

October 2, 2012, 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 offered by Pastor Jessica Richmond, Seventh Day Adventist 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 October 2012, to David Stowe, Public Works.

Mayor Ives presented a proclamation recognizing October 27, 2012 as Make a Difference Day to Brian Pekari in recognition of his Make a Difference Community Project.

Mayor Ives presented a proclamation to Steve Hanlon, Fire Division Chief, in recognition of Fire Prevention Week, October 7-13, 2012.

Mayor Ives presented a proclamation to Dr. James Franco, Superintendent, and Paul Hall, Director of Student Services, Tracy Unified School District, recognizing October 2012, as Anti-Bullying Month.

1. CONSENT CALENDAR - Following the removal of items 1-D, 1-E, and 1-I by members of the audience, 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 June 5, 2012, and closed session minutes of September 18, 2012, were approved.
 - B. Award a Construction Contract to Knife River Construction, of Stockton, California, for the Corral Hollow Road Pavement Overlay (North of Linne Road to Peony Drive) Project – CIP 73127, (Federal Project Number RSTP-5192 (036)), and Authorize the Mayor to Execute the Construction Contract – Resolution 2012-195 awarded the contract in the amount of \$147,710.
 - C. Approve the Offsite Improvement and Reimbursement Agreement With T.G. Associates, LLC (Developer) for Installation of a New Storm Drain Line on Lammers Road Adjacent to the Tracy Gateway Business Park, Authorize an Appropriation of Funds from Tracy Gateway Fund 356 to CIP 73092, and Authorize the Mayor to Execute the Offsite Improvement and Reimbursement Agreement – Resolution 2012-196 approve the agreements.
 - F. Accept 2012 Creative Work Fund Grant and Approve Supplemental Appropriation of Grant Proceeds for Artist's Residency and Exhibition Project and With Anne Klint at the Grand Theatre Center for the Arts – Resolution 2012-197 accepted the grant in the amount of \$31,591 and approved the appropriation.

- G. Approve the City of Tracy's Disadvantaged Business Enterprise (DBE) Program Objectives/Policy Statement as Required by the Federal Transit Administration (FTA) and Federal Aviation Administration (FAA) and Updated Federal Highway Administration (FHWA) DBE Goals for Federally Funded or Assisted Projects During the 2012/2013 Fiscal Year – Resolution 2012-198 approved the program objectives.
- H. Authorize the Appointment of a Youth Commissioner to the Youth Advisory Commission – Resolution 2012-199 approved the appointment.
- D. Appropriate \$10,750 of State Received CAAP Funds to CIP 77033 for Additional Work at the New Jerusalem Airport – Trina Anderson, 1940 Earl Way, asked for clarification regarding potholes on the runway. Mr. Lovell indicated areas had dirt that needed to be filled and additional asphalt and concrete was required. Ms. Anderson asked if the potholes on the runway would be fixed. Mr. Lovell indicated they were doing as much as they could with the grant funds, but there was not enough to do the entire runway.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2012-200 appropriating \$10,750 of State received CAAP Funds to CIP 77033 for additional work at the New Jerusalem Airport. Voice vote found all in favor; passed and so ordered.

- E. Approval of Master Professional Services Agreement and Task Order No. 1 With R.W. Bradley, Consulting Airport Engineer, for Services Required for Administration and Implementation of a Federal Aviation Grant, Authorize the Mayor to Execute the Agreement and Task Order, and Authorize Use of \$58,000 from the Airport Fund for the Completion of the Task Order - Ms. Anderson indicated she did not see where there was help to keep the runway at 4,002 feet. Mr. Lovell stated dealing with the length of the airport runway did not have anything to do with the scope of work.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2012-201 approving the Master Professional Services Agreement and Task Order No. 1 with R.W. Bradley, Consulting Airport Engineer, for services required for administration and implementation of a Federal Aviation Grant, authorizing the Mayor to execute the Agreement and Task Order, and authorizing use of \$58,000 from the Airport Fund for completion of the Task Order. Roll call vote found Council Members Abercrombie, Elliott, Rickman, Mayor Pro Tem Maciel and Mayor Ives in favor. Motion carried 5:0.

