

STAFF REPORT

SUBJECT: Airport Land Use Compatibility Plan
Consistency Determination for the Ellis
Specific Plan Amendment and City of Tracy
General Plan Amendment

RECOMMENDED ACTION: Determination of Inconsistent Land Use
with the 2009 Airport Land Use
Compatibility Plan

DISCUSSION:

SUMMARY:

The San Joaquin Council of Governments (SJCOG), as the designated body to fulfill the duties of the Airport Land Use Commission (ALUC), has received a proposed amendment to the Ellis Specific Plan from the City of Tracy. For Specific Plans, General Plans, and subsequent amendments, the State Aeronautics Act, Section 21676, requires ALUCs to determine the project's "consistency" with the applicable Airport Land Use Compatibility Plan (ALUCP). This process is also defined within the Project Review Guidelines for the Airport Land Use Commission, adopted by SJCOG Board in June 2013.

The Ellis Specific Plan Amendment would permit a residential density of 4 to 9 dwelling units per acre within a considerable portion of the Outer Approach Departure Zone (OADZ). The ALUCP's residential density for this zone is 1 dwelling unit per 5 acres.

RECOMMENDATION:

To make the determination that the proposed residential densities for the 2013 Ellis Specific Plan Amendment are inconsistent with the Outer Approach Departure Zone of the 2009 ALUCP.

FISCAL IMPACT: None

BACKGROUND:

The Ellis Specific Plan (ESP) is primarily residential with a maximum of 2,250 residential units within a 321-acre footprint. The Village Center will include a mix of residential, commercial, office, and recreational uses. A 16-acre swim center is also proposed as part of the ESP. The ESP was approved in December 2008 by the Tracy City Council and was subject to a legal challenge that ultimately resulted in the courts ordering that the certification of the "Original" Ellis EIR and Development agreement be set aside.

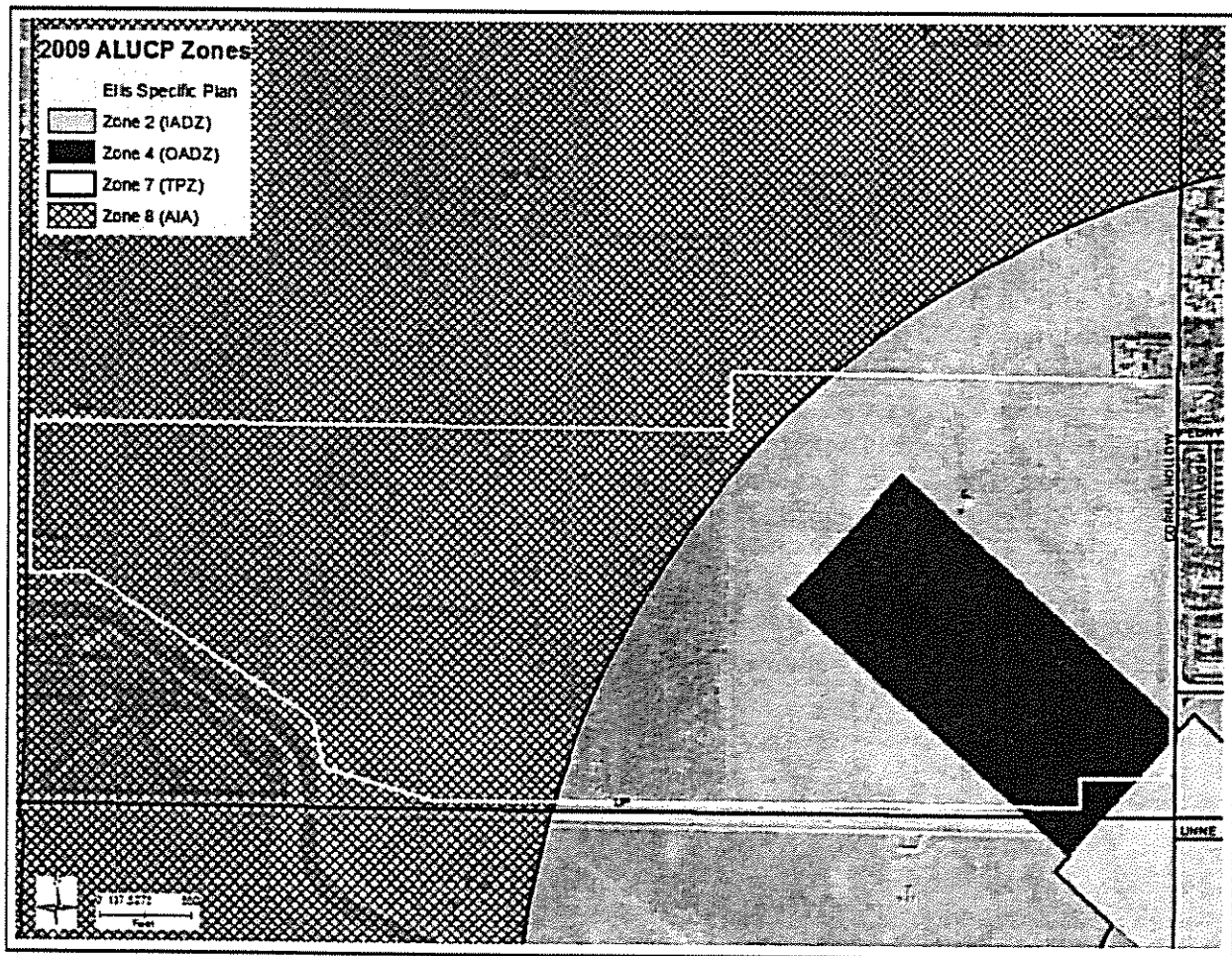
In 2012, as a means to address the issues that were noted by the court, the City of Tracy prepared a revised Environmental Impact Report and a "Modified" ESP. ALUC staff reviewed the modified project in November 2012 and notified the City that the land uses were consistent with the most current ALUCP. In June 2009 the ALUC adopted an ALUCP update for the county's five general aviation airports, which includes Tracy Municipal Airport.

