

**Tuesday, May 5, 2015, 7:00 p.m.**

City Council Chambers, 333 Civic Center Plaza

Web Site: [www.ci.tracy.ca.us](http://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, including those distributed within 72 hours of a regular City Council meeting, 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.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENTATIONS – Employee of the Month

Proclamation – National Public Works Week – May 17-23, 2015

Proclamation – Bike to Work Week – May 11-15, 2015

Proclamation – Municipal Clerks Week – May 3-9, 2015

1. CONSENT CALENDAR

- A. Adopt Council Minutes – Regular meeting minutes of March 3, 2015, March 17, 2015, special meeting minutes of March 3, 2015, April 7, 2015 and closed session minutes of April 7, 2015
- B. Adopt a Resolution Related to the City's Intent to Vacate Right-of- Way for Chabot Court South of Grant Line Road
- C. Acceptance of the El Pescadero and McDonald Park Renovation Project - CIP 78141, 78143, 78144, 78146, Completed by Hobbs Construction of Fresno, California, Authorization for the City Clerk to File the Notice of Completion, and Authorization for the City Engineer to Release the Bonds and Retention Payment
- D. Approve Appropriating and Expending Asset Forfeiture Funds Received in the Amount of \$101,136 from the Department of Justice Equitable Sharing Program and Authorize an on-going Appropriation of all Asset Forfeiture Funds Received by the City
- E. Approval of the San Joaquin Council of Governments (SJCOG) Annual Financial Plan for Fiscal Year 2015-2016
- F. Authorize Amendment of the City's Classification and Compensation Plans and Position Control Roster By Approving the Establishment of a New Classification Specification and Salary Range for Geographic Information Systems Technician
- G. Adopt a Resolution Authorizing the Mayor to Execute a Grant Agreement with the California Department of Transportation for a Matching Grant for Federal Aviation Administration Approved Project Under Airport Improvement Program No. 3-06-0259-016-2014 in the Amount of \$320,682
- H. Approval of Professional Services Agreement with Rising Sun Energy Center and Authorize the Mayor to Execute the Agreement

2. ITEMS FROM THE AUDIENCE

3. ACCEPTANCE OF THE CITY OF TRACY'S POLICE DEPARTMENT'S ANNUAL REPORT FOR 2014

4. APPROVE AN AMENDMENT TO THE EXISTING PG&E PRODUCTS AND SERVICES AGREEMENT WITH PG&E TO REPLACE 3,775 STREET LIGHTS; APPROVE FINANCING FOR THE STREET LIGHT RETROFIT PROGRAM; AND AUTHORIZE THE MAYOR TO EXECUTE ANY ASSOCIATED AGREEMENTS AND APPLICATIONS
5. CITY MANAGER'S QUARTERLY REPORT
6. ITEMS FROM THE AUDIENCE
7. COUNCIL ITEMS
  - A. DISCUSS AND PROVIDE DIRECTION ON WHETHER TO HAVE STAFF BRING BACK A DRAFT LOBBYING ORDINANCE FOR POSSIBLE INTRODUCTION AND ADOPTION
  - B. RECEIVE VERBAL UPDATE ON LEGACY FIELDS AND DISCUSS AND PROVIDE DIRECTION TO LEGACY FIELDS CITY AD HOC COUNCIL SUB COMMITTEE
  - C. APPOINT APPLICANTS TO THE TRANSPORTATION ADVISORY COMMISSION
8. ADJOURNMENT

**March 3, 2015, 7:00 p.m.**

City Council Chambers, 333 Civic Center Plaza

Web Site: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

Mayor Maciel called the City Council meeting to order at 7:11 p.m. and led the Pledge of Allegiance.

Invocation was offered by Pastor Scott McFarland, Journey Christian Church

Roll call found Council Members Mitracos, Vargas, Young, Mayor Pro Tem Rickman and Mayor Maciel present.

Troy Brown, City Manager, presented the Employee of the Month award for March, 2015 to, Raquel Votaw, Administrative Services Department.

Mayor Maciel introduced Janet Anderson, Lori Souza, and Joyce Sheperd with Tracy Celebrates Children. Janet Anderson announced the upcoming Tracy Celebrates Children event taking place on March 6, 2015.

1. CONSENT CALENDAR

**ACTION** Motion made by Council Member Young, seconded by Council Member Vargas to adopt the Consent Calendar with the exception of item 1F. Roll call vote found all in favor; passed and so ordered. Motion carried 5:0

- A. Council Minutes – Regular Minutes for: January 6, 2015, January 20, 2015, and February 3, 2015, special meeting minutes for: June 3, 2014, August 19, 2014, November 5, 2014, and January 6, 2015, and closed session minutes for: February 3, 2015, and February 17, 2015 were approved.
- B. Approve an Offsite Improvement Agreement (OIA) for the Cordes Ranch Storm Drainage Detention Basin LW6 and Associated Storm Drainage Pipelines for the Medline Building and Federal Express Ground Facility Located Within the Cordes Ranch Business Park and Authorization for the Mayor to Execute the Agreement on Behalf of the City – Resolution 2015-029 approved the agreement.
- C. Approve an Offsite Improvement Agreement (OIA) for Cordes Ranch Phase 1C Roadway Improvements on Mountain House Parkway, the Modification of the Traffic Signal at the Intersection of Schulte Road and Mountain House Parkway (Intersection #34) and the Installation of Intelligent Transportation System Improvements on Schulte Road, Mountain House Parkway, and Intersection #34 for Cordes Ranch – Crossroads Building 1, and Authorization for the Mayor to Execute the Agreement – Resolution 2015-030 approved the agreement.

- D. Authorize the City Manager to Sign a Memorandum of Understanding Between the City of Tracy and the Lathrop-Manteca Fire Protection District for the Purchase of Public Safety Dual-Band Portable Radios and Associated Equipment Through a Regional Federal Emergency Management Administration (FEMA) Assistance to Firefighters Grant and Approve a General Fund Appropriation in the Amount of \$32,782.02 for the Purchase – Resolution 2015-031 authorized a memorandum of understanding between the City of Tracy and the Lathrop-Manteca Fire Protection District.
- E. Approve Resolution Authorizing a Leave of Absence for Tracy Transportation Advisory Commissioner John Favors – Resolution 2015-032 approved a leave of absence.
- F. Authorization of Agreement with the West Side Irrigation District for Sale of Treated Effluent and Authorize the Mayor to Execute the Agreement – Resolution 2015-033 authorized an agreement.

This item was pulled by Steve Nicolaou. Mr. Nicolaou inquired if it would be possible to add a provision in the contract to back up the indemnity requiring West Side Irrigation to name the city as an additional insured under their policy.

Council consensus was to pull this item and bring back an amendment at a future meeting.

Bob Sarvey inquired about last year's water allocation to West Side: What was the price last year; how much of that water did they utilize; and is there a figure for what it cost to produce the recycled water.

Dave Kaiser, General Manager from West Side Irrigation, stated that time is of the essence on this matter. West Side is serving farmers on the east and west side of Tracy, the drought has been catastrophic and the growers are at risk. Action on this is important, he urged the council to please reconsider.

Council comments and questions followed.

**ACTION:** It was motioned by Council Member Young and seconded by Council Member Mitracos to approve consent item 1F amended to ensure the insurance provision as discussed. Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE –Jody Adams, returned to update the Council about his sister's rejected pothole claim stating he resubmitted the claim and was denied. He is disappointed with the way it was handled.

Paul Miles, 1397 Mansfield, expressed his concern about the Police Department's handling of the Traffic Collision Report which in his opinion damages the credibility of the police department.

Roger Birdsall announced the Notre Dame University play taking place on March 14, 2015 at 6:00 p.m. Tickets are still available and emphasized the importance of supporting and filling the Grand Theatre.

Mayor Maciel stated a change in the order of the agenda; Item 5 was moved up to be heard first.

#### DEVIATION

#### 5. CITY COUNCIL TO PROVIDE DIRECTION ON LEGACY FIELDS OPTIONS

David Ferguson presented the staff report.

Council comments and questions followed.

The following were comments from the public:

Troy Camacho, President of Tracy Babe Ruth, commented on the need for fields. Mr. Camacho stated that as of three years ago there are ten less fields. There are 450 kids on the Tracy Babe Ruth League of which 97% are from Tracy. When the season is in full swing there will be zero practice fields for the season. Mr. Camacho referenced the Monte Vista fields which were basic fields and were utilized for 20 years and fulfilled the need.

Kevin Harris spoke about sports being an important component in a kid's life and added that there are life lessons that are learned through sports. Mr. Harris urged the Council to reevaluate and prioritize the construction of the fields higher on their agenda and allocate the necessary funds.

David Duncan, President of the Tracy Express Girls Softball commented that the league currently rents fields from Tracy Unified School District and that they are in the similar situation as other leagues that rely solely on the school districts. The league is also limited with maintenance capabilities causing some safety issues. The fields currently being rented will be taken away before phase II.

Walter Gouveia stated that the issue of sports has been ongoing for about 40 years; it is time to make a commitment. This is an investment to provide a facility for youth and mentor them in the right direction.

Dave Helm stated that the City does not have the money but that kids need fields. There needs to be a way to get it done at a minimal cost. A \$30 million dollar facility with amenities would be nice but it is not realistic.

Peter Holtz stated that sports are important to kids and the discussion cannot continue for another 20 years.

Council discussion ensued.

**ACTION:** It was motioned by Mayor Pro Tem Rickman and seconded by Council Member Vargas to approve a minimum of \$5 million dollars for construction and expansion of sports fields at Legacy fields. Voice vote found Council Member Mitracos, Vargas, Young, and Mayor Pro Tem Rickman in favor. Mayor Maciel opposed.

**ACTION:** It was motioned by Mayor Pro Tem Rickman and seconded by Mayor Maciel to rescind the \$100,000 consultant fee approved by the Council previously and put it toward the construction and expansion of sports fields at Legacy Fields. Voice vote found all in favor; passed and so ordered.

Council directed staff to engage in additional discussions with league representatives (Tracy Little League, Tracy Babe Ruth, etc.), and other stakeholders relating, but not limited to the following:

1. Design standards
2. Funding application
3. Look at current MOU's and may need to modify
4. Bond measure
5. How, when, what will be built

Council also directed staff to return within 30 days (April 7, 2015) with an update. In addition Mayor Maciel requested staff bring forward funding options-borrowing/leveraging.

3. ACCEPTANCE OF THE CITY OF TRACY'S COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDING JUNE 30, 2014

Ray Durant, Interim Finance Director presented the staff report.

Council comments and questions followed

Steve Nicolaou commented that the City enters into many transactions with reimbursement agreements with developers who are obligated to reimburse the City for certain costs. Mr. Nicolaou inquired where in the CAFR does it show what the City spent and are the reimbursements accounted for.

**ACTION:** It was motioned by Mayor Pro Tem Rickman and seconded by Council Member Vargas to accept the report. Voice vote found all in favor; passed and so ordered.

4. ACCEPT THE FY14/15 MID-YEAR BUDGET PERFORMANCE REPORT; AUTHORIZE MID-YEAR SUPPLEMENTAL APPROPRIATIONS

Ray Durant, Interim Finance Director, presented the staff report.

Michel Bazinet congratulated the City on their operational surplus. Mr. Bazinet asked about the differences between FY 2013/14 actual expenditures and FY 2014/15 estimated expenditures. Mr. Bazinet indicated that FY 2014/15 estimates are higher than FY 2013/14 actual and asked why.

Council Member Vargas requested an informational memo explaining the increase in expenditures be forwarded to the Council.

**ACTION:** It was motioned by Mayor Pro Tem Rickman and seconded by Council Member Young to accept the report. Voice vote found all in favor; passed and so ordered.

6. INTRODUCTION OF AN ORDINANCE AMENDING SECTION 3.08.580, ARTICLE 12, OF THE TRACY MUNICIPAL CODE WHICH REGULATES THE ESTABLISHMENT OF SPECIAL SPEED ZONES

Kul Sharma, Interim City Engineer, presented the staff report.

Council comments and questions followed.

Bob Sarvey expressed his concern related to the seven accidents that have been reported on the stretch of Corral Hollow between Park Side Drive to Valpico because two of the seven accidents have occurred in his drive way, the speed limits has been a concern in that area. Mr. Sarvey inquired what speed limits are being set and for which segments on Corral Hollow.

Robert Tanner inquired when the reduction of speed would be posted.

Nora Pimentel, City Clerk read into the record the title of proposed Ordinance 1195.

**ACTION:** It was motioned by Mayor Pro Tem Rickman and seconded by Council Member Young to waive reading of text. Voice vote found all in favor; passed and so ordered.

**ACTION:** It was motioned by Mayor Pro Tem Rickman and seconded by Council Member Young to introduce Ordinance 1195. Voice vote found all in favor; passed and so ordered.

7. ITEMS FROM THE AUDIENCE

Byron Alvarez commented on the Tracy Boulevard and Larch Road annexation project. He submitted parcel maps to the City Clerk for distribution for the proposed annexation project. Mr. Alvarez urged the Council to direct staff to prioritize the project and have it completed in a reasonable timeframe as was instructed four years ago.

8. COUNCIL ITEMS

A. Appoint an Applicant to the Measure E Residents' Oversight Committee

Maria Hurtado, Assistant City Manager, presented the staff report.

Council Member Mitracos reported that she and Mayor Pro Tem Rickman interviewed applicants for the Measure E Residents' Oversight Committee and recommended appointing Eliassa Davis to serve as the member and to place Bryan Thompson on the eligibility list.

**ACTION:** It was motioned by Council Member Mitracos and seconded by Council Member Vargas to approve the subcommittee's recommendation. Voice vote found all in favor; passed and so ordered.

Mayor Pro Tem Rickman requested two discussion items to be brought back to the Council:

1. "two-step process" report
2. Lobbyist Ordinance report

The Council reached consensus to waive the two step process for both requests. Staff was directed to return with a staff report to discuss the "two-step process on March 17, 2015 and on April 28, 2015 with a staff report to discuss enacting a lobbyist ordinance.

Mayor Pro Tem Rickman announced a Blood Drive taking place on Friday, March 13, 2015 from 9:00 a.m. to 3:00 p.m. at the Tracy Police Department.

Council Member Young congratulated the West High Robotics Team for winning the regionals and wished them the best in the upcoming State competition in San Jose.

Council Member Vargas encouraged everyone to buy their ticket for the March 14th show at the Grand Theatre; Ms. Vargas also announced that softball season begins this weekend with Babe Ruth's official game.

Council Member Mitracos reported that she appreciated the Council retreat that was held and was time well spent.

9. ADJOURNMENT – It was motioned by Mayor Pro Tem Rickman and seconded by Council Member Young to adjourn the meeting. Voice vote found all in favor; passed and so ordered.  
Time: 10:40 p.m.

The above agenda was posted at the Tracy City Hall on February 26, 2015. The above are action minutes. A recording is available at the Office of the City Clerk.

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Mayor

ATTEST:

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City Clerk

**March 17, 2015, 7:00 p.m.**

City Council Chambers, 333 Civic Center Plaza

Web Site: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

Mayor Maciel called the City Council meeting to order at 7:01 p.m. and led the pledge of Allegiance.

The invocation was offered by Father Dondi, Church of the Resurrection.

Roll call found Council Members Mitracos, Vargas, Young, Mayor Pro Tem Rickman and Mayor Maciel present.

Mayor Maciel administered Oath of Office to Police Officers Daniel Garcia and Derek Perry. Police Chief Hampton concluded with the pinning of the badges.

Mayor Maciel presented a Certificate of Appointment to Measure E Residents' Oversight Committee Member Eleassia Davis for a term beginning March 4, 2015 and ending March 1, 2017.

Mayor Maciel presented Certificate of Recognition to outgoing Transportation Advisory Commissioner William Helpley.

1. CONSENT CALENDAR

**ACTION** Motion made by Mayor Pro Tem Rickman, seconded by Council Member Young to adopt the Consent Calendar with the exception of item 1B. Roll call vote found all in favor; passed and so ordered. Motion carried 5:0

- A. Council Minutes – Regular Minutes of September 16, 2014, Special Meeting Minutes of February 24, 2015, and Closed Session Minutes of March 3, 2015 – were approved.
- C. Approve the Final Subdivision Map and Subdivision Improvement Agreement for the Bungalows, Tract 3351, Authorize the Mayor to Execute the Agreement, and Authorize the City Clerk to file the Subdivision Improvement Agreement with the San Joaquin County Recorder – Resolution 2015-036 approved Agreement.
- D. Award a Construction Contract to the Lowest Responsive and Responsible Bidder for the Corral Hollow/Kavanagh Storm Water Pump Station Rehabilitation - CIP 76065, and Authorize the Mayor to Execute the Contract – Resolution 2015-037 awarded a construction contract.
- E. Acceptance of the Widening of Grant Line Road East of MacArthur Drive to the Eastern City Limit – CIPS 73048, 75046, 76028, 76036, 72025, 72087 and 72088, Authorization for the City Clerk to file the Notice of Completion and Authorization for the City Engineer to Release the Bonds and Retention Payment

– Resolution 2015-038 accepted the widening of Grant Line Road East of MacArthur Drive.

- F. Approve the Second Amendment to the Off-Site Improvement Agreement with Tracy Joint Unified School District Relating to Kimball High School, the First Amendment to the Deferred Improvement Agreement with Tracy Joint Unified School District Relating to Kimball High School, Authorize the Mayor to Execute the Agreement, and Authorize the City Clerk to file the Amendments with the San Joaquin County Recorder – Resolution 2015-039 approved the second amendment.
- G. Approval of Permits for the Consumption of Alcoholic Beverages on City Streets for Various Events in 2015 – Resolution 2015-040 approved permits for various events in 2015.
- B. Award a Construction Contract to Teichert /MCM, a Joint Venture of Davis, California, for the Reconstruction of the Eleventh Street - East Tracy Overhead Bridge Replacement Project- CIP 73063, Federal Project No. BHLS – 5192(020), Authorize the City Manager to Approve Required Change Orders, Authorize Appropriation of \$790,000 from Gas Tax Fund 245 to this Project, and Authorize the Mayor to Execute the Construction Contract – Resolution 2015- 041 awarded the construction contract.

Council Member Vargas pulled this item to commend staff on a job well done and expressed her enthusiasm seeing this project moving forward.

- ACTION** Motion made by Council Member Vargas, seconded by Mayor Pro Tem Rickman to adopt Resolution 2015-041 awarding a construction contract to Teichert/MCM. Voice vote found all in favor; passed and so ordered.
2. ITEMS FROM THE AUDIENCE – Robert Tanner, 1371 Rusher Street, suggested when citizens notice a street light out, call the City and provide a pole number and nearest address to that street light. In doing so, it will assist with keeping the streets lit and crime down. The number to call is 831-4481.
- Jody Adams, East Lake Circle, spoke about a recent pothole incident. In Mr. Adams opinion a vehicle damaged by bad road conditions that are not maintained should be compensated by the City. Mr. Adams expressed disappointment in hearing from Aimes, claim adjusters, Robert Smoke that 99% of claims are denied. Mr. Adams stated that the right thing to do is to look at the claims and if damage is caused by City streets and neglect of the roads they should be approved.
- Jacob, 1821 McKenna Drive, agreed with Mr. Adams comments and stated he drives down Chrisman Road every day and the road conditions are horrible. Jacob suggested that a speed limit sign be posted over by the 11<sup>th</sup> Street overpass.
3. HOLD A PUBLIC HEARING TO APPROPRIATE \$204,980 FROM THE FY 2013-14 AND 2014-15 CITIZENS OPTIONS FOR PUBLIC SAFETY “COPS” GRANT

PROGRAM FUNDING FOR THE PURCHASE OF OFFICER BODY-WORN CAMERAS, AND RELATED EQUIPMENT, FIND IT IS IN THE BEST INTEREST OF THE CITY TO FOREGO THE FORMAL REQUEST FOR BID PROCESS AND AUTHORIZE THE MAYOR TO EXECUTE A 5-YEAR CONTRACT WITH TASER INTERNATIONAL, INCORPORATED AND EVIDENCE.COM FOR DATA STORAGE – Resolution 2015-042

Lani Smith, Support Operations Manager and Police Chief Hampton presented the staff report.

Council comments and questions followed.

Mayor opened the public hearing

Kate Miller inquired about the new technology and asked if the recording could be deleted once recorded or is it permanent. Ms. Miller asked if a recording was lost or deleted but it was supposed to be kept for 99 years what would happen.

Mayor closed the public hearing.

Council discussion continued.

**ACTION**

Motion made by Mayor Pro Tem Rickman, seconded by Council Member Vargas to adopt Resolution 2015-042 authorizing an appropriation of \$204,980 from the FY 2013-14 and 2014-15 Citizens Options for Public Safety Grant Program funding for the purchase of officer body-worn cameras, and related equipment; find it is in the best interest of the City to forego the formal request for bid process, and authorizing the Mayor to execute a 5-year contract with Taser International, Incorporated and Evidence.com for the data storage. Council Member Voice vote found all in favor; passed and so ordered.

4. PUBLIC HEARING TO CONSIDER THE ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) FUNDS FOR FISCAL YEAR 2015-2016.

Mayor Maciel disclosed that his wife serves on the board of Tracy Interfaith Ministries and therefore recused himself from the discussion to avoid any conflict of interest. Council Member Young disclosed that she is a board member for the Boys and Girls Club and therefore recused herself from discussion. Mayor Maciel and Council Member young both left the dais at 8:17 p.m. Council Member Mitracos disclosed that her mother was a founding board member of McHenry House and she in the past has served as a board member. Ms. Mitracos did not recuse herself from discussion as that was over seven years ago but wanted to disclose that information.

Vanessa Carrera, Management Analyst, City Manager's office, presented the staff report.

Council comments and questions followed.

Mayor Pro Tem Rickman opened the public hearing.

Debbie Miller, Acting Director of Emerson House, stated that the application submitted was to add a dormitory. In order to accommodate more beds Emerson House needs to add living space. The estimate from the contractor was \$60,000 to \$70,000 for the remodel, Emerson House was allocated \$50,000 and hopes to be able to complete the project.

Valerie Simms, expressed concern related to an error that resulted in grant denial to VBR Foster Family Agency. Ms. Simms clarified that the agency does not receive any state, county or federal funds for domestic violence. Ms. Simms was not clear on why the agency did not receive the funding requested. She stated that funding was received in the past with the same language on the application.

Ashley Myrie inquired why VBR Agency was awarded five times before in previous years with the same verbiage in the application which is now being denied.

Jacob Sevilla expressed concern that there seemed to be reluctance in giving money to non-profits.

Mayor Pro Tem Rickman closed the public hearing.

Staff was directed to work with Ms. Simms of VBR to assist her with future CDBG application processes.

#### **ACTION**

Motion made by Council Member Mitracos, and seconded by Council Member Vargas to adopt amended Resolution 2015- 043 allocating Community Development Block Grant and Home Investment Partnership Program funds for Fiscal Year 2015-2016. Voice vote found Council Members Mitracos, Vargas, Mayor Pro Tem Rickman in favor; Council Member Young and Mayor Maciel abstained.

Council Member Young and Mayor Maciel returned to the dais at 8:52 p.m.

Mayor Maciel called a recess at 8:52 p.m.

Meeting was reconvened at 9:00 p.m.

5. DISCUSS AND PROVIDE DIRECTION ON CITY COUNCIL PROCEDURES FOR PREPARATION, POSTING AND DISTRIBUTION OF AGENDA AND THE CONDUCT OF PUBLIC MEETINGS, INCLUDING PROVISIONS RELATED TO COUNCIL MEMBER REQUESTS FOR MATTERS TO BE DISCUSSED BY COUNCIL

Dan Sodergren, City Attorney, presented the staff report.

By consensus the City Council directed staff to cancel the two step process and proceed with a one-step agenda process. This process would allow any Council Member to bring forward any item supported by a second Council Member. The

City Manager would schedule that item according to the workload; items may be agendaized as soon as the next meeting other items may take 30, 45, 60 days or longer to be brought forward depending on the item. A draft of the new one-step agenda process will be brought back to Council on April 7, 2015 for approval.

6. SECOND READING AND ADOPTION OF ORDINANCE 1195 AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 3.08.580, OF CHAPTER 3.08 (TRAFFIC REGULATIONS) OF TITLE 3 (PUBLIC SAFETY) OF THE TRACY MUNICIPAL CODE – Ordinance 1195 adopted.

Nora Pimentel, City Clerk, read into the record the title of Ordinance 1195.

**ACTION** Motion made by Mayor Pro Tem Rickman and seconded by Council Member Young to waive reading of text. Voice vote found all in favor; passed and so ordered.

**ACTION** Motion made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Ordinance 1195. Voice vote found all in favor; passed and so ordered.

7. DISCUSS WHETHER TO CANCEL THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR TUESDAY, APRIL 21, 2015 AND SCHEDULE A SPECIAL MEETING ON APRIL 28, 2015

Nora Pimentel, City Clerk, presented the staff report.

Council comments and questions followed.

**ACTION** It was motioned by Council Member Young and seconded by Mayor Maciel to reschedule the Tuesday, April 21, 2015 Council meeting to April 28, 2015. Voice vote found Council Member Young and Mayor Maciel in favor; Council Members Mitracos, Vargas and Mayor Pro Tem Rickman opposed.

Motion failed.

By consensus of the Council staff was directed to keep the regular April 21, 2015 Council meeting as scheduled.

8. ITEMS FROM THE AUDIENCE

Diana Diaz reported being assaulted at Pescadero Park on Saturday, March 14, 2015 at 4:00 p.m. Ms. Diaz wanted to petition an item on the next agenda to consider fencing off Pescadero Park for the safety of others.

9. COUNCIL ITEMS

Mayor Pro Tem Rickman wished everyone a happy St. Patrick's Day and announced the new animal shelter is open. Mayor Pro Tem Rickman expressed his concern about the increase in homelessness; he has been receiving numerous calls and texts from Tracy residents related to panhandling throughout

the City, hypodermic needles in parks, defecation, and encampments. Mayor Pro Tem Rickman inquired about what resources the City has to help or is there a need for different ordinances.

Staff will keep Council apprised on the homeless issue via emails, informational memos and other means.

Council Member Vargas announced the Tracy Guns and Roses upcoming charity basketball tournament on March 28, 2015 at Tracy High School a 6:15 p.m. Tickets are on sale \$8 for one, \$15 for two and \$20 for three.

Council Member Young announced the upcoming Tracy Women’s Forum Farewell event taking place on Friday, March 20, 2015 at the Tracy Community Center beginning at 9:00 a.m. Council Member Young also announced the State of the City Address taking place on March 26, 2015 at the Grand Theatre.

Mayor Pro Tem Rickman wished everyone a Happy Easter.

Council Member Mitracos reported having a wonderful time at the Once on this Island production put on by the Norte Dame De Namur at the Grand Theatre.

10. ADJOURNMENT

**ACTION** Motion made by Mayor Pro Tem Rickman and seconded by Council Member Young, to adjourn the meeting. Voice vote found all in favor; passed and so ordered. Time: 9:50 p.m.

The above agenda was posted at the Tracy City Hall on March 12, 2015. The above are action minutes. A recording is available at the Office of the City Clerk.

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Mayor

ATTEST:

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City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

**March 3, 2015, 5:30 p.m.**

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Maciel called the meeting to order at 5:45 p.m. for the purpose of conducting a workshop to discuss Legacy Fields.
2. ROLL CALL – Roll call found Council Members Mitracos, Vargas, Young, Mayor Pro Tem Rickman and Mayor Maciel present.
3. ITEMS FROM THE AUDIENCE – None
4. CONDUCT WORKSHOP TO OBTAIN HISTORY AND UPDATE LEGACY FIELDS AND DISCUSS OPTIONS FOR CONSTRUCTION OF SPORTS FIELDS

David Ferguson, Public Works Director and Brian McDonald, Management Analyst, presented the staff report and PowerPoint presentation.

Council comments and questions followed.

The following comments are from the public on this item:

Peter Holtz stated that he works with travel softball teams affiliated with the All American Sports Academy, they run 24 travel softball teams, 11 which are based in the Tracy area. Because they accept players from other towns they are low on the priority system and have a hard time getting field usage time for practice. Currently, the teams are practicing in Ripon; the rent for the month of March was \$4,000 to rent a field. Mr. Holtz urged the Council to consider a bond measure for Phase 1 and 2 and get it all done.

Steve Nicolaou stated that if the community wants nice things in this town then the community needs to step up to the plate and pay for it. He agreed with Mr. Holtz suggestion of a bond measure. In addition Mr. Nicolaou suggested enacting a local property tax that way everybody participates: industrial, commercial and residential.

Dianna Silva stated that she lives next to the field on Chrisman and 11<sup>th</sup> Street and commented that it is not safe for children to walk or ride their bikes over the overpass. Ms. Silva inquired why the City doesn't sell the Chrisman property to fund Legacy Fields. Ms. Silva commented that her two grandsons play ball in Manteca which is sad when they should be able to play in their own home town. Ms. Silva commented that amenities like bleachers are important for grandparents to sit and support the players. Ms. Silva expressed her concern regarding no sidewalks going to Legacy Fields for kids to get to the ball park.

Chris Hewitt stated that he would compartmentalize the challenges Council has moving forward, in the following three compartments: 1) find funding and a path to make this successful; 2) formulate an ad hoc committee with representatives from different leagues, staff and have them spend the next 30 days hashing out the details; 3) how to include other sports.

Stewart Wilson provided a brief overview on lacrosse and the costs associated with tournaments. Mr. Wilson stated that lacrosse would bring a lot of good revenue to Tracy. Mr. Wilson added the he would like lacrosse to be included as part of the Council's vision.

Mayor Maciel asked the following questions to be considered next during the regular Council's agenda item: Is there a mechanism by which City funds could be channeled through leagues to help them, and how does it manifest itself. Currently, is staff working with existing MOU's and is a pathway established to accomplish that.

5. ADJOURNMENT - Mayor Pro Tem Rickman motioned to adjourn. Council Member Vargas seconded the motion. Voice vote found all in favor; passed and so ordered. Time: 6:59 p.m.

The agenda was posted at City Hall on February 26, 2015. The above are action minutes.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

**April 7, 2015, 6:00 p.m.**

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Maciel called the meeting to order at 6:02 p.m.
2. ROLL CALL – Roll call found Council Members Mitracos, Vargas, Young, Mayor Pro Tem Rickman and Mayor Maciel present.
3. ITEMS FROM THE AUDIENCE – None
4. CONDUCT A CITY COUNCIL WORKSHOP TO REVIEW THE PROPOSED FISCAL YEAR 15/16 CAPITAL IMPROVEMENT PLAN (CIP)

Ray Durant, Interim Finance Director, presented the staff report.

City Council comments and questions followed.

Consensus by the Council was to have the CIP mirror the Master Plan related to the senior center improvement.

Council Member Young requested a more detailed explanation of the various funding sources.

Council Member Vargas requested adding beautification improvements and traffic calming for arterial roads entering I205 and 11th street to the CIP.

The following are comments from the public – Janice Johnson inquired about the gymnasium referenced attachment 1 to staff report and asked if it is earmarked as a senior center component. Ms. Johnson observed that the Lolly Hansen Senior Center is bursting at the seams and additional recreational space would be a great benefit to the center. Ms. Johnson briefly spoke about the recent arson to Lammers Pioneer School and acknowledged staff for being proactive. Ms. Johnson mentioned that it has been suggested to reposition the school for easier patrol or relocating the school to 6th street as part of the historic district.

Linda Jimenez clarified that the gymnasium was proposed by Parks and Community services for a building location for basketball as there are not enough courts in the City. Ms. Jimenez referenced attachment 1 to staff report and inquired about the fish pond development at Legacy Sports Field. Ms. Jimenez also inquired about the Community Center Ellis Park and suggested that if a new senior center does not get built to incorporate larger rooms where seniors could utilize them for programming.

Troy Brown, City Manager, summarized next steps: CIP will go before the Planning Commission for adoption so that they can make a finding of consistency with the General Plan. It will then come back to Council as part of budget adoption in June.

Council Member Young requested to keep the gymnasium on the list for basketball use and maintain the funding on that line item.