- I. Confirm Mayor's Appointment of Mayor Pro Tem Michael Maciel to the Oversight Board of the Successor Agency of the City of Tracy With the Mayor As Alternate George Riddle, 1850 Harvest Landing Lane, asked for an explanation of the Agency. Mayor Ives explained the purpose of the Oversight Board.

Robert Tanner asked why the change was being made before the election. Mayor Ives indicated it may not take place until after November and was an issue of availability. Mayor Ives indicated he would remain as an alternate.

It was moved by Council Member Abercrombie and seconded by Council Member Elliott to adopt Resolution 2012-202 confirming the Mayor's appointment

of Mayor Pro Tem Maciel to the Oversight Board with the Mayor as alternate. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Ricky Hipa asked if debates would be held prior to the upcoming election. Mayor Ives responded the Tracy Press has hosted a forum on September 24, 2012.

Steve Nicolaou read from Resolutions adopted in 1944 and 1945 regarding the Tracy Ball Park which indicated the ball park was built for the young men who fought during World War II and for those who did not return. Mr. Nicolaou stated eliminating the park would destroy part of Tracy's heritage and history.

3. APPROVE AN AMENDMENT TO THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN (SJMSCP) DEVELOPMENT FEE, RESULTING IN A DECREASE IN FEES FOR 2013 - Victoria Lombardo, Senior Planner, presented the staff report. In 2001, the Council approved a resolution to establish the authority to collect a development fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Since then the fee has been adjusted periodically.

In 2006, the formula for updating the fee was categorized into three distinct components to better calculate an accurate fee per acre [FEE = Category A (acquisition) + Category B (assessment & enhancement) + Category C (management & admin)]. The final mitigation fees (Table 1) reflect true costs in each category and other real costs associated to fulfill the goals of the plan.

Category A is directly related to land valuation based on comparables which occur in specific zones of the plan. The criteria to determine valid comparables used in the weighted calculation are:

1. All SJCOG, Inc. transactions (fee title and appraised value of unencumbered property)
2. Sales not less than 40 acres
3. Sales not greater than 500 acres
4. No parcels with vineyard or orchard (except SJCOG, Inc. transactions for special needs)
5. Must be land which would fulfill mitigation under the plan
6. Comparable sales reviewed by the Habitat Technical Advisory Financial Subcommittee
7. Not greater than 2 years old from the date of June 30th of each year with all acceptable comparables included (criteria 1-5). A minimum of 10 acceptable comparables are required for analysis. If the minimum of 10 transactions are not available, the time period will extend at 3 month intervals prior to the beginning date until 10 comparables are gathered.

The calculation results in a decrease to the Agricultural/Natural Habitat type of Category A component from \$9,541.21 to \$7,788.41.

Category B is an average of the California Consumer Price Index (CPI), as reported by the California Department of Finance, for a 12 month period following a fiscal year (July – June) to keep up with inflation on a yearly basis. The CPI has been deemed appropriate regarding the cost of inflation for this category. The California CPI

calculation increased 1.9%. The calculation results in an increase of the Category B component to be \$3,136.27, up from last year's \$3,077.79.

Category C is an average of the California Consumer Price Index (CPI), as reported by the California Department of Finance, for a 12 month period following a fiscal year (July – June) to keep up with inflation on a yearly basis. The CPI has been deemed appropriate regarding the cost of inflation for this category. The California CPI calculation increased 1.9%. The calculation results in an increase of the Category C component to be \$1,785.92, up from \$1,752.62 in 2012.

The overall result in the calculations was a decrease in the fees from 2012 to 2013.