CURRENT AIRPORT LAND USE COMMISSION REVIEW:

In August of 2013, Surland Companies submitted a proposed amendment to the ESP. The project also includes a City of Tracy General Plan Amendment. The project is subject to consistency review under the 2009 ALUCP. As shown in Figure 1, the entire site is within the Airport Influence Area of Tracy Municipal Airport. The eastern area also lies within the Traffic Pattern and Outer Approach Departure Zone.

FIGURE 1

Ellis Specific Plan Project Boundaries & 2009 ALUCP Zones



The SPA is proposing the following:

1. An increase in the residential area, TR-Ellis, by 17 acres.
2. A decrease in the Commercial land use designation by 17 acres.
3. Allowing residential density of 4 to 9 dwelling units/gross acre within roughly two-thirds of the Outer Approach Departure Zone. The OADZ encompasses approximately 49 acres of the 321 acre project site.
4. The amendment to the existing General Plan includes revision of language to exclude the Ellis Specific Plan Area from the Airport Land Use Compatibility Plan, but subject to the purposes of the State Aeronautics Act, Cal. Pub. Util. Code 21670 et seq.

ALUC staff has reviewed the Ellis Specific Plan Amendment and City of Tracy General Plan Amendment for consistency with the 2009 ALUCP. The residential density within the Outer Approach Departure Zone is 1 dwelling unit per acre. The Ellis SPA would allow for a residential density of 4 to 9 dwelling units per 5 acres. Therefore, the residential density proposed within Zone 4 is inconsistent with the 2009 ALUCP.

LEAD AGENCY AND PROJECT APPLICANT CONSENSUS:

The City of Tracy is the lead agency and "The Surland Companies" is the project applicant for the Ellis Specific Plan project. Both entities have been notified by ALUC staff on the preliminary findings and are in agreement that the proposed land uses are not consistent with the 2009 ALUCP, and an ALUC determination of inconsistency may be approved by the Board.

NEXT STEPS:

If the ALUC determines that the proposed land uses are inconsistent with the 2009 ALUCP, staff will promptly contact the lead agency. In this event, the lead agency has three options in which to proceed 1) do not approve the Specific Plan Amendment, 2) Revise the Specific Plan Amendment to the project, or 3) overrule the ALUC determination of inconsistency per the State Aeronautics Act, PUC Sections 21676 and 21676.5.

Sandra Edwards

From: Ed Lovell
Sent: Thursday, June 06, 2013 9:12 AM
To: brandley@rwbrandley.com
Subject: Tracy Grant Application

Importance: High

Reinard,
Rod would like the 4000' length changed to say 3997' just to be safe. Please make the necessary adjustments on the application. Thanks.

Ed Lovell
Management Analyst II

City of Tracy, Public Works
Tracy Transit Station
50 E. 6th Street
Tracy, CA 95376

(209) 831-6204 direct
(209) 831-6218 fax

ed.lovell@ci.tracy.ca.us

<http://www.ci.tracy.ca.us>

Sandra Edwards

From: Reinard W. Brandley <Brandley@rwbrandley.com>
Sent: Thursday, June 06, 2013 9:59 AM
To: Rod Buchanan
Cc: Ed Lovell; Bruce Ludeman
Subject: Project Application - Tracy Municipal Airport - Revised Dimensions
Attachments: Tracy Airport - 2013 Application Rev.pdf; aip_sf424_2010_-_Tracy Develop_2013 Rev.pdf

Rod:

As requested, we have revised the project application for the Tracy Municipal Airport to reflect runway length & widths and taxiway widths that the F.A.A. will actually fund. This revised application is attached.

Please sign the Application in the following locations and then forward three copies to Mr. Howard Chang, F.A.A. (Airports District Office, 1000 Marina Boulevard, Suite 220, Brisbane, California 94005) for review and approval as soon as possible. (Note: The sketch map is in color and is 11" x 17")

Form 424, Page 1 - Subsection 18d & e
Attachment No. 1 - Title VI Assurances
Attachment No. 2 - Statements
Attachment No. 5 - Certification Regarding Lobbying
Attachment No. 6 - Certification Regarding Drug-Free Workplace

We have also included a separate copy of Standard Form 424. This needs to be mailed to the State Clearinghouse, P.O. Box 3044, Sacramento, California 95812-3044 or faxed to them at (916) 323-3018.

