

April 17, 2012, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

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

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

The invocation was offered by Pastor Scott McFarland, Journey Christian Church.

Mayor Pro Tem Maciel called for a moment of silence for Robert Paris, a Stanislaus County Deputy Sheriff from Tracy, who was killed recently in the line of duty.

Roll call found Council Members Abercrombie, Elliott, Rickman, and Mayor Pro Tem Maciel present; Mayor Ives absent. Mayor Pro Tem Maciel announced Mayor Ives was in Washington, D.C., representing the City of Tracy on a One Voice Trip with representatives from San Joaquin County.

Mayor Pro Tem Maciel presented a proclamation to Mike Souza, President, Boys and Girls Clubs of Tracy; Kelly Wilson, Executive Director, and Nick Contreras, Youth of the Year, proclaiming April, 2012, as Boys & Girls Club Month in Tracy.

Mayor Pro Tem Maciel presented a Certificate of Appointment to Taranjit Sandhu, Tracy Arts Commission.

Police Chief Gary Hampton presented a Police Department Recognition Award to Tracy resident Robert Cathey, for outstanding courage in helping to save the life of a local child. Mr. Cathey thanked all those who had been involved in the incident.

Mayor Pro Tem Maciel announced that agenda items 4 and 5 on tonight's agenda had been rescheduled to May 1, 2012, due to a problem with the noticing requirements.

1. CONSENT CALENDAR – Following the removal of item 1-I by Council Member Elliott, it was moved by Council Member Abercrombie and seconded by Council Member Rickman to adopt the Consent Calendar. Roll call vote found Council Members Abercrombie, Elliott, Rickman and Mayor Pro Tem Maciel in favor; Mayor Ives absent. Motion carried 4:0:1.
 - A. Minutes Approval – Closed session minutes of April 3, 2012, were approved.
 - B. Authorize an Appropriation of Funds from the Industrial Specific Plan (ISP) South Roadway Fund F354 to CIPs 73061 and 73062 for Reimbursement to Developers for Completing Roadway Improvements – Resolution 2012-061 authorized appropriations from the ISP South Roadway Fund 354 of \$14,394 to CIP 73062, and \$7,102 to CIP 73061.

- C. Approve a Professional Services Agreement With Odyssey Landscaping Company, Inc., of Lodi, California, to Provide Professional Support Services in Assisting the Review and Plan Checking of Landscaping and Irrigation for New Developments and Capital Improvement Projects – Resolution 2012-062 approved the agreement for a not to exceed amount of \$315,000.
- D. Approve Amendment 1 to the Professional Services Agreement (PSA) with RBF Consulting, Inc., of Sacramento, California, to Provide Additional Surveying Services for the Macarthur Drive Widening and Reconstruction Project Between Valpico Road and Schulte Road – CIP 73126 and Authorize the City Manager to Execute the Amendment – Resolution 2012-063 approved the amendment for a not to exceed amount of \$16,500 at hourly rates.
- E. Approve Amendment 1 to the Deferred Improvement Agreement With Patillo Development Partners, LLC to Exclude Certain Improvements Already Constructed by the Developer, Adjust the Security Amounts for the Remaining Deferred Improvements, Authorization for the Mayor to Execute the Agreement, and Authorization for the City Clerk to File the Agreement With the San Joaquin County Recorder – Resolution 2012-064 approved the amendment.
- F. Authorization for Membership and Water Delivery Services from the San Luis & Delta-Mendota Water Authority – Resolution 2012-065 authorized the membership and water delivery services.
- G. Authorization for a Supplemental Appropriation for the Purchase of Unleaded Gasoline and Diesel Fuel – Resolution 2012-066 authorized an appropriation of \$65,000 for Fiscal Year 2011-12.
- H. Adoption of a Resolution Approving Memorandum of Understanding (MOU) With the American Cancer Society, California Division (ACS) and Authorizing the Mayor to Execute the MOU – Resolution 2012-067 approved the MOU.
- I. Consider Adoption of the “Healthy Eating Active Living” Resolution Proposed by the League of California Cities – Maria Hurtado, Assistant City Manager, presented the staff report. The League of California Cities (LOCC) has requested cities across California to join their Active Living cities campaign. The City of Tracy has already adopted a General Plan, Sustainability Action Plan and Livability Strategic Plan which include similar policies that the League believes are congruent with their “Healthy Eating Active Living” campaign. Cities that encourage physical activity and healthy nutrition are entitled to be “Healthy Eating Active Living” cities, and upon review and approval, become eligible for public relations and marketing resources, including use of the HEAL Cities logo.