5. ADJOURNMENT - Mayor Pro Tem Rickman motioned to adjourn. Council Member Vargas seconded the motion. Voice vote found all in favor; passed and so ordered. Time: 6:56 p.m.

The agenda was posted at City Hall on April 2, 2015. The above are action minutes.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

**April 7, 2015, 4:30 p.m.**

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Maciel called the meeting to order at 4:31 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Mitracos, Vargas, Young, Mayor Pro Tem Rickman and Mayor Maciel present.
3. ITEMS FROM THE AUDIENCE – None
4. CLOSED SESSION
  - Personnel Matter (Gov. Code, section 54957)  
  
Public Employee Appointment, Employment, Evaluation of Performance, Discipline, or Dismissal:  
  
Position title: City Manager
  - Real Property Negotiations (Gov. Code, section 54956.8)  
  
Property Location: 516 Eat Eleventh Street, Tracy, California  
  
Negotiator for the City: Kul Sharma, Utilities Director  
  
Negotiating Parties: Robert and Albert Bogetti  
  
Under Negotiation: Price and terms of payment for the purchase of the property
  - Pending Litigation (Gov. Code, section 54956.9(d)(2))  
  
Patterson v. City of Tracy  
(San Joaquin County Superior Court Case No. 39-2013-00304514-CU-MC-STK)
5. MOTION TO RECESS TO CLOSED SESSION – Mayor Pro Tem Rickman motioned to recess the meeting to closed session at 4:31 p.m. Council Member Young seconded the motion. Voice vote found all in favor; passed and so ordered.
6. RECONVENE TO OPEN SESSION – Mayor Maciel reconvened the meeting into open session at 5:52 p.m.

7. REPORT OF FINAL ACTION – None
8. ADJOURNMENT Council Member Vargas motioned to adjourn. Council Member Mitracos seconded the motion. Voice vote found all in favor; passed and so ordered. Time: 5:53. p.m.

The agenda was posted at City Hall on April 2, 2015. The above are action minutes.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

AGENDA ITEM FÖ

REQUEST

**ADOPT A RESOLUTION RELATED TO THE CITY'S INTENT TO VACATE RIGHT-OF-WAY FOR CHABOT COURT SOUTH OF GRANT LINE ROAD AND SET THE TIME AND PLACE FOR A PUBLIC HEARING**

EXECUTIVE SUMMARY

This agenda item involves setting a date for the City Council to discuss vacation of public street right-of-way pursuant to the provisions of Section 8320 et seq. of the Streets and Highways Code of the State of California and to provide approval to vacate said lands at its discretion. Approval of this agenda item will authorize the City Clerk to post notices for a hearing to be held on June 2, 2015, regarding vacation of Chabot Court.

DISCUSSION

Chabot Court is a public street located on the south side of East Grant Line Road between Paradise Road and Banta Road. Chabot Court was constructed as part of the Chabot Court Commerce Center and dedicated as a public street in 2003. The City Council approved the subdivision map that created Chabot Court on October 21, 2003, and the final map was recorded on October 30, 2003, San Joaquin County Recorder's Book 38, Page 70, for use as a public street right-of-way for Chabot Court as well as a 10-foot wide public utility easement along the east and west sides of Chabot Court. Attachment "A" shows the location of Chabot Court in relation to major roadways in the vicinity.

On March 19, 2012, Prologis, on behalf of AMB Holding Co., LLC and Prologis, LLP, submitted an application for a Planned Unit Development Preliminary and Final Development Plan Amendment (Application Number D12-0003) for the extension of Chabot Court to Paradise Road. Prologis also submitted a written request to the City to vacate Chabot Court, as shown on the enclosed map (Attachment "B")

The 2012 Final Development Plan Amendment proposed to change the traffic circulation in the project area by extending Chabot Court from its dead end to the west and north to intersect with Paradise Road. This road configuration allows trucks from Grant Line Road and Paradise Road to the project area with an efficient circulation route within the project site. The reconfigured Chabot Court has been constructed as a private street that will be owned and maintained by the developer and property owners of the surrounding industrial development. The existing sewer main and storm drain line on Chabot Court will remain as public improvements and the City will be responsible for their maintenance. A Public Utilities Easement and Public Access Easement will be recorded for these utilities.

The vacation of Chabot Court as generally shown in Attachment B is necessary in order to fulfill the design intent. Since Chabot Court is only used by trucks to serve the

adjacent properties, it is in the interest of the City to designate it a private street and transfer maintenance responsibility to the property owner.

On April 25, 2012, the Planning Commission adopted Resolution 2012-013, approving the finding that vacation of the public right-of-way affecting Chabot Court is consistent with the City of Tracy General Plan. Since then, the developer has been working on the design and construction of Chabot Court. Now that construction of the street is complete, it is appropriate to proceed with the proposed vacation.

Adoption of the Resolution of Intent expressing the Intent to Vacate the Chabot Court public street right-of-way provides no obligation for the City Council to adopt a resolution vacating Chabot Court, but simply sets a date for the City Council to discuss and provide approval to vacate said lands at its discretion. The date proposed for this public hearing is June 2, 2015 at 7:00 p.m., at a regularly scheduled City Council meeting.

#### STRATEGIC PLAN

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

#### FISCAL IMPACT

There will be no fiscal impact to the General Fund incurred for approving the Intent to Vacate Chabot Court. All costs of processing the vacation of Chabot Court right-of-way will be paid by the applicant.

#### RECOMMENDATION

That City Council, by resolution, declare its intent to vacate public right-of-way of Chabot Court and set a public hearing date.

Prepared by: Criseldo S. Mina, Senior Civil Engineer

Reviewed by: Kuldeep Sharma, Utilities Director/Interim City Engineer  
Bill Dean, Acting Development Services Director  
Andrew Malik, Acting Assistant City Manager

Approved by: Troy Brown, City Manager

#### ATTACHMENTS

Attachment A – Location Map

Attachment B – Map showing the easement area to be vacated

# Location Map



# Right-of-Way to be vacated



RESOLUTION 2015- \_\_\_\_\_

DECLARING ITS INTENT TO VACATE PUBLIC STREET RIGHT-OF-WAY OF  
CHABOT COURT SOUTH OF GRANT LINE ROAD, SETTING THE TIME AND PLACE  
FOR A PUBLIC HEARING

WHEREAS, Pursuant to Streets and Highways Code Section 8300 *et seq.* of the State of California, the City of Tracy is authorized to vacate street rights-of-way, and

WHEREAS, The City intends to abandon its interest in that Chabot Court right-of-way more particularly described in Exhibit A (Legal Description) and Exhibit B (Plat) attached hereto and made a part hereof, and

WHEREAS, The vacation of the public street right-of-way is necessary for the Chabot Commerce Center Development project, which consists of construction of three new industrial buildings and one building expansion totaling 1,278,487 square feet industrial, and

WHEREAS, The Director of Public Works has determined that the Chabot Court right-of-way is unnecessary for present or prospective public use, and

WHEREAS, The City Council elects to proceed pursuant to the provisions of Section 8320 *et seq.* of the Streets and Highways Code of the State of California, and

WHEREAS, The City Council finds that it is in the public interest to proceed to order said vacation;

NOW, THEREFORE BE IT RESOLVED, That City Council hereby declares its intention to vacate Chabot Court right-of-way.

BE IT FURTHER RESOLVED,

1. Notice is hereby given that the 2<sup>nd</sup> day of June, 2015 at 7:00 p.m. in the Council Chambers, Community Center, 333 Civic Center Plaza, Tracy, California, is the time and place fixed for a hearing on the above proposed vacation for at which all persons interested in or objecting to the proposed vacation may appear before the Council and be heard;
2. That the aforesaid date is not less than 15 days from passage of this resolution pursuant to law;
3. That the City Clerk shall cause certified copies to be posted along the line of said property proposed to be vacated at least 10 days before the date of the hearing and no more than 300 feet apart with a minimum of three being posted.

\* \* \* \* \*

The foregoing Resolution 2015-\_\_\_\_\_ was adopted by the Tracy City Council on the 5<sup>th</sup> day of May, 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

# EXHIBIT "A"

## CHABOT COURT PUBLIC ROAD VACATION LEGAL DESCRIPTION

BEING ALL OF CHABOT COURT AS SHOWN ON THAT MAP OF TRACT NO. 3019 FILED FOR RECORD ON OCTOBER 30, 2003 IN BOOK 38 OF MAPS AND PLATS AT PAGE 70, CITY OF TRACY, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE INTERSECTION OF NORTH LINE OF LOT 9, ALSO BEING THE SOUTH RIGHT OF WAY LINE OF GRANT LINE ROAD AS SHOWN ON SAID TRACT NO. 3019 AND THE WESTERLY LINE OF SAID CHABOT COURT;

THENCE ALONG THE WESTERLY, SOUTHERLY AND EASTERLY RIGHT OF WAY LINE OF SAID CHABOT COURT THE FOLLOWING (14) COURSES:

- 1) THENCE SOUTH 49°31'55" EAST A DISTANCE OF 60.43 FEET;
- 2) THENCE SOUTH 01°26'14" EAST A DISTANCE OF 105.34 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;
- 3) THENCE ALONG THE ARC OF SAID CURVE HAVING A RADUS OF 970.00 FEET, THROUGH A CENTRAL ANGLE OF 01°58'19" FOR AN ARC LENGTH OF 33.38 FEET;
- 4) THENEC SOUTH 00°32'05" WEST A DISTANCE OF 932.31 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;
- 5) THENCE ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 97.00 FEET, THROUGH A CENTRAL ANGLE OF 19°54'51" FOR AN ARC LENGTH OF 33.71 FEET;
- 6) THENCE SOUTH 20°26'56" WEST A DISTANCE OF 60.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;
- 7.) THENCE ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 60.00 FEET, THROUGH A CENTRAL ANGLE OF 219°46'41" FOR AN ARC LENGTH OF 230.20 FEET;
- 8.) THENCE NORTH 19°22'45" WEST A DISTANCE OF 60.52 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;
- 9.) THENCE ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 97.00 FEET, THROUGH A CENTRAL AGLE OF 19°54'50" FOR AN ARC LENGTH OF 33.71 FEET;
- 10.) THENCE NORTH 00°32'05" EAST A DISTANCE OF 932.31 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

A10546-14 Chabot Ct Vacation  
Closure Calc's  
11-20-13

-----  
Parcel name: Chabot Ct Vacation

North: 2097253.2549 East : 6311192.8232  
 Line Course: S 49-31-55 E Length: 60.43  
 North: 2097214.0344 East : 6311238.7964  
 Line Course: S 01-26-14 E Length: 105.34  
 North: 2097108.7276 East : 6311241.4385  
 Curve Length: 33.38 Radius: 970.00  
 Delta: 1-58-19 Tangent: 16.69  
 Chord: 33.38 Course: S 00-27-05 E  
 Course In: S 88-33-46 W Course Out: S 89-27-55 E  
 RP North: 2097084.3984 East : 6310271.7437  
 End North: 2097075.3458 East : 6311241.7014  
 Line Course: S 00-32-05 W Length: 932.31  
 North: 2096143.0764 East : 6311233.0006  
 North: 2096143.0775 East : 6311233.0006  
 Curve Length: 33.71 Radius: 97.00  
 Delta: 19-54-51 Tangent: 17.03  
 Chord: 33.54 Course: S 10-29-30 W  
 Course In: N 89-27-55 W Course Out: S 69-33-04 E  
 RP North: 2096143.9827 East : 6311136.0048  
 End North: 2096110.0937 East : 6311226.8923  
 Line Course: S 20-26-56 W Length: 60.52  
 North: 2096053.3874 East : 6311205.7483  
 Curve Length: 230.20 Radius: 60.00  
 Delta: 219-49-41 Tangent: 165.62  
 Chord: 112.82 Course: S 89-27-55 E  
 Course In: S 69-33-04 E Course Out: N 70-37-15 E  
 RP North: 2096032.4251 East : 6311261.9674  
 End North: 2096052.3342 East : 6311318.5680  
 Line Course: N 19-22-45 W Length: 60.52  
 North: 2096109.4253 East : 6311298.4863  
 Curve Length: 33.71 Radius: 97.00  
 Delta: 19-54-50 Tangent: 17.03  
 Chord: 33.54 Course: N 09-25-20 W  
 Course In: N 70-37-15 E Course Out: N 89-27-55 W  
 RP North: 2096141.6117 East : 6311389.9906  
 End North: 2096142.5170 East : 6311292.9949  
 Line Course: N 00-32-05 E Length: 932.31  
 North: 2097074.7864 East : 6311301.6957  
 Curve Length: 35.45 Radius: 1030.00  
 Delta: 1-58-19 Tangent: 17.73  
 Chord: 35.45 Course: N 00-27-05 W  
 Course In: N 89-27-55 W Course Out: N 88-33-46 E  
 RP North: 2097084.3989 East : 6310271.7405  
 End North: 2097110.2329 East : 6311301.4165  
 Line Course: N 01-26-14 W Length: 105.28  
 North: 2097215.4798 East : 6311298.7759  
 Line Course: N 46-41-13 E Length: 60.46  
 North: 2097256.9544 East : 6311342.7676  
 Line Course: S 88-35-12 W Length: 149.99

Perimeter: 2833.63 Area: 83,973 sq.ft. 1.9277 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0011 Course: S 02-20-32 E  
Error North: -0.00106 East : 0.00004

A10546-14\_Chabot Ct Vacation.txt  
Precision 1: 2,576,009.09



0 100' 200' 400'  
Scale 1" = 200 ft

GRANT LINE ROAD  
(WIDTH VARIES)

POB S88°35'12"W  
149.99'

LOT 9  
TRACT 3019 (38 M 70)

LOT 2  
TRACT 3019 (38 M 70)

LOT 1  
TRACT 3019 (38 M 70)

CHABOT COURT VACATION  
AREA = 1.9277± AC

LOT 3  
TRACT 3019 (38 M 70)

PARCEL D  
PM (23 M 101)

LOT 8  
TRACT 3019 (38 M 70)

LOT 4  
TRACT 3019 (38 M 70)

LOT 5  
TRACT 3019 (38 M 70)

CHABOT COURT (60' WIDE)

S00°32'05"W  
N00°32'05"E

LINE TABLE		
LINE	LENGTH	BEARING
L1	60.43'	S49°31'55"E
L2	105.34'	S01°26'14"E
L3	60.52'	S20°26'56"W
L4	60.52'	N19°22'45"W
L5	105.28'	N01°26'14"W
L6	60.46'	N46°41'13"E

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	33.38'	970.00'	1°58'19"
C2	33.71'	97.00'	19°54'51"
C3	230.20'	60.00'	219°49'41"
C4	33.71'	97.00'	19°54'50"
C5	35.45'	1030.00'	1°58'19"



*Joe Thompson* 11-20-13

LOT 7  
TRACT 3019 (38 M 70)

LOT 6  
TRACT 3019 (38 M 70)



**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
2850 Collier Canyon Road Phone (925) 245-8788  
Livermore, California 94551 Fax (925) 245-8796

**EXHIBIT "B"**  
**CHABOT COURT**  
**PUBLIC ROAD VACATION**

TRACY SAN JOAQUIN COUNTY, CALIFORNIA

SCALE	1" = 200'
DATE	11-19-13
BY	RJH
JOB NO.	A10546-14
SHEET	1 OF 1

May 5, 2015

AGENDA ITEM 1.C

REQUEST

**ACCEPTANCE OF THE EL PESCADERO AND MCDONALD PARK RENOVATION PROJECT - CIP 78141, 78143, 78144, 78146, COMPLETED BY HOBBS CONSTRUCTION OF FRESNO, CALIFORNIA, AUTHORIZATION FOR THE CITY CLERK TO FILE THE NOTICE OF COMPLETION, AND AUTHORIZATION FOR THE CITY ENGINEER TO RELEASE THE BONDS AND RETENTION PAYMENT**

EXECUTIVE SUMMARY

The contractor has completed renovation of the El Pescadero Park and McDonald Park in accordance with project plans, specifications, and contract documents. The project involved installation of new ADA accessible restrooms at both parks, construction of a basketball court at El Pescadero Park, resurfacing of the handball and basketball courts, installation of a shade structure, concrete walkways, and picnic tables at McDonald Park. Project costs are within the available budget. Staff recommends Council accept the project to enable the City Engineer release contractor's bonds and retention.

DISCUSSION

On June 17, 2014, City Council awarded a construction contract to Hobbs Construction of Fresno, California for renovation of the El Pescadero Park and McDonald Park Project – CIP 78141, 78143, 78144, and 78146, in the amount of \$657,900.

The scope of work for El Pescadero Park involved construction of a restroom facility, a basketball court, landscape, and installation of streetlights within the park's perimeter.

The scope of work at McDonald Park consisted of construction of a restroom facility, resurfacing existing handball and basketball courts, installation of a shade structure, concrete walkways, concrete pad, picnic tables, and installation of a memorial monument stone.

Two change orders were issued for this project in the amount of \$98,521.79 for construction of Additive bid item A2 (water spray system) and installation of a power pole at McDonald Park; sealing the basketball court, relocation of an irrigation main line, installation of a new irrigation line at El Pescadero Park, and other minor extra work.

Status of budget and project costs is as follows:

A. Construction Contract Amount	\$657,900.00
B. Change Orders	\$ 98,521.79
C. Design, Construction Inspections	\$ 99,938.22
D. Citywide Project Management	<u>\$ 87,432.00</u>
Total Project Costs	\$943,792.01
Budgeted Amount	\$1,010,200.00

The project has been completed within the available budget, on schedule, per plans, specifications, and City of Tracy standards.

### STRATEGIC PLAN

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

### FISCAL IMPACT

These projects are approved Capital Improvement Projects - CIPs 78141, 78143, 78144 and 78146, for Fiscal Year 2013-14 with sufficient funding. The General Fund contributed toward this project and any unused funds from this project will be returned to General Projects Fund 301 balances.

### RECOMMENDATION

That City Council accept, by resolution, the El Pescadero and McDonald Park Renovation Project - CIP 78141, 78143, 78144, 78146, completed by Hobbs Construction of Fresno, 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: Moheb Argand, Associate Civil Engineer

Reviewed by: Kuldeep Sharma, Interim City Engineer/Utilities Director  
Bill Dean, Acting Development Services Director  
Andrew Malik, Acting Assistant City Manager

Approved by: Troy Brown, City Manager

RESOLUTION 2015- \_\_\_\_\_

ACCEPTING THE EL PESCADERO AND MCDONALD PARK RENOVATION PROJECT - CIP 78141, 78143, 78144, 78146, COMPLETED BY HOBBS CONSTRUCTION OF FRESNO, CALIFORNIA, AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY ENGINEER TO RELEASE THE BONDS AND RETENTION PAYMENT

WHEREAS, On June 17, 2014, City Council awarded a construction contract to Hobbs Construction of Fresno, California for renovation of the El Pescadero Park and McDonald Park Project – CIP 78141, 78143, 78144, and 78146, in the amount of \$657,900, and

WHEREAS, The contractor has completed renovation of the El Pescadero Park and McDonald Park in accordance with project plans, specifications, and contract documents, and

WHEREAS, Project costs are within the available budget, and

WHEREAS, Two change orders were issued in the amount of \$98,521.79, and

WHEREAS, Status of budget and project costs are estimated to be as follows:

A. Construction Contract Amount	\$657,900.00
B. Change Orders	\$ 98,521.79
C. Design, Construction Inspections	\$ 99,938.22
D. Citywide Project Management	\$ 87,432.00
Total Project Costs	\$943,792.01
Budgeted Amount	\$1,010,200.00

WHEREAS, These projects are approved Capital Improvement Projects - CIPs 78141, 78143, 78144 and 78146 for Fiscal Year 2013-14 with sufficient funding. The General Fund contributed toward this project and any unused funds from this project will be returned to the General Projects Fund 301 balances;

NOW, THEREFORE BE IT RESOLVED, That City Council accepts the El Pescadero and McDonald Park Renovation Project - CIP 78141, 78143, 78144, 78146, completed by Hobbs Construction of Fresno, 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 2015-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 5<sup>th</sup> day of May, 2015, 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

**APPROVE APPROPRIATING AND EXPENDING ASSET FORFEITURE FUNDS RECEIVED IN THE AMOUNT OF \$101,136 FROM THE DEPARTMENT OF JUSTICE EQUITABLE SHARING PROGRAM AND AUTHORIZE AN ON-GOING APPROPRIATION OF ALL ASSET FORFEITURE FUNDS RECEIVED BY THE CITY**

EXECUTIVE SUMMARY

The Police Department receives a portion of asset seizure monies from the U.S. Department of Justice Equitable Sharing Program for participation in assisting with joint investigations that lead to seized property and cash. This request to appropriate and expend asset forfeiture funds is for future expenditures and will not necessarily be spent in its entirety in FY 14-15. This action is required to realize the revenues coming into the City, and authorize a commensurate offsetting expense to use the funds for allowable uses under the law. For the future, we request that the City Council approve an on-going appropriation of all Asset Forfeiture funds received by the City.

DISCUSSION

In cases that involve assets, per California law a portion of the assets (money) may be returned to local law enforcement. California Health and Safety Code section 11470 provides that certain kinds of property may be forfeited under specified circumstances. Property may be subject to forfeiture if it is used to “facilitate” drug trafficking or it is “proceeds traceable” to drug trafficking. “Facilitation” means anything done to make drug trafficking easier, while “proceeds” refer to things acquired directly in drug transactions.

When assets are seized by the Tracy Police Department that are suspected to be related to drug trafficking, they are forwarded to either the Department of Justice or the State to determine if there is a legitimate claim to the assets. If it is determined by these agencies and the Court system that there is no legal or legitimate claim to the assets, a portion of these assets are returned to the City. This process can take up to two years.

The Tracy Police Department will spend asset forfeiture funds per guidelines set by the Department of Justice Equitable Sharing Program for law enforcement needs such as illicit drug investigations, law enforcement equipment and training, and/or drug prevention education. Pursuant to H&S section 11489, asset forfeiture proceeds shall not supplant any state or local funds that would otherwise be made available to the agency. Asset seizure values vary annually and cannot be projected, thus are not budgeted.

Law enforcement is the principal objective of asset forfeiture, not the generation of revenue. Forfeiture proceeds must be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures. Forfeiture reporting and expenditures must be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

In order to streamline appropriations of adjudicated seizures, staff recommends that the City Council approve an on-going appropriation of all Asset Forfeiture funds received by the City. Such monies will be deposited into the Asset Forfeiture Fund 231 and if not already appropriated by the City's annual budget, shall be allocated to the Police Department. Proposed expenditures will be recommended by the Police Chief and approved by the City Manager. Those allocations shall be posted to the City budget and may be obligated and spent as proposed and approved. There is no timeline as to when the monies need to be expended; however, participation in the Equitable Sharing Program requires the department to complete an annual certification of monies spent.

This on-going appropriation will only provide budget authority. Contract of \$50,000 or more would still require Council approval.

### STRATEGIC PLAN

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

### FISCAL IMPACT

The City of Tracy has received \$100,136 from the Department of Justice Equitable Sharing Program. There is no fiscal impact to the Fiscal Year 2014-15 General Fund.

### RECOMMENDATION

That the City Council by resolution, approve the request to appropriate and expend \$100,136 of Asset Forfeiture proceeds received from the Department of Justice Equitable Sharing Program.

Prepared by: Jeremy Watney, Police Captain

Reviewed by: Gary Hampton, Chief of Police

Approved by: Troy Brown, City Manager

RESOLUTION \_\_\_\_\_

APPROVING APPROPRIATION AND EXPENDITURE OF ASSET FORFEITURE FUNDS RECEIVED IN THE AMOUNT OF \$100,136 FROM THE DEPARTMENT OF JUSTICE EQUITABLE SHARING PROGRAM AND AUTHORIZE AN ON-GOING APPROPRIATION OF ALL ASSET FORFEITURE FUNDS RECEIVED BY THE CITY.

WHEREAS, The Police Department has received a portion of asset seizure monies from the U.S. Department of Justice Equitable Sharing Program in the amount of \$100,136, and

WHEREAS, This request to appropriate and expend asset forfeiture funds for future expenditures will not necessarily be spent in its entirety in FY 14-15, and

WHEREAS, the Tracy Police Department will spend the asset forfeiture funds per the guidelines set by the Department of Justice Equitable Sharing Program for law enforcement needs such as equipment and training related to the interdiction, prevention and education involving illegal drugs, and

WHEREAS, the Tracy Police Department requests an on-going appropriation of all Asset Forfeiture funds received by the City, and

WHEREAS, The Department will request approval from the City Manager for any expenditure and participate in the Equitable Sharing Program requirements to complete an annual certification of monies spent;

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby approves appropriation and expenditure of \$100,136 of Asset Forfeiture proceeds received from the Department of Justice Equitable Sharing Program and authorize an on-going appropriation of all asset forfeiture funds received by the City as set forth in the staff report accompanying this item.

\*\*\*\*\*

The foregoing Resolution No. \_\_\_\_\_ was passed and adopted by the Tracy City Council on the 5<sup>th</sup> day of May, 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

May 5, 2015

AGENDA ITEM 1.E

REQUEST

**APPROVAL OF THE SAN JOAQUIN COUNCIL OF GOVERNMENTS (SJCOG)  
ANNUAL FINANCIAL PLAN FOR FISCAL YEAR 2015-2016**

EXECUTIVE SUMMARY

Ratification of the SJCOG Annual Financial Plan

DISCUSSION

The Joint Powers Agreement between member agencies and the SJCOG requires that the Annual Financial Plan be sent to member agencies for ratification by each governing body.

Attached is correspondence from SJCOG dated March 30, 2015, requesting the City ratify the Plan prior to June 30, 2015; Resolution R-15-24 adopting the Plan, and a copy of the Annual Financial Plan (Attachment A).

STRATEGIC PLAN

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

FISCAL IMPACT

SJCOG receives funding from a variety of sources and distributes those funds to local jurisdictions. The City does not make a direct contribution to SJCOG, therefore there is no fiscal impact associated with this action.

RECOMMENDATION

Staff recommends that City Council, by resolution, ratify the SJCOG Annual Financial Plan for Fiscal Year 2015-2016.

Prepared by: Nora Pimentel, City Clerk

Reviewed by: Andrew Malik, Interim Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS:

Attachment A - San Joaquin Council of Government's Annual Financial Plan for FY 2015-16



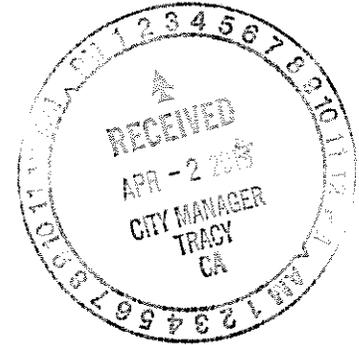
## SAN JOAQUIN COUNCIL OF GOVERNMENTS

555 E. Weber Avenue • Stockton, California 95202

209.235.0600 • 209.235.0438 (fax)

[www.sjco.org](http://www.sjco.org)

March 30, 2015

Steve Dresser  
CHAIRAnthony Silva  
VICE CHAIRAndrew T. Chesley  
EXECUTIVE DIRECTORTroy Brown  
City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376*Member Agencies*CITIES OF  
ESCALON,  
LATHROP,  
LODI,  
MANTECA,  
RIPON,  
STOCKTON,  
TRACY,  
AND  
THE COUNTY OF  
SAN JOAQUIN

Dear Mr. Brown:

Enclosed is a summary of the San Joaquin Council of Governments' Annual Financial Plan (AFP) for Fiscal Year 2015-16. The Board adopted the Plan on March 26, 2015. A copy of the adopting resolution is enclosed. Pursuant to SJCOG's Joint Powers Agreement, following adoption of the budget by the SJCOG Board, it is to be delivered to member agencies for ratification by each governing body. Approval by governing bodies representing 55% or more of the county's population is considered ratification.

Therefore, SJCOG requests you place SJCOG's Annual Financial Plan for Fiscal Year 2015-16 on a forthcoming agenda prior to June 30, 2015 for approval.

The Annual Financial Plan implements the FY 2015-16 Overall Work Program (OWP) that was also adopted by the SJCOG Board on March 26, 2014 ([www.sjco.org/ArchiveCenter/ViewFile/Item/148](http://www.sjco.org/ArchiveCenter/ViewFile/Item/148)).

The attached Annual Financial Plan (AFP) Board Summary provides a detail of expenditures by cost category and line item comparing the proposed FY 2015-16 budgets with the current year FY 2014-15 adopted budget as most recently amended and actual revenue and expenditures in FY 2013-14. The Annual Financial Plan represents the general fund budget for SJCOG. The revenues and expenditures in the AFP are the same as the Overall Work Program presented in a traditional line item format vis-à-vis the work element format of the OWP.

The attached summary includes the general fund revenues and expenditures and also identifies other funds over which SJCOG has fiduciary responsibility by either actually receiving and allocating, passing through or programming through such documents as the State and Federal Transportation Improvement Programs.

**REVENUES**

Compared to the current year amended AFP, SJCOG general fund operating revenues are decreased by approximately \$377,828 from \$9,000,670 to \$8,622,842. Overall,

federal funding for operating is \$382,979 lower than FY 2014-15 due to a reduction in one time FHWA PI and FTA MPO planning funds. State funding sources are down \$245,170 primarily due to the complete spending down of Freeway Service Patrol funds carried over from previous years. Local revenues are nearly \$250,321 higher due to sales tax-based funding continuing to grow.

### **EXPENDITURES**

Budgeted expenditures are \$8,622,842, equal to revenues.

**Salaries and Benefits** are proposed to climb slightly, increasing 3.3% when compared to FY 14/15 levels, in order to provide for merit-based salary adjustments and in anticipation of the completion of a Compensation and Classification study. The salary-driven benefits adjust accordingly.

**Services and Supplies** is proposed to be reduced 7.7% from FY 2014-15.

**Professional Services** is decreasing 19.3% reflecting the level of anticipated consulting work in the OWP.

**Fixed Assets** is budgeted at the same level as FY 2014-15.

SJCOG staff would be pleased to appear before your policymakers to answer any questions they might have regarding this matter. **We request ratification prior to June 30, 2015.** Please let me know when this will be on your agenda. If you have any questions regarding this matter, don't hesitate to contact me at 235-0600.

Thank you for your assistance.

