

**MINUTES  
TRACY CITY PLANNING COMMISSION  
FEBRUARY 14, 2018, 7:00 P.M.  
CITY OF TRACY COUNCIL CHAMBERS  
333 CIVIC CENTER PLAZA**

**CALL TO ORDER**

Recording Secretary Peggy Abundiz called the meeting to order at 7:00 p.m.

**ELECTION OF CHAIRPERSON FOR THIS MEETING**

Assistant City Attorney Leticia Ramirez announced that Chair Orcutt is absent from this meeting, and there is currently no Vice Chair; therefore, under the Planning Commission Bylaws, the Commission must select an Acting Chairperson to chair the meeting for tonight.

**ACTION** It was moved by Commissioner Hudson, and seconded by Commissioner Krogh, that Robert Tanner be appointed as Acting Chair for this meeting. Voice Vote found all in favor; passed and so ordered.

**PLEDGE OF ALLEGIANCE**

Acting Chair Tanner led the pledge of allegiance.

**ROLL CALL**

Roll Call found Acting Chair Tanner and Commissioners Hudson and Krogh present. Also present were: Randall Bradley, Interim City Manager; Kuldeep Sharma, Interim Assistant City Manager; Thomas Watson, City Attorney; Leticia Ramirez, Assistant City Attorney; Dan Doporto, Consulting Attorney (Jarvis, Fay, Doporto & Gibson); Scott Claar, Senior Planner; Laura Worthington-Forbes, Consultant (Kimley-Horn); Nanda Gottiparthi, Consultant (SNG and Associates); and Peggy Abundiz, Recording Secretary.

**MINUTES**

It was moved by Commissioner Hudson, and seconded by Acting Chair Tanner, that the Planning Commission meeting minutes of December 6, 2017, be approved. A roll call vote found all in favor, 3-0-2-0; passed and so ordered.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

Randall Bradley introduced himself as the Interim City Manager and announced that he is filling in for Andrew Malik, who is out of the area, and that Interim Assistant City Manager Kul Sharma is filling in for Bill Dean.

**ITEMS FROM THE AUDIENCE**

David Anderson requested that Items 1.A and 1.B be pulled until the entire Commission can be present to address them.

Acting Chair Tanner pointed out that we have a quorum for these items, and referred the question to staff. Leticia Ramirez stated that this portion of the meeting is for items not on the agenda, and that Mr. Anderson can raise this issue under the applicable agenda item. Acting Chair Tanner requested a three-minute time limit during the public comment periods. A

member of the audience voiced an objection, requesting that a five-minute time limit be allowed.

**ACTION** It was moved by Commissioner Hudson, and seconded by Commissioner Krogh, that a three minute time limit be implemented for each individual who speaks. A roll call vote found all in favor, 3-0-2-0; passed and so ordered.

Acting Chair Tanner requested that the City's stance with regard to any litigation against the Commissioners be included in the Minutes of this meeting. Thomas Watson introduced himself as the City Attorney and stated that, with respect to personal liability, under the Government Code the Commissioners and their legislative actions have immunity from any individualized civil suit. Mr. Watson added that the City and the City Attorney's Office, and/or any attorneys acting on the City's behalf, would provide a full and complete defense to the Commissioners with respect to matters that fall within the scope of the performance of their duties.

## 1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE CITY COUNCIL REGARDING APPROVAL OF A GENERAL PLAN AMENDMENT, AN ELLIS SPECIFIC PLAN AMENDMENT, AND A ZONING ORDINANCE AMENDMENT FOR THE ELLIS PROJECT. THE APPLICANT IS THE SURLAND COMPANIES. APPLICATION NUMBERS GPA15-0003, SPA15-0003, AND ZA17-0012

Scott Claar presented the staff report.

Acting Chair Tanner opened the Public Hearing at 7:10 p.m. Leticia Ramirez clarified for the Commission that the Applicant may be allowed additional time to speak for presentation purposes.