Reinard W. Brandley
Consulting Airport Engineer
6125 King Road, Suite 201
Loomis, CA 95650
(916) 652-4725
Fax (916) 652-9029
brandley@rwbrandley.com



July 1, 2013

City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

**DEVELOPMENT &
ENGINEERING SERVICES**

MAIN 209.831.6400
FAX 209.831.6439
www.ci.tracy.ca.us

Andrew Chesley
Executive Director
San Joaquin Council of Governments
555 E. Weber Avenue
Stockton, CA 95202-2804

Re: City of Tracy
City Council direction regarding the Tracy Municipal Airport

Dear Andrew,

Thank you for our recent discussion regarding the City of Tracy's plans and vision for the Tracy Municipal Airport. As we discussed, the City is moving forward with plans and changes to the design of the airport that support current and future projected operations.

At the June 18, 2013 City Council meeting, the council made a significant decision by giving unanimous direction to change the dimensions of Runway 12/30 from 100 feet wide to 75 feet wide, and from 4,000 feet long to 3,997 feet long. The City is in pursuit of grant funding from the Federal Aviation Administration (FAA) for reconstruction of the runways that include these new dimensions. This new dimension indicates that appropriate land use planning surrounding the airport would be in alignment with a Short General Aviation Runway as outlined in the California Airport Land Use Planning Handbook.

The City is currently in the process of updating its Airport Layout Plan (ALP) to reflect these changes and others that improve the safety and lays the foundation for airport users and aviation related businesses that support the operations of these new runway dimensions.

We look forward to working with you and the county on our City's plans and support of this vision for the Tracy Municipal Airport.

Sincerely,

Andrew Malik
Development Services Director

Think Inside the Triangle™



December 17, 2013

City of Tracy City Council
333 Civic Center Plaza
Tracy, CA 95376

Sirs:

I write in response to Mr. Hampton's remarks at the December 03, 2013 City Council meeting, in which he knowingly, deliberately deceived the people of Tracy and this Council.

At that same meeting, I cited statutory law, case law, and relevant City policies and provided direct, unambiguous documentary evidence of criminal violation of those laws by Mr. Churchill and Mr. Sodergren. Yet Mr. Hampton, just 1 hour and 20 minutes earlier, clearly stated that there was no evidence of public corruption on the part of Mr. Churchill and Mr. Sodergren. Attached please find documentation of this corruption which I request be included in the Handouts of tonight's meeting. There is no basis in the Brown Act to justify concealing this material from the public.

I will address Mr. Hampton's other statements, carefully and precisely, in future communications. Mr. Hampton tells a good story, and while many of his statements cannot as easily be proven to be false, I will show that they are inconsistent with the written record and implausible. Here I confine myself to addressing Mr. Hampton's characterization of my statements as malicious and libelous. Mr. Hampton has not and cannot identify a single allegation I have made that is false. I have submitted verifiable documentary evidence into the public record supporting every allegation I have made; Mr. Hampton has submitted nothing.

Mr. Hampton's accusation of malice is also directly contradicted by the public record. I have publically offered on March 19 of this year to drop all complaints in return for formation of an independent commission to review police complaints and adoption of an open government ordinance. My 'agenda' should be clear: this is not a vendetta against Mr. Hampton – I am looking for nothing more than accountability and transparency in City government.

Mr. Hampton clearly has very vocal supporters who, like Mr. Hampton, have also chosen to revile me publically without providing any factual justification. Their remarks, as well as Mr. Hampton's, put to rest any debate over whether or not Mr. Hampton has instilled an ethic of professionalism within the Tracy Police Department. I note in particular that Mr. Abercrombie, a paid member of the Tracy Police Department, has direct, personal, first-hand knowledge of the evidence against Mr. Churchill and Mr. Sodergren and of the falsity of Mr. Hampton's remarks. I am very disappointed in Mr. Abercrombie.

I close with the submission of a formal complaint against Mr. Hampton for dishonesty, violation of oath, and obstruction of justice. Please note:

- It is a criminal violation of law not to have procedures to investigate peace officer complaints

- It is a criminal violation of law not to follow these procedures to investigate peace officer complaints
- It is a criminal violation of law not to make the procedures available to the public upon request

Mr. Churchill and Mr. Sodergren can in no way be associated with the investigation of this complaint, as their criminality is a central aspect of the allegations.

This Council is the party responsible for ensuring that this complaint is appropriately investigated.

I am also formally requesting a copy of the procedure that will be followed in the investigation of this complaint. Tracy Police Department Policy 1020, which I have been previously provided, has no provisions applicable to investigations of the Chief of Police. So there can be no debate as to whether or not I have received this information, I will expect to pick it up from Mr. Ives at the January 7, 2014 City Council meeting.

Regretfully,

A handwritten signature in cursive script that reads "Paul Miles".

Paul Miles

1397 Mansfield St.
Tracy

Definitions: What constitutes criminal behavior?

PC § 16: Crimes include:

1. Felonies;
2. Misdemeanors; and
3. Infractions.

PC § 17. (a): A felony is a crime that is punishable by imprisonment in the state prison, or in a county jail for a term greater than 16 months. Every other crime or public offense is a misdemeanor except those offenses that are classified as infractions.

Penal Code violations are public offenses and are, with few exceptions, felonies or misdemeanors.

Definitions: What constitutes criminal behavior?

Penal Code (PC) § 7: The word "willfully" implies simply a purpose or willingness to commit the act or make the omission. It does not require any intent to violate law, or to injure another, or to acquire any advantage.

