridge in 2013
Improved property maintenance along freeway and Eleventh Street corridors
Five civic art education sessions conducted by City staff
Twenty events Downtown each year
Concept plans for a trailhead at the California Aqueduct
Twenty measures of the Sustainability Action Plan implemented by July 2013
Two "green" presentations to the community a year
One community care day in 2012
"Green" office policies at City Hall in effect beginning 2012

General Fund impacts vary on a case-by-case basis. Any actions outside of the approved budgeting process will be presented to the Council as realized.

Staff recommended that Council discuss the Strategic Plans and adopt the Fiscal Year 2011/2012 and 2012/2013 Public Safety, Economic Development, Organizational Efficiency, and Livability Strategic Priorities.

Council Member Abercrombie asked about the status of economic development stating he was concerned that Mr. Malik was in charge of two major departments. Mr. Churchill stated he understood and added those who report to Mr. Malik will have to do more. Mr. Churchill stated he was convinced that it could be done.

Council Member Rickman asked if the City was receiving the best rates for consultant contracts. Mr. Churchill stated there are a few examples when the City uses the same consultant where expertise has been achieved and the best service can be provided; otherwise the City creates a competitive situation in everything that is done.

Council Member Rickman stated he wanted to make sure that the City is not going to be over-regulating for businesses that are trying to relocate.

Council Member Elliott referred to a portion of the staff report that discusses training employees to do what to improve public safety. Mr. Churchill indicated to expand our knowledge base internally so that one person can respond to a multitude of questions. Sergeant Sheneman added that the committee would provide a resource manual to all employees that addresses the most generally asked questions.

Council Member Elliott asked for clarification regarding establishing multiple partnerships to reduce blight. Council Member Elliott indicated considerable improvement could be made in this area with community involvement.

Council Member Elliott stated that in general, in a period of economic difficulty, it was important for Council to communicate those priorities. Council Member Elliott further stated that Council needed to be clear and focused and not to dilute their focus from the most critical items. Council Member Elliott indicated by focusing on the top three priorities, better livability will be created.

Mayor Pro Tem Maciel referred to public safety stating it was important that gang issues be addressed and that mandated confidentiality be maintained. Mayor Pro Tem Maciel stated he appreciated the livability priority, but it was critical that it be kept in perspective; when we can we need to improve livability keeping in mind fiscal responsibility.

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

Christine Frankel, 175 Victoria Street, addressed Council regarding the Council retreat. Ms. Frankel stated public safety was a big concern, bringing jobs a big priority, and operational efficiency. Ms. Frankel further stated that when the streets are safe and the check book is balanced, what we live for and what people come to the community look for are what is under livability. Ms. Frankel encouraged Council to add livability as a priority.

Mayor Ives stated the overarching goal of every community includes livability and that the other three strategies were elements of livability. Mayor Ives further stated what the City has to do is find a delicate balance between the four strategies. Mayor Ives stated the question was how much expenditure or resources were going to do this. Mayor Ives stated the only gap he sees is in economic development. Mayor Ives further stated he would be pleasantly surprised if the City can reach 90% and meet its budget.

Council Member Rickman stated Council needs to keep in mind what kind of community it wants in 10 or 20 years in Tracy.

Council Member Elliott stated his opposition to increasing the number of strategies is to focus on the absolute essentials identified.

It was moved by Council Member Abercrombie and seconded by Council Member Rickman to adopt Resolution 2011-143 approving the Fiscal Years 2011/2012 and 2012/2013 Strategic Priorities which include public safety, economic development, organizational efficiency, and livability. Voice vote found Council Member Abercrombie, Rickman, Mayor Pro Tem Maciel, and Mayor Ives in favor; Council Member Elliott opposed.

8. ITEMS FROM THE AUDIENCE – None.
9. COUNCIL ITEMS - Council Member Abercrombie thanked the community that came forward and helped the Smith family. Council Member Abercrombie thanked firefighters Arganbright, Bell, Gonzales, Shepherd and Thompson, Police officers Smith and Wilmshurst, Plans Examiner Huff, Parks Director Buchanan and his daughters, and community members Cody Abercrombie, Jeff Bond, Charles Borders, Ray Gonzales Sr., Larry Hite and Dan Schack for their efforts.

Mayor Pro Tem Maciel encouraged those who have not been able to attend one of the block parties to do so. Mayor Pro Tem Maciel encouraged Council Members to contact Supervisor Ornellas regarding the County Districting question with their concerns.
10. 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: 8:46 p.m.

The above agenda was posted at the Tracy City Hall on July 14, 2011. The above are summary minutes. A tape recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk

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

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

September 6, 2011, 6:00 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Ives called the meeting to order at 6:00 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Abercrombie, Elliott, Rickman, Mayor Pro Tem Maciel and Mayor Ives present.
3. ITEMS FROM THE AUDIENCE - None
4. CLOSED SESSION -
 - A. Personnel Matter (Gov. Code, section 54957)
 - Public Employee Appointment, Employment, Evaluation of Performance, Discipline, or DismissalPosition Title: City Manager
 - B. Labor Negotiations (Gov. Code, section 54957.6)
 - Unrepresented Employee: City ManagerCity's designated representative(s): An individual City Council Member or a subcommittee of the City Council
 - C. Pending Litigation (Gov. Code, section 54956.9(b))
 - Claim of Juan "John" Espinoza
5. MOTION TO RECESS TO CLOSED SESSION – Council Member Abercrombie motioned to recess the meeting to closed session at 6:00 p.m. Council Member Elliott seconded the motion. Voice vote found all in favor; passed and so ordered.
6. RECONVENE TO OPEN SESSION – Mayor Ives reconvened the meeting into open session at 7:03 p.m.
7. REPORT OF FINAL ACTION – Council Member Abercrombie motioned to extend the City Manager's contract, as is, for a period of four years. Council Member Elliott seconded the motion. Voice vote found all in favor; passed and so ordered.
8. ADJOURNMENT – Council Member Abercrombie moved to adjourn the meeting. Council Member Elliott seconded the motion. Voice vote found all in favor; passed and so ordered. Time: 7:04 p.m.

The agenda was posted at City Hall on September 1, 2011. The above are summary minutes.

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.B

REQUEST

AUTHORIZE FEDERAL FISCAL YEAR 2011 GRANT APPLICATION FOR SECTION 5307 U.S. DEPARTMENT OF TRANSPORTATION FEDERAL TRANSPORTATION ADMINISTRATION FUNDS IN THE AMOUNT OF \$1,121,400 FOR TRACER PUBLIC TRANSPORTATION SERVICES AND FOR REPLACEMENT FIXED ROUTE BUSES; CERTIFICATION OF APPLICATION ASSURANCES; AND THE CITY MANAGER OR DESIGNEE TO EXECUTE THE GRANT DOCUMENTS

EXECUTIVE SUMMARY

The City of Tracy is applying for Federal Transportation Administration Grant Funding. This request is for the amount of \$1,121,400 for Tracer public transportation services and for replacement fixed route buses. The application has been presented to San Joaquin Council of Governments (SJCOG), which is the Designated Recipient for these funds. Approval of this application is necessary to ensure FTA 5307 funding of the TRACER Public Transportation System and Capital Improvement Program (CIP) Transit Projects.

DISCUSSION

Annually, the City of Tracy can apply for Federal Transportation Administration (FTA) 49 U.S.C. Section 5307 Grant Funding. The available funds to the City of Tracy from FTA Section 5307, for Federal Fiscal Year 2011 (FY11) appropriation and allocation, are \$1,292,920. The Section 5307 grant funding requested in this action for Fiscal Year 2011 appropriation is the allocation of \$1,121,400. The difference of \$171,520 will be used toward a future Section 5307 Grant.

This grant application (CA90Y915) requires certain assurances from the City that funds will be used in a manner which complies with all federal statutes, regulations, executive orders and administrative procedures applicable to the grant. Application is being made to provide grant assistance for TRACER operating assistance and for replacement fixed route buses.

The application has been presented to San Joaquin Council of Governments (SJCOG), which is the Designated Recipient for these funds. SJCOG, acting as the regional transportation coordinator, assures the State that total County Section 5307 funds have been programmed, that the local funding has been committed to transit operation, that needs of the elderly and handicapped have been met, and that the City has coordinated with other transportation providers and users within the Tracy area.

Approval of this application is necessary to ensure FTA 5307 funding of the TRACER Public Transportation System and Capital Improvement Program (CIP) Transit Projects. Transportation Development Act funds will be used as the matching funds for the City's portion on all projects listed below. A breakdown of the funding sources for these projects is shown below:

PROJECT	TOTAL COST	FTA / 5307	TDA
TRACER FY11 Operating Expense	\$1,350,000	\$675,000	\$675,000
Replacement Fixed Route Buses	\$558,000	\$446,400	\$111,600
TOTALS	\$1,908,000	\$1,121,400	\$786,600

STRATEGIC PLAN:

This agenda item is a routine operational item and does not relate to the Council's strategic plans.

FISCAL IMPACT

There is no impact to the General Fund. The City's public transit services and related CIP projects for this application will be funded from the Transit Fund.

RECOMMENDATION

That the City Council, by Resolution, authorizes the Federal Fiscal Year 2011 Grant application for Section 5307 U.S. Department of Transportation Federal Transportation Administration funds in the amount of \$1,121,400 for TRACER Public Transportation Services and for replacement Fixed Route Buses; certification of application assurances; and authorize the City Manager or designee to execute the grant documents.