Table 1 – Mitigation Fees to Be Adopted for 2013

Habitat Type	Category A	Category B	Category C	Total Fee	Rounded Fee*
Open Space	\$3,894.21	\$1,568.14	\$901.85	\$6,364.19	\$6,364
AG/Natural	\$7,788.41	\$3,136.27	\$1,785.92	\$12,710.60	\$12,711
Vernal Pool (grasslands)	\$30,008.16	\$590.61	\$6,488.39	\$37,087.16	\$37,087
Vernal Pool (wetted)	\$30,008.16	\$41,814.48	\$6,488.39	\$78,311.03	\$78,311

*rounded to the nearest dollar to be adopted and in place by January 1, 2013

All land within and adjacent to the current City limits is classified as Open Space or AG/Natural, as there are no vernal pools near Tracy. The current 2012 per-acre fees in the relevant categories are \$7,195 per acre for Open Space and \$14,372 for AG/Natural.

Along with the annual index adjustment, the SJMSCP is required to monitor the plan to address funding shortfalls as stated in Section 7.5.2.1 of the plan. SJCOG, Inc. shall undertake an internal review of the SJMSCP funding plan every three years to evaluate the adequacy of each funding source identified in the plan, identify existing or potential funding problems, and identify corrective measures, should they be needed in the event of actual or potential funding shortfalls. This will be reported to the permitting agencies for review in Annual Reports.

This agenda item will not require any specific expenditure of funds. All of the fees collected with each project will be applied toward the SJMSCP.

Staff recommended that the City Council approve, by adoption of a resolution, the amended development fees for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

Council Member Elliott asked who requires that the City collect these fees. Ms. Lombardo stated it was not a requirement. Applicants can pay the fee or work directly with SJCOG which is a lengthier process. Ms. Lombardo indicated that applicants usually work with staff and go this route.

Council Member Elliott asked if this was a federal law. Ms. Lombardo stated it's the California Environmental Quality Act that is being fulfilled through this process and was a stated law requirement.

Council Member Elliott who decides what the true costs are. Ms. Lombardo stated a fee study was done in 2006 when this methodology was determined.

Council Member Elliott asked what were the goals of the Plan. Ms. Lombardo stated the goals were to mitigate the loss of habitat land in San Joaquin County.

Steve Dial, Deputy Director of San Joaquin Council of Governments, stated the Plan has been permitted for 50 years and represented a finite amount of acreage of approximately 100,000 acres for development and 100,000 acres of preserve that would offset it.

Council Member Elliott stated it was great that the fees were reduced and asked if there was some kind of estimate of what that might mean to future development. Ms. Lombardo provided an example of an industrial project of 60 acres that would cost \$12,711 per acre. Ms. Lombardo added that the majority of land in Tracy is in that type of habitat.

Mayor Ives invited members of the public to address Council.

George Riddle stated it sounded like a levy against bringing businesses to Tracy.

Council Member Rickman asked if this was voluntary. Ms. Lombardo stated yes.

It was moved by Council Member Abercrombie and seconded by Council Member Rickman to adopt Resolution 2012-203 amending development fees for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan. Voice vote found all in favor; passed and so ordered.

4. IMPLEMENTATION OF MEASURE D – APPOINTED CITY CLERK - Jenny Haruyama, Administrative Services Director, presented the staff report. Mr. Haruyama stated implementation of Measure D, a ballot measure approved by voters in 2010 to change the City Clerk from an elected to an appointed position requires several Council actions.

As a result of Measure D, the power to appoint the City Clerk is currently vested in the City Council. Government Code section 36510 provides that the City Council may, by ordinance, vest in the City Manager its authority to appoint the City Clerk.

The proposed ordinance also makes a technical clarification relating to the duties of the City Clerk. Government Code sections 40802 through 40805 impose various financial and accounting duties upon the City Clerk. Government Code section 40805.5 provides that these duties may be transferred to a Director of Finance. The proposed ordinance provides that such financial and accounting duties are transferred to the Administrative Services Director, who shall serve as the Director of Finance.