Sincerely,



STEVE DIAL  
Deputy Executive Director/Chief Financial Officer



**San Joaquin Council of Governments  
ANNUAL FINANCIAL PLAN  
Fiscal Year 2015/16**

**Adopted March 26, 2015**

**CHAIR**

Mayor Pro Tem Steve Dresser, City of Lathrop

**VICE-CHAIR**

Mayor Anthony Silva, City of Stockton

**BOARD OF DIRECTORS**

Mayor Pro Tem Jeff Laugero  
Councilmember Doug Kuehne  
Mayor Steve DeBrum  
Mayor Leo Zuber  
Supervisor Kathy Miller  
Supervisor Steve Bestolarides  
Supervisor Chuck Winn  
Councilmember Elbert Holman  
Councilmember Moses Zapien  
Mayor Michael Maciel

City of Escalon  
City of Lodi  
City of Manteca  
City of Ripon  
County of San Joaquin  
County of San Joaquin  
County of San Joaquin  
City of Stockton  
City of Stockton  
City of Tracy

**EX OFFICIO DIRECTORS**

Ken Baxter  
Gary Giovanetti, Director  
Victor Mow, Commissioner

Caltrans District 10  
San Joaquin Regional Transit District  
Port of Stockton

**SUBMITTED BY:**

Andrew T. Chesley  
Executive Director

Steve Dial  
Deputy Executive Director/  
Chief Financial Officer

**San Joaquin Council of Governments**  
**ANNUAL FINANCIAL PLAN**  
**Fiscal Year 2015/16**  
**Adopted March 26, 2015**

REVENUES	FY 2013-14 Actual	FY 2014-15 Amend #2	FY 2015-16 Adopted 3/26/15	+/- Change	+/- % Change
Federal Grants	\$ 1,888,354	\$ 2,996,488	\$ 2,613,509	\$ (382,979)	-20.3%
State Grants	\$ 1,186,116	\$ 2,038,503	\$ 1,793,333	\$ (245,170)	-20.7%
Local	\$ 3,407,180	\$ 3,945,679	\$ 4,196,000	\$ 250,321	7.3%
Interest	\$ 6,163	\$ 5,000	\$ 5,000	\$ -	0.0%
Other	\$ 15,147	\$ 15,000	\$ 15,000	\$ -	0.0%
<b>SJCOG OPERATING REVENUE</b>	<b>\$ 6,502,959</b>	<b>\$ 9,000,670</b>	<b>\$ 8,622,842</b>	<b>\$ (377,828)</b>	<b>-5.8%</b>
<b>EXPENDITURES</b>					
Salaries & Benefits	\$ 3,489,914	\$ 3,889,906	\$ 4,004,906	\$ 115,000	3.3%
Services & Supplies	\$ 876,367	\$ 1,127,600	\$ 1,060,300	\$ (67,300)	-7.7%
Office Expense	\$ 183,910	\$ 265,800	\$ 198,500	\$ (67,300)	-36.6%
Communications	\$ 56,324	\$ 60,000	\$ 60,000	\$ -	0.0%
Memberships	\$ 39,027	\$ 42,000	\$ 42,000	\$ -	0.0%
Maintenance - Equipment	\$ 7,299	\$ 13,000	\$ 13,000	\$ -	0.0%
Rents & Leases - Equipment	\$ 116,369	\$ 226,800	\$ 226,800	\$ -	0.0%
Transportation, Travel & Training (In & Out of State)	\$ 100,056	\$ 110,000	\$ 110,000	\$ -	0.0%
Publications & Legal Notices	\$ 16,710	\$ 27,000	\$ 27,000	\$ -	0.0%
Insurance	\$ 99,708	\$ 103,000	\$ 103,000	\$ -	0.0%
Building Maintenance	\$ 175,755	\$ 180,000	\$ 180,000	\$ -	0.0%
SJCOG Building Debt Service	\$ 81,209	\$ 100,000	\$ 100,000	\$ -	0.0%
Professional Services	\$ 2,207,258	\$ 3,812,664	\$ 3,387,136	\$ (425,528)	-19.3%
Capital Outlay	\$ 230,996	\$ 170,500	\$ 170,500	\$ -	0.0%
Unallocated/Reserve				\$ -	
<b>SJCOG OPERATING EXPENDITURES</b>	<b>\$ 6,904,535</b>	<b>\$ 9,000,670</b>	<b>\$ 8,622,842</b>	<b>\$ 8,622,842</b>	<b>-5.6%</b>



**RESOLUTION  
SAN JOAQUIN COUNCIL OF GOVERNMENTS**

**R-15-24**

**RESOLUTION APPROVING THE ADOPTION OF THE 2015-16  
ANNUAL FINANCIAL PLAN  
FOR THE SAN JOAQUIN COUNCIL OF GOVERNMENTS**

WHEREAS, the San Joaquin Council of Governments is required by the Joint Powers Agreement to adopt a budget (Annual Financial Plan) annually, and

WHEREAS, the adopted budget is to be sent to the member agencies for ratification.

NOW THEREFORE BE IT RESOLVED, that the San Joaquin Council of Governments adopts the FY 2015-16 Annual Financial Plan and directs the Executive Director to transmit it to the member agencies for ratification.

PASSED AND ADOPTED this 26th day of March 2015 by the following vote of the San Joaquin Council of Governments, to wit:

**AYES:** Supervisor Bestolarides, San Joaquin County; Mayor DeBrum, Manteca; Councilman Holman, Stockton; Councilman Kuehne, Lodi; Mayor Maciel, Tracy; Supervisor Miller, San Joaquin County; Mayor Silva, Stockton; Supervisor Winn, San Joaquin County; Councilman Zapien, Stockton; Mayor Zuber, Ripon; Mayor Pro Tem Laugero, Escalon.

**NOES:** None.

**ABSENT:** Vice Mayor Dresser, Lathrop.

  
\_\_\_\_\_  
**ANTHONY SILVA**  
Chair

RESOLUTION 2015 -

APPROVING THE SAN JOAQUIN COUNCIL OF GOVERNMENTS  
ANNUAL FINANCIAL PLAN FOR FISCAL YEAR 2015-16

WHEREAS, The Joint Powers Agreement between the San Joaquin Council of Governments and its member agencies requires the Annual Financial Plan to be ratified by the governing body of each member agency, and

WHEREAS, The Tracy City Council considered the Annual Financial Plan at its meeting of May 5, 2015;

NOW, THEREFORE, BE IT RESOLVED, That City Council hereby approves the San Joaquin Council of Governments Annual Financial Plan for Fiscal Year 2015-2016.

\* \* \* \* \*

The foregoing Resolution 2015- was passed and adopted by the Tracy City Council on the 5<sup>th</sup> day May 2015, 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

**AUTHORIZE AMENDMENT OF THE CITY'S CLASSIFICATION AND COMPENSATION PLANS AND POSITION CONTROL ROSTER BY APPROVING THE ESTABLISHMENT OF A NEW CLASSIFICATION SPECIFICATION AND SALARY RANGE FOR GEOGRAPHIC INFORMATION SYSTEMS TECHNICIAN.**

EXECUTIVE SUMMARY

Geographic Information System (GIS) is a computer based information system capable of digitally demonstrating and evaluating geographic features and events. It represents real world data, discrete objects and continuous fields, using digital data, and incorporates geographical features with tabular data in order to map, analyze, and assess real-world problems. This past decade has seen significant growth of GIS due to the increasing need for spatial modeling and relating spatial concepts in every sector. Currently, there is a momentous shift in the use of GIS by the City's public safety personnel, Utilities Department, Public Works Department and Development Services Department. This shift requires a classification dedicated to manage the evolution, organization and administration of the ensuing data. The Information Technology Division is in need of a newly created classification specification for Geographic Information Systems Technician for this purpose.

DISCUSSION

Periodically, Human Resources receives requests for classification studies to allow for changes that have occurred in areas such as job responsibilities, organizational structure, and/or service needs. Based on the results of a classification study, the Human Resources Division recommends the establishment and approval of a new classification for Geographic Information Systems Technician to meet the city's needs.

In March of 2007, Kirchoff and Associates was authorized to conduct an organizational analysis of the Public Works Department to determine opportunities for improvement and ways to enhance efficiency and effectiveness of services offered by the department. Although the information was formally presented to the City Council in September 2007, the consultant met with the department representatives in the months prior, to advise of findings and offer initial recommendations. Amongst the recommendations was the implementation of a comprehensive, City-wide GIS system.

The City was also in the midst of various wastewater related design and technical analysis initiatives for multiple projects, including the evaluation of infrastructure services for the Downtown Specific Plan and the South Industrial Specific Plan. While work on the storm drainage was in progress for both projects and the roadway analysis was already completed for the Downtown Specific Plan, work on the roadway analysis for the South ISP was only about 70 % complete. There were also various other development and capital improvement projects that needed area specific studies or design and completion of improvement plans and specifications.

During the same period, the Public Works Department was in the process of complying with

Federal Sanitary Sewer Management Plan (SSMP) regulations, related to Capacity Management Operations and Maintenance (CMOM) requirements. The requirements pertained to the proper operation and management of sanitary sewer collections systems which was included in the City's National Pollutant Discharge Elimination System (NPDES) Permit issued in August 2007. System evaluation and capacity analysis (SECAP) of the City's Utility Infrastructure could not be accomplished without GIS. Furthermore, without GIS, the City would be out of compliance.

Following City Council Goal Prioritization workshops on February 19, 2008 and April 15, 2008, the importance of GIS technology was identified as critical to the City's infrastructure. Several Department Heads provided reporting information to identify GIS as the technology needed to optimize effectiveness, improve quality of services, streamline processes, and critical in the enhancement of the City's infrastructure in their respective departments. The strategy was simple; develop a City-wide GIS system in logical increments based on the immediate needs of the Public Works department to facilitate compliance, and then expand it to other City departments. With the basic framework for GIS in place, it was believed that the technology would be integrated to the Fire and Police Department as the next logical steps to enhance emergency response.

In April 2008, a GIS Needs Assessment was undertaken based on discussions with about 50 staff from all departments. Once the GIS needs of all departments were identified at a conceptual level, and in order to minimize the impact on the City's funding resources, a three year City-wide GIS Implementation Plan was prepared in June 2008. The GIS system was proposed for development using a combination of in-house staff and the City's GIS consultant, CH2M Hill. Although both the Fire Department and information Technology staff had knowledge to administer the City-wide GIS system, consulting services were needed to identify and analyze data and develop the system City-wide. It was believed that at the conclusion of the three years, City staff would be in a better position to take over the management of the entire system.

Since implementation of GIS was needed in the immediacy for the Public Works Utility systems, 60% of the funding came from the sewer, water and storm water enterprise funds. The Fire and Police Departments actively sought grant funding by the Department of Homeland Security and other federal agencies. Implementation was designated to take place in three phases, over three years. The Year 1 focus was on developing an infrastructure to support the enterprise GIS implementation, data development and deployment, developing an internally (City staff) and externally (public) available GIS web portal related to the Utility System of the Utilities Department, and engaging the City departments to participate in the portal development process. Developing staff knowledge of GIS in the various departments was to facilitate the transition of the GIS system to staff eventually. Years 2 and 3 of the contract focused on expanding the use of GIS beyond the Utilities Department, to staff training, data migration, city-wide business process enhancements, less software and hardware, and a ramp up of GIS data development and deployment.

At the end of the three year implementation, the City embarked on a maintenance phase related to GIS but also maintained the use of Consultants for updates, integration with other

applications, expertise and guidance, and assistance troubleshooting potential problems as they arose. The system was gradually decentralized and each department was responsible for maintaining its own data. Yet, while the importance of GIS grew exponentially, the value of the derived data was diminished because it was quickly becoming outdated. Without a dedicated person to maintain the GIS data, staff from each department were assigned the task of maintaining the GIS data, in addition to their regular workloads. Doing so impacted the already lean resources in each department and proved to be challenging to respective workloads. The reality was that the data could not be maintained in real time by individual departments.

In FY 14-15, the City renewed existing GIS software licenses for an additional three years and now has the ability to deploy ESRI software when and where needed. With all departments in agreement that a dedicated person is required to administer and develop the day-to-day data, the City Council, also in FY 14-15, authorized the supplemental appropriation for a GIS Technician classification. The funding for the position would come from the General Fund and the Enterprise Fund; a 50/50 split.

It is clear that the use of GIS technology by City staff continues to grow. The Information Technology Division is responsible for GIS oversight and administration, and a cross section of departments are end-users, i.e.: General and Specific Plan mapping, mapping components, grouping of data and information (DS), route mapping for emergency calls and response time and routes, and statistical analysis (FD), records management, statistical analysis for crime, and mapping and routing for emergency calls (PD), maintenance of all utilities, locations of plant and water lines etc., and replacement of equipment (PW). The business community and residents also have access to the GIS Portal to make queries and locate City facilities, mercantile buildings, zoning information, etc. The need to deliver services in an efficient and cost-effective manner is greater than ever, and remains a priority within the City. As such, it is paramount to have a dedicated person to capture, analyze and present data that is up-to-date. It will enable the City to be responsive and transparent, and demonstrate accountability.

Establish new classification specification and salary range: Geographic Information Systems (GIS) Technician – Administrative Services Department/Information Technology Division

This is a single-position classification. The individual in the classification shall, under the direction of the Information Technology Division, be responsible for supporting the City's GIS function and related equipment. The proposed monthly salary range for this classification is similar to the Information Systems Technician II classification, \$4,858.26 to \$5905.26.

STRATEGIC PLAN

This agenda item supports the City's Governance Strategy and Business Plan, and specifically implements the following goals and objectives:

Governance Strategy

**Goal 1:** Further develop an organization to attract, motivate, develop and retain a high quality, engaged, high-performing and informed workforce.

**Objective 1b:** Affirm organizational values.

FISCAL IMPACT

The funding for this position was already established as part of the FY 2014-15 General Fund budget and will be included in the adopted budget for FY 2015-16.

RECOMMENDATION

That the City Council, by resolution, authorizes the Administrative Services Director or Designee to amend the City's Classification and Compensation Plans by approving the establishment of a class specification and salary range for Geographic Information Systems (GIS) Technician.

Prepared by: Arlene Roberts, Human Resources Analyst  
Matt Engen, Information Technology Manager

Reviewed by: Ray Durant, Interim Administrative Services Director  
Andrew Malik, Acting Assistant City Manager

Approved by: Troy Brown, City Manager

Attachment: Exhibit A - Geographic Information Systems (GIS) Technician

## EXHIBIT A

### City of Tracy

#### GEOGRAPHICAL INFORMATION SYSTEMS (GIS) TECHNICIAN

Class Title:	GIS Technician	Class Code:	40206
Department:	Information Technology Division	Bargaining Unit:	TSSU
EEO Code:	77	Effective Date:	May 5, 2015
FLSA Status:	Non-exempt	Revision History:	

#### **DESCRIPTION**

Under general supervision, performs technical work in support of the City's Geographic Information System (GIS) administration, including meeting with department personnel to discuss GIS product requests, such as maps and reports, analyzing requests, generating requested products, and maintaining data and GIS databases; and performs related work as required.

#### **DISTINGUISHING CHARACTERISTICS INCLUDING SUPERVISION RECEIVED AND EXERCISED:**

This is a single-position classification responsible for supporting the City's GIS function and related equipment. Incumbents are expected to possess the ability to perform the full range of technical duties related to GIS, in addition to performing a variety of record keeping, research, and technical support activities. The work requires the frequent use of tact and judgment, knowledge of City-wide operations, and the ability to conduct independent projects. This class is distinguished from Information Technology Manager in that the latter has overall management responsibility for all planning projects and programs, functions, and activities and for developing, implementing, and interpreting public policy. Receives general supervision from the Information Technology Manager. Exercises no direct supervision over staff.

#### **ESSENTIAL AND MARGINAL DUTIES**

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

Provides graphic support for City departments and programs including the development of maps, charts, displays, presentations, graphics, brochures, and drawings.

Develops and maintains a variety of maps from a variety of sources; explains technical information to non-technical end users, including assisting them in accessing and interpreting GIS information; trains end users on the use and functionality of the GIS system.

Creates, maintains, and modifies a variety of maps and tabular data from a variety of

sources; compiles and enters data into GIS databases, including scanning, data conversion, and digitizing maps.

Performs City research activities to identify, acquire, and integrate data from other agencies and organizations into the City's data library; maintains and updates the City's information catalogue.

Develops documentation and quality control procedures, standards, and metadata; reviews new and existing data for accuracy, quality, and completeness.

Acts as point of contact for the day-to-day operations of the GIS program; troubleshoots system problems; responds to and resolves inquiries and complaints and escalates problems or issues to Information Technology Manager as needed.

Represents the City in inter-agency coordination activities related to GIS.

Develops and designs standards and technical specifications for City-wide GIS systems; coordinates with other IT staff to develop information system solutions.

Exports data and maps to vendors and consultant as needed.

Prepares a variety of written correspondence, reports, procedures, and other materials.

Maintains accurate records and files related to the GIS function.

Attends and participates in professional group meetings; stays abreast of new trends and innovations in the field of GIS administration.

Performs related duties as assigned.

## **MINIMUM QUALIFICATIONS**

### Knowledge of:

Technology, hardware and software, and current applications related to GIS systems, including database management, mapping and report generation, and desktop publishing systems.

Applicable Federal, State, and local laws, codes, and requirements and related reports.

Researching and reporting methods, techniques, and procedures.

Methods and techniques of effective technical report preparation and presentation.

Record keeping principles and procedures.

Modern office practices, methods, and computer equipment and applications related to the work, including the ArcGIS software.

English usage, grammar, spelling, vocabulary, and punctuation.

Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff.

Ability to:

Develop and administer a broad-based GIS program that includes effective database development and management for a variety of City departments and public and private clients.

Prepare a variety of plans, specifications, maps, graphic materials, and technical reports.

Modify topographic maps, plans, and illustrative graphics using GIS software.

Conduct routine research projects, evaluate alternatives, and make sound recommendations.

Interpret, apply and explain complex Federal, State, and local laws, codes, regulations, departmental policies and procedures.

Interpret, apply and explain technical materials to non-technical users.

Establish and maintain a variety of filing, record keeping, and tracking systems.

Make sound decisions within established policy and procedural guidelines.

Organize own work, set priorities, and meet critical time deadlines.

Operate modern office equipment including computer equipment and specialized software applications programs.

Use English effectively to communicate in person, over the telephone, and in writing.

Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.

Establish, maintain, and foster positive and effective working relationships with

those contacted in the course of work.

## **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 an Associate's degree from an accredited college with major coursework in planning, graphic design, landscape architecture, planning, resource management, or related field. A Bachelor's degree is desirable.

**Experience:** Two (2) years of professional experience with geographic information systems, database analysis or design, application development, or related field.

## **LICENSES AND CERTIFICATES**

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

Candidate must pass POST level background investigation for clearance to work on Police Department Systems.

## **TOOLS AND EQUIPMENT USED**

Requires frequent use of GIS technologies, personal computer, including word processing, database and spreadsheet programs, website programs; calculator, telephone, copy machine and fax machine.

## **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. On a continuous basis, sit at desk and in meetings for long periods of time. Communicate extensively through the use of a telephone and written means.

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

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 APPROVING THE ESTABLISHMENT OF A NEW CLASSIFICATION SPECIFICATION AND SALARY RANGE FOR GEOGRAPHIC INFORMATION SYSTEMS (GIS) TECHNICIAN

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

WHEREAS, The City has completed a classification review to establish new class specifications and salary ranges, and

WHEREAS, It is necessary to amend the City's Classification and Compensation Plans and Position Control Roster effective May 5, 2015 as follows:

Establish Classification and Compensation

Geographic Information Systems (GIS) Technician: \$4,858.26 to \$5905.26 monthly.

NOW, THEREFORE, BE IT RESOLVED, That the City Council authorizes the Administrative Services Director or Designee to amend the City's Classification Plan for the established classification; and

BE IT FURTHER RESOLVED, that the Budget Officer is authorized to amend the Compensation Plan and Position Control Roster to reflect the approved changes.

\* \* \* \* \*

The foregoing Resolution \_\_\_\_\_ was adopted by the Tracy City Council on the 5<sup>th</sup> day of May, 2015, by the following votes:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

AGENDA ITEM 1.G

REQUEST

**ADOPT A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR A MATCHING GRANT FOR FEDERAL AVIATION ADMINISTRATION APPROVED PROJECT UNDER AIRPORT IMPROVEMENT PROGRAM NO. 3-06-0259-016-2014 IN THE AMOUNT OF \$320,682**

EXECUTIVE SUMMARY

The City Council has previously directed staff to seek funding to address pavement conditions at the Tracy Municipal Airport. The City has already received a grant from the Federal Aviation Administration (FAA) for 90% of the cost to reconstruct runways 12/30 and 8/26 as well as taxiways A, B, D and E. The City has now received a matching grant from the California Department of Transportation for an additional 5% of the FAA portion of the cost lowering the City's obligation to just 5.5% of the total cost.

DISCUSSION

The FAA Airport Improvement Entitlement Program (AIP), currently funds approved projects at ninety percent (90%). The City has already been awarded the funding in the amount of \$6,413,635 to fund reimbursement for engineering and design work on the airport pavement project, reconstruction of runways 12-30 and 8-26, and reconstruction of taxiways A, B, D and E including runway/taxiway intersections. This amount is 90% of the total project cost of \$7,126,261. The City is obligated to pay the remaining 10% of the project, totaling \$712,626.

In November of 2014, staff applied for a matching grant for the project through the California Department of Transportation in order to obtain additional matching funds. The City has recently been awarded a matching grant from the California Department of Transportation for \$320,682, which is 5% of the FAA portion of the project. This grant will lower the obligation of the City to \$391,994 which is the remaining 5.5% of the project cost.

Currently, there is \$448,000 of matching funds which were appropriated by Council for the Airport Pavement Project as part of the FY13/14 budget. Acceptance of this grant will allow the City to complete this phase of the project without needing to make an additional appropriation of matching funds to the project. This leaves an additional \$56,006 appropriated to the project. Staff anticipated using these remaining funds toward the required matching amount that will be needed for additional phases of this project at the airport. Below is a breakdown of the current funding for this phase of the project.

FAA Funding:	\$6,413,635
Cal DOT Funding:	\$320,682
City Funding:	\$391,994
<b>Total Cost:</b>	<b>\$7,126,261</b>

### STRATEGIC PLAN

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

### FISCAL IMPACT

There will be no impact to the General Fund or Airport Fund for the acceptance of this grant. Accepting this grant will lower the City's obligation toward the matching amount required by the FAA. No additional funding will need to be requested for this phase of the runway pavement reconstruction.

### RECOMMENDATION

That the City Council adopt a resolution authorizing the Mayor execute a grant agreement with the California Department of Transportation for a matching grant for Federal Aviation Approved project under Airport Improvement Program No. 3-06-0259-016-2014 in the amount of \$320,682.

Prepared by: Ed Lovell, Management Analyst II

Reviewed by: David Ferguson, Director of Public Works  
Andrew Malik, Acting Assisting City Manager

Approved by: Troy Brown, City Manager

RESOLUTION \_\_\_\_\_

AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR A MATCHING GRANT FOR FEDERAL AVIATION ADMINISTRATION APPROVED PROJECT UNDER AIRPORT IMPROVEMENT PROGRAM NO. 3-06-0259-016-2014 IN THE AMOUNT OF \$320,682

WHEREAS, The Federal Aviation Administration of the United States of America (FAA) classifies the City of Tracy (the "City") as the "sponsor" of the Tracy Municipal Airport and as such the City is responsible for applying for and administering airport grants and contracts, and

WHEREAS, The FAA AIP Entitlement Program currently funds approved projects at ninety percent (90%), and

WHEREAS, The City has received funding in the amount \$6,413,635 from the FAA, which is 90% of the total project cost of \$7,126,261 for reimbursement for engineering and design work on the airport pavement project, reconstruction of runways 12-30 and 8-26, and reconstruction of taxiways A, B, D and E including runway/taxiway intersections, and

WHEREAS, The City has an obligation to provide matching funds of up to \$712,626, and

WHEREAS, The California Department of Transportation has awarded a grant to the City for additional matching funds in the amount of \$320,682, which will lower the total obligation of the City to \$391,994;

NOW, THEREFORE, BE IT RESOLVED, That City Council authorizes the Mayor to execute a grant agreement with the California Department of Transportation for a matching grant for Federal Aviation Administration approved project under Airport Improvement Program No. 3-06-0259-016-2014 in the amount of \$320,682.

\* \* \* \* \*

The foregoing Resolution \_\_\_\_\_ was adopted by City Council on the 5<sup>th</sup> day of May, 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.H

REQUEST

**APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH RISING SUN ENERGY CENTER AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT**

EXECUTIVE SUMMARY

Rising Sun Energy Center is a non-profit organization that has a California Youth Energy Services (CYES) program within the organization where they hire and train local youth to become Energy Specialists. These Energy Specialists will perform Green House Calls to residents during a seven week program and will provide and install no-cost energy savings measures, water conservation education along with recommendations for additional cost saving measures in each home.

DISCUSSION

Over the past few weeks, Public Works staff has been in conversation with Rising Sun Energy Center (Rising Sun). Rising Sun is a non-profit organization out of the Bay Area established in 1994 as a workforce development organization. Rising Sun's focus is on promoting resource conservation in communities by training and hiring local youth to help educate residents by providing Green House Calls. This California Youth Energy Services (CYES) program will provide these Green House Call's to single-family and multi-family dwellings for both renters and homeowners. The CYES will recruit and employ and train eight Tracy youth ages 15-22 at \$9.00-\$10.00 per hour for this youth program. The youth will visit approximately 200 Tracy residents throughout the length of the program. During the Green House Calls the Energy Specialists will educate the residents about sustainability and provide recommendations for energy and water saving measures. They will also install energy and water saving equipment such as, compact fluorescent light bulbs, faucet aerators, shower heads, spray nozzles, and powerstrips depending on their findings at no cost to the selected residents in Tracy.

As part of Rising Sun providing this program to cities, they set up satellite offices. The average cost of running a satellite office is approximately \$150,000 per site. This cost includes youth salaries, manager salaries, site set-up and breakdown, outreach and marketing, equipment and materials, transportation, planning, coordination, and all overhead costs. The cost for the satellite office is at the sole expense of Rising Sun Energy Center.

The proposed Professional Services Agreement (PSA) will allow Rising Sun Energy Center to setup a CYES program in Tracy. If Council approves the PSA, Public Works will provide an office space located in the inspectors trailer at the Boyd Service Center with no additional utility costs.

The CYES program will not only help to educate residents on the City's green efforts and water conservation efforts, but this program will also directly impact the community by providing education and awareness on how residents can save energy and water

through a few simple steps or just by making a small change in habits and how it can impact the environment and the community. This program also offers the added value of having the training and employment opportunities for local youth ages 15-22. The participating youth will be exposed to career paths and the opportunity to network with the City and other entities such as PG&E.

#### STRATEGIC PLAN

This agenda item supports the Quality of Life Strategic Plan goal to provide an outstanding quality of life by enhancing the City's amenities, business mix and service and cultivating connections to promote positive change and progress in our community.

#### FISCAL IMPACT

The in-kind donations of giveaways agreed to in professional services agreement will not impact the budget and will be absorbed by the Solid Waste and Recycling Fund. This is estimated to be around \$1,000.

#### RECOMMENDATION

That the City Council approves the Professional Services Agreement with Rising Sun Energy Center and authorizes the Mayor to execute the agreement.

Prepared by: Jennifer Cariglio, Management Analyst I

Reviewed by: David Ferguson, Director of Public Works  
Andrew Malik, Acting Assistant City Manager

Approved by: Troy Brown, City Manager

Exhibit A: Professional Services Agreement

**CITY OF TRACY  
PROFESSIONAL SERVICES AGREEMENT  
EMPLOY YOUTH PROGRAM TO EDUCATE RESIDENTS ON SUSTAINABILITY AND  
WATER SAVING**

This Professional Services Agreement (“Agreement”) is entered into between the City of Tracy, a municipal corporation (“City”), and Rising Sun Energy Center, a California public benefit corporation (“Service Provider”).

**RECITALS**

- A. On March 11, 2015, Public Works staff met with Rising Sun Energy Center to discuss the California Youth Energy Services program.
- B. After review of the program Public Works staff would like to have this program available to Tracy local youth and residents.
- C. On May 5, 2015, City Council authorized the execution of this Agreement, pursuant to Resolution No. 2015-\_\_\_\_\_.

**NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:**

- 1. **SCOPE OF SERVICES.** Service Provider shall perform the services described in Exhibit “A” attached and incorporated by reference. The services shall be performed by, or under the direct supervision of, Service Provider’s Authorized Representative: Jodi Pincus, Executive Director. Service Provider shall not replace its Authorized Representative, nor shall Service Provider use any subcontractors without City’s prior written consent.
- 2. **TIME OF PERFORMANCE.** Service Provider has already reached out to the community to find residents that would like to participate in this program pending approval from City Council. The program time frame is May 2015 for program design and planning and June- August 2015 for program training and implementation, and August – November 2015 for program close and reporting. More details on the work schedule are listed in Exhibit “A”. Service Provider shall begin once approved by Council, and shall complete all required services no later than November 2015. Any services for which times for performance are not specified in this Agreement shall be started and completed by Service Provider in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the Service Provider. Service Provider shall submit all requests for extensions of time to the City in writing no later than ten 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.

## CITY OF TRACY -- PROFESSIONAL SERVICES AGREEMENT

### RISING SUN ENERGY CENTER

Page 2 of 6

3. **INDEPENDENT CONTRACTOR STATUS.** Service Provider is an independent contractor and is solely responsible for all acts of its employees, agents, or subcontractors, including any negligent acts or omissions. Service Provider is not City's employee and Service Provider 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, unless the City provides prior written authorization to Service Provider. Service Provider is free to work for other entities while under contract with the City. Service Provider is not entitled to City benefits.
4. **CONFLICTS OF INTEREST.** Service Provider (including its employees, agents, and subcontractors) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Service Provider maintains or acquires such a conflicting interest, the City may terminate any contract (including this Agreement) involving Service Provider's conflicting interest.
5. **COMPENSATION.**  
**General.** The services performed by the Service Provider under this Agreement, shall be at the sole expense of the Service Provider. The City will only provide the designated office space and water saving equipment as an in-kind service for this program. No other forms of payment will be made to the Service Provider for their service or this program.
6. **TERMINATION.** The City may terminate this Agreement by giving thirty days written notice to Service Provider. Upon termination, Service Provider shall give the City all original documents, including preliminary drafts and supporting documents, prepared by Service Provider for this Agreement.
7. **OWNERSHIP OF WORK.** All original documents prepared by Service Provider 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 Service Provider's services, or upon demand from the City. No such documents shall be revealed or made available by Service Provider to any third party without the City's prior written consent.
8. **INDEMNIFICATION.** Service Provider shall, to the fullest extent permitted by law, indemnify, defend (with independent counsel approved by the City), and hold harmless the City from and against any claims arising out of Service Provider's performance or failure to comply with obligations under this Agreement, except to the extent caused by the sole, active negligence or willful misconduct of the City.

In this section, "City" means the City, its officials, officers, agents, employees and volunteers; "Service Provider" means the Service Provider, its employees, agents and subcontractors; "Claims" includes claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all related costs and expenses in connection therein) and any allegations of these; and "Arising out of" includes "pertaining to" and "relating to".

# CITY OF TRACY -- PROFESSIONAL SERVICES AGREEMENT

## RISING SUN ENERGY CENTER

Page 3 of 6

The provisions of this section survive completion of the services or the termination of this contract, and are not limited by the provisions of Section 10 relating to insurance.

9. **BUSINESS LICENSE.** Before beginning work under this Agreement, Service Provider shall obtain a City of Tracy Business License.

10. **INSURANCE.**

- 10.1 **General.** Service Provider shall, throughout the duration of this Agreement, maintain insurance to cover Service Provider, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth here.
- 10.2 **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.
- 10.3 **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.
- 10.4 **Workers' Compensation** coverage shall be maintained as required by the State of California.
- 10.5 **Professional Liability** "claims made" coverage shall be maintained to cover damages that may be the result of errors, omissions, or negligent acts of Service Provider in an amount not less than \$1,000,000 per claim.
- 10.6 **Endorsements.** Service Provider shall obtain endorsements to the automobile and commercial general liability with the following provisions:
- 10.6.1 The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."
- 10.6.2 For any claims related to this Agreement, Service Provider's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Service Provider's insurance and shall not contribute with it.
- 10.7 **Notice of Cancellation.** Service Provider shall notify the City if the policy is 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. Service Provider shall immediately obtain a replacement policy.
- 10.8 **Authorized Insurers.** All insurance companies providing coverage to Service Provider 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.

**CITY OF TRACY -- PROFESSIONAL SERVICES AGREEMENT**

**RISING SUN ENERGY CENTER**

Page 4 of 6

- 10.9 **Insurance Certificate.** Service Provider 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 days after the execution of this Agreement.
- 10.10 **Substitute Certificates.** No later than 30 days prior to the policy expiration date of any insurance policy required by this Agreement, Service Provider shall provide a substitute certificate of insurance.
- 10.11 **Service Provider's Obligation.** Maintenance of insurance by the Service Provider as specified in this Agreement shall in no way be interpreted as relieving the Service Provider of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Service Provider may carry, at its own expense, such additional insurance as it deems necessary.

11. **ASSIGNMENT AND DELEGATION.** This Agreement and any portion of it shall not be assigned or transferred, nor shall any of the Service Provider's duties be delegated, without the City's written consent. Any attempt to assign or delegate this Agreement without the City's written consent shall be void and of no effect. City's consent to one assignment shall not be deemed to be a consent to any subsequent assignment.