"Knowingly" similarly does not require actual knowledge of the law

PC §15: A crime is an act committed or omitted in violation of a law, punishable by:

- Death;
- Imprisonment;
- Fine;
- Removal from office; or,
- Disqualification to hold and enjoy any office of honor, trust, or profit in this State.

TRACY



Something stinks inside the triangle

I received no response to these complaints for 15 months, a ***criminal violation of PC § 832.5***

PC § 832.5. (a) (1) Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies

- TPD General Order J-16 (I)(B) required that complaints be investigated

B. Complaints shall be investigated to protect personnel from unwarranted criticism when they discharge their duties properly, or discipline personnel who conduct themselves improperly, and identify policy or training omissions.

- TPD General Order J-16 (V)(G) required that investigations be complete within 30 days of the date of assignment

G. Investigations shall be completed within 30 calendar days from the date of assignment. The investigator shall seek specific approval from the Support Operations commander to extend the scheduled completion date.

“[A]ccusations of misconduct against a peace officer...trigger mandatory investigation and record retention requirements.” [People v. Stanistreet, 29 Cal.4th 497, 509]

TRACY



Something stinks inside the triangle

Prior history of criminal behavior ...

On November 11, 2009 I submitted *criminal* complaints alleging false reports against TPD officers Sheneman, Vieira, and Loving:

PC § 118.1: Every peace officer who files any report regarding the investigation of any crime, if he or she knowingly and intentionally makes any statement which the officer knows to be false, is guilty of filing a false report punishable by imprisonment in the county jail for up to one year, or *in the state prison for one, two, or three years.*

- Documentary evidence supporting these allegations is available (see www.tracy-ca.us); but our current focus will be the actions of Mr. Churchill and Mr. Sodergren
- These crimes can be charged as *felonies*

TRACY



Something stinks inside the triangle

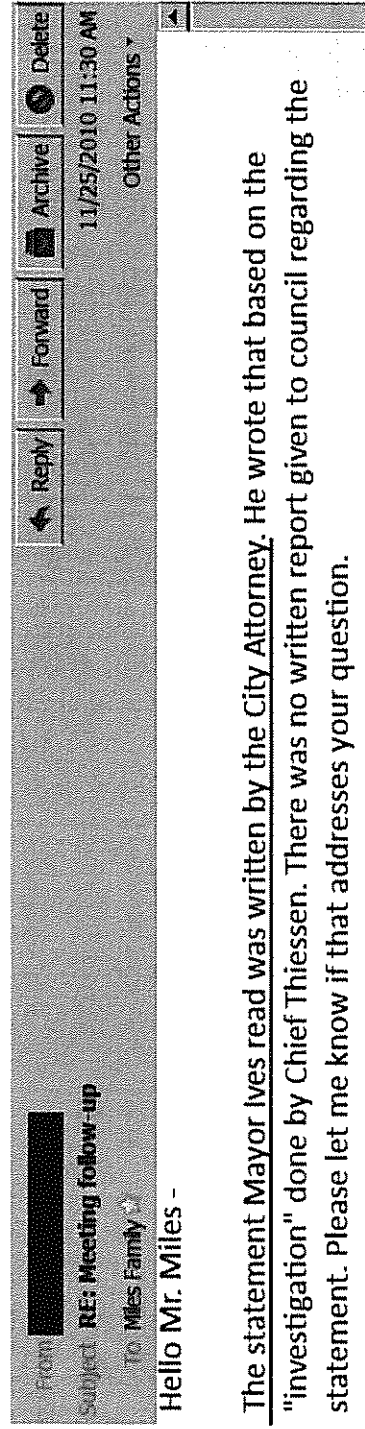
When tasked to investigate my complaints on 6-15-2010, Sodergren produced a false writing, a *criminal* violation of GC § 6203 (a) and an act of defamation

Here is the writing:

However, I can say that the City Council has been briefed on the matter. After reviewing this matter in closed session due to Mr. Miles' threats of litigation, the City Council believes the Police Chief, and the officers, did a proper job in investigating the traffic accident and in following up on Mr. Miles' complaints regarding that investigation.

The City Council has determined that the allegations are unfounded.

Did
Sodergren
write it?



TRACY



Something stinks inside the triangle

During this time, City Manager Churchill and City Attorney Sodergren refused to comply with PC § 832.5

On 03-25-2010 Mr. Churchill stated, in writing, that the City would take no action on my complaints

During the 05-18-2010 City Council meeting, Sodergren stated that neither his office nor the City had any intent of taking any further action



City of Tracy
333 Civic Center Plaza
Tracy, CA 95376
CITY MANAGER'S OFFICE
MAIN 209.831.6000
FAX 209.831.6120
www.ci.tracy.ca.us

March 25, 2010

Mr. Paul Miles
1397 Mansfield St.
Tracy, CA 95376

Dear Mr. Miles:

The City of Tracy has taken all action it intends to take relative to your complaints stemming from the collision in the City that your son was involved with on or about June 26, 2008. You are, of course, free to pursue this matter with whatever other agencies you see fit.