Prepared by: Ed Lovell, Management Analyst II

Reviewed by: Rod Buchanan, Director of Parks and Community Services

Approved by: Leon Churchill, Jr., City Manager

RESOLUTION _____

AUTHORIZING FEDERAL FISCAL YEAR 2011 GRANT APPLICATION FOR SECTION 5307 U.S. DEPARTMENT OF TRANSPORTATION FEDERAL TRANSPORTATION ADMINISTRATION FUNDS IN THE AMOUNT OF \$1,121,400 FOR TRACER PUBLIC TRANSPORTATION SERVICES AND FOR REPLACEMENT FIXED ROUTE BUSES; CERTIFICATION OF APPLICATION ASSURANCES; AND THE CITY MANAGER OR DESIGNEE TO EXECUTE THE GRANT DOCUMENTS

WHEREAS, As required by 49 U.S.C. Section 5307, the Section 5307 grant application identifies the need for and use of funds to assist in transit operations, bus security cameras, and for replacement paratransit buses; and

WHEREAS, For Federal Fiscal Year 2011 appropriation and allocation, the available funds from Federal Transportation Administration Section 5307 source are \$1,292,920 and the application (CA90Y915) seeks the amount of \$1,121,400, with the difference of \$171,520 being used for a future Section 5307 Grant; and

WHEREAS, The San Joaquin County Council of Governments, acting as the regional transportation coordinator and Designated Recipient, assures the State that total County Section 5307 funds have been programmed, that local funding has been committed to transit operation, that needs of the elderly and disabled have been met, and that the City has coordinated with other transportation providers and users within the Tracy area; and

WHEREAS, The grant application requires the City to make certain assurances that the grant funds will be used in compliance with applicable laws, regulations and administrative or executive orders.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy does hereby authorize the following:

1. The Federal Fiscal Year 2011 (FY11) grant application for Section 5307 U.S. Department of Transportation Federal Transportation Administration funds in the amount of \$1,121,400 for TRACER public transportation services and for replacement fixed route buses; and
2. Certification of application assurances; and
3. The City Manager or designee to execute the grant documents.

* * * * *

The foregoing Resolution _____ was adopted by the Tracy City Council on the _____ day of _____ 2011, by the following vote:

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

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.C

REQUEST

AWARD A BID IN THE AMOUNT OF \$101,642 TO ZOLL MEDICAL CORPORATION FOR THE PURCHASE OF FOUR ADVANCED LIFE SUPPORT CARDIAC MONITORS

EXECUTIVE SUMMARY

In fiscal year 2010/2011, the fire department applied for and was successfully awarded an Assistance to Firefighters Grant (AFG) from the Federal Emergency Management Agency (FEMA) for the purchase of four advanced life support cardiac monitors. Cardiac monitors assist fire department paramedics in delivering advanced medical care to patients suffering cardiac related emergencies. The requested items will replace existing units which have limited functionality, with new fully functional cardiac monitors.

DISCUSSION

Cardiac monitors allow a paramedic to analyze heart rhythms, defibrillate heart attack victims, evaluate blood pressure and employ other analysis tools to assist a paramedic in arriving at treatment decisions. Cardiac monitors are required equipment for advanced life support providers operating within San Joaquin County. All current cardiac monitors meet minimum requirements however each unit varies in its ability to provide all available analysis tools. The fire department requested grant funds to replace existing cardiac monitors that have limited functionality with new units having full capability. The purchase of the requested equipment would provide each advanced life support staffed unit with a fully capable cardiac monitor. The new equipment would further allow fire department paramedics to operate to their full ability within their scope of practice.

The Tracy Fire Department applied for the Assistance to Firefighters Grant (AFG) for the purchase of advanced life support cardiac monitors in fiscal year 2010/2011. The department was notified that it would receive the requested grant funds in January 2011. The requested project amount was \$108,750 with an 80% federal share, 20% local share cost sharing requirement. The grant has a performance period by which the purchase would need to be completed ending on December 21, 2011.

The department published a notice inviting bids for the purchase of four advanced life support cardiac monitors in August 2011. Five vendors were directly contacted via phone or email regarding the opportunity to bid on the project. The notice inviting bids was also posted on the City's website and published in the Tri-Valley Herald.

The department received three bids, one of which was received after the required deadline and therefore not considered. Both qualifying proposals received were within the budget anticipated for the project. The qualifying vendors and the amount of their bid is represented in Table 1a below.

Vendor	Bid Amount
Physio-Control, Inc.	\$102,923.78
Zoll Medical Corporation	\$101,642.88

Table 1a

After review of the submitted proposals from Physio-Control and Zoll Medical it was determined that both proposals met the criteria of the specifications provided in the bid package. Zoll Medical Corporation was determined to be the lowest responsible bidder on the project.

STRATEGIC PLAN

This is an operational item and is not identified in any of the current strategic plans.

FISCAL IMPACT

The total amount requested for the project was \$108,750 which includes all costs associated with the purchase (equipment, tax, and shipping). The federal share of grant funds is 80% or \$87,000 of the approved amount and the City share of 20% is \$21,750.

In anticipation of receiving the grant, the City included the funds necessary to purchase the monitors in the FY 2011/2012 budget. Funds would be derived from fire department equipment account number 211-59320-676-E2013.

The purchase price for the units including tax and shipping as proposed by Zoll Medical is \$101,648. The City share of 20% would be \$20,328 and the federal share of \$81,313 is reimbursed to the City through grant funding. The City would expend the full \$101,648 to complete the purchase and seek reimbursement for the federal share via direct deposit. Any remaining grant funds can be utilized to purchase additional equipment meeting the requirements under the AFG program guidance.

RECOMMENDATION

Staff recommends that the City Council award a bid in the amount of \$101,648 for the purchase of four advanced life support cardiac monitors to Zoll Medical Corporation and authorize the fire department to make the purchase.

Prepared by: David A. Bramell, Fire Division Chief

Reviewed by: Al Nero, Fire Chief

Approved by: Leon Churchill, Jr., City Manager

RESOLUTION _____

AWARDING BID IN THE AMOUNT OF \$101,642 TO ZOLL MEDICAL CORPORATION FOR THE PURCHASE OF FOUR ADVANCED LIFE SUPPORT CARDIAC MONITORS

WHEREAS, Advanced Life Support (ALS) cardiac monitors are essential equipment for Firefighter-Paramedic personnel to perform their job and each ALS staffed engine company is required to carry cardiac monitor as basic equipment, and

WHEREAS, The current Fire Department ALS cardiac monitors have varying levels of capability, and

WHEREAS, The Fire Department sought and was successfully awarded an Assistance to Firefighters Grant from the Federal Emergency Management Agency in the amount of \$108,750 for the purchase of four fully capable ALS cardiac monitors, and

WHEREAS, ZOLL Medical Corporation was the lowest responsible bidder with a bid amount of \$101,642, and

WHEREAS, The grant requires a 20% local share of \$20,328 contributed to the total purchase price and the federal share of \$81,313 is reimbursed to the City through grant funding, and

WHEREAS, The local share funds provided by the City were budgeted for in the FY 2011-12 budget,

NOW, THEREFORE, BE IT RESOLVED, That Zoll Medical Corporation be awarded a bid in the amount of \$101,642 for the purchase of four Advanced Life Support Cardiac Monitors

The foregoing Resolution _____ was adopted by the Tracy City Council on the _____ day of _____, 2011 by the following vote:

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

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.D

REQUEST

AWARD A CONSTRUCTION CONTRACT FOR INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF BYRON ROAD AND LAMMERS ROAD – CIP 72041 (FEDERAL PROJECT NO. CML 5192-032), TO PACIFIC EXCAVATION, INC., OF ELK GROVE, CALIFORNIA, AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT

EXECUTIVE SUMMARY

The Traffic Signal at Byron Road and Lammers Road is an approved Capital Improvement project. City Council is requested to award a construction contract for installation of a traffic signal at the intersection of Byron Road and Lammers Road – CIP 72041 (Federal Project No. CML 5192 (032)).

DISCUSSION

This project provides for construction of a fully actuated pedestrian and vehicular traffic signal at the intersection of Byron Road and Lammers Road.

Staff applied for Congestion Management and Air Quality (CMAQ) grant funding for this project and the State of California has approved an allocation of \$160,000 towards construction of this project.

Project design, improvement plans, specifications, and contract documents were prepared by Traffic Engineering Services of Stockton, California. The project was advertised for competitive bids on August 1 and August 8, 2011. The City received 6 bids on August 31, 2011 follows:

Pacific Excavation, Inc., Elk Grove, CA	\$188,096
Stieny and Company, Vallejo, CA	\$201,357
Winguard Engineering, Bethal Island, CA	\$204,500
Mike Brown Electric, Cotati, CA	\$215,000
Tennyson Electric, Livermore, CA	\$217,679
Prismn Engineering, Hayward, CA	\$347,452

Pacific Excavation Inc., of Elk Grove, California, is the lowest responsible bidder. The bid analysis indicates that the bid is responsive and competitive. The contractor has good references and has completed similar projects for the City and other agencies.