12. **MISCELLANEOUS.**

12.1 **Notices.** 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 other party as follows:

To City:

Public Works Director  
City of Tracy  
520 Tracy Boulevard  
Tracy, CA 95376

To Service Provider:

Executive Director  
Rising Sun Energy Center  
2998 San Pablo Avenue  
Berkeley, CA 94702

With a copy to:

City Attorney  
333 Civic Center Plaza  
Tracy, CA 95376

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 after the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

12.2 **Modifications.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

## CITY OF TRACY -- PROFESSIONAL SERVICES AGREEMENT

### RISING SUN ENERGY CENTER

Page 5 of 6

- 12.3 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.
- 12.4 Severability.** If a 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 effect.
- 12.5 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.
- 12.6 Entire Agreement.** This Agreement comprises the entire integrated understanding between the parties concerning the services to be performed. This Agreement supersedes all prior negotiations, representations or agreements.
- 12.7 Compliance with the Law.** Service Provider shall comply with all local, state, and federal laws, whether or not those laws are expressly stated in this Agreement.
- 12.8 Standard of Care.** Unless otherwise specified in this Agreement, the standard of care applicable to Service Provider'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.
- 12.9 Corporate Status.** Contractor is responsible for filing all required documents and/or forms with the California Secretary of State and meeting all requirements of the Franchise Tax Board, to the extent such requirements apply to Contractor. By entering into this Agreement, Contractor represents that it is not a suspended corporation. If Contractor is a suspended corporation at the time it enters into this Contract, City may take steps to have this Agreement declared voidable.
- 13. 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 Service Provider and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

**CITY OF TRACY -- PROFESSIONAL SERVICES AGREEMENT**  
**RISING SUN ENERGY CENTER**  
Page 6 of 6

The parties agree to the full performance of the terms set forth here.

City of Tracy

Service Provider  
Rising Sun Energy Center

\_\_\_\_\_  
By: Michael Maciel  
Title: Mayor  
Date: \_\_\_\_\_

\_\_\_\_\_  
By: Jodi Pincus  
Title: Executive Director/President  
Date: 4-29-15  
Fed. Employer ID No. 77-0359133

Attest:

\_\_\_\_\_  
By: Nora Pimentel  
Title: City Clerk

\_\_\_\_\_  
By: Eric Brizee  
Title: Operations Manager/Treasurer  
Date: 4-29-15

Approved As To Form:

\_\_\_\_\_  
By: Daniel G. Sodergren  
Title: City Attorney  
Date: \_\_\_\_\_

Exhibits:  
A Scope of Services



# RISING SUN ENERGY CENTER

2998 San Pablo Avenue, Berkeley, CA 94702 | [www.risingsunenergy.org](http://www.risingsunenergy.org) | Tel: 510.665.1501 | Fax: 510.665.1502

## Exhibit A

### Scope of Services

The City of Tracy and Rising Sun Energy Center (Rising Sun) will collaborate to implement the California Youth Energy Services program in Tracy. Rising Sun's California Youth Energy Services program is offered in San Joaquin County through the Pacific Gas and Electric Company and the San Joaquin County Energy Watch.

#### SCOPE OF WORK

Rising Sun Energy Center (Rising Sun) is a Bay Area nonprofit workforce development organization established in 1994. Since 2000, Rising Sun has promoted local resource conservation via a young adult employment program, California Youth Energy Services (CYES). As the residential program arm of the East Bay, Marin, San Joaquin, Solano, and Sonoma County Energy Watch partnerships, the CYES program trains and employs young adults ages 15-22 to provide energy and water conservation assessments and installations to local residents at no cost to the customer. This service, called a Green House Call, is offered to both homeowners and renters, and checks homes for efficiency, installs equipment, and provides personalized recommendations for further savings.

CYES has two goals that set it apart from other youth programs. First, it provides direct-install energy and water efficiency services to the community at no cost, with a focus on hard-to-reach households. These include:

- Non-English speakers, who often miss out on services due to language barriers
- Renters
- Moderate income households
- Multifamily dwellings
- Senior citizens

Second, CYES Energy Specialists are local youth, who often struggle to find paid work experience on a meaningful career track.

Rising Sun operates the CYES program by setting up satellite CYES site offices in partner cities. Youth Energy Specialists are hired locally from the partner city and serve the local community. The average total cost of running of a CYES satellite office is approximately \$150,000 per site. This cost includes youth salaries, manager salaries, site set-up and breakdown, outreach and marketing, equipment and materials, transportation, planning, coordination, and all overhead costs. The cost for the satellite office is the sole responsibility of Rising Sun Energy Center.

Rising Sun will run and manage a California Youth Energy Services program site office in the City of Tracy during the 2015 summer season. Rising Sun will execute the CYES program in Tracy in three phases: Design and Planning, Training and Implementation, and Closing and Reporting.

### **Location of Work**

The Tracy site office will be set up at the corporation yard, which Rising Sun has already done a walk through and approved the site for their work. This office space will be an in-kind contribution by the City of Tracy. Youth Energy Specialists will be based out of the CYES site office, and will perform field work in local residents' homes.

### **LOGISTICS**

Each CYES site is run by an adult Site Manager and a Site Outreach Manager. The Site Outreach Manager markets the service to the local community and identifies residents interested in Green House Calls, signing them up for scheduled appointments. Outreach techniques include event tabling, bill inserts, social and traditional media, neighborhood canvassing, and partnerships with community groups and property management companies. The Site Manager is responsible for overseeing the physical site office and coordinating logistics and administration.

Both the Site Manager and the Site Outreach Manager are responsible for training and supervising the youth Energy Specialists, of whom there are eight at each site. The youth are chosen for their professionalism, ability to work in teams, critical thinking skills, and self-motivation. Both adult staff are trained and supervised by permanent Rising Sun staff who work throughout the year to ensure the program's success.

Energy Specialists work in pairs composed of a minor and a youth aged 18 or over, so that there is always a legal adult on each assignment. Comprehensive field monitoring policies are in place to ensure the quality of the work. A pair of Energy Specialists can visit three to six households a day.

### **WORK SCHEDULE**

#### **Program Design and Planning: May 2015**

Upon finalizing the contract, Rising Sun will begin program planning and design. Rising Sun will also launch its community marketing and outreach campaign to generate a waitlist of residents for the summer. Rising Sun will also conduct a youth and manager recruitment campaign in the spring, as well as site office setup. Rising Sun will set up the Tracy site office in late May and early June. Access to the office space and keys will be given to Rising Sun by May 15 to ensure timely set-up. Program design and planning includes:

- Marketing and outreach to community renters and homeowners
- Youth recruitment and hiring
- LIFT recruitment and hiring
- Manager recruitment and hiring
- Inventorying and purchasing of tools, equipment, and materials
- Preparation of outreach and audit forms
- Site set-up (IT, etc.) and distribution of tools, equipment, and materials

### **Program Training and Implementation: June - August 2015**

CYES program implementation begins with training. Rising Sun will conduct Manager and LIFT trainings, followed by youth training. Youth Energy Specialists will conduct field work for six weeks following training. Program training and implementation includes:

- Manager Training
- Youth Training
- LIFT Training
- Program Implementation (six weeks of field work/Green House Calls – see below)

### **Green House Calls**

CYES Energy Specialists perform Green House Calls that provide renters and homeowners with free energy and water conservation assessments, equipment installation, and education. Because the equipment installed does not alter the infrastructure of a home, renters are eligible for CYES services. The CYES program serves single-family, 2-4 plex, and multi-unit dwellings.

A CYES Green House Call consists of:

- A walkthrough energy assessment of the house with the client, looking for energy- and water-saving opportunities
- Direct installation of free energy and water saving measures; for example:
  - Efficient-flow faucet bath and kitchen aerators
  - Efficient-flow showerheads
  - Screw-in compact fluorescent lamps (CFLs)
  - Screw-in light emitting diodes (LEDs)
  - Retractable clotheslines in qualifying homes, or a powerstrip or LED nightlight
  - Fluorescent floor lamps, in exchange for halogen floor lamps
  - Pipe insulation for water heaters
  - Additional measures as available
- Checking for adequate attic insulation, pipe insulation, and a hot water heater blanket
- E-waste removal
- Testing gallon per minute (GPM) flow rate tests on all feasible shower, kitchen, and bathroom water fixtures
- Assessment of toilets for leaks and flush volume
- Assessment of refrigerator and water heater temperature settings
- Collection of irrigation information
- Energy and water conservation education, including personalized recommendations
- Customized report to the client documenting work completed and ways to further capture energy savings after the CYES appointment

### **Program Close and Reporting: August – November 2015**

The reporting process begins in late August, after all CYES sites have been properly closed down, and continues through November. Due to the large amount of data collected across CYES cities, the data analysis and translation process takes 2-3 months to complete. Final reports will be distributed to partner cities no later than November 15, 2015. Program close and reporting includes:

- Site breakdown and closeout
- Data analysis and translation
- Create and distribute all reports

## **DELIVERABLES AND OUTCOMES**

### **Program Design and Planning: May 2015**

- Develop program structure and work schedule
- Recruit and hire 8 Tracy area youth at \$9.00-\$10.00 per hour
- Recruit and hire two summer CYES Managers to supervise youth and conduct local outreach (may not be from the City of Tracy)
- Recruit and hire one LIFT (Leader-in-Field-Training) Energy Specialist; a LIFT should be a returning Energy Specialist and may not be from the City of Tracy
- Execute client recruitment plan to build waitlist of residents interested in receiving Green House Calls
- Identify a program location space from local partners (City of Tracy responsibility)
- Network with local partner organizations for outreach
- Solicit and partner with local water district/dept. to secure water measure donations needed for program (showerheads, kitchen aerators, bathroom aerators, water flow bags, toilet dye tablets, and pressure gauges)
- Host LIFT orientation
- Site setup

### **Program Training and Implementation: June - August 2015**

- Implement technical training for CYES Managers
- Implement technical and professional training for LIFT employees
- Implement technical and professional training for youth Energy Specialist employees
- Provide 200 local residents of the City of Tracy with energy and water conservation education and free hardware installation
- Provide ongoing professional development training to youth
- Conduct continuous in-field quality control through ride-alongs, drop-in visits, and client follow-up calls
- Assist City of Tracy in reaching its Climate Action Plan goals

### **Program Close and Reporting: August - November 2015**

- Move out of and close-out site office
- Generate and distribute a final City report for Tracy no later than November 15, 2015; the report will include:
  - Number of homes served

- Number of each measure installed
- Total energy and water savings
- Pounds of e-waste removed, and responsibly recycled
- Total number of youth hired
- Percentage of renters served
- Percentage of low-moderate income households served
- Breakdown of client demographics

## **APPENDIX A**

### **In-Kind Contributions**

#### **Site Office (Exclusive and secure access)**

- Location, if known: 520 Tracy Blvd. Gate #3 Inspection Trailer (Main area and 1 office for storage space)
- 600-1,000 sq ft
- May 15-August 31
- Monday- Fridays
- 9:00am-7:30pm, with extended hour access on two evenings during the summer
- Access to bathrooms
- Safe area/safe building
- Access to free parking
- Access to residential neighborhoods
- 3 desks (or tables for computer stations); what is currently in the space
- Access to use the conference room in the trailer.
- 11 chairs
- Janitorial service

#### **Water Measures**

- Showerheads (85)
- Kitchen aerators (40)
- Bathroom aerators (50)
- Water flow bags (10)
- Pressure gauges (5)
- Toilet dye tablets (200)
- Spray Nozzles (40)

#### **Other**

- Assistance with resident/constituent outreach, including:
  - Bill inserts; if there is space and has to be from the City
  - Website/social media posting
  - Newsletters/other print opportunities
  - Event connections/ideas
  - Media and other local outreach connections if available
  - Co-branding opportunities
  - Partnership on program kickoff/local PR event
- Provision of connections to youth organizations, schools, and community colleges for youth recruitment; local connections for manager recruitment

RESOLUTION \_\_\_\_\_

APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH RISING SUN ENERGY CENTER AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

WHEREAS, The Professional Service Agreement between the City of Tracy and Rising Sun Energy Center will allow youth program California Youth Energy Services to hire and train local youth to become Energy Specialists, and

WHEREAS, The Energy Specialists will perform Green House Calls to approximately 200 residents during a seven week program, and

WHEREAS, During the Green House Calls the Energy Specialists will educate the residents and sustainability and provide recommendations for energy and water saving measures, and

WHEREAS, The Energy Specialists will also install energy and water saving equipment such as, compact fluorescent light bulbs, faucet aerators, shower heads, spray nozzles, and powerstrips depending on their findings at no cost to the selected residents in Tracy, and

WHEREAS, Rising Sun is able to offer this program to cities by setting up satellite offices in participating cities, and

WHEREAS, If Council approves the PSA, Public Works will provide an office space located in the inspectors trailer at the Boyd Service Center with no additional utility costs and the City will provide some water saving equipment as the City's in-kind services for this program, and

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby approves the Professional Services Agreement with Rising Sun Energy Center and authorizes the Mayor to execute the agreement.

\*\*\*\*\*

The foregoing Resolution \_\_\_\_\_ was passed and adopted by the City Council of the City of Tracy on the 5<sup>th</sup> day of May 2015, by the following vote:

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

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

AGENDA ITEM 3

REQUEST

**ACCEPTANCE OF THE CITY OF TRACY'S POLICE DEPARTMENT'S ANNUAL REPORT FOR 2014**

EXECUTIVE SUMMARY

The Tracy Police Department has prepared the City of Tracy's Police Department 2014 Annual Report to provide the citizens of Tracy with a statistical review of the department's performance, efforts and accomplishments.

DISCUSSION

This report provides an overview operationally, of the department's accomplishments in 2014. The report reflects a 0% increase in overall Part-1 Crimes reported during 2014 compared to 2013. The overall 0% increase is representative of 2 fewer Part-1 Crimes in 2014 compared to 2013. In 2014, there were 23 less reported violent crimes and 21 more Property Crimes reported. The community experienced 28.55 Part- 1 Crimes per 1000 populous in 2014, compared to 28.57 in 2013. Of all Part-1 Crimes experienced by the community in 2014, 95% were related to the theft of personal property.

FISCAL IMPACT

There is no fiscal impact associated with this action. This report provides statistical data only.

STRATEGIC PLAN

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

RECOMMENDATION

It is recommended the City Council, by resolution, accept the City of Tracy's Police Department's Annual Report for 2014.

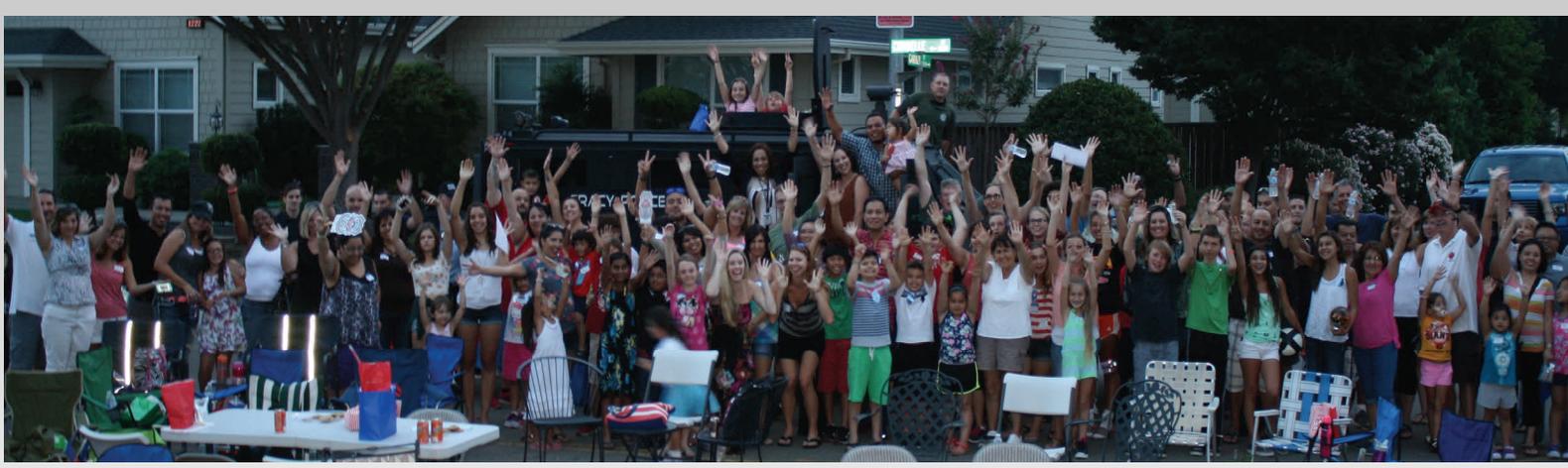
Prepared by: Lani Smith, Division Manager, Support Operations Division

Reviewed by: Gary R. Hampton, Chief of Police  
Andrew Malik, Acting Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment: City of Tracy's Police Department's Annual Report for 2014



# City of Tracy Police Department 2014 Annual Report



“Serving the community since 1912”

Gary R. Hampton  
Chief of Police

# Table of Contents

Message from the Chief .....	1
City of Tracy Leadership .....	2
Tracy Police Department Organizational Structure.....	3
Historical Facts of Tracy Police Department.....	4
<b>Support Operations Division .....</b>	<b>5</b>
Fiscal Management Planning and Budget.....	6
Records Unit.....	7
Uniform Crime Reporting .....	8
Forensic Services Unit.....	10
9-1-1 Communications Unit .....	11
<b>Field Operations Division.....</b>	<b>12</b>
Traffic Safety Unit.....	13
Community Preservation Unit .....	14
Crime Prevention Unit.....	16
Drug Abuse Resistance Education D.A.R.E.....	17
Police Chaplaincy/Tracy Explorers.....	18
Canine Unit .....	19
Critical Response Team .....	20
Animal Services Unit .....	21
<b>Special Operations Division.....</b>	<b>22</b>
General Investigations Unit .....	23
Special Investigations Unit.....	24
Professional Standards Unit.....	25
<b>Awards and Achievements .....</b>	<b>26</b>
<b>Look into 2015.....</b>	<b>28</b>
<b>Law Enforcement Code of Ethics .....</b>	<b>29</b>

City of Tracy Police Department

1000 Civic Center Drive

Tracy, CA 95376

Phone 209.831.6550 Fax 209.831.4017

**Photo credits:** Haskell Images at <http://www.haskellimages.weebly.com>, Tracy Press and City of Tracy Police Department Staff

**Data compilation and graphs:** Tanika Zuniga , Crime Analyst

**Creative Design:** Tanika Zuniga, Crime Analyst



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<b>Code Enforcement</b>	<b>(209) 831-6410</b>
<b>Crime Stoppers</b>	<b>(209) 831-6847</b>
<b>Dispatch (non-emergency)</b>	<b>(209) 831-6550</b>
<b>Graffiti Hotline</b>	<b>(209) 831-6583</b>
<b>Records</b>	<b>(209) 831-6550</b>
<b>Traffic Hotline</b>	<b>(209) 831-6587</b>
<b>Vehicle Hotline</b>	<b>(209) 831-6564</b>

# Tracy Police Department

## **Vision Statement**

Advancing the Standard by Which Courageous, Ethical, and Innovative Policing is Measured

## **Mission Statement**

*“A Professional Organization Entrusted by Our Community to Ensure a Safe and Prosperous Environment While Enhancing the Quality of Life”*

## **VALUES STATEMENT**

### **SERVICE**

- Always seek long term resolutions to problems.
- Provide honest, open and timely (HOT) feedback.
- Support organizational goals and strive to achieve them.
- Stand against gossip and rumors.
- Provide prompt response to requests and communications.
- Promote proactive attitudes.

### **INTEGRITY**

- Honesty in thought and actions.
- Address behaviors, not reputations.
- Practice organizational loyalty over personal loyalties.
- Place organizational priorities over personal agendas.

### **EXCELLENCE**

- Challenge status-quo by promoting new creative and innovative ideas.
- Always be proud of your profession and department.
- Ascribe to being lifelong learner.
- Always perform at department's highest level or organizational standards.
- Lead by example.
- Always go the extra step to meet the community's needs.

# Message from the Chief



On behalf of the Tracy Police Department, I am honored to present the 2014 Annual Report. The men and women of the Tracy Police Department, serving on your behalf, are committed to "SERVICE, INTEGRITY and EXCELLENCE," the organizational values through which law enforcement services are delivered to you. This report is intended to provide transparency into your police department by availing a statistical review of crime trends, events, and general law enforcement activities during the past year.

I am delighted to report the community experienced a 15% reduction in violent crime, recording 23 fewer violent crimes in 2014 compared to 2013. Recording a total of 129 violent crimes during 2014, is the fewest reported in any given one year period since 2004. Unfortunately and despite focused efforts, the community experienced a 1% increase in property crime, recording 21 more property crimes in 2014 compared to 2013. When combining Violent and Property Crimes, which are reported collectively as Part I Crimes, overall the community experienced 2 fewer Part 1 crimes in 2014 compared to 2013, thus Part I crimes remained static.

Tracy's Crime Rate Index for 2014 is 28.55, which is relatively low in comparison to the San Joaquin Valley region and many Bay Area cities. The Crime Rate Index is a measure of Part I Crimes per 1,000 populous.

Tracy's Part I Crimes totaling 2,398 during 2014 were comprised 95% of Property Crimes. Extraordinary predictive policing strategies produced a 22% reduction in Residential Burglaries (theft from a locked dwelling). Unfortunately this success was diminished by an increase in Larceny (theft of unsecured property-most commonly stolen from unlocked vehicles). Larcenies are generally crimes of opportunity difficult to prevent through proactive policing. The most effective strategy is prevention practiced by the community. PLEASE HELP US TO HELP YOU AVOID BEING A CRIME VICTIM. WE CAN NOT DO IT ALONE.

During 2015 your Police Department will focus on the further reduction in crime by expanding partnerships with the community. Residents will be encouraged to be more vigilant about locking vehicles, not leaving valuables in public view and generally hardening targets. These efforts are key prevention steps from crimes of opportunity, which seem to be driving 95% of the community crime. The campaign will undoubtedly reduce property crimes, availing more time for officers to continue reducing violent crimes.

Please join your police department in the campaign to eliminate Property Crime opportunities, making Tracy an even safer and more prosperous community.

Sincerely,

*Gary R. Hampton*

# City of Tracy Leadership



**Councilmember  
Mary Mitracos**



**Mayor  
Michael Maciel**



**Mayor Pro Tem  
Robert Rickman**

# TRACY



**Councilmember  
Nancy Young**



**City Manager  
Troy Brown**

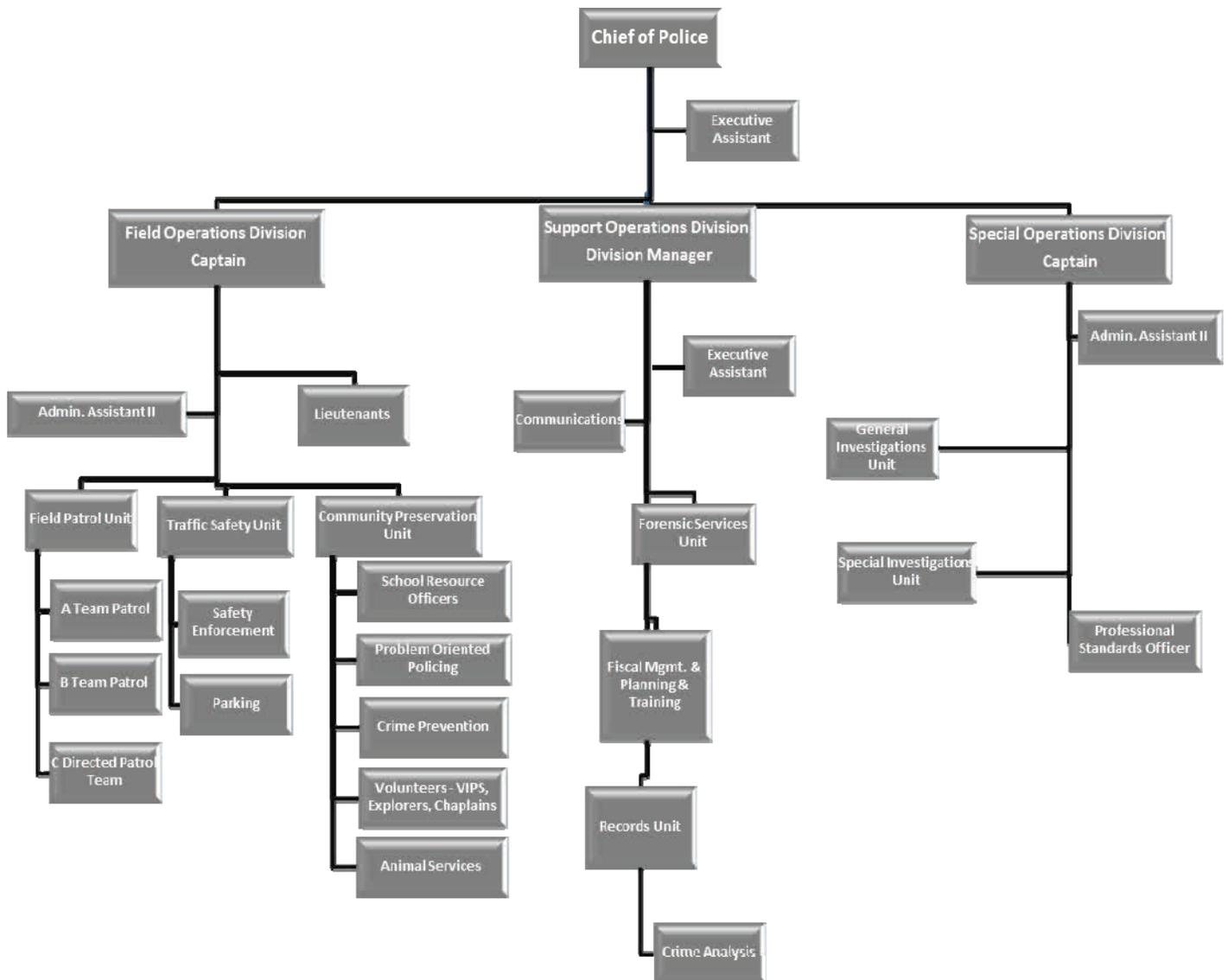


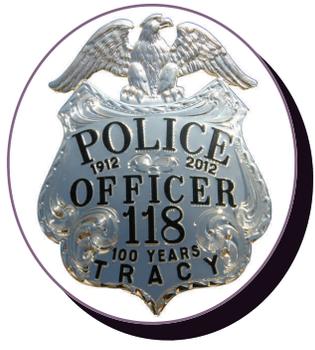
**Councilmember  
Veronica Vargas**

# Organizational Structure



## TRACY POLICE DEPARTMENT ORGANIZATIONAL STRUCTURE AND DEPLOYMENT PLAN 2014





# Historical Facts for the Tracy Police Department



July 1910, Tracy was incorporated and Marshal William L. Lampkey was hired as the first leader of the Police Department.

Marshal Lampkey then hired an assistant, Deputy Marshal Albert Kennedy.



The salary range for the first Marshal was \$75 a month.

In 1919, the salary for a Deputy Marshal was \$150 a month.

In 1920, ten years after Tracy was incorporated, the PD was staffed by three lawmen total.

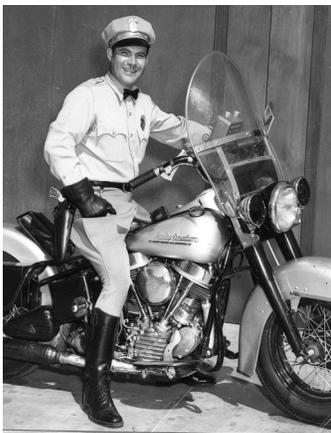
The Marshals worked out of a small office located inside the Odd Fellows Hall on 6th Street. The City Jail was a few blocks away on west 7th Street, inside the Town Hall building. Both buildings are still standing to this present day.

In 1917, a new City Hall was built on Central Avenue. The Police Department was also relocated to this building while the Jail facilities remained at the west 7th Street location. This building is presently the Fire Department Administrative Building.

In 1940, the first actual Police station and jail was built on West 8th Street. The building is still standing to this day but is now a business office.

In 1979, the Police Department moved to the 400 E. 10th Street, where it remained until 1996 when it moved to its current location at 1000 Civic Center Drive.

In April 2012, the Police Department Special Investigations Division moved to the 400 E. 10th location.



Circa 1950



Police Force 1954



Chief Neil Tremaine  
1955— 1959

# Support Operations Division



Division Manager  
Lani Smith

The Support Operations Division is one of three major divisions of the Tracy Police Department. The Division has a variety of specialized units dedicated to providing quality customer service to the community we serve. Support Operations is comprised of the following: Communications 9-1-1, Records, Forensic Services, Crime Analysis, Facilities Management, and Fiscal Management.

In 2014, the Support Operations Division had oversight of three major Capital Improvement Projects: Design and construction of the new Animal Shelter, implementing a new Computer Aided Dispatch and Records Management (CAD/RMS), and approval of a new Public Safety Communications Tower and Radio system.

## 2014 Capital Improvement Highlights

New Animal Shelter: Construction of the new 5,700 square foot facility, located at the southwest corner of Grant Line Road and Paradise Avenue, started in May 2014. The shelter was designed to be built in two phases. The first phase is comprised of office space, adoption area and animal holding. The second phase will be constructed in the future, when funds are identified, and will expand the shelter by increasing the animal holding areas and other animal care amenities. The projected completion date of the first phase is March 2015.

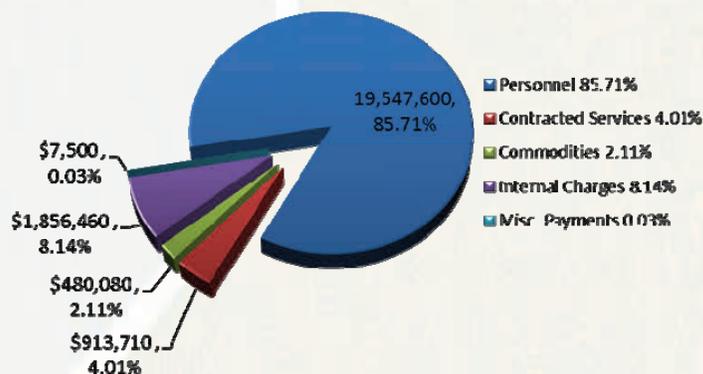
New CAD/RMS System: In January 2014, the police department implemented the new Computer Aided Dispatch and Records Management System (CAD/RMS). The system was not fully executed due to difficulties encountered and the department reverted back to the previous CAD/RMS system until a permanent solution is identified.

New Public Safety Communications Tower and Radio System: Staff identified that as the City of Tracy expands geographically the current radio communications system would not adequately cover the new areas. The new Public Safety Communications Tower and Radio System will be a 2 Site Simulcast System consisting of a 180-foot tower that will deliver consistently stronger signals to address new development. In addition, the police department will be using dual band portable and mobile (UHF/VHF) radios that will provide interoperability with the Fire Department and other law enforcement agencies. The Communications Tower is projected to be completed in August 2015.

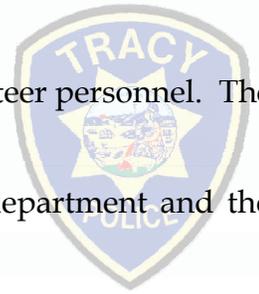
### Police Department Budget Allocation

FY 2013/2014

\$22,231,490 Total



## Department Personnel

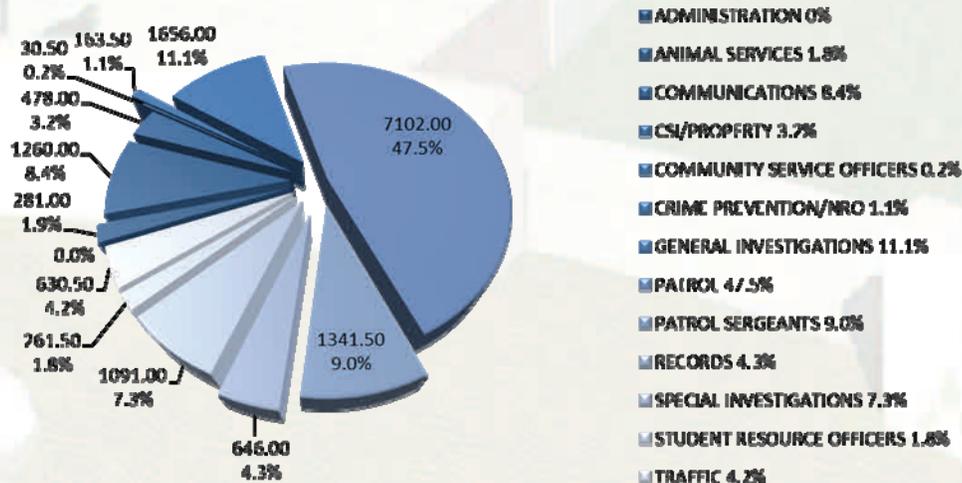


The Tracy Police Department is allocated 127 full-time, 7 part-time and 49 volunteer personnel. The following chart shows the distribution of personnel.