In 2004 the LOCC adopted a resolution encouraging cities to embrace policies that promote healthier lifestyles. Two years later, the LOCC adopted a resolution to work together with the Institute for Local Government, and the Cities, Counties and Schools Partnership to develop a clearinghouse of information that could be used to promote wellness policies and healthier cities. The “Healthy Eating Active Living” cities campaign grew out of these resolutions and is a partnership of the California Center for Public Health Advocacy and the LOCC.

The City of Tracy is embracing a number of recommendations contained in the “Healthy Eating Active Living” campaign including:

- Constructing a built environment that encourages walking, biking and other forms of physical activity where possible
- Addressing walking and biking connectivity between residential neighborhoods and schools, parks, recreational resources, and retail
- Expanding community access to indoor and outdoor public facilities through joint use agreements with schools and/or other partners
- Revising comprehensive plans and zoning ordinances to increase opportunities for physical activity and access to health foods where possible, including compact, mixed-use and transit-oriented development
- Including health goals and policies related to physical activity and access to nutritious food in the general plan update
- Encouraging walking meetings and the use of stairways

Ms. Hurtado concluded by stating that the LOCC has requested that the City Council consider joining the campaign and adopt a resolution that promotes healthy eating and active living in the City.

Council Member Elliott asked if there were any other requirements attached to the “Healthy Eating Active Living” campaign. Ms. Hurtado responded there were no specific requirements. Joining this campaign will give the City access to the LOCC’s promotional and marketing materials. The LOCC suggests cities consider their policies anytime there is an opportunity, but there is no requirement for cities to implement any policies. Through the General Plan Tracy already has policies that encourage walking and biking and connectivity between schools and parks.

Council Member Elliot stated he agreed with making public facilities available through joint use agreements with schools, but referred to the next to last bullet which states, “Including health goals and policies related to physical activity and access to nutritious food in the general plan update.” Council Member Elliott suggested everyone has access to nutritious food and asked if there would be any requirement that cities have to do something specific. Ms. Hurtado responded there are no specific requirements. Some schools may choose not to have fast foods or sugary items in their vending machines, but that decision is left to the local jurisdiction or the school.

Council Member Elliott commented on the final bullet point, “Encouraging walking meetings and using stairways,” and asked what the City is doing in terms of walking meetings.

Ms. Hurtado responded Human Resources encourages wellness programs for employees and organizes lunchtime walks around City Hall. Employees who

choose to walk during lunchtime is participating in a wellness program. Some employees choose to meet and walk but those decisions are left to the department supervisors.

Council Member Elliott stated this recommendation is covered under the Council's livability priority; the other priorities include efficiency, public safety, economic development and livability, and asked how conducting a meeting while walking contributes to efficiency. Council Member Elliott suggested the City not lock itself into a priority which is counter-productive to the City's efficiency strategic priority.

Council Member Abercrombie stated there was no requirement that the City do anything. Ms. Hurtado responded that was correct.

Mayor Pro Tem Maciel stated he was in favor of encouraging recreational activities through joint use agreements with schools and/or other partners but had a concern with the bullet point "Revising comprehensive plans and zoning ordinances to increase opportunities....." Mayor Pro Tem Maciel suggested the minutes make it clear that the Council was not making any commitment that would be incumbent upon future Councils to make specific changes, but rather that any changes be considered on a case by case basis. Mayor Pro Tem Maciel stated this is simply a philosophical endorsement that as a City we are doing what we can to encourage people to live healthier lifestyles.