Staff recommends that this contract for the Traffic Signal – Lammers Road and Byron Road - CIP 72041, be awarded to the low bidder, Pacific Excavation of Elk Grove, California, for their bid amount of \$188,096.

The anticipated cost for construction of this project, if awarded to Pacific Excavation is estimated as follows:

	<u>Amount</u>
Construction Bid	\$188,096
Contingency (~10%)	\$ 20,000
Design	\$ 20,000
Design Support during Construction	\$ 5,000
Inspection (~8%)	\$ 15,000
City wide Project Management	<u>\$ 60,000</u>
Total Project Cost	<u>\$308,096</u>

A total of \$368,283 is budgeted for this project. Out of this amount, \$160,000 has been received from a CMAQ grant, and the remaining funding will come from the Gas Tax Fund.

If the project is awarded to Pacific Excavation, it is anticipated that construction will commence by October 15 with completion expected by the end of January 15, 2012.

STRATEGIC PLAN

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

FISCAL IMPACT

The project is a budgeted project partly funded from the Gas Tax Fund and from CMAQ grant funds. There will be no impact to General Fund.

RECOMMENDATION

That City Council, by resolution, award a construction contract to Pacific Excavation Inc., of Elk Grove, California in the amount of \$188,096, for installation of a traffic signal at the intersection of Byron Road and Lammers Road – CIP 72041 (Federal Project No. CML 5192-032), and authorize the Mayor to execute the contract.

Prepared by: Ripon Bhatia, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

Approved by: Andrew Malik, Development and Engineering Services Director
Leon Churchill, Jr., City Manager

RESOLUTION 2011- _____

AWARDING A CONSTRUCTION CONTRACT FOR INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF BYRON ROAD AND LAMMERS ROAD – CIP 72041 (FEDERAL PROJECT NO. CML 5192-032), TO PACIFIC EXCAVATION, INC., OF ELK GROVE, CALIFORNIA, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT

WHEREAS, This project provides for construction of a fully actuated pedestrian and vehicular traffic signal at the intersection of Byron Road and Lammers Road, and

WHEREAS, The project was advertised for competitive bids on August 1 and August 8, 2011, and the City received six bids on August 31, 2011, and

WHEREAS, Pacific Excavation Inc., of Elk Grove, California, is the lowest responsible bidder; the bid analysis indicates that the bid is responsive and competitive, and

WHEREAS, The anticipated cost for construction of this project, if awarded to Pacific Excavation is estimated as follows:

	<u>Amount</u>
Construction Bid	\$188,096
Contingency (~10%)	\$ 20,000
Design	\$ 20,000
Design Support during Construction	\$ 5,000
Inspection (~8%)	\$ 15,000
City wide Project Management	<u>\$ 60,000</u>
Total Project Cost	\$308,096

WHEREAS, A total of \$368,283 is budgeted for this project. Out of this amount, \$160,000 has been received from a CMAQ grant, and the remaining funding will come from the Gas Tax Fund, and

WHEREAS, The project is a budgeted project partly funded from the Gas Tax Fund and from CMAQ grant funds and there will be no impact to General Fund;

NOW, THEREFORE, BE IT RESOLVED that City Council award a construction contract to Pacific Excavation Inc., of Elk Grove, California in the amount of \$188,096, for installation of a traffic signal at the intersection of Byron Road and Lammers Road – CIP 72041 (Federal Project No. CML 5192-032), and authorize the Mayor to execute the contract.

The foregoing Resolution _____ was adopted by the Tracy City Council on the 20th day of September, 2011 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST

CITY CLERK

AGENDA 1.E

REQUEST

**ADOPT A RESOLUTION REGARDING THE INTERNAL REVENUE CODE 414(h)(2)
TO TAX DEFER EMPLOYEE PAID PORTIONS TO THE CALIFORNIA PUBLIC
EMPLOYEES RETIREMENT SYSTEM**

EXECUTIVE SUMMARY

This resolution adopts IRC Code 414(h)(2) which enables the amount an employee pays to PERS to be Tax deferred.

DISCUSSION

The City participates in the California Public Employees Retirement System (CalPERS). Retirement contributions consist of an “employer” share and an “employee” share. Historically the City has paid the employee share of PERS. However, the City has proposed to phase this out and have employees pay the employee share of CalPERS. Department heads have already begun to pay a portion of the employee share of PERS. As such, the City can adopt the Internal Revenue Service Code 414(h)(2) which will enable the amount an employee pays toward their share of PERS to be tax deferred. Tax deferred does not mean tax exempt, only that the employee is deferring the taxes until retirement contributions are withdrawn.

STRATEGIC PLAN

This matter is routine and does not address one of the City’s four strategic plans.

FISCAL IMPACT

There is no impact to the City regarding this action. This is an employee tax matter – not an employer tax matter.

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution which adopts the IRS Code 414(h)(2).

Prepared by: Zane Johnston, Finance & Administrative Services Director

Approved by: R. Leon Churchill, Jr., City Manager

RESOLUTION _____

AUTHORIZING TAX DEFER MEMBER PAID CONTRIBUTIONS – IRC 414(h)(2)
EMPLOYER PICK-UP

WHEREAS, the governing body of the City of Tracy has the authority to implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC), and

WHEREAS, the City of Tracy has determined that even though the implementation of the provisions of section 414(h)(2) IRC is not required by law, the tax benefit offered by section 414(h)(2) IRC should be provided to all employees in a recognized group or class of employment who are members of the California Public Employees' Retirement System.

NOW, THEREFORE, BE IT RESOLVED:

- I. That the City of Tracy will implement the provisions of section 414(h)(2) Internal Revenue Code by making employee contributions pursuant to California Government Code Section 20691 to the California Public Employees' Retirement System on behalf of all its employees in a recognized group or class of employment who are members of the California Public Employees Retirement System. "Employee contributions" shall mean those contributions to the Public Employees' Retirement System which are deducted from the salary of employees and are credited to individual employee's accounts pursuant to California Government Code section 20691.
- II. That the contributions made by the City of Tracy to the California Public Employees' Retirement System, although designated as employee contributions, are being paid by the City of Tracy in lieu of contributions by the employees who are members of the California Public Employees' Retirement System.
- III. That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the City of Tracy to the California Public Employees' Retirement System.
- IV. That the City of Tracy shall pay to the California Public Employees' Retirement System the contributions designated as employee contributions from the same source of funds as used in paying salary.
- V. That the amount of the contributions designated as employee contributions and paid by the City of Tracy to the California Public Employees' Retirement System on behalf of an employee shall be the entire contribution required of the employee by the California Public Employees' Retirement Law (California Government Code Sections 20000, et seq.).
- VI. That the contributions designated as employee contributions made by City of Tracy to the California Public Employees' Retirement System shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by the California Public Employees' Retirement System.

Resolution _____

Page 2

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the _____ day of _____, 2011 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST

CITY CLERK

AGENDA ITEM 3

REQUEST

RECEIVE REPORT IDENTIFYING THE COSTS OF PROVIDING TWO YEARS ADDITIONAL SERVICE CREDIT WITH THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM TO ELIGIBLE EMPLOYEES IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 7507 AND DIRECT STAFF TO PRESENT REQUIRED RESOLUTION AND CERTIFICATIONS OF COMPLIANCE TO THE CITY COUNCIL FOR ADOPTION ON OCTOBER 4, 2011 PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 20903

EXECUTIVE SUMMARY

Pursuant to Government Code Section 7507, this report recommends receiving information regarding the potential costs and savings related to the City of Tracy providing two years additional service credit with the California Public Employees Retirement System (CalPERS) and directing staff to present the required Resolution and certifications of compliance to the City Council for adoption on October 4, 2011 in accordance with Government Code Section 20903.

DISCUSSION

The City of Tracy has addressed its structural budget deficit of the past several years by utilizing various workforce reduction principals. Actions taken to date have resulted in reduction of 16% of the workforce as well as reduced personnel expenditures by over \$5 million dollars. Despite these efforts, personnel expenditures continue to inhibit long-term and sustainable fiscal health. Consequently, additional actions to reduce the workforce are necessary.

An employee workforce survey was conducted to provide employee feedback on a number of workforce planning and development issues. In particular, the survey measured employee interest in the offering of CalPERS Two Years Additional Service Credit benefit. It also provided the desired window within which an employee wished to retire in order to assist the City in developing a pool of talent within the organization to prepare for the skill sets needed as individuals depart.

The proposed additional service credit offering, or Golden Handshake, is one of several policy strategies that would help stabilize the City's financial condition as personnel costs are reduced. Such costs are the most significant expenditure for the City's annual operating budget. It has been determined that the Two Year Additional Service Credit would support fiscal sustainability goals.

Under California Government Code Section 20903, an agency may provide the Two Years Additional Service Credit Program to members who retire during a designated period because of impending mandatory layoffs, transfers, or

demotions. To be eligible, participating employees must be at least fifty years of age, have at least five years of service with CalPERS, and retire within the window period(s) established by the City. The intended effect of offering this incentive must be an overall reduction in workforce.

Implementation of the Program requires specific actions to be taken. The first requires public notice of prospective costs and savings, in accordance with Government Code Section 7507, at least 2 weeks prior to the adoption of a Resolution. The second action requires adoption of the resolution implementing the additional service credit provision, including approving the required certifications of compliance.