Sincerely,

R. Leon Churchill, Jr.
City Manager

cc: Mayor & Council Members

TRACY



Something stinks inside the triangle

On 12-29-2010 Churchill & Sodergren were compelled by a Councilmember to investigate my complaints

Churchill performed the investigation →

February 06, 2011

Mr. Leon Churchill
City of Tracy City Manager
333 Civic Center Plaza
Tracy, CA 95376

Mr. Churchill,


I received your letter dated February 1, 2011 in which you communicate the City's disposition of my complaints. I have documentary evidence demonstrating that the City's findings regarding these complaints are false.

In accordance with Tracy Police Department General Policy 7.16, I am herewith requesting a meeting between myself, my Counsel, and Chief Janet Thiessen to discuss the findings as they relate to each specific allegation against the subordinate officers.

I am also requesting that you identify the investigator of the complaints against Chief Thiessen so a similar meeting can be arranged.

In the absence of new information that unambiguously shows that the documentary evidence I have is inaccurate, my intention is to file additional formal complaints alleging violation of Penal Code §118.1 against Chief Thiessen, and to seek criminal charges against the investigator of the Thiessen complaints.

Paul Miles
Paul Miles
1397 Mansfield St.
Tracy, CA 95376

 City of Tracy
333 Civic Center Plaza
Tracy, CA 95376
CITY MANAGER'S OFFICE
MRS. DONATI LACER
Tel: 209-833-6229
www.ci.tracy.ca.us

February 16, 2011

Mr. Paul Miles
1397 Mansfield Street
Tracy, California 95376

Re: Your letter dated February 6, 2011

Dear Mr. Miles:

I have received your letter dated February 6, 2011, requesting a meeting with the Police Chief to discuss the determination the City made related to your complaints and information regarding the investigator of the complaints. Because the City's investigations of your complaints are confidential personnel matters, City staff cannot meet with you to discuss these or provide any information other than what is contained in my February 1, 2011 letter to you.

Sincerely,
Leon Churchill, Jr.
Leon Churchill, Jr.
City Manager



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2/15/2011 6:33 PM
Other Actions

Reply Forward Archive Link Delete

Confidential
Miss Family

Hello Mr. Miles -

[Redacted]

No outside investigator was hired regarding your complaints. The other council members allowed the City Manager to investigate the complaint regarding the Chief.

[Redacted]

I spoke with the Mayor on Friday regarding your requests and letter. He had concerns meeting with you since you mentioned you would have a counsel present during the meeting. I shared with him that I did not understand why we hired an outside investigator for Mr. Helm's complaint and not for your complaint. He is meeting with the City Manager Monday morning to discuss this issue.

Please either call me or email me with your questions or concerns.

Thank you-

←but he would not admit to it

By the standards of PC § 125 this statement was knowingly false. It was also criminally negligent and made with a wanton disregard for the truth

GC § 6203 (a) Every officer authorized by law to make or give any certificate or other writing is guilty of a misdemeanor if he or she makes and delivers as true any certificate or writing containing statements which he or she knows to be false.

PC § 125 An unqualified statement of that which one does not know to be true is equivalent to a statement of that which one knows to be false

PC § 7 The words "neglect," "negligence," "negligent," and "negligently" import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concerns

Sodergren was certainly aware of my allegations that the complaints had not been investigated.

All he needed to do was ask to see the investigation or the notification of the disposition of the complaint



Something stinks inside the triangle

Through this communication, Churchill has violated GC § 6203 (a) and, with Sodergren, almost certainly violated PC § 182 (a)(5)

PC 182 (a)(5) If two or more persons conspire to commit any act injurious to the public health, to public morals, or to pervert or obstruct justice, or the due administration of the law they shall be punishable by imprisonment in the county jail for not more than one year, or in the state prison, or by a fine not exceeding ten thousand dollars (\$10,000), or by both that imprisonment and fine

(I have connected the relevant clauses to assist in understanding. The full text can be found at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=182-185>)

Like his violation of PC § 832.5, these are criminal acts

TRACY



Something stinks inside the triangle

In the report of his investigation Churchill *lied* regarding *criminal* activity by City staff



CITY OF TRACY

City Manager's Office
333 Civic Center Plaza
Tracy, CA 95376

Telephone: (209) 831-6115
Fax: (209) 831-6120

Tracy, California

February 1, 2011

Mr. Paul Milles
1397 Mansfield Street
Tracy, California 95376

Re: Police Complaints

Dear Mr. Milles:

I have received a copy of your letter to the Mayor and City Council dated January 1, 2011 containing a complaint against the Police Chief.

The City is also in receipt of the following complaints that you have submitted:

- October 21, 2009 complaint against Police Chief J. Thiessen
- October 22, 2009 complaint against Officer K. Loving
- October 22, 2009 complaint against Sgt. M. Viera
- October 22, 2009 complaint against Sgt. T. Sherman

As you know, these complaints relate to a traffic accident your son was involved on June 26, 2008. The City has completed its investigation of these complaints. It has been determined the following:

- The allegations contained in the complaints related to the Police Chief are unfounded, except the allegation that the Police Chief did not respond to your June 6, 2009 e-mail. As to this allegation, the Police Chief is exonerated.
- The allegations contained in the complaints related to Officer K. Loving are unfounded.
- The allegations contained in the complaints related to Sgt. M. Viera are unfounded.
- The allegations contained in the complaints related to Sgt. T. Sherman are unfounded except for the allegation regarding the recording of a telephone interview with your son. Sgt. Sherman is exonerated because the practice is

permissible under case law [(see People v. Carbonic, 1975) 48 Cal. App. 3rd 679, 121 Cal. Rptr. 831].