Council Member Elliott referred to the last "Whereas" in the resolution and suggested the word "policies" be struck from the resolution. Council Member Elliott felt goals were fine, but that the City should not be in the business of trying to legislate physical activity or food choices which are individual responsibilities.

Council Member Rickman asked if there was any chance the LOCC would try to push legislation on this issue through in the future. Ms. Hurtado responded the LOCC began this program some eight years ago when the discussion on obesity began and the need arose for cities to be more engaged in helping communities address these issues. Right now this is a public education campaign and the LOCC is simply encouraging cities to consider changes depending upon the needs of specific cities. As of now, the LOCC has no requirements that cities do anything specific. Council Member Rickman stated it was one thing to encourage, but another thing to mandate. Council Member Rickman stated lifestyles should be left to the individual and added the City's position should come across as encouraging but not mandating actions.

Alma Morley, 4262 Middlefield Drive, voiced her concerns with the policies related to physical activities and asked how constructing a built environment that encourages walking and expanding community access to indoor and outdoor public facilities would happen if the City did not invest any money. Mayor Pro Tem Maciel stated although no specific project is under discussion, as projects do go forward they would have their own funding sources identified.

Ms. Morley suggested these policies had been incorporated into the City's policies and procedures and have already been heavily implemented in many California cities as Agenda 21. Ms. Morley stated they were not suggestions but

mandates. Ms. Morley suggested Council carefully consider these suggestions and not adopt this resolution.

Leon Churchill, City Manager, stated Agenda 21 is a United Nations resolution which advocates sustainability and other environmental goals. Agenda 21 is not part of this resolution. The City is a member of LOCC and tries to contribute to the League's goals where appropriate. Many programs the City already supports including sidewalk requirements, park requirements, and bicycle paths are considered healthy living policies. Mr. Churchill stated any new policy or proposed legislation would be brought to the Council and subject to Council action.

Council Member Elliott suggested removing the words "and policies" from the Resolution (last para beginning "Whereas,"); and changing the word "adopts" (final para beginning "Now, Therefore.....") to "and supports the principals of....." Council Member Elliott suggested the Council should not "adopt" anything.

Council Member Elliot stated he could encourage the principals of healthy living and eating, and making facilities available to more people through joint use agreements, but suggested the Council stay out of the business of legislating what sort of lifestyles individuals should lead.

Council Member Elliott moved to adopt an amended Resolution striking the words "and policies," from the last Whereas, and changing the word "adopts" in the last paragraph to "supports." Mayor Pro Tem Maciel seconded the motion. Voice vote found Council Member Elliott and Mayor Pro Tem Maciel in favor; Council Members Abercrombie and Rickman opposed. Motion failed due to a tie vote.

Council Member Abercrombie moved to adopt the original resolution as presented with the staff report. Motion failed for lack of a second.

2. ITEMS FROM THE AUDIENCE – Paul Miles, Resident, read into the record a letter dated April 17, 2012, addressed to the City Council, which referred to a complaint he had filed with the City on January 16 against the Chief of Police, and to a Public Records Act request in which he requested the disposition of his complaint. The letter indicated Mr. Miles had received an acknowledgement of his complaint and the City's official complaint form.
3. PUBLIC HEARING TO CONSIDER THE REVISED GROUNDWATER MANAGEMENT PLAN; AND REQUEST THE CITY COUNCIL INTRODUCE AN ORDINANCE ADOPTING THE REVISED PLAN AND REPEALING THE EXISTING GROUNDWATER MANAGEMENT PLAN ORDINANCE 511 – Vanessa Carrera, Management Analyst, presented the staff report. On February 7, 2012, the City Council conducted a public hearing and adopted a Resolution of Intention to prepare a revised Groundwater Management Plan (GMP). The revised GMP was prepared in conjunction with seven other Northern Delta- Mendota Canal member agencies.