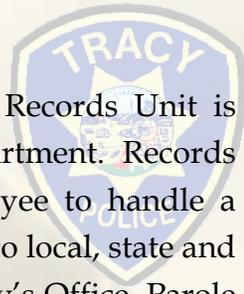
The second chart provides the annual accrual of overtime hours within the department and the percentage of change between 2014 and 2013.

PERSONNEL DEPLOYMENT					
CATEGORY	AUTHORIZED		STAFFED		% CHANGE
	2014	2013	2014	2013	2014 - 2013
FULL TIME SWORN	86	86	83	83	0.0%
FULL TIME NON-SWORN	41	41	39	38	2.6%
TOTAL FULL TIME PERSONNEL	127	127	122	121	0.8%
PART-TIME PERSONNEL	7	5	4	3	33.3%

2014 PAID OVERTIME HOURS			
CATEGORY	ANNUAL ACCRUAL		% CHANGE
	2014	2013	2014 - 2013
ADMINISTRATION	0.00	0.00	0.0%
ANIMAL SERVICES	281.00	315.00	-10.8%
COMMUNICATIONS	1,260.00	1,249.00	0.9%
CSI/PROPERTY	478.00	338.00	41.4%
COMMUNITY SERVICE OFFICERS	30.50	24.00	27.1%
CRIME PREVENTION/NRO	163.50	115.00	42.2%
GENERAL INVESTIGATIONS	1,656.00	878.00	88.6%
PATROL	7102.00	6,714.17	5.8%
PATROL SERGEANTS	1341.50	1,212.65	10.6%
RECORDS	646.00	31.50	1950.8%
SIU (FORMERLY GNET)	1,091.00	528.00	106.6%
SRO	261.50	473.50	-44.8%
TRAFFIC	630.50	643.00	-1.9%
<b>TOTAL OVERTIME HOURS PAID</b>	<b>14,941.00</b>	<b>12,521.82</b>	<b>19.3%</b>



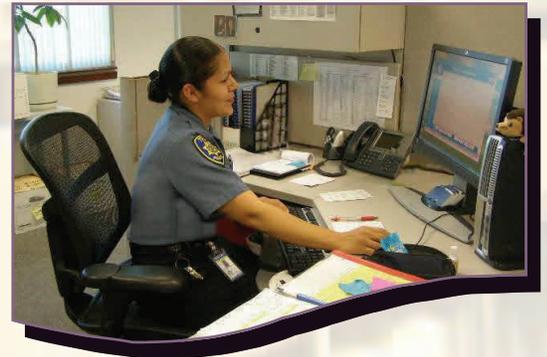
# Records Unit



The Records Unit is staffed by seven full-time Police Records Assistants. The Records Unit is responsible for all aspects of report processing and document control within the Police Department. Records Assistants manage criminal records, connect community members with the right employee to handle a specific issue and provide support to Officers. Records Assistants make computer entries into local, state and federal law enforcement systems. The Records Unit works closely with the District Attorney's Office, Parole and Probation along with other countywide agencies. Records Assistants also process all warrants, requests for information and copies of reports, store, purge and archive files as required by law and track narcotic, arson and sex registrants.

In January 2014, the department implemented the new Computer Aided Dispatch and Records Management System (CAD/RMS). Due to issues beyond the control of the department, the CAD/RMS did not achieve full implementation. In August 2014, the department reverted back to the previous CAD/RMS. In an effort to preserve and retrieve the data collected over the implementation period, the Records Unit re-entered the information into the previous system. The department was successful with the implementation of the Automated Field Reporting System (AFRS). Officers have the ability to complete police reports in the field and submit the final version electronically. The department is in the process of evaluating an electronic citation module to issue traffic tickets electronically to the court.

In 2014, the Records Unit processed 810 felony arrests, 2,631 misdemeanor warrants and received \$130,592 in fees for Police services.



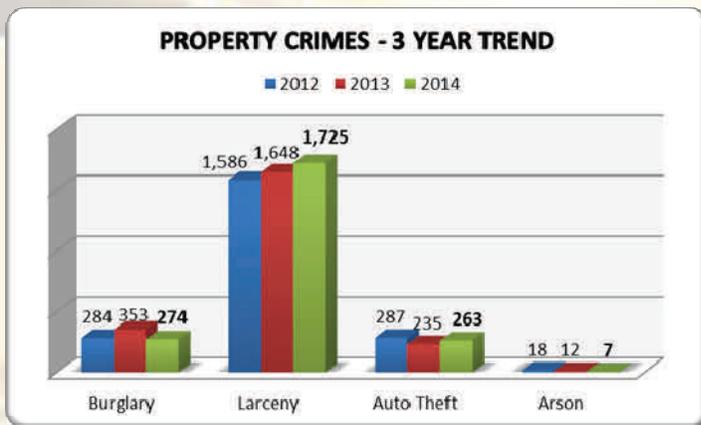
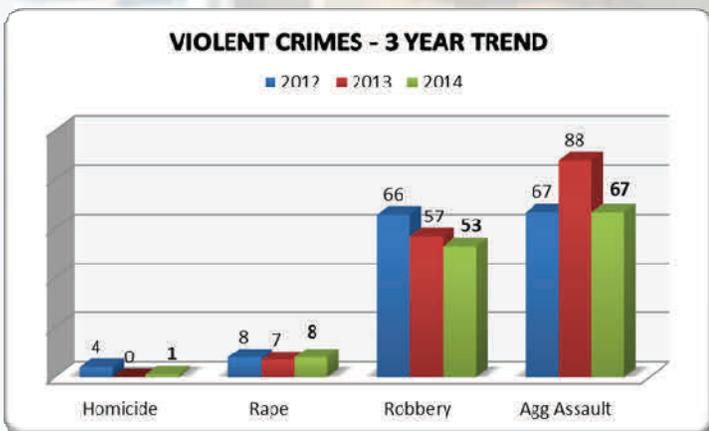
INFORMATION PROCESSED	2014
Alarm Permits	1,534
Citizen Fingerprinting	919
Online Reports	1,224
Parking Citations	1,419
Reports Processed Total	9,538
Reports Requests Processed Weekly	154
Vehicle Releases	374

# Uniform Crime Reporting

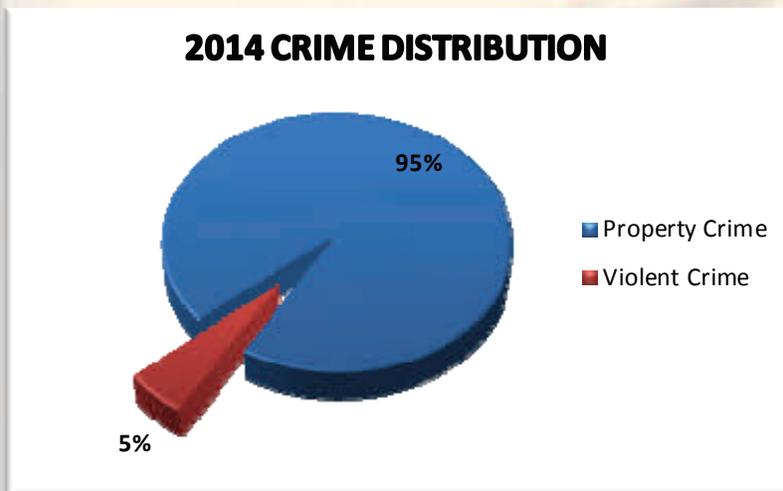


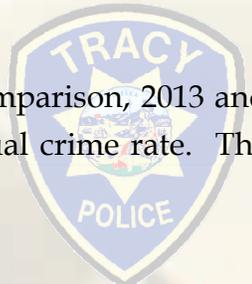
The crime statistics in this report are based on the number of crimes reported by the Tracy Police Department to the Federal Bureau of Investigation (FBI) through the Uniform Crime Reporting Program. This report will focus on the eight Part I Crime classifications. Part I crimes are defined, by the State of California, as the most serious crimes and are divided into two categories: 1) **Violent Crimes**: which include homicide or non-negligent manslaughter, forcible rape, robbery and aggravated assault, and 2) **Property Crimes**: which include burglary, larceny, vehicle theft and arson.

The following chart reflects a three year trend of Part I offenses Tracy Police reported to the FBI through the Uniform Crime Reporting Program in 2014. The increase in aggravated assaults was concentrated within violent interactions between persons known to each other, frequently involving a domestic relationship.



In 2014, property crime represents the majority (95%) of the Part I Crime in Tracy. Violent Crime, which can be characterized as a crime against persons, represents the remaining (5%) of the Part I Crime.





The following charts provide a more detailed representation of Part I Crime comparison, 2013 and 2014. Each offense is broken down by the number of incidents per month and the annual crime rate. The crime rate represents crimes per 1000 populous.

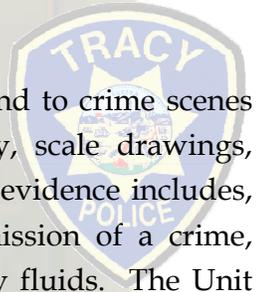
2014 and 2013 Comparison

	JAN	FEB	MAR	1ST QTR	APR	MAY	JUN	2ND QTR	JUL	AUG	SEP	3RD QTR	OCT	NOV	DEC	4TH QTR	ANNUAL ACCRUED	% CHANGE	CRIME RATE
<b>HOMICIDE</b>	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	1	N/C	0.01
HOMICIDE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0.00
<b>RAPE</b>	0	1	1	2	2	2	0	4	1	0	0	1	1	0	0	1	8	14%	0.10
RAPE	0	0	2	2	0	0	1	1	3	1	0	4	0	0	0	0	7		0.08
<b>ROBBERY</b>	2	6	4	12	7	3	7	17	1	7	5	13	5	4	2	11	53	-7%	0.63
ROBBERY	8	0	3	11	8	10	5	23	2	3	3	8	3	6	6	15	57		0.68
<b>AGGRAVATED ASSAULT</b>	9	5	7	21	4	7	3	14	6	5	6	17	6	0	9	15	67	-24%	0.80
AGGRAVATED ASSAULT	10	3	9	22	4	4	8	16	10	7	8	25	10	8	7	25	88		1.05
<b>SIMPLE ASSAULT*</b>	30	40	39	109	41	33	44	118	44	40	43	127	40	47	45	127	481	10%	5.73
SIMPLE ASSAULT*	29	37	36	102	37	37	39	113	52	35	42	129	34	33	26	93	437		5.20
<b>BURGLARY</b>	32	20	22	74	28	31	28	87	22	12	21	55	17	22	19	58	274	-22%	3.26
BURGLARY	28	17	22	67	43	33	29	105	38	27	31	96	31	25	29	85	353		4.20
<b>TOTAL LARCENY</b>	143	151	159	453	134	205	161	500	132	108	117	357	128	109	178	415	1725	5%	20.54
TOTAL LARCENY	203	145	131	479	139	158	121	418	117	119	118	354	136	135	126	397	1648		19.62
<b>AUTO BURGLARY**</b>	60	87	88	235	68	107	52	227	54	20	35	109	43	35	81	159	730	34%	8.69
AUTO BURGLARY**	85	60	43	188	49	44	37	130	25	31	26	82	42	53	49	144	544		6.48
<b>AUTO PARTS/ACCESS**</b>	14	17	14	45	17	20	27	64	14	21	15	50	12	4	10	26	185	-21%	2.20
AUTO PARTS/ACCESS**	33	18	25	76	18	22	25	65	20	20	12	52	14	9	18	41	234		2.79
<b>SHOPLIFTING**</b>	31	20	24	75	23	30	40	93	35	42	33	110	28	31	44	103	381	-4%	4.54
SHOPLIFTING**	31	31	23	85	40	44	32	116	37	39	32	108	31	33	25	89	398		4.74
<b>AUTO THEFT</b>	23	28	20	71	36	23	28	87	20	20	27	67	12	9	17	38	263	12%	3.13
AUTO THEFT	34	14	21	69	18	35	18	71	10	14	18	42	18	14	21	53	235		2.80
<b>ARSON</b>	0	2	0	2	2	1	1	4	0	1	0	1	0	0	0	0	7	-42%	0.08
ARSON	0	2	1	3	0	1	2	3	0	1	1	2	1	1	2	4	12		0.14

	JAN	FEB	MAR	1ST QTR	APR	MAY	JUN	2ND QTR	JUL	AUG	SEP	3RD QTR	OCT	NOV	DEC	4TH QTR	ANNUAL ACCRUED	% CHANGE	CRIME RATE
<b>2014 Violent Crimes</b>	11	12	12	35	13	12	10	35	8	13	11	32	12	4	11	27	129	-15%	1.54
2013 Violent Crimes	18	3	14	35	12	14	14	40	15	11	11	37	13	14	13	40	152		1.81
<b>2014 Property Crimes</b>	198	201	201	600	200	260	218	678	174	141	165	480	157	140	214	511	2269	1%	27.01
2013 Property Crimes	265	178	175	618	200	227	170	597	165	161	168	494	186	175	178	539	2248		26.76
<b>2014 Part I Crimes</b>	209	213	213	635	213	272	228	713	182	154	176	512	169	144	225	538	2398	0%	28.55
2013 Part I Crimes	283	181	189	653	212	241	184	637	180	172	179	531	199	189	191	579	2400		28.57

KEY \* = Part I Crime \*\* = included in Total Larceny Numbers N/C = No: Calculable N/A = No: Available MTD = Month to Date % CHANGE = Based on MTD

# Forensic Services Unit



The mission of the Forensic Services Unit is to respond to crime scenes and document incidents through photography, videography, scale drawings, written reports and the collection of physical evidence. This evidence includes, but is not limited to, weapons or items used in the commission of a crime, fingerprints, trace evidence such as hairs or fibers and bodily fluids. The Unit sends physical evidence to the State of California Criminalistics Laboratory for testing and works closely with the San Joaquin County District Attorney's Office during the criminal prosecution process.

The Unit is also responsible for maintaining the integrity of evidence and property, by packaging, preserving, securely storing, and tracking all evidence and property which is collected by members of the department.

The Forensic Services Unit is staffed with four Crime Scene Technicians and one supervisor who reports to the Support Operations Division Manager.

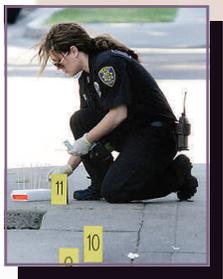
Forensic Services Unit personnel have received extensive training relating to crime scene investigations and property/evidence management. Training accomplished by Unit staff includes: Death Scene Investigation, Latent Fingerprint Identification, Forensic Photography, Shoe and Tire Impression Recovery, Forensic Pathology of Gunshot Wounds, Firearm Safety, Courtroom Presentation of Evidence, Shooting Incident Reconstruction, Forensic Video Analysis, Firearm Serial Number Restoration, Computer Forensics, and Property and Evidence Management.

In 2014, Unit members performed 411 investigations and collected and processed a total of 8,873 individual items of evidence.

Forensic Services Unit members are also responsible for the release and disposal of evidence and property once a criminal case has been adjudicated. Evidence and property must be properly disposed of in accordance with local, state and federal laws. This process includes returning property to the legal owner, destroying by burning at a federally approved incineration facility, sending to a public auction or donating to specific organization authorized by law.

In 2014, the Forensic Service Unit incinerated 200 lbs. of firearm and other contraband evidence, 600 lbs. of illegal narcotics and controlled substances, and 260 lbs. of expired or unwanted prescription drugs turned in by the public.

FORENSIC SERVICES UNIT ACTIVITY			
CATEGORY	YTD		% CHANGE 2014 - 2013
	2014	2013	
INVESTIGATIONS	411	681	-39.6%
EVIDENCE BOOKED	8,873	9,293	-4.5%
LATENT PRINT IDENTIFICATION	69	57	21.1%
NARCOTIC DESTRUCTION	600 lbs	2,110 lbs	-71.6%
FIREARM/CONTRABAND DESTRUCTION	200 lbs	650 lbs	-69.2%
RX DRUG DISPOSAL	260 lbs	0	N/C



# 9-1-1 Communications Unit



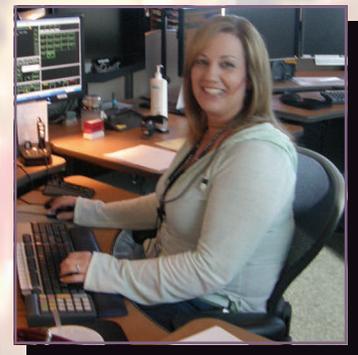
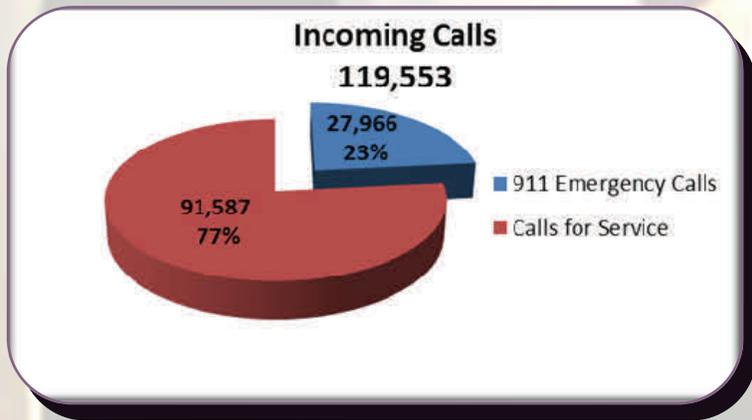
The Communications Unit is staffed with 14 full-time and two per diem Public Safety Dispatchers and is supervised by the Communications Unit Supervisor.

The mission of the 9-1-1 Communications Unit's well trained professionals is to provide both emergency and non-emergency Police services for our community in a professional and expedient manner. The Communications Unit provides the critical link between the community and the public safety resources 24 hours a day, 7 days a week, 365 days a year. In 2014, Public Safety Dispatchers received 119,113 incoming telephone calls to the Communications Unit.

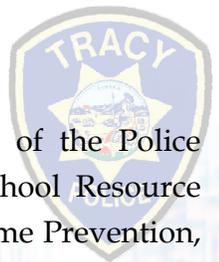
	2014 CALLS	2013 CALLS	% CHANGE 2014- 2013
TOTAL INCOMING TELEPHONE CALLS	119,553	119,113	0.4%
CALLS FOR SERVICE	65,872	60,164	9.5%
9-1-1 CALLS	27,966	26,340	6.2%

In 2014, the communication center received 27,966 9-1-1 calls. Of that total, 21,717 were from cellular telephones. On average, a wireless 9-1-1 call will take a dispatcher more time to process compared to a landline 9-1-1 call. The difference between a landline and a wireless call is the landline call automatically provides the callers address. The wireless call requires the dispatcher to verify the actual location of the caller. Since the caller may not be calling from a residence, more time is needed to pinpoint the exact location.

The following chart is a 4 year trend of calls for service by the priority assigned to the call.



# Field Operations Division



Division Commander  
Captain Mark Duxbury

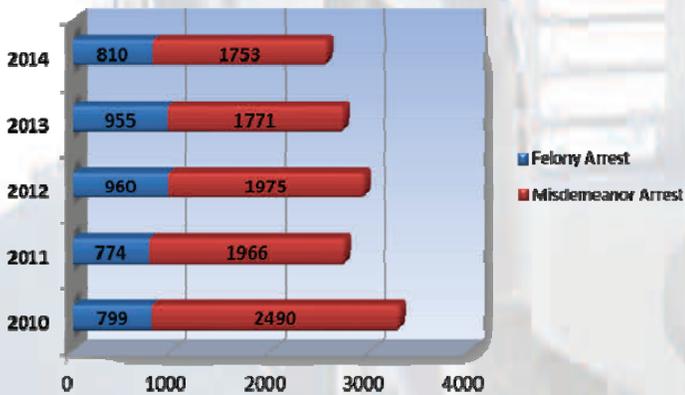
The Field Operations Division is one of three major divisions of the Police Department. The Field Operations Division includes Patrol, Traffic, School Resource Officers, Neighborhood Resource Officers, Special Enforcement Team, Crime Prevention, and Animal Services Unit. The Field Operations Division also has oversight of SWAT, the Crisis Negotiation Team, K-9 program, Explorer Program, DARE program, and Honor Guard.

Individuals assigned to the Field Operations Division are the most visible members of the Tracy Police Department, providing safety and security to the citizens of Tracy. Officers assigned to the Field Operations Division respond to all types of calls, from parking complaints to violent crimes. When not answering calls for service, officers are responsible for self-initiated activity in either enforcing laws or preventing crime through their interaction with the public

## Field Patrol Unit

The Field Patrol Unit has the largest deployment of police officers. Lieutenants serve as Watch Commanders over Field Patrol and Special Enforcement Units. The Field Patrol Unit consists of six patrol teams and the Special Enforcement Team. Each of these teams, when fully staffed, have seven sworn officers and a Sergeant assigned to them. The Special Enforcement Team has five officers and a Sergeant and is utilized to respond to issues that are outside the scope of routine calls for service.

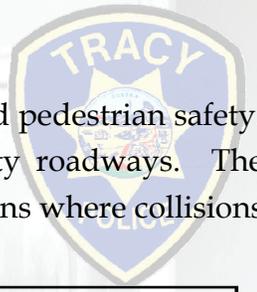
**5 Year Trend Felony vs Misdmr Arrests**



**5 Year Trend Adult & Juvenile Arrests**



# Traffic Safety Unit

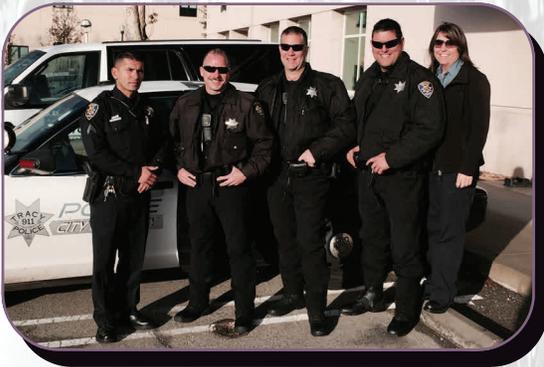


The Traffic Safety Unit's responsibility is to enhance and maintain motor vehicle and pedestrian safety. The ultimate goal of the Traffic Safety Unit is to reduce collision-related injuries on city roadways. The following charts provide details regarding collisions in the City, including the top intersections where collisions occurred plus the main violation or cause of collisions.

TRAFFIC STATISTICS			
CATEGORY	YTD		% CHANGE
	2014	2013	2014 - 2013
MOVING CITATIONS	5,102	3,600	41.7%
NON-MOVING CITATIONS	829	884	-6.2%
TRAFFIC COLLISIONS - FATALITY	2	3	-33.3%
TRAFFIC COLLISIONS - INJURY	200	228	-12.3%
TRAFFIC COLLISIONS - PROPERTY	670	664	0.9%

TOP 5 COLLISION INTERSECTIONS	
CLOVER/TRACY	21
GRANTLINE/TRACY	20
11TH/CORRAL HOLLOW	17
CORRAL HOLLOW/GRANTLINE	15
11TH/TRACY	15

In 2014, the community experienced a reduction in injury collisions and collisions resulting in fatalities. This can be attributed to the Traffic Safety Unit returning to full staff, consisting of four motorcycle officers and two parking interns. The police department completed two California Office of Traffic Safety grants and participated in the county-wide AVOID traffic safety grant. These efforts achieved the goal of reducing traffic collisions by focusing enforcement in moving violations, distracted driving, seatbelt compliance, DUI related collisions which involved DUI checkpoints, and warrant sweeps. The most common violations associated with the primary cause in injury collisions is *unsafe turning movements*, which contributed to driver distraction, and *unsafe speed*, related to drivers following too closely. In 2014, there was a significant decrease in DUI arrests and DUI collisions. This is a direct result of DUI enforcement operations and increased visibility in traffic safety enforcement.

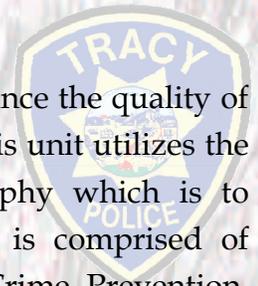


Top Primary Collision Factors (PCF) or Causes of Collisions	# of Collisions for Primary Collision Factors (PCF)
22107 VC - UNSAFE TURNING	151
22350 VC - UNSAFE SPEED	124
22106 VC - UNSAFE START/BACKING	40
21453(A) VC - RED LIGHT	39
21703 VC - FOLLOWING TOO CLOSE	31

ALCOHOL RELATED OFFENSES			
CATEGORY	YTD		% CHANGE
	2014	2013	2014 - 2013
DUI ARREST (Includes Drugs)	83	147	-43.5%
DUI COLLISION (Includes Drugs)	30	52	-42.3%



# Community Preservation Unit



The goal of the Community Preservation Unit is to enhance the quality of life for Tracy residents by addressing community problems. This unit utilizes the Community Oriented Policing and Problem Solving philosophy which is to partner with the community in problem-solving. The Unit is comprised of Neighborhood Resource Officers, School Resource Officers, Crime Prevention, Chaplin Program, DARE Program, and Volunteers in Police Services.

## School Resource Officers

The Tracy Police Department works through a memorandum of understanding with the Tracy Unified School District (TUSD) to provide three School Resource Officers. One is assigned to each of the three major high schools, Tracy High School, West High School, and Kimball High School. The SRO's also have responsibility for the rest of the schools in the TUSD system.

A School Resource Officer is a sworn officer assigned to a school on a long term-basis, trained to perform three major roles: law enforcement officer, law-related counselor and law related-educator. SRO's are responsible for investigating violations of criminal law and when appropriate make arrests. The SRO's sworn duty to enforce the law does not contradict the need for an SRO to be a positive role model, it in fact supports it. The increase in reports and citations reflected in the chart below is due to educational awareness toward school security, violence and drugs. The proactivity from the SRO's is also a contributing factor to the increase in service.

SCHOOL RESOURCE OFFICER ACTIVITY			
CATEGORY	YTD		% CHANGE 2014-2013
	2014	2013	
REPORTS	306	299	2.3%
CITATIONS	269	165	63.0%
ARRESTS	155	121	28.1%



# Community Preservation Unit

## Neighborhood Resource Officers



The Neighborhood Resource Officer (NRO) program exemplifies community oriented policing in its truest form. The NRO is a law enforcement officer that acts as a liaison between the Tracy Police Department, the community, and a variety of city agencies.

The NRO works with citizens, civic groups, schools, and property owners in organizing and evaluating effective crime prevention programs. The NRO's are responsible for issues and concerns in a neighborhood that are ongoing or simply demand more attention, investigative work or time than can be reasonably allotted during the course of a routine patrol call.

The NRO's have proactive interaction with the citizens of Tracy in a wide variety of public relations efforts such as Neighborhood Watch Programs, residential safety, personal/business crime prevention, crime information bulletins/alerts, bank and business security presentations, recruitment for Citizens Academy and internet safety programs.

In 2014 NRO's worked with non-profit and faith-based organizations to address emerging trends relating to homes and transients. This collaborative effort reduced the number of calls for service and complaints at the parks within the cities boundaries.

TOP 3 SERVICE CALLS
Neighborhood Disputes
Transient Complaints
Mental Health

NRO SERVICE CALLS	2014
Incoming Calls	200
Calls For Service	120
Community Outreach Meetings	10



Officer Brian Wilmshurst



Corporal Scott Muir

# Crime Prevention Unit



## Volunteers in Police Service



Volunteers in Police Service (VIPS) is a citizen volunteer organization within the Police Department. VIPS members have volunteered over 8,000 hours each year since 2004 when the organization was founded as part of the department's Community Oriented Policing philosophy. VIPS are men and women, over the age of 21 years, who assist the Police Department's Crime Prevention efforts by donating a minimum of 16 hours per month.

The 26 Volunteers in Police Services are led by our Crime Prevention Specialist. The goal of crime prevention is accomplished through various methods and programs which include:

patrol duties, special events, tours of Police facilities, traffic control, citizen's academy, prevention and awareness, community partnerships, home and business security checks, Neighborhood Watch, prescription take back events, shredding events, community relation events, stranger danger training and safety fairs.

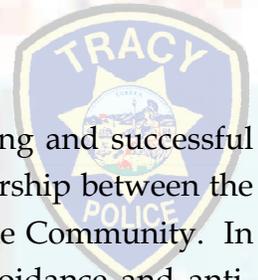
The mission is to provide assistance to the police department and to the citizens of our community in the spirit of volunteerism. More than ever, volunteerism in law enforcement has become a necessity. Our goal for 2015 is to recruit, manage, reward and retain quality volunteers to provide more crime prevention services for the community.

The chart below represents the number of hours volunteers have served in the community.

CATEGORY	VIPS		% CHANGE 2014 - 2013
	2014	2013	
PATROL	2,098	1,644	27.6%
OPERATIONS	2,602	3,407	-23.6%
TRAINING	581	396	46.7%
CRIME PREVENTION	1,623	1,180	37.5%
COMMUNITY EVENTS	1,248	914	36.5%



# Drug Abuse Resistance Education



Drug Abuse Resistance Education (D.A.R.E.) has a long and successful history in the City of Tracy, attributed to the long term partnership between the Tracy Police Department, Tracy Unified School District and the Community. In Tracy, traditional D.A.R.E. has been enhanced with gang avoidance and anti-bullying training for youth attending the 5th grade. Today, the program is educating the children of former D.A.R.E. students who have made their home in Tracy.

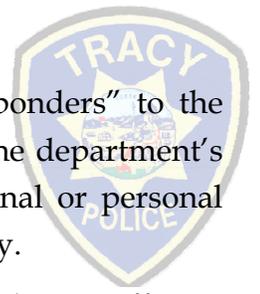
Tracy D.A.R.E Officer presented prevention education training to 65 fifth grade classes in 2014, with more than 2,000 students successfully completing the course. Learning about consequences of drug abuse and gang activity, how to avoid peer pressure and the appropriate way to respond/report bullying are lessons that remain with the youth for a lifetime. Most importantly, the students are learning they are very talented individuals who have unlimited potential.

D.A.R.E. students participate in many community service projects which serve to connect them with the community. The projects include collecting food and clothing for the needy and writing letters to the men and women serving in all branches of the U.S. Military. Students also participate in a wide array of community pride projects.

The D.A.R.E program receives support from Tracy Kiwanis and other service groups and the Tracy D.A.R.E. Board, who raise funds to assist with celebrations and special events.



# Police Chaplaincy



The Tracy Police Department's Chaplains are "first responders" to the "first responders", committed to the support and well-being of the department's sworn and non-sworn personnel and their families in professional or personal crisis, and serve the community of Tracy in time of crisis or tragedy.

Chaplains operate on both a proactive and reactive basis, offering assistance 24/7 that is available, accessible and confidential.

The Tracy Police Department Chaplain program has been in place since 1994. Until recently, Chaplain Don Higgins has served as the sole Chaplain to the department. During those 20 years, Chaplain Higgins has been privileged to provide a variety of support services to the department personnel, sworn and non-sworn. The chaplain program has expanded to a 24/7 on-call operation. In 2015, the Chaplain programs goal is to be fully staffed with the three approved Chaplains to help share the responsibilities and expand the services offered to the Tracy Police Department.