This summary completes the status update on each of your complaints.

Sincerely,

R. Leon Churchill, Jr.
City Manager

cc: Dan Sodergren, City Attorney

- J-16 V(G) "Unfounded means the acts complained of did not occur or the individuals named were not involved
- The City now **knows** the allegations were not unfounded, and there is documentary evidence that they are **true** (www.tracy-ca.us)
- Unless we are willing to believe that Mr. Churchill can research case law, Mr. Sodergren was complicit in this deception

TRACY



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Criminal allegations against ex-Chief Thiessen dated 3-1-2011 were not provided to the investigators

Tracy Spring 2011 Investigation
PARTIAL INDEX

Correspondence, reports, and other documents

Correspondence		Reports and Other Documents
1	10/4/2008	Letter from Miles to Chief Krauss regarding omissions from report Attachments - picture of intersection, narrative/supplemental report, original accident report
2	10/20/2008	Letter from Chief Krauss to Miles in response to 10/04/2008 letter. Attachments - supplemental report and original investigation
3	10/27/2008	Email chain between Vieira and Miles regarding school hour interpretation, speed limit
4	11/9/2008	Letter from Miles to Chief of Police responding to Krauss's letter of 10/20/2008
5	12/18/2008	Letter from Miles to Chief Golphin - second request for a good-faith investigation (attached summary of "major issues")
6	2/15/2009	Letter from Miles to Chief Thiessen - complaint that inaccurate police report was filed and that Vieira did not conduct a good-faith review of initial complaint
7	3/30/2009	Email from Chief Thiessen to Miles - responding to email from Miles that expressed "concerned regarding the lack of follow-up" to his complaint
8	3/30/2009	Email from Thiessen to Miles - explaining lack of response to Miles
9	5/1/2009	Email from Sheneman to Miles - "review is almost complete"
10	5/4/2009	Email from Sheneman to Miles - meeting regarding the review
11	5/5/2009	Memo from Sheneman to Chief Thiessen - Paul Miles Complaint
12	5/7/2009	Email from Sheneman to Thiessen - Police report complaint
13	5/18/2009	Letter from Chief Thiessen to Miles - "review of reports determined that your son was party at fault"
14	5/31/2009	Email from Miles to Chief Thiessen - Miles reviewed report, doesn't agree with it, wants to discuss "offline"
15	6/1/2009	Email from Chief Thiessen to Miles - responding to email from 05/31/2009 regarding additional review conducted by professional standards unit; initial email from Miles requested "off-line" conversation with Thiessen
16	6/3/2009	Email from Miles to Malik and Bhatia - regarding School zone designations; Miles requesting clarification
17	6/6/2009	Email from Miles to Chief Thiessen - responding to 6/1/2009 email from Thiessen to Miles; Miles requesting Thiessen's review of attached document: "Statement vs report.pdf"
18	6/30/2009	Email from Miles to Chief Thiessen (included in email chain on 7/1/2009)
19	7/13/2009	Email from Miles to Council - providing additional details regarding breach of ethics
20	7/21/2009	Email from Miles to Council - school zone placed in file on 7/21/09
21	8/26/2009	Letter from Captain Barkley (Investigations) to Miles - responding to 08/16/2009 complaint letter
22	1/4/2011	Letter from Miles to Council - filing citizen's complaint against Janet Thiessen
23	3/1/2011	Letter from Miles to Council - contesting results of complaint filed on 1/1/11 (with attachments)

TRAC



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Tracy Spring 2011 Investigation
PARTIAL INDEX

Correspondence, reports, and other documents

Reports and Other Documents		
1	7/2/2008	Traffic Collision Report (9 pages)
2	10/16/2008	Narrative/Supplemental report prepared by Sgt. Vieira
3	2/19/2009	Handwritten notes (presumably from meeting with Mr. Miles) (9 pages)
4	5/5/2009	Order to investigate (2/23/09) and report; Investigative Report
5	6/2/2009	Witness report signed by Susanne Thompson. Stated her vehicle did not obstruct Ms. Littlejohn's and the light was green. (attached to 6/6/2009 email from Miles to Thiessen)
6	6/30/2009	Email from Miles to Thiessen - Factual Background attachment 6/30/09
7	7/7/2009	Council Meeting Agenda - "Item from the Audience" from Miles; Miles requested resolution approving P.D. procedures for investigating citizen complaints
8		Public Record Act request related documents regarding requests for information and reports

← The 3-1-2011 letter referenced here was a separate document

As a result of this farce, this Council voted in closed session on 3/15/2011 to spend \$50,000 on an external investigation

The investigation was to include Churchill and Sodergren

From: Miles, Paul
Sent: Sat 5/14/2011 9:30 AM
To: Steve Abercrombie
Subject: Scope of investigation

Dear Mr. Abercrombie,

I met last Saturday with Mr. Sloan and his investigator Mr. Ng. I left with the impression that they were thorough, committed to an unbiased investigation, and that at least Mr. Ng had a clear understanding of the facts. They asked me to let the investigation run its course without interference. With the exception of this e-mail, I will do as they ask.