The City Clerk's Division of the City Manager's Office is currently staffed by a part-time elected City Clerk, a full-time Assistant City Clerk and a full-time Deputy City Clerk. Approval of Measure D changed the City Clerk from an elected to an appointed position, requiring an amendment to the City's Classification and Compensation Plans and Position Control Roster.

The establishment of a City Clerk position requires a new City Clerk classification specification and salary range. A classification study was completed to assess the duties, knowledge, skills, and abilities necessary for the City Clerk position, including an appropriate salary range.

Based on the study findings, staff recommended the creation of a new mid-management City Clerk classification responsible for performing statutory duties requiring expertise in election law, state law, public records management, and conflict of interest regulations. The position also requires general management and supervisory skills and will oversee the activities and operations of the City Clerk's Division. Key areas of responsibility include preparing, posting and maintaining Council agendas, minutes and records; serving as the custodian of official City records; conducting general municipal elections and providing staff support to the City Council, City Manager, and Assistant City Manager.

A salary survey was also completed and included a review of internal division manager level positions and external City Clerk positions from comparable cities. The recommended salary range for the City Clerk position is \$6,464.24 – \$7,857.32. Additionally, the Assistant City Clerk incumbent will retire in early winter 2013 and the Assistant City Clerk position will be eliminated from the City's Position Control Roster. As a result, the staffing of the City Clerk's Division will be reduced to one full-time City Clerk and one full-time Deputy City Clerk.

On July 17, 2001, the City Council adopted Resolution 2001-261 setting a monthly stipend of \$600 for the elected City Clerk. Since this stipend is no longer necessary, staff recommended that Resolution 2001-261 be rescinded.

The creation of a new mid-management appointed City Clerk classification requires that the position be added to the appropriate management bargaining group. Based on external surveys and best practices, appointed City Clerk positions are typically classified as management positions. It is recommended that the Tracy Mid-Managers Bargaining Unit (TMMBU) Memorandum of Understanding (MOU) be amended to include the new City Clerk position, which will function as a Division Manager. The Assistant City Clerk position currently performs many of the duties required of a City Clerk, and is classified as a mid-management position in TMMBU.

The maximum fiscal impact of establishing a City Clerk position is \$150,640, including salary and benefits. This position will not require any additional General Fund expenditures due to the elimination of the Assistant City Clerk position and savings as a result of the elimination of the elected City Clerk annual stipend and costs associated with the inclusion of the City Clerk on the election ballot every four years.

Staff recommended that the City Council:

- Introduce an ordinance of the City Council of the City of Tracy amending Sections 2.08.060(c) and 2.08.070(b) of Chapter 2.08 of Title 2 of the Tracy Municipal Code vesting in the City Manager the authority to appoint the City Clerk and adding a new Section 2.12.125 to Article 2 of Chapter 2.12 of Title 2 of the Tracy Municipal Code transferring certain duties of the City Clerk to the Administrative Services Director,
- Adopt a resolution authorizing the amendment of the City's Classification and Compensation Plans and Position Control Roster by approving the establishment of a new classification specification and salary range for a City Clerk in the City Clerk's Division of the City Manager's Office and elimination of the elected City Clerk and Assistant City Clerk Positions,
- Adopt a resolution rescinding Resolution 2001-261 which established a stipend of \$600 per month to the elected City Clerk, and
- Adopt a resolution amending the Tracy Mid-Managers Bargaining Unit (TMMBU) Memorandum of Understanding (MOU) to add the position of City Clerk and remove the position of Assistant City Clerk.

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

Robert Tanner stated when Measure D was voted in a savings was shown and asked what the overall savings would be. Ms. Haruyama stated approximately \$8,000 for 2013.

Mayor Pro Tem Maciel in addition to the \$8,000 was there a savings in not putting the position on the ballot. Ms. Haruyama stated a one-time savings of \$7,500 to add the position to the ballot.

The Clerk read the title of proposed Ordinance 1175.