The City must designate a specified time period(s) of between 90 and 180 days during which eligible employees must retire to receive the early retirement incentive. The City Manager has proposed designating 3 windows as follows:

- Window 1: November 1, 2011 through February 29, 2012
- Window 2: April 1, 2012 through June 30, 2012
- Window 3: September 1, 2012 through January 31, 2013

To generate future budget savings, an eligible pool of 21 classifications has been identified. Following implementation, estimated savings over the next 20 years is \$41,569,408, or \$2.08 million in average annual savings. The classifications identified for public disclosure are as follows:

- Accounting Assistant
- Accounting Officer
- Accounting Technician
- Airport Coordinator
- Assistant City Clerk
- Assistant Civil Engineer
- Code Enforcement Officer
- Community Services Officer
- Crime Prevention Specialist
- Custodian
- Department Head – Finance Director
- Department Head – Public Works Director
- Engineering Technician II
- Executive Assistant
- Housing Program Inspector II
- Maintenance Worker I
- Maintenance Worker II
- Plant Mechanic II
- Police Sergeant
- Recreation Services Supervisor
- Senior Maintenance Worker

The City Manager has reviewed the proposed classifications, and eligible incumbents have been identified. A total of 28 employees are currently eligible to retire. Of the positions these employees occupy, 18 will be eliminated, 8 will be downgraded to lower classifications, and 2 will be filled similarly. The City is committed to implementing the workforce reduction plan, which includes no rehiring of eliminated positions, no reclassifying of downgraded positions, and contracting out whenever possible. The City's adherence to the workforce reduction plan does not preclude it from addressing unanticipated staffing needs that could arise in the future should conditions change, such as service demand, population, or other external factors.

STRATEGIC PLAN

This agenda item supports the organizational efficiency strategic plan and specifically implements the following goal:

Goal 4: Ensure long-term viability and enhancement of the City's workforce

FISCAL IMPACT

Government Code Section 7507 requires that the cost to provide this benefit be made public at a public meeting at least two weeks prior to the adoption of the Resolution. The governing body satisfies this requirement by disclosing an estimate of the present value of the additional employer contribution. The estimated cost of providing the Two Years Additional Service Credit Program will be approximately \$97,685 annually or \$1,953,692 over 20 years. Following implementation of the Program, annual savings of \$2,078,470 are estimated, or \$41,569,408 over 20 years.

RECOMMENDATION

That the City Council adopt, by resolution, this report identifying the costs of providing two years additional service credit with the California Public Employees Retirement System to eligible employees in accordance with California Government Code Section 7507 and direct staff to present the required Resolution and certifications of compliance to the City Council for adoption on October 4, 2011 in accordance with Government Code Section 20903.

Prepared by: Maria Olvera, Human Resources Director

Approved by: Leon Churchill, Jr., City Manager

RESOLUTION _____

IDENTIFYING THE COSTS OF PROVIDING TWO YEARS ADDITIONAL SERVICE CREDIT WITH THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM TO ELIGIBLE EMPLOYEES IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 7507 AND DIRECT STAFF TO PRESENT REQUIRED RESOLUTION AND CERTIFICATIONS OF COMPLIANCE TO THE CITY COUNCIL FOR ADOPTION ON OCTOBER 4, 2011 PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 20903

WHEREAS, The City of Tracy's contract with the California Public Employment Retirement System (CalPERS) allows the City to offer the Two Years Additional Service Credit Program pursuant to Government Code Section 20903; and

WHEREAS, Under the Two Years Additional Service Credit Program, employees in designated classifications will be provided two years retirement service; and

WHEREAS, Government Code Section 7507 requires public meeting disclosure of the potential cost associated in providing the benefit; and

WHEREAS, To be eligible, participating employees must be at least fifty years of age, have at least five years of service with CalPERS, and retire within a designated period(s) established by the City, proposed by the City Manager to be:

- Window 1: November 1, 2011 through February 29, 2012
- Window 2: April 1, 2012 through June 30, 2012
- Window 3: September 1, 2012 through January 31, 2013; and

WHEREAS, The intended effect of offering this incentive must be an overall reduction in the workforce; and

WHEREAS, The following 21 classifications have been identified under this program:

- Accounting Assistant
- Accounting Officer
- Accounting Technician
- Airport Coordinator
- Assistant City Clerk
- Assistant Civil Engineer
- Code Enforcement Officer
- Community Services Officer
- Crime Prevention Specialist
- Custodian
- Department Head – Finance Director
- Department Head – Public Works Director
- Engineering Technician II
- Executive Assistant
- Housing Program Inspector II
- Maintenance Worker I

Resolution _____
Page 2

Maintenance Worker II
Plant Mechanic II
Police Sergeant
Recreation Services Supervisor
Senior Maintenance Worker; and

WHEREAS, There are 28 employees who are currently holding the identified classifications and are eligible to retire; and

WHEREAS, Assuming that all 28 employees retire, the estimated total costs in providing the Two Years Additional Service Credit Program will be approximately \$ 97,685 per year, or \$1,953,692 over 20 years; and

WHEREAS, The City is estimated to achieve a net savings of approximately \$2,078,470 per year, or approximately \$41,569,408 over 20 years.

NOW, THEREFORE, BE IT RESOLVED, That the City Council, by Resolution, receives information regarding the potential costs and savings related to the City of Tracy providing two years additional service credit with the California Public Employees Retirement System (CalPERS) and directs staff to present the required Resolution and certifications of compliance to the City Council for adoption on October 4, 2011 in accordance with Government Code Section 20903.

* * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 20th day of September, 2011, by the following vote:

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

Mayor

ATTEST:

City Clerk

AGENDA ITEM 4

REQUEST

INTRODUCE AN ORDINANCE AMENDING SECTIONS 3.04.010, 3.04.020(e), 3.04.030(c), 3.04.040(a),(b),(e) and (f), 3.04.050(a) and (b), 3.04.060(a), 3.04.070(b), 3.04.080(e), 3.04.090(a) and 3.04.100(b) OF CHAPTER 3.04, ENTITLED “FIREWORKS” OF THE TRACY MUNICIPAL CODE

EXECUTIVE SUMMARY

Chapter 3.04 of the Tracy Municipal Code entitled Fireworks was adopted by the City Council on May 17, 2011 (Ordinance 1158) to allow for the sale and discharge of fireworks within the City of Tracy. Staff has recommended revisions to Chapter 3.04 to remove language that is no longer applicable and include language that facilitates the administering of the fireworks program.

DISCUSSION

Chapter 3.04 of the Tracy Municipal Code entitled Fireworks was adopted by the City Council on May 17, 2011 (Ordinance 1158) to allow for the sale and discharge of fireworks within the City of Tracy. When the ordinance was introduced on May 3, 2011, staff advised Council that the ordinance would likely require revision after the July 4, 2011 holiday. The original adoption was conducted in a relatively short time frame in order to allow for the sale in time for the pending holiday for calendar year 2011. The ordinance contained provisions specific to calendar year 2011 due to the abbreviated time frame which are no longer applicable. It was also determined that certain revisions are necessary to clarify requirements related to administering the fireworks program.

The amendments to Chapter 3.04 include clarified definitions of non-profit organizations, further describes permit requirements, administrative citation authority and storage of fireworks. Any changes related to the fireworks lottery process or the process by which the City will issue annual permits to sell Safe and Sane Fireworks would be addressed by resolution of the City Council and are not effected by the proposed amendments.

Should Council adopt the revisions to Chapter 3.04 and conduct a second reading at the October 4, 2011 City Council meeting, the revisions would become effective November 4, 2011.

STRATEGIC PLAN

This agenda item is an operational item and does not relate to the Council's strategic plans.

FISCAL IMPACT

There is no fiscal impact related to amending Chapter 3.04 of the Tracy Municipal Code as prescribed. Permit fees associated with fireworks are established by resolution of the City Council as described in Chapter 3.04.040(d) of the Tracy Municipal Code.

RECOMMENDATION

Staff recommends that Council adopt an ordinance amending sections 3.04.010, 3.04.020(e), 3.04.030(c), 3.04.040(a),(b),(e) and (f), 3.04.050(a) and (b), 3.04.060(a), 3.04.070(b), 3.04.080(e), 3.04.090(a) and 3.04.100(b) of chapter 3.04, entitled "FIREWORKS", of the Tracy Municipal Code.

Prepared by: David A. Bramell, Fire Division Chief

Reviewed by: Alford Nero, Fire Chief

Approved by: Leon Churchill, Jr., City Manager

Attachment: Ordinance: Amending sections 3.04.010, 3.04.020(e), 3.04.030(c), 3.04.040(a),(b),(e) and (f), 3.04.050(a) and (b), 3.04.060(a), 3.04.070(b), 3.04.080(e), 3.04.090(a) and 3.04.100(b) of chapter 3.04, entitled "FIREWORKS", of the Tracy Municipal Code.

ORDINANCE _____

AN ORDINANCE AMENDING SECTIONS 3.04.010, 3.04.020(e), 3.04.030(c), 3.04.040(a),(b),(e) and (f), 3.04.050(a) and (b), 3.04.060(a), 3.04.070(b), 3.04.080(e), 3.04.090(a) and 3.04.100(b) OF CHAPTER 3.04, ENTITLED "FIREWORKS", OF THE TRACY MUNICIPAL CODE

Whereas, On May 17, 2011, the Tracy City Council adopted Chapter 3.04 (Ordinance 1158) of the Tracy Municipal Code allowing for the sale and discharge of fireworks within the city limits of Tracy; and

Whereas, The City Council wishes to revise certain provisions of Chapter 3.04 to remove language that is no longer applicable and include language that facilitates the administering of the fireworks program.