In 1996, the Council adopted Ordinance 511, the existing AB 3030 Groundwater Management Plan, pursuant to Water Code Sections 10750 et seq. New laws adopted

by the State Legislature require revisions to the existing GMP. An updated GMP was prepared by the San Luis & Delta-Mendota Water Authority in coordination with other Northern Delta-Mendota Canal member agencies, including Tracy and the neighboring irrigation districts. The GMP is for portions of San Joaquin, Stanislaus and Merced Counties and outlines measures for the management and monitoring of groundwater resources at the local level. The GMP has been updated to reflect current conditions, summarize the existing groundwater management activities, identify management objectives, and incorporate the appropriate management goals necessary to address changes that have occurred in regulations since the last update. It is intended to establish the framework for collecting the necessary groundwater monitoring data needed to assess the impacts of the various activities that affect the groundwater basin, and manage the resource so that sustained use of groundwater can be optimized without adverse impacts to the water quality and yield. The City's Aquifer Storage and Recovery pilot project is included in the GMP as well as the water storage in Semitropic Water Storage District. The San Luis & Delta-Mendota Water Authority has requested all Northern Agencies proceed with a public hearing to adopt the revised GMP. Pursuant to Water Code Section 10753, the revised GMP must be adopted by ordinance. The plan is statutorily exempt from California Environmental Quality Act, as it is a planning and feasibility study that will not bind the City to future action. A Notice of Public Hearing was published in the Tri Valley Herald on March 13 and March 20, 2012, pursuant to Government Code 6060 regarding the revised GMP adoption. Notices were also mailed to local stakeholder agencies.

There is no fiscal impact to the General Fund. The City's share of the cost for preparation of the GMP was \$6,200 and was funded from the Water Enterprise Fund. Staff requested that the Council introduce an ordinance adopting the revised Groundwater Management Plan, and repealing the existing Ordinance 511.

Mayor Pro Tem Maciel opened the public hearing.

Council Member Elliott asked for an explanation of the changes in the state's regulations which needed to be addressed. Ms. Carrera stated the changes are that local entities will assume the responsibility for groundwater monitoring and submit the data to State agencies. However, since the City has been monitoring its groundwater it does not have that issue. The City is also coordinating more monitoring efforts with the Department of Water Resources.

Steve Bayley, Deputy Director Public Works Utilities, stated the changes will allow cities to retain local control over their groundwater. Since Tracy has always monitored its groundwater it is not a change for us. Other cities have not monitored their groundwater. However, if cities fail to comply the state will step in to make the changes which will cause the cities to lose local control and be ineligible for grants.

Mr. Bayley added that even though the City is already complying with the state requirements it is important that the Ordinance be adopted.

Mayor Pro Tem Maciel closed the public hearing.

Mayor Pro Tem Maciel requested the Clerk read the title of the proposed Ordinance.

Following reading of the title of proposed Ordinance 1166, it was moved by Council Member Abercrombie and seconded by Council Member Elliott to waive reading of the text. Voice vote found Council Members Abercrombie, Elliott, Rickman, and Mayor Pro Tem Maciel in favor; Mayor Ives absent. Motion carried 4:0:1.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to introduce proposed Ordinance 1166. Voice vote found Council Members Abercrombie, Elliott, Rickman, and Mayor Pro Tem Maciel in favor; Mayor Ives absent. Motion carried 4:0:1.