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 1175. 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 Resolution 2012-204 authorizing the amendment of the City's Classification and Compensation Plans and Position Control Roster by approving the establishment of a new classification specification and salary range for a City Clerk in the City Clerk's division of the City Manager's Office and elimination of the elected Clerk and Assistant City Clerk positions. 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 Resolution 2012-205 rescinding Resolution 2001-261 establishing the compensation to be paid to the elected City Clerk. 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 Resolution 2012-206 amending the Tracy Mid-Managers Bargaining Unit Memorandum of Understanding to add the position of City Clerk and remove the position of Assistant City Clerk. Voice vote found all in favor; passed and so ordered.

5. HEAR VARIOUS PUBLIC PARTICIPATION AND PUBLIC OUTREACH OPTIONS TO COMMUNICATE AND OBTAIN FEEDBACK FROM TRACY RESIDENTS AND DISCUSS NEXT STEPS - Maria Hurtado, Assistant City Manager, presented the staff report. Over the years, the City of Tracy has used various means to practice open government and encourage public participation, elicit community input, provide information or assess public perception on City services. These methods have included Resident Surveys, conducting Community Conversations, implementing a Speakers Bureau, scheduling workshops, using available technology to inform the public, and establishing Resident Advisory Boards.

In August of 2009, a citywide Resident Survey was distributed to obtain residents perception of a variety of City services. The information gleaned from the survey informed staff how often residents use parks and recreation classes, how often they use fire and emergency medical services, how they rated neighborhood roads, street sweeping services, how safe they feel in their neighborhood, what public safety

programs were important to them, and to what extent weeds in lots, abandoned vehicles, graffiti and dilapidated buildings were a problem in their neighborhood. Other information included ratings on refuse and recycling services, and appearance of City public parks and recreation facilities. The feedback obtained through the survey assisted staff in measuring the quality of City services, establishing the budget and setting future priorities. The City plans another citywide Resident Survey this fall and the results will be presented to Council on January 15, 2013.

Additionally, in 2009 and 2010, the City hosted a series of Community Conversations on specific topics with the premise that this type of community engagement would result in a greater understanding of community needs, lead to viable options and solutions to address specific issues, and build partnerships and consensus where possible between the City and stakeholders. The specific issues to be vetted with the community at that time included direction on Sustainability, options for an Animal Shelter, and operational and financial needs for the Grand Theatre for the Arts. The outcome of this process resulted in clarity related to Sustainability goals, partnerships with a non-profit organization for programming and fundraising for the Grand Theatre, and identification of priority improvements for the Animal Shelter.

The Speakers Bureau medium is an opportunity for City representatives to present to members of various service groups, non-profit organizations, businesses, sports leagues, and other local organizations on a number of high profile projects or issues facing the community and that are of interest to local residents. In 2010, the City presented two Speakers Bureau series providing budget and service updates to the community and explaining how the unprecedented downturn in the economy would and could affect the City's ability to provide critical essential services to Tracy residents. The outcome of this educational effort provided transparency about the challenges facing local governments in general and the City of Tracy specifically.

The City also uses social media tools to connect with a broader range of residents, businesses and individuals interested in activities occurring in Tracy. The most common tools, include Facebook and Twitter, with 869 Facebook Friends and 738 Twitter followers. In addition, the Tracy Police Department uses Nixel, a social media tool specifically designed for public safety alerts and notifications, with 317 subscribers consisting of either neighborhood watch groups or individual residents. The City also streams live council meetings, offers video playback options, and uses YouTube to show specific segments and events.

Over the years resident advisory boards have been formed to advise Council on a number of community priorities. Some committees or boards have been formed for single short term purposes while others have lasted decades. An example of a long standing resident committee was Tracy Tomorrow, which was created in the late 1980s to address a number of issues facing the City at that time. Ultimately, the committee provided recommendations to Council relative to streets and sidewalk improvements, growth and environmental concerns, public safety related items, and beautification and transportation.