NOW, THEREFORE, The City Council of the City of Tracy hereby ordains as follows:

SECTION 1: Chapter 3.04 of Title 3 (Public Safety) of the Tracy Municipal Code is hereby amended to read as follows:

"TITLE 3 - PUBLIC SAFETY

Chapter 3.04 - FIREWORKS

Sections:

3.04.010	Definitions
3.04.015	Public Displays-Effective Date
3.04.020	Public Displays-Permits Required
3.04.030	Sale-Discharge Time Limit-Dangerous Fireworks
3.04.040	Permit to Sell and Store Safe and Sane Fireworks
3.04.050	Maximum Number of Safe and Sane Fireworks Permits Issued
3.04.060	Applications for Safe and Sane Fireworks Sales Permit Lottery
3.04.070	Documents and Fees Required for Fireworks Sales Permit Issuance
3.04.080	Operation of Safe and Sane Fireworks Stand Only by Permittee
3.04.090	Safe and Sane Fireworks Sales Stand Requirements
3.04.100	Locations for Discharge
3.04.110	Sales and Use by Minors
3.04.120	State Law
3.04.130	Violation
3.04.140	Enforcement

3.04.010 – Definitions

"Fireworks" means any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effect which are useful as pyrotechnic devices or for entertainment.

The term "fireworks" includes, but is not limited to devices designated by the manufacturer as fireworks, Heath and Safety Code both as "dangerous fireworks" and as "safe and sane fireworks" and shall include firecrackers, torpedoes, skyrockets, roman candles,

bombs, sparklers, chasers, snakes or other fireworks containing any explosives or flammable substance. This definition does not include ammunition used for target shooting or hunting, nor does it include what is ordinarily known as cap pistol caps, party popper or snap caps.

“Safe and Sane Fireworks” also known as “State Approved Fireworks” means any fireworks which do not come within the definition of “dangerous fireworks” or “exempt fireworks” as defined by section 12505 of the Health & Safety Code of the State of California and the sections of Title 19, Code of Regulations, Subchapter 6 pertaining to “Safe and Sane Fireworks” which are hereby incorporated by reference.

“Dangerous fireworks” means any fireworks classified as such as defined by Sections 12505 and 12561 of the Health & Safety Code of the State of California and the sections of Title 19, Code of Regulations, Subchapter 6 pertaining to dangerous fireworks which are hereby incorporated by reference;

“Public Display of Fireworks” means an entertainment feature where the public or private group is admitted or permitted to view the display or discharge of dangerous fireworks.

“Fireworks Sales Stand” means any building, counter, or other structure of a temporary nature used in the sale, offering for sale, or display for sale of “Safe and Sane Fireworks”

“Nonprofit Organizations” means the applicant is a local nonprofit organization which shall mean any nonprofit association, club, or corporation organized for veteran, patriotic, welfare, religious, civic betterment, youth or charitable purposes as defined by Section 501 (c) of the Internal Revenue Code of the United States. A local nonprofit organization must have its principal and permanent meeting place in the City of Tracy. The organization must have obtained nonprofit status and have been organized and established in the City for a minimum of one continuous year preceding the filing of the application for permit. The organization must also have a bona fide membership of at least twenty members who reside in the City, which will be verified each year.

3.04.020 – Public Displays-Permits Required

(a) Notwithstanding the prohibitions on Dangerous and Safe and Sane Fireworks set forth in this chapter, this section shall not prohibit public fireworks displays which may be allowed upon issuance of a permit therefore under the provisions of the Health and Safety Code of the State of California. This chapter also does not prohibit the use by railroad or other transportation agencies for signal purposes or illumination of torpedoes, flares or fuses; nor the sale of use of blank cartridges for theatrical or ceremonial purposes, athletic events, or military ceremonials or demonstrations.

(b) Fireworks Display Permits are required to conduct a fireworks display as required by local and state regulations. Permit application shall be made not less than 60 days prior to the scheduled date of the display. The permit application shall include a diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged; the location of buildings, highways and other lines of communication; the lines behind which the audiences will be restrained; and the location of nearby overhead obstructions. At the time of permit application, the Fire Chief or his/her designee shall be consulted regarding reasonable

conditions or requirements for standby personnel and fire apparatus. Fireworks Display Permits shall only be granted to licensed pyrotechnic operators.

(c) Fireworks Display Permits may be secured by application to the Fire Chief with the concurrence of the Police Chief. The Fire Chief and Police Chief may deny issuance of such permits provided such denial is reasonably based on public health and safety concerns, including but not limited to an application for another event to be held on the same date as that requested has been previously filed or approved, and the other event is so close in time and location to the event proposed as to cause undue traffic congestion or to place the City in a position of being unable to meet the needs for Fire, Police or Public Works services for both events. Any decision regarding such permits may be appealed to the City Manager as set forth in Section 1.12.010 of this code.

(d) Fireworks Displays may also require a special events permit pursuant to Chapter 4.40 of this code.

(e) The Fireworks Display Permit fee, requisite deposits, time of payment, and insurance requirements shall be set by resolution of the City Council.

3.04.030 – Sale-Discharge-Time Limit-Dangerous Fireworks

(a) Subject to the permitting provisions of this chapter, the provisions of the State Fireworks Law, sections 12500 through 12726 of the Health and Safety Code of the State of California and any regulations promulgated thereunder and notwithstanding the portions of section 9.06.080 of this Code that address fireworks, safe and sane fireworks, as defined in Section 12529 and 12562 of the Health and Safety Code of the State of California, may be discharged within the city limits of the City of Tracy during the period from noon and ending at 10:00 p.m. on the twenty-eighth day of June through the third day of July and from noon to midnight on the fourth of July, each year.

(b) It is unlawful and shall be a misdemeanor to possess, sell or discharge fireworks classified as “dangerous fireworks” by Section 12505 of the Health and Safety Code of the State of California within the City of Tracy.

(c) As an alternative to charging possession, sale, or discharge of dangerous fireworks as a misdemeanor as provided under subsection (b) of this section, the City may issue administrative citations pursuant to Chapter 1.28 of this Code.

(d) Safe and Sane fireworks may only be sold between the hours of 12:00 p.m. and 8:00 p.m. on June 28, between 8:00 a.m. and 8:00 p.m. from June 29 through July 3, and 8:00 a.m. and 9:00 p.m. on July 4.

3.04.040 – Permit to Sell and Store Safe and Sane Fireworks

(a) The City Council shall establish, by resolution, the process by which the City will issue annual permits to sell Safe and Sane Fireworks and the conditions to protect health, safety, aesthetics, and such other conditions City Council finds reasonably necessary, that applicants must satisfy to receive the permits.

(b) It is unlawful for any person to engage in the sale or distribution of fireworks within the City of Tracy without first having secured a permit to do so from the Fire Chief or his or her designee.

(c) It is unlawful to store fireworks within the City of Tracy without first having secured a permit to do so from the Fire Chief or his or her designee.

(d) The annual permit fee for the sale of Safe and Sane Fireworks shall be set by resolution of the City Council and payable prior to permit issuance.

(e) A temporary use permit and City business license is required pursuant to this Code.

(f) Lottery awardees and alternates, as defined by the process set forth in a Council resolution pursuant to section 3.04.050(b) may apply for a permit prior to the end of April of each year.

3.04.050 – Maximum Number of Safe and Sane Fireworks Permits Issued-Selection Procedure

(a) The maximum number of permits to sell Safe and Sane Fireworks which the City may issue during any one calendar year shall not exceed one permit for each ten thousand resident population or portion thereof. No more than one Safe and Sane Fireworks stand can be operated under each permit. Only Non-Profit Organizations, as defined in this Chapter, are eligible for such permits.

(b) . City Council shall provide, by City Council resolution, a process for a lottery to determine which Non-Profit organizations, including alternates, will be eligible to apply for an annual permit to sell and store Safe and Sane Fireworks.

3.04.060 – Applications for Safe and Sane Fireworks Sales Permit Lottery

Applications for the lottery to be eligible to apply for a permit to store or sell Safe and Sane Fireworks may be filed during normal business hours from November 1st of each year up to and including the first Friday of December of the same year, at which time the filing period for that year will close. All applications shall be submitted in writing to the Fire Chief or his designee, on forms provided by the City and meet the following conditions:

(a) The applicant is a Non-Profit Organization as defined in this Chapter. Each Non-Profit Organization shall provide the City with a copy of its "Letter of Incorporation" as proof of their nonprofit status and establish status as a 501(c)(3) tax-exempt organization acceptable to the City Attorney's Office and as recognized by the Secretary of State.

1. Public school organizations shall provide current written verification from an affiliation from the school each year.

2. Each Non-Profit Organization may file an application for one sales permit for which there is only one tax ID number.

(b) The Non-Profit Organization must possess a nonprofit identification number. However, a given identification number may not be used by more than one organization. Should the Fire Chief or designee determine that more than one organization has submitted the same nonprofit identification number; the Fire Chief's office shall notify the organizations in writing and give each of them the opportunity to correct the situation to ensure compliance with this section. If such compliance is not achieved, none of the affected Non-profit Organizations shall be eligible to receive a permit.