4. PUBLIC HEARING TO CONSIDER A GENERAL PLAN LAND USE DESIGNATION AMENDMENT OF A 10-ACRE SITE IN THE EASTLAKE AND ELISSAGARAY RANCH SUBDIVISIONS FROM PUBLIC FACILITIES TO RESIDENTIAL LOW. THE APPLICANT IS CHRIS TYLER AND THE PROPERTY OWNER IS TVC TRACY HOLDCO, LLC. APPLICATION NUMBER GPA10-0004 – Item rescheduled to May 1, 2012
5. PUBLIC HEARING TO CONSIDER ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND A GENERAL PLAN AMENDMENT, PREZONING AND ANNEXATION TO THE CITY OF TRACY FOR THE TRACY DESALINATION AND GREEN ENERGY PROJECT, CONSISTING OF APPROXIMATELY 241 ACRES LOCATED EAST OF TRACY BOULEVARD IN THE VICINITY OF SUGAR ROAD, ASSESSOR'S PARCEL NUMBERS 212-160-05, 212-160-09, AND 212-160-11. THE APPLICANT IS TRACY RENEWABLE ENERGY LLC. THE PROPERTY OWNER IS THE CITY OF TRACY. APPLICATION NUMBERS GPA11-0004 AND A/P11-0001 – Item rescheduled to May 1, 2012
6. ITEMS FROM THE AUDIENCE – Dave Helm, stated he did not agree with the concerns voiced by Paul Miles, under Item 2, but did agree with the concerns voiced by Council Member Elliott regarding Item I.I on the Consent Calendar.
7. STAFF ITEMS
 - A. Update on the Discussion About the Feasibility of Tracy Police Department Providing Dispatch Services for the Tracy Fire Department – Fire Chief Nero presented the staff report. On March 15, 2011, the Council directed the Fire Chief to investigate the possibility of the Tracy Police Department providing dispatch services for the Fire Department. During the Council meeting held on October 18, 2011, the Council directed the Fire Chief to explore all possibilities for dispatch services and report back to the Council within six months.

Prior to 1991, the Tracy Fire Department was dispatched by the Tracy Police Department. In November of 1991, the Tracy Fire Department, along with the Tracy Rural Fire District, Manteca Fire Department, and Lathrop/Manteca Fire District entered into a contractual agreement with the City of Stockton to provide communications and dispatch services. 911 calls for service were received at the local Public Safety Answering Point (PSAP), Tracy PD, and Fire/EMS requests for service were transferred to Stockton Fire, the secondary primary answering point. This contract for service created the South County Radio Users Group (SCRUG). SCRUG members made this move to improve Fire/EMS dispatching through the coordination of fire resources within the South County

Area and by providing Emergency Fire Dispatch (EFD) and Emergency Medical Dispatch (EMD) protocols. Soon after the establishment of SCRUG, the remaining fire agencies in San Joaquin County also entered into a contractual agreement with the City of Stockton for communication and dispatch services. In April 2006, the San Joaquin County fire districts entered into a Joint Powers Agreement (JPA) which established the formation of the Joint Radio Users Group (JRUG) consisting of 14 fire districts. It was at this time that JRUG entered into a contractual agreement with American Medical Response (AMR) for emergency communications/dispatch services with the communications center known as LifeCom. In April 2007, both Tracy Fire Department and Lathrop/Manteca Fire District became members of JRUG. Today, all San Joaquin fire districts and the Tracy Fire Department are members of JRUG and are dispatched by LifeCom.

The working relationship with LifeCom has greatly improved recently, especially during the past year. This improvement is directly related to JRUG's involvement in the communications center with management responsibility for fire communications/emergency dispatch services and the continuous evaluation of the system through the Dispatch Oversight Committee (DOC). The influence provided through the DOC has been beneficial in resolving issues as they occur, something that had not been experienced for many years. While JRUG has no authority over Emergency Medical Services Dispatching, as that authority rests with the San Joaquin County Emergency Medical Services Authority (SJEMSA), it does have authority related to Fire Emergency Dispatch. There have been differences of opinion between JRUG and SJEMSA regarding medical dispatch protocols. Those differences have been resolved to JRUG's satisfaction. There is continuous monitoring of the system to identify issues and solutions to those issues. Tracy Fire has taken a leadership role with JRUG and DOC, using its influence to resolve issues and gain improvements in the system.

One of the motivating factors associated with moving the Fire Department's dispatching/communications services to LifeCom was financial. Immediately prior to the move, the City paid the City of Stockton approximately \$250,000 per year for the service and the City had no influence regarding policies or service delivery. Since moving to LifeCom, the City's costs are approximately \$115,000 per year. Dispatching costs are calculated on a per call basis: Fire Calls - \$20.77 per call, EMS Calls - \$10.39, JRUG Fee - \$5.00. The JRUG fee provides a revenue stream to maintain and improve the system.