## Tracy Police Explorers Post 504

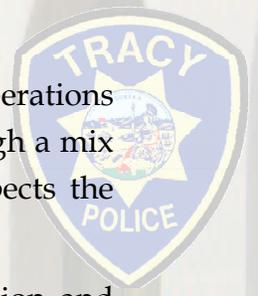
Tracy Police Explorers Post 504 was originally chartered by the Boy Scouts of America under their "Learning of Life" program. Young men and women of good character between the ages of 14 and 21 have the opportunity to learn about careers in law enforcement and gain a working knowledge of police functions within the community.

Tracy Police Explorers receive training in radio codes and etiquette, criminal investigation and crime scene investigation, as well as traffic accident investigation and traffic control. At the completion of their training, Explorers are able to assist Police staff in serving the community.

It's not all work! Post 504 also participates in Police Explorer competitions against other posts in closely monitored scenarios such as high risk car stops, burglary investigations, hostage negotiations, hostage rescue and crime scene processing. In 2014, the Tracy Police Explorers earned 1st place trophies in several skill set areas.



# Canine Unit (K9)



The Tracy Police Department K9 Unit operates within the Field Operations Division, Patrol Unit. The Police Department's dogs are purchased and maintained through a mix of public funds and generous private donations. The Department appreciates and respects the work of our K9 partners and strives to maintain their health and well being.

The Tracy Police Department has four K9s that are cross-trained for apprehension and narcotics detection. These four K9s are assigned to the Field Operations Division, Patrol Unit. A fifth K9 is trained for narcotics detection only, and is assigned to the Special Investigations Unit.

During the 2014 calendar year, approximately 61% of Tracy PD's K9 uses were for narcotics searches.



**K9 Roky:**

Roky is a 5 year old Belgian Malinois imported from Holland.



**K9 Bosco:**

Bosco is a 6 year old Belgian Malinois born in the U.S. of parents imported from Holland.



**K9 Tango:**

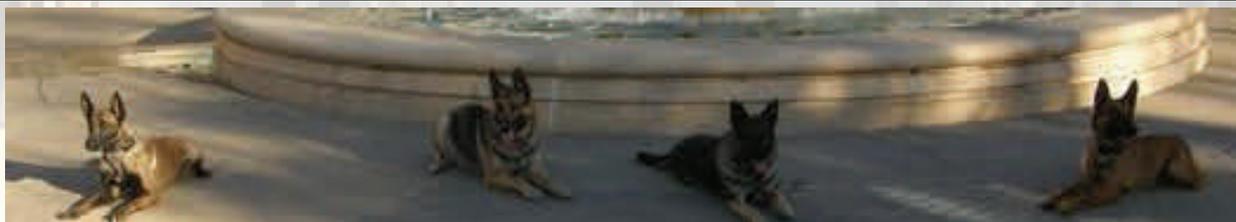
Tango is a 5 year old German Shepherd from Denmark.



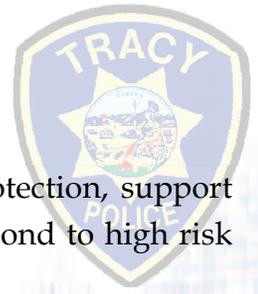
**K9 Marko**

Marko is a 4 year old German Shepherd from the Czech Republic.

CANINE UNIT ACTIVITY			
CATEGORY	YTD		% CHANGE 2014- 2013
	2014	2013	
CANINE DEPLOYMENTS	306	316	-3.2%
CANINE APPREHENSIONS	48	69	-30.4%
NARCOTIC SEARCH	187	154	21.4%
NARCOTIC FIND	129	81	59.3%
ASSIST	16	12	33.3%
PUBLIC DEMONSTRATION	17	12	41.7%



# Critical Response Team



## Special Weapons and Tactics (SWAT)

The purpose of the Special Weapons and Tactics unit (SWAT) is to provide protection, support and rescue, enhancing safety for officers and the community. SWAT is designed to respond to high risk situations in order to increase the likelihood of safely resolving critical incidents.

In 2014 SWAT responded to a total of five deployments, with all five deployments for search and arrest warrants. The unit also assisted the City of Manteca and City of Alameda Police Departments with search warrants and participated in aid to a federal agency, the Department of Justice Drug Enforcement Administration.



## Crisis Negotiation Team (CNT)

The Crisis Negotiation Team (CNT) is comprised of six members plus a Sergeant and is a collateral duty to primary responsibilities. The team members are from different units within all three divisions of the department: Patrol, Detectives, SRO and Dispatch. The team trains once a month which includes joint training with SWAT twice each year. CNT also trains once a month with Manteca PD CNT and has had Modesto PD CNT debrief incidents which occurred in the City of Modesto.

The Crisis Negotiations Team had one call-out in April, 2014. The team responded to a search warrant for a homicide suspect who had barricaded himself. The incident ended peacefully once the suspect surrendered. In 2014, Tracy PD CNT started deploying with Tracy PD SWAT on all search warrants. In 2014, CNT assisted SWAT with 5 search warrants.

All seven members of the Crisis Negotiations Team are also part of the department's Peer Support Team. The Peer Support team was formed in 2013, team members attend a one week training course, and are available to all members of the department. The team anticipates expanding to 10 members in 2015.



# Animal Services Unit



The Animal Services Unit is comprised of four Animal Services Officers and one Animal Services Supervisor. Collectively the team oversees the daily operation of the Animal Shelter, providing care and custody for lost, abandoned and stray animals, as well as conducting animal related field investigations and enforcement activities.

Animal Services staff responded to 2,101 animal related calls for service and processed into the shelter's care/custody 994 dogs and 924 cats. Through local adoptions totaling 211 and the tremendous effort of volunteers, which relocated 573 animals into adoptive homes and rescue programs, fewer than 21% of dogs and fewer than 3% of cats were euthanized.

Construction of the new 5,700 square feet, Animal Shelter convened in 2014. The facility has been completed and opened in March 2015. The facility is designed to operate using industry best practices and increases the holding capacity by 50%.



DOG ACTIVITY			
CATEGORY	YTD		% CHANGE 2014-2013
	2014	2013	
IMPOUNDED CANINE	994	1,014	-2.0%
RETURNED TO OWNER	331	351	-5.7%
ADOPTION	134	128	4.7%
EUTHANIZED/DIED	183	233	-21.5%
NON-PROFIT ORGANIZATION RESCUE	346	302	14.6%
CAT ACTIVITY			
IMPOUNDED FELINE	924	1,019	-9.3%
RETURNED TO OWNER	16	30	-46.7%
ADOPTION	77	94	-18.1%
EUTHANIZED/DIED	604	623	-3.0%
NON-PROFIT ORGANIZATION RESCUE	227	272	-16.5%



# Special Operations Division



Division Commander  
Captain Jeremy Watney

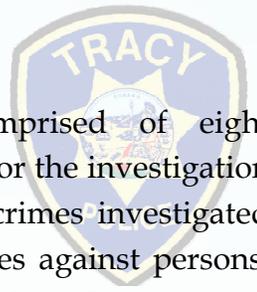
The Special Operations Division is staffed by twelve detectives, one administrative assistant, one part-time professional standards investigator, two Sergeants and one Captain. The division is comprised of the General Investigation Unit, the Special Investigations Unit, and the Professional Standards Unit.

The Special Operations Division consists of specially trained police officers and civilian employees who are responsible for completing complex and time consuming investigations. These types of investigations are not reasonable for the employees of the Field Operations Division to complete due to their responsibilities to respond to in progress calls for service. Examples of the types of crimes include homicide, robberies, gang related crimes, financial crimes, property crimes, narcotics, vice and human trafficking. Additionally the division is responsible for maintaining department policy, conducting department audits, and internal investigations.

These specially trained employees frequently partner with investigators from the Federal Bureau of Investigations, Alcohol Tobacco and Firearms, Federal Drug Enforcement Agency, Department of Homeland Security, and other federal, state and county law enforcement agencies. The Division also works closely with the San Joaquin District Attorney's Office to obtain and secure criminal complaints and convictions.



# General Investigations Unit

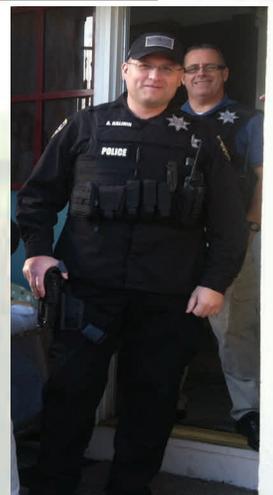
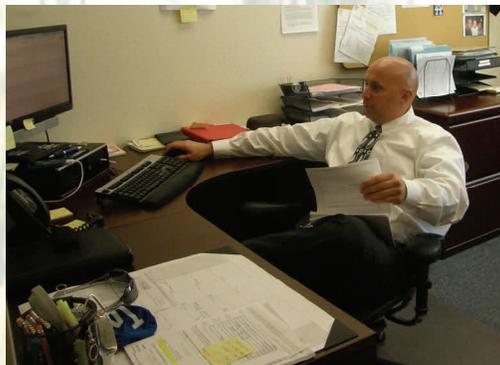


The General Investigations Unit is comprised of eight investigators and a sergeant. The unit is responsible for the investigation of all major crimes within the City of Tracy. The crimes investigated include financial, property, sexual assaults and crimes against persons. The Investigations Unit investigated one homicide in 2014. Investigators also participate in a County-wide officer involved shooting protocol with investigators from the San Joaquin District Attorney's office. Tracy investigators responded to one protocol case in 2014. In addition to the collaborative efforts with other law enforcement agencies, the

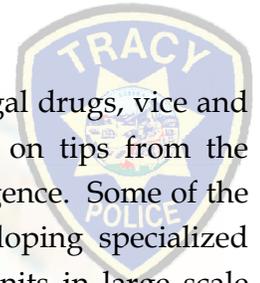
Investigations Unit worked with local businesses during the holiday season using "bait" cars in an attempt to capture thieves breaking into and stealing items from vehicles. The Investigations Unit also received specialized training in metal theft and is in the early stages of an educational and enforcement program to deter the theft and recycling of precious metal and recyclables within the City.



GENERAL INVESTIGATION CASE STATUS			
CATEGORY	YTD		% CHANGE 2014 - 2013
	2014	2013	
CASES REVIEWED BY DA	1,501	1,460	2.8%
CRIMINAL CHARGES FILED - DA	945	997	-5.2%
REFUSE TO FILE - DA	424	419	1.2%
CHARGING RATE - DA	63%	68%	-7.7%
DETECTIVE ACTIVITY			
ASSIGNED	661	636	3.9%
CLOSED	497	344	44.5%
SUSPENDED - NO LEADS	109	224	-51.3%
CLEARANCE RATE OF ASSIGNED CASES	75%	54%	38.7%



# Special Investigations Unit



The Special Investigations Unit (SIU) is tasked with investigating cases involving illegal drugs, vice and human trafficking. The four investigators and one sergeant who make up the unit rely on tips from the community, leads from other TPD cases or external agencies, as well as self-developed intelligence. Some of the internal goals for the unit also involve safety presentations for community groups, developing specialized training sessions for TPD personnel and collaborating with other local, state and federal units in large scale investigations.

During 2014, SIU investigators executed 73 narcotics and vice-related search warrants, resulting in the arrest of 40 suspects. An area of special interest continues to be the identification of residential marijuana grows, which pose a special danger to neighboring homes. Investigators dismantled 16 grow operations in the City of Tracy, and found and destroyed 5,694 marijuana plants and 664 pounds of processed marijuana. The average street value of the marijuana, as distributed by drug trafficking organizations, is estimated at 3 million. These searches also led to the confiscation of other illegal narcotics and 9 firearms.

Another narcotics investigation that continued during 2014 involves drug interdiction operations conducted with assistance from shipping companies that service the Tracy area or conduct business that affects the area. As a result, 20 parcel interdiction operations resulted in the identification and seizure of a significant amount of narcotics and drug-related funds.

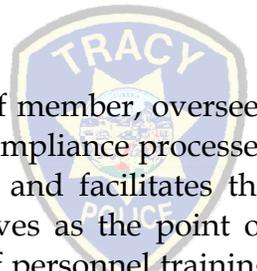
As part of the unit's involvement in regional cases, SIU has partnered in investigations with FBI, DEA, Department of Homeland Security, CA Department of Justice, several regional narcotics task forces and local departments reaching as far as the Midwest and East Coast.

Due to the covert nature of their assignments, the identities of the investigators in SIU are protected.

SIU ACTIVITY			
CATEGORY	YTD		% CHANGE 2014-2013
	2014	2013	
ARRESTS	40	45	-11.1%
SEARCH WARRANTS	73	57	28.1%
SEIZURES			
METHAMPHETAMINE	368	244	50.8%
PROCESSED MARIJUANA	664 LBS	718 LBS	-7.5%
MARIJUANA PLANTS	5,694 LBS	9,422 LBS	-39.6%
HASH	153G	863G	-82.3%
COCAINE	66G	83G	-20.5%
FIREARMS	9	8	12.5%
ASSEST SEIZURE (Money)	\$1,304,253.00	\$601,068.00	117%



# Professional Standards Unit



The Professional Standards Unit (PSU), staffed by one part-time professional staff member, oversees development and maintenance of department policies, facilitates continuous audits and compliance processes ensuring the highest professional standards are achieved throughout the organization and facilitates the processing of many local permits requiring background verification. The PSU also serves as the point of contact for State and Federal Agencies, who by statute must conduct compliance audits of personnel training records, detention facility health and safety standards, personnel complaint dispositions, to name a few.

The following statistical review provides information the Department utilizes to assess police related liability:

PERSONNEL INVESTIGATIONS 2014												
CATEGORY	EXONERATED		PENDING		SUSPENDED		SUSTAINED		UNFOUNDED		TOTAL	
	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013
ADMINISTRATIVE COMPLAINTS	0	0	0	0	0	2	2	4	0	0	2	6
CITIZENS COMPLAINTS	3	1	2	2	1	0	0	1	2	1	10	5

ARRESTS REQUIRING FORCE		
CATEGORY	YTD	
	2014	2013
ARRESTS	18	14

EMPLOYEE INJURIES		
CATEGORY	YTD	
	2014	2013
INJURIES REPORTED	32	26
INJURIES RESULTING IN LIMITED DUTY/ABSENCE	9	6

EMPLOYEE INVOLVED TRAFFIC COLLISIONS		
CATEGORY	YTD	
	2014	2013
COLLISIONS	3	6

VEHICLE PURSUITS		
CATEGORY	YTD	
	2014	2013
PATROL PURSUITS	15	12

# Awards and Achievements



## *Police Officer of the Year*

This award reflects the actions of one who has achieved organizational purpose, has taken ownership of organizational goals, worked to gain trust, demonstrated passion for the Police Officer role, exhibited compassion for the public, peers, and subordinates, engaged in team work and subscribed to the highest levels of integrity and morals.



Sergeant Tony Sheneman

## *Employee of the Year*

This award reflects dedication, innovation, integrity and pride in representing the Department all while completing assigned duties. An individual that is considered at the top of their profession and stands out as a leader in their position.



Ben Miller

## *Volunteer of the Year*

This award serves to recognize an outstanding volunteer within the Department who has given back to the community through their dedication, commitment and selflessness.



Ana Albarracin

# Awards and Achievements

## *Department Recognition Awards*



Special awards are based on an employee's exceptional performance which is above what is normally expected and meets the appropriate criteria. They can be awarded at any time as deemed by the Chief of Police.

The Department Recognition Award may be awarded to an employee of another agency qualifying under any of the above mentioned conditions, if earned while aiding, assisting or working with any employee of the Tracy Police Department.

The Department Recognition Award may be awarded to Citizens whose actions exemplify excellence in the performance of their civic responsibilities, show unqualified devotion to their fellow man and the community, and/or bring honor to themselves and recognition to the City through their actions.

The Department Recognition Award may be awarded to an employee for recognition of proactive philosophy as demonstrated by projects or community involvement which brings positive recognition to the Department or City.



Information Technology Specialist  
Carlo-Angelo Fanto



Volunteer in Policing  
Marshall Rose



Crime Analyst  
Tanika Zuniga

# LOOK INTO 2015



New Animal Shelter located at 2375 Paradise Avenue in Tracy.



# Law Enforcement Code of Ethics



“As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held as long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement.”



RESOLUTION \_\_\_\_\_

ACCEPTANCE OF THE CITY OF TRACY'S POLICE DEPARTMENT'S ANNUAL REPORT FOR 2014

WHEREAS, The Tracy Police Department has prepared the Annual Report to provide the citizens of Tracy with a statistical review of the department's performance and efforts, and accomplishments, and

WHEREAS, the Police Department will present an overview of the 2014 Annual Report to the City Council for their acceptance; and

NOW, THEREFORE, BE IT RESOLVED, That the City Council does hereby accept the Tracy Police Department's Annual Report for 2014.

\* \* \* \* \*

The foregoing Resolution \_\_\_\_\_ was passed and adopted by the Tracy City Council on the 5th day of May, 2015, 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 AN AMENDMENT TO THE EXISTING PG&E PRODUCTS AND SERVICES AGREEMENT WITH PG&E TO REPLACE 3,775 STREET LIGHTS; APPROVE FINANCING FOR THE STREET LIGHT RETROFIT PROGRAM; AND AUTHORIZE THE MAYOR TO EXECUTE ANY ASSOCIATED AGREEMENTS AND APPLICATIONS**

EXECUTIVE SUMMARY

The City owns and maintains 4,603 street lights which are primarily high pressure sodium (HPS) fixtures. In December 2013, the City Council authorized the Mayor to execute a PG&E Products and Services Agreement and any associated agreements and applications to replace HPS street lights with Light Emitting Diode (LED) fixtures (Resolution 2013-132). In June 2014, in collaboration between the City and PG&E, 682 HPS street lights were replaced with LED fixtures, which use considerably less energy, provide improved lighting, and help reduce crime. The City has another opportunity to partner with PG&E to accomplish a complete retrofit of the remaining overhead street lights to LED fixtures, and realize an annual cost savings through lower per-fixture electricity rates.

DISCUSSION

The City owns and maintains 4,603 street lights. In April 2014, the City signed a Proposal to the PG&E Products and Services Agreement to replace 682 High Pressure Sodium (HPS) lights with Light Emitting Diode (LED) lights. The City was able to obtain a zero interest loan through the PG&E On-Bill Financing (OBF) Program. All the identified lights were replaced in June 2014. The original amount of the loan for was \$331,941. An incentive of \$84,100 was available, so the final loan amount due through the OBF was \$247,841. The term of the loan is a monthly payment of \$5,273.21 and will be repaid over 47 months. The monthly savings the City receives due to the light changeout is currently being used to repay the loan and is expected to be paid off by June 2018.

The City has another opportunity to partner with PG&E to retrofit the estimated remaining 3,775 HPS lights to LED lights located throughout the City through an additional amendment to the existing PG&E Products and Services Agreement. Once the project is accepted, a final inventory will be performed by PG&E to verify the exact number of street lights to be replaced. Based on the current estimated number of street lights, overall changeout is expected to last approximately two months.

LED lighting provides a number of benefits to the community. The LED light head has the ability to direct light down as opposed to the HPS fixtures that allow light to spill all around the head, which in turn reduces light pollution. LED lighting also increases clarity and color distinction for the viewer, contains no mercury, and lasts three to five times longer than the existing HPS lights. LED lights have a current lifespan of 18 to 20 years with little to no maintenance work needed for an extended period. The fixtures will all be

new with a ten year warranty on the fixture, an eight year warranty on the photo controls, and a one year warranty on the installation. LED lighting consumes less energy than traditional lighting, which costs less, supporting Council's commitment to increase operational efficiencies.

The City currently has a minimal amount of inventory on hand for replacement and repairs for the current HPS light fixtures. Included with the proposed retrofit, PG&E will dispose of the City's current inventory as well as the light fixtures being replaced at no additional cost.

Schedule

The following is the tentative schedule for the project and has been reviewed by PG&E:

PG&E Products and Services Agreement (Master Services Agreement) approved by City Council (Resolution 2013-132).	Completed 12/2013
PG&E prepares streetlight replacement preliminary bid.	Completed
Council considers approval to proceed with PG&E Turnkey LED project for remaining lights using the PG&E Products and Services Agreement already in place.	05/05/15
Staff submits approval to PG&E and will be in queue to receive full inventory of City of Tracy street lights.	05/15
PG&E completes field inventory and updates City of Tracy billing records.	06/15-07/15
PG&E submits Proposal to retrofit remaining lights to LED, which includes cost, energy savings, and payback information.	08/15
PG&E and the City of Tracy execute Proposal under Master Services Agreement. PG&E orders material for lamps.	08/15
PG&E completes installation of LED lamps and performs inspections, incentive applications, and rate changes for the City of Tracy.	10/15

Project Funding

As the City's local energy provider, PG&E has access to all relevant billing rate structure information and available incentives. A conservative estimated cost for this project is \$1,335,349. There is a current rebate available through PG&E for \$174,830, bringing the final estimated cost to \$1,160,519. Based on early projections of savings provided by PG&E, if we were to replace all the remaining street lights, the City would receive an approximate monthly savings of \$22,338 and a yearly savings of \$268,059. As done in the previous replacement, these savings would be used to pay off the costs associated with this project.

PG&E no longer has an OBF program available. There are financing options through an outside source available with a 3% interest rate. However, staff recommends that the

City finance this project by having \$1.2 million transferred from the General Fund – Fund Balance into a CIP Project. The table below shows how the savings over the next 4½ years will repay the General Fund – Fund Balance and will continue to provide savings in the future.

GF Transfer to CIP Project (Millions)	Repayment Period				Fund Balance Repaid	Additional Monies Saved				
	1st Year Savings	2nd Year Savings	3rd Year Savings	4th Year Savings		5th Year Savings	6th Year Savings	7th Year Savings	8th Year Savings	9th Year Savings
\$ 1.200	\$ 0.268	\$ 0.268	\$ 0.268	\$ 0.268	\$ 0.268	\$ 0.268	\$ 0.268	\$ 0.268	\$ 0.268	\$ 0.268
Fund Balance Owed	\$ (0.932)	\$ (0.664)	\$ (0.396)	\$ (0.128)	\$ 0.140	\$ 0.408	\$ 0.676	\$ 0.944	\$ 1.212	\$ 1.480

**STRATEGIC PLAN**

This agenda item supports the City Council approved Governance Strategy.

Goal 2: Ensure continued fiscal sustainability through financial and budgetary stewardship.

Objective 2: Development of revenue growth and expenditure reduction strategies.

**FISCAL IMPACT**

Staff recommends that the City finance this project by having \$1.2 million transferred from the General Fund - Fund Balance into a CIP Project. It is anticipated that the loan repayment will take approximately 4-5 years, after which the City will realize an ongoing annual energy savings of \$268,059, based on today's utility rates. The annual savings will be used to repay the loan.

**RECOMMENDATION**

Staff recommends City Council approve, by resolution, an amendment to the existing PG&E Products and Services Agreement to replace 3,775 street lights; approve financing for the LED street light retrofit program; and authorize the Mayor to execute any associated agreements and applications.

Prepared by: Connie Vieira, Management Analyst I

Reviewed by: David Ferguson, Public Works Director  
 Andrew Malik, Acting Assistant City Manager

Approved by: Troy Brown, City Manager

**ATTACHMENTS**

Attachment A: PG&E LED Street Light Turnkey Replacement Service

Attachment B: PG&E Proposal Template for Street Light Retrofit



## PG&E LED Street Light Turnkey Replacement Service

Non-binding price estimate to be used for budgetary purposes only

City of: **Tracy**  
 Date of this estimate: **1-Apr-2015** Expiration date of this estimate: **1-Jun-2015**

Number of Lights to be Replaced	Voltage	Type	Wattage (Nominal/Actual)	Rate	Suggested Replacement LED
16	120	HPS	70/85	LS-2	BXSP-A-0-2-G-F-U-S-N
2072	120	HPS	100/120	LS-2	BXSP-A-0-2-G-F-U-S-N
617	120	HPS	150/176	LS-2	BXSP-A-0-2-H-F-U-S-N
20	120	HPS	200/234	LS-2	BXSP-A-0-3-H-D-U-S-N
120	240	HPS	100/138	LS-2	BXSP-A-0-2-G-F-U-S-N
134	240	HPS	150/201	LS-2	BXSP-A-0-2-H-F-U-S-N
773	240	HPS	200/237	LS-2	BXSP-A-0-3-H-D-U-S-N
18	240	HPS	250/	LS-2	BXSP-A-0-3-H-A-U-S-N
5	Merc Vapor	S-V-400	400/	LS-2	BXSP-A-0-3-H-D-U-S-N
3775					

**Total Project Price:** \$1,335,349  
**Total PG&E Rebates:** \$174,830  
**Net Estimated Price:** \$1,160,519

The rebates are subject to funding availability and are administered on a first come, first-serve basis. If rebate funding is depleted, customer must pay Total Project Price.

**Energy cost savings in first year\*:** \$268,059  
**Energy savings (kWh/year):** 1,778,398  
**CO2 reduction (lbs/year):** 931,880  
**Avoided maintenance expenses in first year\*\*:** \$26,425  
**Simple Payback (Energy Only):** 4.33

\*Project Price Notes:

Price includes purchase of requested street lights, installation and field verification of installed lights, rate change and rebate application processing.

No permitting costs included in total project price.

Project price assumes all lights to be replaced will be cobra head fixtures and will not include post top, shoe box, tear drop, or decorative fixtures

Project price assumes all street lights to be replaced are currently in operating condition.

Project price assumes no restrictions on installations will be made (e.g.--heavy traffic area, special hours for installation, etc.)

Project price assumes all street lights to be replaced are at an operating voltage between 120-240 volts AC.

Notes:

\*Future year savings will grow with the expected increase in electricity and labor costs.

\*\*Avoided maintenance expenses are compared to maintaining HPSV lights.

\*\*\*The street light manufacturer is BETA LED.

Assumptions:

- » 4100 operating hours annually
- » \$0.15073 \$/kWh electricity cost
- » 0.524 lbs/kWh emission factor
- » \$26 per year maintenance cost for HPSV
- » \$19 per year average maintenance cost for LED
- » City has full jurisdiction over street lights



Agreement No: SLT-061.2\_City of Tracy  
PO #:

## PROPOSAL NUMBER 2

This Proposal is made and entered into as of \_\_\_\_\_, 20\_\_ by and between City of Tracy ("Customer") and Pacific Gas and Electric Company ("PG&E"). This Proposal is subject to the terms and conditions of the PG&E Products and Services Agreement between Customer and PG&E dated as of December 27, 2013 (the "Agreement").

### DESCRIPTION OF SERVICES

- Scope of Work: Replace \_\_\_ HPSV lights with LED lights according to the map and LED spreadsheet (identifies each location) in the City of Tracy
- Number any light poles that are not numbered using badge number stickers provided by PG&E.
- Change the rates to LED and provide documentation on the changes and cost for the street lights.
- Process the rebates and provide documentation on the changes and cost for the street lights.
- Provide a revised GIS-based inventory.

Estimated minimum number of days to complete scope of work: TBD

Date work is estimated to begin: TBD

Customer sites where work is to be performed (may attach spreadsheet of street lights):  
See attached map for location.

Type and number of street light fixtures to be replaced (may attach spreadsheet):  
See attached spreadsheet for fixtures.

Locations may change if street lights are added to or deleted from the project during installation. A final spreadsheet will be given to Customer upon completion of the work.

If in the process of performing the Service, active bird nests, and/or bee hives, wasps are discovered, PG&E will notify Customer of such condition and discontinue work on affected equipment.

### MATERIALS DISPOSAL

Customer will make space available at Customer-owned property for material storage and disposal during construction. PG&E will hold Customer harmless for damage to stored materials while on Customer's property. Customer site where PG&E may store materials and waste disposal bins:



PG&E will store the materials at the following site:

Address: TBD

PG&E's Contractor will keep the lights that have been replaced in a locked container until taking them to PG&E's yard. Contractor will separate the lamp from the fixture and put them in the appropriate bins. PG&E will label the bins and ship them to a registered disposal facility.

### **TRAFFIC CONTROL PLAN**

PG&E Contractor shall be required to comply with all applicable federal, state, and local laws, rules, regulations, permits, and codes including without limitation such laws, rules, regulations, permits, and codes with respect to safety and traffic control.

### **COST AND PAYMENT SCHEDULE**

PG&E estimates the services under this Proposal will cost \$ \_\_\_\_\_. However, Customer will be invoiced for actual installations (location and size of fixture). The estimate will not be exceeded without Customer's prior approval.

This price does  does not  subtract the value of the LED streetlight rebates from the cost to provide the Services.

Payment Schedule:

Initial Payment: Upon ordering of materials, Customer will be invoiced 50% of the total amount of the contract.

Final Payment: Customer will be invoiced for final 50% payment upon completion of this Proposal or when punch list items (if any) have been completed.

If Customer chooses to terminate this Proposal prior to completion of the Services, then Customer shall pay PG&E for all costs accrued up to the date of termination, including all materials purchased.

PG&E will submit invoices to Customer based on the Payment Schedule. Each invoice will reference the Agreement and this Proposal and be submitted to Customer's billing address as set forth below. Customer will remit payment to PG&E within 14 days after receipt of the invoice.

### **BUSINESS CONTACTS:**

PG&E's primary business contact for this Proposal:

Name: Michelle Ward  
Title: Sales Manager  
Address: 245 Market Street, Mail Code N10D  
San Francisco, CA 94105



Telephone: 415-973-4495  
Email: M3PA@pge.com

Customer's primary business contact for this Proposal:

Name: David Ferguson  
Address: City of Tracy  
520 Tracy Boulevard,  
Tracy, CA  
Telephone: 209- 831-6300  
Email: david.ferguson@ci.tracy.ca.us

**CUSTOMER BILLING CONTACT:**

Customer's billing contact for this Proposal:

Name: David Ferguson  
Address: City of Tracy  
520 Tracy Boulevard,  
Tracy, CA  
Telephone: 209- 831-6300  
Email: david.ferguson@ci.tracy.ca.us

IN WITNESS THEREOF, the parties agree to be bound by this Proposal as of the date first set forth above.

CUSTOMER CITY OF TRACY

PACIFIC GAS AND ELECTRIC COMPANY

Print Name: \_\_\_\_\_

Print Name: Roxanne Fong, Manager  
\_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



**MANUFACTURER'S WARRANTY INFORMATION**

1. Street light manufacturer's contact information:
  - (a) Cree LED Lighting Fixtures  
1200 92nd Street  
Sturtevant, WI 53177-1854  
Phone: (800)236-6800
  - (b) The warranty period for the Cree LED Lighting Fixtures is 10 years. A copy of that warranty is set forth in Schedule 1 to this Exhibit B.
  
2. Photo control warrantor's contact information:
  - (a) Ripley Lighting Controls  
2023 Platt Springs Road  
P.O. Box 3229  
West Columbia, SC 29169  
Phone: 803-939-4700  
Fax: 803-939-4777
  - (b) The warranty period for the Ripley lighting controls is 12 years from date of manufacture. A copy of that warranty is set forth in Schedule 2 to this Exhibit B.

**LIMITED WARRANTY FOR CREE® LED LIGHTING FIXTURES  
(INCLUDING BETALED® TECHNOLOGY; TRUEWHITE® TECHNOLOGY; AND  
ESSENTIA® FIXTURES)**

This limited warranty is provided by the Cree company described below ("Seller") to you as the original purchaser of the LED lighting product that is identified on Seller's invoice reflecting its original purchase (the "Product"). The Seller is the Cree Company identified as such on the invoice. This limited warranty may be transferred to subsequent purchasers of the Product, provided that such Product is resold in new condition and in its original packaging. Seller warrants that the Product, when delivered in new condition and in its original packaging, will be free of defects in material and workmanship for a period of **TEN (10) YEARS** from the date of original purchase. The determination of whether the Product is defective shall be made by Seller in its sole discretion with consideration given to the overall performance of the Product. A Product shall not be considered defective solely as a result of the failure of individual LED components to emit light if the number of inoperable components is less than 10% of the total number of LED components in the Product.