(c) Applications shall be signed by two bona fide officers of the eligible Non-Profit Organization, wherein the officer, on behalf of the organization and its agents, agrees to abide by state laws, administrative regulations, and all requirements of this Code and the permit if permission to operate a Safe and Sane Fireworks stand is granted to the organization.

(d) Should the Fire Chief or designee determine that a lottery awardee does not satisfy these requirements or otherwise comply with requirements of this chapter; the lottery awardee's application shall be denied.

3.04.070 – Documents and Fees Required for Fireworks Sales Permit Issuance

(a) In addition to all other requirements contained in this Chapter, each lottery awardee shall comply with each of the following requirements:

(1) Apply for a permit to store or sell Safe and Sane Fireworks on a form approved by the Fire Chief with the required permit fee as established by City Council resolution paid prior to permit issuance.

(2) State of California Fire Marshal's firework retail license:

(3) Provide proof of a temporary sellers permit from the State Board of Equalization;

(4) Sign a form provided by the City whereby the lottery awardee agrees to indemnify and hold harmless the City, its officers, employees, volunteers and agents from any and all claims, damages, demands, liability, costs, losses, and expenses, including without limitation court costs and reasonable attorneys' fees, arising out of or in connection with the permittee's sale of fireworks, except such loss or damage which was solely caused by the active negligence, sole negligence, or willful misconduct of the City, its officers, employees, or agents.

(5) Furnish to the City proof of coverage by a policy of public liability and property damage insurance. The policy shall provide limits of bodily injury and property damage liability of not less than five million dollars combined single limit for each occurrence annually as payment for damages to persons or property which may result from or be caused by the public sale or storage of fireworks, or any negligence on the part of the permittee or his or her agents, servants, employees or subcontractors relating thereto.

(6) Obtain a Temporary Use Permit from the City of Tracy and provide any other information as may be required by the Fire Chief.

(7) Booth location with the exact placement of fireworks.

(8) Plot plan of storage.

(b) The Fire Chief, or designee, may revoke, immediately and without notice or hearing, the Safe and Sane Fireworks sales permit of any organization when any of the provisions of this code, Health and Safety Code, Uniform Fire Code, the California Code of Regulations, or any other applicable law or regulation are violated. The Fire Chief shall inform the permittee that permittee may seek review of the Fire Chief's decision, by the City Manager, on the next business day. At the earliest opportunity on the next business day after revocation, the Fire Chief shall provide the City Manager with written notice that a permit for retail sales of Safe and Sane Fireworks has been revoked, including the name of the permittee and a brief statement of the grounds for revocation. If requested by the permittee, the City Manager, or designee, shall meet with the permittee and the Fire Chief, or designee, by the next businessday to review the Fire Chief's decision. The decision of the City Manager, or designee, shall be final.

(c) Revocation of any permit will be effective for that calendar year.

(d) Permits for retail sales of Safe and Sane Fireworks issued pursuant to the provisions of this section are not transferable to any other person or organization and is issued for the purpose of operating a single Safe and Sane Fireworks sales booth at the approved location. The permit may be used only by the organization to which it is issued.

(e) Each applicant that has been granted a permit shall have no less than two members of its sales staff attend an operator safety seminar approved and supervised by the Tracy Fire Department.

3.04.080 – Operation of Safe and Sane Fireworks Stand Only by Permittee

(a) It is unlawful for the permittee organization to allow any person or entity other than the permittee organization to operate the Safe and Sane Fireworks stand for which the permit is issued, whether by agreement, assignment or otherwise. Violations will result in the immediate loss of the organization's permit.

(b) It is unlawful for any nonprofit organization to pay any consideration to any person for selling or otherwise participating in the sale of Safe and Sane Fireworks at such fireworks stand, except the hiring of a night watchman or security officer.

(c) Each sales stand must have a minimum of one adult 21 years of age or older in attendance and in charge thereof while fireworks are stored therein.

(d) No person may sleep in or remain in the stand after close of business.

(e) All unsold fireworks must be removed from the stand during non-sale hours and stored in a centrally located locked metal container or other secure and fire safe structure during non-sale periods. Each permittee shall provide a storage location and container for storage of its stand's fireworks. The container shall be approved by the Fire Chief and located in an M1 or M2 zoned location approved by the Development and Engineering Services Director and the Fire Chief. Such storage shall comply with all requirements of this Code, including applicable

additional permit requirements. Permittees may satisfy these storage requirements through the use of a Safe and Sane Fireworks wholesaler, provided such wholesaler also complies with all requirements of this Code, including additional permit requirements.

(f) Each sales stand must have on duty at all times during the sales period, at least one salesperson who attended the City of Tracy Fire Department operator safety seminar, required pursuant to Section 3.04.070.

(g) Permittees shall require all persons who appear to be under the age of 30 years to provide proof of age and shall make no sales of fireworks to persons younger than 18 years of age.

3.04.090 – Requirements of Safe and Sane Fireworks Sales Stand

All retail sales of Safe and Sane Fireworks shall be made from within a temporary fireworks sales stand only, and sales from any other building or structure is hereby prohibited. Safe and sane fireworks sales stands are subject to the following requirements:

- (a) No fireworks sales stand shall be put in place by the permittee any earlier than 8:00 a.m. on June 20 of each year provided there is no sale or storage of Safe and Sane Fireworks prior to the time periods set forth in section 3.04.030. .
- (b) No fireworks sales stand shall be located within 25 feet of any building or structure, within five feet of any curb line, or within 100 feet of any gasoline pump.
- (c) A minimum of 100 feet shall be maintained from any building used as a school, day care, hospitals, place of detention, public garage or place of assembly that can accommodate 300 or more occupants and the fireworks booth.
- (d) A minimum of twenty feet of separation shall be provided between the fireworks booths and the parked vehicles of the public.
- (e) No fireworks sales stand shall interfere with required site access, circulation, fire lanes or fire hydrants.
- (f) No weeds or other combustible materials are permitted within 25 feet of any fireworks sales stand.
- (g) No generators shall be allowed within 25 feet of any fireworks sales stand.
- (h) Smoking and the consumption of alcoholic beverages shall not be allowed within 50 feet of any fireworks sales stand and “No Smoking” signs shall be displayed on and in the fireworks sales stand.
- (i) Each fireworks sales stand shall be provided with two, two-and-one half gallon pressurized water type fire extinguishers, or two 2A10BC dry chemical/powder type fire extinguishers, in good working order, and easily accessible for use.
- (j) The permit to sell fireworks shall be displayed in a prominent place within the fireworks sales stand and shall at all times be visible to members of the public.

(k) Fireworks sales stands shall be either 24 or 32 feet long by eight feet wide. Stands 24 feet in length shall have two exits and a maximum occupancy of six people. Stands 32 feet in length shall have three exits and a maximum occupancy of eight people.

(l) All fireworks sales stands shall be built and maintained in accordance with the safety requirements of the City prior to opening for business.

(m) All unsold fireworks and accompanying litter shall be cleared from the location by 5:00 p.m. on July 5, and the fireworks sales stand shall be removed from the temporary location by 12:00 p.m. on July 9 of each year. If the permittee does not remove the stand and/or clean the sales site as required, the City may do so, or cause the same to be done, and the reasonable cost thereof shall be charged against the permittee.

3.04.100 – Locations for Discharge

(a) It shall be unlawful and a misdemeanor to discharge any fireworks including Safe and Sane Fireworks on public, semi-public or private open areas such as parking lots, vacant properties, or open commercial or industrial areas except in those areas approved by the Fire Chief as provided in section 3.04.020 of this ordinance.

(b) It is unlawful for any person to ignite, explode, project, or otherwise fire or use, any fireworks, or to permit the ignition, explosion or projection thereof, upon or over or onto the property of another without his or her consent, or to ignite, explode, project, or otherwise fire or make use of, any fireworks within 10 feet of any residential dwelling or other structure.

(c) It is unlawful for any person to discharge any fireworks within one hundred feet of a fireworks booth.

(d) When discharging Safe and Sane Fireworks, a water source must be within 100 feet of discharge location.

3.04.110 – Sales and Use by Minors

(a) It is unlawful for any person under the age of eighteen to sell, or handle for sale, any classification of fireworks.

(b) It is unlawful for any person under the age of eighteen to purchase or be allowed to purchase any classification of fireworks.

(c) It is unlawful for any person having the care, custody or control of a minor under the age of eighteen to permit such minor to discharge, explode, fire, or set off any fireworks, as defined herein, unless such minor does so under the direct supervision of a parent or guardian, or such other person having care, custody or control of such minor.

3.04.120 – State Law

The provisions of this chapter are in addition to applicable state and federal law, including, but not limited to, the Sate Fireworks Law (California Health and Safety Code Section 12500 through 12726), the State Fireworks Regulations (Title 19, California Code Regulations,

Chapter 6), and any and all other state or federal laws or regulations pertaining to the sale or use of fireworks.

3.04.130– Violation

Any violation of any of the provisions of this chapter is a misdemeanor, and may be enforced by any of the methods provided in Chapter 1.04 of this Code.

