

July 1, 2014, 5:00 p.m.

City Council Chambers, 333 Civic Center Plaza

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

1. Call to Order – Mayor Ives called the meeting to order at 5:31 p.m., and led the Pledge of Allegiance.
2. Roll call found Council Members Manne, Rickman, Young, Mayor Pro Tem Maciel and Mayor Ives present.
3. ITEMS FROM THE AUDIENCE – None.
4. AUTHORIZE CLOSURE OF PUBLIC RIGHT OF WAYS FOR SCHEDULED NEIGHBORHOOD WATCH BLOCK PARTIES FOR NATIONAL NIGHT OUT EVENTS REGISTERED AND SPONSORED THROUGH THE TRACY POLICE DEPARTMENT ON THE FIRST TUESDAY OF EACH AUGUST – Jeremy Watney, Interim Police Chief, presented the staff report.

On the first Tuesday of each August, the City encourages Neighborhood Watch groups to participate in National Night Out. This annual celebration is typically held in the evening, and City officials visit the various block parties to help support the community in the fight against crime. Last year there were 21 block parties registered and visited, nearly double the number held in 2012. Although every block party will not request a street closure or park usage, between 10-20 requests per year are anticipated as this event continues to grow.

National Night Out enables citizens across America to send a powerful message about neighborhood unity, awareness, safety and police-community partnerships. “America’s Night out against Crime” remains the national theme, and over 37.8 million people in more than 120 communities will celebrate.

California Vehicle Code section 21101(e) empowers local agencies to approve temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes, when, in the opinion of local authorities having jurisdiction or a public officer or employee that the local authority designates by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

For consistency in safely closing streets, staff recommended that the City’s barricades and traffic control signs and cones be used for this event. Permit applications will include a detailed map of the street closure and the Police Department will provide a diagram depicting the proper placement of barricades and/or cones. The Police Department will require all street closure applications be turned in three weeks prior to the event, to allow ample time to disseminate the information throughout the affected departments in the City.

City of Tracy Municipal Code section 4.16.050(e) requires a facility permit be obtained from the Parks and Recreation Department for any organized activity in which 50 or more persons are expected to attend, or which is publicized prior to the date of the activity, or which requires special City services. Such activity includes, but is not limited

a picnic, rally, group meeting, parade, play, musical event, art show or other show or exhibition. However, because the City is sponsoring this event, permits will not be required for use of the City's parks for National Night Out activities.

For those instances where a street closure is not approved the Neighborhood Watch group could choose to celebrate in a city park close to their residences. Most Neighborhood Watch groups consist of 10 to 30 households, which might put the gathering over the 50 person threshold.

There is no direct impact to the City budget, including the General Fund. However, additional costs could be incurred if street closure equipment is not returned or is damaged.

Council Member Young inquired how many signups have been received. Interim Police Chief Watney responded he didn't have an exact number, but was expecting twice as many as last year.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-107, Authorizing Closure of Public Right of Ways for Scheduled Neighborhood Watch Block Parties for National Night Out Events Registered and Sponsored through Tracy Police Department on the First Tuesday of Each August. Voice vote found all in favor; passed and so ordered.

5. AUTHORIZE A ROADWAY RECONSTRUCTION AGREEMENT WITH PACIFIC GAS AND ELECTRIC (PG&E) FOR THE ASPHALT CONCRETE PAVEMENT RECONSTRUCTION OF THE NORTHERN HALF OF GRANT LINE ROAD FROM HOLLY DRIVE TO APPROXIMATELY 600 FEET EAST OF MACARTHUR DRIVE, AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT – Victoria Dion, City Engineer, introduced Ashlie Simpson, Government Relations, PG&E, who used a power point for her presentation which included pictures and maps of the affected area.

The project will begin at a point on East Grant Line Road, east of Holly Drive, and will continue east along Grant Line Road, ending east of North MacArthur Drive. Approximately 4,200 feet of transmission pipeline will be replaced. The project is a continuation of pipeline replacement work completed in 2013. The tentative start date is August 2014, and the project is anticipated to take three months to complete.

The project will require PG&E to drill the pipeline under East Grant Line Road. To avoid multiple sub-surface utility crossings and lessen impacts to newly paved road, PG&E will utilize a horizontal direction drill. Four horizontal directional bores will be used to install the pipeline from Holly to a point between the railroad and MacArthur. Traffic control measures will be in place as the large segments of pre-connected pipeline are transported. A smaller section of this project will be replaced in an open trench using direct bury.

Throughout the installation crews will inspect the new pipeline's weld visually and with X-ray technology. The pipe will also be tested to verify its safety and strength before it goes into service. When the pipeline is safely in place it will be connected to the system on either end of the project. During this phase the new line will be purged of air, and natural gas will be introduced into the system.

Prior to and during this extensive project the community can expect PG&E vehicles, contractor trucks and heavy equipment along the pipeline route, traffic restrictions and redirections, loud noises while the pipe is being safely purged of existing gas, and possibly the smell of gas. Gas service will be uninterrupted and the project area on East Grant Line Road will be completely repaved.

As part of PG&E's customer outreach letters will be sent to residents and businesses in the area containing an overview of the project, what the community can expect, and when the work will be completed. Two open houses will be held, one before the project begins and one during the project, where representatives will be available to answer questions. Door hangers will be placed on residences nearest to the construction area to remind them of work just prior to it taking place, and recorded messages will be delivered by telephone. Customer Care representatives will be available to answer questions between 7 a.m. and 6 p.m. Monday through Friday at 1-888-743-7431. Online information is available at www.pge.com/gas.

Council Member Rickman asked what was the life expectancy of the current pipes. Ms. Simpson stated the existing pipeline is 1930s vintage. There is no set life for the pipe, which goes through a rigorous integrity management program while in service. However, to avoid issues with some of the older pipes the pipes are being replaced through the Pipeline Safety Enhancement Program.

In response to a question from Mayor Pro Tem Maciel regarding why the work wasn't done earlier when the road had been torn up, Ms. Simpson replied PGE was not able to get the entire project and replacement of the pipeline lined up with the previous project. Mayor Pro Tem Maciel asked if the State had upgraded the requirements. Ms. Simpson responded the State had elevated the standard which is part of the Pipeline Safety Enhancement Program and that had contributed to the program taking longer to come together.

Mayor Pro Tem Maciel referred to a section on the map colored red and asked if that section would be direct bury or open trenched. Ms. Simpson introduced Brian Garber, Project Manager, who stated that there are a large number of utilities under that section of the road, west of the railroad tracks. To open trench that section of the road would be difficult and would impact a large number of businesses in the area, so it will be direct bury.

Mayor Pro Tem Maciel asked if the road would be left as good as or better than it is now. Mr. Garber replied that it would be since the entire project from Holly Drive to approximately 600 feet east of MacArthur Drive would be repaved.

In response to a question from Council Member Young regarding the starting date for the project, Ms. Simpson confirmed the project would begin in August 2014.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt Resolution 2014-108, Authorizing a Roadway Construction Agreement with Pacific Gas and Electric for the Asphalt Concrete Pavement Reconstruction of the Northern Half of Grant Line Road from Holly Drive to Approximately 600 Feet East of MacArthur Drive. Voice vote found all in favor; passed and so ordered.

6. PUBLIC HEARING TO CONSIDER (1) APPROVING THE ENGINEER'S ANNUAL LEVY REPORT; (2) ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT FOR FISCAL YEAR 2014/15; AND (3) AUTHORIZING THE BUDGET OFFICER TO MAKE NECESSARY ADJUSTMENTS TO THE BUDGET – Anne Bell, Management Analyst II, Administrative Services Department, presented the staff report and used a power point in her presentation.

Since the formation of the Tracy Consolidated Landscape Maintenance District (LMD), Council has annually reviewed and approved assessments based on the Engineer's Annual Levy Reports. Most recently, the City Council preliminarily approved the proposed annual assessments presented to Council on June 17, 2014. Next steps include considering public comments pertaining to the annual Engineer's Report; approving the final Engineer's Report as presented to, or modified by, Council; and ordering the levy and collection of assessments within the LMD for Fiscal Year 2014/15.

Maximum assessment rates were previously approved by the LMD property owners. Although maximum rates were approved, the assessments levied for the 39 assessable zones are based upon whether the needs of each zone warrant the levying of the maximum approved rates or a lesser rate. Only property owners can increase their rates beyond the maximum rate they previously approved except for inflationary increases.

The cost of maintaining the improvements increases slightly each year as a result of inflation. The District assessments include a formula for increasing the maximum assessment rates for each future Fiscal Year to offset increases in inflationary costs. These annual increases (two cents per dollar in Fiscal Year 2013/14) have not been sufficient to keep up with the cost of services. One-third of the zones have not increased their maximum rates in 27 years. On average, for the entire District, it has been 18 years since rates were increased beyond the minor inflationary rate increase.

The aforementioned formula allows the maximum rates to be increased annually by the lesser of three percent or the percentage increase of the Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose Area Region³. The District's assessment formula complies with Government Code Section 54954.6 (a) and was approved by the City Council and the original District Property Owners.

The percentage difference for the CPI applicable for Fiscal Year 2013/2014 was 2.556%. Therefore, the maximum assessment rates allowed for Fiscal Year 2014/15 will be adjusted by 2.556% over the prior year's maximum assessment rates, or by approximately 3 cents per dollar. Although an inflationary rate may be applied, only the assessment needed for maintenance will be levied.

Based upon the estimated costs and expenditures to maintain the long and short-term landscaping and appurtenant improvements within the LMD, as more particularly described in the Engineer's Report, staff recommended the assigned assessment rates found in Section IV, Appendix A (Budget Fiscal Year 2014/15) of the Engineer's Report for Fiscal Year 2014/15. Of the 41 zones, 24 zones would be assessed the maximum assessment rates allowed for Fiscal Year 2014/15, primarily due to the zones having insufficient funding to cover all of their maintenance costs. Eleven zones would be assessed at a level below their maximum rate due to lower

operating costs, and 6 zones will not be assessed due to a Home Owners Association providing maintenance, adequate reserves, no improvements, or the zone providing a general benefit to the City, such as Zone 38, Eleventh Street, which is funded by the General Fund.

Because the proposed assessment rates for Fiscal Year 2014/15 are less than or equal to the maximum rates previously approved by voters, no ballot proceedings are required.

Total revenue from assessments will be \$2,665,860. The remaining District revenues will be \$235,000 from General Fund support for improvements that are largely general in benefit; \$115,000 from the Drainage Fund to cover the costs of channel way landscape improvements; \$200,000 from the Gas Tax support for zones that have arterial, median and right-of-way landscaping; and \$2,235,708 from Zone Capital Reserves to cover the costs of capital improvement projects or funding shortfalls.

The total revenues and expenditures for the LMD for Fiscal Year 2014/15 are estimated to be \$5,451,568.

In response to a question from Council Member Rickman regarding a study of the CPI rate based on the San Francisco-Oakland-San Jose Area Region 3, Interim City Manager Maria Hurtado stated the study had been completed. An agenda item will be brought back to Council regarding the price index vs cost of living which is what was determined. This CPI was voted in by the voters; if in the future Council wants to change this it would have to go to the voters for their approval.

Mayor Ives opened the public hearing and asked for comments. Seeing no one Mayor Ives closed the public hearing.

Mayor Pro Tem Maciel referred to the gateway area along Eleventh Street which is funded by the City and asked how a southern gateway area would be funded should one develop along Corral Hollow. Ms. Bell responded if the area is redesignated a gateway by the Assessment Engineer the cost will be borne by the City.

Mayor Ives stated most of the funding for cyclical maintenance, which includes streetscapes and medians, was being used for parks renovation and not median strips. Ms. Bell said Public Works determines where the funding is used. Mayor Ives suggested it would be helpful to have a schedule for parks maintenance and streetscapes to indicate when maintenance was due. Ms. Bell stated a schedule could be provided. Mayor Ives stated a former maintenance contractor had undertaken a major cleanup of the streetscapes when the company was awarded the contract, and added it would be beneficial if something similar could be done this time.

Mayor Ives asked if the maintenance for Eleventh Street was a different contract or the same contract. Ms. Bell responded it was the same contract.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2014-109, Approving the Engineer's Annual Levy Report. Roll call vote found Council Members Manne, Rickman, Young, Mayor Pro Tem Maciel and Mayor Ives in favor with the following abstentions - Mayor Ives abstained from voting

on Zone 24; Council Member Young abstained from voting on Zone 3; and Council Member Manne abstained from voting on Zone 18. Motion carried.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2014-110, Ordering the Levy and Collection of Assessments for TCLMD for FY 2014/2015. Roll call vote found Council Members Manne, Rickman, Young, Mayor Pro Tem Maciel and Mayor Ives in favor with the following abstentions - Mayor Ives abstained from voting on Zone 24; Council Member Young abstained from voting on Zone 3; and Council Member Manne abstained from voting on Zone 18. Motion carried.

7. CLOSED SESSION

Personnel Matter (Gov. Code, § 54957)

Public Employee Appointment, Employment, Evaluation of Performance, Discipline, or Dismissal

Position Title: City Manager

Mayor Pro Tem Maciel motioned to recess the meeting to closed session at 5:41p.m. Council Member Rickman seconded the motion. Voice vote found all in favor; passed and so ordered.

Mayor Ives reconvened the meeting into open session at 7:47 p.m.

Report of Final Action - None

8. ADJOURNMENT – It was moved by Council Member Rickman and seconded by Mayor Pro Tem Maciel to adjourn. Voice vote found all in favor; passed and so ordered. Time: 7:48 p.m.

The agenda was posted at City Hall on June 26, 2014. The above are summary minutes.

Mayor

ATTEST:

City Clerk