If Seller determines the Product is defective, Seller will elect, in its sole discretion, to refund you the purchase price of the Product, repair the Product or replace the Product. This limited warranty will not apply to loss or damage to the Product caused by: negligence; abuse; misuse; mishandling; improper installation, storage or maintenance; damage due to fire or acts of God; vandalism; civil disturbances; power surges; improper power supply; electrical current fluctuations; corrosive environment installations; induced vibration; harmonic oscillation or resonance associated with movement of air currents around the Product; alteration; accident; failure to follow installation, operating, maintenance or environmental instructions prescribed by Seller or applicable electrical codes; or improper service of the Product performed by someone other than Seller or its authorized service provider. This limited warranty excludes field labor and service charges related to the repair or replacement of the Product. **THIS LIMITED WARRANTY IS VOID IF THE PRODUCT IS NOT USED FOR THE PURPOSE FOR WHICH IT IS DESIGNED.**

Seller reserves the right to utilize new, reconditioned, refurbished, repaired or remanufactured products or parts in the warranty repair or replacement process. Such products and parts will be comparable in function and performance to an original product or part, as determined by Seller in its sole discretion, and warranted for the remainder of the original warranty period.

In order to make a warranty claim, you must notify Seller in writing within sixty (60) days after your discovery of the defect, provide proof of purchase such as the invoice and comply with Seller's other warranty requirements. Upon receiving that notice, Seller may require you to promptly return the Product to Seller, or its authorized service provider, freight prepaid. Your warranty claim should be addressed to Cree c/o Ruud Lighting, Inc., 9201 Washington Avenue, Racine, WI 53406.

This limited warranty only applies to specified LED fixtures. Any warranties applicable to finish, poles, lamps, CR Series downlights, LR24™ troffers, certain BetaLED® Technology outdoor fixtures (specifically Class II as defined per IEC/EN60598), backup batteries, controls, occupancy sensors, photocells and other fixture accessories can be found at [www.cree.com/lighting/products/warranty](http://www.cree.com/lighting/products/warranty).



THE FOREGOING WARRANTY PROVISIONS ARE EXCLUSIVE AND ARE GIVEN AND ACCEPTED IN LIEU OF ANY AND ALL OTHER WARRANTIES, WHETHER EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION ANY WARRANTY AGAINST INFRINGEMENT AND ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

IN NO EVENT SHALL SELLER BE LIABLE FOR INCIDENTAL, COMPENSATORY, CONSEQUENTIAL, INDIRECT, SPECIAL OR OTHER DAMAGES. SELLER'S AGGREGATE LIABILITY WITH RESPECT TO A DEFECTIVE PRODUCT SHALL IN ANY EVENT BE LIMITED TO THE MONIES PAID TO SELLER FOR THAT DEFECTIVE PRODUCT.

This warranty is effective for purchases of Product on or after the effective date set forth below. Seller reserves the right to modify this warranty from time to time. Any modification of this warranty shall be effective for all orders placed with Seller on or after the effective date of such revised warranty.



**WARRANTY FOR RIPLEY LIGHTING CONTROLS**

**RIPLEY** LIGHTING CONTROLS

DIVISION OF SOUTHCONN TECHNOLOGIES INC

Twist-Lock Electronic Photocontrol  
**LongLife II**

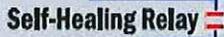
**Exclusive Features**



**Zero Cross Switching Technology:** protects the device from inrush currents, commonly found in LED Luminaires.



**Intelligent Microprocessor:** assures advanced Performance & Reliability



**SELF-Healing Relay:** allows unattended field restoration. Stuck relay contacts are a common failure point. Our Patent Pending technology actually works to un-stick the contacts, thus preventing wasted energy (day burners) and service calls. Tested at more than **325 years with a 1000 Watt Tungsten Lamp**



**3 Tier Power Supply Circuitry:** 640 Joule 33 mm MOV rated @ 40,000 Amps for primary protection Dual Zener Diode for secondary protection. 3<sup>rd</sup> Layer of protection using a precision voltage regulator.



**Tru-Filter®:** spectral sensitivity matches that of the Human Eye; while competitor's Silicon Photodetector comes nowhere close.

Phone: 803-939-4700  
Fax: 803-939-4777  
E-mail: Sales@RipleyLC.com

[www.RipleyLC.com](http://www.RipleyLC.com)



Ripley's exclusive  
**LongLife II Photocontrol**

**"NEW Generation of Technologies that change the Game"**

Ripley Lighting Controls is pioneering new technologies raising the bar in the Street and Area Lighting Industry.

	6390LL-BK	6394LL	6395LL
Nominal Voltage 60 Hz	120/208/240/277	480	347
Voltage Range	105-305	432-528	312-382
Fail Mode	On		
Load Rating	1000 Watt Tungsten / 1800 VA Ballast		
Operating Temperature	-40C to +70C (-40F to +158F)		
Photocell	Infrared Filtering Silicon Phototransistor		
Dielectric Strength	5000 Volts between current carrying parts and metal surfaces		
Surge Protection	Primary: 640 Joule MOV rated at 40,000 amp surge current—protects not only the photocontrol, but also the LED fixture Secondary: 2 Zener diodes Third: Voltage Regulator		
Power Consumption	0.5 watts @ 120 V		
Time Delay Off (Instant On)	3 to 5 seconds		
Operating Light Levels (Standard Settings)	Turn On 1.5 FC ± .25 / Turn Off by 2.25 FC (Off:On Ratio = 1.5:1)		
ANSI Color Coded Cover: double-wall thickness, UV Stabilized Permanent Color LongLife polymer with extra UV inhibitor	Black	Yellow	Green
Options			
Fail Off	-FO (Green)	N/A	N/A
Frequency	60Hz		

**Other Exclusive Features:**

- Electrolytic Capacitors rated 105 °C, with minimum 20,000 hour life at maximum voltage, current, & temperature
- Completed circuit boards are conformal coated with silicone for Long Life
- Double-wall thickness for strength and longevity in constant outdoor environment, optimized black Long Life polymer with maximum UV inhibitor
- 1:1 Ratio Capable saves energy by reducing burn time. Allows for the light to turn off at the same light level as the turn on value.
- RoHS Compliant & packaged in Biodegradable Bags
- WARRANTY: 12 years from date of manufacture

Meets or exceeds rigid quality requirements of SouthConn Technologies Inc. and applicable ANSI C136.10, and C136.24 Standards

PS-6100-045  
LongLife  
052714  
Rev. 6

RESOLUTION \_\_\_\_\_

APPROVING AN AMENDMENT TO THE EXISTING PG&E PRODUCTS AND SERVICES AGREEMENT WITH PG&E TO REPLACE 3,775 STREET LIGHTS; APPROVING FINANCING FOR THE STREET LIGHT RETROFIT PROGRAM; AND AUTHORIZING THE MAYOR TO EXECUTE ANY ASSOCIATED AGREEMENTS AND APPLICATIONS

WHEREAS, The City owns and maintains 4,603 street lights which are primarily High Pressure Sodium (HPS) fixtures, and

WHEREAS, In August 2013, the City Council authorized the Mayor to execute a PG&E Products and Services Agreement and any associated agreements and applications to replace HPS street lights with LED fixtures (Resolution 2013-132), and

WHEREAS, In April 2014, a Proposal to the PG&E Products and Services Agreement was signed, and in June 2014, 682 of the HPS street lights were replaced with Light Emitting Diode (LED) fixtures which use considerably less energy, provide improved lighting, and help reduce crime, and

WHEREAS, The City has another opportunity to collaborate with PG&E to retrofit the estimated remaining 3,775 HPS lights to LED lights located throughout the City through an additional amendment under the existing PG&E Products and Services Agreement, and

WHEREAS, Based on the cost and payback period on investment, and the long term benefit to the City in reduced energy use and costs, it is in the City's best interest to participate in the street light retrofit program with PG&E.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS, that the City Council:

1. Approves an amendment to the existing PG&E Products and Services Agreement to replace 3,775 street lights;
2. Approves financing for the street light retrofit program: \$1.2 million transferred from the General Fund - Fund Balance into a CIP Project, to be repaid by annual energy savings;
3. Authorizes the Mayor to execute any associated agreements and applications.

\*\*\*\*\*

The foregoing Resolution \_\_\_\_\_ was passed and adopted by the Tracy City Council on the 5<sup>th</sup> day of May 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

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May 5, 2015

## AGENDA ITEM 5

### REQUEST

#### **RECEIVE AND ACCEPT THE CITY MANAGER'S QUARTERLY REPORT**

### EXECUTIVE SUMMARY

This agenda item will update the Council on newsworthy events.

### DISCUSSION

The City Manager will provide Council with a quarterly report on various items, including upcoming special events, status on key projects, or other items of interest in an effort to keep Council, staff, and residents abreast of newsworthy events.

### STRATEGIC PLAN

This agenda item does not relate to the Council's strategic plans.

### FISCAL IMPACT

There is no fiscal impact with this item.

### RECOMMENDATION

That Council receive and accept the City Manager's quarterly report.

Prepared, Reviewed and Approved by: Troy Brown

AGENDA ITEM 7.A

REQUEST

**DISCUSS AND PROVIDE DIRECTION ON WHETHER TO HAVE STAFF BRING BACK A DRAFT LOBBYING ORDINANCE FOR POSSIBLE INTRODUCTION AND ADOPTION**

EXECUTIVE SUMMARY

On March 3, 2015, the City Council directed staff to place an item on a future agenda to allow the City Council to discuss and provide direction on whether to adopt a lobbying ordinance.

DISCUSSION

On March 3, 2015, the City Council directed staff to place an item on a future agenda to allow the City Council to discuss and provide direction on whether to adopt a lobbying ordinance.

A number of cities in California have adopted lobbying ordinances. Typically, lobbying ordinances require lobbyists to: register with the city; maintain a list of current clients; provide periodic reports on their activities; and refrain from certain types of activities. The attached paper from the Institute for Local Government ("ILG") (see Attachment A) has good information regarding lobbying ordinances. The ILG is the research and education affiliate of the California Association of Counties, the League of California Cities, and the California Special Districts Association. A sample lobbying ordinance is also attached (see Attachment B).

The need to adopt a lobbying ordinance will vary from city to city based on a number of factors, including the number of lobbyists in a given city and/or a real or perceived problem with the activities of certain lobbyists. However, usually only larger cities see the need to adopt a lobbying ordinance. Based on a survey of 25 cities with a similar population to Tracy (85,000), only one had a lobbying ordinance (the City of Carson). The City of Fairfield (population 110,000) adopted a lobbying ordinance in 2008 but repealed it in 2013 after discovering it was not needed. A copy of the staff report from the City of Fairfield is attached (see Attachment C). Nevertheless, exceptions exist. For example, the Cities of West Hollywood and Beverly Hills (both population 34,000) have lobbying ordinances.

The City Clerk's Office would be responsible for administering a lobbying ordinance if such an ordinance was adopted. Based on a survey of other cities, minimal staff time would likely be required to maintain a City lobbying ordinance. Likely, it would require an annual notification letter to be sent out some time in January/February to renew registration and pay annual registration fees. Depending on the number of registered lobbyists, staff time to process could potentially take from thirty minutes to two hours once a year. Follow-up work would be required after registration payments are made. Staff would have to process payments and maintain files. How much time this would require is not known at this time.

If such an ordinance was adopted, the Police Department would be responsible for enforcement pursuant to the penalty provisions of the Tracy Municipal Code (TMC) (see TMC Chapter 1.04).

As the ILG paper also points out, because of administrative and enforcement challenges unique to lobbying ordinances, some cities take alternative approaches to addressing lobbying activities. For example, some cities shift the burden of disclosure to the City Council, by adopting policies requiring Council Members to disclose their outside (“ex parte”) communications made in connection with all legislative and administrative actions.

If the City Council chooses to pursue adoption of a lobbying ordinance, staff will bring back a draft ordinance for possible formal introduction and adoption at a future City Council meeting.

#### STRATEGIC PLAN

This is a routine operational item and is not related to any of the Council Strategic Plans.

#### FISCAL IMPACT

It is estimated that administration and enforcement of a lobbying ordinance would result in some costs for staff time.

#### RECOMMENDATION

That the City Council discuss and provide direction on whether to have staff bring back a draft lobbying ordinance for possible introduction and adoption.

Prepared by: Andrew Malik, Interim Assistant City Manager  
Nora Pimentel, City Clerk  
Daniel G. Sodergren, City Attorney

Reviewed by: Andrew Malik, Acting Assistant City Manager

Approved by: Troy Brown, City Manager

#### ATTACHMENTS:

- A. ILG Paper
- B. Sample Ordinance
- C. City of Fairfield Staff Report
- D. 25 Comparison Cities Based on Similar Population



## Everyday Ethics: Regulating Lobbying Activities

August and October, 2012

**Question:** *After a series of unfortunate experiences, our agency is considering whether to adopt regulations relating to lobbying the agency. What should we understand about regulating lobbyists?*

**Answer:** Let's start with a common scenario -- A local property owner wants to develop a vacant parcel of land. A group of neighbors hear about the project and arrange a meeting with local officials to express their concerns. The property owner, concerned about project approvals, hires a former elected official to advocate on behalf of the project. The local officials, after meeting with both sides, begin to form their opinions about the project."

While this scenario may sound familiar, it also raises a series complex issues about the role of "influence" in the public decision-making process. All U.S. citizens are guaranteed the right of free speech, the right to freely associate with like-minded persons, and the right to petition elected officials. But there are competing public interests involved, such as transparency, the fair exchange of ideas, and the integrity of the decision-making process.

Local lobbying laws attempt to reconcile these important rights and interests and raise the important and very practical questions the appropriate role of 'lobbying' in local governmental decision-making, and whether (and to what extent) local agencies should regulate lobbying.

This resource is a service of the Institute for Local Government (ILG) whose mission is to promote good government at the local level with practical, impartial, and easy-to-use resources for California communities. ILG is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities and the California State Association of Counties. For more information and to access the Institute's resources on Ethics, visit <http://www.ca-ilg.org/ethics-transparency>. The direct link to this resource is [www.ca-ilg.org/post/local-regulation-lobbyists](http://www.ca-ilg.org/post/local-regulation-lobbyists).

The Institute is grateful to Daniel D. Purnell is both a former local elected official and former executive director to the Oakland Public Ethics Commission. An Institute volunteer, Dan currently practices campaign and election law in California and can be reached through at [www.purnell-law.com](http://www.purnell-law.com).

The Institute welcomes feedback on this resource:

- *Email:* [jspeers@ca-ilg.org](mailto:jspeers@ca-ilg.org) Subject: Everyday Ethics: Regulating Lobbying Activities
- *Mail:* 1400 K Street, Suite 205 • Sacramento, CA • 95814

## The Whys of Lobbyist Regulation

Over the years, courts and commentators have articulated the potential harms that unregulated lobbying can have on governmental institutions. Corruption and the appearance of corruption (often in the form of bribery, “sweet-heart” contracts, poor decisions such as pork-barreling and earmarking) are identified hazards that government has an interest in avoiding. Other potential hazards include having the public voice “drowned out” by the voice of special interests, or having public decisions based on flawed or incorrect information.

Commentators have also recognized potential benefits from professional lobbying, such as providing necessary information to decision-makers, and by organizing various and numerous voices into an efficient, collective and comprehensive message.<sup>1</sup> Today, even local agencies retain lobbyists to represent their interests before other legislative and administrative bodies.

In California, the state<sup>2</sup> and a growing number of local jurisdictions<sup>3</sup> have adopted lobbying laws. The California Supreme Court upheld the lobbyist registration and reporting requirements contained in the Political Reform Act of 1974, holding that those provisions, as well as the Act’s \$10 per month gift limit from lobbyists to state candidates and elective officials, “do not constitute substantial limitations on petition and speech rights.”<sup>4</sup>

(California law also acknowledges that local regulation of lobbying activities can apply equally to attorney lobbyists without creating issues under state law regulating attorney conduct.<sup>5</sup>)

### History of Lobbying Regulation

Influencing government decisions is hardly a modern phenomenon. Shakespeare’s famous play “Julius Caesar” begins with Cassius’ maneuverings to convince Roman senators to replace a popular Julius Caesar with a reluctant (but ultimately murderous) Brutus.

The current term “lobbyist” reportedly originated from people who gathered in the lobbies of legislative chambers and, in the United States, the lobby of the Willard Hotel in Washington D.C. where its occasional guest, Ulysses S. Grant, and other U.S. officials, would serve as the targets of their many petitions and requests.<sup>6</sup>

The first major effort to regulate lobbying at the federal level came in the 1940s when Congress enacted the “Federal Regulation of Lobbying Act.”<sup>7</sup> The Act imposed a registration requirement for people seeking to influence the passage or defeat of federal legislation, and imposed a quarterly reporting requirement of the money lobbyists received and expended for that purpose.

The United States Supreme Court, in a narrowly framed opinion, rejected a constitutional challenge to the Act, ruling in part that the Act’s registration and reporting requirements did not violate First Amendment rights “to speak, publish and petition the Government.”<sup>8</sup>

These laws share many common and essential elements and, at the same time, grapple in their own way with difficult-to-define terms and concepts.

## Defining “Lobbyist” and “Lobbying”

Every lobbying law must make an attempt to clearly define either who qualifies as a lobbyist or what activities constitute “lobbying.” This is often the most difficult and contentious part of a lobbying law because these terms often determine how broadly (in terms of people affected and/or activities regulated) the law applies.

“Lobbyists” are frequently characterized as either “contract” lobbyists or “in-house” lobbyists.<sup>9</sup> A “contract” lobbyist is someone who is hired on a specific project or contract basis.

Most laws establish a “time and money” test to define contract lobbyists, such as this language from Oakland’s ordinance:

Lobbyist’ means any individual who. . .receives or is entitled to receive one thousand dollars (\$1,000) or more in economic consideration in a calendar month, other than reimbursement for reasonable travel expenses. . .<sup>10</sup>

“In-house” lobbyists are people who lobby exclusively for their own employer. A common example of an “in-house” lobbyist is a governmental affairs representative for a company.

Definitions of “in-house” lobbyists attempt to establish a minimum threshold of activity that distinguishes in-house lobbyists from any other employee whose communications with public officials may be occasional or minimal. These definitions vary, but are often based on such factors as:

- The amount of time spent lobbying (for example, five hours lobbying per month);
- The number of “contacts” they make with public officials (for example, a minimum of 10 lobbying contacts per month); or
- If the employee spends a “significant” or “substantial” amount of time lobbying public officials.<sup>11</sup>

The ultimate question is what constitutes the act “lobbying.” Basically, the act of lobbying is the act of communicating with public officials for the purpose of influencing certain types of decisions on behalf of another. The decisions sought to be influenced are usually characterized as either being legislative or administrative in nature.

How a local agency defines lobbying can sometimes be complex and/or be subject to certain exceptions. San Francisco's lobbying ordinance, for example, contains seventeen exceptions from its definition of what constitutes lobbying "contacts."<sup>12</sup> These include commonly found exceptions for

1. Public officials who lobby in the course of their official duties;
2. People submitting bids or applying for permits;
3. People negotiating contracts with designated representatives of the local agency; and
4. People providing testimony or information at the invitation of a public official.

Los Angeles exempts on public policy grounds representatives of non-profit organizations that receive government funding to represent the "interests of indigent persons."<sup>13</sup> San Jose provides an even broader exemption for "uncompensated members of the board of directors of nonprofit organizations" and for "[c]ompensated officers or employees of a [501(c)(3)] nonprofit organization. . .whose attempts to influence governmental action are on behalf of the organization."<sup>14</sup>

## Imposing Certain Transparency Obligations on Lobbyists

In addition to the basic definitions of lobbyist, lobbying, and the types of decisions to which lobbying can apply, local lobbying laws typically require lobbyists to

1. Register with the local agency;
2. Maintain a current list of clients;
3. Provide periodic reports on their activities; and
4. Refrain from certain types of activities.

## Registration Requirements

Lobbying laws typically require persons to register with the local agency within a certain time period after qualifying as a lobbyist. Registration involves providing name, address and contact information for the lobbyist, client information and, in some jurisdictions, the nature of the client's business and the matters for which the client has hired the lobbyist to influence.

## Reporting Requirements

One of the key components of local lobbying laws is the requirement that lobbyists periodically report on their activities. At the most basic level, almost all laws require an identification of the decision the lobbyist seeks to influence for each client during the reporting period.

Beyond that, jurisdictions vary in the type and detail of information lobbyists must provide. Examples of the type of information required by local agencies include:

1. The amount of payments made by lobbyists to public officials (usually known as “activity expenses”);
2. The amount of campaign contributions made or arranged by the lobbyist to local officeholders and candidates;
3. The amount of payments the lobbyist made to a non-profit or charitable organization at the behest of a public official or candidate;
4. Professional services the lobbyist provided to a public official or candidate, such as fundraising or campaign consulting services;
5. The amount of compensation received from clients;
6. Any employment the lobbyist provided to or arranged for a public official and/or the public official’s family;
7. The identity of the local department, office or individual who was lobbied; and
8. A description of the client’s position or arguments regarding the decision sought to be influenced.

The key is to determine what information is relevant or useful in providing insight into lobbying activities.

## Prohibited Activities

In addition to periodic reporting of lobbyist activities, most ordinances contain a number of limitations on lobbying activities. Examples include:

1. Restrictions on the amount of gifts or activity expenses a lobbyist may confer on a public official;
2. Making false statements to public officials or creating fictitious statements of support or opposition to a pending governmental decision;<sup>15</sup>

3. Promising clients that the lobbyist can obtain a particular outcome and/or basing the lobbyist's fee on whether that outcome was achieved (in other words, no "contingent fee" arrangements);
4. Making or bundling campaign contributions;
5. Introducing measures for the sole purpose of creating future work for a lobbyist; and
6. Forbidding persons from acting as lobbyists without registering.

## **"Revolving Door" Regulations**

Another provision addressed not so much to lobbyists but to local public officials is a prohibition on leaving public employment and returning to lobby their former agencies or co-workers. Known as "revolving door" laws, these prohibitions exist primarily because of the perceived advantage that a former local official may have in representing clients before his or her former agencies. Revolving door laws typically try to limit this advantage by imposing a "cooling-off" period of up to one or two years before a public official may lobby his or her former agency or co-workers.<sup>16</sup>

The doors can swing in the other direction, too; some jurisdictions prohibit registered lobbyists from serving on local boards and commissions.<sup>17</sup>

## **Penalties for Non-Compliance**

Almost every lobbying ordinance contains some type of civil or criminal sanction for the violation of its provisions. Monetary penalties are common and many ordinances include a prohibition from working as a lobbyist, typically for up to one-year, if the lobbyist is found to have intentionally violated one or more of the law's provisions.

## **The Challenges of Effective Enforcement**

Establishing a culture of effective administration and compliance presents one of the greatest challenges to a successful lobbyist registration program. It is not enough simply to prescribe penalties in the text of an ordinance. An effective lobbying program depends largely on active administration and workable compliance measures.

## **Getting Complete and Accurate Reports**

Lobbying laws essentially operate on the honor system. Lobbyists are expected to register in a timely manner and truthfully report their activities. So how does a local agency ensure that these registration and reporting requirements are being met?

One of the ways to help ensure accurate reporting is by requiring lobbyists to verify under penalty of perjury that the information contained in the reports is both complete and accurate. Professional lobbyists are not likely to risk damaging their credibility by failing to make full and honest disclosures. However, a strict verification requirement can help remind lobbyists that their disclosures are important and the local agency takes them seriously.

Another way to ensure full disclosure is by developing a process for diligently reviewing information contained in lobbyist reports and cross-checking it against other sources. Given the large number of lobbyists, clients and decisions they seek to influence, even in moderately sized jurisdictions, chances are good that some reportable information may go unreported unless the lobbyist reports are reviewed carefully for errors and possible omissions.

## **Penalties for Noncompliance**

Many lobbying laws provide for criminal misdemeanor penalties in the event of an intentional violation. But because of the high burden of proof in criminal prosecutions, not all claimed violations may receive the attention they arguably deserve. Consequently some jurisdictions also provide for civil penalties, such as monetary fines and suspension from practice, in addition to criminal sanctions.

Before any civil penalties can be imposed, however, alleged violations must first be investigated and, if necessary, submitted to a neutral fact-finder authorized to impose penalties. Investigating alleged violations of lobbying laws, often in the form of written complaints filed by members of the public, can be a complex, time-consuming activity. The process frequently involves interviewing parties and witnesses, obtaining records and ultimately analyzing whether enough facts exist to proceed with a formal hearing. If an investigation finds a reasonable basis for believing a violation has occurred, the local agency may conduct a formal hearing before a neutral hearing officer. While rare, such formal hearings can also be very time intensive and must conform to exacting procedural due-process requirements. These include adequate notice and a fair hearing

## **Assigning Responsibility for Enforcing and Administering the Law**

Some jurisdictions have addressed the compliance issue, along with administrative issues, by creating a local body with limited powers of oversight and enforcement. For example, the cities of San Diego, Los Angeles, Oakland and San Francisco have delegated civil enforcement authority over their respective lobbying laws to local ethics commissions.

These commissions also have jurisdiction over other local ethics laws, such as campaign finance and government conduct ordinances. Staff to these appointed boards investigate alleged violations in addition to administering the law, including such activities as developing forms, creating educational material and managing filed documents. The

ethics commissions are authorized to sit as hearing panels to determine alleged violations of law and impose appropriate civil penalties.

Not every local jurisdiction has the resources or desire to create an ethics commission to take responsibility for ensuring lobbyist compliance. Before adopting any lobbying law, serious thought should be given to the resources that the local agency is prepared to commit for necessary administration and enforcement. Without credible enforcement, compliance can suffer. The initial and annual registration fees many jurisdictions charge to cover or defray the cost of administering and enforcing the ordinance cannot always anticipate the sometimes extensive costs for a complex investigation or a protracted enforcement proceeding.

## Alternative and Complementary Laws

Given that lobbying laws can be challenging to administer and enforce, what alternative approaches can local agencies use? If one of the primary purposes of lobbying laws is to shed light on how public decisions are influenced and made, lobbyists are not the only source of pertinent information. Public officials can also serve as a source of information.

One option is to adopt “ex parte communication” rules that essentially take the burden of disclosure and shift it to or share it with the public officials being lobbied. This approach is unique because it expands a public official’s obligation to disclose his or her outside (“ex parte”) communications made in connection with quasi-judicial proceedings to include communications related to certain legislative or administrative actions as well.

For example, the City of San Jose’s municipal code includes the following language: “Before taking any legislative or administrative action, the mayor, each member of the city council ... and each member of the planning commission, civil service commission or appeals hearing board must disclose all scheduled meetings and telephone conversations with a registered lobbyist about the action. The disclosure may be made orally at the meeting before discussion of the action on the meeting agenda. The oral disclosure must identify the registered lobbyists, the date(s) of the scheduled meetings and telephone conversations and the substance of the communication ...”

Not all public officials will be particularly excited about having to track and record the names of lobbyists they speak with, much less having to announce publicly that they meet with lobbyists at all on legislative or administrative matters. Still, few people are in a better position to know who is trying to influence decision-makers’ actions than a public official. A requirement to disclose ex parte communications on legislative and administrative matters has the advantage of providing the public with information that is both immediate and relevant to the decision at hand. It can also provide an effective cross-check on subsequent lobbying reports.

Another source of information about lobbying activities is the online posting of public officials' calendars and appointment books. Such requirements are usually adopted in the context of local transparency ordinances. But in conjunction with a local lobbying law, such requirements can provide relevant information about meetings involving public officials and lobbyists. Some public agencies and officials already use software packages that include electronic calendaring functions that can be adapted to include the pertinent meeting information. This information can be posted and updated daily if desired.

The compulsory disclosure of meeting information is not without controversy. California courts have generally upheld disclosure requirements as part of the regulation of professional lobbyists. However, the courts have not addressed the specific issue of whether local agencies can compel uncompensated residents to register as lobbyists and provide information regarding their communications with public officials. Privacy and First Amendment issues could also arise if public officials are required to publicly identify and disclose the names of constituents with whom they meet or produce records containing similar information.

Legal issues aside, it would seem essential to consider as a matter of public policy whether a contemplated disclosure law — such as *ex parte* communications and public posting of appointment calendars — could chill public interest and participation for individual residents in the decision-making process.

## Identifying the Right Approach for Your Agency

An unfortunate reality is that ethics laws are often adopted reactively following a public crisis or scandal. Lobbying laws are no exception and are sometimes susceptible to the political dynamic in which legal, ethical or practical considerations give way to an overriding desire to “do something.”

Part of the measured consideration of whether and how to regulate lobbying should include an assessment of:

- Which approach is pertinent and necessary within a particular jurisdiction; and
- How the information gathered will be put to use.

## What Problem Does the Agency Need to Solve?

Looking at what other jurisdictions have done can be helpful in assessing which approach makes sense, but policy-makers are also well-advised to consider the dynamics within their particular community. Such considerations include:

- Are there relatively few or many lobbyists operating in the community?

- What types of interests do they represent, and what types of decisions tend to be influenced?
- How do lobbyists exercise influence: by directly urging certain public policy decisions, financing political campaigns and/or channeling money to favored causes or organizations?
- Which approach would best target the perceived need?

It may be helpful to consider other options, too, such as:

- A local campaign-financing ordinance that limits the amount and/or restricts the source of contributions; or
- A transparency ordinance that augments the local agency's duty to disclose information.

Taking the community's unique needs into account will help determine what type of information to seek from local lobbyists as well as what restrictions to place on lobbying activities.

## **How Will Any Information Collected Be Used?**

The next question is what should be done with the information once it is obtained. This is a key element of a lobbying ordinance's effectiveness. Some jurisdictions use interactive online systems. These can be more convenient for both those reporting information and those wanting to access it. Some have useful search functions and other helpful features.

In jurisdictions without interactive systems, one option is to post a current list of lobbyists and their clients on the agency's website.

The goal is to present information in a way that allows the public and public officials to easily access key facts. Charts and tables can be beneficial tools in this regard. Sharing this information regularly with elected officials and staff can also be a good practice. Doing so can provide an important check to ensure that lobbyists are fully complying with disclosure requirements. Periodically transmitting such information can encourage recipients to contact the filing office if they notice any discrepancies or errors.

## **Measuring Lobbying Ordinance Effectiveness**

Tracking and analyzing the number of lobbyists and clients registered, the issues lobbied upon and the number of staff hours expended to administer and enforce the ordinance can provide valuable and useful information. The ultimate success of a

lobbyist registration program, however, will ultimately rely on community perceptions. Has the law improved transparency and public confidence in the decision-making process? Does it help community members better understand lobbyists' role in influencing public policy? Have problematic activities diminished?

While there may not always be consensus about whether these subjective standards have been achieved, a publicly noticed discussion — as part of a governing board, ethics commission or committee meeting — can produce valuable insights as to the effectiveness of the local ordinance and produce ideas for future amendments. At the very least, a well-administered lobbying law can and should provide elected officials and the public essential insight into the role of professional influence on the people's business.

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## References and Resources

<sup>1</sup> See, for example, Lanny Davis, *Huffington Post*, November 17, 2008.

<sup>2</sup> See Cal. Gov't Code § 81000 and following (Political Reform Act of 1974).

<sup>3</sup> The following cities and counties have adopted some form of lobbyist registration (not inclusive): Fairfield, Fresno, Irvine, Long Beach, Los Angeles, Malibu, Milpitas, Oakland, Orange, Richmond, Sacramento, San Diego, San Francisco, San Jose, San Louis Opispo, Santa Ana, Santa Rosa, Santa Clarita, Los Angeles County, Orange County, San Diego County.

<sup>4</sup> *Fair Political Practices Comm. v. Superior Court*, 25 Cal. 3d 33, 49 (1979).

<sup>5</sup> See Cal. Bus. & Prof. Code § 6009, which reads:

(a) Notwithstanding any other provision of law, a city, county, or city and county may require attorneys who qualify as **lobbyists**, as defined by the local jurisdiction, to register and disclose their lobbying activities directed toward the local agencies of those jurisdictions, in the same manner and to the same extent such registration and disclosure is required of nonattorney **lobbyists**. Any prohibitions against specified activities by **lobbyists** enacted by a city, county, or city and county shall also apply to attorneys who qualify as **lobbyists**.