Tracy Tomorrow evolved into Tracy Tomorrow 2000, which evaluated, made recommendations and proposed solutions to economic and social issues. In June of 2001, Tracy Tomorrow 2000 submitted its recommendations to Council in the areas of transportation, education, economic development, land use planning, agriculture, open space and community enrichment.

Tracy Tomorrow 2000 evolved into Tracy Tomorrow and Beyond in July 2001, at the request of the Tracy Tomorrow 2000 Project Steering Committee, to create a vehicle for ongoing resident involvement and leadership development. The Committee was ultimately disbanded in May of 2007. However, for the course of its existence, the Committee provided valuable input to Council to help shape the future of the City.

Council Member Abercrombie stated it was something he felt would benefit the City and a way of connecting with the community while educating them on what we are doing.

Council Member Elliott asked for clarification between the Speakers Bureau and the Community Conversations. Ms. Hurtado explained that the Speakers Bureau was used to educate while Community Conversations were a series of conversations that covered one issue and sought collaboration.

Council Member Elliott asked what type of questions would appear on the October survey. Ms. Hurtado stated the Resident Survey was aligned with the International City Manager's Association Survey which asks residents to rate city services, their perception of public safety, and frequency of their use of services.

Mayor Pro Tem Maciel asked Council Member Abercrombie if the proposal was to set up a body similar to a commission. Mayor Ives indicated it was a discussion item at this point.

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

Robert Tanner, 1371 Rusher Street, stated all these methods of communication were great and need to be continued. Mr. Tanner asked how the survey would be sent out. Ms. Hurtado stated it would be mailed out with residents' utility bills over the next four weeks. The survey will also be posted on the city's website and the deadline to respond is November 30.

Dave Helm referred to the Facebook account and asked if an employee monitored the site. Ms. Hurtado stated yes, a management analyst in the City Manager's office. Mr. Helm asked if the City had considered a message board where residents could post ideas or ask questions. Ms. Hurtado stated residents could use the existing Government Outreach system to ask questions or request help. Ms. Hurtado added the City Manager has a blog on the website residents could check out.

Council Member Abercrombie indicated he was looking to form an advisory board similar to Tracy Tomorrow and Beyond.

Mayor Pro Tem Maciel stated the staff report included a wide variety of ways in which the City communicates with residents. Mayor Pro Tem Maciel stated he did not believe it was necessary to organize another committee at this point, although if the need arose one could certainly be formed.

Council Member Elliott indicated the City was fine for now but could select one of the current methods for any issue that may arise in the future.

Council Member Rickman stated he wouldn't mind forming an advisory board based on what the previous groups were able to accomplish.

It was Council consensus to not form an advisory board at this time.

6. ITEMS FROM THE AUDIENCE – George Riddle, 1850 Harvest Landing, asked for an update on the airport paving project. Mayor Ives indicated Mr. Buchanan to follow up with Mr. Riddle.
7. COUNCIL ITEMS – Council Member Rickman requested an update on the possible relocation of the Tracy Ball Park, to be added to the October 16, 2012, agenda.

Mr. Churchill reminded Council on how to put an item on the agenda but added the process could be suspended. Mr. Churchill stated he was scheduled to speak with the Parks Commission on Thursday on the ballpark item, and hoped to have enough information available by October 16, to put an item on the agenda.

Council Member Abercrombie requested a community calendar to inform the non-profits about City and Chamber of Commerce events. Council Member Abercrombie stated that a community calendar would allow the non-profits to schedule their activities around City and Chamber events.

Council Member Abercrombie thanked everyone for the successful event at Tracy Sutter Community Hospital.

Mayor Pro Tem Maciel requested an agenda item to discuss the options available to fill a vacant City Council seat. Council consensus was to wait until after the election to determine whether that discussion would be necessary.

8. ADJOURNMENT - It was moved by Council Member Abercrombie and seconded by Council Member Rickman to adjourn. Voice vote found all in favor; passed and so ordered. Time: 8:25 p.m.

The above agenda was posted at the Tracy City Hall on September 27, 2012. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk