

Tuesday, January 17, 2012, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

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

Americans With Disabilities Act - The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6000) 24 hours prior to the meeting.

Addressing the Council on Items on the Agenda - The Brown act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council's consideration of the item, provided no action shall be taken on any item not on the agenda. Each citizen will be allowed a maximum of five minutes for input or testimony. At the Mayor's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

Consent Calendar - All items listed on the Consent Calendar are considered routine and/or consistent with previous Council direction. A motion and roll call vote may enact the entire Consent Calendar. No separate discussion of Consent Calendar items will occur unless members of the City Council, City staff or the public request discussion on a specific item at the beginning of the meeting.

Addressing the Council on Items not on the Agenda – The Brown Act prohibits discussion or action on items **not** on the posted agenda. Members of the public addressing the Council should state their names and addresses for the record, and for contact information. The City Council's Procedures for the Conduct of Public Meetings provide that "Items from the Audience" following the Consent Calendar will be limited to 15 minutes. "Items from the Audience" listed near the end of the agenda will not have a maximum time limit. Each member of the public will be allowed a maximum of five minutes for public input or testimony. However, a maximum time limit of less than five minutes for public input or testimony may be set for "Items from the Audience" depending upon the number of members of the public wishing to provide public input or testimony. The five minute maximum time limit for each member of the public applies to all "Items from the Audience." Any item **not** on the agenda, brought up by a member of the public shall automatically be referred to staff. In accordance with Council policy, if staff is not able to resolve the matter satisfactorily, the member of the public may request a Council Member to sponsor the item for discussion at a future meeting. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

Presentations to Council - Persons who wish to make presentations which may exceed the time limits are encouraged to submit comments in writing at the earliest possible time to ensure distribution to Council and other interested parties. Requests for letters to be read into the record will be granted only upon approval of the majority of the Council. Power Point (or similar) presentations need to be provided to the City Clerk's office at least 24 hours prior to the meeting. All presentations must comply with the applicable time limits. Prior to the presentation, a hard copy of the Power Point (or similar) presentation will be provided to the City Clerk's office for inclusion in the record of the meeting and copies shall be provided to the Council. Failure to comply will result in the presentation being rejected. Any materials distributed to a majority of the Council regarding an item on the agenda shall be made available for public inspection at the City Clerk's office (address above) during regular business hours.

Notice - A 90 day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90 day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a City Council action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the City Council prior to or at the public hearing.

Full copies of the agenda are available at City Hall, 333 Civic Center Plaza, the Tracy Public Library, 20 East Eaton Avenue, and on the City's website www.ci.tracy.ca.us

CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION
ROLL CALL
PRESENTATION – Tracy Arts Commission – Certificates of Appointment and Recognition

1. CONSENT CALENDAR

- A. Minutes Approval
- B. Approval of a Professional Services Agreement No. DE 1 with Dokken Engineering to Provide Professional Services to Prepare Project Study Report/Project Development Support (PSR/PDS) Documents for the I-205/Chrisman Road New Interchange Project CIP 73109, Federal No. HPLULN-5192 (034), For a Not to Exceed Amount of \$218,068, Authorization for the Mayor to Execute the Agreement, Authorize the Development and Engineering Services Director to Approve Amendments to this Agreement for Additional Services if Needed Up to an Amount of \$21,807
- C. Acceptance of the HVAC Replacement – Parks & Community Services Building Project - CIP 78119, Completed by Champion Industrial Contractors, Inc., of Modesto, California, and Authorization for the City Clerk to File the Notice of Completion
- D. Adoption of the Mitigated Negative Declaration as Required Per California Environmental Quality Act (CEQA) for the Replacement of the 11th Street East Tracy Overhead Bridge - CIP 73063, and Federal Project No. BHLS-5192(020)
- E. Approve Amendment 1 to the Deferred Improvement Agreement with Patillo Development Partners, LLC to Exclude Certain Improvements Already Constructed by the Developer and Authorization for the Mayor to Execute the Agreement, and Authorization for the City Clerk to File the Agreement with the San Joaquin County Recorder
- F. Appropriate \$80,000 from Fund 301 for Emergency Repairs to the FBO Building at the Tracy Municipal Airport
- G. Approve Memorandum of Understanding (MOU) with California State University, Stanislaus; and Authorize the Mayor to Execute the MOU

2. ITEMS FROM THE AUDIENCE

- 3. PUBLIC HEARING AND ALLOCATION TO REVIEW THE POLICE DEPARTMENT'S RECOMMENDATION TO APPROPRIATE \$100,000 RECEIVED FROM CITIZENS OPTIONS FOR PUBLIC SAFETY "COPS" GRANT PROGRAM TO THE POLICE DEPARTMENT BUDGET TO PURCHASE EQUIPMENT FOR ENHANCED TRAINING AND DEPLOYMENT AND TO FUND DIRECTED AND SATURATION OVERTIME
- 4. APPROVE A JOINT RESOLUTION OF CITIES, COUNTY, AND OTHER SAN JOAQUIN COUNTY STAKEHOLDERS REGARDING LAND USE, WATER, AND OTHER DELTA RELATED ISSUES

5. THAT COUNCIL DISCUSS AND ACCEPT THIS UPDATE REPORT BY THE POLICE DEPARTMENT STAFF REGARDING THE ANNUAL PROGRESS OF THE VIOLENT CRIME AND GANG SUPPRESSION PLAN
6. CITY COUNCIL DIRECTION REGARDING SIGN ORDINANCE AMENDMENTS RELATED TO ELECTRONIC MESSAGEBOARDS AND ELECTRONIC READER BOARD SIGNAGE ON PRIVATE SCHOOL PROPERTY
7. ESTABLISH A PROCESS TO RECOGNIZE THE CONTRIBUTIONS OF MEMBERS OF THE COMMUNITY FOR THEIR MILITARY SERVICE WITH A CERTIFICATE OF COMMENDATION UPON THEIR HONORABLE SEPARATION FROM THE ARMED FORCES
8. RECEIVE UPDATE AND PROVIDE INPUT ON AIRPORT IMPROVEMENT OPTIONS
9. APPROVE CONSOLIDATION OF AIRPORT ENTERPRISE FUND LOANS
10. AUTHORIZE AMENDMENT OF THE CITY'S CLASSIFICATION AND COMPENSATION PLANS AND POSITION CONTROL ROSTER BY ESTABLISHING OR AMENDING CLASSIFICATION SPECIFICATIONS AND SALARY RANGES AND REALLOCATING VARIOUS POSITIONS AS PART OF THE CITY'S CONTINUING REORGANIZATION EFFORTS
11. CITY COUNCIL AFFIRMS ITS INTENT TO SERVE AS THE SUCCESSOR AGENCY OF TRACY COMMUNITY DEVELOPMENT AGENCY, PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 34171 (j) AND 34173, AND TO CONSIDER WHETHER TO ELECT TO RETAIN THE HOUSING ASSETS AND FUNCTIONS PREVIOUSLY PERFORMED BY THE TRACY COMMUNITY DEVELOPMENT AGENCY, PURSUANT TO HEALTH AND SAFETY CODE SECTION 34176
12. APPOINT THREE APPLICANTS TO THE PARKS AND COMMUNITY SERVICES COMMISSION
13. ITEMS FROM THE AUDIENCE
14. COUNCIL ITEMS
 - A. Consider an Item for Discussion on a Future City Council Agenda Related to Creating a Code of Conduct for Elected Officials
 - B. Review Appointments to Council Committees
15. ADJOURNMENT

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

January 3, 2012, 6:00 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Pro Tem Maciel called the meeting to order at 6:00 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Abercrombie, Elliott, Rickman, and Mayor Pro Tem Maciel present; Mayor Ives absent.
3. ITEMS FROM THE AUDIENCE – None
4. CLOSED SESSION -
 - A. (Real Property Negotiations (Govt. Code section 54956.8))
 - Property Location: APN # 123-070-45
 - Negotiator(s) for the City Andrew Malik, Director of Development and Engineering Services; Kul Sharma, Assistant Director of Development and Engineering Services
 - Negotiating Parties: Buddy C. Ender or representative
 - Under Negotiation: Price and terms of payment for the purchase of the property
 - B. Labor Negotiations (Gov. Code, section 54957.6)
 - Employee Organizations:
 - Tracy Firefighters' Association
 - Teamsters Local 439, IBT
 - Tracy Mid-Managers' Bargaining Unit
 - Confidential Management Unit
 - Technical and Support Services Unit
 - City's designated representatives: R. Leon Churchill Jr., City Manager; Maria Olvera, Director of Human Resources; and Jack Hughes, Liebert Cassidy Whitmore
5. MOTION TO RECESS TO CLOSED SESSION – Council Member Abercrombie motioned to recess the meeting to closed session at 6:00 p.m. Council Member Elliott seconded the motion. Voice vote found all in favor; passed and so ordered.

6. RECONVENE TO OPEN SESSION – Mayor Pro Tem Maciel reconvened the meeting into open session at 7:01 p.m.
7. REPORT OF FINAL ACTION - None
8. ADJOURNMENT – It was moved by Council Member Abercrombie and seconded by Council Member Rickman to adjourn. Voice vote found all in favor; passed and so ordered. Time: 7:02 p.m.

The agenda was posted at City Hall on December 29, 2011. The above are action minutes.

Mayor Pro Tem Maciel

ATTEST:

City Clerk

AGENDA ITEM 1.B

REQUEST

APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT NO. DE 1 WITH DOKKEN ENGINEERING TO PROVIDE PROFESSIONAL SERVICES TO PREPARE PROJECT STUDY REPORT/PROJECT DEVELOPMENT SUPPORT (PSR/PDS) DOCUMENTS FOR THE I-205/CHRISMAN ROAD NEW INTERCHANGE PROJECT CIP 73109, FEDERAL NO. HPLULN-5192 (034), FOR A NOT TO EXCEED AMOUNT OF \$218,068, AUTHORIZATION FOR THE MAYOR TO EXECUTE THE AGREEMENT, AUTHORIZE THE DEVELOPMENT AND ENGINEERING SERVICES DIRECTOR TO APPROVE AMENDMENTS TO THIS AGREEMENT FOR ADDITIONAL SERVICES IF NEEDED UP TO AN AMOUNT OF \$21,807

EXECUTIVE SUMMARY

The City of Tracy has receiving Federal Funds for the Project Initiation Development (PID) and environmental documentation for the new I-205/Chrisman Road interchange Project – CIP 73109. Award of this Professional Services Agreement will facilitate the PID phase of the project resulting in completion of the Project Study Report/Project Development Support.

DISCUSSION

The City's General Plan identifies a new interchange at Interstate 205 (I-205) and Chrisman Road to serve the eastern part of the City. This interchange when completed, will also serve properties located within San Joaquin County and within the Sphere of Influence of Lathrop, north of I-205. Since interchange projects on highways and freeways are multiyear projects and involve extensive coordination and approval from various state and federal agencies, it is in the City's best interest to start the initial process for such projects much earlier. This not only benefits the project approval process from various agencies, but also opens up opportunities for potential State and Federal Funding.

City staff has been pursuing both Federal and State grants to jump-start the preliminary engineering of this project and has received Federal grant funds in the amount of \$719,000 with City matching funds of \$200,000. This has enabled the City to start working on the Project Initiation Development (PID) phase which includes the Project Study Report and Project Development Support. In order for the City to start preparing the PID documents, the services of an experienced consultant are needed. The scope of work of the PID is limited to studies in the interchange area and its connectivity with the City of Tracy's roadway network and the existing Paradise Road north of I-205. Separate additional work will be required by the City of Lathrop for studies and tiering in their local roadway network to this interchange.

Proposals for this phase of work were solicited in accordance with Tracy Municipal Code, Section 2.20 "Request for Proposals" (RFP) from qualified consultants and advertised on the City's website. Staff received eight proposals from engineering consultants as follows:

1. Quincy Engineering, Inc., Sacramento, CA
2. PSOMAS, Roseville, CA
3. Omni-Means Engineering & Planners, Roseville, CA
4. Mark Thomas & Company, Inc., Sacramento, CA
5. TYLIN International, San Ramon, CA
6. BKF Engineering/Surveyors/Planners, Pleasanton, CA
7. Wood Rodgers Developing Innovative Design Solutions, Sacramento, CA
8. Dokken Engineering, Folsom, CA

City staff, Caltrans, and the City of Lathrop evaluated the proposals, and Dokken Engineering was found to be the most qualified consultant based on their project approach, understanding, and experience with similar projects.

Staff negotiated with Dokken Engineering to provide the required services on a time and material basis, for an amount not to exceed \$218,068.

Due to the complexity of the project and the potential for additional requirements from both Federal and State agencies, it is recommended that a 10% contingency in the amount of \$21,807 be established for additional services if needed which can be authorized by the Development and Engineering Services Director.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's seven strategic plans.

FISCAL IMPACT

There will be no fiscal impact to the General Fund. Funds for the Professional Services Agreement will be paid from TEA Fund 313. This is an approved CIP for FY 2011-12 with a budget of \$994,000.

RECOMMENDATION

That City Council, by resolution, approve a Professional Services Agreement No. DE 1 with Dokken Engineering of Folsom, California, to provide professional services to prepare the Project Study Report/Project Development Support (PSR/PDS) documents for the I-205 Chrisman Road New Interchange Project – CIP 73109, Federal No. HPLULN-5192 (034) for a not to exceed amount of \$218,068, on a time and material basis and authorization for the Mayor to execute the agreement, authorize the Development Services Director to approve amendments to this agreement for any additional services if needed up to an amount of \$21,807.

Prepared by: Zabih Zaca, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer
Andrew Malik, Development and Engineering Services Director

Approved by: Leon Churchill, Jr., City Manager

CITY OF TRACY
PROFESSIONAL SERVICES AGREEMENT
FOR DESIGN PROFESSIONALS
PROJECT STUDY REPORT (PSR) – PROJECT DEVELOPMENT SUPPORT (PDS)
I-205/CHRISMAN ROAD NEW INTERCHANGE
CIP 73109, Federal Project HPLULN-5192 (034)

THIS PROFESSIONAL SERVICES AGREEMENT (hereinafter "Agreement") is made and entered into by and between the CITY OF TRACY, a municipal corporation (hereinafter "CITY"), and **DOKKEN ENGINEERING** (hereinafter "CONSULTANT").

RECITALS

- A. CONSULTANT is a registered professional engineer.
- B. CONSULTANT services are needed to prepare a Project Study Report (PSR) – Project Development Support (PDS) document to construct a new interchange along I-205 between MacArthur Drive and Paradise Road CIP 73109 (herein after "Project").
- C. On July 14, 2011 the City issued a Request For Proposals for design services of Project. At the request of CITY, on August 11, 2011, CONSULTANT submitted its proposal to perform the services described by this Agreement. After negotiations between CITY and CONSULTANT, the parties have reached an agreement for the performance of services in accordance with the terms set forth in this Agreement. On January _____, 2012, the City Council authorized the execution of this Agreement, pursuant to Resolution No. 2012-_____.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

- 1. **SCOPE OF SERVICES.** Consultant shall perform the services described in Exhibit "A" attached hereto and incorporated herein by reference. The services shall be performed by, or under the direct supervision of, CONSULTANT's Authorized Representative: **Juann Ramos.** CONSULTANT shall not replace its Authorized Representative, nor shall CONSULTANT replace any of the personnel listed in Exhibit "A," nor shall CONSULTANT use any subcontractors or subconsultants, without the prior written consent of the CITY.
- 2. **TIME OF PERFORMANCE.** Time is of the essence in the performance of services under this Agreement and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. CONSULTANT shall commence performance, and shall complete all required services no later than the dates set forth in Exhibit "A." Any services for which times for performance are not specified in this Agreement shall be commenced and

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completed by CONSULTANT in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the CONSULTANT. CONSULTANT shall submit all requests for extensions of time to the CITY in writing no later than ten (10) days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. CITY shall grant or deny such requests at its sole discretion.

3. **INDEPENDENT CONTRACTOR STATUS.** CONSULTANT is an independent contractor and is solely responsible for all acts of its employees, agents, or subconsultants, including any negligent acts or omissions. CONSULTANT is not CITY's employee and CONSULTANT shall have no authority, express or implied, to act on behalf of the CITY as an agent, or to bind the CITY to any obligation whatsoever, unless the CITY provides prior written authorization to CONSULTANT. Contractors and CONSULTANTS are free to work for other entities while under contract with the CITY. Contractors and CONSULTANTS are not entitled to CITY benefits.
4. **CONFLICTS OF INTEREST.** CONSULTANT (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. In the event that CONSULTANT maintains or acquires such a conflicting interest, any contract (including this Agreement) involving CONSULTANT's conflicting interest may be terminated by the CITY.
5. **COMPENSATION.**
 - 5.1. For services performed by CONSULTANT in accordance with this Agreement, CITY shall pay CONSULTANT on a time and expense basis, at the billing rates set forth in Exhibit "B," attached hereto and incorporated herein by reference. CONSULTANT's fee for this Agreement is Not To Exceed **TWO HUNDRED EIGHTEEN THOUSAND AND SIXTY EIGHT DOLLARS (\$218,068)**. CONSULTANT's billing rates shall cover all costs and expenses of every kind and nature for CONSULTANT's performance of this Agreement. No work shall be performed by CONSULTANT in excess of the Not To Exceed amount without the prior written approval of the CITY.
 - 5.2. CONSULTANT shall submit monthly invoices to the CITY describing the services performed, including times, dates, and names of persons performing the service.
 - 5.3. Within thirty (30) days after the CITY's receipt of invoice, CITY shall make payment to the CONSULTANT based upon the services described on the invoice and approved by the CITY.
6. **TERMINATION.** The CITY may terminate this Agreement by giving ten (10) days written notice to CONSULTANT. Upon termination, CONSULTANT shall give the CITY all original documents, including preliminary drafts and supporting documents,

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prepared by CONSULTANT for this Agreement. The CITY shall pay CONSULTANT for all services satisfactorily performed in accordance with this Agreement; up to the date notice is given.

7. **OWNERSHIP OF WORK.** All original documents prepared by CONSULTANT for this Agreement, whether complete or in progress, are the property of the CITY, and shall be given to the CITY at the completion of CONSULTANT's services, or upon demand from the CITY. No such documents shall be revealed or made available by CONSULTANT to any third party without the prior written consent of the City.
8. **ATTORNEY'S FEES.** In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.
9. **INDEMNIFICATION.** CONSULTANT shall indemnify, defend, and hold harmless the CITY (including its elected officials, officers, agents, volunteers, and employees) from and against any and all claims, demands, damages, liabilities, costs, and expenses (including court costs and attorney's fees) arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of CONSULTANT in the performance of services under this Agreement.
10. **BUSINESS LICENSE.** Prior to the commencement of any work under this Agreement, CONSULTANT shall obtain a City of Tracy Business License.
11. **INSURANCE.**
 - 11.1. **General.** CONSULTANT shall, throughout the duration of this Agreement, maintain insurance to cover CONSULTANT, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.
 - 11.2. **Commercial General Liability** (with coverage at least as broad as ISO form CG 00 01 01 96) "per occurrence" coverage shall be maintained in an amount not less than \$2,000,000 general aggregate and \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
 - 11.3. **Automobile Liability** (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") "claims made" coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.
 - 11.4. **Workers' Compensation** coverage shall be maintained as required by the State of California.
 - 11.5. **Professional Liability** "claims made" coverage shall be maintained to cover damages that may be the result of errors, omissions, or negligent acts of CONSULTANT in an amount not less than \$1,000,000 per claim.

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- 11.6. Endorsements.** CONSULTANT shall obtain endorsements to the automobile and commercial general liability with the following provisions:
- 11.6.1** The CITY (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional “insured.”
- 11.6.2** For any claims related to this Agreement, CONSULTANT’s coverage shall be primary insurance with respect to the CITY. Any insurance maintained by the CITY shall be excess of the CONSULTANT’s insurance and shall not contribute with it.
- 11.7. Notice of Cancellation.** CONSULTANT shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the CITY should the policy be canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.
- 11.8. Authorized Insurers.** All insurance companies providing coverage to CONSULTANT shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.
- 11.9. Insurance Certificate.** CONSULTANT shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City, no later than five (5) days after the execution of this Agreement.
- 11.10. Substitute Certificates.** No later than thirty (30) days prior to the policy expiration date of any insurance policy required by this Agreement, CONSULTANT shall provide a substitute certificate of insurance.
- 11.11. CONSULTANT’s Obligation.** Maintenance of insurance by the CONSULTANT as specified in this Agreement shall in no way be interpreted as relieving the CONSULTANT of any responsibility whatsoever (including indemnity obligations under this Agreement), and the CONSULTANT may carry, at its own expense, such additional insurance as it deems necessary.
- 12. ASSIGNMENT AND DELEGATION.** This Agreement and any portion thereof shall not be assigned or transferred, nor shall any of the CONSULTANT’s duties be delegated, without the written consent of the CITY. Any attempt to assign or delegate this Agreement without the written consent of the CITY shall be void and of no force and effect. A consent by the CITY to one assignment shall not be deemed to be a consent to any subsequent assignment.
- 13. NOTICES.**
- 13.1** All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the respective party as follows:

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To CITY:

Zabih Zaca
Senior Civil Engineer
City of Tracy
333 Civic center Plaza
Tracy, CA 95376

To CONSULTANT:

Juann Ramos
Dokken Engineering
2365 Iron Point Road
Suite 200
Folsom, CA 95630

- 13.2** Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) three working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.
- 14. MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.
- 15. WAIVERS.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.
- 16. SEVERABILITY.** In the event any term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect.
- 17. JURISDICTION AND VENUE.** The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.
- 18. ENTIRE AGREEMENT.** This Agreement comprises the entire integrated understanding between the parties concerning the services to be performed for this project. This Agreement supersedes all prior negotiations, representations, or agreements.
- 19. COMPLIANCE WITH THE LAW.** CONSULTANT shall comply with all local, state, and federal laws, whether or not said laws are expressly stated in this Agreement.
- 20. STANDARD OF CARE.** Unless otherwise specified in this Agreement, the standard of care applicable to CONSULTANT's services will be the degree of skill and diligence ordinarily used by reputable professionals performing in the same or similar time and locality, and under the same or similar circumstances.

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21. SIGNATURES. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the CONSULTANT and the CITY. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

CITY OF TRACY

CONSULTANT
Dokken Engineering

By: Brent H. Ives
Title: MAYOR
Date: _____

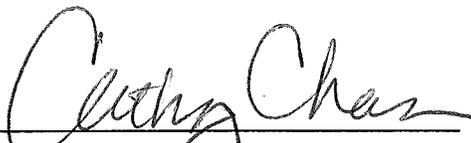


By: Richard T. Liptak
Title: President
Date: 12/29/11

Fed. Employer ID No. 68-0099664

Attest:

By: Sandra Edwards
Title: CITY CLERK
Date: _____



By: Cathy Chan
Title: Corporate Secretary
Date: 12/29/2011

Approved As To Form:

By: Daniel G. Sodergren
Title: CITY ATTORNEY
Date: _____

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**EXHIBIT A
SCOPE OF SERVICES**

The CITY proposes to construct a new interchange along I-205 between MacArthur Drive and Paradise Road. The proposed project would serve the increase in forecasted traffic demand caused by land development in surrounding areas. A Project Study Report (PSR) – Project Development Support (PDS) document will be prepared as part of this Project. The project is funded by San Joaquin Council of Governments - Federal Transportation Improvement Program and thus requires compliance to federal and state standards.

The project scope of services shall include, but is not limited to the following:

- I. CITY'S AUTHORIZED REPRESENTATIVES. CONSULTANT shall be required to coordinate with various City Engineering Division staff. CONSULTANT shall take all direction from CITY through the CITY's Authorized Representative, the Project Manager, with the City Engineer as an alternate, unless otherwise designated by the City Manager.
- II. OVERVIEW OF SCOPE OF SERVICES. As specified in this Agreement, CONSULTANT shall prepare a Project Study Report (PSR) – Project Development Support (PDS). The components of the PSR - PDS for the PROJECT includes the following:
 - A. Determine project definition and site assessment.
 - B. Perform Preliminary Environmental Analysis Report.
 - C. Prepare conceptual alternative analysis.
 - D. Preparation of PSR – PDS report.
 - E. Coordination with project Stakeholders.

Task 1: PROJECT MANAGEMENT

The CONSULTANT shall provide professional and technical management services during the preparation of the PSR – PDS report.

Task 1.1 Kick-off Meeting Notice, Agenda, Minutes – An initial meeting between the CITY and CONSULTANT shall be held to discuss project delivery specifics schedule and timetable to be used. This meeting may include representatives from the City, CONSULTANT, subconsultants, and other involved agencies. A Project “Kick-off / Project Initiation Development (PID)” Meeting will be

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held following the Notice to Proceed. The primary meeting objectives will be to present the project, its goals, review the project scope and action item list, explain the project schedule, identify key project issues, and facilitate a general exchange of views and ideas regarding the completion of the project. During this meeting a Project Charter will be developed.

Task 1.2 Monthly PDT Notice, Agenda, & Minutes – CONSULTANT shall coordinate and hold “Project Development Team (PDT)” meetings at the location of the City’s choosing. The Project Manager will facilitate the meeting and have any needed specialty engineering personnel present to inform the County of project issues. CONSULTANT shall prepare and distribute meeting notices and agendas. Meeting minutes will be provided to the City after the meeting.

Task 1.3 Monthly Progress Report and Project Schedule – CONSULTANT shall prepare monthly progress reports and project schedule. Monthly progress reports will include work performed and work to be performed on a monthly basis. Also, includes percent project completion for the month and overall project. The baseline schedule shall be prepared in Microsoft Project. Regular updates shall be sent to the City with the monthly invoice.

Task 1.4 Stakeholder Coordination – CONSULTANT shall coordinate with interested agencies (City, Caltrans, FHWA, etc.) that may need to review documents at appropriate times during the project development and approval process. CONSULTANT shall maintain coordination with these interested agencies and maintain City Project Manager informed.

Task 1.5 Quality Control Plan – CONSULTANT shall implement the quality control procedure for report activities, perform in-house quality control reviews for each task and submit project documents to the City.

Deliverables:

- Final Schedule (hard copy and 11 x 17 pdf)
- PDT and Stakeholders List (8.5 x 11 pdf)
- Kick-off Meeting Agenda and Meeting Notes (Word file and 8.5 x 11 pdf)
- Invoices (8.5 x 11 hard copy)
- Progress Reports (8.5 x 11 hard copy)

NOT TO EXCEED COST FOR THIS TASK: **\$25,784** \$25,560



Task 2: TRANSPORTATION PROJECT DEFINITION AND SITE ASSESSMENT

Task 2.1 Collect Project Information – CONSULTANT shall attend site visits, and obtain field data as it affects the project. Available informational data will be field verify.

Task 2.2 Develop Purpose / Need Statement – CONSULTANT shall coordinate with City and Caltrans to develop project Purpose and Need and identify transportation deficiencies while evaluating the underlying transportation needs, and primary objectives of the project. CONSULTANT shall coordinate with interested agencies for available project information including utility companies.

Task 2.3 Field Site Review – CONSULTANT shall coordinate with team members and hold a field review meeting to evaluate site conditions.

Task 2.4 Review Existing Data – CONSULTANT shall review existing background information that may impact the alternatives or the scope of the alternatives under consideration. Review may include, but is not limited to existing planning documents such as as-built plans, City's Precise Plan, available I-205 traffic studies, City's Mater Plan, General Plan, and adjacent projects under and future development.

Task 2.5 Identify Additional Data Requirements for Project Scoping – CONSULTANT shall obtain available data for preparation of project scoping items to be used for preparation of the Design Scoping checklists.

Task 2.6 Perform Initial Engineering Studies – CONSULTANT shall establish project study area for alternative development utilizing existing data, develop conceptual alternatives that will satisfy the project purpose and need.

NOT TO EXCEED COST FOR THIS TASK: ~~\$29,913~~ \$29,689



Task 3: PERFORM PRELIMINARY ENVIRONMENTAL ANALYSIS REPORT (PEAR)

Task 3.1 Preparation of Preliminary Environmental Analysis Report – CONSULTANT shall complete the initial environmental evaluation of project alternatives, identify environmental constrains, environmental compliance process, assumptions, and risks associated with the alternatives.

**CITY OF TRACY -- PROFESSIONAL SERVICES AGREEMENT
PROJECT STUDY REPORT (PSR) – PROJECT DEVELOPMENT SUPPORT (PDS)
I-205/CHRISMAN ROAD NEW INTERCHNAGE CIP 73109**

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Task 3.2 Hazardous Waste Initial Site Assessment Report (ISA) – CONSULTANT shall prepare an ISA in accordance with Caltrans' Preparation Guidelines for Initial Site Assessments.

Task 3.3 Environmental Constraints Analysis – CONSULTANT shall identify environmental site constraints and analyze environmental impacts associated with the project.

Deliverables:

- Preliminary Environmental Analysis Report (8.5 x 11 pdf)
- Initial Site Assessment Report (8.5 x 11 pdf)

NOT TO EXCEED COST FOR THIS TASK: \$26,917

Task 4: ALTERNATIVE ANALYSIS

Task 4.1 Develop Conceptual Alternatives – CONSULTANT shall prepare up to three conceptual alignment alternatives showing the existing roadway conditions, structures, and right of way within project limits. These three conceptual alternatives will focus on meeting City goals, Caltrans and FHWA criteria, right of way and utility impacts, and access to farm lands. The conceptual layout plans shall include existing conditions, striping, and existing right of way.

Task 4.2 Develop Conceptual Cost Estimates – CONSULTANT shall prepare conceptual cost estimates in order of magnitude for cost comparison of the above alternatives. The conceptual cost estimates will include roadway items, structure items, utilities, and right of way items. Cost estimates will be utilized to support alternative analysis as part of the PSR-PDS approval process.

Task 4.3 Develop Conceptual Schedules – CONSULTANT shall prepare conceptual schedules identifying major milestones of the project phase in preparation of future Project Approval and Environmental Document (PA&ED), and general dates for PS&E and Construction.

Deliverables:

- Three Conceptual Alternative Exhibits
- Conceptual Cost Estimates
- Conceptual Schedules

NOT TO EXCEED COST FOR THIS TASK: \$37,522

Task 5: PREPARATION OF PROJECT STUDY REPORT (PSR) – PROJECT DEVELOPMENT SUPPORT (PDS)

Task 5.1 Define Project Survey Control Datum – CONSULTANT shall define project datums including horizontal and vertical controls. CONSULTANT shall complete PSR-PDS Survey Needs Questionnaire.

Task 5.1.1 Define Preliminary Topographic Aerial Base Mapping (OPTIONAL TASK) – CONSULTANT shall perform topographic aerial base mapping to provide planning level topographic survey mapping. Aerial mapping will show visible surface improvements including pavement, ditches, gutters, sidewalks, visible utility vaults, poles, spot elevations, fences, and striping. Aerial photography will be acquired at 1:3000 (1"=250') with 1' topographic mapping, planimetry, DTM and color orthorectified imagery (.25' pixel resolution). Plotting scale will match drawing scale of Construction Drawings. The horizontal datum will be based on the North American Datum 83 (NAD 83), coordinates shown on City of Tracy Geodetic Control Network Survey filed in Book 36 of Surveys, Page 118, San Joaquin County Records. The vertical datum shall be based on the North American Vertical Datum of 1988 (NAVD 88) elevations shown on City of Tracy Geodetic Control Network Survey filed in Book 36 of Surveys, Page 118, San Joaquin County Records. Preliminary surveying will be limited to aerial topography.

Task 5.2 Prepare Quality Management Plan – CONSULTANT shall prepare a Quality Management Plan that identifies quality procedures to be implemented for work performed for all phases of development, review, and approval if implemented Project Implementation Documents.

Task 5.3 Preparation of Project Initiation Documentation – CONSULTANT shall prepare Project Initiation Documentation to support project purpose and need, and achieve consensus on scope, schedule of project.

Task 5.4 Prepare Stormwater Documentation – CONSULTANT shall gather data in support of Stormwater Management Design requirements. CONSULTANT shall prepare conceptual Stormwater Data Report.

Task 5.5 Collect Transportation Planning Information – CONSULTANT shall prepare Transportation Planning Scoping Information Sheet in support of the PSR – PDS report.

Task 5.6 Prepare Preliminary Traffic Engineering Assessment – CONSULTANT shall prepare Traffic Engineering Performance Assessment in support of the PSR – PDS report.

CITY OF TRACY -- PROFESSIONAL SERVICES AGREEMENT
PROJECT STUDY REPORT (PSR) – PROJECT DEVELOPMENT SUPPORT (PDS)
I-205/CHRISMAN ROAD NEW INTERCHNAGE CIP 73109
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Task 5.6.1 Prepare Traffic Forecasts – CONSULTANT shall prepare traffic forecast volumes based on a projected year of 2040.

Task 5.6.2 Prepare Traffic Capacity Analysis – CONSULTANT shall prepare a macro-level analysis at the study intersections using the Synchro 7.0 software. The study intersections include; I-205 WB/EB Ramps/MacArthur Drive and I-205 WB/EB Ramps/Chrisman Road

Task 5.7 Prepare Conceptual Cost Estimates for Right of Way – CONSULTANT shall prepare Conceptual Cost Estimates for the project Right of Way component in support of the PSR – PDS report.

Task 5.8 Evaluate Project Risk Analysis – CONSULTANT shall prepare a Risk Management Plan to identify risks associated with implementation of alternatives in support of the PSR – PDS report.

Task 5.9 Prepare Design Checklist – CONSULTANT shall prepare a Designs Scoping Checklist associated with implementation of alternatives in support of the PSR – PDS report.

Task 5.10 Preparation Project Fact Sheet – CONSULTANT shall prepare a Risk Management Plan to identify risks associated with implementation of alternatives in support of the PSR – PDS report.

Task 5.11 Preparation of Draft and Final PSR-PDS – CONSULTANT shall prepare a PSR-PDS Scoping checklist and Draft and Final PSR –PDS report.

Deliverables:

- PSR – PDS Survey Needs Questionnaire
- Transportation Planning Scoping Information Sheet
- Conceptual Cost Estimate Request – Right of Way Component
- Risk Management Plan
- Quality Management Plans
- Stormwater Document
- Traffic Engineering Performance Assessment
- Division of Engineering Services PSR- PDS Scoping Checklist
- Project Nomination Fact Sheet
- Design Scoping Index
- Draft and Final PSR-PDS

NOT TO EXCEED COST FOR THIS TASK: \$98,380

**CITY OF TRACY -- PROFESSIONAL SERVICES AGREEMENT
PROJECT STUDY REPORT (PSR) – PROJECT DEVELOPMENT SUPPORT (PDS)
I-205/CHRISMAN ROAD NEW INTERCHNAGE CIP 73109**

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III. COMPLETION OF THE SCOPE OF SERVICES. CONSULTANT shall complete the design within the following timeline & budget :

CONSULTANT shall complete all design in the period of Fifty Two (52) weeks from receipt of copy of executed PSA.

CONSULTANT not to exceed cost to complete all design is \$218,068

EXHIBIT "B"

INDEX

**CONSULTANTS'
LIST OF PERSONNEL**

<u>CONSULTANT</u>	<u>EXHIBIT PAGE</u>
DOKKEN ENGINEERING	B-1
FEHR & PEERS	B-2
PARIKH CONSULTING	B-3
DRAKE HAGLAN & ASSOCIATES	B-4
NORTH STAR ENGINEERING GROUP	B-5

EXHIBIT B-1

DOKKER ENGINEERING
LIST OF PERSONNEL

<u>NAME</u>	<u>CLASSIFICATION</u>
Elizabeth Diamond	Director of Engineering
Juann Ramos	Senior Engineer
Martin Maechler	Senior Engineer
Namat Hosseinion	Senior Environmental Planner
Pamela Dalcin-Walling	Senior Engineer
Charles Tornaci	Associate Engineer
Christopher Segur	Associate Engineer
Sarah Jenkins	Associate Environmental Planner
Cherry Zamora	Environmental Planner
Emad Ehsani	Assistant Engineer
Daniel Kehrer	Engineering Technician

EXHIBIT B-2

FEHR & PEERS
LIST OF PERSONNEL

<u>NAME</u>	<u>CLASSIFICATION</u>
F. Choa	Principal in Charge
E. Barrios	Project Manager
Staff	Senior Staff Engineer
Staff	Staff Engineer
Staff	Support Staff (Graphics/Admin)

EXHIBIT B-3

PARIKH CONSULTING
LIST OF PERSONNEL

NAME

CLASSIFICATION

Gary Parikh
David Wang
Staff
Staff

Geotechnical Project Manager
Project Soils Engineer
Staff Engineer
Engineering Draftsperson

EXHIBIT B-4

DRAKE HAGLAN & ASSOCIATES
LIST OF PERSONNEL

NAME

CLASSIFICAITON

Dennis Haglan
Kevin Ross
Staff
Staff

Bridge Studies & Funding
Bridge Designer
Senior Transportation Engineer
Project Admin

EXHIBIT B-5

NORTH STAR ENGINEERING GROUP
LIST OF PERSONNEL

<u>NAME</u>	<u>CLASSIFICATION</u>
Kent Hysell	Principal Land Surveyor
Staff	Senior Staff Land Surveyor
Staff	Drafter / CADD
Staff	Survey 2 Man Crew

EXHIBIT C

INDEX

CONSULTANTS'
SCHEDULE OF CHARGES

<u>CONSULTANT</u>	<u>EXHIBIT PAGE</u>
DOKKEN ENGINEERING	C-1
FEHR & PEERS	C-2
PARIKH CONSULTING	C-3
DRAKE HAGLAN & ASSOCIATES	C-4
NORTH STAR ENGINEERING GROUP	C-5

EXHIBIT C-1

DOKKEN ENGINEERING
FEE SCHEDULE

Effective through December 31, 2012

Professional and supporting staff services will be billed at the following hourly rates:

Elizabeth Diamond	Director of Engineering	\$210
Juann Ramos	Senior Engineer	\$182
Martin Maechler	Senior Engineer	\$168
Namat Hosseinion	Senior Environmental Planner	\$165
Pamela Dalcin-Walling	Senior Engineer	\$162
Charles Tornaci	Associate Engineer	\$134
Christopher Segur	Associate Engineer	\$112
Sarah Jenkins	Associate Environmental Planner	\$90
Cherry Zamora	Environmental Planner	\$85
Emad Ehsani	Assistant Engineer	\$85
Daniel Kehrer	Engineering Technician	\$53

Ordinary supplies and equipment are included in the above hourly rates. The following is considered an item of special charge and its cost will be added at the following rate:

Outside Reproduction	Actual Cost
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EXHIBIT C-2

FEHR & PEERS
FEE SCHEDULE

Hourly Billing Rates

Principal in Charge	\$218
Project Manager	\$162
Senior Staff Engineer	\$112
Staff Engineer	\$92
Support Staff (Graphics/Admin)	\$84

- Other Direct Costs / Reimbursable expenses are invoiced at cost plus 10% for handling
- Personal auto mileage is reimbursed at the then current IRS approved rate (0.555 cents per mile as of July 2011).
- Voice & Data Communications (Telephone, fax, computer, e-mail, etc.) are invoiced at cost as a percentage of project labor.

EXHIBIT C-3

PARIKH CONSULTING
FEE SCHEDULE

<u>STAFF CATEGORY</u>	<u>RATE</u>
Geotechnical Project Manager	\$218
Project Soils Engineer	\$158
Contract Manager	\$139
Laboratory Technician	\$111
Field Engineer	\$103
Staff Engineer	\$93
Engineering Draftsperson	\$80

Construction Phase: All time spent over 8 hours per day and Saturdays for field personnel will be charged 1.5 times the hourly rate. Sunday work will be charged at twice the hourly rate. All charges are portal to portal and mileage will be charged at 50 cents per mile. Field time, including travel time, will be charged in a 2-hour increment. Any chargeable time that falls in between these increments will be charged at the rate of next 2-hour increment. Field and technician rates, wherever applicable, are dictated by the Prevailing wages which are established by the State Department of Industrial Relations.

Outside Services

Drilling rental of special equipment and other outside charges will be invoiced at cost plus 10%. Direct contracting/billing and payment will not incur these costs. Outside Services beyond those included in the proposal, will not be performed without prior authorization from the Client.

Miscellaneous outside reimbursable expenses encountered during the performance of our work, such as printing and other incidentals, will be billed at cost plus 10%

The hourly rates indicated above shall remain in effect for the first year of the agreement. Annual Escalation will apply to these rates. These escalations are on an average of 3-5% per year (CPI + 1%)

EXHIBIT C-4

DRAKE HAGLAN & ASSOCIATES
FEE SCHEDULE

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>BILLING RATE</u>
Dennis Haglan	Principal Engineer	\$185
Kevin Ross	Principal Engineer	\$185
Staff	Senior Transportation Engineer C	\$133
Staff	Project Admin	\$ 74

Vehicle Mileage ----- Current IRS standard Rates

Hourly charges include provisions for normal office overhead costs such as office rental, utilities, insurance, clerical services, equipment, normal supplies, and in-house reproduction services.

EXHIBIT C-5

NORTH STAR ENGINEERING GROUP
FEE SCHEDULE

<u>STAFF CATEGORY</u>	<u>RATE</u>
Principal Land Surveyor	\$108
Senior Staff Land Surveyor	\$81
Drafter / CADD	\$70
Survey 2 Man Crew	\$192

RESOLUTION 2012- _____

APPROVING A PROFESSIONAL SERVICES AGREEMENT NO. DE 1 WITH DOKKEN ENGINEERING TO PROVIDE PROFESSIONAL SERVICES TO PREPARE PROJECT STUDY REPORT/PROJECT DEVELOPMENT SUPPORT (PSR/PDS) DOCUMENTS FOR THE I-205/CHRISMAN ROAD NEW INTERCHANGE PROJECT CIP 73109, FEDERAL NO. HPLULN-5192 (034), FOR A NOT TO EXCEED AMOUNT OF \$218,068, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT, AUTHORIZING THE DEVELOPMENT AND ENGINEERING SERVICES DIRECTOR TO APPROVE AMENDMENTS TO THIS AGREEMENT FOR ADDITIONAL SERVICES IF NEEDED UP TO AN AMOUNT OF \$21,807

WHEREAS, The City's General Plan identifies a new interchange at Interstate 205 (I-205) and Chrisman Road to serve the eastern part of the City, and

WHEREAS, City staff has been pursuing both Federal and State grants to jump-start the preliminary engineering of this project and has received Federal grant funds in the amount of \$719,000 with City matching funds of \$200,000, and

WHEREAS, In order for the City to start preparing the Project Initiation Development documents, the services of an experienced consultant are needed, and

WHEREAS, Proposals for this phase of work were solicited from qualified consultants and advertised on the City's website and staff received eight proposals from engineering consultants, and

WHEREAS, City staff, Caltrans, and the City of Lathrop evaluated the proposals, and Dokken Engineering was found to be the most qualified consultant, and

WHEREAS, Staff negotiated with Dokken Engineering to provide the required services on a time and material basis, for an amount not to exceed \$218 068, and

WHEREAS, Due to the complexity of the project and the potential for additional requirements from both Federal and State agencies, it is recommended that a 10% contingency in the amount of \$21,807 be established for additional services if needed, and

WHEREAS, There will be no fiscal impact to the General Fund. Funds for the Professional Services Agreement will be paid from TEA Fund 313. This is an approved CIP for FY 2011-12 with a budget of \$994,000;

NOW, THEREFORE, BE IT RESOLVED That City Council approves a Professional Services Agreement No. DE 1 with Dokken Engineering of Folsom, California, to provide professional services to prepare the Project Study Report/Project Development Support (PSR/PDS) documents for the I-205 Chrisman Road New Interchange Project – CIP 73109, Federal No. HPLULN-5192 (034) for a not to exceed amount of \$218, 068, on a time and material basis and authorizes the Mayor to execute the agreement, authorizes the Development Services Director to approve amendments to this agreement for any additional services if needed up to an amount of \$21,807.

The foregoing Resolution _____ was adopted by the Tracy City Council on the 17th day of January, 2012 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST

CITY CLERK

AGENDA ITEM 1.C

REQUEST

ACCEPTANCE OF THE HVAC REPLACEMENT – PARKS & COMMUNITY SERVICES BUILDING PROJECT - CIP 78119, COMPLETED BY CHAMPION INDUSTRIAL CONTRACTORS, INC., OF MODESTO, CALIFORNIA, AND AUTHORIZATION FOR THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

EXECUTIVE SUMMARY

The contractor has completed construction of the HVAC Replacement – Parks & Community Services Building Project - CIP 78119, in accordance with plans, specifications, and contract documents. Project costs are within the available budget. Staff recommends Council accept the project to enable the City to release the contractor's bonds and retention.

DISCUSSION

On July 19, 2011, City Council awarded a construction contract to Champion Industrial Contractors, Inc. of Modesto, California, in the amount of \$363,400 for replacement of the HVAC system in the Parks & Community Services Building - CIP 78119.

The scope of the project involved removal, disposal, and replacement of the existing old HVAC ductwork and high maintenance HVAC units located on the roof of the building. The new HVAC high-efficiency units included one HVAC multi-zone unit, a packaged gas/electric unit, and electric heat pump units. The scope of work also included installation of new ductwork, grilles, diffusers, climate controls, system testing, balancing, and startup services necessary to place the equipment in full operating condition.

One change order in the amount of \$4,043 was issued which included repairs to the existing ductwork insulation.

Status of budget and project costs is as follows:

A. Construction Contract Amount	\$363,400
B. Change Order	\$ 4,043
D. Design, construction management, inspection, Testing & miscellaneous expenses (Estimated)	\$ 34,170
E. Project Management Charges (Estimated)	\$ 42,255
Total Project Costs	\$443,868
Budgeted Amount	\$476,165

The project has been completed on schedule within the budget in accordance with project plans, specifications, and City of Tracy standards.

After completion of the project, the special division of the Tracy Police Department that deals with investigative functions of the department will relocate to this facility.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's strategic plans.

FISCAL IMPACT

CIP 78119 is an approved Capital Improvement Projects with sufficient funding and there will be no fiscal impact to the General Fund.

RECOMMENDATION

That City Council by resolution accept construction of the HVAC Replacement – Parks & Community Services Building Project - CIP 78119, completed by Champion Industrial Contractors, Inc., of Modesto, California, and authorize the City Clerk to record the Notice of Completion with the San Joaquin County Recorder. The City Engineer, in accordance with the terms of the construction contract, will release the bonds and retention payment.

Prepared by: Paul Verma, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

Approved by: Andrew Malik, Development Services Director
Leon Churchill, Jr., City Manager

RESOLUTION 2012- _____

ACCEPTING THE HVAC REPLACEMENT – PARKS & COMMUNITY SERVICES BUILDING PROJECT - CIP 78119, COMPLETED BY CHAMPION INDUSTRIAL CONTRACTORS, INC., OF MODESTO, CALIFORNIA, AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, On July 19, 2011, City Council awarded a construction contract to Champion Industrial Contractors, Inc. of Modesto, California, in the amount of \$363,400 for replacement of the HVAC system in the Parks & Community Services Building - CIP 78119, and

WHEREAS, One change order in the amount of \$4,043 was issued which included repairs to the existing ductwork insulation, and

WHEREAS, Status of budget and project costs is as follows:

Construction Contract Amount	\$363,400
Change Order	\$ 4,043
Design, construction management, inspection, Testing & miscellaneous expenses (Estimated)	\$ 34,170
Project Management Charges (Estimated)	\$ 42,255
Total Project Costs	\$443,868

WHEREAS, The project has been completed on schedule within the budget in accordance with project plans, specifications, and City of Tracy standards, and

WHEREAS, CIP 78119 is an approved Capital Improvement Projects with sufficient funding and there will be no fiscal impact to the General Fund.

NOW, THEREFORE, BE IT RESOLVED That City Council accepts the HVAC Replacement – Parks & Community Services Building Project - CIP 78119, completed by Champion Industrial Contractors, Inc., of Modesto, California, and authorizes the City Clerk to record the Notice of Completion with the San Joaquin County Recorder. The City Engineer, in accordance with the terms of the construction contract, will release the bonds and retention payment.

The foregoing Resolution _____ was adopted by the Tracy City Council on the 17th day of January, 2012 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST

CITY CLERK

AGENDA ITEM 1.D

REQUEST

ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AS REQUIRED PER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE REPLACEMENT OF THE 11TH STREET EAST TRACY OVERHEAD BRIDGE - CIP 73063, AND FEDERAL PROJECT NO. BHLS-5192(020)

EXECUTIVE SUMMARY

Staff is recommending that City Council adopt the proposed Mitigated Negative Declaration for the proposed 11th Street East Tracy Overhead Bridge Project which is required for projects that are allocated Federal funds.

DISCUSSION

The existing Eleventh Street East Tracy overhead bridge crossing the Union Pacific Railroad tracks was constructed in the early 1900's and does not comply with the existing codes and design standards. The bridge is also listed in the State Mandatory Retrofit Program.

The City's Eleventh Street East Tracy overhead bridge replacement project will replace the existing bridge with a shorter structure in combination with retaining walls. The typical section will consist of two 12 foot wide through traffic lanes in each direction, 8-foot wide shoulders on both sides which will also serve as Class II bicycle lanes, and 8-foot wide separated sidewalks on each side that are protected with traffic side barriers. A temporary on-site detour will be constructed on the south side of the existing bridge to allow removal of the existing bridge.

Since a majority of the funding for planning, design and construction of this project is provided by the Federal Highway Bridge Program, it is prudent that the project complies with both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA).

The City's consultant has prepared the NEPA documents and Caltrans, as a lead agency for the NEPA process, has approved the subject documents.

The City of Tracy is the lead agency for the CEQA process and the consultant has completed the required documents including notices to interested agencies and the public for their review and comments. The Mitigated Negative Declaration has been prepared based on the comments received. The 30 day public circulation of the Initial Study took place between September 12, 2011 and October 11, 2011. The Mitigated Negative Declaration concludes that the project will not have a significant impact on the environment with the inclusion of appropriate avoidance, minimization, and mitigation measures included in the study. Staff recommends that the City Council adopt the Mitigated Negative Declaration for this project.

STRATEGIC PLAN

This agenda item is a routine operational item and is not related to the City Council's Strategic Plans.

FISCAL IMPACT

There is no impact to the City's General Fund. All costs related to the preparation of these documents are paid from the Federal allocated funds.

RECOMMENDATION

That City Council, by resolution, adopt the proposed Mitigated Negative Declaration for the 11th Street East Overhead Bridge - CIP 73063, and Federal Project No. BHLS 5192(020).

Prepared by: Zabih Zaca, senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

Approved by: Andrew Malik, Development Services Director
Leon Churchill, Jr., City Manager

RESOLUTION 2012- _____

ADOPTING THE MITIGATED NEGATIVE DECLARATION AS REQUIRED PER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE REPLACEMENT OF THE 11TH STREET EAST TRACY OVERHEAD BRIDGE - CIP 73063, AND FEDERAL PROJECT NO. BHLS-5192(020)

WHEREAS, The existing Eleventh Street East Tracy overhead bridge crossing the Union Pacific Railroad tracks was constructed in the early 1900's and does not comply with the existing codes and design standards, and

WHEREAS, The City's Eleventh Street East Tracy overhead bridge replacement project will replace the existing bridge with a shorter structure in combination with retaining walls, and

WHEREAS, The City of Tracy is the lead agency for the CEQA process and the consultant has completed the required documents including notices to interested agencies and the public for their review and comments, and

WHEREAS, The Mitigated Negative Declaration has been prepared based on the comments received, and

WHEREAS, The 30 day public circulation of the Initial Study took place between September 12, 2011 and October 11, 2011, and

WHEREAS, The Mitigated Negative Declaration concludes that the project will not have a significant impact on the environment with the inclusion of appropriate avoidance, minimization, and mitigation measures included in the study, and

WHEREAS, There is no impact to the City's General Fund. All costs related to the preparation of these documents are paid from the Federal allocated funds;

NOW, THEREFORE, BE IT RESOLVED That City Council adopts the proposed Mitigated Negative Declaration for the 11th Street East Overhead Bridge - CIP 73063, and Federal Project No. BHLS 5192(020).

The foregoing Resolution _____ was adopted by the Tracy City Council on the 17th day of January, 2012 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST

CITY CLERK

AGENDA ITEM 1.E

REQUEST

APPROVE AMENDMENT 1 TO THE DEFERRED IMPROVEMENT AGREEMENT WITH PATILLO DEVELOPMENT PARTNERS, LLC TO EXCLUDE CERTAIN IMPROVEMENTS ALREADY CONSTRUCTED BY THE DEVELOPER AND AUTHORIZATION FOR THE MAYOR TO EXECUTE THE AGREEMENT, AND AUTHORIZATION FOR THE CITY CLERK TO FILE THE AGREEMENT WITH THE SAN JOAQUIN COUNTY RECORDER

EXECUTIVE SUMMARY

Approval of Amendment 1 to the existing Deferred Improvement Agreement with Pattillo Development Partners, LLC, a Delaware limited liability company (Developer), will remove the improvements already completed and accepted by the City and will facilitate substitution of the improvement security for completion of the remaining deferred improvements.

DISCUSSION

Pattillo Development Partners, LLC, the developer of the Pattillo Property, located at the southeast corner of Grant Line Road and Chrisman Road, entered into a Deferred Improvement Agreement (DIA) with the City on July 11, 2001, to guarantee its obligation to complete certain public improvements pursuant to City Council Resolution 2001-246. These improvements include utility and street improvements on Paradise Road east of Chrisman Road, frontage improvements on Grant Line and Chrisman Roads, including relocation of overhead utilities, installation of a traffic signal at the intersection of Chrisman Road and Grant Line Road, and the removal of the temporary storm drainage retention basin that serves the original Pattillo Property.

The Developer has constructed a portion of the Deferred Improvements which include frontage improvements including utilities and street improvements on Paradise Road, frontage improvements including utilities on Chrisman Road, and the traffic signal at the Chrisman Road and Grant Line Road intersection. These improvements were accepted by City Council on May 15, 2007, pursuant to Resolution 2007-094.

Since the Developer has completed certain improvements listed in the DIA, the Developer has requested an amendment to the existing DIA to modify the scope of work by removing the deferred improvements already completed and redefining the Developer's obligations in the proposed amendment to the agreement.

The Developer also wants to pay its fair share cost of frontage improvements including the overhead utility lines on Grant Line Road to the City instead of constructing them right now. Those improvements can be constructed by the City while constructing the widening of Grant Line Road east of MacArthur Road under an approved CIP. The only remaining obligation of the Developer after approval of this Amendment will be removal of the temporary storm drainage retention basin. Due to the reduced obligation of the Developer, the amount of security for the amended deferred improvement agreement

will be reduced to \$274,000. This amount corresponds to the cost of removal of the temporary storm drainage retention basin.

Approval of this proposed Amendment 1 to the existing DIA will become effective contingent upon completion of the following:

- 1) Payment to the City by the Developer in the amount of \$650,000 for the cost of constructing their fair share of frontage improvements on Grant Line Road including relocation of overhead utilities within six months from the date of execution of this Amendment, and;
- 2) The Developer submitting an approved form of security for the removal of the storm drainage basis in the amount of \$274,000 as specified in section 3 of Amendment 1 to the Deferred Improvement Agreement.

The Developer has executed Amendment 1 to the DIA and it is available for review upon request in the City Engineer's office.

FISCAL IMPACT

There will be no impact to the General Fund. The Developer is paying the cost of processing the amendment.

STRATEGIC PLAN

This agenda item is consistent with the Council approved Economic Development Strategy to ensure physical infrastructure necessary for development.

RECOMMENDATION

Staff recommends that City Council approve Amendment 1 to the Deferred Improvement Agreement with Pattillo Development Partners' LLC, authorize the Mayor to execute the Amendment, and further authorize the City Clerk to file the Amendment with the San Joaquin County Recorder.

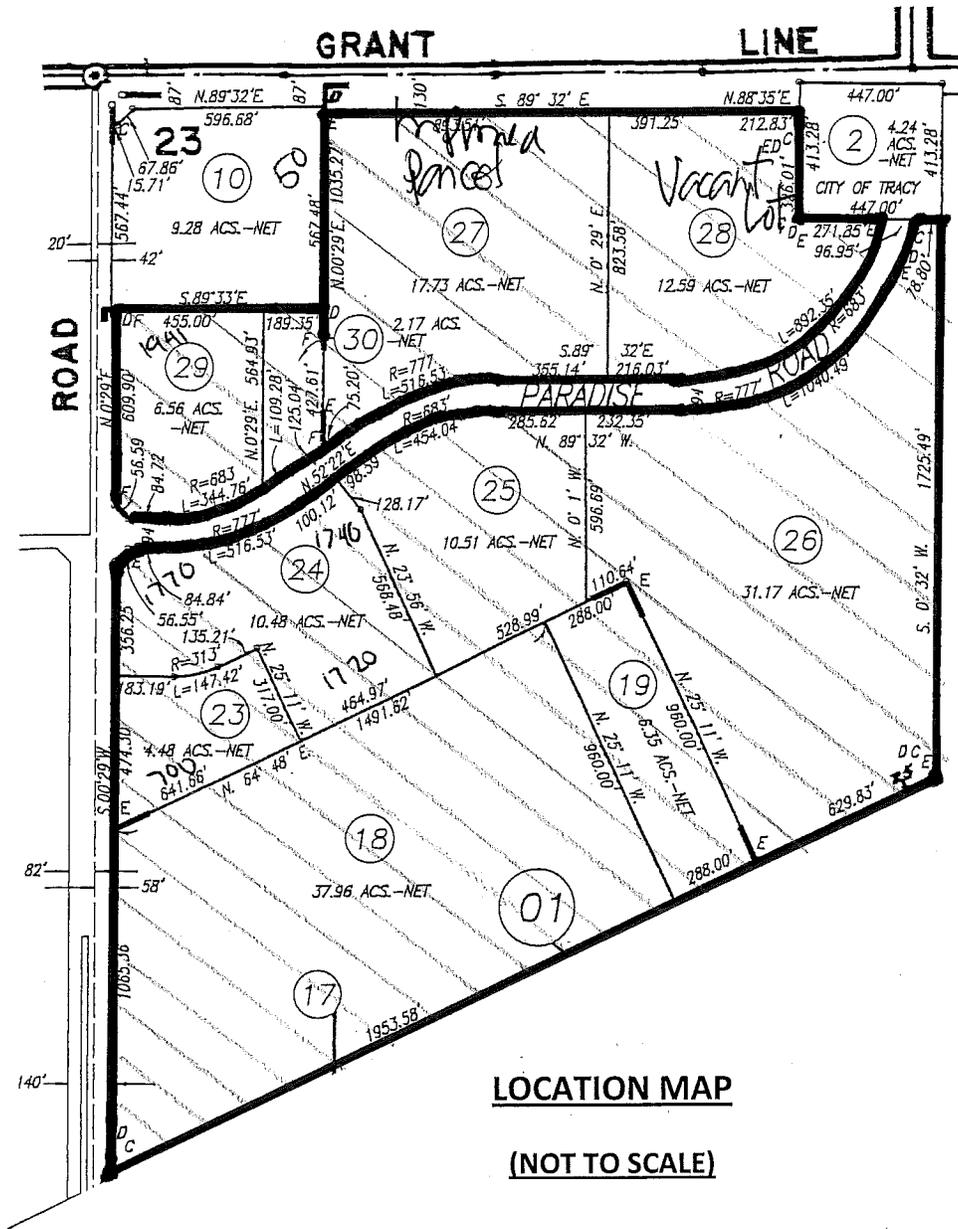
Prepared by: Criseldo Mina, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, City Engineer

Approved by: Andrew Malik, Development Services Director
Leon Churchill, Jr., City Manager

Attachment - Vicinity Map

EXHIBIT - A



LOCATION MAP

(NOT TO SCALE)

RESOLUTION 2012- _____

APPROVING AMENDMENT 1 TO THE DEFERRED IMPROVEMENT AGREEMENT WITH PATILLO DEVELOPMENT PARTNERS, LLC TO EXCLUDE CERTAIN IMPROVEMENTS ALREADY CONSTRUCTED BY THE DEVELOPER AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT, AND AUTHORIZING THE CITY CLERK TO FILE THE AGREEMENT WITH THE SAN JOAQUIN COUNTY RECORDER

WHEREAS, Pattillo Development Partners, LLC, the developer of the Pattillo Property, located at the southeast corner of Grant Line Road and Chrisman Road, entered into a Deferred Improvement Agreement (DIA) with the City on July 11, 2001, to guarantee its obligation to complete certain public improvements pursuant to City Council Resolution 2001-246, and

WHEREAS, Since the Developer has completed certain improvements listed in the DIA, the Developer has requested an amendment to the existing DIA to modify the scope of work by removing the deferred improvements already completed and redefining the Developer's obligations, and

WHEREAS, Due to the reduced obligation of the Developer, the amount of security for the amended deferred improvement agreement will be reduced to \$274,000, and

WHEREAS, There will be no impact to the General Fund. The Developer is paying the cost of processing the amendment;

NOW, THEREFORE, BE IT RESOLVED That City Council approves Amendment 1 to the Deferred Improvement Agreement with Pattillo Development Partners' LLC, authorizes the Mayor to execute the Amendment, and further authorizes the City Clerk to file the Amendment with the San Joaquin County Recorder.

The foregoing Resolution _____ was adopted by the Tracy City Council on the 17TH day of January, 2012 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST

CITY CLERK

AGENDA ITEM 1.F

REQUEST

APPROPRIATE \$80,000 FROM FUND 301 FOR EMERGENCY REPAIRS TO THE FBO BUILDING AT THE TRACY MUNICIPAL AIRPORT

EXECUTIVE SUMMARY

The Fixed Base Operator Building (Building) at the Tracy Municipal Airport has repairs that need immediate attention. The City currently has a lease agreement with a tenant who is conducting business in the Building. Repairs are needed for the continued viability of the Building.

DISCUSSION

During the last major wind storm that occurred in Tracy, portions of the Building roof lifted up. Repairs are needed to secure the roof and to increase the longevity of the Building. Additionally, during rain storms, water pools and flows into the front door of the Building due to lack of a drainage channel to divert the water. This condition is damaging the floor inside the Building and impedes the ability to access the Building through the front door.

In order to complete the repairs, the City will need to hire a Civil/Structural Engineer to assess the building and provide recommendations for repairs. Also, design work may be necessary before repairs can be made.

In order to facilitate these repairs, staff is asking for Council to approve an appropriation of Fund 301 Capital Funds. The Airport Fund does not have sufficient funds to pay for these repairs.

STRATEGIC PLAN

This agenda item is an operational item and does not relate to the Council's strategic plans.

FISCAL IMPACT

This item would result in the appropriation of \$80,000 from the Fund 301 to be used for emergency repairs to the Building. This will reduce the amount the City Council has available when considering which Fund 301 CIPs to fund when they review CIPs in March.

RECOMMENDATION

That City Council, by resolution, appropriate \$80,000 from the Fund 301 for repairs to the FBO building at the Tracy Municipal Airport.

Prepared by: Ed Lovell, Management Analyst II

Agenda Item 1.F
January 17, 2012
Page 2

Reviewed by: Rod Buchanan, Director of Parks and Community Services
Approved by: R. Leon Churchill, Jr., City Manager

RESOLUTION _____

APPROVING APPROPRIATION OF \$80,000 FROM FUND 301 FOR REPAIRS TO THE FBO BUILDING AT THE TRACY MUNICIPAL AIRPORT

WHEREAS, The City of Tracy owns and operates the Tracy Municipal Airport; and

WHEREAS, The City leases the FBO building at the Tracy Municipal Airport to a tenant who uses the building to conduct business; and

WHEREAS, The roof of the FBO building is in need of emergency repairs; and

WHEREAS, The FBO building needs to have a drainage channel installed to prevent water from entering the building during rain; and

WHEREAS, The Airport Fund does not have sufficient funds to pay for a project of this magnitude.

NOW, THEREFORE, BE IT RESOLVED, That the City Council approves appropriation of \$80,000 from Fund 301 for repairs to the FBO building at the Tracy Municipal Airport as outlined in the staff report.

The foregoing Resolution _____ was passed and adopted by the City Council of the City of Tracy on the _____ day of _____, 2012, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 1.G

REQUEST

APPROVE MEMORANDUM OF UNDERSTANDING (MOU) WITH CALIFORNIA STATE UNIVERSITY, STANISLAUS; AND AUTHORIZE THE MAYOR TO EXECUTE THE MOU

EXECUTIVE SUMMARY

On March 15, 2005, City Council adopted “Guidelines: Agreement with External Organizations” establishing a process for non-City organizations to enter into a Memorandum of Understanding with the City. Staff has met with California State University, Stanislaus, an agency of the State of California who provides non-traditional University Degrees, Certificate Programs, Specialized Training and Services all designed to meet our community’s educational, workforce and professional development needs, and have developed an MOU for Council’s approval, authorizing the Mayor to execute the agreement.

DISCUSSION

On March 15, 2005, City Council approved a staff recommendation to repeal Resolution 94-178, Co-sponsorship Guidelines, and to adopt a new process, “Guidelines: Agreement with External Organizations” (“Guidelines”) in its place. These Guidelines were developed by the City Manager’s Office after a year of meetings with the Parks and Community Services Commission and the Cultural Arts Commission and various City Department representatives and organizations that the new process would affect. The finalized Guidelines established a process for non-City organizations to enter into a Memorandum of Understanding (MOU) with the City to facilitate community programs and services provided by these organizations.

Staff has met with the California State University, Stanislaus (CSUS), has determined that their program would benefit the City as follows: (1) provide a costs savings for Tracy residents seeking higher education opportunities, (2) provide an economic benefit to local business through the use of local catering, and (3) draw individuals from out-of-town into Tracy where they will support local businesses and be able to see what else the City has to offer. As a result of these meetings, staff has developed an MOU for Council’s consideration. The following table summarizes the services provided by the CSUS and the assistance the organization has requested from the City:

REQUESTING ORGANIZATION	PROGRAM, ACTIVITY OR SERVICE PROVIDED	SERVICES / ASSISTANCE REQUESTED
California State University, Stanislaus	The CSUS University Extended Education provides an Executive MBA cohort	Provide rental of Tracy Transit Station Room 105 on 43 Saturdays, for a rental fee in the amount of five thousand dollars (\$5000)

FISCAL IMPACT

Approval of this MOU will have a fiscal impact to the General Fund for staff time and resources to support the free use of City facilities. Staff time may vary based on actual needs and demands of each event and use. These costs currently can be absorbed within existing budgets.

RECOMMENDATION

That City Council adopt a Resolution approving an MOU with the California State University, Stanislaus (Attachment "A"), and authorize the Mayor to execute the MOU.

Prepared by: Mark Honberger, Recreation Services Supervisor

Reviewed by: Rod Buchanan, Director of Parks and Community Services

Approved by: R. Leon Churchill, Jr., City Manager

Attachment "A" – MOU between the City of Tracy and California State University, Stanislaus

MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF TRACY AND
CALIFORNIA STATE UNIVERSITY, STANISLAUS
FOR THE USE OF CITY FACILITIES

- I. **PARTIES:** This Memorandum of Understanding (hereinafter "MOU") is made by and between the City of Tracy (hereinafter "City"), a municipal corporation, and California State University, Stanislaus (hereinafter "CSUS"), an agency of the State of California.
- II. **RECITALS:** CSUS University Extended Education serves the Central Valley community through non-traditional University Degrees, Certificate Programs, Specialized Training and Services all designed to meet our community's educational, workforce and professional development needs.

The City Council recognizes CSUS University Extended Education as a collaborator with the City to enhance education opportunities for its citizens and others through the provision of offering an Executive MBA cohort program.

- III. **RESPONSIBILITIES:** It is agreed by and between the parties hereto that each party have the following responsibilities:

A. City shall:

1. Provide rental of the Tracy Transit Station Room 105, for 43 Saturday dates, from 7:30am to 5:30 pm on each date, from August 2012 through November 2013 (please refer to attached schedule Exhibit A), for a total rental fee in the amount of five thousand dollars (\$5000).
2. Provide a maximum of 19 tables and 33 chairs (based on a cohort of 30 students), one white board, and one speaker's podium.
3. Provide access to restrooms and free parking for program participants.
4. Provide clean facilities in good repair.
5. Ensure that the room is unlocked prior to the start of the day and locked at the end of the day for each EMBA program day.

B. CSUS shall:

1. Provide the necessary staff, volunteers, equipment, and promotions to successfully conduct the "Executive MBA Cohort".
2. Adequately clean any City facilities to acceptable condition after permitted use. This includes ensuring all perishable food and trash is removed.

Memorandum of Understanding
City of Tracy / California State University, Stanislaus

3. Facilitate and pay for any repairs to damages caused by such use, other than normal wear and tear.
4. Adhere to the City's established facility rental process and requirements.

C. The parties shall agree that:

1. This MOU shall be subject to any and all policies, regulations and ordinances of the City of Tracy.
2. Under no circumstances shall this MOU be interpreted as creating a partnership, joint venture or employment between the parties. Each party acknowledges and agrees that it neither has, nor will give the appearance of having, any legal authority to bind or commit the other party in any way other than adherence to the terms of this MOU. CSUS and the City agree that each party shall be responsible for the payment of wages and benefits of each of their respective employees and agents.

IV. **TERMINATION:** Either party may terminate this MOU by providing prior written notice to the other party of intention to terminate not less than thirty (30) days prior to actual termination.

V. **TERM:** This MOU shall take effect on July 1, 2012, and shall continue through November 2013, unless terminated by either party as set forth herein.

VI. **AMENDMENTS:** This MOU may be amended in writing and the amendment must be approved by mutual agreement of both parties.

VII. **DESIGNATED REPRESENTATIVES:** For the purposes of administering the MOU, the Dean of CSUS University Extended Education and the Parks and Community Services Director for the City of Tracy shall act as representatives for their respective organizations.

VIII. **NOTICES:**

CITY

City of Tracy
Parks and Community Services Director
400 E. 10th Street
Tracy, CA 95376

CALIFORNIA STATE UNIVERSITY, STANISLAUS

Attn: Kevin Nemeth, Dean
University Extended Education
One University Circle
Tracy, CA 95382

Memorandum of Understanding
City of Tracy / California State University, Stanislaus

With a copy to:

City Attorney
325 E. 10th Street
Tracy, CA 95376

- IX. **ENTIRE AGREEMENT:** This MOU constitutes the entire agreement between the City and CSUS. Any amendment to this MOU, including oral modification, must be reduced to a writing and signed by both the City and CSUS.
- X. **SIGNATURES:** The individuals executing this MOU represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this MOU on behalf of the respective legal entities of CSUS and the City. This MOU shall inure to the benefit of and be binding upon the parties thereto and their respective successors and assigns

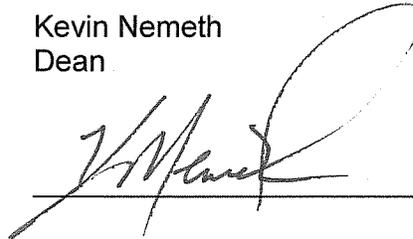
City of Tracy

Brent Ives
Mayor

Date: _____

**California State University,
Stanislaus**

Kevin Nemeth
Dean



Date: 01/09/2012

ATTEST:

City Clerk

Date: _____

EMBA Fall 2012 Class Schedule - Cohort Eight
Classes are live, unless marked "Online" or differently in the

EXHIBIT A

Date	Session	Location	Course 8:00 a.m. - 12:00 p.m.	Course 1:00 p.m. - 5:00 p.m.
August 4, 2012	I		BUS 5000 Introduction to the EMBA	
Aug 11	II		BUS 5250 Leading and Managing People for Success	BUS 5450 Best Practices in Leadership
Aug 18				
Aug 25				
Sep 1	No class -Labor Day			
Sep 8				
Sep 15		Online		
Sep 22				
Sep 29				
Oct 6		Online		
Oct 13				
Oct 20	III			
Oct 27		Online		
Nov 3				
Nov 10	No class -Veteran's Day			
Nov 17				
Nov 24	No class - Thanksgiving			
Dec 1				
Dec 8		Online		
Dec 15				
Dec 22	No class - Christmas			
Dec 29	No class - New Year's			
Jan 5, 2013				
Jan 12				
Jan 19	No class - Martin Luther King Jr.			
Jan 26	IV		BUS 5100 Executive Management Accounting	BUS 5400 Managing for Strategic Advantage in a Global Market
Feb 2				
Feb 9				
Feb 16		Online		
Feb 23				
Mar 2				
Mar 9		Online		
Mar 16				
Mar 23				

EMBA Fall 2012 Class Schedule - Cohort Eight
Classes are live, unless marked "Online" or differently in the Location column.

Date	Session	Location	Course 8:00 a.m. - 12:00 p.m.	Course 1:00 p.m. - 5:00 p.m.
Mar 30	V		BUS 5200 Strategic Finance for Executives	BUS 5150 Leading Through Technology
Apr 6	No class - Spring Break			
Apr 13				
Apr 20		Online		
Apr 27				
May 4				
May 11		Online		
May 18				
May 25	No Class - Memorial Day			
Jun 1				
Jun 8				
Jun 15	VI		Elective	Elective
Jun 22				
Jun 29				
Jul 6	No Class - Independence Day			
Jul 13				
Jul 20		Online		
Jul 27				
Aug 3		Online		
Aug 10				
Aug 17				
Aug 24	VII			
Aug 31	No class - Labor Day			
Sep 7				
Sep 14		Online		
Sep 21				
Sep 28		Online		
Oct 5				
Oct 12		Project Presentation		
Oct 19		Project Presentation		
Oct 26	DONE!	Project Presentation		

Disclaimer: Class Schedule/Calendar is subject to change without notice.

RESOLUTION _____

AUTHORIZING A MEMORANDUM OF UNDERSTANDING (MOU) WITH
THE CALIFORNIA UNIVERSITY, STANISLAUS (CSUS); AND
AUTHORIZING THE MAYOR TO EXECUTE THE MOU

WHEREAS, On March 15, 2005, the City Council adopted "Guidelines: Agreement with External Organizations" which established policies and procedures for a local organization to enter into Memorandum of Understanding (MOU) with the City; and

WHEREAS, CSUS has submitted a request for an MOU with the City; and

WHEREAS, The City has reviewed the request and finds that the CSUS meets the criteria of providing recreational, educational, cultural, or community oriented programs and/or services upon which an MOU may be developed by the adopted policies and procedures; and

WHEREAS, CSUS University Extended Education serves the Central Valley community through non-traditional University Degrees, Certificate Programs, Specialized Training and Services all designed to meet our community's educational, workforce and professional development needs; and

WHEREAS, CSUS University Extended Education requests the rental of the Tracy Transit Station Room 105 to conduct an Executive MBA Cohort on 42 Saturday Dates from August 2012 to November 2013, from 7:30am to 5:30pm each Saturday, for a total rental fee in the amount of five thousand dollars (\$5000).

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tracy does hereby approve the Memorandum of Understanding with the California State University, Stanislaus to allow the use of the Tracy Transit Station as listed above, and authorizes the Mayor to execute the agreement.

* * * * *

The foregoing Resolution _____ was adopted by the Tracy City Council on the ____ day of _____, 2012, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 3

REQUEST

PUBLIC HEARING AND ALLOCATION TO REVIEW THE POLICE DEPARTMENT'S RECOMMENDATION TO APPROPRIATE \$100,000 RECEIVED FROM CITIZENS OPTIONS FOR PUBLIC SAFETY "COPS" GRANT PROGRAM TO THE POLICE DEPARTMENT BUDGET TO PURCHASE EQUIPMENT FOR ENHANCED TRAINING AND DEPLOYMENT AND TO FUND DIRECTED AND SATURATION OVERTIME

EXECUTIVE SUMMARY

The Police Department has been notified it is scheduled to receive grant funding of \$100,000 from the Supplemental Law Enforcement Services Funds (SLESF) and Citizens' Option for Public Safety (COPS) for FY 2011-12, payable in four quarterly installments of \$25,000. To date the City has received its first quarter allotment of \$25,000.00 The Police Department intends to use the funds in our patrol unit for directed and saturation overtime, purchase much needed additional rifles and purchase a Force Option Simulator for use in training the department in firearms simulation.

DISCUSSION

The Citizens' Option for Public Safety (COPS) program provides grants to every city and county that provide law enforcement services in proportion to population which is allocated to county Supplemental Law Enforcement Services Funds (SLESF). Government Code 30061 specifies In order to utilize these funds, under California Government Code Section 30061(c)(2), "...the city council shall appropriate existing and anticipated moneys exclusively to fund frontline municipal police services, in accordance with the written requests submitted by the chief of police..." These written requests shall be acted upon by the city council at a public hearing.

The Police Department intends to use the funds to purchase equipment that will assist with firearms training, support the need to increase the Patrol unit's rifle inventory and fund directed overtime.

Force Option Simulator \$ 40,650

Beyond the firearms simulator training, this system uses video scenarios and varied potential conclusions to test the officer's critical decision making skills on force options during ever evolving scenarios in real time. This purchase will allow the department to train more effectively and economically by finding an alternative to training with live ammo. This purchase includes "on-site" training and set-up of the equipment along with a 4-year warranty.

Colt AR-15 Semi-Auto Rifles (15) \$ 25,400

The department will purchase fifteen Colt AR-15 semi-automatic rifles equipped with Surefire lights and EOTech sights to supplement the current inventory of 8 rifles. The department has POST certified instructors to train officers in the use of these firearms and currently has qualified 30 patrol officers to carry these rifles. This purchase will enhance the patrol unit's much needed demand to outfit our patrol officers with these firearms.

Directed and Saturation Overtime

\$ 33,950

As issues arise in the community the department will conduct extra patrols to aggressively deal with those involved in criminal behavior. This will assist in funding overtime to continue our gang and violent crime suppression efforts into FY 2012-13.

STRATEGIC PLAN

The agenda item supports the Public Safety Strategic Plan and specifically impacts the following goals and objectives:

Goal 2: *Educate City Employees on City services, programs and codes.*

Objective: Develop an internal training program for City employees. The Force Option Simulator will augment the firearms training that officers receive by enhancing the officers' decision making under high stress conditions.

Goal 4: *Establish methods and processes to effectively address safety, blight & quality of life issues.*

Objective: Directed and saturation overtime addresses and implements the safety and quality of life issues in our community.

FISCAL IMPACT

The City of Tracy will receive \$100,000 from the State COPS Grant for FY 2012-13. There is no immediate impact to the current fiscal budget.

RECOMMENDATION

That the City Council hold the required public hearing and approve the request to appropriate and expend the COPS Grant funds for the aforementioned purchases.

Prepared by: Diane Manuel, Executive Assistant

Reviewed by: Chief Gary R. Hampton

Approved by: Leon Churchill, Jr., City Manager

RESOLUTION _____

APPROVING THE POLICE DEPARTMENT’S RECOMMENDATION TO APPROPRIATE \$100,000 RECEIVED FROM THE STATE “COPS” GRANT PROGRAM TO THE POLICE DEPARTMENT BUDGET TO PURCHASE EQUIPMENT FOR ENHANCED TRAINING AND SERVICE DELIVERY IMPROVEMENTS AND TO FUND DIRECTED AND SATURATION OVERTIME

WHEREAS, The Police Department has been notified it is scheduled to receive grant funding of \$100,000 from the Supplemental Law Enforcement Services Funds (SLESF) and Citizen’s Option for Public Safety (COPS) for FY 2011-12, and

WHEREAS, The City has received its 1st quarterly allotment of \$25,000, and

WHEREAS, The program known as the “Citizens Option for Public Safety“(COPS), allocated funds to local agencies on a population basis to be used for front line law enforcement services, and

WHEREAS, Police Department staff recommends COPS funding be utilized to purchase equipment to assist with firearms training, increase the patrol units rifle inventory and fund directed overtime, and

WHEREAS, The City Council has conducted a public hearing relative to this matter.

NOW THEREFORE BE IT RESOLVED, That the City Council hereby approves the appropriation and expenditure of anticipated State COPS Grant program funds for the procurement of a force option simulator \$40,650, patrol rifles \$25,400 and \$33,950 for directed and saturation overtime in the police department.

* * * * *

The foregoing Resolution No. _____ was passed and adopted by the Tracy City Council on the _____ day of _____, 2012, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 4

REQUEST

APPROVE A JOINT RESOLUTION OF CITIES, COUNTY, AND OTHER SAN JOAQUIN COUNTY STAKEHOLDERS REGARDING LAND USE, WATER, AND OTHER DELTA RELATED ISSUES

EXECUTIVE SUMMARY

It is recommended that City Council adopt a joint resolution in coordination with other cities, the county, and other stakeholders in San Joaquin County in support of an initiative for joint action, advocacy, and mutual interests on issues concerning the Sacramento-San Joaquin River Delta (Delta), a draft of which is attached hereto.

DISCUSSION

Staff is requesting that City Council adopt a joint resolution in coordination with other cities, the county, and other stakeholders in San Joaquin County in support of an initiative for joint action, advocacy, and mutual interests on issues concerning the Sacramento-San Joaquin River Delta (Delta). The other San Joaquin County and regional stakeholders include, but are not limited to representatives of the following: San Joaquin County, other cities within the county, San Joaquin Council of Governments, Port of Stockton, San Joaquin Farm Bureau, Delta Counties Coalition, Delta Protection Commission, reclamation/flood control districts/agencies, water districts/agencies, select non-governmental environmental and resource conservation organizations, San Joaquin Partnership, Business Council, Building Industry Association of the Delta, and major developers.

The purpose of this request is to facilitate a coordinated and collaborative response, with other affected stakeholders in opposition to the Delta Stewardship Council's proposed Draft Delta Plan and corresponding DPEIR, the BDCP, and other related Delta plans or programs that may adversely affect economic development and sustainability in the City of Tracy and San Joaquin County.

While it is not ready for Council consideration on this agenda, staff will be bringing forward to Council in February, an opportunity to participate in a concerted advocacy effort aimed at communicating to the state legislature and the region's federal legislative delegation vital information regarding the interests of this broad coalition of Delta stakeholders, and potentially facilitating future legislation. This effort will involve the retention of an advocate for this purpose, likely by the City of Stockton, with the financial burden of that retention and the ensuing advocacy effort shared amongst the stakeholders.

Background

In November 2009, the California Legislature enacted Senate Bill X7 1 (The Delta Reform Act). It established the Delta Stewardship Council (DSC) an independent State agency, and requires that the DSC develop, adopt, and implement by January 1, 2012, the Delta Plan, a legally enforceable, comprehensive, long-term management plan for

the Sacramento-San Joaquin Delta and the Suisun March (Delta) that achieves the "coequal goals" as specified in California Water Code Section 85300(a). The coequal goals are the two goals of providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem. The coequal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, nature resource and agricultural values of the Delta as an evolving place" (Water Code section 85054). Achieving the coequal goals is a preliminary and fundamental purpose of the Delta Plan. The DSC has issued several staff drafts of the Delta Plan, the most recent being the Fifth Staff Draft, which is the "project" or "program" analyzed in the recently released Draft Program Environmental Impact Report for the Delta Plan.

The Fifth Staff Draft Delta Plan generally covers five topic areas and goals: increased water supply reliability, restoration of the Delta ecosystem, improved water quality, reduced risks of flooding in the Delta, and protection and enhancement of the Delta as an evolving place. Although the DSC, through the Delta plan, does not propose or contemplate constructing, owning, or operating any facilities related to these five topic areas, the Delta Plan sets the regulatory policies, and recommendations, that seek to influence the actions, activities and projects of cities, counties, State, Federal, regional and other local agencies toward meeting the goals in the five topic areas. In other words, local public agencies such as the City of Tracy will be required to conform their actions to the policies in the Delta plan and to the regulatory and appeal procedures established to implement the Plan.

City staff has monitored the development of the draft Delta Plan and provided comments and coordinated with San Joaquin and other affected parties. The City and other agencies are concerned with the scope and extent of proposed regulatory and review authority that the DSC is considering for adoption. The City continues to encourage the DSC to create a Delta Plan that helps achieve California's coequal goals of providing reliable water supplies and restoring the Delta habitat while recognizing and protecting the Delta as a place where people work and live. The proposed Delta plan, in its current form, continues to threaten the ability of local communities to grow and prosper, takes away local decision making, and provides an appointed body with the authority to veto local land use and other decisions based upon subjective criteria.

City staff has attended periodic coordination meetings with representatives of San Joaquin County and the City of Stockton in the establishment and coordination of stakeholder meetings to facilitate a collaborative and uniform effort to address our mutual concerns with the proposed adoption and implementation of the Delta Plan, the Program EIR, and with related Delta plans and programs such as the Bay Delta Conservation Plan (BDCP). Presently, the stakeholder group is preliminary known as the "San Joaquin County Delta Initiative Coalition Stakeholders". Currently, the stakeholders include representatives of the City of Tracy, representatives of San Joaquin County (including Board of Supervisors Larry Ruhstaller and County staff), the City of Stockton, City of Ripon (including Mayor Elden Nutt), City of Lodi (including Bob Johnson), City of Escalon (including Mayor Fox), San Joaquin Council of Governments, Port of Stockton, San Joaquin Farm Bureau, non-governmental environmental and resource conservation organizations (Restore the Delta and CA Sportsfishing Protection Alliance), and representatives of the Delta Protection Commission, Central Delta Water

Agency, Business Council Inc., of San Joaquin County, Building Industry Association of the Delta, AG Spanos Companies, and the Grupe Company. The intent is to expand this group to include other affected San Joaquin County cities and interested parties with mutual concerns to improve our negotiating position with the DES and with legislators in Sacramento and Washington, D.C.

Present Situation

On November 4, 2011, the DSC released a 2,200 page Draft Program Environmental Impact Report for the Delta Plan (DPEIR) and established a 60-day public review period. On November 8, 2011, the City of Stockton submitted a letter requesting that the review period be extended an additional 90 days to April 2, 2011. However, at their meeting on November 17, 2011, the DSC only extended the public review period by an additional 30 days ending on February 2, 2012.

City staff members are in the process of reviewing the DPEIR and are coordinating our efforts with the aforementioned stakeholder group to develop both a comment letter as well as to finalize the above-referenced separate joint stakeholder comment letter expressing our shared concerns and overarching issues regarding the DPEIR. Those letters will be submitted on or prior to the February 2, 2012, deadline.

Staff is requesting that City Council adopt the above-references joint resolution in coordination with other stakeholders in San Joaquin County in support of an initiative for joint action, advocacy, and mutual interests on issues concerning the Sacramento-San Joaquin River Delta (Delta).

Staff will periodically update the City Council as significant developments occur and as further direction is necessary.

STRATEGIC PLAN

This item is related to the Economic Development Strategy as it relates to our job creation actions and goals.

FISCAL IMPACT

There is no immediate fiscal impact to the City's General Fund resulting from this item. However, at a future meeting, the Council will be given the opportunity to decide whether to participate in the stakeholder advocacy effort, which would require some financial commitment.

RECOMMENDATION

Staff recommends that City Council adopt a joint resolution of Cities, County, and other San Joaquin County stakeholders regarding land use, water, and other Delta related issues.

January 17, 2012
Agenda Item 4
Page 4

Prepared by: Andrew Malik, Development Services Director
William Dean, Assistant DES Director

Reviewed by: Maria Hurtado, Assistant City Manager

Approved by: Leon Churchill Jr., City Manager

RESOLUTION 2012- _____

APPROVING A JOINT RESOLUTION OF CITIES, COUNTY, AND OTHER SAN JOAQUIN COUNTY STAKEHOLDERS REGARDING LAND USE, WATER, AND OTHER DELTA RELATED ISSUES

WHEREAS, The Sacramento-San Joaquin River Delta is at risk from many factors, and in addressing these threat, the State is proposing large-scale changes to the Delta ecosystem, land use authority within the Delta, water conveyance through and around the Delta, water rights, statewide management, and many other aspects related to the Delta, and

WHEREAS, The Cities, County and other Stakeholders as Members believe there is value in developing an initiative on issues concerning the Sacramento-San Joaquin River Delta, its watershed, and greater Bay/Delta estuary, and

WHEREAS, The Members wish to collectively articulate the issues and interests from the perspective of the Delta region itself, from the people who call the Delta home and best understand the tremendous resource the Delta represents, and

WHEREAS, The Members have identified a need for joint action, advocacy, and mutual interests on Delta-related issues;

NOW, THEREFORE, The Members adopt this Resolution for the purpose of articulating mutual interests on Delta issues. Furthermore, the Members resolve to work together to defend Delta-related interests at a regional perspective and to use their unified voice to advocate on behalf of local government in available forums at all levels. Our principles of mutual interests are as follows:

1. Recognition of the authority and responsibility given to local government related to land use, water resource development, flood management, public health and safety, economic development and sustainable growth, agricultural stability, recreation, and environmental protection.
2. Protect the economic viability of agriculture, industry, recreation, and the ongoing vitality of communities throughout the Delta.
3. Represent and include local government in any new governance structures for the Delta.
4. Funding and implementation of urban and non-urban flood protection through rehabilitation, improvement, and maintenance of flood control levees and structures.
5. Protection and restoration of the Delta ecosystem including adequate water supply, quality, and outflow to support fisheries, wildlife, and habitat in perpetuity while support immediate improvements to the existing Through-Delta Conveyance as part of a complete strategy for the State's water management.
6. Incorporation of sustainable approaches for improved water supply, quality, and reliability through the overarching principle of regional self-sufficiency to reduce future reliance on exports from the Delta.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that City Council approves a joint resolution of Cities, County, and other San Joaquin County Stakeholders regarding land use, water, and other Delta related issues.

The foregoing Resolution _____ was adopted by the Tracy City Council on the 17th day of January, 2012 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST

CITY CLERK

January 17, 2012

AGENDA ITEM 5

REQUEST

THAT COUNCIL DISCUSS AND ACCEPT THIS UPDATE REPORT BY THE POLICE DEPARTMENT STAFF REGARDING THE ANNUAL PROGRESS OF THE VIOLENT CRIME AND GANG SUPPRESSION PLAN

EXECUTIVE SUMMARY

After presenting the preliminary report on this matter to Council on January 18, 2011, and the update presented on May 3, 2011, the Police Department staff seeks to update Council and the community on the annual progress of the Violent Crime and Gang Suppression Plan.

DISCUSSION

The Police Department has sustained the program throughout 2011 as previously outlined to Council. The four prong approach focused on improving Enforcement, Intervention, Education, and Communication remains a priority.

Violent Crime and Gang Suppression Plan:

Since January of 2011, we have:

- Reshaped the Directed Patrol Unit to consist of a 6 Patrol Officer team
- Directed Patrol Team (DPU) formed a direct link with Gang And Narcotics Enforcement Team (GNET) as a liaison to patrol
- Increased the number of gang related contacts and documentation
- Trained 3 V.I.P.S. to update and manage Cal Gang files
- 477 Cal Gang files have been created or updated by the V.I.P.S.
- Purged and updated the internal gang files at the police department
- Scheduled monthly meeting with Mayor's Community Youth Support Network (MCYSN), School Resource Officers, Gang & Narcotics Enforcement Team and Crime Prevention
- Coordinated and scheduled semi-monthly meetings with adult and juvenile probation in an effort to streamline communication and enforcement efforts
- Organized a team of instructors to train and teach Gang Resistance Education titled T.A.G. (Tracy Against Gangs)
- Crime Analyst provides weekly updates and temporal maps on gang related contacts and enforcement activity
- Juvenile probation is posting weekly updates to the juvenile probation list through the Police Department's Intranet
- GNET and General Investigations Unit (GIU) conducted 12 presentations to schools and service providers

- Implemented an addendum to the suppression plan in November 2011 to increase enforcement and suppression efforts through the remainder of 2011.

Through this plan, the Tracy Police Department has taken a number of steps to increase its overall efforts to interdict violent crime and criminal gang activity and discourage conduct that interferes with quality of life in the City of Tracy.

- 2011 contacts with documented gang members represent the total number of contacts by both the Directed Patrol Unit and Patrol Officers.

Contacts With Documented Gang Members		
	January-December 2011	%
Officer Initiated	424	78%
Citizen Initiated	118	22%
Total	542	100%

- Contacts resulting in an arrest were stable throughout the year and averaged a 26% arrest to contact ratio.

Contacts Resulting in Arrests	
Arrests - Officer Initiated	100
Arrests - Citizen Calls	43
Total	143

Results of the Internal Gang Data Base Audit:

The Tracy Police Department's internal database on documented gang members was reviewed, updated and out of date information purged in compliance with Department of Justice guidelines. The Department of Justice requires agencies to purge any gang intelligence files if an individual has not had a gang related contact within a five year period, therefore these numbers are constantly fluctuating.

The database contains the names of 802 individuals that have come in contact with Tracy Police officers over the past five years. Each of these individuals had at least one validated gang contact with Tracy Police during this time period. Of the 802 documented gang members, 97 were juveniles and 705 were adults. While these individuals were contacted within the City of Tracy and were entered into our database, this information should not be construed as being the number of documented gang members who actually reside in Tracy. The actual number of gang members residing in Tracy at the time of their contact during the past five years is 588.

Documented Gang Members in Tracy (5 Year Period)	
97	705
Juvenile	Adult

Among these 802 individuals, 601 have validated Norteno Gang contacts, 120 Sureno Gang contacts, and 81 individuals with various other gang ties. The other gang ties include, but are not limited to, affiliations with Hells Angels, Border Brothers, and White Pride, to name a few.

Gang Types in Tracy		
Norteno	601	75%
Sureno	120	15%
Other	81	10%

Summary

The mission of the Violent Crime and Gang Suppression Operation remains the same - to provide high police visibility, strong enforcement, and regular contacts with individuals suspected of committing crimes of violence or involved in gang-related activity. Long-term goals will continue to focus on education and intervention as well as continually improving communication with all stakeholders.

Staff members from the Tracy Police Department met with representatives from the community, DARE, MCYSN, and the Tracy Unified School District to begin the process of implementing an educational program targeting positive life skills and gang resistance training to 5th grade students. The program is designed to deliver three or four lesson plans at the completion of DARE instruction to 5th grade students. The team, titled TAG (Tracy Against Gangs), has developed a curriculum and is in the process of refining the program through pilot program presentations. The program will be evaluated at the completion of the pilot program to assess the viability of sustaining a long term commitment to presenting TAG lessons.

FISCAL IMPACT

First and second quarter fiscal year 11/12 costs are an accurate reflection of the actual costs of the program. These funds are primarily designed to cover costs associated with suppression deployment and training. Based on data since the beginning of fiscal year 11/12 the police department has utilized approximately \$40,000 of the \$125,000 dedicated to the Violent Crime and Gang Suppression Operation.

RECOMMENDATION

That the City Council discusses and accepts this updated report as it relates to the violent crime and gang suppression plan and provides direction to staff regarding future briefings.

Prepared by Greg Farmanian, Police Lieutenant

Reviewed by Gary R. Hampton, Chief of Police

Approved by R. Leon Churchill, City Manager

AGENDA ITEM 6

REQUEST

**CITY COUNCIL DIRECTION REGARDING SIGN ORDINANCE AMENDMENTS
RELATED TO ELECTRONIC MESSAGEBOARD SIGNAGE ON PRIVATE SCHOOL
PROPERTY**

EXECUTIVE SUMMARY

On October 4, 2011 the City Council directed staff to pursue a request of City Council Member Mike Maciel to review whether or not an electronic readerboard sign should be allowed on private school property (as it is at Tracy High School). A preliminary draft ordinance to amend the Tracy Municipal Code (TMC) Sign Ordinance has been prepared as a means to discuss this agenda item. After City Council discussion, any direction to move forward with an amendment to the TMC would then be brought through a public hearing process at the Planning Commission and City Council.

DISCUSSION

Background:

Section 10.08.4510(i) of the Tracy Municipal Code (TMC) prohibits electronic readerboard signs and electronic scrolling signs. Specifically, prohibited signs include any sign which “flashes, blinks, moves, changes color, appears to change color, changes intensity, or contains any part of an attachment which does the same, except that barber poles and time and temperature signs shall be permitted in the commercial and industrial zones.”

There are several signs within Tracy, however, that do utilize electronic scrolling as a component of their signage; these signs are located on Tracy Unified School District property and advertise and announce various school-related events and activities. These signs are not subject to conformance with the TMC because (in very general terms) the TMC does not apply to public school district property (Government Code Section 53090 and following).

Pursuing City Council’s direction in an effort to allow the same sign type enjoyed by the public school district on private school property, an amendment to the TMC would be required. Such an amendment would need to be carefully crafted in order to avoid potentially unwanted signage in the community. Accordingly, a draft TMC Amendment has been prepared for discussion, and is included as Attachment A to the staff report.

Basics of the Draft Sign Ordinance Amendment:

In order to achieve the same type of sign on private school property as the existing public school signs the sign ordinance would have to be amended in four areas, as follows:

- The first area of amendment relates to the language on prohibited signs. Section 10.08.4510(i) would be amended to add an additional exception to the prohibition

on signs that change copy/color to include/allow private schools to utilize this sign type;

- The second area of amendment would be to create standards (now non-existent) related to how a sign can change color, mainly related to the intensity or brightness of the signs, and the speed or frequency of the message changes;
- The third area of amendment would relate to where such signs could be allowed in Tracy, for example, in which zone districts. Private schools are located throughout Tracy across numerous zone districts (Attachment A suggests that changeable copy be allowed at schools with grades 1 through 12, on sites greater than one acre, regardless of which zone the school is in. This, of course, could create challenges regarding the status of the sign if the school closes or relocates.).
- The fourth area of amendment would be to allow Freestanding Signs (a type of sign, up to 15 feet high and 100 square feet in area) in a wider range of zone districts, or possibly in any zoning district where a qualifying school was located. Otherwise, the schools would be limited to a Monument Sign (a sign typically 6 feet tall and 24 square feet for retail uses, and 4 feet tall and 12 square feet for other uses), Freestanding Signs are the type of sign currently used by several public schools to accommodate their scrolling message boards.

Additionally, at this stage, staff is suggesting that if a TMC amendment be approved in the future for this type of signage, the approval process should require approval of a Conditional Use Permit (CUP) from the Planning Commission. Staff makes this suggestion because the CUP process would enable the City to apply reasonable conditions of approval on the project (sign) related, for example, to potentially the hours of operation and ability to have the sign illumination moderated given its proximity or adjacency to residences and other uses that might be disturbed by the brightness or hours of operation. This is similar to the City's longstanding conditions of project approval that require, for example, parking lot lights to be downward pointing and capable of shielding against light spillage onto adjacent areas.

Policy Direction Sought

There are several ways to approach drafting an amendment to the sign ordinance to allow private schools to construct sign types that are currently prohibited. Staff has drafted an ordinance that would allow scrolling message boards on signs similar to existing public school signs. In considering the amendments, staff would like Council direction on the following:

- confirming that this amendment would apply to "public or private schools located on property of one acre or more";
- whether the amendment would include allowing Freestanding Signs (up to 15 feet high) as well as Monument Signs (4-6 feet high);
- confirming that the amendment be limited to scrolling message boards similar to today's public schools.

Next Steps

Based on City Council's discussion and direction, City staff would proceed with an amendment to the TMC Sign Ordinance and conduct public hearing(s) at the Planning Commission before bringing a draft ordinance to the City Council. The amendment could be before the Planning Commission within two months.

STRATEGIC PLAN

This agenda item is a follow-up to a City Council member's request and does not relate to the Strategic Plans.

FISCAL IMPACT

There is no fiscal impact in pursuing a sign ordinance amendment other than the cost associated with staff time.

RECOMMENDATION

Staff recommends City Council provide direction regarding sign ordinance amendments related to electronic messageboard signage on private school property.

Prepared by: Bill Dean, Development and Engineering Services Assistant Director

Reviewed by: Andrew Malik, Development and Engineering Services Director

Approved by: Leon Churchill Jr., City Manager

Attachment – A – Preliminary Draft Ordinance amending the City's Sign Ordinance

Tracy Municipal Code Section 10.08.4460

(h) Freestanding Signs

(1) Maximum height: Fifteen feet (15').

(2) Maximum area: 100 square feet.

(3) Calculation of permitted area: One-half square foot of sign area for each lineal foot of parcel frontage.

(4) Permitted zones: CS, CBD, GHC, M-1, M-2, and HS.

(5) Sign permit needed: Yes

(6) Sign location: No freestanding sign may be erected closer than fifteen (15') feet to any property line or closer than fourteen (14') feet to any driveway, alley, or vehicular access.

Freestanding signs may only be permitted on the following sites or conditions:

(i) Shopping centers with four (4) or more individual establishments;

(ii) Office complexes including eight (8) or more suites or exceeding 15,000 square feet of floor area;

(iii) Any parcel with 200 or more feet of street frontage; ~~and~~

(iv) As part of an overall sign program or plan; and

(v) Upon Conditional Use Permit approval: schools containing any of grades 1 through 12, where the school site is over one acre, and advertising is for on-site activities or events only.

Tracy Municipal Code Section 10.08.4510 Prohibited signs and locations

The following signs shall be absolutely prohibited:

.
. .

(i) Any sign which flashes, blinks, moves, changes color, appears to change color, changes intensity, or contains any part of an attachment which does the same, except that :

(i) standard barber poles and time and temperature signs shall be permitted in the commercial and industrial zones; and

(ii) upon Conditional Use Permit approval, that schools containing any of grades 1 through 12 on a site of at least one acre may have electronic, scrolling messageboards [such as.... but not....] to advertise on-site activities and events only;

AGENDA ITEM 7

REQUEST

ESTABLISH A PROCESS TO RECOGNIZE THE CONTRIBUTIONS OF MEMBERS OF THE COMMUNITY FOR THEIR MILITARY SERVICE WITH A CERTIFICATE OF COMMENDATION UPON THEIR HONORABLE SEPARATION FROM THE ARMED FORCES

EXECUTIVE SUMMARY

On September 6, 2011, Mayor Pro Tem Maciel suggested returning Tracy Veterans be recognized for their service. Mayor Ives suggested Mayor Pro Tem Maciel work with staff to bring an item back for Council discussion.

On September 20, 2011, Council requested that an agenda item be prepared regarding honoring Tracy Military Veterans and be presented at a future Council meeting for consideration.

The City of Tracy has a procedure in place (Resolution 2010-059) to issue ceremonial documents and other forms of recognition to members of the community. This proposal would amend Resolution 2010-059 by the addition of a specific process for requesting a Certificate of Commendation to recognize military service by members of the community.

DISCUSSION

Currently, the City has a variety of documents it issues upon request to recognize the contributions and/or actions of members of the community. Qualifying acts include exceptional accomplishments or contributions to the community, acts of heroism, academic or sporting achievements, etc.

In light of the long history of Tracy residents serving their country through military service, it is appropriate to establish a process to specifically recognize Tracy veterans. Current policy states that a Certificate of Commendation may be issued for "Acts of heroism." It is recommended that this would be the appropriate level of recognition available to any Tracy resident who is honorably discharged from the Army, Navy, Air Force, Marines, Coast Guard and the reserve components of those services or the National Guard.

"Tracy resident" would be defined as anyone residing in the City Tracy either at the time of discharge or enlistment into military service.

Qualified individuals would submit an application (Exhibit "A") to the City that lists the applicant's name, address (or other qualifying connection to Tracy), branch of the military, rank upon discharge, term of service, type of duties performed, theaters served in and any awards or decorations. The application will be supported by copies of proof of residency, military discharge documents (DD 214), etc.

In addition to the City's usual methods of public outreach, local veterans groups and veteran support organizations would be enlisted to make separating veterans aware of

this available recognition. When desired, the Certificate of Commendation would be presented during City Council meetings.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's strategic plans.

FISCAL IMPACT

A minimal amount of staff time will be needed to review and verify requests and there will be a modest expense to print certificates. There is no additional fiscal impact.

RECOMMENDATION

That the Council approve, by resolution, an amendment to Resolution 2010-059 to establish a process for Tracy veterans to apply for a Certificate of Commendation upon their honorable discharge from military service.

Prepared by: Rod Buchanan, Parks and Community Services Director

Reviewed by: Maria A. Hurtado, Assistant City Manager

Approved by: R. Leon Churchill, Jr., City Manager

Attachment A - Application for Certificate of Commendation Recognizing Honorable Military Service

Attachment A

APPLICATION FOR CERTIFICATE OF COMMENDATION
RECOGNIZING HONORABLE MILITARY SERVICE

1) Name: _____

2) Tracy Address (at time of enlistment or discharge):

3) Branch(s) of Military served in: _____

4) Dates of service (starting/ending): _____

5) Rank at time of separation: _____

6) Duties performed (MOS, Career field, etc.) _____

7) Overseas Deployments: _____

8) Awards or decorations: _____

Please attach any supporting documentation (proof of residency, copies of military discharge documents (DD 214), etc.

RESOLUTION _____

AMENDING RESOLUTION 2010-059 TO ESTABLISH A PROCESS FOR TRACY VETERANS TO APPLY FOR A CERTIFICATE OF COMMENDATION UPON THEIR HONORABLE DISCHARGE FROM MILITARY SERVICE

WHEREAS, The City of Tracy has a procedure in place (Resolution 2010-059) to issue ceremonial documents and other forms of recognition to members of the community; and

WHEREAS, In light of the long history of Tracy residents serving their country through military service, it is appropriate to establish a process to specifically recognize Tracy veterans; and

WHEREAS, Current policy states that a Certificate of Commendation may be issued for "Acts of heroism," which is the appropriate level of recognition for any Tracy resident who is honorably discharged from the Army, Navy, Air Force, Marines, Coast Guard and the reserve components of those services or the National Guard; and

WHEREAS, "Tracy resident" would be defined as anyone residing in the City Tracy either at the time of discharge or enlistment into military service.

NOW THEREFORE BE IT RESOLVED, That the Tracy City Council hereby amends Resolution 2010-059 to establish a process for Tracy veterans to apply for a Certificate of Commendation upon their honorable discharge from military service.

The foregoing Resolution _____ was passed and adopted by the City Council of the City of Tracy on the _____ day of _____, 2012, by the following vote:

- AYES: COUNCIL MEMBERS:
- NOES: COUNCIL MEMBERS:
- ABSENT: COUNCIL MEMBERS:
- ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 8

REQUEST

RECEIVE UPDATE AND PROVIDE INPUT ON AIRPORT IMPROVEMENT OPTIONS

EXECUTIVE SUMMARY

On October 18, 2011, the City Council and Transportation Advisory Commission held a joint meeting to discuss future improvements for the Tracy Municipal Airport. All of the items on the Short Term list and two items from the Medium Term list were to be brought back to Council for further vetting and approvals as necessary. As staff proceeds to bring back updates to Council on the status of the various projects, only the items that are being worked on in the current quarter will be reported. Because each of the projects has many segments, current status, immediate next steps, and timelines are included in the update. An update and status of the following projects are being reported to Council: (S-1) Installation of T-hangars, (S-12) Construction of a Restaurant/Café, (S-14) Runway Repairs and Fencing at New Jerusalem Airport, (S-17) Seal coat on Runways and Taxiways, (S-21) Confirm Runway Lengths on Runway 12/30 and (S-22) Balance Airport Operating Budget.

DISCUSSION

On October 18, 2011, the City Council and Transportation Advisory Commission held a joint meeting to discuss future improvements for the Tracy Municipal Airport. During that meeting, a list of items was presented to Council for consideration to address various issues at the airport. Many of the Airport Improvement Options on the Short Term list were presented with the Airport Fund as the potential funding source. In its present state, the Airport Fund would not be able to support any of the options listed without having a negative impact on the operating budget.

Attachment A shows an update of the current projected timeline of each of the Short Term projects and the two Medium Term projects that Council asked to be brought back to them for further vetting and approvals as necessary. Each item shows a range of time that the project may be started and completed depending on other factors that may or may not occur such as funding availability or the completion of other projects.

S-1: Install T-hangars

To date staff has completed the design and engineering documents for the project. The project is expected to cost approximately \$2.12 million dollars and staff has been working to secure funding for the project from various means including bond sales, a State loan, and private loans. Staff has been unsuccessful thus far in securing the funding for the project primarily because of the current financial condition of the Airport Fund. Staff is investigating ways to realize additional capital to put toward the project. One such way will be discussed later in this report. Staff is preparing a final bid package that will be published in February which will determine actual costs for establishing the needed funding.

S-12: Construction of a Restaurant/Café

On October 18, 2011, Council approved a Fuel Services Operator (FSO) Agreement with Turlock Air Center, doing business as Tracy Air Center, to operate the fuel services at the airport. Tracy Air Center has expressed interest in constructing a restaurant/café at the airport. In the City's current agreement with Skyview Aviation, Skyview has the first right to negotiate for improvements of that nature. Within the next 60 days, staff intends to bring the proposal to Skyview for the construction of a restaurant/café at the airport. If negotiations are unsuccessful after a period of 45 days, then the City will enter into negotiations with Tracy Air Center. If an agreement cannot be reached with Tracy Air Center, then staff will send out a Request For Proposals in order to proceed with the construction of a restaurant/café at the airport.

S-14: Runway Repairs and Fencing at New Jerusalem Airport

In July 2008, Council authorized the submittal of four grant applications for runway repair and fencing projects at the New Jerusalem Airport. The applications were accepted by the State and the funds were awarded. Staff currently has the design and engineering work completed and it is being reviewed by Caltrans. Upon completion of Caltrans' review, staff will then be able to go out to bid on the project. It is anticipated that the project will start construction in July 2012.

S-17: Seal Coat on Runways and Taxiways

Pavement core samples have been taken in various locations throughout the airport runways and taxiways. The samples are currently being analyzed to determine their composition. A report will be generated stating the make-up of the existing pavement along with potential options to address the current condition. Staff should have the report by the end January 2012. Based on the findings in the report, staff will meet with the City Attorney's Office and the FAA to discuss courses of action. Staff will bring back to Council the results of the report along with the recommended course of action to address the current runway condition. Staff will request funding from the FAA as necessary to complete the work. It is anticipated that the runway repairs should be completed within 6 months from the receipt of funding.

S-21: Confirm Runway Lengths

There have been some discrepancies as to the actual length of runway 12/30. Confirming the runway lengths is the first step in future planning for the airport as indicated in Step 5 of the Financial Strategies below. A survey has been completed to ascertain the accurate length. The actual length of the runway under current conditions is 3,996. This length will be considered as the base starting point for future airport multi-phase planning effort as well as defining optimal runway lengths to maximize opportunities for the Airport.

S-22: Balance Airport Operating Budget by FY15/16

This item will be a key to realizing any future growth and sustainability at the airport. In order to effectively reach that goal, staff is asking Council to provide input on the potential fund balance strategies relative to the Airport Operating Budget. By ensuring the success of the Airport Operating Budget, the Airport Fund will be in a better position to be a viable funding source for many of the Short Term items.

Currently the Airport Enterprise Fund operates at an annual deficit and has been for many years. In FY 2011/2012, the airport budget will realize a deficit of approximately \$103,000. The deficit has accumulated over the years so that the current fund balance for the Airport Enterprise Fund is -\$525,000. The Airport Enterprise Fund's Operating Budget for FY2011/2012 is as follows:

<u>Expenditures/Debt Service:</u>		<u>Revenues:</u>	
Personnel Expenses	\$197,050	Direct Use Fees	\$300,040
Contracted Services	62,360	State Grants	20,000
Commodities	20,970	Agricultural Leases	50,000
Internal Charges	34,440	<u>Airport Fund</u>	<u>-55,220</u>
Indirect Costs	57,600	TOTAL	\$314,820
1998 State Loan	25,300		
<u>Water Fund Loan</u>	<u>20,000</u>		
TOTAL	\$417,720		

In addition to the operating budget, the Airport Fund has five outstanding loans which continue to have a negative impact on the Airport Fund. The Airport Fund has more financial obligations than revenue generation. In order to reverse this trend, staff is proposing a five step fund balance strategy which will bring the operating budget into a position of annual positive cash flow by the end of FY 2015/2016. Each of the five steps is critical in providing a means for the Airport to grow and implement many of the improvement options that were presented to Council.

FINANCIAL STRATEGY:

STEP 1: Debt Service Reconciliation: Annual Savings, NEUTRAL

The Airport Enterprise Fund has four loans from the Water Fund, which it has not been able to pay as anticipated, and needs to renegotiate terms. Many of the loans do not have concrete terms or interest rates, with one being silent in both areas. Restructuring the existing loans would result in making the Water Fund whole. The Water Fund will benefit by entering into new loan terms that can be repaid by the Airport Fund. A report on this will come before Council as a separate action item.

STEP 2: FTE Evaluation: Annual Savings, \$77,000

The Airport Operating Budget consists of the following positions: Airport Coordinator (1 FTE), Senior Maintenance Worker (0.5 FTE), Management Analyst II (0.1 FTE), Parks & Community Services Director (0.20 FTE), Transportation Commissioners (0.12 FTE). There is a total of 1.92 FTEs in the Airport Operating Budget. Due to a recent Fuel Service Operator agreement approved by Council, and the recent reorganization throughout the City, after a few years the FTE count can be reduced by as much as 0.75 FTEs through attrition and restructuring of current positions. Further analysis will be necessary to evaluate impacts as retirements occur.

STEP 3: Hangar Development: Annual Revenue, \$45,000

In addition to reducing expenses in the budget, increasing revenues will help achieve financial stability. The primary source of revenue for the Airport Enterprise Fund is through hangar rentals. One project that has been approved by Council is the construction of 42 new hangars. The approximate cost for this project will be \$2.2 million dollars. To increase annual revenue, a request to the FAA to sell a portion of the New

Jerusalem Airport property could be made. For example, selling 200 acres of the property at approximately \$5,000 per acre would result in \$1,000,000 for the hangar project which would result in a lower loan amount and lower annual payment. Under this scenario the City would still be required to keep the airport in operation. There is an existing farm lease on the property which brings in approximately \$50,000 in revenue per year. Selling a portion of the property would result in a lesser amount of revenue from the farm lease. It is estimated that a farm lease on the remaining property would bring in approximately \$10,000 in revenue. Revenue from the new hangars would offset the new loan payment and bring net revenue of approximately \$85,000.

Applying for a partial release is a viable option because a partial release would be easier to obtain from the FAA than a full release. An important note however is that the FAA may or may not approve the funds from any such sale to be used in this manner and it will be up to the FAA to decide. If the FAA were to not approve the partial release, or use of the funds, the hangar project would be put on hold until alternative funding could be identified.

STEP 4: Capital Improvements: Annual Revenue, \$10,000

There has been interest by outside parties in the construction of both a restaurant and corporate hangars at the Tracy Airport. By negotiating an agreement to move forward with both of these projects, it is anticipated that an additional \$10,000 in revenue can be generated through ground leases.

STEP 5: Future Planning

While the previous four steps take care of the immediate need for financial reform, long term planning must also be taken into consideration in order to maintain financial viability and growth. A number of ideas to that end fall into this fifth strategy. One idea would be to restructure the airport leases for the privately owned hangars at the airport. All of the leases are approximately 20 years old and need to be revised. In addition the exploration of a farm lease at Tracy Municipal Airport and the potential for revenue from advertising on the hangars can be completed. The medium term items M-1 and M-2 are being considered to be combined to conduct a comprehensive study that will identify the optimal runway length that will maximize opportunities for the Airport as well as locations that could accommodate an airport with such a runway length. Subsequent actions may include evaluating the feasibility of airport development opportunities and creating a business plan for the airport. The first step in this process will be to identify current runway lengths (See S-21).

In total a net realization of approximately \$132,000 of additional funds could be brought in to the Airport Enterprise Fund annually. This would eliminate the need for the General Fund to cover any deficit created from the existing condition of the Airport Enterprise Fund. These actions will stop the negative cash flow in the Airport Fund.

The next steps for these fund balance strategies are for Council to provide direction and for staff to bring back options on achieving step 1.

STRATEGIC PLAN

This agenda item supports the Organizational Efficiency strategic priority and specifically contributes to the following goal:

Goal 1: Advance City Council's fiscal policies

FISCAL IMPACT

There no impact to the General Fund for this item. Currently the Airport Enterprise Fund is operating at a deficit which is carried by the General Fund. Future actions may have positive budgetary impacts to the General Fund.

RECOMMENDATION

That City Council accept this report and provide input on Airport Improvement Options.

Prepared by: Ed Lovell, Management Analyst II

Reviewed by: Rod Buchanan, Director of Parks and Community Services

Approved by: R. Leon Churchill, Jr., City Manager

Attachment "A" – Airport Improvement Options Timeline

AGENDA ITEM 9

REQUEST

APPROVE CONSOLIDATION OF AIRPORT ENTERPRISE FUND LOANS

EXECUTIVE SUMMARY

The Airport Enterprise Fund has five outstanding loans. Four of the loans are from the City's Water Fund, and the other loan is from the State of California. As currently structured, the Airport Enterprise Fund has not been able to pay the Water Fund loans as anticipated and needs to renegotiate terms. Staff is recommending that City Council consider consolidation of the Airport Enterprise Fund loans to allow the repayment of the debt.

DISCUSSION

Each of the loans has different terms as detailed below, in chronological order, and summarized in Table 1.

Loan 1 from Waterfund

Resolution 97-399 authorized a \$70,000 loan from the Water Fund. This loan specified no interest rate and no annual payment, resulting in a current loan balance of \$70,000.

Loan 2 from Waterfund

Resolution 98-275 authorized a \$275,000 loan from the Water Fund. This loan specified an interest rate of 6% and annual payments of \$20,000. The Airport Enterprise Fund has made the required annual payments, resulting in a loan balance of \$ 253,921.

Loan 3 from State of California

Resolution 98-299 authorized a \$250,000 loan is from the State of California. This loan has a specified interest rate of 4.9874% and annual payments of \$23,165. The Airport Enterprise Fund has made the required annual payments, resulting in a loan balance of \$91,541.

Loan 4 from Waterfund

Resolution 99-279 authorized a \$470,000 loan from the Water Fund. This loan was issued on the assumption that the sale of the New Jerusalem Airport was imminent and that the loan would be repaid with proceeds from the sale. Any future sale of the New Jerusalem airport property will be contingent on the FAA releasing the City from deed restrictions, and in that release, the FAA will stipulate that sales-proceeds be used only for the funding of new improvements at the Tracy Municipal Airport. The FAA will not allow the proceeds to be utilized to pay off any existing airport loans. Although an interest rate of 6% was specified, no loan payments were required and none have been made, resulting in a current loan balance of \$ 892,201 (interested accrued increases total loan balance by \$422,201 to date.)

Loan 5 from Waterfund

Resolution 2009-190 authorized a \$47,500 loan from the Water Fund. This loan specified interest at the Local Agency Investment Funds (LAIF) interest rate, but no annual loan payment. Repayment has not yet started on this loan as the project has not yet been completed.

TABLE 1: Loan Summary

WATER FUND LOANS

YEAR	ORIGINAL AMOUNT	Balance	INTEREST RATE	TERM	ANNUAL PAYMENT	COMMENTS
Loan 1 1997	\$70,000	\$70,000	None specified	None specified	None specified	Loan from Water Fund. No payments made.
Loan 2 1998	\$275,000	\$253,921	6%	None specified	\$20,000/yr	Loan from Water Fund. Annual payments current.
Loan 4 1999	\$470,000	\$892,201	6%	None specified	None specified	Loan from Water Fund. Repayment following sale of NJ Airport property. No payments made.
Loan 5 2009	\$47,500	\$47,500	LAIF Rate	5 years	Approximately \$10,750	Loan from Water Fund. No Payments made; project not completed.
Total	\$862,500	\$1,263,622				

STATE LOAN

YEAR	ORIGINAL AMOUNT	Balance	INTEREST RATE	TERM	ANNUAL PAYMENT	COMMENTS
Loan 3 1998	\$250,000	\$91,541	4.9874%	16 years	\$23,165/yr	Loan from State of CA. Annual payments current. Loan satisfied in 11/2014
Total	\$250,000	\$91,541				

The Airport Enterprise Fund is going further into debt each year given the inability of sufficient revenue to fund payments against loan balances. Many of the loans do not have concrete terms or interest rates, with one being silent in both areas. Restructuring the existing loans would result in making the Water Fund whole. The Water Fund will benefit by entering into new loan terms that can be repaid by the Airport Fund. In order to provide the Water Fund with the guarantee of repayment, Staff recommends the City Council consider consolidation of the Water Fund loans.

It is proposed that all four Water Fund loans be consolidated into one new loan equaling a combination of the original principle for each of the four loans. The new loan amount would be a total of \$862,500 and that the interest and principle paid to date to the Water Fund be retained by the Water Fund. The first three years of the new loan would have interest only payments in order to finish paying off Loan 3 to the State. Upon completion of Loan 3, the new loan package would start a 30 year term with an interest rate of 2.42%.

Annual payment would be \$40,770 per year for 30 years, after the initial three-year interest only period.

The new loan amount will be the total of:

\$70,000 (Loan 1)

\$275,000 (Loan 2)

\$470,000 (Loan 4)

\$47,500 (Loan 5)

\$862,500 Total – New Consolidated Water Fund Loan

STRATEGIC PLAN

This agenda item supports the Organizational Efficiency strategic priority and specifically contributes to the following goal:

Goal 1: Advance City Council's fiscal policies

FISCAL IMPACT

There is no impact to the General Fund for this item. There will be a modification to the Water Fund and Airport Enterprise Fund. The interest of 2.42% is recommended due to experienced LAIF rates over the last 10 years (Range from 0.46% to 5.15%; average 2.42%) By allowing an interest rate of 2.42% for the existing loans, the Water Fund can be made whole and the Airport Fund will be in a better position to eventually eliminate current debt.

Under the new loan consolidation, the first three years' payments will be interest only payments of \$20,872.50. Beyond 3 years, once Loan 3 to the State has been paid off, annual payments of \$40,770 will be made for the next 30 years at which time the balance to the Water Fund will be paid off.

RECOMMENDATION

That City Council, by resolution, approve the Airport Enterprise Fund loan consolidation.

Prepared by: Ed Lovell, Management Analyst II

Reviewed by: Rod Buchanan, Director of Parks and Community Services

Approved by: R. Leon Churchill, Jr., City Manager

RESOLUTION _____

APPROVING CONSOLIDATION OF AIRPORT ENTERPRISE FUND LOANS IN THE AMOUNT OF \$862,500

WHEREAS, The Airport Enterprise Fund has received loans from the Water Fund as outlined in Resolution Numbers 97-399, 98-275, 99-279, 2009-190 for projects at the Tracy Municipal Airport with varying interest rates and terms; and

WHEREAS, The Airport Fund has not been able to make payments as anticipated; and

WHEREAS, The overall goal is for the Airport Enterprise Fund to fully repay the outstanding loans to the Water Fund; and

WHEREAS, The average Local Agency Investment Funds (LAIF) interest rate for the previous 10 years has averaged 2.42%; and

WHEREAS, The interest rate of the consolidated loan will be 2.42% with the first three years of the consolidated loan having interest only payments, and annual payments of \$40,770 for the next 30 years thereafter.

NOW, THEREFORE, BE IT RESOLVED, That the City Council approves consolidation of Airport Enterprise Fund loans in the amount of \$862,500 as outlined in the staff report.

* * * * *

The foregoing Resolution _____ was passed and adopted by the City Council of the City of Tracy on the _____ day of _____, 2012, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 10

REQUEST

AUTHORIZE AMENDMENT OF THE CITY'S CLASSIFICATION AND COMPENSATION PLANS AND POSITION CONTROL ROSTER BY ESTABLISHING OR AMENDING CLASSIFICATION SPECIFICATIONS AND SALARY RANGES AND REALLOCATING VARIOUS POSITIONS AS PART OF THE CITY'S CONTINUING REORGANIZATION EFFORTS

EXECUTIVE SUMMARY

This report recommends a number of changes needed to continue implementation of the City's reorganization efforts.

DISCUSSION

Over the past two years, the City of Tracy has implemented ongoing rightsizing and reorganization efforts, aimed at reducing fiscal expenditures as well as assuring that the organization retains an appropriate workforce size and pool of talent. In October 2011, Council authorized an Incentivized Workforce Reduction which will eliminate 18 positions by early 2013 and reclassify a number of positions to a lower level. Prior to this action, approximately 90 positions were eliminated in FY 2009-10, which required City services to be provided by remaining staff with resulting impact on their job duties and classifications.

In assessing the impact of the many changes which have occurred in the workforce, a number of classification studies indicate that various positions have changed significantly. These changes warrant the establishment of new classification(s) or amendment of existing classifications, and reallocation of incumbents into retitled and/or different positions.

In making determinations regarding whether or not an existing classification is appropriate for a particular set of duties, allocation factors must be considered. These include factors such as nature and type of knowledge required; scope of responsibility in terms of nature and variety of assignments; judgment and initiative involved in achieving work objectives; types of problems solved; impact of decision making; and types, nature, and purpose of interpersonal contacts including the policy and organizational impact.

The following information provides detail on the City departments and positions affected, a brief explanation of the organizational change that has occurred, and the proposed actions being recommended.

City Manager's Office - Cultural Arts Division

In FY 2009-10, three regular, permanent full-time equivalents (FTEs) and two additional FTEs were eliminated as part of the City's Right-Sizing efforts. The manager and supervisory levels in the Cultural Arts Division were compressed into one level after the Arts Program Manager position was vacated. The decision to eliminate the position

resulted in a significant change in organizational structure as well as a significant change in the duties of the Gallery Supervisor and Technical Theatre Supervisor, as Arts Program Manager duties and responsibilities were shifted to the two subordinate supervisor positions.

As a result, the classification study found that the classification specifications of the Gallery Supervisor and the Technical Theatre Supervisor are no longer appropriate. The organizational changes have redefined both the focus, as well as the original purpose of the two positions, in terms of duties and their levels of responsibility based on characteristics such as scope, difficulty, and impact of decision-making.

Establish Classification Specification and Salary Range: Cultural Arts Manager – Visual Arts; Cultural Arts Manager – Performing Arts

It is recommended that a new classification of Cultural Arts Manager be used in place of the original classifications of Gallery Supervisor, Technical Theatre Supervisor, and Arts Program Manager. One Cultural Arts Manager would oversee Visual Arts, one would oversee Performing Arts. This recommendation is based on findings of a significant shift from the original organization structure and classification concepts due to the City's right-sizing and de-layering efforts. A broad classification provides flexibility in assigning and sharing management, supervisory, and administrative duties across the entire Cultural Arts Division as changing needs at various times may necessitate, while also providing for specifically recruiting and hiring arts professionals in either the Visual Arts or the Performing Arts areas as needed.

The recommended title of the expanded classifications is based on industry standards for positions with similar duties and responsibilities. The recommended salary range of the position would remain equivalent to that of the Gallery Supervisor salary range, or \$6,207.54 to \$7,545.31 per month. The increased cost associated with this recommendation is approximately \$24,374 per year.

Establish Classification Specification and Salary Range: Arts Education Coordinator

The Arts Education Coordinator is a Limited Service Employee Compensation and Benefit Plan classification reporting to the proposed Cultural Arts Manager - Visual Arts. It is responsible for coordinating a variety of Arts Education Programs, evaluating and developing curriculum for the Grand Theatre Center's Arts Education Program, including programming in dance, drama, music, and visual arts for children, teens, and adults. The position will also oversee part-time arts program staff, volunteers and contractors/consultants, as well as work with artists and local arts groups and commissions.

Although the classification was specified as a Recreation Coordinator upon creation, this occurred prior to the opening of the Grand Theatre. The position has evolved into a highly specialized position. While the Grand Theatre had staffing of 9.1 FTEs in FY 2009-10, it has decreased its full-time, regular staffing by three positions since that time. This position will be part-time only and will add a key professional element to the existing

team. Moreover, the establishment of the Arts Education Coordinator classification facilitates the organizational change to occur in the City Manager's Office/Cultural Arts Division and ensures that the arts programs provided at the Grand Theatre are esteemed and sustainable. The Grand Theatre remains integral to the history and business strategy of the Tracy downtown area revitalization plans.

Currently, the City is utilizing half of a full-time, regular position from the Parks and Community Services Department to perform arts education duties. These hours will be returned to the Parks and Community Services Department as part of the City's future organizational structure approved by Council on October 4, 2011. It is recommended that the hourly salary range for the part-time Arts Education Coordinator be \$19.81 to \$24.08 per hour. In filling the position at .75 FTE, the annual cost is estimated at approximately \$41,340.

Development and Engineering Services Department

In FY 2009-10, the City's right-sizing plan called for streamlining of fire prevention services to coincide with the Building Division plan review and inspection program. The consolidation of building and fire inspection functions was approved and all activities are now staffed within the Development and Engineering Services Department (DES). The move has allowed for greater efficiencies, as inspection staff are being trained and developed to obtain the necessary skill sets to perform compliance duties in connection with both building and fire inspection.

Amend Class Specification and Salary Range: Supervising Building and Fire Inspector

An evaluation of the Supervising Building Inspector classification found that, due to the elimination of the Fire Marshall position and streamlining of fire prevention services as a result of the City's right-sizing, the Supervising Building Inspector has functioned as the supervisor of both building inspection and fire inspection services. This consolidation requires additional skills and abilities, including State required certifications. It is recommended that the job classification be amended to reflect the increased responsibilities and required certification and that the compensation be increased in order to allow not only for market equity, but to alleviate compaction that has occurred. The new salary range recommended is \$6,168.34 to \$7,497.66 per month. The increased cost is estimated to be approximately \$11,042 annually.

Finance and Administrative Services Department

In FY 2009-10, the Information Systems Manager position was eliminated, which placed an increasing level of responsibility on the Information Systems Administrator position. It was noted at the time that, while this action would provide needed cost savings and could work in the short-term (2-3 years) with minimal impact, it was unlikely to continue effectively long-term, as the elimination would reduce time available for planning and implementation of future significant projects in the information systems arena.

Establish Classification Specification and Salary Range: Information Technology Manager

A recent analysis of the Information Systems Administrator concluded that the position has changed significantly since the rightsizing of FY 2009-10. The position had been responsible for performing system analysis, programming operations, and providing support to departments and ensuring integration of all systems with citywide information systems functions. It has also been responsible for the development of overall Information technology strategies and departmental information systems, including enterprise class server, storage and network security architecture, GIS and other telecommunication systems, and research and analysis of emerging industrial technology trends. The position has assumed more responsibility for preparing and administering the division budget, forecasting costs, and procuring systems and supplies. The position also provides technical leadership and facilitates workflow and work products. Moreover, the position has transitioned from liaison and managing information systems, to developing and implementing management information systems.

The new salary range recommended is \$8,030.80 to \$9,761.50 per month. The increased cost is estimated to be approximately \$7,530 annually.

Parks and Community Services Department

The City's Parks and Community Services Department operates nine successful recreation program sections. In FY 2009-10, the Department reduced staffing by 4.57 FTEs. A vacant Deputy Director position was eliminated as were two full-time, regular Recreation Program Coordinator positions. Classification analyses have found that these actions have significantly impacted the duties and scope of responsibilities of one of the Recreation Services Supervisor positions, as well as one of the Recreation Program Coordinator positions. In addition, recent adoption of the City's future organizational structure will change the Parks and Community Department to a Division of the City Manager's Office. This organizational change will provide for the elimination of the Director position and further increase the span of control of the positions identified.

Establish Classification Specification and Salary Range: Recreation Services Program Manager

It is recommended that a new classification of Recreation Services Program Manager be established. Since the right-sizing of FY 2009-10, a shift has occurred in which duties of one of the Recreation Services Supervisors has changed significantly with regard to the level and complexity of recreational programs managed, oversight of major City-wide special events, and implementation of a larger scope of services both directly and through subordinates. A classification study indicates that the position provides a greater scope and higher level of professional assistance to the Department Head and/or other executive level management, represents the Department to Boards, Commissions and community groups, and is responsible for developing funding sources.

The recommended salary range of the new position is \$6,828.30 to \$8,299.84 per month. The increased costs associated with this recommendation are approximately \$12,223 per year.

Amend Recreation Program Coordinator Classification and Salary Range: Recreation Program Coordinator I/II

Also as a result of the right-sizing, the Recreation Program Coordinator position responsible for supervising the Senior Center has also significantly changed. The position now has some responsibility for administering grants and helping to develop funding sources, as well as manages a much broader range of programs, which currently includes After School Programs, Youth and Teen Programs, and Senior Center operations. Each of these programs is multi-faceted and has distinctly different operational models. In overseeing these programs, the position is required to exercise a higher level of decision-making and independent action to carry out assignments. Finally, the position may serve as liaison with select Boards and Commissions as directed. It is recommended that the classification specification be amended to provide for a second tier, allowing for Recreation Program Coordinator I and Recreation Program Coordinator II classifications, with the aforementioned Recreation Program Coordinator position being reallocated to a Recreation Program Coordinator II and the incumbent reclassified.

The recommended salary range of the Recreation Program Coordinator I position will remain at the current range of \$4,292.74 to \$5,217.84 and the Recreation Program Coordinator II position will be \$4,722.00 to \$5,739.62, reflecting a 10% increase. The increased costs associated with this action are approximately \$8,453 annually.

Public Works Department

As part of the right-sizing of FY 2009-10, one Public Works Maintenance and Operations Superintendent was left vacant upon the incumbent's retirement. Since that time, the Landscape District Maintenance Supervisor has been managing additional responsibilities related to Streets, Sidewalks, and Traffic. These additional duties have increased his supervision from six to 17 direct reports. He is responsible for managing approximately 40 budgets. The position is now responsible for evaluating operations, recommending improvements and modifications, developing new programs, assisting in establishing goals and objectives and interacting with both the public and City staff to a much greater degree. It is recommended that the Landscape District Maintenance Supervisor position be reallocated to Public Works Maintenance and Operations Superintendent and the incumbent reclassified. The additional costs associated with this action are approximately \$9,019 annually.

STRATEGIC PLAN

This agenda item supports the organizational efficiency strategic plan and specifically implements the following goal:

Goal 4: Ensure long-term viability and enhancement of the City's workforce.

FISCAL IMPACT

The City of Tracy has addressed its structural budget deficit by utilizing various workforce reduction principals. Actions taken during the FY 2009-10 right-sizing resulted in a reduction of 16% of the workforce as well as reduced personnel expenditures of over \$5 million. In addition, recent action to incentivize a further reduction in workforce will net estimated savings of over \$2 million annually. The increase in costs associated with implementing the recommended changes in this report is approximately \$113,981 annually.

RECOMMENDATION

That the City Council, by resolution, authorize the Human Resources Director to amend the City's classification and compensation plans and the Budget Officer to amend the position control roster by approving the establishment or amendment of classification specifications and salary ranges and reallocating various positions as part of the City's continuing reorganization efforts.

Prepared by: Maria Olvera, Human Resources Director

Approved by: R. Leon Churchill Jr., City Manager

Attachment: Job descriptions for Cultural Arts Manager, Arts Education Coordinator, Supervising Building & Fire Inspector, Information Technology Manager, Recreation Services Program Manager, Recreation Program Coordinator I/II

City of Tracy

**CULTURAL ARTS PROGRAM MANAGER –
VISUAL ARTS OR PERFORMING ARTS**

Class Title: Cultural Arts Program Supervisor
Department: City Manager
EEO Code: 76
FLSA Status: Exempt

Class Code: 30XXX
Bargaining Group: Mid Manager
Effective Date: January 17, 2012

DESCRIPTION

Under general direction of the City Manager, responsible for the operation of the Grand Theatre Center for the Arts including development, management, and operations of all programs, activities, and facilities in the Cultural Arts Division; serves as the City's direct liaison for the arts to Arts Groups and the community; hires and supervises support staff; performs other job related duties as assigned.

DISTINGUISHING CHARACTERISTICS

This is a mid-manager level classification within the Cultural Arts Division of the City Manager's office. Positions exist in both the Performing Arts and Visual Arts areas and incumbents report directly to the City Manager or designee. As working managers, each position is responsible for the duties directly related to the area of specialization, either Performing Arts or Visual Arts, but in addition are responsible for overall administrative and management duties related to the 37,000 sq. ft. Grande Theatre for the Arts and all activities of the Cultural Arts Division including programs, box office management; talent booking and negotiating contracts; developing a season of performances; marketing performances and classes; developing grants and funding sources; and serving as the City's direct community resource and liaison with arts related boards and commissions. Incumbents hire, train and evaluate support staff.

Cultural Arts Program Supervisor - Visual Arts:

Visual Arts includes, but is not limited to: City's Grand Gallery, gallery exhibitions, arts education programs and the City's Civic Art Program.

Cultural Arts Program Supervisor - Performing Arts:

Performing Arts includes, but is not limited to: Theater facilities including production and operations such as lighting, rigging, set design and installation, audio visual and sound equipment.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

Duties may include, but are not limited to, the following:

Develops, schedules, and manages performing arts, visual arts and instructional programs at the Grand Theatre Center for the Arts, including arranging for performances, exhibitions, and arts education class programs; develops and books a season of touring attractions

Develops and recommends long-range plans, objectives and facility needs for the Division, and recommends strategies for implementing these plans

Plans, organizes, staffs and coordinates all Division programs and projects, including the use of a wide variety of arts resources, facilities and equipment; administers facility use policies and procedures, and all user contracts and agreements

Negotiates, prepares, administers and monitors contracts, fees and agreements with artists, contractors and others involved in arts programs and activities

Administers and monitors the box office and class registration activities, subscription sales, ticketing operations, patron services issues

Develops and administers Division budget; monitors program expenditures

Makes presentations about the City's arts program to local groups, agencies and arts organizations to gather support and encourage community participation and education in the arts

Develops grant and funding sources; seeks and obtains sponsorships for community arts events

Plans and executes strategic marketing plans and promotional activities for all arts events and programs. Prepares press releases, collateral materials and coordinates media interviews.

Supervises staff including interviewing and hiring, training, performance appraisal, and disciplinary action; supervises, trains, and schedules contractors and volunteers as necessary for program production

Serves as the City's direct liaison and point of contact with arts related Boards, Committees, Commissions, and community groups including making recommendations, preparing reports and making verbal and written presentations

Coordinates activities and program facilities with those of other City divisions and departments, and outside agencies and organizations as necessary

Oversee the safe operation of all theater equipment and facilities; ensure compliance with applicable building and fire codes and City policies

Develop and maintain OSHA safety standards; develop and maintain in-house safety standards; maintain and update annually the Accident and Injury Prevention Program of federal requirements for stages

Performs related duties as assigned

MINIMUM QUALIFICATIONS

Knowledge of:

Principles, practices and procedures for planning, implementing and managing performing, visual arts and instructional programs, including scheduling and booking of touring events

Facility scheduling and management; Box office operations

Customer service and public relations

Public art program administration and implementation; Arts administration, art marketing and arts fund raising principles, strategies and techniques

Budgeting principles

Effective communication techniques in working with the media, the public, community groups, artists, and others associated with the visual arts

Effective arts program monitoring and evaluation techniques

Methods and practices associated with community organizations and citizen participation

Supervisory principles and practices

Essential elements of contracts and agreements; contract negotiations; grants administration

Ability to:

Develop long-range plans, goals and objectives for the Division; funding sources and grants

Plan, organize, direct and coordinate Division programs, facilities; develop budgets and monitor expenditures

Plan and execute strategic marketing plans and promotional activities

Plan, organize, assign, review, train and evaluate the work of staff and volunteers.

Negotiate, prepare and administer contracts and agreements

Maintain effective collaborative working relationships with other City staff, diverse members of the community, business, and special interest groups, artists, galleries and museums

Effectively manage multiple projects, a diverse workload and constantly changing priorities

Develop and implement goals, objectives, policies, procedures, work standards and management controls

Resolve complex issues and build consensus among diverse populations

Communicate clearly and concisely orally and in writing; create, compose and edit written materials

Work under pressure

Provide technical assistance and leadership to various boards and committees; make presentations

EDUCATION AND EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

Equivalent to graduation from an accredited four year college or university, preferably with a major in Visual Arts, Fine Arts, Art History, Arts Administration, Theater Arts, or related field; Possession of a Master's Degree in any of these areas or in Business or Public Administration is desirable.

Experience:

Four years of progressively responsible experience in supervising, organizing and developing arts and cultural programs and/or exhibits, theater production, or related field.

LICENSES AND CERTIFICATES

Possession of, or ability to obtain an appropriate, valid California drivers' license

SPECIAL REQUIREMENTS

May be required to work evenings and weekends

TOOLS AND EQUIPMENT USED

All Positions:

Requires frequent use of personal computer and related software programs; calculator, telephone, copy machine and fax machine.

Cultural Arts Program Supervisor - Performing Arts:

Additionally requires use of theater equipment including lighting, video, rigging and fly systems, electric and non-electric tools

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Cultural Arts Program Supervisor - Visual Arts:

While performing the duties of this job, the employee is frequently required to walk, sit and talk or hear. The employee is occasionally required to use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to climb or balance; stoop, kneel, crouch, or crawl.

The employee must occasionally lift and/or move up to 30 pounds. Specific vision abilities required include close vision, color vision, and the ability to adjust focus.

Cultural Arts Program Supervisor - Performing Arts:

This position performs strenuous physical activity for extended periods of time requiring climbing on ladders, catwalks, scaffolding or other equipment at various heights. The employee must lift and carry equipment weighing up to 50 pounds; must hear and distinguish specific qualities, pitch, tone and volume of theater sound and audiovisual sound; see and distinguish the specific qualities of theater and audiovisual light, tones, hues and colors

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Cultural Arts Program Supervisor - Visual Arts:

The noise level in the work environment is usually quiet while in the office, or moderately loud when in the field.

Cultural Arts Program Supervisor - Performing Arts:

The employee works in a theater environment

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the City of Tracy and employee and is subject to change by the City as the needs of the City and requirements of the job change.

City of Tracy

ARTS EDUCATION COORDINATOR

Class Title: Arts Education Coordinator
Department: CMO/Cultural Arts
EEO Code: 70
FLSA Status: Non-exempt

Class Code: 90XXX
Bargaining Group: Limited Service
Effective Date: January 2012

DESCRIPTION

Under the general direction of the Gallery Supervisor, the Arts Education Coordinator is responsible for the developing and operational management of the interdisciplinary Arts Education Program at the Grand Theatre Center for the Arts, in the Cultural Arts Division. The Arts Education Coordinator will also be responsible for developing curriculum and programming, and provide supervision and oversight to part-time staff, volunteers and contractors.

SUPERVISION RECEIVED AND EXERCISED

The Arts Education Coordinator receives supervision from the Gallery Supervisor. The Arts Education Coordinator supervises staff, volunteers and program contractors.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

Duties may include, but are not limited to, the following:

Coordinate the Arts Education Programs and schedule Arts Education Program classes, workshops and events; Convene Advisory Committee and stakeholder meetings.

Evaluate and develop curriculum for the Grand Theatre Center's Arts Education Program, including programming in dance, drama, music and visual arts, for children, teens, and adults.

Train and supervise part-time staff and volunteers to support operations and programming; Recruit, select, orientate, supervise, and evaluate contract instructors.

Oversee and continually assess the services and activities of the Arts Education Program and liaise.

Participate in the development of the class and course descriptions for Arts Education Program Class Catalog and promotional materials.

Interview and select instructors for the implementation of various arts education classes, and write and/or edit class descriptions and outlines.

Meet with graphic arts staff, facility management personnel and members of the community and arts organizations to schedule seminars; register students and monitor enrollment.

Generate publicity, develop and promote marketing materials; Devise and facilitate materials for programming.

Design and prepare materials for workshops including timesheets, rosters, evaluation forms, registration forms, seminar handouts and handbooks.

Order, secure, and manage special services, equipment, supplies and A/V materials for studio classrooms.

Establish and maintain effective working relations with public groups, agencies, school officials, the media and others contacted in the course of work.

Other duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Professional standards in instructing Fine and Performing Arts.

Arts-related activities and community services.

Methods, techniques, and principles used in the development of a variety of Arts Educations Programs

Program planning and implementation, arts education delivery and management, information dissemination and publicity techniques.

Contemporary, educative trends and technology.

Current issues and sources of information related to class/course development.

Programming for the public, working with visuals, and structuring classes.

Artists/performers/consultants in the field of Arts Education and relevant qualifications.

Coordinating and organizing seminars with key stakeholders.

Program and material classifications.

Understanding of basic art making materials, audio/visual equipment, and studio furniture.

Basic administrative processes such as purchasing, inventory control, record keeping, managing, scheduling, etc.

Inventory and database management and maintenance, and marketing.

EEO recruiting guidelines, Professional Standards Agreement, Business License acquisition, Insurance requirements, and Memorandum of Understanding

Evaluation and assessment tools and techniques

Personnel management including workflow processes and staff scheduling.

Microsoft Office and desktop publishing software and local/community resources.

Skills to:

Cultivate relationships through appropriate communication, orally and in writing.

Deliver great customer service experiences and garner customer satisfaction.

Ability to:

Represent the Arts Education Program to the public and key stakeholders, conduct meetings and work independently to coordinate and direct activities.

Determine the needs, interests, and desires of the community related to Arts Education Programs.

Assess the fiscal viability of programs and evaluate customer satisfaction.

Redefine and modify programs following the assessment of relevant data.

Monitor programs to ensure compliance with related policies and procedures.

Discern arts activities and determine cultural interests of the community to a wide range of age groups.

Communicate information clearly and write descriptive summaries; meet schedules and timelines, and coordinate multiple programs and student enrollment.

Develop and oversee effective marketing campaigns through print, electronic and other means, in order to communicate program design and goals in promotional materials.

Design, produce and maintain an inventory of forms and business tools for respective programs.

Exercise initiative and creativity in facilitating program materials.

Manage components of programming across a 37,000 square foot art center.

Manage contractors to meet program goals.

Coordinate, train, coach and guide staff in the correct performance of tasks.

Lift and/or safely move materials and equipment in the performance of work.

Establish and maintain effective working relationships with those contacted in the course of work.

EDUCATION AND EXPERIENCE

Any combination of field experience, education, and training in arts education is required. A typical way to obtain the knowledge and abilities would be:

Education:

An AA/AS degree in Arts Education, Arts Administration, Community Arts, Fine Arts, or equivalent is required. BA/BFA is highly desired.

Experience:

Two to three years of progressive, professional field experience in the arts education environment is required. Additionally, a minimum of 1 year in a supervisory or assistant supervisory experience is required. Bi-lingual is highly desirable.

LICENSES AND CERTIFICATES

Possession of, or ability to obtain, an appropriate, valid California driver license.

Ability to pass criminal background check and fingerprinting requirements for positions working with minors.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and communicate effectively. The employee is occasionally required to use hands and fingers to handle, reach, feel or operate objects, tools, or controls in a safe manner.

The employee must occasionally lift and/or move up to 30 pounds. Ability to read, write and interpret information and data.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually quiet while in the office, or moderately loud when in the field.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the City of Tracy and employee and is subject to change by the City as the needs of the City and requirements of the job change.

City of Tracy

SUPERVISING BUILDING AND FIRE INSPECTOR

Class Title: Supervising Building and Fire Inspector Class Code: 31XXX
Department: Development and Engineering Services Bargaining Unit: Mid Manager
EEO Code: 75 Effective Date: January 2012
FLSA Status: Non-Exempt (change) Revision History: 5/07; 1/12 (title change)

DESCRIPTION

Under direction of the Building Official, the Supervising Building and Fire Inspector supervises, plans, organizes and coordinates the activities of Building Inspectors and Fire Inspectors in the performance of a variety of duties related to industrial, commercial, and residential building and fire inspections, and building plans at various stages of construction, alteration, and repair and compliance with applicable codes; performs other job related duties as assigned.

DISTINGUISHING CHARACTERISTICS

This supervisory level classification is in the Building Division of the Development and Engineering Services Department. The class is characterized by supervision and oversight of building inspection and fire inspection staff; and provision of technical expertise to staff including plans examiners and clients in the more complex and difficult queries and problems related to building inspections, fire inspection and plan reviews. This class is distinguished from the higher class of Building Official, which has overall responsibility for direction and management of the day-to-day operation and activity of the entire Building Division.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

Duties may include, but are not limited to, the following:

Supervise building and fire inspection staff of the City's building inspection and fire inspection programs

Supervises the enforcement of laws, ordinances and regulations pertaining to the prevention and control of fire; the protection of life and property from fire, explosion or panic, the installation and maintenance of fire control and fire safety appliances.

Supervises activities related to plans checking of building suppression and detection systems; review of annexations and subdivisions

Participate in the selection of employees and make recommendations for promotion; prepare performance evaluations and initiate disciplinary action

Ensure enforcement of applicable Federal, State, and City mandates and regulations; ensure standardization of procedures for building inspections and fire inspection

Respond to and resolve difficult customer problems and complaints

Schedule seminars and in-house training including proper plan review processing techniques, inspection techniques and building and fire code interpretation

Develop and train staff to achieve the most efficient and effective methods of customer service to both internal and external customers

Provide input and assistance in the establishment and improvement to Division procedures, policies, and budgeting matters

Assist staff in the performance of the more complex or difficult field inspections or plan reviews; and make field inspections or perform plan reviews as necessary

Review plans and specifications of proposed structures for compliance with building and fire codes and accepted engineering practices, and review test reports from laboratories and consulting engineers;

Conduct meetings and confer with architects, contractors, builders and the general public in person or by telephone or e-mail

Provide technical assistance, educate and explain requirements and restrictions in regards to construction projects, code interpretations, inspection requests and department policies and procedures

Coordinate activities with other City departments and divisions and between Building Inspectors and Fire Inspectors staff

Maintain detailed records and prepare reports and correspondence

Stay informed of changes and new legislation pertaining to assigned work

May act for the Building Official in the latter's absence

Perform related duties and responsibilities as assigned

MINIMUM QUALIFICATIONS

Knowledge of:

Principles and practices of building and fire inspection work, supervision and training

Construction methods and practices, materials and usage, for industrial, commercial, and residential structures

Advanced principles and techniques of building inspection and plan review

Current administrative building, plumbing, mechanical, and electrical codes enforceable by the State of California Title 24 codes, the City, and referenced documents

Basic knowledge of laws, ordinances, and codes related to building, zoning, and fire regulations

Chemical and related characteristics for a wide variety of flammable and explosive materials and objects.

Customer service techniques and ability to deal effectively with difficult people

Principles of structural design and engineering calculations

Current computer technology and trends

Safety principles

Ability to:

Supervise subordinates effectively

Communicate effectively, clearly, and concisely with staff and the general public both orally and in writing

Use good judgment and tact in making reasonable and discretionary decisions

Arbitrate successfully between customers and staff

Recognize fire hazards such as structural conditions and hazardous materials and recommend techniques for corrective action

Interpret and explain codes to customers and staff

Research, write reports and letters on special assignments

Work on multiple projects and effectively set priorities

Maintain accurate and timely records

Learn and operate the City's automated permit tracking system

Apply technical knowledge and follow proper inspection techniques to examine workmanship and materials, and detect deviations from plans, regulations, and standard construction practices

Read and interpret complex building plans, specifications, and building and fire codes; and apply technical knowledge and proper plan review techniques to perform plan reviews and detect deviations from plans, regulations and code requirements

Understand and carry out oral and written directions

Advise on standard construction methods and requirements for industrial, commercial, and residential structures

Provide technical assistance and direction to staff

Make arithmetical computations rapidly and accurately

Enforce necessary regulations with firmness and tact

Work independently with minimal supervision

Establish and maintain effective, tactful, courteous, and cooperative working relationships with those contacted in the course of work even under sometimes tense and emotionally charged situations

Conduct meetings, give effective oral presentations, and assess and train staff

Make effective oral presentations

EDUCATION AND EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

High School Diploma or G.E.D.; any education, training, academic courses, or certification programs relevant to this job classification; education equivalent to an AA or AS degree with major coursework in construction technology, engineering, architecture, or a related field is preferred.

Experience:

Five years of combined experience in the areas of building inspection, fire inspection and/or plans examining and/or construction equivalent to a journey level carpenter, plumber, electrician, air conditioning mechanic, or related contractor. At least three of the five years must be in the area of building inspection and/fire inspection; experience as a supervisor or lead worker is preferred. Experience with the City of Tracy in building inspections or fire inspections may substitute for up to two years of the required five years experience. Experience as a supervisor or lead worker in building inspection or fire inspection with any public agency may substitute for two of the five years. Substitutions may only account for a total of two years of the required five years.

LICENSES AND CERTIFICATES

- Possession of, or ability to obtain, an appropriate, valid California driver license
- ICC Certification as a Building Inspector is required
- Within one year of appointment, obtain an ICC Fire Prevention I certificate is required.
- Within one year of appointment, an additional ICC certificate is required as an Electrical, Plumbing, or Mechanical Inspector
- ICC certification as an Electrical, Plumbing, and Mechanical Inspector is desirable

TOOLS AND EQUIPMENT USED

Requires use of personal computer and/or lap top including word processing and permitting software, motor vehicle, varied inspection test and measurement tools, cell phone, ladder, scaffolding, architect and engineering rulers, etc.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential and marginal functions may require the mental and/or physical ability to work in a standard office and field environment; identify varying mechanical noises; converse on the telephone and in person over the noise of heavy equipment; maintain sufficient physical conditioning and good balance for stooping, squatting, crouching, crawling in confined/restricted spaces, kneeling, bending, stair climbing, high-ladder climbing, reaching, standing, lifting, and walking on even and uneven levels; operating motorized equipment and vehicles; occasionally lifting and carrying up to fifty pounds. Hand-eye coordination is necessary to operate equipment and tools.

Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. Must be able to utilize a calculator and computer keyboard.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee will travel from jobsite to jobsite and occasionally work in inclement weather conditions. The employee is occasionally exposed to wet, windy, or humid conditions, toxic or caustic chemicals.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

This job description does not constitute an employment agreement between the City of Tracy and employee and is subject to change by the City as the needs of the City and requirements of the job change.

City of Tracy

INFORMATION TECHNOLOGY MANAGER

Class Title: Information Technology Manager
Department: Administrative Services
EEO Code: 76
FLSA Status: Exempt

Class Code: 25XXX
Bargaining Unit: Confidential Mgmt
Effective Date: January 2012

DESCRIPTION

This management classification performs highly technical and complex administrative work in the Information Systems Division, ensuring functionality and maintenance of City-wide and departmental information systems, including enterprise class server, storage and network security architecture, GIS and other telecommunication systems. The position's scope of duties and responsibilities range from managing day to day operations and workflow, employing technical knowledge, facilitating infrastructure, developing network security guidelines and providing direction on policies to standardize the organization's computer hardware, software, and telecommunication systems, to providing hands on assistance and training to City departments on the various systems, working with vendors and contractors, and administering the division's budget.

DISTINGUISHING CHARACTERISTICS

The Information Technology Manager exercises a broad range of authority over information technology functions critical to the City's mission. This position is responsible for the development of strategic, innovative information services and plans the day-to-day operations of the information services function.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the department head or other management. The incumbent is expected to take initiative and work independently in the performance of duties.

Provides administrative, functional, and technical supervision over Information Technology staff as assigned, and contract staff.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

Demonstrates expertise in City standard applications, server hardware/software, server operating systems and network devices. Manages, directs, coordinates and prioritizes day to day activities, workflow, work plans, projects, work product, and resources pertaining to information technology systems throughout the City.

Develops, implements and oversees computer management systems, network communications and information system data protections, troubleshooting measures, back-up architecture and disaster recovery. Provides strategic planning and direction to resolve problem areas.

Analyzes, develops, and recommends short and long-term planning and strategies for effective utilization of all Information Technology Systems to meet departmental needs throughout the City.

Conducts needs analysis and technological research and review in order to recommend procurement of hardware/software systems and applications which will interface with existing computer systems, resulting in functionality, innovation, and relevance. Prepares detailed migrations and replacement plans for the repair and replacement of "end of life" equipment. Maintains all system hardware inventory and maintenance agreements, and retains records on preventative and corrective equipment maintenance, response and repair times on equipment failures, utilization, cost and charges.

Coordinates the development of specifications, selection, acquisition, configuration, and implementation of information technology systems in such areas as financial software, Geographical Information Systems (GIS), computer aided-dispatch, records management, and interdepartmental network systems.

Designs overall telecommunication infrastructure and cultivates overall Information Technology strategy. Develops computer use and network security guidelines and coordinates related training sessions and tutorials to assist users in learning the use of computer equipment and peripherals, new technologies and software packages.

Responsible for and participates in annual budget preparation and forecasting activities, including budgeting for City-wide information and communication systems needs and capital improvement projects. Ensures that department goals are met within annual operating budget. Administers the approved budget, recommends line item budget modifications/amendments, authorizes and tracks expenditures accordingly.

Negotiates, renegotiates and oversees contract agreements and interacts with vendors/contractors to facilitate contracts and handle related issues; modifies contracts as necessary.

Develops and implements project management strategies, divisional goals and objectives, policies and procedures, to address technical, operational and administrative demands; Interprets and clarifies operational policies and procedures to City staff, City Council and the general public. Prepares and presents verbal and written communication to a diverse audience including City staff, City Council, technical peers, and the general public.

Selects, trains and evaluates the performance of assigned staff and facilitate personnel action accordingly. Provide technical lead direction to City staff as assigned.

Establishes and maintains positive working relationships with City staff and the general public through promotion of the City's values of Customer Service, Honesty, Excellence, Respect, Innovation, Stewardship, and Hospitality.

Provides responsive, on-going support and training on the City's Information Technology Systems.

Performs related duties as assigned.

MINIMUM QUALIFICATIONS:

Knowledge of:

Principles and practices of information technology systems used in municipal government setting, including state of the art hardware, peripheral equipment, and applications for computer, telephone and data communications systems.

Project Management techniques, software and tools to effectively manage the scope of work, project costs, technical resources, and maintain schedule integrity.

Enterprise level computer architecture to facilitate setup and maintenance of computer peripherals, develop detailed project plans, analyze and troubleshoot problems, restart jobs, and prioritize projects and workloads.

NAS, Fibre Channel, SANs, ICMP, SNMP, LAN/WAN, virtualization, port-based monitoring, and GIS; expert knowledge in security standards and firewall protocols.

Principles and techniques of systems analysis, design and programming.

Budget Administration, analysis, forecasting, and implementing controls.

Ability to:

Effectively oversee multiple projects simultaneously while managing project costs, design, development, deployment, support, resources, maintenance and scheduling.

Accurately assess technical skills and infrastructure to administer work plans, isolate problems, coordinate repairs, allocate resources, offer solutions, and monitor outcomes.

Keep abreast of and understand emerging industry trends and innovation and make suitable recommendations.

Communicate very technical information in layman's terms, orally and in writing; maintain detailed records.

Analyze technical documents, prepare comprehensive reports and communicate.

Prepare and administer a budget.

Interpret and apply pertinent Local, State, Federal law, City policies and procedures.

Work under pressure and meet deadlines.

Skills to:

Analyze and resolve hardware and software problems, install hardware, peripheral equipment and program applications, system design and programming and write scripts.

Operate, manage and maintain the City's Information Technology Systems.

Employ teambuilding and people-centered management approaches effectively.

EDUCATION AND EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Progressively responsible experience in information system design, implementation, and operations, including supervisory and management level experience. Experience in strategic plan development of agency-wide information systems; financial software, geographic mapping, computer-aided dispatch, local and interdepartmental network systems in a public sector environment is highly desirable.

Training:

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in computer science, information systems management, or a closely related field.

LICENSES AND CERTIFICATES

Possession of, or ability to obtain an appropriate, valid California drivers' license.

TOOLS

Mainframe and personal computers, telephones, fax, copy machine, calculator.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is required to see well enough to read fine print and VDT's; hear well enough to converse on the telephone and in person over machinery noise; communicate frequently through the use of a telephone or in person on somewhat technical operational procedures.

Continuous basis, sit at a desk and in meetings for long periods of time; perform simple grasping and fine manipulation to write, use calculator and computer terminals.

Communicate through written means.

The employee must occasionally lift and/or move up to 50 pounds and frequently bend, stoop, twist and move in tight spaces to diagnose, install, and/or repair equipment.

Specific vision abilities required by this job include close vision, color vision, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work in an office environment, with occasional visits to operations off site to assist the operation with their information system needs. Attend evening meetings as required.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee is occasionally exposed to wet and/or humid conditions, toxic or caustic chemicals.

The noise level in the work environment is usually quiet while in the office, or moderately loud when in the field.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position. The job description does not constitute an employment agreement between the City of Tracy and employee and is subject to change by the City as the needs of the City and requirements of the job change.

City of Tracy

RECREATION SERVICES PROGRAM MANAGER

Class Title:	Recreation Services Program Manager	Class Code:	30XXX
Department:	City Manager's Office	Bargaining Group:	Mid Manager
EEO Code:	76	Effective Date:	January 2012
FLSA Status:	Exempt		

DESCRIPTION

Under direction, manages a variety of programs, events, and services; represents the department with boards, commissions, advisory groups and local associations; develops funding sources; provides professional assistance to the Department Head or other higher level Department and City management; supervises staff; performs other duties as assigned.

DISTINGUISHING CHARACTERISTICS:

The primary focus of this working-manager classification is in two major areas: management of a variety of recreational programs, events and services either directly or through subordinates; and division/department wide responsibilities providing professional assistance to the department head or other higher level management, representing the department to boards, commissions and groups, and developing funding sources.

The Recreation Services Program Manager is distinguished from the lower level Recreation Services Supervisor by the type, scope, nature and variety of duties assigned and the significant amount of time spent assisting the department head, working on special projects and fund development, and representing the department. The Recreation Services Program Manager is also distinguished from the Recreation Services Supervisor by the level of decision making and independent judgment required on a regular basis to carry out assignments, types of problems solved, impact of decision making, and types and purpose of interpersonal contacts.

The Recreation Services Program Manager receives supervision from a higher level supervisor or manager and supervises Recreation Program Coordinators as well as other lower level staff, volunteers and/or program contractors.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES:

Duties may include, but are not limited to, the following:

Assists the department head on a wide variety of division and department issues and projects; prepares and presents reports to City Council; recommends and assists in the implementation of goals and objectives; recommends and implements policies and procedures

Represents the department to Boards, Commissions, advisory groups and other associations and organizations; establishes and maintains effective working relationships with staff, Boards, Commissions, advisory groups, associations, and the general public

Develops and manages a variety of community events for the City

Develops various funding sources for programs, including fund development through sponsorships, gifts and grants; develops grant opportunities and submits grants and proposals

Manages a variety of recreation programs either directly or through subordinates; evaluates program operations and activities; recommends improvements and modifications, prepares various reports on operations and activities; develops new programs

Recommends staffing needs, participates in the recruitment and selection, provides training and evaluation of staff, participates in monitoring employee performance objectives; prepares employee performance reviews; provides or coordinates staff training; works with employees to correct deficiencies; implements discipline procedures

Prepares and maintains budgets and cost estimates for budget recommendations

Coordinates activities and program facilities with those of other City divisions and departments, and outside agencies and organizations as necessary

Participates in various professional organizations; serves on local and regional committees pertaining to parks and community service issues

Performs related duties as assigned.

MINIMUM QUALIFICATIONS:

Knowledge of:

Principles and practices of public administration; state and federal grant administration; project management

Goals, objectives, principles, procedures, materials, rules and regulations, and skills associated with a variety of recreational services activities

Regulations, codes and restrictions related to the assigned area of responsibility.

Pertinent Federal, State and local laws, codes and regulations; and Federal and State grant administration.

Principles and practices used in planning, implementing, and supervising, community recreational programs.

Program marketing and promotion techniques, principles of customer service and public relations.

Principle and practices of personnel management, supervision, training, and evaluating

Occupational hazards and standard safety precautions necessary in the work environment.

Budgeting principles, practices, procedures and techniques.

Ability to:

Assist the department head on a wide variety of division and department issues and projects; prepare and present reports to City Council; recommend and assist in the implementation of goals and objectives

Represent the department to boards, commissions, advisory groups and other associations and organizations

Establish and maintain effective working relationships with staff, Boards, Commissions, advisory groups, associations, and the general public

Develop and present large scale community events

Develop funding sources and grants for department programs

Develop and administer recreational programs directed to the needs and desires of the community.

Plan, organize, coordinate and direct the activities of personnel and volunteers involved in the conducting recreational programs.

Deal effectively with representatives from schools, social organizations, and the general public

Develop and monitor budgets

Supervise staff including training of employees, assigning and monitoring work and evaluating employee performance

Conduct lease and contract negotiations; promote and represent department programs

Communicate clearly, concisely, orally and in writing, speak effectively in public

Identify and respond to public and City Council issues and concerns.

Work evenings and weekends as required

EDUCATION AND EXPERIENCE

A combination of training and experience that is likely to provide the required knowledge, abilities, and skills that would be acceptable is qualifying. A typical background would be:

Education

Equivalent to a Bachelor's Degree from an accredited college or university with major course work in recreation or closely related field; a master's degree in public administration or a related field is highly desirable

Experience

Six years of progressively responsible experience performing complex administrative work related to developing, promoting, coordinating and supervising a variety of public recreation programs and activities including at least two years supervising staff.

SPECIAL REQUIREMENTS

Work evenings and weekends as necessary

LICENSES AND CERTIFICATES

Possession of or ability to obtain and maintain a valid California Class C driver license.

Ability to pass criminal background check with fingerprinting requirements for positions working with minors.

TOOLS AND EQUIPMENT USED

Personal computer, including word processing spreadsheet and database software; calculator; copy and fax machine; phone; mobile or portable radio; automobile; various sports equipment used in recreation programs.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to walk, sit and talk or hear. The employee is occasionally required to use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to climb or balance; stoop, kneel, crouch, or crawl. Move furniture, chairs and table, set up displays or stages.

The employee must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, color vision, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee may encounter while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee is occasionally exposed to wet and/or humid conditions, toxic or caustic chemicals.

The noise level in the work environment is usually quiet while in the office, or moderately loud when in the field.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

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City of Tracy

RECREATION PROGRAM COORDINATOR I/II

Class Title: Recreation Program Coordinator I/II Class Code: 40401 / 40XXX
Department: Parks & Community Services Bargaining Group: Technical & Support Services
EEO Code: 79 Effective Date:
FLSA Status: Non-exempt Revision History: 4/00;12/03,1/2012

DESCRIPTION

Under the direction of the Recreation Services Supervisor, the Recreation Program Coordinator is responsible for developing, organizing, implementing and supervising Department programs and events in one or more program areas. Responsibilities include the recruiting, training and supervising of part-time and temporary staff and volunteers, providing direct leadership to program participants, customers and staff; and performing other duties as assigned.

DISTINGUISHING CHARACTERISTICS

The Recreation Program Coordinator I is the journey level in the Recreation Program Coordinator series. The primary focus is on developing, organizing and supervising activities and temporary staff in one or more program areas.

The Recreation Program Coordinator II is the advanced level in the Recreation Program Coordinator series, requiring a higher level of decision making and independent action required to carry out assignments including liaison with internal and external boards and commissions, grant administration, and administration of major and/or multiple programs with varying operational models.

The Recreation Program Coordinator I is distinguished from the higher level Recreation Program Coordinator II by the type, scope, nature and variety of duties assigned on a consistent and regular basis at the higher level such as liaison with internal and external boards and commissions; grant administration, and administration of major and/or multiple programs with varying operational models.

The Recreation Program Coordinator is distinguished from Recreation Services Supervisor in that the latter has full first-line supervisory responsibility for direction and coordination of assigned recreation programs and activities.

The Recreation Program Coordinator receives supervision from a higher level supervisor or manager and may supervise staff, volunteers and/or program contractors.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

The level at which duties are performed is based on the position level as indicated under Distinguishing Characteristics. Duties include, but are not limited to the following:

Develops, organizes and supervises activities in one or more program area.

Recruits, trains, supervises, evaluates part-time, seasonal and temporary staff.

Monitors and assists program contractors and contractual agreements.

Prepares promotional materials and undertakes publicity activities.

Schedules facilities, secures supplies and equipment.

Prepares program/activities reports, maintains records, and mailing lists.

Prepares and monitors program/activities budget.

Oversees enrollment and participation data.

Attends and leads training sessions and meetings as assigned.

Coordinates and conducts program/activities with community and school groups.

Understands community needs in a variety of program and service areas.

Identifies methods to maximize service effectiveness and efficiency.

Establishes and maintains effective working relations with staff, Boards, Commissions, public groups, agencies, school officials, the media and others contacted in the course of work.

Prepares and submits grants and proposals; assists in developing funding sources for programs.

Recommends staffing needs, participates in recruitment and selection, provides training and evaluation of staff, participates in monitoring employee performance objectives; provides or coordinates staff training; works with employees to correct deficiencies.

Answers questions and provides information to the public; investigates complaints and recommends corrective action as necessary to resolve complaints.

Conduct surveys, researches data and determines community service programs and special projects to be offered and resources required to implement them; researches, compiles and analyzes data for special projects; collects and assembles data and background materials for a variety of reports

Performs other duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Goals, objectives, principles, procedures, materials, rules and regulations, and skills associated with a variety of recreational services activities

Regulations, codes and restrictions related to the assigned area of responsibility

Principles and practices used in planning, implementing, and supervising, community recreational programs

Methods and practices associated with working with boards, commissions and community organizations, and the public

Essential elements of contracts and agreements; elements of grant preparation and grants administration

Program marketing and promotion techniques, principles of customer service and public relations.

Basic program management principles, including budgeting, purchasing, inventory control, facility scheduling and staff and program management

Ability to:

Work effectively with the public, commissions, and staff

Resolve conflicts effectively; respond to public inquires and complaints

Organize, develop, implement, supervise and evaluate effectiveness of programs

Recruit, train, schedule staff and volunteers to meet program needs

Effectively use written, oral and presentation communication techniques

Establish and maintain effective working relations with Boards, Commissions, public groups, agencies, school officials, the media and other contacted in the course of work

Prepare program budgets and reports

Coordinate programs and activities with community groups; understand community needs in a variety of programs and service areas

Schedule staff and volunteers to meet program goals

EDUCATION AND EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Recreation Program Coordinator I

Education:

An AA/AS degree with emphasis in general recreation activities, community services or non-profit administration.

Experience:

Two years of progressive work experience in designated program areas, with at least six months supervisory or assistant supervisory capacity, preferred.

Recreation Program Coordinator II

Education:

An AA/AS degree with emphasis in general recreation activities, community services or non-profit administration.

Experience:

Four years of increasingly difficult experience in multiple program areas; with at least one year supervising temporary, permanent, part-time or full-time program staff.

LICENSES AND CERTIFICATES

Possession of, or ability to obtain, an appropriate, valid California driver license.

Ability to pass criminal background check and fingerprinting requirements for positions working with minors.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and communicate effectively. The employee is occasionally required to use hands and fingers to handle, reach, feel or operate objects, tools, or controls.

The employee must occasionally lift and/or move up to 15 pounds. Ability to read, write and interpret information and data.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually quiet while in the office, or moderately loud when in the field.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the City of Tracy and employee and is subject to change by the City as the needs of the City and requirements of the job change.

RESOLUTION _____

AMEND THE CITY'S CLASSIFICATION AND COMPENSATION PLANS AND POSITION CONTROL ROSTER BY ESTABLISHING OR AMENDING CLASSIFICATION SPECIFICATIONS AND SALARY RANGES AND REALLOCATING VARIOUS POSITIONS AS PART OF THE CITY'S CONTINUING REORGANIZATION EFFORTS

WHEREAS, The City has Classification and Compensation Plans, and a Position Control Roster, and

WHEREAS, The City has completed classification reviews to establish classification specifications.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The City Council authorizes the Human Resources Director to amend the City's Classification and Compensation Plans as follows:

Establish Classification: Cultural Arts Manager – Visual Arts; Cultural Arts Manager – Performing Arts
Salary Range: \$6,207.54 to \$7,545.31 monthly

Establish Classification: Arts Education Coordinator
Salary Range: \$19.81 to \$24.08 hourly

Amend Classification: Supervising Building Inspector to Supervising Building & Fire Inspector
Salary Range: \$6,168.34 to \$7,497.66 monthly

Establish Classification: Information Technology Manager
Salary Range: \$8,030.80 to \$9,761.50 monthly

Establish Classification: Recreation Services Program Manager
Salary Range: \$6,828.30 to \$8,299.84 monthly

Amend Classification: Recreation Program Coordinator to Recreation Program Coordinator I/II
Salary Range: \$4,292.74 to \$5,739.62

Reallocate Positions: Gallery Supervisor to Cultural Arts Manager – Visual Arts; Technical Theatre Supervisor to Cultural Arts Manager – Performing Arts; Supervising Building Inspector to Supervising Building and Fire Inspector; Information Systems Administrator to Information Technology Manager; Recreation Services Supervisor (Position Control #54-30505-501) to Recreation Services Program Manager; Recreation Program Coordinator (Position Control #54-40401-503) to Recreation Program Coordinator II, all other Recreation Program Coordinator positions to Recreation Program Coordinator I; Landscape District Maintenance Supervisor to Public Works Maintenance and Operations Superintendent

2. The Budget Officer is authorized to amend the Position Control Roster and reclassify incumbents to reflect the amendments set forth above.

The foregoing Resolution _____ was adopted by the Tracy City Council on the 17th day of January, 2012 by the following votes:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

AGENDA ITEM 11

REQUEST

CITY COUNCIL AFFIRMS ITS INTENT TO SERVE AS THE SUCCESSOR AGENCY OF TRACY COMMUNITY DEVELOPMENT AGENCY, PURSANT TO HEALTH AND SAFETY CODE SECTIONS 34171 (j) AND 34173, AND TO CONSIDER WHETHER TO ELECT TO RETAIN THE HOUSING ASSETS AND FUNCTIONS PREVIOUSLY PERFORMED BY THE TRACY COMMUNITY DEVELOPMENT AGENCY, PURSUANT TO HEALTH AND SAFETY CODE SECTION 34176

EXECUTIVE SUMMARY

Assembly Bill 1X26 ("Dissolution Act") and Assembly Bill 1X 27 ("Alternative Redevelopment Program Act") were enacted in June 2011, to significantly modify the Community Redevelopment Law. On December 29, 2011, the California Supreme Court ruled that the Dissolution Act is largely constitutional and the Alternative Redevelopment Program Act is unconstitutional. The Court's decision means that all California redevelopment agencies will dissolve on February 1, 2012, pursuant to the Dissolution Act. The Dissolution Act states that the city that authorized the creation of the redevelopment agency shall be the "successor agency" to the dissolved redevelopment agency unless the city elects not to serve as the successor agency. Additionally, the city that authorized the creation of the redevelopment agency may elect to retain the housing assets and functions previously performed by the former redevelopment agency. Staff recommends that the City Council: (1) affirm that the City will be the successor agency to the Tracy Community Development Agency ("CDA"); and (2) elect to retain the housing functions performed by the former CDA in order to maximize local control of the wind down process and to maximize the amount of administrative funds available to the successor agency for retaining the existing housing functions.

BACKGROUND

Between June 28 and June 30, 2011, the Governor approved the State Budget for FY 2011/12, and signed a number of implementing trailer bills, including ABX1 26 ("Dissolution Act") and ABX1 27 ("Alternative Redevelopment Program Act"). These bills suspended a redevelopment agency's ability to issue debt or enter into new obligations until October 1, 2011, at which time the redevelopment agency would dissolve, unless the city enacts an ordinance to participate in the Alternative Redevelopment Program and make certain required contributions to local schools and special districts.

On December 29, 2011, the California Supreme Court delivered its decision in the *California Redevelopment Association v. Matosantos* case, finding the Dissolution Act constitutional and Alternative Redevelopment Program Act unconstitutional. Additionally, the Court extended the compliance time period contained in the Dissolution Act by four months. The Court's bifurcated decision means that all California redevelopment agencies, including the CDA, will be dissolved under the Dissolution Act on February 1, 2012, and none will have the opportunity to opt into continued existence under the unconstitutional Alternative Redevelopment Program Act.

Successor Agency

The Dissolution Act provides that the city that authorized the creation of the redevelopment agency shall be the "successor agency" to the dissolved redevelopment agency unless the city elects not to serve as the successor agency under Section 34173(d)(1) of the Redevelopment Law. Staff is requesting that the City Council affirm that the City will be serving as the successor agency.

The actions of the successor agency will be monitored, and in some cases approved, by an Oversight Board, which will be composed of seven members including:

- County Board of Supervisors (two members)
- City of Tracy Mayor
- County Superintendent of Education
- Chancellor of California Community Colleges
- Largest special district taxing entity
- A former redevelopment agency employee appointed by the Mayor

The role of the successor agency and Oversight Board would be to wind down the affairs of the Agency including disposing of all assets. Serving as the successor agency, may entitle the City to receive an annual operating budget to defray its administrative costs in an amount up to five percent of the property tax allocated to the successor agency for FY 2011-12 to pay the former CDA's existing debts, and up to three percent of the property tax allocated to the successor agency each succeeding fiscal year; provided, however, that the annual amount shall not be less than \$250,000. With the City acting as the successor agency, the question of whether the City is interested in retaining the housing assets and functions still needs to be answered as part of the Dissolution Act.

Retain Housing Assets and Functions Decision

Section 34176(a) of the Redevelopment Law provides that the city that authorized the creation of a redevelopment agency may elect to retain the housing assets and functions previously performed by the former redevelopment agency. While no specific date for such action is set forth in the Dissolution Act, most jurisdictions are adopting resolutions prior to the February 1, 2012, at which time redevelopment agencies will dissolve.

Should the City not elect to retain the housing assets and functions, such housing functions and all related assets will be transferred to the local Housing Authority. If the City does elect to retain the housing assets and functions, it will continue to fulfill existing housing obligations and will be able to exercise Redevelopment Law housing powers to fulfill such obligations. It is important to note that no new housing programs or assets will be funded; rather, all on-going functions will be limited to preserving or selling assets and maintaining existing functions, such as loans etc.

With regard to housing assets, the CDA does not currently own any physical assets (land or buildings etc.). As such, the entity (City or Housing Authority) ultimately responsible for the housing assets and functions will not be burdened with the

requirement to sell off physical assets. The CDA does, however, have various housing, down payment and rehabilitation loans with affordability covenants secured by the various housing projects. These loans are monitored monthly for program compliance and payments. It is estimated that between 10 – 15 hours a week is spent maintaining existing housing functions. If the City elects to retain these housing functions, the costs could be funded by the \$250,000 minimum administrative revenue allowed by the Dissolution Act.

The two options for Council consideration are:

1. Allow the San Joaquin Housing Authority to retain the agency housing assets and functions

Advantage: It would free up City staff from having to perform loan compliance and maintenance functions relative to affordable housing, down payment assistance and rehabilitation loans.

Disadvantage: The City would lose local control over its existing housing, down payment and rehabilitation loans. The City would have to share the administrative funding allowed within the Dissolution Act with the SJ County Housing Authority.

2. City to retain the agency housing assets and functions

Advantage: City maintains local control over existing housing loans. City has access to full share of administrative costs allowed within the Dissolution Act.

Disadvantage: Loan compliance and maintenance functions continue with potentially fewer staff.

Staff Recommendation (Retain Housing Assets and Functions)

In order to maintain local control over the City's existing housing loans and to access maximum administrative costs allowed within the Dissolution Act, staff recommends that the City elect to retain the housing assets and functions previously performed by the former redevelopment agency.

Other Statewide Efforts Being Pursued regarding the Future of Redevelopment

Senator Alex Padilla is working with the League of California Cities on a bill ("SB 659") to postpone the February 1, 2012 deadline when redevelopment agencies will be dissolved. According to the League "the postponement will allow time for the Legislature and Governor to develop a new job creation and neighborhood renewal program, and to develop a solution that ensures that schools and the State budget receive the funding intended by the Legislature when they passed the redevelopment budget legislation last year." However, in order for the bill to take effect before the February 1st deadline, it would have to be passed as an urgency measure requiring a 2/3rds vote in both the Assembly and Senate.

In September of 2011, the City of Cerritos, along with nine other cities and their redevelopment agencies, filed a separate lawsuit against the state challenging the

Dissolution Act (*City of Cerritos, et al. v. State of California, et al.* (Sacramento Superior Court Case 34-2011-80000952). The Plaintiffs in this lawsuit are raising other legal arguments that the California Supreme Court refused to consider in its opinion in the *California Redevelopment Association v. Matosantos* case. These include other constitutional arguments, that the Act impairs contracts, and was passed in violation of legislative procedure. The judge in the *Cerritos* case put the matter on hold pending the California Supreme Court's consideration of the *Matosantos* case. Now, that the California Supreme Court has taken action in that case, the Plaintiff's in the *Cerritos* case have asked the judge for an order immediately staying the Dissolution Act. There is a hearing on the request set for January 27, 2012.

It is unclear how these other efforts will ultimately reshape, if at all, the future of redevelopment in the State.

NEXT STEPS

As mentioned above, the Dissolution Act's timelines were modified as part of the California Supreme Court's ruling in the *California Redevelopment Association v. Matosantos* case. Attached is the modified timeline for cities and redevelopment agencies to comply with the Dissolution Act.

FISCAL IMPACT

The State action to end redevelopment will only permit approximately \$400,000 of redevelopment funds in FY 11-12 to be used by the City for administration and only \$250,000 annually thereafter. Currently the CDA has a budget of \$253,270 for general administrative activities and \$341,560 for housing related activities. The total of the two activities is \$594,830 versus just \$250,000 allowed. As such, the City will need to reduce expenditures (primarily staff) by \$344,830 in order to prevent previous redevelopment activities from becoming a City General Fund expense. If the City does not maintain the ongoing housing related activities and instead have these performed by another entity, that entity's costs would also have to come from the \$250,000 allocated for such purposes.

RECOMMENDATION

Based on fiscal considerations and local control, staff recommends that the City Council: (1) affirm that the City will be the successor agency to the CDA; (2) elect to retain the housing functions previously performed by the CDA; and direct staff to file the appropriate notifications of these elections in accordance with the Dissolution Act.

Prepared by: Andrew Malik, Development Services Director
Zane H. Johnston, Finance & Administrative Services Director

Approved by: Leon Churchill Jr., City Manager

AB x1 26 Timeline as modified by California Redevelopment Association v. Matosantos*

By January 13	If city does not want to serve as the "successor agency" to its redevelopment agency, then it must submit a resolution to that effect to the County Auditor-Controller by this date. If a city wishes to serve as the "successor agency," no action is required.
February 1	Redevelopment agencies are dissolved.
By February 1	Successor agency must create Redevelopment Obligation Retirement Fund.
By February 1	Successor agency must decide whether to retain affordable housing function of the redevelopment agency. If successor agency does not elect to retain this function, it is transferred to the housing authority or, if no housing authority exists, to the State Housing and Community Development Agency.
By February 1	Successor agency must review the enforceable obligation payment schedule (EOPS) adopted by the redevelopment agency last fall, modify it if necessary, and readopt. The EOPS is subject to review and approval by the Oversight Board once that board has been formed. The successor agency may only make payments for those obligations identified in the EOPS until a Recognized Obligation Payment Schedule (ROPS) is approved.
By March 1	Successor agency must adopt a Recognized Obligation Payment Schedule (ROPS). This is a permanent schedule of obligations that replaces the interim EOPS once the ROPS has been approved. The County Auditor-Controller will allocate property tax increment to successor agencies to pay debts listed on ROPS.
By April 1	Successor agency reports to the County Auditor-Controller whether the total amount of property tax available to the agency will be sufficient to fund its ROPS obligations over the next six-month fiscal period.
By April 15	Successor agency must send the adopted ROPS to the State Controller and the State Department of Finance for approval. The ROPS is also subject to approval by the Oversight Board.
By May 1	Oversight Boards begin operations; files report of membership with State Department of Finance.
Starting May 1	Successor agency may only pay those obligations listed in the approved ROPS. The approved ROPS replaces the EOPS.
By May 16 and continuing thereafter as specified	The County Auditor-Controller transfers property tax to the successor agency in an amount equal to the cost of the obligations specified in the ROPS. This amount is transferred into the successor agency's Redevelopment Obligation Retirement Fund, and payments from this fund are used to satisfy the obligations identified in the ROPS.

RESOLUTION 2012- _____

RESOLUTION OF THE CITY OF TRACY AFFIRMING ITS INTENT TO SERVE AS THE SUCCESSOR AGENCY OF THE TRACY COMMUNITY DEVELOPMENT AGENCY, PURSUANT TO HEALTH AND SAFETY CODE SECTION 34171(j) AND SECTION 34173, AND TO ELECT TO RETAIN THE HOUSING ASSETS AND FUNCTIONS PREVIOUSLY PERFORMED BY THE TRACY COMMUNITY DEVELOPMENT AGENCY, PURSUANT TO HEALTH AND SAFETY CODE SECTION 34176

WHEREAS, Assembly Bill 1X 26 ("Dissolution Act") and Assembly Bill 1X 27 ("Alternative Redevelopment Program Act") were enacted on June 28, 2011, to significantly modify the Community Redevelopment Law (Health & Safety Code §33000 et seq.; the "Redevelopment Law"), and

WHEREAS, On December 29, 2011, the California Supreme Court ruled that the Dissolution Act is largely constitutional and the Alternative Redevelopment Program Act is unconstitutional, and

WHEREAS, The Court's decision means that all California redevelopment agencies will dissolve on February 1, 2012, pursuant to the Dissolution Act, and

WHEREAS, The Dissolution Act provides that the city that authorized the creation of the redevelopment agency shall be the "successor agency" to the dissolved redevelopment agency unless the city elects not to serve as the successor agency under Section 34173(d)(1) of the Redevelopment Law, and

WHEREAS, Section 34176(a) of the Redevelopment Law provides that the city that authorized the creation of a redevelopment agency may elect to retain the housing assets and functions previously performed by the former redevelopment agency, and

WHEREAS, The City intends to, and shall serve as, the successor agency for the Tracy Community Development Agency("CDA") in accordance with Section 34171(j) and Section 34173 of the Redevelopment Law, and

WHEREAS, The City desires to elect to retain the housing assets and functions previously performed by the CDA in accordance with Section 34176 of the Redevelopment Law;

NOW, THEREFORE, BE IT RESOLVED, That:

1. The City affirms its intent to serve as the successor agency for the CDA in accordance with Section 34171(j) and Section 34173 of the Redevelopment Law;
2. The City hereby elects to retain the housing assets and functions previously performed by the CDA in accordance with Section 34176 of the Redevelopment Law;
3. The City Manager, or his designee, is hereby directed to file a copy of this resolution with the County Auditor-Controller; and

4. The City Manager, or his designee, is hereby authorized to take such additional actions, and to execute all documents necessary and appropriate for the City to transfer the assets of the CDA to the City, in its capacity as successor agency to the CDA, pursuant to Sections 34175 and 34176 of the Redevelopment Law.

The foregoing Resolution _____ was adopted by the Tracy City Council on the 17th day of January, 2012 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST

CITY CLERK

AGENDA ITEM 12

REQUEST

APPOINT THREE APPLICANTS TO THE PARKS AND COMMUNITY SERVICES COMMISSION

EXECUTIVE SUMMARY

There are three vacancies on the Parks and Community Services Commission due to term expirations. A recruitment was conducted and appointments need to be made.

DISCUSSION

There are three vacancies on the Parks and Community Services Commission due to term expirations. To fill the vacancies the City Clerk's office conducted a recruitment which opened on November 29, 2011, and closed on December 20, 2011. Six applications were received.

On January 10, 2012, a Council subcommittee consisting of Council Member Abercrombie and Council Member Rickman interviewed the six applicants. In addition the Council subcommittee may consider two applicants who were placed on an eligibility list following a previous recruitment and interview process. In accordance with Resolution 2004-152, the Council subcommittee will recommend three applicants for appointment. The appointees will serve four year terms, which will end on January 31, 2016.

The subcommittee can recommend the Council establish an eligibility list to be used to fill any mid-term vacancy that might occur in the upcoming 12 months.

FISCAL IMPACT

None.

STRATEGIC PLAN

This is a routine operational item and is not related to the City's four strategic plans.

RECOMMENDATION

That Council approves the subcommittee's recommendations and appoints three applicants to the Parks and Community Services Commission to serve four year terms which will end on January 31, 2016.

Prepared by: Carole Fleischmann, Assistant City Clerk
Reviewed by: Maria Hurtado, Assistant City Manager
Approved by: Leon Churchill, Jr., City Manager

January 17, 2012

AGENDA ITEM 14.A

REQUEST

**CONSIDER AN ITEM FOR DISCUSSION ON A FUTURE CITY COUNCIL AGENDA
RELATED TO CREATING A CODE OF CONDUCT FOR ELECTED OFFICIALS**

EXECUTIVE SUMMARY

Determine whether an item should be placed on a future Council agenda to discuss guidelines related to creating a Code of Conduct for elected officials.

DISCUSSION

At the City Council meeting held on December 6, 2011, Mayor Pro Tem Maciel requested that Council consider placing an item on a future City Council agenda to discuss guidelines related to creating a Code of Conduct for elected officials.

The purpose of this agenda item is to provide an opportunity for Council to determine whether staff time and city resources should be devoted to research and outreach, and to decide whether a discussion item related to creating a Code of Conduct for elected officials should be placed on a future agenda. An item placed on a future agenda would enable the City Council to discuss the item in detail.

RECOMMENDATION

It is recommended that the City Council discuss and determine whether an item related to creating a Code of Conduct for elected officials should be placed on a future City Council agenda for discussion.

Prepared by: Carole Fleischmann, Assistant City Clerk

Reviewed by: Maria Hurtado, Assistant City Manager

Approved by: Leon Churchill, Jr., City Manager

January 17, 2012

AGENDA ITEM 14.B

REQUEST

REVIEW APPOINTMENTS TO COUNCIL COMMITTEES

EXECUTIVE SUMMARY

Annual review of Council committees.

DISCUSSION

Appointments to Council subcommittees are reviewed on an annual basis. The appointments were last reviewed on January 4, 2011. Attached (Exhibit A) is the list of appointments approved by the Council for 2011.

Some committees may need to be deleted from the list if they are no longer active or if Council participation is no longer required. Likewise, active committees not on the list may need to be added. Council members may be reappointed to the same committees on which they are currently serving, or new assignments can be made upon request.

STRATEGIC PLAN □□□□

This is a routine operational item and is not related to any of the Council's four strategic plans.

FISCAL IMPACT

None

RECOMMENDATION

That the City Council, by motion, deletes or adds to the attached list of committees, and make appointments to the remaining committees as appropriate.

Prepared by: Carole Fleischmann, Assistant City Clerk
Reviewed by: Maria Hurtado, Assistant City Manager
Approved by: Leon Churchill, Jr., City Manager

Attachments: Exhibit A - List of Council Appointments for 2011

2011 - COUNCIL COMMITTEES/COMMISSIONS

Committee/Commission	Meetings Held	Council Members
City/Chamber Liaison	Quarterly (January, April, July, and October),	Mayor Ives Council Member Elliott
City/Schools Liaison	Every other month	Council Member Elliott Council Member Rickman
Investment Review Committee	Quarterly	Council Member Abercrombie Mayor Pro Tem Maciel
South County Fire Authority	Quarterly	Mayor Ives Council Member Abercrombie Council Member Rickman - Alternate
*Tracy Area Public Facilities Financing Agency	As needed, with an annual meeting in May	Council Member Abercrombie Council Member Elliott
**City Selection Committee	Annually, additional meetings as needed	Mayor Ives Mayor Pro Tem Maciel - Alternate
**Community Development Block Grant Policy Advisory Committee	As needed, in conjunction with the distribution of the CDBG grants.	
**Council of Governments	Monthly, in Stockton at 5:30 p.m. on the fourth Thursday of the month.	Mayor Ives Mayor Pro Tem Maciel - Alternate
**Duel Vocational Institution, Advisory Committee	Alternate Months	Mayor Pro Tem Maciel
**San Joaquin County Water Advisory Commission	Monthly	Mayor Ives - Alternate
**San Joaquin Partnership	Monthly, on the fourth Thursday of each month	Mayor Ives Mayor Pro Tem Maciel - Alternate
**San Joaquin Regional Rail Commission	Monthly	Mayor Ives
**Solid Waste Management Plan Advisory Task Force	As needed	Council Member Abercrombie
**Special City Selection Committee, SJVAPCD	As needed	Council Member Abercrombie Mayor Pro Tem Maciel - Alternate
**League of California Cities, Central Valley Division Executive Committee.	Quarterly	Mayor Pro Tem Maciel

*Ad Hoc Committee **Outside Agencies

COUNCIL COMMITTEES - 2011

Following is a current list of both standing committees and ad hoc committees for 2011. Some of these appointments are City of Tracy appointments to a larger body, while others are City directed activities only.

I. STANDING COMMITTEES

A. City/Chamber Liaison Committee

1. Brent H. Ives, Mayor
2. Bob Elliott, Council Member
3. Leon Churchill, Jr., City Manager

Meets quarterly (January, April, July, and October), typically on the third Monday of the designated month at 5:00 p.m. at the Chamber to discuss issues of concern to both the City and the Chamber, i.e. Fourth of July activities, Downtown activities, Bean Festival, etc.

B. City/Schools Liaison Committee

1. Bob Elliott, Council Member
2. Robert Rickman, Council Member
3. Leon Churchill, Jr., City Manager
4. Gary Hampton, Police Chief
5. Kuldeep Sharma, City Engineer
6. Andrew Malik, Director of Development and Engineering Services
7. Rod Buchanan, Director of Parks and Community Services

Meets every other month with School District officials to discuss issues of mutual concern, i.e. school pedestrian routes, bus routes, facilities, crossing guards, etc. Typically, meetings are held on the third Thursday of the designated month at 1:00 p.m. in the TUSD Administration Office.

C. Community Access Committee – (Disbanded by Council - City Council meeting 03/06/07)

D. Economic Development Committee (Disbanded by Resolution 2007-207 – City Council meeting 8/21/07)

E. Investment Review Committee

1. Stephen Abercrombie, Council Member
2. Mike Maciel, Mayor Pro Tem
3. Ray McCray, Treasurer
4. Zane Johnston, Director of Finance and Administrative Services
5. Leon Churchill, Jr., City Manager

Meets on a quarterly basis to address issues involving investment of the City's funds and management of the City's portfolio. Meetings are usually held on the last Monday of the quarter at 5:30 p.m. in Room 109 at City Hall.

F. South County Fire Authority (SCFA)

1. Brent H. Ives, Mayor
2. Stephen Abercrombie, Council Member
3. Robert Rickman, Council Member (Alternate)

The SCFA consists of four members - two Council Members appointed annually by the City Council, and two Board Members of the Tracy Rural Fire Protection District appointed annually by the Board. The Board of Directors meets on a quarterly basis, and has the responsibility to manage and administer the fire protection services provided to the jurisdictional area of the South County Fire Authority.

G. Tracy Tomorrow and Beyond (Disbanded by Resolution 2007-081 – City Council meeting 5/1/07)

II. AD HOC COMMITTEES

A. Downtown Revitalization Task Force – (Disbanded by Council - City Council meeting 01/06/09)

B. Community Park Design Subcommittee (Disbanded by Council - City Council meeting 01/02/07)

C. Tracy Area Public Facilities Financing Agency (TAPFFA)

1. Bob Elliott, Council Member
2. Stephen Abercrombie, Council Member
3. Zane Johnston, Director of Finance and Administrative Services

TAPFFA was formed as a Joint Power Authority between the City, Tracy School District, and Jefferson School District. The JPA was authorized to issue Mello-Roos bonds primarily to build new schools in the Residential Specific Plan area. With the ultimate build out of the TAPFFA area only a brief annual meeting of the Board of Directors is

necessary to approve the budget and levy the necessary tax for the duration of the bonds. The annual meeting is normally held in May.

III. THIRD AGENCY MEMBER APPOINTMENTS

A. City Selection Committee

1. Brent H. Ives, Mayor
2. Mike Maciel, Mayor Pro Tem

This committee is composed of the Mayors of the cities in San Joaquin County and addresses issues related to membership and appointments to regional boards, such as LAFCO, Delta Protection Agency, and the San Joaquin Valley Unified Air Pollution Control District, etc.

B. Community Development Block Grant Policy Advisory Committee

To Be Determined

C. Council of Governments (COG)

1. Brent H. Ives, Mayor
2. Mike Maciel, Mayor Pro Tem (Alternate)

The Council of Governments meets monthly and deals with regional issues, including transportation issues, habitat mitigation, regional rail issues, airport land use matters, etc. Meetings are held in Stockton at 5:30 p.m. on the fourth Thursday of the month.

D. Deuel Vocational Institution, Citizens Advisory Committee

Contact: Martina Virrey, Community Partnership Manager (209/830-3891) or martina.virrey@cdcr.ca.gov

1. Mike Maciel, Mayor Pro Tem
2. Evelyn Tolbert, (Resident)

This subcommittee serves in an advisory capacity to Deuel Vocational Institution, a state prison located to the southeast of Tracy. The subcommittee's primary objective is to promote effective communication between the Institution and the community at large. California Penal Code Section 5056 requires two persons shall be appointed for two year terms from nominations submitted by the local City Council in whose district the prison is located. Individuals nominated may be elected officials or involved residents of the City. Meetings are normally held on the second Thursday of odd numbered months from 9:00 a.m. to 10:00 a.m.

E. Local Transportation Authority Citizens Advisory Committee
(COG) Contact: COG (468-3913)

1. Vacant (Resident appointed by Mayor)

F. San Joaquin County Library Task Force – (Disbanded by Council - City Council meeting 01/06/09)

G. San Joaquin County Water Advisory Commission

Contact: Mel Lytle, San Joaquin County Public Works Dept. (468-3000)

1. Kevin Tobeck, Public Works Director
2. Brent H. Ives, Mayor (Alternate)

Appointed by the Board of Supervisors, this Commission acts in an advisory capacity to the San Joaquin County Flood Control and Water Conservation District. Consists of 22 members from the various cities and water agencies in San Joaquin County. Meets monthly.

H. San Joaquin Partnership

Contact: Chris Youngsma, (956-3380)

1. Brent H. Ives, Mayor
2. Mike Maciel, Mayor Pro Tem (Alternate)

The San Joaquin Partnership is a non-profit, private-public economic development corporation assisting business and industry to locate into San Joaquin County. Meets on the fourth Thursday of each month.

I. San Joaquin Regional Rail Commission

Contact: Rail Commission staff (468-3025)

1. Brent H. Ives, Mayor

The San Joaquin Regional Rail Commission oversees the development of rail services on a regional basis. Meets monthly.

J. Solid Waste Management Plan Advisory Task Force

Contact: Tom Horton, SJC Public Works Department – (209/468-3066)

1. Stephen Abercrombie, Council Member
2. Kevin Tobeck, Director of Public Works

This task force is comprised of elected representatives of the governmental agencies responsible for preparing the County Integrated Waste Management Plan. The duties of the task force include: identifying solid waste management

issues of County-wide or regional concern; facilitating the development of multi-jurisdictional arrangements for the marketing of recyclable materials; developing goals, policies and procedures consistent with guidelines and regulations adopted by the Department of Resources Recycling and Recovery, and advising the Board of Supervisors on matters pertaining to the County-wide Household Hazardous Waste Program. Meets as needed.

K. Special City Selection Committee, SJVAPCD

Contact: Sayed Sadredin, Executive Director – (559/230-6036)

1. Stephen Abercrombie, Council Member
2. Mike Maciel, Mayor Pro Tem (Alternate)

The Committee is charged with making appointments of city representatives to the San Joaquin Valley Air Pollution Control District's Governing Board.

L. League of California Cities, Central Valley Division Executive Committee

Contact: Stephen Qualls, Central Valley Regional Public Affairs Manager, LOCC
– Mobile: 209/614-0118; Fax: 209/883-0653;
email: squalls@cacities.org

1. Mike Maciel, Mayor Pro Tem
2. Leon Churchill, City Manager (Alternate)

The Committee meets to discuss and make recommendations to the LOCC membership on matters of importance to the member cities. Meets quarterly.