3.04.140 – Enforcement

Sworn Peace Officers and other City staff with training in the Powers of Arrest and designated by the Police Chief or Fire Chief are authorized to enforce this Chapter pursuant to section 3.04.130 above.”

SECTION 2: Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, or section hereof.

SECTION 3: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 5: A summary of this ordinance shall be published and a certified copy of the full text posted in the office of the City Clerk at least five days before the City Council meeting at which the proposed ordinance is to be adopted. Within 15 days after adoption, the City Clerk shall publish a summary, and shall post in her office a certified copy, of the ordinance with the names of those Council Members voting for and against the ordinance. (Government Code section 36933(c)(1).)

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 20th day of September, 2011, and finally adopted on the ____ day of ____, 2011, by the following vote:

AYES COUNCIL MEMBERS:

NOES COUNCIL MEMBERS:

ABSENT COUNCIL MEMBERS:

ABSTAIN COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 6.A

REQUEST

ACCEPT A PRELIMINARY FISCAL REPORT FOR FY 10-11

EXECUTIVE SUMMARY

This is a preliminary fiscal report for FY 10-11. The full Comprehensive Annual Financial Report (CAFR) for the fiscal year will be presented to City Council in December 2011.

DISCUSSION

Expense and revenue information for FY 10-11 has been reviewed by the City's auditors and most audit adjustments have been made. While the auditors have some work remaining this fall, the attached summaries for Fiscal Year 10-11 can be provided. One attachment (A) is for all Funds of the City and the other (B) is a summary for the City's General Fund.

General Fund Review:

	<u>Budget</u>	<u>Actual</u>
Revenues	\$42,465,470	\$44,069,121
Expenditures	\$47,277,540	\$46,810,346
Deficit	\$ 4,813,000	\$ 2,741,300

Revenues were better than budget by about \$1.6 million because of two main reasons. First the budget did not anticipate any revenue from Measure E for FY 10-11 as the budget was adopted well in advance of the ballot measure. Measure E provided an additional \$900,000 from April 1, 2011 to June 30, 2011. This Measure E number has not been analyzed by the City's sales tax consultant yet. But obviously 4 x \$900,000 only equals \$3.6 million which is \$1 million shy of our Measure E budgeted revenue for FY 11-12. Of course there is seasonal variation to sales tax so taking this quarter and multiplying it by 4 is not accurate. The sales tax consultant has been requested to extrapolate from this quarter and provide the City a new estimate for FY 11-12 for Measure E.

The other boost to revenue was in the regular sales tax. The City budgeted \$9.4 million but actual was \$10.5 million - an increase of \$1.1 million. This increase plus the Measure E revenue of \$900,000 totals \$2 million more in revenue but this is offset by a variety of revenue categories that were below budget netting a reduction of \$400,000 under revenue estimates. For example, license and permits were down \$100,000 as well as fines and forfeitures and investment earnings which were budgeted at \$1,055,000 but only totaled \$868,000.

On the expense side Departments were actually budgeted to spend \$47.5 million and they only spent \$45.6 million. The budget however anticipated that departments would save \$1.4 million and this savings figure was included in the adopted budget as an offset

to expenditures. Including the debt service budget and this offset arrives at the figures above which show an adopted expenditure budget of \$47,277,540 with actual expenditures being \$46,810,346 – a net budget savings of \$500,000.

With the additional revenues of \$1.6 million and expenditure reductions of \$500,000 the City was able to trim the budgeted deficit by \$2.1 million bringing it down from \$4.8 to \$2.7 million.

All Funds

The City FY 10-11 budget anticipated total revenue in all funds of \$143 million but revenue was only 93.6% of budget with the actual total being \$132 million. However, this was partially offset by operating expenditures being just 95% of budget. On the low side, the Parks and Community Services Department spent just 87.4% of its budget and on the high side the Police Department budget was 99.8% expended.

STRATEGIC PLANS

There is a routine item and does not concern one of the City's four adopted strategic plans.

FISCAL IMPACT

There is not fiscal impact by this report acceptance

RECOMMENDATION

It is recommended the City Council accept this preliminary fiscal report for FY 10-11.

Prepared by: Zane Johnston, Finance & Administrative Services Director

Approved by: R. Leon Churchill, Jr., City Manager

CITY OF TRACY			Composite Budget Summary - Page 1						01-Sep-11	
Composite Summary All Funds	FY08-09 Actual	FY09-10 Actual	% Change	FY10-11 Adopted	FY10-11 Estimated	FY10-11 Actual	% of Budget	% Change	FY11-12 Projected	% Change
BEGINNING FUND BALANCES	\$266,003,059	\$271,446,572	2.0%	\$180,033,640	\$251,713,540	\$251,713,540	<<Actual	-7.3%	\$225,038,620	-10.6%
REVENUES										
Property Taxes	\$29,063,603	\$20,530,139	-29.4%	\$23,067,740	\$22,564,670	\$22,407,173	97.1%	9.1%	\$22,805,500	1.8%
Sales Taxes	14,670,694	12,103,859	-17.5%	12,605,810	14,520,410	14,357,058	113.9%	18.6%	18,829,810	31.2%
Other Taxes	1,788,563	1,516,991	-15.2%	1,440,000	1,535,600	1,532,512	106.4%	1.0%	1,570,000	2.4%
Operating Assessments	2,778,040	2,602,100	-6.3%	2,769,620	2,807,590	2,807,486	101.4%	7.9%	2,846,400	1.4%
Capital Development Fees	2,855,219	2,148,265	-24.8%	1,374,400	2,477,200	2,271,459	165.3%	5.7%	1,414,400	-37.7%
Debt Assessments	13,244,926	13,484,420	1.8%	13,299,300	11,734,350	11,747,071	88.3%	-12.9%	13,299,300	13.2%
License & Permit Fees	870,736	663,637	-23.8%	560,600	611,580	455,754	81.3%	-31.3%	696,130	52.7%
Franchise Fees	2,241,554	2,376,234	6.0%	2,496,600	2,541,930	2,636,148	105.6%	10.9%	2,631,000	-0.2%
State Shared Taxes	2,781,815	2,124,319	-23.6%	2,793,190	2,665,870	2,864,018	102.5%	34.8%	2,945,050	2.8%
Other Grants	16,638,844	16,758,425	0.7%	15,734,940	25,451,870	9,554,580	60.7%	-43.0%	16,499,000	72.7%
Current Charges	8,388,168	8,197,513	-2.3%	9,853,680	8,628,260	8,903,473	90.4%	8.6%	8,223,200	-7.6%
Enterprise Charges	52,796,556	49,813,488	-5.7%	50,573,540	49,362,740	47,030,268	93.0%	-5.6%	51,565,470	9.6%
Fines & Forfeitures	1,877,183	2,021,651	7.7%	1,881,500	1,924,400	1,862,515	99.0%	-7.9%	1,961,000	5.3%
Use of Money & Property	3,843,917	2,999,571	-22.0%	1,845,000	1,647,000	1,004,544	54.4%	-66.5%	1,822,150	81.4%
Other Revenues	543,923	2,150,781	295.4%	501,120	606,370	1,592,162	317.7%	-26.0%	360,600	-77.4%
Other Financing Sources	27,634,546	2,962,410	-89.3%	2,380,000	3,967,520	3,008,121	126.4%	1.5%	27,497,520	814.1%
Total Revenues	\$182,018,287	\$142,453,803	-21.7%	\$143,177,040	\$153,047,360	\$134,034,342	93.6%	-5.9%	\$174,966,530	30.5%
EXPENDITURES									FY11-12 Approved	
Operating Budget										
Police	\$21,571,882	\$21,855,840	1.3%	\$20,999,790	20,719,170	\$20,949,655	99.8%	-4.1%	\$22,430,850	7.1%
Fire	15,175,019	14,516,586	-4.3%	14,613,400	14,003,980	14,058,389	96.2%	-3.2%	15,227,710	8.3%
Public Works	44,490,415	42,706,879	-4.0%	48,890,710	44,994,980	44,181,217	90.4%	3.5%	48,574,500	9.9%
Parks & Community Serv	6,137,165	4,326,345	-29.5%	4,742,810	4,265,650	4,143,558	87.4%	-4.2%	4,796,540	15.8%
Development & Engineerin	7,915,354	6,675,994	-15.7%	6,516,820	6,108,760	6,202,020	95.2%	-7.1%	6,601,480	6.4%
Economic Development	561,065	1,393,023	148.3%	1,447,090	1,289,230	1,312,262	90.7%	-5.8%	1,511,420	15.2%
Gen Govt Agencies	4,501,554	5,029,220	11.7%	5,244,930	4,911,730	4,709,663	89.8%	-6.4%	5,032,900	6.9%
Finance & Adm Serv	4,726,490	4,469,931	-5.4%	4,429,930	4,252,450	4,294,198	96.9%	-3.9%	4,660,100	8.5%
Non-Departmental	5,035,683	5,093,768	1.2%	4,863,520	5,345,910	5,031,778	103.5%	-1.2%	5,071,850	0.8%
Budget Savings	0	0		(1,400,000)		0			(2,000,000)	
Total	\$110,114,627	\$106,067,586	-3.7%	\$110,349,000	\$105,891,860	\$104,882,740	95.0%	-1.1%	\$111,907,350	6.7%
Capital Budget										
Govt Bldgs & Pub Saf Fac	\$1,962,980	\$596,578	-69.6%	\$2,280,000	\$14,628,461	\$918,509	40.3%	54.0%	\$486,120	-47.1%
Traffic, Streets & Highways	5,743,332	10,613,826	84.8%	11,625,140	27,386,760	10,321,866	88.8%	-2.8%	18,445,370	78.7%
Water & Sewer Improveme	6,207,149	7,152,304	15.2%	16,927,900	32,412,430	8,231,122	48.6%	15.1%	9,758,000	18.6%
Drainage Improvements	93,779	1,409,582	1403.1%	1,068,600	1,373,621	87,998	8.2%	-93.8%	43,000	-51.1%
Airport & Transit Improvem	6,728,146	3,365,657	-50.0%	2,755,200	6,608,496	903,483	32.8%	-73.2%	1,775,000	96.5%
Parks & Recreation Improv	1,268,751	1,265,090	-0.3%	462,200	21,290,595	4,432,848	959.1%	250.4%	11,738,400	164.8%
Miscellaneous Projects	8,630,865	6,233,636	-27.8%	2,664,000	11,717,906	5,865,164	220.2%	-5.9%	1,452,500	-75.2%
Total	\$30,635,002	\$30,636,673	0.0%	\$37,783,040	\$115,418,269	\$30,760,990	81.4%	0.4%	\$43,698,390	42.1%
Debt Service	\$35,825,145	\$25,482,576	-28.9%	\$24,936,100	\$24,227,800	\$25,065,530	100.5%	-1.6%	\$26,259,100	4.8%
Total Expenditures	\$176,574,774	\$162,186,835	-8.1%	\$173,068,140	\$245,537,929	\$160,709,260	92.9%	-0.9%	\$181,864,840	13.2%
ENDING FUND BALANCES	\$271,446,572	\$251,713,540	-7.3%	\$150,142,540	\$159,222,971	\$225,038,622	149.9%	-10.6%	\$218,140,310	-3.1%

