

April 1, 2014, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

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

Mayor Ives called the meeting to order at 7:00 p.m., and led the Pledge of Allegiance.

The invocation was provided by Pastor Rob Krenik, Calvary Chapel of Tracy.

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

Maria A. Hurtado, Interim City Manager, presented the Employee of the Month award for April 2014, to Tanika Zuniga, Police Department.

Mayor Ives and Fire Chief Nero swore in Fire Captain Steve Bliss, and Fire Engineer Andrew Sansaver.

Mayor Ives presented a proclamation to Kathleen Serna-Halliday - Youth Outreach Program Coordinator, Women's Center – Youth & Family Services, in recognition of Sexual Assault Awareness Month.

Mayor Ives presented a proclamation to Sheila Airington, a Volunteer at the Lolly Hansen Senior Center, Grand Theatre, and Second Harvest Food Bank, in recognition of National Volunteer Week.

1. CONSENT CALENDAR - 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 January 7, 2014, were approved.
 - B. Approval of the Final Subdivision Map and Subdivision Improvement Agreement for Lyon Crossroads Unit 9, Tracy 3781, and Authorization for the Mayor to Execute the Agreement - Resolution 2014-043 approved the Final Subdivision Map and Subdivision Improvement Agreement.
 - C. Approve a Real Property Purchase Agreement with Chemanoor Zachariah, in Family Living Trust, for Acquisition of Right-of-Way for the Roadway Widening of Eleventh Street West of MacArthur Drive, and Authorize the Mayor to Execute the Agreement – Resolution 2014-044 approved the agreement.
 - D. Approve Amendment No.1 to the Professional Services Agreement Between the City of Tracy and HF&H Consultants, LLC. and Approve Funding Allocation – Resolution 2014-045 approved the amendment.

- E. Authorize the Products and Services Agreement with the Active Network, Inc., of San Diego, California to Provide Implementation and Support of a Facility Reservation Solution and Authorize the Mayor to Execute the Agreement – Resolution 2014-046 approved the agreement.
 - F. Approve Task Order No. CH01-16 to Agreement CH01 with CH2MHill for the Additional Design and Permitting Services for Corral Hollow Road Sewer and Water System Upgrade and Authorize the Mayor to Execute the Amendment – Resolution 2014-047 approved the Task Order.
 - G. Adopt a Resolution Approving an Employment Agreement Between Maria Hurtado and the City of Tracy to Serve as Interim City Manager – Resolution 2014-048 approved the agreement.
2. ITEMS FROM THE AUDIENCE – A resident addressed Council noting his physical disabilities, mistrust in doctors and his youthful appearance.

Paul Miles addressed Council voicing his disappointment that his presentation given at the March 18, 2014, Council meeting was not made available to the public, and provided a copy of the presentation to the City Clerk. Mr. Miles protested Mayor Pro Tem Maciel's comments made during the March 18, 2014, City Council meeting, and provided Council with a copy of a letter dated April 1, 2014.

A group of teens addressed Council regarding Community Partnership for Families of San Joaquin, Family Resource Center, Healthy Connections. The group invited everyone to their Teen Empowerment Open House being held April 11, 2014, from 4:00 p.m. until 6:00 p.m., at 35 E. Tenth Street. The group thanked Council and the community for their continued support.

3. RECEIVE UPDATE ON CITY MANAGER RECRUITMENT AND PROVIDE DIRECTION AS TO THE TIMING OF THE RECRUITMENT – Dan Sodergren, City Attorney, provided the staff report. Mr. Sodergren stated on March 18, 2014, Council approved a Professional Services Agreement with Peckham & McKenney to conduct the City Manager Recruitment.

The fiscal impact of the recruitment process is estimated to be \$24,500 and can be absorbed in the current Human Resources budget for Fiscal Year 13/14.

Mr. Sodergren introduced Bobbie Peckham of Peckham & McKenney who discussed the recruitment process, the upcoming election and its impact on the recruitment.

Staff recommended that Council receive the update on the City Manager recruitment and provide direction as to the timing of the recruitment.

Council Member Rickman asked about the quality of the candidates and Ms. Peckham's recommendation. Ms. Peckham stated the timing of the year and the pending election could reduce the number of applicants.

Council Member Manne asked for an approximation of the number of candidates that would apply. Ms. Peckham stated a current recruitment netted 60 applicants, while recruitments previously held during an election period resulted in 32 applications.

Mayor Ives discussed the five steps proposed by Ms. Peckham indicating once step one was complete, Council could, at that time, make a decision to proceed or not.

Mayor Pro Tem Maciel discussed the pros and cons of postponing the recruitment including the demand for staff to assume multiple roles.

Mayor Ives invited members of the public to address Council on the item. There was no one wishing to address Council.