(b) For purposes of this section, information about a lobbyist that may be required to be disclosed is:

(1) The name, business address, and telephone number of the lobbyist, of any lobbying firm of which the lobbyist is a partner, owner, officer, or employee; and of any persons or lobbying firms paid to lobby by the lobbyist.

(2) The name, business address, and business telephone number of each client who pays the lobbyist to lobby; the specific matter and agency lobbied, itemized by client; and the amount of money paid to the lobbyist for lobbying and the total expenses of the lobbyist for lobbying, itemized by client.

(3) All gifts or payments made by the lobbyist to officials in the jurisdiction, itemized by the name of the official, the amount, date, and description of the gift or payment, and the names of the person making the gift or payment and the person receiving the gift or payment.

(4) All campaign contributions made, arranged, or delivered by the lobbyist to officials in the jurisdiction, specified by amount, date, and name of the official receiving the contribution.

<sup>6</sup> James Burns and Thomas Cronin, "Government By The People" (2000) Prentis Hall, 18th ed., pg. 216.

<sup>7</sup> 2 U.S.C. §§ 261-270 (repealed).

<sup>8</sup> *United States v. Harriss*, 347 U.S. 612 (1954).

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<sup>9</sup> There are other categories of lobbyists too, such as “expenditure” or “grassroots” lobbyists. These lobbyists are typically defined as persons who spend a specified sum of money to present their clients’ views to the the public or to a specific segment of the public (community groups, industries or professions) and encourage them to contact officials and advocate for or against a particular project or proposal.

<sup>10</sup> Oakland Municipal Code Section 3.20.030(D), available at <http://library.municode.com/index.aspx?clientId=16308>.

<sup>11</sup> Some jurisdictions also impose filing and reporting obligations on “lobbyist employers” (that is, the entities that employ individual lobbyists).

<sup>12</sup> City of San Francisco Campaign and Government Conduct Code, Art. II, Chpt. 1, Section 2.100 and following; available at <http://www.sfethics.org/ethics/2009/12/lobbyist-ordinance-2010.html>.

<sup>13</sup> Los Angeles Municipal Code Ch. IV, Art. 8, Section 48.03(E), available at <http://www.amlegal.com/library/ca/losangeles.shtml>.

<sup>14</sup> San Jose Municipal Code, Section 12.12.020(I) and (M), respectively, available at [http://sanjose.amlegal.com/nxt/gateway.dll/California/sanjose\\_ca/sanjosemunicipalcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanjose\\_ca](http://sanjose.amlegal.com/nxt/gateway.dll/California/sanjose_ca/sanjosemunicipalcode?f=templates$fn=default.htm$3.0$vid=amlegal:sanjose_ca).

<sup>15</sup> Note that rules pending before the California Supreme Court regarding attorney conduct do *not* require attorneys who serve as lobbyists to accord the same standards of veracity to nonjudicial tribunals. Compare California Proposed Rules of Professional Conduct Rule 3.3 (prohibiting false statements, failures to disclose authority, and false evidence to courts) with Rule 3.9 (requiring only that the attorney disclose that he or she is appearing in a representative capacity in communicating with administrative or legislative bodies). Contrast Proposed California Rule 3.9 with the American Bar Association Model Rule 3.9 (applying rule 3.3 to non-adjudicative proceedings and noting in comment 2 to Rule 3.9 (“ . . . legislatures and administrative agencies have a right to expect lawyers to deal with them as they deal with courts.”)).

<sup>16</sup> See, for example, Cal. Gov’t Code § 87406.3. For more information on state revolving door laws, see <http://www.ca-ilg.org/document/revolving-door-restrictions-local-officials>.

<sup>17</sup> Los Angeles City Charter, Art. V, Section 501(d)(2), available at <http://www.amlegal.com/library/ca/losangeles.shtml>.

ORDINANCE NO. 3954

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA, CALIFORNIA,  
AMENDING THE SANTA ROSA CITY CODE BY ADDING A NEW CHAPTER 10.35 OF  
TITLE 10 RELATING TO THE REGULATION OF LOBBYING ACTIVITIES

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. A new Chapter 10-35 entitled "Regulation of Lobbying Activities" is hereby added to Title 10 of the Santa Rosa City Code.

Title 10 of the Santa Rosa City Code is hereby amended by adding Chapter 10-35 – Regulation of Lobbying Activities -- to read as follows:

**"Chapter 10.35 REGULATION OF LOBBYING ACTIVITIES**

- 10-35.010 Declaration of policy.
- 10-35.020 Definitions.
- 10-35.030 Registration as Lobbyist.
- 10-35.040 Applicability.
- 10-35.050 Notice of Registration Required .
- 10-35.060 Prohibited Acts.
- 10-35.070 Filing Under Penalty of Perjury.
- 10-35.080 Filing and Preservation of Reports.
- 10-35.090 Revolving Door Prohibition.
- 10-35.100 Enforcement.
- 10-35.010. Declaration of policy.**

The Council of the City of Santa Rosa declares and finds as follows:

- (A) City government functions to serve the needs of all citizens.
- (B) The citizens of the City have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests.
- (C) All persons engaged in compensated lobbying activities aimed at influencing decisions by City government must, when so engaged, be subject to the same regulations,

restrictions and requirements, regardless of their background, training or other professional qualifications or license.

(D) Complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to the maintenance of citizen confidence in the integrity of City government.

(E) It is in the public interest to ensure that lobbyists do not misrepresent facts, their positions or attempt to deceive a City official through false communications; do not place a City official under personal obligation to themselves or their clients; and do not represent that they can control the actions of any City official.

(F) It is in the public interest to adopt this Chapter to ensure adequate and effective disclosure of information about efforts to lobby City government.

#### **10-35.020 Definitions.**

Whenever used in this chapter, the following words and phrases shall be construed as defined in this section:

The following words and phrases shall have the meanings set forth below, unless the context requires otherwise. Other terms used in this division shall have the meanings set forth in the California Political Reform Act of 1974, as amended, and in the regulations of the California Fair Political Practices Commission, as amended, if defined therein.

A. *City official* means the Mayor, Vice Mayor, members of the City Council, the City Manager, the Deputy City Manager, Assistant City Managers, Department Directors, Deputy Department Directors, the Police Chief, Police Captains, the Fire Chief, Fire Captains, the City Attorney, the City Clerk, the Zoning Administrator and members of the Planning Commission, the Board of Public Utilities, the Redevelopment Agency Board, the Housing Authority Board, and any other commission or board that is advisory in nature.

B. *Client* means any person on whose behalf lobbying is conducted. In the case of a coalition or association that employs or retains persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

C. *Compensation* means money or any other thing of value that is received, or is to be received, in return for, or in connection with, lobbying services rendered, or to be rendered, including reimbursement of expenses incurred in lobbying. Compensation includes the financial gain that a person may realize as a result of the determination of a municipal question, including gains in the form of a contingent fee. If a lobbyist engages in both lobbying activities and other activities on behalf of a person, compensation for lobbying includes all amounts received from that person, if for the purpose of evading the obligations imposed by this division, the lobbyist has structured the receipt of compensation in a way that unreasonably minimizes the value of the lobbying activities. Compensation which has not yet been received is considered to be received on the date that it is earned, if that date is ascertainable; otherwise, it is received on the date on

which the contract or agreement for compensation is made, or on the date lobbying commences, whichever is first. Compensation does not include any amounts previously reported.

D. *Contact* means all oral and written (including electronic) communications directed to a City official, including but not limited to telephone calls and messages, voicemail and answer machine messages, e-mail messages, mail, personally delivered material, meetings, and conversations.

E. *Lobbyist* means a person who engages in lobbying, whether directly or through the acts of another for compensation. If an agent engages in lobbying for a principal, both the agent and the principal are lobbyists.

F. *Lobby* or *lobbying*, except as provided below, means any oral or written communication (including an electronic communication) to a City official, made directly or indirectly by any person in an effort to influence or persuade an official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking action on any municipal question. The term "lobby or lobbying" does not include a communication:

1. Merely requesting information or inquiring about the facts or status of any municipal question, matter, or procedure, and not attempting to influence a City official;
2. Made by a public official or employee (including, but not limited to, an official or employee of the City of Santa Rosa) acting in his or her official capacity;
3. Made in the course of, or in connection with the gathering, preparation or dissemination of news, information or commentary to the public, or in connection with a municipal question's possible effect upon or relevance to the media's right or ability to engage in such conduct.
4. Made in a speech, article, publication, or other material that is distributed and made available to the public, or through radio, television, cable television, or any other medium of mass communication;
5. Made in writing as a petition for official action and required to be a public record pursuant to established City procedures;
6. Made in writing to provide information in response to an oral or written request by a City official for specific information, the content of which is compelled by law;
7. Made in response to a public notice soliciting communications from the public and directed to the official specifically designated in the notice to receive such communications;
8. Made on behalf of an individual with regard to that individual's employment or benefits;
9. Made by a fact witness or expert witness at an official proceeding; or
10. Made by a person solely on behalf of that individual or his or her relative.

G. *Lobbying firm* means:

1. A self-employed lobbyist, or
2. A person that has one or more employees who are lobbyists on behalf of a client or clients other than that person.

H. *Municipal question* means a public policy issue of a discretionary nature pending before the City Council or another City body identified in the definition of City official, including but not limited to proposed action, or proposals for action, in the form of ordinances, resolutions, motions, recommendations, reports, regulations, policies, nominations, appointments, sanctions, and bids, including the adoption of specifications, awards, grants, or contracts. The term "municipal question" does not include the day-to-day application, administration, or execution of City programs and policies such as permitting, zoning and planning matters, but does include the amendment, modification or revision to the City's General Plan or Zoning Ordinance.

I. *Person* means an individual, business entity, trust, corporation, association, firm, partnership, committee, club, or any other organization or group of persons acting in concert.

J. *Registrant* means a person required to register under Section 10-35.030.

K. *Relative* means father, step-father, mother, step-mother, grandmother, grandfather, grandchild, brother, step-brother, sister, step-sister, spouse, aunt, uncle, cousin, child or step-child, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.

L. *Changed Information* means any changes, additions or deletions to information required under Section 10-35.030.

#### **10-35.030 Registration as Lobbyist**

A. Except as provided in Section 10.35.040, any lobbyist shall register with the City Clerk by filing a written statement containing the following information:

1. The lobbyist's full name, business address and telephone number;
2. The name, business address and telephone number of any individual or entity by whom the lobbyist is employed, retained or engaged for compensation to perform lobbying services in the city;
3. The legislative or administrative action for the city as to which the lobbyist has been engaged.

B. Such registration shall be filed on an annual basis between January 1 and January 31, each year or upon initial employment if that occurs after the annual filing period. Should the registration be filed upon initial employment after the annual filing period, such registration shall be filed within fifteen (15) days of such initial employment.

C. Should a lobbyist have a change to its registration information, including but not limited to the legislative or administrative action for the city as to which the lobbyist has been engaged, or the addition or loss of a client, after the annual registration period, such lobbyist shall file an amended registration with the City Clerk within fifteen (15) days of such change with the changed information.

**10-35.040 Applicability.**

The provisions of Section 10-35.030 shall not apply:

- A. To a public official acting in his official capacity;
- B. To any newspaper or other regularly published periodical, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge action upon municipal legislation, if such newspaper, periodical, radio or television station or individual engages in no further or other activities in connection with action upon such municipal legislation;
- C. To a person invited by the City Council or any of its committees, or by any board or commission, or any committee or a board or commission, or by any officer or employee of the city charged by law with the duty of conducting a hearing and making a decision as to a pending or proposed matter, for the purpose of giving testimony in aid of the body or person extending the invitation;
- D. To a person who is a professional licensed by a state licensing organization, including, but not limited to, attorneys, architects and engineers retained by a client and whose attempts to influence governmental action are limited to (1) Publicly appearing at a public meeting, public hearing, or other official proceeding open to the public; (2) Preparing or submitting documents or writings in connection with the governmental action for use at a public meeting, public hearing, or other public proceeding open to the public; and (3) contacting city or redevelopment agency employees or agents working under the direction of the City Manger, the City Attorney or Executive Director relating to (1) and (2) above.
- E. A regular employee of an organization, communicating to the City during the course of their employment on behalf of their employer, would not be considered a lobbyist if the communication was on behalf of the employer's own project.
- F. To designated representatives of a recognized employee organization whose activities are limited to communicating with City Officials or their representatives regarding (1) wages, hours and other terms or conditions of employment, or (2) the administration, implementation or interpretation of an existing employment agreement
- G. To a non-profit organization unless the non-profit organization is lobbying for a specific project, issue or person for which the organization has received compensation or a contribution to lobby for or against a specific project, issue or person.

**10-35.050 Notice of Registration Required.**

The City Clerk, if approved by the City Attorney, shall issue a “notice of registration required” upon the written request of the Council, the City Attorney, or any board or commission, or any officer or employee of the City charged by law with conducting a hearing and making a decision on a matter pending or proposed. Any person who in good faith and on reasonable grounds believes that he is not required to comply with the provisions of Section 10-35.030 by reason of his being exempt under Section 10-35.040 or Section 1-36.060 shall not be deemed to have violated the provisions of Section 10-35.030 if, within 15 days after notice from the City Clerk, the person either complies or furnishes satisfactory evidence to the City Clerk that the person is exempt from registration.

**10-35.060 Prohibited Acts.**

It is unlawful for any person or entity to act as a lobbyist in the City without having registered in compliance with this chapter, or knowingly to employ a person or entity to serve as a lobbyist when such person is not registered pursuant to this chapter.

**10-35.070 Filing Under Penalty of Perjury.**

Any person desiring to register as a lobbyist shall file under penalty of perjury on forms prescribed by the City Clerk, the information required by Section 10.35.030.

**10-35.080 Filing and Preservation of Reports.**

- A. The filings required by this chapter shall be filed under oath with the City Clerk on forms prescribed by the City Clerk and may be filed:
  - 1. In person; or
  - 2. Be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, and directed to the City Clerk, at City Hall; but in the event it is not received, copies of such statement shall be promptly filed upon notice from the City Clerk of its nonreceipt; or
  - 3. Electronically (on-line) by forwarding to the City Clerk a copy of the prescribed form via electronic mail together with a facsimile copy of the form showing execution by the lobbyist. Such electronic filing shall be effective upon receipt by the City of the filing fee. The original signed form must be provided within ten days of electronic transmission.
- B. All reports and statements required under this chapter which are filed with the City Clerk shall be preserved pursuant to the city’s records retention schedule, shall constitute part of the public records of his or her office, and shall be open to public inspection.
- C. The clerk may charge a fee to cover the actual costs of processing such reports or amendments in an amount established by resolution.

**10-35.100 Revolving Door Prohibition.**

No former member of the City Council, former member of the Planning Commission, Board of Public Utilities, Design Review Board, Cultural Heritage Board, Redevelopment Agency or Housing Authority, or former City employee may serve as a lobbyist with respect to matters before the City within one year of leaving office or employment with the City.

**10-35.113 Enforcement.**

Persons or entities who knowingly violate this chapter may be subject to penalties as set forth in Chapter 1-28.010.”

Section 2. Environmental Determination. The Council finds that the adoption and implementation of this ordinance is exempt from the provisions of the California Environmental Quality Act in that the Council finds there is no possibility that the implementation of this ordinance may have a significant effect on the environment.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be invalid, the validity of the remaining portions of this ordinance shall not be affected.

Section 4. Effective Date. This ordinance shall take effect on January 1, 2011.

IN COUNCIL DULY PASSED AND ADOPTED this 12th day of October, 2010.

AYES: (6) Mayor Gorin, Vice Mayor Wysocky, Councilmembers Bender, Sawyer, Jacobi, and Olivares

NOES: (0)

ABSENT: (1) Councilmember Vas Dupre

ABSTAIN: (0)

ATTEST: Susan Stoneman, City Clerk      APPROVED: Susan Gorin, Mayor

APPROVED AS TO FORM:

Caroline Fowler, City Attorney

Agenda Item No. 13

## Agenda Report

**DATE:** April 16, 2013

**TO:** The Mayor and City Council

**FROM:** Sean P. Quinn, City Manager   
David White, Assistant City Manager/Director of Finance 

**SUBJECT:** Ordinance Repealing Chapter 5C of the Fairfield City Code  
Relating to Lobbyist Registration and Activities

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### RECOMMENDED ACTION

Waive further reading of the ordinance in full and approve reading by title only.  
Approve first reading of the ordinance.

### STATEMENT OF ISSUE

Staff is requesting the City Council to repeal Chapter 5C of the Fairfield City Code pertaining to lobbyist registration and activities as the definition of a lobbyist is unclear, making it difficult to enforce this chapter. In addition, the public has not shown any interest in the information required by Chapter 5C to be filed with the City, resulting in an unproductive use of staff time.

### DISCUSSION

On March 4, 2008, the City Council adopted a lobbying ordinance instituting registration and reporting requirements for lobbyists who are compensated to influence any action by the City. Registration requires disclosure of the lobbyist's identity and the matter that the lobbyist is attempting to influence. The ordinance prohibits misrepresentations, fraudulent and certain other improper actions by lobbyists, and requires that lobbyists re-register each year, and file semi-annual statements with the City Clerk, reporting the compensation received for lobbying activities within the City. Each lobbyist is required to list all sources of compensation for lobbying activities and the amount of compensation received from each source.

---

DATE: April 16, 2013  
SUBJECT: Ordinance Repealing Chapter 5C from the Fairfield City Code  
Relating to Lobbyist Registration and Activities

The lobbyist ordinance went into effect on April 3, 2008. On April 15, 2008, the Council adopted Resolution 2008-90 establishing an annual lobbyist registration fee of \$100 to offset the processing costs for registration and reporting.

In 2008, 3 people registered as lobbyists. In 2009, 2010, 2011 and 2012, 2 people registered as lobbyists and have continued to file semi-annual reports with the Clerk's office. Overseeing the program requires City Clerk staff to maintain a roster of registered lobbyists, send out letters to current registered lobbyists advising them of the annual registration requirements and payment of fees, and 6 months later, request they file their semi-annual reports. Since implementation of the program in 2008, the City Clerk's office has never received a request from the public to provide the names of registered lobbyists or copies of their semi-annual reports.

Section 5C.2 defines a Lobbyist as, "Lobbyist' shall mean any individual, organization or business entity that is employed or retained or who contracts for economic or other consideration to communicate with any officer, employee, or elected official of the City of Fairfield for the purpose of influencing a legislative or administrative action on behalf of any other person." Staff believes the delineation between consultants and lobbyists is unclear, and as a result, registrations are minimal and the requirements of Chapter 5C are difficult to enforce. As an example, engineering and architectural firms are often hired to design a project and to handle the entitlement process. They are often advocates for the project, but generally they would not be considered lobbyists as that term is commonly used.

The proposed ordinance repeals and deletes Chapter 5C in its entirety from the Fairfield City Code. Should Council adopt the ordinance, a resolution rescinding Resolution 2008-90 will be brought before Council in order to eliminate the fee associated with lobbyist registrations.

**FINANCIAL IMPACT**

The financial impact of deleting Chapter 5C from the City Code is minimal. Since 2009, fees collected have been \$200 per year. Repealing the ordinance will save staff time.

**PUBLIC CONTACT/ADVISORY BODY RECOMMENDATION**

None.

**ALTERNATIVE ACTION**

Council could choose to continue the lobbyist registration program.

PAGE 3

Agenda Item No. 13

DATE: April 16, 2013  
SUBJECT: Ordinance Repealing Chapter 5C from the Fairfield City Code  
Relating to Lobbyist Registration and Activities

**DOCUMENTS ATTACHED**

Attachment 1: Proposed Ordinance

Attachment 2: Ordinance 2008-05

Attachment 3: Resolution 2008-90

**STAFF CONTACT**

David White, Assistant City Manager/Director of Finance

(707) 428-7398

[dwhite@fairfield.ca.gov](mailto:dwhite@fairfield.ca.gov)

Coordinated with: City Attorney

CITY OF FAIRFIELD  
ORDINANCE NO. 2013-06

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD  
REPEALING CHAPTER 5C OF THE FAIRFIELD CITY CODE RELATING TO  
LOBBYIST REGISTRATION AND ACTIVITIES**

**WHEREAS**, on March 4, 2008, the City Council adopted a lobbying ordinance instituting registration and reporting requirements for lobbyists who are compensated to influence any action by the City; and

**WHEREAS**, the total number of lobbyists who have registered with the City Clerk's office has been 2 per year since 2009; and

**WHEREAS**, the delineation between consultants and lobbyists is unclear in practice and, as a result, the lobbying ordinance is difficult to enforce; and

**WHEREAS**, there have been no citizen requests to provide names of registered lobbyists or copies of their semi-annual reporting statements since the adoption of the lobbying ordinance.

**THE CITY COUNCIL OF THE CITY OF FAIRFIELD DOES ORDAIN AS  
FOLLOWS:**

**SECTION 1.** Chapter 5C in its entirety is hereby repealed and deleted from the Fairfield City Code.

**SECTION 2.** This Ordinance shall be effective 30 days following its adoption by the City Council. A summary of this Ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the City Councilmembers voting for and against it.

**INTRODUCED** at a regular meeting of the City Council of the City of Fairfield on the 16th day of April, 2013, and

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

AYES: Councilmembers: \_\_\_\_\_

NOES: Councilmembers: \_\_\_\_\_

ABSENT: Councilmembers: \_\_\_\_\_

ABSTAIN: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

# ATTACHMENT 2

## CITY OF FAIRFIELD

### ORDINANCE NO. 2008 - 05

#### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD ADDING A NEW CHAPTER 5C TO THE FAIRFIELD CITY CODE REGULATING LOBBYING

THE CITY COUNCIL OF THE CITY OF FAIRFIELD DOES ORDAIN AS  
FOLLOWS:

SECTION 1. A new Chapter 5C is hereby added to the Fairfield City Code to read as follows:

“**Section 5C.1**            **Findings.** The City Council finds as follows:

- A.     City Government functions to serve the needs of all citizens.
  - B.     The citizens of the City of Fairfield have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests.
  - C.     All persons engaged in compensated lobbying activities aimed at influencing decisions by City government must, when so engaged, be subject to the same regulations, restrictions and requirements, regardless of their background, training or other professional qualifications or license.
  - D.     Complete public disclosure of the full range of activities by and financing of
-

- B. A newspaper or other regularly published periodical, website, radio or television station or network, including any individual who owns, publishes or is employed by such newspaper, website, periodical or station or network, when, in the ordinary course of its business, it publishes or broadcasts news, editorials or other comments, or paid advertising, which directly or indirectly attempts to influence action on municipal legislation. This exemption does not apply to any other action by any such newspaper, periodical, station or network, or by any such person, to attempt to influence municipal legislation, if such activity is otherwise regulated by this Article.
- C. A person acting without any compensation or consideration other than reimbursement or payment of reasonable travel expenses.
- D. A person or organization that contracts with the City to provide consulting services to the City related to an election.
- E. A person or organization who contracts with the City to represent the City in matters before any other governmental body.
- F. A person who is employed by a business entity or organization who advocates on behalf of that entity or organization, rather than a third party, and who clearly identifies his or her employment by that entity or organization in all dealings with the City.

**Section 5C.4            Prohibitions**

No lobbyist subject to the requirements of this Article shall:

- A. Do any act with the purpose and intent of placing any City official under personal obligation to the lobbyist, the lobbying firm, or to the lobbyist's or firm's employer or client.
- B. Fraudulently deceive or attempt to deceive any City official with regard to any material fact pertinent to any pending or proposed municipal legislation.
- C. Cause or influence the introduction of any municipal legislation for the purpose of thereafter being employed or retained to secure its passage or defeat.
- D. Cause any communication to be sent to any City official in the name of any nonexistent person or in the name of any existing person without the consent of such person.

**Section 5C.5            Registration and Reporting Statements**

- A. **Registration Statement.** Prior to conducting any activities for the purpose of influencing any action by the City of Fairfield, any lobbyist shall register with the City Clerk by filing a written statement containing:

1. The lobbyist's full name, business address and telephone number;
  2. The name, business address and telephone number of any individual or entity by whom the lobbyist is employed or with whom he or she contracts to perform lobbying services in the City; and
  3. A description of the subject matter of the lobbyist's engagement.
- B. **Reporting Statement.** Every six months, the lobbyist shall file a written statement with the City Clerk reporting the compensation received for lobbying activities within the City of Fairfield. The Report shall list all sources of compensation for lobbying activities, and the amount of compensation received from each source. The Reporting Statement shall be filed according to the following schedule:
1. By July 31 of each year, the lobbyist shall submit a Reporting Statement reflecting the compensation received between January 1 and June 30 in the same year.
  2. By January 31 of each year, the lobbyist shall submit a Reporting Statement reflecting the compensation received between July 1 and December 31 in the immediately preceding year.

**Section 5C.6            Registration Fee.**

The City Clerk may charge a fee for the filing, amendment, and/or renewal of a registration, the amount of which shall be determined by resolution of the City Council.

**Section 5C.7            Registration – Time.**

Every lobbyist required to file a registration statement under this chapter shall register with the City Clerk no later than ten days after being engaged as a lobbyist, and shall renew the registration annually as required by this Chapter.

**Section 5C.8            Registration – Duration.**

Registration shall be renewed with the City Clerk on an annual basis between July 15th and July 31st of each year. Registration shall be valid for one year.

**Section 5C.9            Amendment of Registration Information.**

If any change occurs concerning any of the registration information required to be filed by this Chapter, the lobbyist shall file an amendment reflecting the change within ten days of the change.

**Section 5C.10**            **Notice of Termination**

Lobbyists may file a notice of termination with the City Clerk within ten days after ceasing all activity which required registration.

**Section 5C.11**            **Penalties.**

- A. Any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed \$1,000 per violation. As an alternative to the criminal enforcement of this Chapter, any person who violates any of the provisions of this Chapter shall be subject to the issuance of an Administrative Citation pursuant to Sections 1.10 to 1.18 of this Code. Notwithstanding the provisions of Section 1.12(d), the amount of the fine to be assessed for a violation of this Chapter shall be \$1,000 per violation.
- B. In any judicial proceeding to enforce the provisions of this Chapter, if a court determines that a violation was intentional, the court may order that the defendant be prohibited from acting as a lobbyist or otherwise attempting to influence municipal legislation for one year.
- C. If two or more persons are responsible for any violation, they shall be jointly and severally liable."

**SECTION 2.** If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this Ordinance. The City Council of the City of Fairfield hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of the Ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 3.** Pursuant to 14 California Code of Regulations § 15061(b)(3), this Ordinance is categorically exempt from the California Environmental Quality Act in that the City Council of the City of Fairfield finds there is no possibility that the implementation of this Ordinance will have significant effects on the environment.

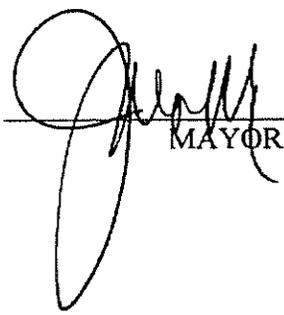
**SECTION 4.** This Ordinance shall be effective 30 days following its adoption by the City Council. A summary of this Ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the City Councilmembers voting for and against it.

INTRODUCED at a regular meeting of the Fairfield City Council of the City of Fairfield on the 19<sup>th</sup> day of Feb., 2008 and

PASSED AND ADOPTED this 4<sup>th</sup> day of March, 2008, by the following vote:

AYES: Councilmembers  
NOES: Councilmembers  
ABSENT: Councilmembers  
ABSTAIN: Councilmembers

Price/Mraz/Kardos/Timm/Garcia  
None  
Price, Timm  
None

  
MAYOR

ATTEST:  
Arletta K. Cortright  
City Clerk

# ATTACHMENT 3

## CITY OF FAIRFIELD

RESOLUTION NO. 2008- 90

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD ESTABLISHING A LOBBYING REGISTRATION FEE**

WHEREAS, on March 4, 2008, the City Council adopted an ordinance adding a new chapter 5C to the Fairfield City Code regulating lobbying, which went into effect on April 3, 2008; and

WHEREAS, the ordinance requires lobbyists to file an annual registration statement with the City Clerk prior to conducting any activities for influencing any action by the City of Fairfield; and

WHEREAS, the ordinance also requires lobbyists to file a semiannual reporting statement with the City Clerk reporting the compensation received for lobbying activities within the City of Fairfield; and

WHEREAS, the ordinance authorizes the City Clerk to charge a fee to offset the processing costs for the statements; and

WHEREAS, the City Council has proposed such a fee at a public meeting noticed as required by law; and

WHEREAS, the proposed fee shall be effective April 15, 2008.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FAIRFIELD that:

1. The City Council hereby establishes an annual lobbyist fee of \$100.00, to cover the costs of processing lobbyist registration statements and lobbyist reporting statements, to be collected at the time of filing registration statements.

PASSED and adopted this 15th day of April, 2008 by the following vote:

AYES:	Councilmembers	<u>Price/Mraz/Kardos/Timm/Garcia</u>
NOES:	Councilmembers	<u>None</u>
ABSENT:	Councilmembers	<u>None</u>
ABSTAIN:	Councilmembers	<u>None</u>

Henry T. Price  
Mayor

ATTEST:

Arlotta K. Cortright  
City Clerk

## 25 Comparison Cities Based on Similar Population

	<i>City</i>	<i>County</i>	<i>Total Population</i>
1.	Vista	San Diego	96,122
2.	South Gate	Los Angeles	96,057
3.	Mission Viejo	Orange	95,334
4.	Vacaville	Solano	93,613
5.	Carson	Los Angeles	92,636
6.	Santa Monica	Los Angeles	92,185
7.	Westminster	Orange	91,652
8.	Hesperia	San Bernardino	91,506
9.	Redding	Shasta	91,207
10.	Santa Barbara	Santa Barbara	90,385
11.	San Marcos	San Diego	90,179
12.	Chico	Butte	88,389
13.	San Leandro	Alameda	87,691
14.	Newport Beach	Orange	86,874
15.	Hawthorne	Los Angeles	86,644
16.	Whittier	Los Angeles	86,538
17.	Livermore	Alameda	84,852
18.	Alhambra	Los Angeles	84,697
19.	Citrus Heights	Sacramento	84,544
20.	Menifee	Riverside	83,716
21.	Indio	Riverside	82,398
22.	Buena Park	Orange	82,344
23.	Chino	San Bernardino	81,747
24.	Hemet	Riverside	81,537
25.	Lakewood	Los Angeles	81,224

AGENDA ITEM 7.C

REQUEST

**APPOINT APPLICANTS TO THE TRANSPORTATION ADVISORY COMMISSION**

EXECUTIVE SUMMARY

There are currently three vacancies on the Transportation Advisory Commission due to term expirations. A recruitment was conducted and an appointment needs to be made.

DISCUSSION

There are currently three vacancies on the Transportation Advisory Commission due to term expirations. On March 4, 2015, the City Clerk's office opened a three week recruitment to fill the vacancies. The recruitment ended on March 25, 2015, during which time one application was received. As stated in Resolution 2004-152, in the event there are not two or more applicants than vacancies, the filing deadline will be extended. The recruitment was extended twice for two week periods beginning on March 26, 2015, and ending on April 24, 2015. The City Clerk's office received three additional applications during the extended recruitment period.

On April 29, 2015, a Council subcommittee consisting of Mayor Maciel and Council Member Vargas interviewed four applicants. In accordance with Resolution 2004-152, the Council subcommittee will recommend applicants for appointment to each serve a term beginning on May 6, 2015, and end on April 30, 2019.

STRATEGIC PLAN

This item is a routine operational item and does not relate to any of the Council's Strategic Plans.

FISCAL IMPACT

None.

RECOMMENDATION

That Council approves the subcommittee's recommendations and appoints three applicants to the Transportation Advisory Commission to serve terms which will end on April 30, 2019.

Prepared by: Adrienne Richardson, Deputy City Clerk  
Reviewed by: Nora Pimentel, City Clerk  
Andrew Malik, Acting Assistant City Manager

Approved by: Troy Brown, City Manager