CITY OF TRACY			General Fund Summary - Page 1					01-Sep-11		
General Fund Summary	FY08-09 Actual	FY09-10 Actual	% Change	FY10-11 Adopted	FY10-11 Estimated	FY10-11 Actual	% of Budget	% Change	FY11-12 Projected	% Change
BEGINNING FUND BALANCE	\$18,921,284	\$18,265,867	-3.5%	\$17,924,020	\$18,985,100	\$18,985,100	<<Actual	3.9%	\$18,985,180	
REVENUES										
Property Taxes	\$18,804,068	\$15,158,986	-19.4%	\$14,899,000	\$14,713,930	\$14,812,821	99.4%	-2.3%	\$14,350,600	-3.1%
Sales Taxes - General	10,963,987	9,224,814	-15.9%	9,413,000	10,280,380	10,511,694	111.7%	14.0%	10,927,000	4.0%
Sales Taxes - Measure E	0	0		0	1,150,000	896,551	New		4,650,000	418.7%
Other Taxes	1,788,563	1,516,991	-15.2%	1,440,000	1,535,600	1,532,512	106.4%	1.0%	1,570,000	2.4%
Operating Assessments	337,771	341,171	1.0%	340,000	343,200	343,435	101.0%	0.7%	345,000	0.5%
License & Permit Fees	870,736	663,637	-23.8%	560,600	611,580	455,754	81.3%	-31.3%	696,130	52.7%
Franchise Fees	2,137,392	2,222,845	4.0%	2,390,600	2,401,730	2,474,332	103.5%	11.3%	2,471,000	-0.1%
State Shared Taxes	775,742	686,604	-11.5%	585,000	619,930	826,874	141.3%	20.4%	641,000	-22.5%
Other Grants	513,576	761,384	48.3%	483,070	777,660	627,060	129.8%	-17.6%	482,370	-23.1%
Current Charges	8,222,621	8,042,643	-2.2%	9,401,180	8,396,000	8,742,600	93.0%	8.7%	7,974,300	-8.8%
Fines & Forfeitures	1,684,381	1,714,754	1.8%	1,698,500	1,668,400	1,543,199	90.9%	-10.0%	1,709,000	10.7%
Use of Money & Property	3,089,459	2,514,407	-18.6%	1,055,000	1,000,000	868,537	82.3%	-65.5%	990,000	14.0%
Other Revenues	174,385	552,587	216.9%	199,520	259,770	433,752	217.4%	-21.5%	219,520	-49.4%
Other Financing Sources	0	0		0	0	0			0	
Sub-tot:	\$49,362,681	\$43,400,823	-12.1%	\$42,465,470	\$43,758,180	\$44,069,121	103.8%	1.5%	\$47,025,920	6.7%
IF Trfs In from EU Fund 29	2,011,760	6,631,600		4,813,000	\$3,126,250	2,741,300	57.0%		1,555,230	-43.3%
IF Trfs In from other Funds	244,692	0		0	\$0				0	
Total Revenues	\$51,619,133	\$50,032,423	-3.1%	\$47,278,470	\$46,884,430	\$46,810,421	99.0%	-6.4%	\$48,581,150	3.8%
EXPENDITURES										
										FY11-12 Approved
Operating Budget										
Police	\$21,568,543	\$21,846,115	1.3%	\$20,982,240	\$20,711,970	\$20,938,309	99.8%	-4.2%	\$22,416,850	7.1%
Fire	8,053,113	8,142,834	1.1%	7,885,900	7,905,130	8,092,562	102.6%	-0.6%	8,486,770	4.9%
Public Works										
Street & Traffic Maintene	1,190,955	635,752	-46.6%	836,700	698,384	587,020	70.2%	-7.7%	946,570	61.3%
Parks & Property Mainte	2,574,071	2,201,958	-14.5%	2,628,860	2,065,490	2,011,767	76.5%	-8.6%	2,374,750	18.0%
Parks & Community Services										
Recreation Programs	3,015,684	2,563,850	-15.0%	2,834,730	2,269,124	2,291,124	80.8%	-10.6%	2,888,020	26.1%
Cultural Arts	1,490,937	0	-100.0%	0	0	0			0	
Development & Engineering										
Planning & Building	3,445,950	3,248,715	-5.7%	3,123,870	3,155,361	3,163,027	101.3%	-2.6%	3,170,630	0.2%
Engineering	3,142,492	3,075,527	-2.1%	2,938,510	2,567,180	2,689,860	91.5%	-12.5%	2,927,680	8.8%
Economic Development	500,588	344,874	-31.1%	357,740	319,170	302,258	84.5%	-12.4%	344,690	14.0%
Gen Govt Agencies	3,866,941	4,519,539	16.9%	4,731,120	4,446,120	4,256,061	90.0%	-5.8%	4,519,940	6.2%
Finance & Adm Serv	2,324,078	2,275,623	-2.1%	2,074,810	1,980,660	2,166,483	104.4%	-4.8%	2,114,580	-2.4%
Non-Departmental	529,586	489,313	-7.6%	250,020	550,000	163,955	65.6%	-66.5%	371,670	126.7%
Indirect Cost Reimburseme	(1,186,430)	(1,203,910)	1.5%	(1,139,960)	(1,140,000)	(1,025,080)	89.9%	-14.9%	(1,154,000)	12.6%
Sub-tot:	\$50,516,508	\$48,140,190	-4.7%	\$47,504,540	\$45,528,589	\$45,637,346	96.1%	-5.2%	\$49,408,150	8.3%
Capital Projects	0	0		0	0	0			0	
Debt Service	1,758,042	1,173,000	-33.3%	1,173,000	1,173,000	1,173,000	100.0%	0.0%	1,173,000	0.0%
IF Transfers Out	0	0		0	0	0			0	
Budget Savings	0	0		(1,400,000)	0	0			(2,000,000)	
Total Expenditure	\$52,274,550	\$49,313,190	-5.7%	\$47,277,540	\$46,701,589	\$46,810,346	99.0%	-5.1%	\$48,581,150	3.8%
ENDING FUND BALANCE	\$18,265,867	\$18,985,100	3.9%	\$17,924,950	\$19,167,941	\$18,985,175	105.9%	0.0%	\$18,985,180	0.0%

September 20, 2011

AGENDA ITEM 7.A

REQUEST

CONSIDER AN ITEM FOR DISCUSSION ON A FUTURE CITY COUNCIL AGENDA REGARDING HONORING MILITARY VETERANS

EXECUTIVE SUMMARY

Determine whether an item should be placed on a future Council agenda to discuss honoring military veterans.

DISCUSSION

At the City Council meeting held on September 6, 2011, Mayor Pro Tem Maciel requested that Council consider placing an item on a future City Council agenda to discuss honoring military veterans.

The purpose of this agenda item is to provide an opportunity for Council to determine whether staff time and city resources should be devoted to research and outreach, and to decide whether the item should be placed on a future agenda for discussion. An item placed on a future agenda would enable the City Council to discuss in detail the procedure for honoring military veterans.

RECOMMENDATION

It is recommended that the City Council discuss and determine whether an item regarding honoring military veterans should be placed on a future City Council agenda for discussion.

Prepared by: Carole Fleischmann, Assistant City Clerk

Reviewed by: Maria Hurtado, Assistant City Manager

Approved by: Leon Churchill, Jr., City Manager