The purpose of this e-mail is simply to let you know that I left the meeting without a clear understanding of the scope of the investigation, and whether or not it was to include Mr. Churchill and Mr. Sodergren. I have communicated with Mr. Sloan that this is my understanding of the intent of the City Council. However, if you have the opportunity in an interview to reinforce this, I think it would be appropriate.

4/22/2011 12:24 PM
OTHER ACTIONS

Hello -

Mr. Sodergren will be investigated. I will ask Mr. Churchill on Monday when the investigation will begin.

Take care -

From: Steve Abercrombie [mailto:Steve.Abercrombie@cityoftracy.ca.us]
Sent: Sunday, May 15, 2011 8:49 AM
To: Miles, Paul
Subject: RE: Scope of investigation

Hello Mr. Miles -

I will request an acknowledgement of receipt from the City for you. It is my understanding that the investigation will include all of the City employees involved in your complaints.

But Churchill &
Sodergren 'forgot'
they were supposed
to be investigated →

CITY OF TRACY
TASK ORDER NO. 1 OF
MASTER PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF TRACY AND
RENNE SLOAN HOLTZMAN SAKAI LLP

THIS Task Order ("Task Order") is made and entered into by and between the CITY OF TRACY, a municipal corporation ("CITY"), and RENNE SLOAN HOLTZMAN SAKAI LLP, a California Limited Liability Partnership ("CONSULTANT").

RECITALS

- A. CITY and CONSULTANT have entered into a Master Professional Services Agreement to provide legal services on an as-needed basis for the 2011 calendar year ("Agreement"); and
- B. CITY desires to use the services of CONSULTANT to investigate police complaints.

TRACY



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Through his role in aiding, abetting & failing to correct Churchill & Sodergren's misconduct, Hampton also *criminally* violated the law

- **PC §§ 832.5 & 832.7** Failure to investigate complaints and/or provide required notification
- **GC § 6203(a)** False writings. Hampton failed to sustain complaints despite unequivocal supporting evidence (not a single exculpatory fact, point of law, or circumstance has been provided)
- **PC § 182 (a)(5)** Conspiracy to obstruct or pervert justice
- **PC § 31** Aiding and abetting the commission of a crime
- **PC § 32** Potentially an accessory to a felony



Police chief Hampton has *confirmed* that the 3-1-2011 complaint was not investigated

- It is not referenced in his notification of the disposition of the complaints →
- While ridiculing my knowledge of the facts in a meeting on 1-3-2012 Hampton stated that I “*didn’t even know that my 3-1-2011 complaint had not been investigated*”



City of Tracy
1089 Civic Center Drive
Tracy, CA 95376

POLICE DEPARTMENT
PHONE 209.831.4380
FAX 209.831.4017
www.ci.tracy.ca.us

September 15, 2011

Mr. Paul Milles
1397 Mansfield Street
Tracy, California 95376

Re: Police Complaints

Dear Mr. Milles:

The City has completed its investigation of the complaints you filed against members of the Tracy Police Department on October 21, 2008, October 22, 2009, and January 1, 2011. These complaints relate to an automobile and bicycle collision that occurred on June 26, 2008.

The investigation found as follows:

1. A preponderance of the evidence indicates that the initial accident report and/or follow up inquiries erred by failing to:
 - A. report all traffic control devices, i.e. the school zone in the collision report;
 - B. confirm contributing factors of the collision;
 - C. conclude that the roadway was a school zone.The allegations on these points are sustained. All other allegations of substantive error are not sustained.
while the serious misconduct is blown away in one sentence
2. A preponderance of the evidence indicates that City representatives erred by failing to:
 - A. respond promptly, cooperatively, and fully to Milie's concerns, particularly at the level of police administration prior to the term of Chief Thiesen;

Here he sustains all the Chickens*!



TRACY

Something stinks inside the triangle

Think Inside the Triangle



Predictably, Churchill found the allegations to be “unfounded,” in direct opposition to the evidence



City of Tracy
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Tracy, CA 95376

CITY MANAGER'S OFFICE

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May 1, 2012

Mr. Paul Miles
1397 Mansfield Street
Tracy, CA 95376

RE: Police Complaint dated January 17, 2012

Dear Mr. Miles:

The City has completed its investigation of the complaint you filed against Police Chief Hampton on January 17, 2012, which you amended on February 14, 2012. In accordance with California Penal Code section 832.7(e), this correspondence serves to report the disposition of the investigation. The investigation itself is deemed confidential.

Your allegation that you were not provided proper notification of the disposition of a formal complaint dated March 1, 2011 is unfounded. An unfounded finding means that the alleged acts did not occur or did not involve department personnel. In your March 1, 2011 letter to the Mayor and City Council, you expressly indicated that the March 1, 2011 correspondence was “supplementing the allegations made in [your] previous complaint dated January 1, 2011.” The September 15, 2011 Notice of Disposition addressed the January 1, 2011 complaint and the supplemental allegations attached to your March 1, 2011 letter.

Your allegation that your March 1, 2011 complaint was not investigated and that there was deception in failing to report it is unfounded. An unfounded finding means that the alleged acts did not occur or did not involve department personnel. As noted above, the March 1, 2011 supplemental allegations to your January 1, 2011 complaint were investigated and the findings were incorporated into the September 15, 2011 Notice of Disposition. The Police Department would not have received or investigated the complaint or supplemental allegations.

Your allegation that there was deception regarding discussion of the sustained violations in the September 15, 2011 Disposition Notice is unfounded. An unfounded finding means that the alleged acts did not occur or did not involve department personnel.

Something stinks inside the triangle

May 1, 2012
Page 2 of 2

Police Chief Hampton is exonerated from your allegations of unprofessional threats of legal action. A finding of exonerated means the acts which provided the basis for the complaint occurred; however, the investigation revealed such acts were justified, lawful and proper.

Thank you for bringing your concerns to the attention of the City.

Sincerely,

R. Leon Churchill, Jr.
City Manager

There is every reason to believe that this is simply another violation of GC § 6203

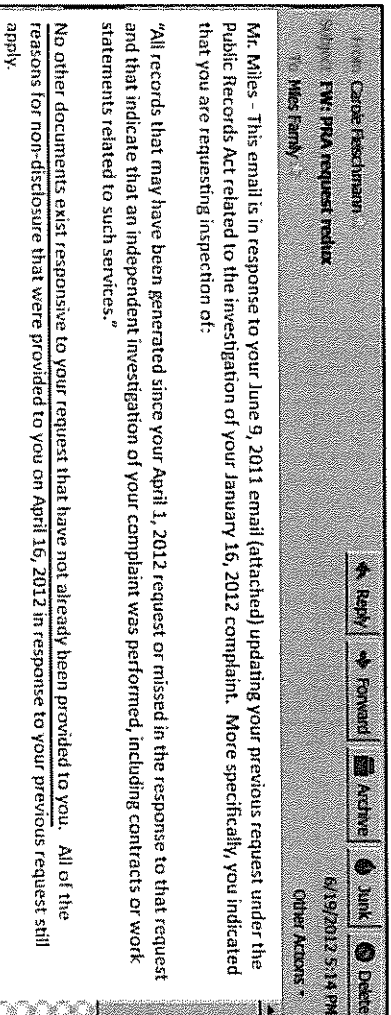
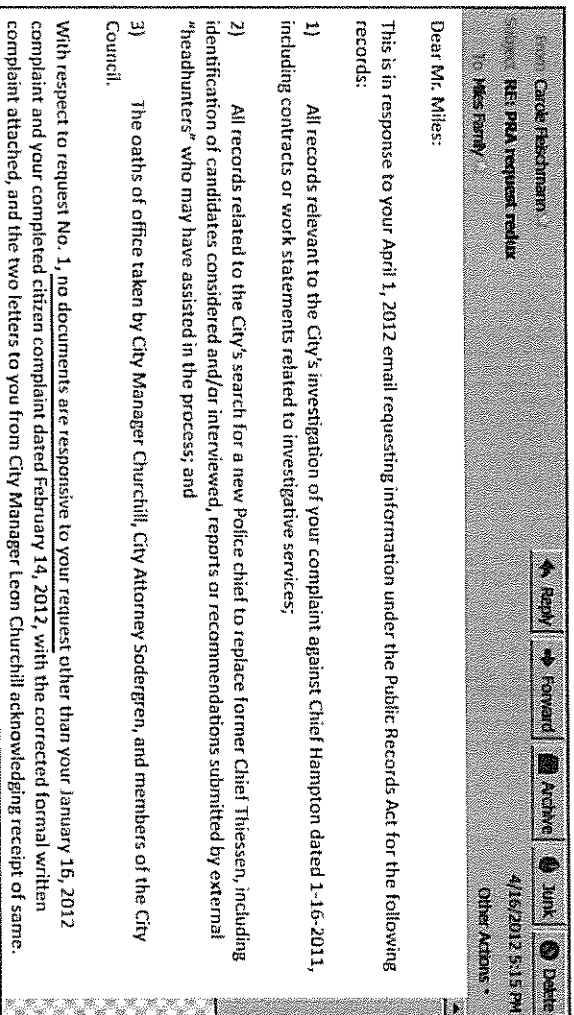
- Notice that Mr. Churchill found it necessary to re-define “unfounded”
- Apparently Hampton is providing notifications of dispositions when he has no knowledge whatsoever of the complaint!

TR



A subsequent formal complaint against Hampton was once again investigated internally, despite this Council's direct knowledge of Churchill & Sodergren's prior dishonesty and criminal behavior

Responses to Public Records Act requests show no records indicating that external investigators were employed



Something stinks inside the triangle

Apart from my police complaints, there are numerous other examples of unethical or illegal behavior by Churchill & Sodergren

- The alleged illegal airport “agreement”
- The sale of the antenna farm to the *lowest* bidder
- The ball field affair
- Allocation of RGAs in direct defiance of a court order

These are just the problems I am aware of. I’m sure that you can name others.

Summary

We have a pattern and practice of repeated dishonesty and criminal violation of law on the part of Mr. Churchill and

Mr. Sodergren:

- Criminal violation of PC §§ 832.5 and/or 832.7 (police complaints)
- Criminal violation of GC § 6203 (a) (false writings)
- Criminal violation of 182 (a)(5) (conspiracy to obstruct justice)
- PC § 31 Aiding and abetting the commission of a crime
- PC § 32 Potentially accessories to a felonies
- Evidence of criminal (felony) violation of GC § 6200 (altering or falsifying public records – I can provide details on request)

TRACY



Something stinks inside the triangle