Council Member Rickman thanked Ms. Peckham for attending the meeting stating he was looking forward to working with her.

Council Member Young stated she was in favor of starting right away. Council Member Manne stated he was also in favor of starting the process sooner than later.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to direct staff to move forward with the recruitment time line as proposed. Voice vote found all in favor; passed and so ordered.

4. ACCEPTANCE OF THE CITY OF TRACY'S POLICE DEPARTMENT'S ANNUAL REPORT FOR 2013 – Police Chief Hampton provided an overview operationally, of the department's new organizational structure adopted in 2012. Police Chief Hampton reported a 3% increase in overall Part-1 Crimes reported during 2013 compared to 2012. The overall 3% increase is representative of 80 more Part-1 Crimes in 2013 compared to 2012. Of those 80 additional crimes, 73 were Property Crimes and 7 were Violent Crimes. The community experienced 28.92 Part- 1 Crimes per 1000 populous in 2013, compared to 27.65 in 2012. Of all Part-1 Crimes experienced by the community in 2013, 94% were related to the theft of personal property.

Council Member Young asked for clarification regarding personnel totals. Police Chief Hampton clarified the positions that have been authorized and what positions have been filled.

Council Member Young asked if the canine referenced in the report was a new drug dog or one that had been promoted. Chief Hampton stated a new dog was purchased with funds obtained from asset seizures.

Council Member Young asked for information regarding Volunteers in Police Service (VIPS). Chief Hampton stated VIPS were primarily involved in organizing, attending, and scheduling officers to attend neighborhood watch meetings.

Council Member Manne asked for a definition of Part 1 Crimes. Tanika Zuniga, Crime Analyst, stated Part 1 Crimes is a standard uniform crime that all states report nationally, and are the most violent or highest in cost including stolen vehicles, arsons, homicides, rapes, and larceny.

Mayor Ives asked if there were any trends specific to Tracy. Chief Hampton stated Tracy has seen a surge of door kick burglaries between 9 a.m. and 2 p.m. from individuals allegedly soliciting magazine sales. Chief Hampton stated they have also

identified local career criminals who have substance abuse issues that utilize property crimes and prey on residents to subsidize their addictions.

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

Paul Miles stated he had an encounter with Tracy Police and Tracy Fire last Friday, reporting they were professional, courteous and helpful. Mr. Miles discussed the performance of the Chief of Police, honesty, integrity and comments made. Mr. Miles provided Council with a copy of communications between himself, the California Highway Patrol, and the Tracy Police Department.

Police Chief Hampton stated he stands by his earlier statements.

Mayor Pro Tem Maciel thanked Chief Hampton and staff for the report and for their outstanding work, commitment, and dedication.

Council Member Rickman thanked Chief Hampton for his leadership adding that the statistics would not have been as good without the commitment of the police department, officers, staff, and VIPS.

Council accepted the City of Tracy's Police Department's Annual Report for 2013.

5. RECEIVE UPDATE REGARDING AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT (ENRA) WITH WT MITCHELL GROUP, INCORPORATED FOR THE CITY-OWNED PROPERTY LOCATED AT 729/741 CENTRAL AVENUE (WESTSIDE MARKET BUILDING) – Amie Mendes, Economic Development Analyst, provided the staff report. Ms. Mendes stated that the City purchased the Westside Market building in downtown Tracy in August 2011. The total building is approximately 11,000 square feet, which includes a large basement area. The ground level of the building encompasses approximately 8,500 square feet of the total building. The strategic objective in purchasing the property was to develop a public-private partnership for the construction of a catalyst restaurant in downtown Tracy. Additionally, the property's key location, adjacent to the Grand Theatre, and the fact that the property owner was a willing seller, provided a unique economic development opportunity for the City. Redevelopment funds were used to purchase the property prior to the State eliminating redevelopment agencies in California.

On August 20, 2014, City Council approved an Exclusive Negotiating Rights Agreement (ENRA) with WT Mitchell Group, Incorporated (the "Developer") to provide the parameters for a six month good faith negotiating period. The intent of the ENRA was to provide a period of time for the Developer to obtain a binding agreement with a restaurant tenant that was satisfactory to the City as a desired anchor for downtown and the Westside Market building.

Over the past six months, the Developer has contacted approximately 20 potential restaurateurs to garner interest for the development of the Westside Market building. The Developer has received a letter of intent from a restaurant tenant that is interested in occupying 2,000 square feet of the total building space. Unfortunately, the economics involved in the rehabilitation of the location, coupled with the tenant improvement costs, and façade improvements, do not justify the Developer moving forward with construction at this time. Essentially, additional tenant space will need to be leased before it makes

financial sense for the Developer to move forward with negotiations with the City and, ultimately, construction of the space. Initial estimates from the Developer were that it would take 9 to 12 months to obtain a binding agreement with a tenant that is satisfactory to the City. The executed ENRA was for a period of six months, with an optional four month extension. The Development Services Director recently executed the four month extension, seeing that the Developer has made sufficient progress in marketing the location to potential tenants. Additionally, with a significant number of new downtown restaurants and retailers coming on-line over the next few months, staff anticipates that there will be a renewed interest in the downtown area and more specifically, the Westside Market building.

Staff will be working closely with the Developer to further define a list of potential restaurants and retailers with whom to continue outreach efforts.

There is no impact to the General Fund as a result of extending the ENRA, aside from staff time. The City budgeted \$1 million for this Downtown restaurant/ brewpub project, of which, approximately \$950,000 is remaining in CIP 79364).

Staff recommended that Council receive the update regarding an ENRA with WT Mitchell Group for the City-owned Westside Market building.

Mayor Ives invited members of the public to address Council. There was no one wishing to address Council.

Mayor Ives confirmed that there will be no additional cost to the City; just an extension of the agreement. Ms. Mendes stated that was correct.

Dan Sodergren, City Attorney, stated the Director has authority to extend the agreement and therefore no action was required of the Council.

Council received the update regarding an Exclusive Negotiating Rights Agreement with WT Mitchell Group for the City-owned Westside Market.

6. ACCEPT REPORT ON AMENDMENT NO. 3 OF THE SOUTH COUNTY FIRE AUTHORITY JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE CITY OF TRACY AND THE TRACY RURAL FIRE DISTRICT REGARDING SUPPLEMENTAL FIRE SERVICES AND PROVIDE STAFF DIRECTION – Division Chief Bramell provided the staff report. Division Chief Bramell stated in FY 07/08, the Fire Department analyzed emergency response performance through the completion of a Standards of Response Coverage study. The study reviewed emergency response times, resource deployment, fire station locations and number of fire fighters required to address specific risks. A Standards of Cover Work team was established to review the report's findings and provide recommendations to the Tracy City Council and Tracy Rural Fire District Board of Directors.

Several areas for improvement and associated recommendations were proposed by the work team. Over several months, status reports were provided to each governing body having jurisdiction or responsibility to address improvement recommendations. One such recommendation was to add a second unit at Fire Station 91 to reduce the number of queued calls in their first-due area which at the time were occurring more frequently than industry standards. Queued calls degrade response performance because a unit from

another fire station further away must handle the call which increases response time. In addition, it was recommended to increase the number of personnel at the scene of a structure fire within the first 10 minutes to address critical tasks. By adding the additional personnel at Fire Station 91, it was expected that call queuing would decrease and critical tasking would improve. Further, a second unit in Fire Station 91 provided the opportunity to expand Advanced Life Support (ALS) or paramedic service in area 91. It was also expected that the increased staffing at Fire Station 94 would improve critical tasking in the response area to the west.

On October 21, 2008, both the City and TRFD agreed and approved Amendment No. 3 of the JPA for the South County Fire Authority. This amendment allowed the member agencies of South County Fire Authority to procure additional staffing or "supplemental services" in a manner different than that identified in the established cost sharing formula. This methodology would allow each party to pay entirely for the additional services they desired without changing the cost sharing formula percentages. The department maintains a minimum number of personnel assigned to duty each day. Historically, the department employed additional personnel above minimum staffing levels and assigned them to a relief pool. Personnel assigned to the relief pool would be used to backfill employee vacancies that typically occur through scheduled leaves such as vacation or sick leave. Use of a relief pool significantly reduces overtime expenses because relief personnel backfill the absent employee to maintain minimum staffing levels.

It was determined that it was more cost effective to use the personnel assigned to the relief pool to supply the employees necessary to staff the newly desired supplemental services. The relief pool contained 12 personnel. A total of 9 of the 12 personnel were allocated to the City of Tracy via supplemental services to staff the second unit at Fire Station 91. The remaining 3 personnel in the relief pool were allocated to TRFD via supplemental services to increase staffing at Fire Station 94, in essence eliminating the relief pool. Elimination of the relief pool meant increased overtime costs because there were no longer personnel available to fill scheduled leaves thus resulting in an overtime expense when employee leaves occurred. It was determined to be more cost effective to fund the supplemental services with current employees by absorbing the overtime impact versus hiring 12 additional personnel at the fully benefited rate and maintaining a relief pool.

Prior to FY10/11, TRFD Board of Directors had experienced budget shortfalls and decided the district could not continue to pay the additional expense of the increased staffing at Fire Station 94. Supplemental services were discontinued by TRFD beginning FY10/11. The 3 personnel that had been dedicated to TRFD Fire Station 94 were returned to the relief pool and expensed to all parties through the JPA cost sharing formula.

The City of Tracy continues to staff the second unit at Fire Station 91 through the supplemental service methodology. There are 9 personnel procured via supplemental services and assigned to Fire Station 91. Today, the department maintains a relief pool of 3 personnel. This limited relief pool provides one person per shift to cover any scheduled leaves.

Supplemental services are detailed in an Amendment No. 3 to the JPA between the City of Tracy and the Tracy Rural Fire District. Should the parties to the agreement wish to

change or modify the procurement of personnel through supplemental services, an amendment of the JPA would be required. An amendment to the JPA would require agreement and approval by the City and the TRFD.

Prior to the beginning of each fiscal year, the Fire Department in cooperation with the City's Administrative Services Department calculates the cost for service for the upcoming fiscal year for those supplemental services supplied under Amendment No. 3. The amount of supplemental services once approved, are added to the normal cost of services for those services rendered under the cost sharing agreement. The total of all costs (regular and supplemental) are paid by the City or TRFD. At present, only the City uses the supplemental services as allowed under the agreement. The estimated FY 14/15 cost to the City of Tracy for supplemental services is \$1,030,400.

If the City of Tracy were to dissolve supplemental services and procure the additional personnel at Fire Station 91 via the cost sharing formula in the JPA there would be a net increase in cost of \$594,560 to the City and TRFD would see a reduction in cost of \$395,690 for FY14/15. Additionally, the Mountain House Community Services District (MHSCD) who currently contracts with TRFD would see a reduction in cost of \$198,870 for FY14-15.

These changes in cost distribution are due to the increase of staffing allocated to the City of Tracy via the cost sharing formula; thereby reducing the overall percentage attributed to both TRFD and MHSCD. Division Chief Bramell illustrated the estimated FY14/15 cost allocation by jurisdiction should the supplemental services be discontinued and personnel procured via the JPA SCFA Agreement formula.

Staff recommended that Council accept the report. Should Council wish to dissolve the supplemental services, staff recommended additional time to thoroughly analyze the city-wide impact to the general fund. It is important to note that decisions concerning the supplemental services agreement and reallocation of costs can be made independent of the City's budget development process.

Mayor Pro Tem Maciel asked if it was safe to assume that the Rural District and Mt. House would like to dissolve the Supplemental Services Agreement. Division Chief Bramell stated that was one of the reasons the City was looking for additional time to further analyze the impacts.

Chief Nero stated the issue was not related to the number of units that are available to everyone in the service area; it was about money. Chief Nero added that the Rural District brought up the issue of the cost allocation and the additional unit that Tracy is paying less for because of the Supplemental Services Agreement.

Council Member Manne asked if it was staff's recommendation to keep the status quo. Division Chief Bramell stated the recommendation was to allow additional time to analyze impacts.

Mayor Ives stated he was not willing to eliminate the Supplemental Services Agreement.

Council Member Rickman stated he agreed with the Mayor adding safety was the highest priority.

Mayor Pro Tem Maciel asked if the City decided to dissolve the Supplemental Services Agreement the options were; 1) the City pays the difference, or 2) the City reduces the level of staffing. Division Chief Bramell stated he believed Mayor Pro Tem Maciel's understanding was correct.

Mayor Ives invited members of the public to address Council on the item. There was no one wishing to address Council.

Mayor Ives asked if the item was a budget issue for the Rural District for fiscal year 2014/15. Chief Nero stated not necessarily for 2014/15.

Council accepted the report on Amendment No. 3 of the South County Fire Authority Joint Exercise of Powers Agreement between the City of Tracy and the Tracy Rural Fire District.

7. ITEMS FROM THE AUDIENCE – None.

8. STAFF ITEMS - None.

9. COUNCIL ITEMS

A. Appoint Three Applicants to the Planning Commission - It was moved by Council Member Manne and seconded by Mayor Pro Tem Maciel to reappoint Rhodesia Ransom and Joseph Orcutt, and appoint Veronica Vargas to the Planning Commission to serve four year terms ending March 31, 2018, and place Robert Tanner, Bill Aragon and Jacy Krogh on an eligibility list. Voice vote found all in favor; passed and so ordered.

Council Member Rickman congratulated Officer Mike Reyna of the Tracy Police Department for being named Officer of the Year and Andrew Sansaver who won firefighter of the year during the American Legion Annual Law and Order event.

Council Member Manne invited everyone to the Lolly Hansen Outdoor Recreation ribbon cutting ceremony being held Tuesday April 15, 2014, at 4:00 p.m.

10. ADJOURNMENT

It was moved by Council Member Manne and seconded by Council Member Rickman to adjourn. Voice vote found all in favor; passed and so ordered. Time 9:27 p.m.

The above agenda was posted at the Tracy City Hall on March 27, 2014. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

City Clerk