Tracy Fire and Police staff met to discuss whether it was possible for the Tracy Police Department to provide dispatch services for the Tracy Fire Department. Staff looked at start-up and ongoing staff costs, costs for system configuration to accommodate Fire, and miscellaneous costs (MDTs, CAD Interface, etc.). Staff has determined that start-up costs would be approximately \$500,000. This number may increase or decrease, depending on programming and system configuration needed based on thorough system analysis. Ongoing costs for the additional staff needed to provide the service is approximately \$380,000 annually. This does not include system maintenance. Staff is confident that Tracy Police can provide an acceptable level of service. Additionally, there may be a reduction in processing time that results in reducing Tracy Fire response times by three to thirty seconds, depending on the nature of the call.

During the past six months, the Fire Department has worked with JRUG to make significant improvements in operations at Lifecom. In addition, Lifecom has scheduled a "re-build" of its CAD to improve fire dispatch and dispatcher training has been upgraded. These improvements have resulted in improved call processing times resulting in lower response times for fire dispatches. Additionally, the San Joaquin Fire Chiefs are looking at the feasibility of bringing all county fire agencies into a common dispatch center, either Lifecom or Stockton. This process needs to continue, with Tracy's active participation.

Start-up costs are approximately \$500,000, and annual costs are approximately \$400,000 to move to TPD for dispatch services. Current costs are \$115,000 annually. The net additional costs are \$500,000 for start-up and \$285,000 annually.

Chief Nero stated the Fire Department will continue to explore all available possibilities while continuing the arrangement with LifeCom. The Fire Department will come back to the Council within one year with the results of that exploration. Chief Nero added the Fire Department is looking at not only the financial implications, but also service issues and making sure aid gets to a person in the shortest amount of time.

Council Member Elliott referred to the feasibility of bringing all county fire agencies into a common dispatch center and asked how that would affect response times. Chief Nero responded all fire agencies have the same goals and a common dispatch center would provide additional horsepower to get done what needs to be done, and to make the changes which need to be made. It would also improve coordination between fire agencies during large scale emergencies that impact several communities at the same time. The ability to coordinate resources through one dispatch center would be good for everyone.

Mayor Pro Tem Maciel asked if the level of service the City was receiving was effective. Chief Nero responded the level of service was effective, but the City was looking for an outstanding level of service.

Dave Helm, resident, referred to the new Police CADRMS system and asked if it included the capability to get real time information passed from police officers to firefighters. Chief Nero responded that will be possible with the new system since it would be part of the contract.

Chief Nero added that together with the dispatch issue ambulance coverage in the City has been monitored with AMR and County EMS. In 2011 and 2012, to date, Tracy had responded to 10 percent of all Code 3 emergency medical calls in the County, and has the highest response compliance rate. The contract calls for a 90 percent compliance rate. Tracy has three service areas with compliance rates between 95.5 and 97.40 per cent.

Council Member Abercrombie thanked Chief Hampton and Chief Nero, who he felt had both inherited problems with their dispatch centers, for all their work on these issues.

In response to a question from Council Member Abercrombie regarding where the report on the ambulance response times came from, Chief Nero responded the report was from JRUG.

It was moved by Council Member Abercrombie and seconded by Council Member Rickman to direct the Fire Department to continue to explore all possibilities while maintaining the current arrangement with LifeCom. Voice vote found Council Members Abercrombie, Elliott, Rickman and Mayor Pro Tem Maciel in favor; Mayor Ives absent. Motion carried 4:0:1.

8. COUNCIL ITEMS – Mayor Pro Tem Maciel reported an agenda item regarding electronic signs on school sites was scheduled for the Council meeting to be held on May 1, 2012.
9. ADJOURNMENT - It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adjourn. Voice vote found Council Members Abercrombie, Elliott, Rickman and Mayor Pro Tem Maciel in favor; Mayor Ives absent. Motion carried 4:0:1. Time 8:19 p.m.

The above agenda was posted at the Tracy City Hall on April 12, 2012. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk