

**January 7, 2014, 7:00 p.m.**

City Council Chambers, 333 Civic Center Plaza

Web Site: [www.ci.tracy.ca.us](http://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 provided by Chaplain Jim Bush.

Roll call found Council Members Manne, Rickman, Young, Mayor Pro Tem Maciel and Mayor Ives present.

Leon Churchill, Jr., City Manager, introduced the 2013 Employee of the Year, Ed Mandap, Public Works.

Mayor Ives and Fire Chief Nero swore in Thomas Baldocchi - Fire Captain, and Clarke Caldwell - Fire Engineer

Mayor Ives presented a proclamation to Carolyn Blunt, Program Coordinator, Sow a Seed Community Foundation, in recognition of National Mentoring Month.

1. CONSENT CALENDAR - Following the removal of item 1-C by a member of the audience, it was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt the consent calendar. Roll call vote found all in favor; passed and so ordered.
  - A. Approval of Minutes – Regular meeting minutes of November 5, 2013, and November 19, 2013, were approved.
  - B. Adopt a Resolution Approving a FY 12/13 Supplemental Appropriation for Fund-Department Expenditures – Resolution 2014-001 approved the supplemental appropriation.
  - D. Award a Professional Services Agreement to Schack and Company, Incorporated of Tracy, California, to Provide Professional Engineering Services for the Preparation of Plans, Specifications and Cost Estimates for the South MacArthur Drainage Improvement, Phase 2, Project, CIP 76059, and Authorize the Mayor to Execute the Agreement – Resolution 2014-002 awarded the Professional Services Agreement.
  - E. Acceptance of the Tracy Airport Drainage Improvement Project CIP 77035B, Completed by Sinclair General Engineering Construction, Incorporated of Oakdale, California, and Authorization for the City Clerk to File a Notice of Completion – Resolution 2014-003 accepted the project.
  - F. Acceptance of the Police Firearms Practice Range Electrical Improvements Project CIP 71072E, Completed by Silva Electrical Incorporated, of Tracy,

California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2014-004 accepted the project.

- G. Approve a List of City of Tracy Projects for San Joaquin Council of Government's One Voice Trip to Washington D.C., for Congressional Funding Appropriation Requests – Resolution 2014-005 approved the list of projects.
- H. Authorize Electric Vehicle Charging Station Use by the Public for No Fee – Resolution 2014-006 authorized the use of the charging station at no fee.
- C. Acceptance of the City of Tracy's Comprehensive Annual Financial Report For Fiscal Year Ending June 30, 2013 - Robert Harmon, Senior Accountant, provided the staff report. The City of Tracy Fiscal Year (FY) 2012/13 Comprehensive Annual Financial Report (CAFR) was prepared by the Finance Division of the Administrative Services Department and examined by Moss, Levy & Hartzheim, LLP, the City's external auditing firm.

The CAFR received an unqualified opinion from Moss, Levy & Hartzheim, LLP. An unqualified opinion indicates that the financial data of the City is fairly presented in accordance with accounting principles generally accepted in the United States of America. New auditing standards require that any "significant deficiency" or "material weakness" discovered in the audit will be communicated in writing to management. The auditor's report found the City's internal control structure to have no reportable material weaknesses.

Moss, Levy & Hartzheim, LLP conducted its audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Audit Standards*, issued by the Comptroller General of the United States. These standards require that the auditors plan and perform the audits to obtain reasonable assurance as to whether the financial statements are free of material misstatement.

The June 30, 2013, CAFR reports that the City's assets exceeded its liabilities by \$1,020 million. Of this amount, \$850.8 million or 83.4% of the City's net position is invested in capital assets and infrastructure, including land, buildings, roads, machinery, and equipment to provide services to the community. However, not all of these assets are available for spending; approximately \$111.3 million of the City's net position represents resources that are subject to external restrictions on how they may be used. The unrestricted net position in the City of \$66.9 million or 6.5% may be used to meet its ongoing obligations to residents and creditors.

The FY 2012/13 General Fund adopted budget indicated a deficit of \$2.2 million; however, upon subsequent receipt of updated sales tax projections from Muni Services, the City's sales tax consultant, that figure was revised during the FY 2013/14 budget process to reflect excess revenue in the amount of \$.8 million.

As part of the CAFR, a year-end financial analysis of all City funds is completed, including the General Fund. Actual revenues were more than estimated by \$3.6 million. Actual expenditures reported a favorable variance; expenses were lower than projected by \$2.4 million. The net excess of revenues over expenditures for

the fiscal year ending June 30, 2013, was \$4.6 million before debt service and other transfers.

Key sources of higher revenues included sales tax (including Measure E) and property tax. While a mid-year budget adjustment of \$907,510 in sales tax revenue was made due to increased new auto sales and fuel costs, actual sales tax at year-end was \$1.4 million or 6% higher than the amended budget. Likewise, property tax was \$1.2 million or 8% higher than the adopted budget. This was primarily due to an increased share of property tax due to the dissolution of redevelopment agencies, resulting in the redistribution of Community Development Agency (CDA) revenue. The City received an additional \$795,571 in property tax revenue; approximately \$570,000 was a one-time distribution of the City's share in redevelopment housing funding. The remaining funds were the redistribution of non-housing redevelopment property tax revenue as a result of the dissolution. Approximately \$225,571 in additional property tax revenue is expected to be received annually and will be incorporated into the overall property tax revenue base.

As with prior years, investment income was below budget due to an unusually low interest rate environment. Fines and penalties were also lower due to the write-off of uncollectible outstanding collections, mostly related to utility accounts.

Actual expenses were lower than budget by \$2.3 million. A majority of this reduction is due to an assumed \$1 million or 2% savings in expenditures that was previously incorporated into the budget and additional savings due to budgeted public safety positions that were not filled during FY 2012/13.

As reflected in the CAFR, total actual General Fund reserves as of June 30, 2013, are approximately \$28.9 million. Of that amount, approximately \$27.5 million is designated as unassigned, which according to the Governmental Accounting Standards Board (GASB), is the least constrained category of fund balance. The remaining \$1.4 million is reserved or restricted by law for other uses.

Of the \$27.5 million in unassigned reserves, approximately \$12 million is allocated to the Reserve for Economic Uncertainty. At year-end for FY 2012/13, approximately \$1.9 million was added to the Economic Uncertainty Reserve. The remaining \$15.6 million in unassigned reserves is not allocated to any other reserve category.

The current General Fund Reserve policy requires the City to maintain a minimum of 20% of General Fund operating expenditures. The unassigned fund balance of \$27.5 million represents 56% of total General Fund expenditures for FY 2013/14.

Staff recommended that Council accept the June 30, 2013, Comprehensive Annual Financial Report as audited by Moss, Levy & Hartzheim, LLP.

Dave Helm asked if any changes to the report were anticipated. Mr. Harmon stated this was the final report. Mr. Helm asked various questions regarding operating loss, intangibles, a loan to former City Manager, maintenance costs,

personal credit card use by the current City Manager, and internal controls. Mayor Ives stated the personal use of the credit card was addressed as a performance matter and that the policy has been tightened. Mr. Helm suggested the check registers be published and attached to agendas so they can be reviewed.

Jenny Haruyama, Administrative Services Director, stated she reviews all city credit card charges, and explained the process. Ms. Haruyama stated the reason the check registers are not produced is because they would be voluminous.

It was moved by Council Member Rickman and seconded by Council Member Manne to adopt Resolution 2014-007, approving the Comprehensive Annual Financial Report as audited by Moss, Levy & Hartzheim, LLP. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Paul Miles stated he would refrain from making oral comments in light of Council Member Young’s efforts to achieve resolution of some of the issues he has raised with the City. Mr. Miles stated he was willing to reach some compromise, but would not compromise on potential criminal violations. Mr. Miles provided Council with two letters dated January 7, 2014.
3. CONTINUED PUBLIC HEARING TO ADOPT AMENDMENTS TO THE CITYWIDE ROADWAY AND TRANSPORTATION, AND STORM DRAINAGE MASTER PLANS, THE ESTABLISHMENT OF ROADWAY AND TRAFFIC, WATER, RECYCLED WATER, WASTEWATER, STORM DRAINAGE, PUBLIC SAFETY, PUBLIC FACILITIES, AND PARK DEVELOPMENT IMPACT FEES AND THE ASSOCIATED AB1600 FEE STUDIES FOR ALL NEW DEVELOPMENTS WITHIN THE CITY – Kuldeep Sharma, City Engineer, provided the staff report. In 2010 the City began the process of preparing Citywide Master Plans for traffic, water and recycled water, wastewater, storm drainage, public safety, public facilities and parks to serve new developments. The Citywide Master Plans were completed at the end of 2012, and subsequently adopted by City Council. Since that time, the Cordes Ranch Specific Plan and EIR documents have been adopted by Council. As a result of the detailed studies for the specific plan improvements, the Transportation Master Plan has been amended to reflect the addition of improvements at two interchanges. The addition of these interchanges was also required due to comments received from Caltrans. In addition, the Storm Drainage Master Plan has been amended to reflect the fact that the storm drainage detention basin upstream of Cordes, located in San Joaquin County’s jurisdiction, is not needed to provide flood protection for new development within the City’s sphere of influence.

Cordes Ranch will mitigate all of its on-site storm drainage impacts and will reduce the downstream effects from the storm run-off generated up stream in the county which passes through Cordes Ranch toward the downstream properties located in the county. This detention basin upstream of the Cordes Ranch area is being deleted from the Master Plan since it does not serve property currently in the City’s sphere.

After adoption of the Master Plans, AB1600 Development Impact Fee studies were completed. These studies determine new development’s fair share of infrastructure costs. Revenue from development impact fees would cover the cost of projects, including future wastewater treatment plant expansions, new eastside and westside

sewer conveyance lines, a citywide recycled water system, new water tanks, distribution lines, and water supply sources, and the construction of public safety and park facilities. These fee studies were provided to the development community for review and comment.

To ensure that the development impact fees were competitive and reasonable, the City considered a variety of approaches prior to finalizing the fees. After further review and receiving input from the development community, the following decisions were made to mitigate impacts to new development:

1. The Transportation Master Plan identified improvements needed to serve developments through the 2035 horizon year. This resulted in smaller street widths in the immediate future, however, ultimately wider right of ways will be reserved for future development. In order to keep the fees competitive, these improvements were spread over the total trips generated at build-out of the General Plan.
2. The traffic unit costs were adjusted on a case by case basis after input was received from the development community indicating some of the unit costs were too high given current market conditions.
3. It was assumed that \$274 million would be received from grants, regional Traffic Impact Fees and Measure K to offset traffic costs.
4. Water fees and Recycled Water Fees were adjusted by a factor of 15% and 30% respectively given concerns that costs were too high based on the current economic conditions. However, the fees will be reviewed and adjusted annually as the cost of construction increases or decreases.
5. The project soft-costs amount was proposed at 45% in line with the construction industry. However, after discussions with developers, the amount was reduced to 40%. The soft cost amount includes the cost of design, project management, inspection, construction contingencies, construction management and program management.
6. After receiving input from the development community, the Park Impact Fees were also adjusted to be more competitive.

The Citywide Master Plans analyzed 19 different planning areas covering 8,860 acres. The plan analyzed the various infrastructure needed to serve these new developments. The master plans were adopted by City Council as follows:

- “Citywide Roadway and Transportation Master Plan” adopted on November 26, 2012, by Resolution 2012-240
- “Citywide Water Master Plan” adopted on January 15, 2013, by Resolution 2013-008
- “Tracy Wastewater Master Plan” adopted on January 15, 2013, by Resolution 2013-008
- “Citywide Storm Drainage Master Plan” adopted on April 16, 2013, by Resolution 2013-056
- “Citywide Public Safety Master Plan” adopted on April 16, 2013, by Resolution 2013-056
- “Citywide Public Facilities Master Plan” adopted on April 16, 2013, by Resolution Number 2013-056
- “Parks Master Plan New Developments” adopted on April 16, 2013, by Resolution 2013-056

Amendments to the Citywide Roadway and Transportation and Storm Drainage Master Plans are being adopted concurrent with the fee studies. To fund the infrastructure identified in the Master Plans, AB1600 Development Impact Fee reports have been prepared. These reports identify the facilities and their costs and distribute them equitably to new developments. The reports take into consideration existing or potential future City funding sources.

The following reports were prepared to meet the requirements of the Mitigation Fee Act and establish the Development Impact Fees:

- “Citywide Roadway and Transportation Master Plan Traffic Impact Fee Program” prepared by RBF and Kimley Horn Consultants, November 2013.
- “Citywide Water System Master Plan – Tier 1 Development Impact Fee Analysis for the Backbone Buildout Portable and Recycled Water Systems” prepared by West Yost Associates, August 28, 2013.
- “Tracy Wastewater Conveyance and Treatment Development Impact Fee Study” prepared by CH2MHill, January 2013.
- “City of Tracy Citywide Storm Drainage Master Plan Impact Fee Analysis for New Impact Fee Program Areas” prepared by Stantec, November 2013.
- “Public Safety AB1600 Development Impact Fee Technical Memo” prepared by Harris and Associates, May 2013.
- “Public Facilities AB1600 Development Impact Fee Technical Memo” prepared by Harris and Associates, dated April 2013.
- “Parks AB1600 Development Impact Fee Technical Memo” prepared by Harris and Associates, May 2013.

In preparing the Development Impact Fees, the City has been consistent with the procedural and substantive requirements of the Mitigation Fee Act as set forth in each of the above technical reports.

These fees apply only to those developments that do not currently have finance plans in place. The facilities funded through the impact fee program are generally considered to be facilities that make up the backbone infrastructure. These fees do not include on-site infrastructure that is specific to each development.

Each new development will determine the necessary on-site improvements and will work with the City of Tracy to assess which, if any, of the Citywide improvements will be triggered as part of the development. These impact fees will be updated on an annual basis by the Director of Development Services using the Engineering News Record (ENR) Construction Cost Index. The fees are also subject to periodic review and update based on recently completed project costs and industry trends, subject to City Council approval.

There is no fiscal impact on the General Fund. Development Impact Fees are paid by the developers to fund the infrastructure improvements required to serve their developments. Administration and updates to these fees are part of the program management funded through the soft costs included in all the infrastructure cost estimates.

Staff recommended that Council conduct the public hearing, take public testimony and adopt and approve by resolution:

1. The Addendum to the Citywide Roadway and Transportation Master Plan;
2. The Supplement to the Citywide Storm Drainage Master Plan;
3. The Development Impact Fees for Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Parks; and
4. The impact fee reports for Citywide Traffic, Water and Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities and Parks.

Mayor Ives referred to the public facilities document noting that a new library was planned.

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

Council Member Rickman referred to Grant Line Road construction, stating Mr. Sharma had been very responsive and helpful and appreciated his efforts.

Council Member Young noted that the fees were clearly laid out and would be updated annually.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2014-008 authorizing addendum to the Citywide Roadway and Transportation Master Plan. Voice vote found all in favor; passed and so ordered.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2014-009 approving the supplement to the Citywide Storm Drainage Master Plan. Voice vote found all in favor; passed and so ordered.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2014-010 approving the establishment of Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park Development Impact Fees and the Associated AB1600 Fee Studies for all new developments. Voice vote found all in favor; passed and so ordered.

4. PUBLIC HEARING TO CONSIDER APPLICATIONS TO AMEND THE EASTLAKE AND ELISSAGARAY RANCH PLANNED UNIT DEVELOPMENTS TO REMOVE A TEN ACRE SITE PREVIOUSLY DESIGNATED FOR A SCHOOL; TO APPROVE THE CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLANS FOR THE ELISSAGARAY INFILL PLANNED UNIT DEVELOPMENT; TO APPROVE A VESTING TENTATIVE SUBDIVISION MAP TO SUBDIVIDE THE TEN ACRE SITE INTO 47 RESIDENTIAL LOTS; AND TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION. THE PROJECT IS LOCATED ON DOMINIQUE DRIVE BETWEEN EASTLAKE CIRCLE AND BASQUE DRIVE, ASSESSOR'S PARCEL NUMBERS 252-050-24 AND 252-260-01. THE APPLICANT AND PROPERTY OWNER IS TVC TRACY HOLDCO, LLC. APPLICATION NUMBERS PUD12-0003 AND TSM12-0002 - Mayor Ives indicated he lives within 500 feet of the proposed project and would excuse himself from consideration of the item.

Kimberly Matlock, Assistant Planner, provided the staff report. The Eastlake and Elissagaray Ranch PUDs designate the subject site comprised of two five acre parcels for a school, which is no longer needed by the Tracy Unified School District. The proposed amendment would remove each five acre parcel from each respective PUD. Zoning guidelines for the subject site are proposed to be established in a separate PUD known as Elissagaray Infill.

The proposed Elissagaray Infill PUD is comprised of a Concept Development Plan (CDP), Preliminary Development Plan (PDP), and a Final Development Plan (FDP) to establish the land use and development standards for the Elissagaray Infill subdivision.

The proposed development plan consists of 47 detached single-family residential homes on a ten acre infill parcel. The proposed PUD is consistent with the General Plan designation of Residential Low. The proposed project would be consistent with the density allowed, which ranges from 2.1 to 5.8 units per gross acre. The average density of the proposed Elissagaray Infill subdivision is 4.7 dwelling units per gross acre. The proposed architecture is consistent with the City's Design Goals and Standards for residential development.

Through the use of design techniques, the proposed architecture would be consistent with the quality and design of existing homes in the Eastlake and Elissagaray Ranch neighborhoods. Furthermore, the color palettes proposed are warm and cool tones, complementary to those used on homes in the adjacent neighborhoods. A conceptual development plan demonstrates how the housing mix goals established in the Design Goals and Standards can be achieved by the proposed number of floor plans and elevation styles, and Condition of Approval B.5 is recommended to ensure these goals are achieved prior to construction of the homes.

The proposed PUD zoning regulations are intended to complement those of the Eastlake and Elissagaray Ranch subdivisions. Setbacks and other development standards are similar to those in the adjacent subdivisions and the Low Density Residential Zone. Three of the plans include two-car garages and one plan includes a three-car garage, which meets and exceeds Tracy's standard parking requirement for each single-family dwelling to have a two-car garage.

The subdivision would have its primary access from MacArthur Drive, Valpico Road, and Chrisman Road through existing residential streets crossing through the Eastlake and Elissagaray Ranch neighborhoods. The project proposes one through street connecting Eastlake Circle to Dominique Drive. The new street will allow for efficient circulation by giving vehicles and pedestrians two options to exit the subdivision.

The project will require 47 Residential Growth Allotments (RGAs) for construction of the 47 proposed residential units. The project will be eligible to apply for and receive RGAs per the regulations set forth in the Growth Management Ordinance and Growth Management Ordinance Guidelines after a Tentative Subdivision Map is approved.

The proposed project is located within the Tracy Unified School District. The project site was originally planned for a school but the Tracy Unified School District has informed the City and the property owner that it no longer desires to locate a school on this site, which grants development opportunity back to the property owner.



In order to meet the need for park land, projects are either required to build their own park or pay park in-lieu fees. The City's requirement for park land is three acres of Neighborhood Park and one acre of Community Park, for a total of four acres of park land per 1,000 residents. In this case, staff has determined that no dedication of park acreage is desired within the proposed project because the adjacent Eastlake and Elissagaray Ranch subdivision already exceeds the City's requirement for park land. In lieu of providing park land, the applicant would be required to pay the park in-lieu fees. These fees would provide funds for the creation of parks and recreation facilities consistent with the Parks Master Plan and the City's General Plan.

During the General Plan Amendment public hearing process in 2012, residents in the Eastlake and Elissagaray Ranch subdivisions expressed interest and concern about future residential development and its fit within the existing neighborhoods. The applicant conducted several private meetings and one larger neighborhood meeting on September 26, 2013, at the Community Center to introduce his proposed project to the neighbors and collect their feedback. According to the applicant, the primary interests of the neighbors in attendance are related to density, lot sizes, architecture, and traffic. According to the applicant, neighbors were receptive to the proposed density, lot sizes, and architecture.

Concerns related to vehicular speeding on Dominique Drive were raised. Dominique Drive is a long, straight, 74-foot right-of-way with little cross-traffic bordered by homes, some of which back up to the street with a sound wall, and the subject site, which is currently undeveloped. When the new subdivision is constructed, twelve homes will face onto Dominique Drive, and the future through-street will intersect Dominique Drive. These improvements will increase cross-traffic and encourage more careful driving that will cause traffic to naturally slow.

Increased traffic congestion on Eastlake Circle was another concern raised. The proposed 47-lot single family subdivision will generate fewer trips per day than the elementary school previously planned for the site. These figures were derived using the data in *Trip Generation, 7th Edition* by the Institute of Transportation Engineers. In conclusion, the traffic generated by the proposed subdivision will be less than that generated by the school that was originally planned to be built.

The Planning Commission held a public hearing on November 6, 2013, to review and consider the applicant's proposals. Public comments included maintenance of private yards and questions about California Building Code and California Fire Code compliance. Following staff's report, comments from the applicant, and comments from the neighbors, the Planning Commission unanimously voted in favor of recommending City Council approval of the project.

The project is exempt from the California Environmental Quality Act per Section 15162 pertaining to projects with a certified Environmental Impact Report (EIR) where the project does not propose substantial changes that will result in a major revision of the previous EIR. On February 1, 2011, the City of Tracy adopted the General Plan. The associated EIR (SCH# 1992 122 069) was certified on February 1, 2011. The project does not propose new significant changes to the environment that was not analyzed in the General Plan EIR, including the areas of traffic, air quality, and aesthetics. Therefore, no further documentation is needed.

The project will not require any expenditure of funds. The applicant entered into a Cost Recovery Agreement for the staff time that was required to review and process the proposed project. The applicant will also pay all of the appropriate building permit and development impact fees upon the commencement of construction of the dwelling units and other improvements.

Completion of the development will enhance the City's property tax base to support General Fund infrastructure maintenance and public safety expenses.

Staff and Planning Commission recommended that Council:

1. Introduce an Ordinance:
  - a. Amending the Eastlake Planned Unit Development to remove the five-acre site that was previously designated for a school,
  - b. Amending the Elissagaray Ranch Planned Unit Development to remove the five-acre site that was previously designated for a school, and
  - c. Creating a new Planned Unit Development called Elissagaray Infill and approves the Concept Development Plan for the Elissagaray Infill Planned Unit Development for the ten-acre site located on Dominique Drive between Eastlake Circle and Basque Drive, Assessor's Parcel Numbers 252-050-24 and 252-260-01 (application number PUD12-0003).
2. Approve application number PUD12-0003 and application number TSM12-0002, subject to the conditions including:
  - a. Approval of the Preliminary Development Plan and Final Development Plan for the Elissagaray Infill Planned Unit Development, and
  - b. Approval of the Vesting Tentative Subdivision Map to subdivide the total ten acre site into 47 residential lots for the ten-acre site located on Dominique Drive between Eastlake Circle and Basque Drive, Assessor's Parcel Numbers 252-050-24 and 252-260-01.

Ms. Matlock indicated conditions of approval were left out of the packet but have been provided to Council and to the audience.

Mayor Pro Tem Maciel opened the public hearing. Chris Tyler, project applicant, thanked Council for their review of the project and provided a brief history of the project site.

Paul Miles asked if the park in lieu fees required from this project would be specifically earmarked for the swim center. Bill Dean, Assistant Development Services Director, stated the park fee ranged between \$3,000 and \$4,000 per unit, but could not specifically say if the fees would be used on a swim center; but that they would be used for park purposes.

Dan Nolden, a resident of the area, stated he attended the neighborhood meetings and provided feedback. Mr. Nolden stated he was in support of the project.

Mayor Pro Tem Maciel closed the public hearing.

Council Member Manne stated the project will enhance an existing beautiful neighborhood, and complimented the development team for a job well done.

The Clerk read the title of Proposed Ordinance 1190.

It was moved by Council Member Manne and seconded by Council Member Rickman to waive the reading of the text. Voice vote found all in favor; passed and so ordered.

It was moved by Council Member Manne and seconded by Council Member Rickman to introduce Ordinance 1190. Voice vote found all in favor; passed and so ordered.

It was moved by Council Member Manne and seconded by Council Member Rickman to adopt Resolution 2014-011, approving the Preliminary and Final Development Plans for the Elissagaray Infill Planned Unit Development and approving a Vesting Tentative Subdivision Map to subdivide the site into 47 residential lots. The project is on a ten-acre site located on Dominique Drive between Eastlake Circle and Basque Drive, Assessor's Parcel Numbers 252-050-24 and 252-260-01. The applicant and property owner is TVC Tracy Holdco, LLC. – Application Numbers PUD12-0003 and TSM12-0002. Voice vote found Council Members Manne, Rickman, Young and Mayor Pro Tem Maciel in favor; Mayor Ives abstained.

Mayor Ives rejoined the Council meeting.

5. RECEIVE REPORT ON THE TRACER TRANSIT SYSTEM – Ed Lovell, Management Analyst, provided the staff report. The City of Tracy owns the TRACER transit system and contracts out the operation of the vehicles. The current contractor is MV Transportation. The TRACER consists of both fixed route and paratransit service with a fleet of 13 buses and 2 minivans. In Fiscal Year (FY) 12/13, the TRACER transit system overall had 128,664 passengers, averaging approximately 411 passengers per day of operation. These numbers are the highest ridership levels that the TRACER system has ever experienced. This represents an increase in ridership of over 17% system-wide over the previous fiscal year. The increase can be attributed to the increased frequency of the A and B Routes during peak hours as well as increased student ridership as additional routes were added to accommodate students of the various high schools in Tracy.

Fixed route service provides service to passengers along designated routes that travel through various parts of the City. Most major destinations are served by one or more fixed routes including Wal-Mart, the West Valley Mall, the Tracy Outlets, all major supermarkets, and all high and middle schools. The fixed route service operates three core routes during all hours of operation, and three commuter routes with service limited to one morning run and two afternoon runs. The three core routes operate on an hourly headway, with 30 minute service available on two of the routes during peak periods in the afternoon. In FY12/13, the fixed route service alone carried 113,709 passengers, averaging approximately 363 passengers per day of operation.

Paratransit service is provided to Americans with Disabilities Act (ADA) eligible persons and those who are 65 and older, and residents of the City of Tracy. This service provides door to door service and operates during the same hours as the fixed route service. Additionally, after hours service is available to paratransit passengers through a subsidized taxi program. In FY12/13, the paratransit service provided rides to 14,955 passengers, averaging approximately 48 passengers per day of operation.

Ridership on the fixed route has remained steady and is continuing to grow, while paratransit ridership has been decreasing as more certified paratransit passengers are taking advantage of the lower fares on the fixed route. A spike in gas prices during FY 08/09 was the cause of the huge ridership increase that year, while a fare increase in July 2010 was the cause of the noticeable drop in ridership in FY 10/11.

As part of the bus system, the City operates the Tracy Transit Station. This is the main hub for all the fixed routes. It also serves as a connection to regional transit options including San Joaquin Regional Transit District (RTD) and Greyhound. In addition to the transportation services, there are also three conference rooms available for rent. In FY12/13, the Transit Station brought in over \$35,000 of rental revenue to the Transit Fund.

The City completed construction of the second phase of the Bus Stop Improvements project involving 77 bus stop locations. A bench and trash can was installed at each site, with 23 of the sites receiving a bus shelter. This project was completed using American Recovery and Reinvestment Acts (ARRA) grant funding from the Federal Transportation Administration (FTA) with a project cost of approximately \$1.7 million dollars.

In December 2012, the City purchased and installed Routematch software to enhance efficiency when scheduling and dispatching paratransit buses. This has enabled the TRACER dispatchers to better organize paratransit routes and improve scheduling efficiencies by combining trips where necessary.

In February 2013, the City partnered with CALSTART, an organization dedicated to supporting clean transportation, to conduct a study on the benefits of using a hybrid system on buses. This project was funded completely through the FTA via CALSTART, with Tracy providing the buses used during the testing period. Testing was conducted on the TRACER routes from May through October. A draft report of the findings will be completed in mid to late January. The final report will be presented to the FTA by CALSTART.

The last phase of the security camera installation at the Transit Station is under way and expected to be completed by the end of January 2014. Funded by a Proposition IB grant, this project involves the installation of 20 security cameras and a fiber optic line from the Civic Center to the Transit Station to store camera data on servers located at City Hall.

Within the next year, the City anticipates installing a mobile data terminal (MDT) on the paratransit buses. This would enable drivers to receive real-time updates regarding passenger pick-ups and cancellations, and automate the recording of pick up and drop off data.

The City also plans on purchasing additional fixed route buses in preparation for future route expansion. These buses would be at least 30 feet in length and are considered heavy duty with a life span of ten years.

The Transit Fund is an enterprise fund with revenue sources coming from the FTA and Transportation Development Act (TDA) monies. Operating expenses are split evenly between FTA and TDA, while capital projects are split 80/20. Additionally, when available, the City applies for additional grants for projects which are used to lower the

amount of TDA funds needed for operating assistance and capital projects. Any TDA funds not used by transit can be used for streets and roads purposes.

At the recent unmet transit needs hearing on October 15, 2013, a number of operational issues were brought up by a concerned citizen who uses the TRACER. These items were addressed in a memo to council on November 5, 2013.

Staff recommended that Council accept the report on the Tracer Transit System.

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

Robert Tanner referred to a November 5, 2013, letter stating he was surprised that Council needed to take action on no parking zones. Mr. Tanner stated the City needed to finish the sidewalk on the south side of Lowell Avenue, across from the Boys and Girls Club, indicating he sees pedestrians and individuals in wheelchairs in the street because there is no sidewalk in that area.

Paul Miles referred to the number of complaints the City has received, asking when the current contract for MV Transportation expired. Mr. Lovell stated MV Transportation was in year three of a five-year contract.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to accept the report on the Tracer Transit System. Voice vote found all in favor; passed and so ordered.

6. **CONSIDER AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TRACY AND THE TRACY AFRICAN AMERICAN ASSOCIATION TO INCLUDE THE WAIVER OF ADMINISTRATIVE APPLICATION PROCESSING AND BANNER HANGING FEES AND PROVIDE STAFF DIRECTION –** Council Member Young stated she would be abstaining from consideration of the item.

Vanessa Carrera, Management Analyst, provided the staff report. The City of Tracy entered into a Memorandum of Understanding with the Tracy African American Association (TAAA) on July 26, 2006, to provide free use of Lincoln Park for their annual Juneteenth event. The MOU also includes free use of the City's mobile stage and filming services provided by Channel 26. In return, the TAAA has agreed to conduct fundraising activities to promote cultural and educational outreach services to the community, secure necessary volunteers, equipment, and insurance to conduct the Juneteenth event, and ensure that the park is cleaned and left in acceptable condition following the event.

On April 14, 2013, the TAAA submitted a letter to the former Director of Parks and Community Services requesting an amendment to the MOU to include the following:

- Waiving the annual administrative processing fee to process permit applications. The fee amount is \$35.
- Waiving the banner hanging fee. The fee amount is \$200.

Historically, the City has not waived fees related to permit application and banner hanging fees specific to community MOUs. The City currently receives roughly \$11,000 annually in administrative application processing and banner hanging fees combined.

Staff recommended that Council continue with its past practice and not waive the administrative processing fee or the banner hanging fee. However, should Council wish to waive the processing and banner hanging fees, it must determine that the waiver would provide a benefit to the community to avoid the California Constitution's ban on gifting public funds, and make a finding that waiving the fees will serve a valid municipal purpose.

If Council chooses to waive the fees, there will be a fiscal impact to the general fund of \$235 annually.

Mayor Pro Tem Maciel asked if the community benefits offered by the non-profits would be a valid municipal purpose. Ms. Carrera stated yes.

Mayor Ives asked if the total fee the City garners is \$11,000 yearly. Ms. Carrera stated yes.

Mayor Pro Tem Maciel asked why some organizations have a Memorandum of Understanding (MOU) and why others do not and what was the process and purpose of establishing an MOU with the City. Dan Sodergren, City Attorney, stated the purpose of an MOU between the City and the non-profit organization was to establish a partnership, whereby the non-profit has a public use resource and the City benefits from the organization.

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

Robert Tanner stated it seemed that this organization has a lot of free items given to them and asked if there was a similar MOU with other organizations such as the Latin American group that uses McDonald Park in September. Ms. Carrera stated the City did not have a MOU with the Southside Organization, but there are other organizations that benefit from the use of Channel 26. Mr. Tanner voiced concerns about waiving the banner or administrative fee.

Howard Baker, a member of the TAAA, thanked Mayor, Council and staff for supporting the Juneteenth Celebration. Mr. Baker stated this event was the main fundraiser for the organization which allows them to provide scholarships for students of Tracy. Mr. Baker asked that Council approve their request.

James Young stated that the TAAA has partnered with the Kiwanis Club and provide volunteers at the local high schools which they consider a contribution to the City. Mr. Young added that these volunteers work with the students to obtain scholarships and to look for job opportunities.

Paul Miles stated it might be worthwhile to have the organizations requesting a fee waiver to provide a list of what they offer to the community.

Council Member Rickman stated when he looks at situations like this he asks if the benefit outweighs the fee. Council Member Rickman stated the event draws people from out of town and the organizations provides scholarships to the youth which benefits Tracy. Council Member Rickman stated he believed the benefit of this organization outweighs the \$200 in fees.

Council Member Manne stated he was not in favor of waiving fees for organizations, but would be in favor of waiving fees where the City is a co-sponsor. Council Member Manne stated if the City is participating in the event, then the City should not assess the fee.

Mayor Pro Tem Maciel stated that generally he did not take the waiving of fees lightly; however, many individuals benefit from this organization and the equity far outweighs the fees.

Mayor Ives stated part of establishing an MOU is that public funds are spent to achieve something in the community. Mayor Ives stated there should be a policy change to allow staff to assess whether or not those organizations that take the time to establish this process be able to waive the fee. Mayor Ives further stated organizations applying for a MOU should be able to document the public benefit that the organization represents.

Mr. Sodergren stated one option would be for staff to bring back an amendment to the master fee schedule to provide an exemption to waive the banner fee when the applicant has a MOU with the City.

Mayor Pro Tem Maciel asked if there was periodic review to make sure that an organization is active and providing a public benefit. Ms. Carrera stated staff provides Council with an annual update and review of existing MOUs.

It was moved by Council Member Rickman and seconded by Council Member Rickman to amend the Memorandum of Understanding between the City of Tracy and TAAA to include the waiver of administrative application processing and banner hanging fees.

Mr. Sodergren stated staff will bring back an agenda item for Council to consider amending the MOU with TAAA.

7. INTRODUCTION OF AN ORDINANCE AMENDING SECTION 3.08.580 OF THE TRACY MUNICIPAL CODE WHICH REGULATES THE ESTABLISHMENT OF SPECIAL SPEED ZONES – Kuldeep Sharma, City Engineer, provided the staff report. The use of radar equipment is one of the most effective tools to enforce speed limits and traffic safety on City streets. To assist the Police Department in fully using the equipment, it is necessary to establish speed limits in accordance with the requirements of the CVC. For the legal use of radar equipment for speed enforcement, engineering and traffic surveys are needed to establish posted speeds every five years.

Section 3.08.580, Article 12, of the Tracy Municipal Code (TMC) establishes speed zones on various streets in the City. The speed limit on streets is established on the basis of engineering and traffic surveys and the applicable traffic engineering standards. Speed limits in the vicinity of schools are posted in accordance with the requirements of the California Vehicle Code (CVC) and the California Manual of Uniform Traffic Control Devices (MUTCD). Because these surveys are good for a period of five years, amendment to the TMC is necessary every five years to update these surveys resulting in an update of posted speeds.

An engineering and traffic survey was completed on a total of 37 segments of arterial and collector streets by the Engineering Division in October 2013. This survey is used to

update the posted speeds and provide the basis for the proposed amendments of the TMC, thus resulting in continuation of special speed zones with updated speed limits on the street segments.

Lammers Road was recently widened from a two-lane to a six-lane roadway segment between Eleventh Street and the City Limits south of Jaguar Run. The new speed survey shows that existing speed limits on Lammers Road should be changed from 40 mph to 45 mph. Because this segment also fronts schools zones, speed limits of "25 mph when children are present" shall also be applicable and will be posted within these school zones. However the existing established speeds will be raised by 5 mph. On MacArthur Drive between Schulte Road and Valpico Road, the recent survey resulted in lowering the speed limit from 45 mph to 40 mph. Speed limits on all other remaining streets segments will remain unchanged.

Recommendations are based upon the 85<sup>th</sup> percentile speed of surveyed moving vehicles on those streets under normal conditions with consideration given to the existing road site conditions such as street alignment, classification, and collision history. These considerations allow further adjustment of the surveyed speed based on the above conditions in accordance with the provisions of the MUTCD.

Pursuant to section 22404 of the California Vehicle Code, notice of this amendment to update maximum speed on the Eleventh Street Bridge was posted for five days prior to this meeting. The Police Department has reviewed the surveys and concurs with the proposed speed limits.

The proposed amendment of the TMC would not fiscally impact the General Fund. While the recommended changes would require the installation of four speed signs on Lammers Road, there is adequate funding in the FY 13/14 operating budget to cover the related expenses.

Staff recommended that Council introduce an ordinance amending Section 3.08.580, "Special Speed Zones," Article 12, of the Traffic Regulations of the Tracy Municipal Code.

Council Member Young asked for clarification on Item 36, on Exhibit A of the staff report, and the increase of speed to 30 mph on Whispering Wind Drive. Mr. Sharma stated he would have to verify the speed. Bill Sartor, Assistant City Attorney, stated staff could correct the speed listed in the report and bring the Ordinance back during its second read, providing the motion notes the correction.

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

Paul Miles stated Lammers Road, in front of Kimball High School, was not in compliance with the California Transportation Manual of Uniform Traffic Control Devices. Mr. Miles stated he believed there was a requirement for a "speed zone ahead" sign.

Council Member Manne asked if Council could vote on the item if one of the streets was in their neighborhood. Mr. Sartor stated yes.

The Clerk read the title of Proposed Ordinance 1191.



It was moved by Council Member Manne and seconded by Council Member Rickman to waive the reading of the text. Voice vote found all in favor; passed and so ordered.

It was moved by Council Member Manne and seconded by Council Member Rickman to introduce Ordinance 1191 as revised. Voice vote found all in favor; passed and so ordered.

8. INTRODUCTION OF AN ORDINANCE ADOPTING, BY REFERENCE, THE 2013 CALIFORNIA BUILDING AND RELATED CODES, SPECIFYING WHICH APPENDICES APPLY TO THE CITY OF TRACY, RE-ADOPTING CERTAIN EXISTING SECTIONS OF TITLE 9 OF THE TRACY MUNICIPAL CODE, ADOPTING STANDARDS RELATED TO EXTERIOR PALLET STORAGE, RADIO AMPLIFICATION SYSTEMS, AUTOMATIC SPRINKLER SYSTEMS AND OTHER EMERGENCY RESPONDER REQUIREMENTS AND SETTING A PUBLIC HEARING DATE AND TIME FOR ADOPTION OF THE ORDINANCE – Kevin Jorgensen, Building Official, provided the staff report. New versions of the various building and fire codes (California Codes) related to building design and construction are adopted by the State of California every three years. As new codes are adopted by the legislature, the City of Tracy amends our local ordinances as necessary. The codes under current consideration are the 2013 California Codes that replace the 2010 versions as set forth in Title 24 of the California Code of Regulations.

Additionally, some of the California Codes are amended International Codes, Uniform Codes and the National Electric Code, having been amended by various state agencies and ratified by the California State Building Standards Commission.

These codes provide minimum requirements and standards for the protection of life, limb, health, property, safety and welfare of the general public, owners and occupants of buildings. The California Health and Safety Code requires cities to enforce the most recent editions of the California Codes. As such, the 2013 California Codes are required by the State to be enforced beginning January 1, 2014.

However, local agencies, such as Tracy, are able to adopt appendices that are not uniformly required otherwise. In addition to the mandated 2013 building codes mentioned above, staff recommended adoption of certain appendices. This approach was also taken in 2009, and with previous building code updates.

Most of the 2013 California Codes have appendices that are not applicable unless adopted locally. Some of the local amendments contained within the proposed ordinance are those that have been previously adopted by the City.

The 2010 California Residential Code (CRC) first required suppression systems for all new single-family dwellings. Title 25 of the California Code of Regulations does not require that manufacturers of 'manufactured homes' install sprinkler systems in such homes unless a local ordinance mandates such systems. Yet, the protection of life provided by suppression systems should not be limited to site-built homes. Therefore, staff is proposing that the City of Tracy require suppression systems in all of its newly built or manufactured homes with the 2013 CRC as a code amendment.

The 2013 California Fire Code (CFC) has incorporated new requirements and language within the model code that will necessitate the removal of several previously adopted

amendments to the California Fire Code (CFC) currently found within the Tracy Municipal Code (TMC) to prevent redundancy.

Staff recommended that TMC Chapter 9.06 also be modified to update other administrative provisions of the other California codes being adopted locally. The 2013 CFC section 315 is proposed to be amended by consolidating provisions of the National Fire Protection Association Standard 1 and other portions of the 2013 California Fire Code. The amendment addresses the extraordinary hazard of exterior pallet fires. Separation distances to property lines, buildings on site and to other on-site combustible storage are proposed to reduce the potential hazard.

Emergency responders, particularly firefighters, need ready access into buildings for them to rescue people within such buildings, find the source of the hazard, contain the hazard and eliminate the hazard. Various CFC amendments are being proposed for local adoption to do just this. For example, locked electrical gates need to have a nonproprietary use of signal receiver compatible with that used by fire engine companies for automatic access. Other amendments clarify the make, model, manufacturer and installation requirements of keyed entrance boxes.

The previously adopted Fire Code amendment requires automatic sprinklers in existing building when a remodel or alteration is in excess of \$100,000 in valuation and where the existing structure is in excess of 6000 square feet in area. The monetary threshold was based on construction costs established at the time the amendment was first introduced to the TMC in 1985 and did not take into consideration cost increases in construction for wages and materials. The new amendment would link to a construction cost index that would allow for the increase in the \$100,000 base cost established in 1985 to an equivalent cost in today's terms at approximately \$260,000 and make the installation more reasonable and less of an impact upon owners of existing buildings interested in tenant improvements.

If adopted, this amendment would establish a three-year period within which expenditures for permitted improvements to a structure in excess of the adjusted \$100,000 valuation would trigger the installation of an automatic sprinkler system. There are also provisions for additions, change of use and minimum square footages for any type of newly constructed building that will also mandate automatic sprinkler protection.

Staff proposed that the 2013 California Fire Code be amended to require emergency responder radio coverage within existing buildings where certain improvements to the structure would impede such emergency radio communications. Most of the changes noted within the 2013 California Codes from previous editions should have minimal impact upon construction, yet constitute a continued effort to achieve the highest levels of health and life safety in the built environment under specified minimum standards. However, the most significant changes are the requirements found in the California Electrical Code (CEC) and the California Green Building Standards Code (CGBSC) related to increased energy efficiencies and requirements that have a positive environmental impact and encourage sustainable construction practices.

A public hearing to adopt the mandated codes is not required. Government Code section 50022.2 provides an exception to the public hearing requirements for adopting codes by reference for those codes which the City is required to enforce as a condition of

compliance with a state statute. However, a public hearing is required for adoption of the various non-mandated appendices to the codes.

Staff recently met with a group of community stakeholders that included business owners, residential and commercial developers, and contractors in order to receive feedback and more fully discuss the code updates. The stakeholders have been informed of the proposed local ordinances, and have expressed agreement with implementation of the proposed local amendments of the 2013 California Codes for the City of Tracy.

Adoption of the ordinance could have a negative fiscal impact. Although the fees collected at permit issuance will not change, the new code editions will impose new construction requirements that are necessary to be inspected and plan reviewed by staff in both the plan review and inspection processes. Thus, the rate of plan review and inspections performed and the corresponding plan review and inspection production levels will likely diminish. As such, the fiscal impact could be negative. However, because the State mandates the enforcement of these codes, it may be prudent to consider a future permit and plan review fee adjustment.

Staff recommended that Council introduce an ordinance adopting the 2014 California Building, Fire, and related codes, specifying which appendices apply to the City of Tracy and re-adopting certain existing sections of Title 9 of the Tracy Municipal Code and adopting standards related to exterior pallet storage, radio amplification systems, automatic sprinkler systems and other emergency responder requirements and set a public hearing date and time for adoption of the proposed ordinance.

Council Member Rickman asked if automatic sprinklers were required by the State. Mr. Jorgensen stated all residential applications are required to have sprinklers as a State mandate. Mr. Jorgensen added the only amendment the City proposes pertains to manufactured homes.

Council Member Rickman asked when residential sprinklers were mandated. Mr. Jorgensen stated with the 2010 Residential Code.

Mayor Pro Tem Maciel asked if a resident of Tracy who wanted to purchase a manufactured home would know that sprinklers were required. Mr. Jorgensen stated yes.

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

The Clerk read the title of proposed Ordinance 1192.

It was moved by Council Member Manne and seconded by Council Member Rickman to waive the reading of the text.

It was moved by Council Member Manne and seconded by Mayor Pro Tem Maciel to introduce Ordinance 1192.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to set a public hearing to adopt Ordinance 1192 at the January 21, 2014, Council meeting.

9. ITEMS FROM THE AUDIENCE – Paul Miles provided Council with a hand out from the City of Benicia regarding open government and asked Council to consider discussion of open government statutes at a future Council meeting.
10. STAFF ITEMS - None.
11. COUNCIL ITEMS

- A. Consider Whether an Item to Discuss a Noise Report Submitted by Brian Van Lehn Should be Placed on a Future Agenda – Maria Hurtado, Assistant City Manager, provided the staff report. At the City Council meeting held on December 17, 2013, Council Member Young requested Council consider a discussion item related to a noise report submitted by Brian Van Lehn.

The purpose of this agenda item is to provide an opportunity for Council to discuss whether staff time and city resources should be devoted to research and writing a staff report to be placed on a future agenda for Council's discussion of a noise report submitted by Brian Van Lehn.

Mayor Pro Tem Maciel indicated Mr. Van Lehn had provided additional information about the conflict he has with Leprino Foods and noise. Mayor Pro Tem Maciel provided a brief history of efforts to date. Mayor Pro Tem Maciel asked if vibrations were in the prevue of the City Council. Ms. Hurtado stated the current ordinance does not address vibrations and until today, Council has not chosen to regulate vibrations. Dan Sodergren, City Attorney, added that the noise ordinance does not regulate vibration and that the Van Lehns are suggesting this item be addressed as a nuisance. Mr. Sodergren stated staff has communicated with the Van Lehn's attorney that the City would not be taking any further action.

Council Member Manne asked how many times this item has been brought to Council. Mayor Ives stated the matter has come to Council for discussion on at least two or three occasions.

Council Member Manne asked what has changed since Council last heard the item. Mayor Ives stated the only change he was aware of was vibrations and a claim that it is a public nuisance.

Council Member Young stated additional information was presented to City staff and that Council may need to look at current ordinances and have a discussion. Council Member Young stated her concern was that the disturbance occurred after the Van Lehns had purchased their home.

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

Brian Van Lehn stated an acoustical engineer has testified that the noise and vibration in his home is detrimental to his health. Mr. Van Lehn further stated he is convinced that Leprino Foods is working outside the scope of their conditional use permit. Mr. Van Lehn asked that Council give him the opportunity to let his expert (the acoustical engineer) present the evidence.

It was moved by Council Member Young and seconded by Council Member Rickman to place an item on a future Council agenda to discuss a noise report submitted by Brian Van Lehn. Voice vote found Council Members Manne, Rickman, Young, and Mayor Ives in favor; Mayor Pro Tem Maciel opposed.

Andrew Malik, Development Services Director, stated based on current workloads he could return to Council at the first meeting in March 2014.

Mayor Ives asked that staff ensure Mr. Van Lehn is informed of the exact date.

- B. Consider Whether an Item to Discuss the Establishment of a Citizen's Committee to Address Complaints Should be Placed on a Future Agenda – Maria Hurtado, Assistant City Manager, provided the staff report. At the City Council meeting held on December 17, 2013, Council Member Young requested Council consider a discussion item related to the establishment of a citizen's committee to address complaints.

The purpose of this agenda item is to provide an opportunity for Council to discuss whether staff time and city resources should be devoted to research and the development of a staff report for an agenda item related to the establishment of a citizen's committee to address complaints. Approval of Council Member Young's request would enable an agenda item to be brought back for discussion on a future Council agenda.

Council Member Young stated this subject had been brought up twice and believed it would be good for Council to have a reference point and to see if this should be done in the City of Tracy.

Council Member Manne asked for clarification regarding the types of complaints. Council Member Young stated the intent was to echo the request of Mr. Paul Miles.

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

Paul Miles thanked Council Member Young for bringing the item forward. Mr. Miles stated his main concern was police complaints. Mr. Miles added he was not asking that it be limited to police complaints, but that was his concern. Mr. Miles stated literature was available that shows civilian oversights are effective, are more thorough, and perceived to be fair.

Robert Tanner stated any citizen can make a complaint which goes up the chain of command. Mr. Tanner stated a general citizen committee was not needed.

Mayor Pro Tem Maciel stated the Council should not pursue this and that it was a waste of time. Mayor Pro Tem Maciel added citizen review committees are done in communities where it is perceived that there is a problem in the law enforcement organization.

Council Member Rickman stated there were statutes in place concerning this subject (complaints). Council Member Rickman stated he was willing to bring it back to Council.

Council Member Manne stated it might be an opportunity for the Police Department to present the number of complaints actually received.

Mayor Ives asked staff how much time it would take and how can it be quantified. Police Chief Hampton stated staff could be prepared to bring an item back for the first meeting in March 2014.

Mayor Ives asked how many hours of preparation it would take. Chief Hampton stated approximately 20 staff hours. Chief Hampton clarified that the Police Department does provide an annual report regarding citizen contact and citizen complaints.

It was moved by Council Member Young and seconded by Council Member Rickman that an item be placed on a future Council agenda to discuss and take action regarding establishing a citizen committee for police actions and issues. Voice vote found all in favor; passed and so ordered.

Chief Hampton asked for clarification on whether he was to bring back information concerning citizen oversight boards or complaint review panels.

Mayor Ives clarified and Council Member Young confirmed that the discussion would be related to a citizen group to review complaints against the Police Department.

- C. Consider Whether an Item to Discuss Individuals Being Recorded in Their Homes and Surveillance Practices Should be Placed on a Future Agenda - Maria Hurtado, Assistant City Manager, provided the staff report. At the City Council meeting held on December 17, 2013, Council Member Young requested Council consider a discussion item related to individuals being recorded in their homes and surveillance practices.

The purpose of this agenda item is to provide an opportunity for Council to discuss whether staff time and city resources should be devoted to research and agendaizing a staff report for Council discussion related to individuals being recorded in their homes and surveillance practices. Approval of Council Member Young's request would enable an agenda item to be brought back for discussion on a future Council agenda.

Council Member Young stated she respects the Police Chief and does not believe anything unscrupulous is going on. Council Member Young stated when Mr. Miles brought the subject up, it was alarming. Council Member Young stated it may be a simple answer.

Mayor Ives asked if a written report would be sufficient. Council Member Young stated citizens should be clear on the policies.

Mayor Ives asked if there were laws, standards and policies regarding how people are recorded by the Police Department. Police Chief Hampton stated California State Law clearly gives law enforcement the ability to record criminal investigations. Police Chief Hampton stated he believed what Mr. Miles referred to was individuals surreptitiously being recorded in their homes.

Police Chief Hampton stated this City and many cities in the state have engaged in video and audio monitoring programs; some have video cameras on their lapels which are widely endorsed. Police Chief Hampton added that increasing the monitoring of law enforcement will make good police officers better officers and identify those who are not. Police Chief Hampton stated in the case of criminal investigations, the City has policies that have been adopted by the risk management authority which is supported by State law.

Council Member Rickman asked what the Council is trying to accomplish with this.

Council Member Young stated there are questions regarding people being surveiled in their home.

Council Member Manne stated he would not be in favor of having this item on a future agenda.

Mayor Pro Tem Maciel stated he was in favor of receiving general information and respected Council Member Young's willingness to address concerns expressed by citizens. Mayor Pro Tem Maciel stated he was in favor of receiving information from the Police Chief.

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

Paul Miles thanked Council Member Young for bringing the item to Council. Mr. Miles stated he does not doubt that audio and video recording was a good idea. Mr. Miles stated the problem he has is with individuals who are not criminals, but witnesses, being recorded in their home without their knowledge.

- D. Appoint Applicants to the Tracy Arts Commission – Council Member Rickman reported that he and Council Member Young interviewed applicants for vacancies on the Tracy Arts Commission. It was moved by Council Member Rickman and seconded by Council Member Young to appoint Nila Dhugga, and reappoint Taranjit Sandhu and Marlene Jones to serve four-year terms on the Tracy Arts Commission which will end on December 31, 2017. Danette Pool was placed on the eligibility list. Voice vote found all in favor; passed and so ordered.
- E. Appointment of City Council Subcommittee to Interview Applicants for Vacancies on the Parks and Community Services Commission - Mayor Pro Tem Maciel and Council Member Manne were appointed to interview applicants for vacancies on the Parks and Community Services Commission.

12. ADJOURNMENT - It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adjourn. Voice vote found all in favor; passed and so ordered. Time 10:04 p.m.

The above agenda was posted at the Tracy City Hall on January 2, 2014. The above are summary minutes. A recording is available at the office of the City Clerk.

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Mayor

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City Clerk