Les Serpa of The Surland Companies, the Applicant, spoke and introduced Barry Long of Barry Design Associates, who gave a slideshow presentation of the project.

Acting Chair Tanner opened the Public Comment period at 7:39 p.m.

Mr. Bazinet spoke in favor of Agenda Item 1.A.

The following individuals spoke in opposition to Agenda Item 1.A: Mark Connolly, Alice English, Pete Mitracos, Trina Anderson, Mary Mitracos, Eleassia Davis, Richard English, and Christine Scherer.

(Note: During the Public Comment period, Acting Chair Tanner called for a recess at 8:09 p.m. for purposes of consulting with staff. Alice English voiced an objection, based on a possible violation of the Brown Act. Leticia Ramirez responded that staff would only be speaking with the Chair. Acting Chair Tanner reconvened the public hearing at 8:18 p.m., and reminded everyone that the purpose of this hearing is to receive public comments for Agenda Item 1.A only, adding that the Development Agreement is Item 1.B and will be addressed later in the meeting.)

Acting Chair Tanner closed the Public Comment period at 8:37 p.m.

Les Serpa spoke.

Acting Chair Tanner closed the Public Hearing at 8:39 p.m.

Acting Chair Tanner disclosed that he had met with the Developer, and invited any similar comments from the other Commissioners. Commissioner Hudson stated that he had met with both the applicant and Mark Connolly. Commissioner Krogh stated that he had not met with either the applicant or Mark Connolly.

Both the Applicant and staff addressed questions from the Commission.

**ACTION:** It was moved by Commissioner Hudson, and seconded by Commissioner Krogh, that the Planning Commission recommend the City Council take the following actions, as stated in the Planning Commission Resolution dated February 14, 2018:

- Approve a General Plan Amendment (Application Number GPA15-0003)
- Approve an Ellis Specific Plan Amendment (Application Number SPA15-0003)
- Approve a Zoning Ordinance Amendment (Application Number ZA17-0012)

A roll call vote found all in favor, 3-0-2-0; passed and so ordered.

B. PUBLIC HEARING TO CONSIDER INTRODUCING AN ORDINANCE APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH SURLAND COMMUNITIES, LLC FOR THE ELLIS SPECIFIC PLAN PROPERTY. THE ELLIS SPECIFIC PLAN SITE IS APPROXIMATELY 321 ACRES LOCATED AT THE NORTHWEST CORNER OF CORRAL HOLLOW ROAD AND LINNE ROAD. APPLICATION DA16-0001 - APPLICANT IS SURLAND COMMUNITIES, LLC

Randall Bradley presented the staff report and addressed questions from the Commission, along with Dan Doporto and Vicki Lombardo, Senior Planner.

Acting Chair Tanner opened the Public Hearing at 9:21 p.m.

Les Serpa spoke. Mr. Serpa introduced Steve Herum, Attorney-at-Law, who spoke.

Acting Chair Tanner opened the public comment period at 10:18 p.m. A member of the audience expressed concerns over the limited amount of time allowed for public comment. It was determined by the Commission that a three-minute time limit would also be applied to Agenda Item 1.B.

The following individuals spoke in favor of Agenda Item 1.B: Mr. Bazinet; Sandi Taylor; Marsha McCray; and Roy Hawkins.

The following individuals spoke in opposition to Agenda Item 1.B: Mark Connolly; Pete Mitracos; Richard English; Aleassia Davis; Denece Vincent; Mary Mitracos; Trina Anderson; Alice English; David Anderson; Christine Scherer; Jacob Hunter; and Bill Johnson.

Acting Chair Tanner closed the Public Comment period at 11:12 p.m.

Les Serpa spoke and distributed a document to the Commissioners.

Acting Chair Tanner closed the Public Hearing at 11:18 p.m. Dan Doporto addressed questions from the Commission. Discussion amongst the Commissioners ensued.

Staff requested a recess in order to summarize the Commission's discussion into a motion. Acting Chair Tanner called for a recess at 11:36 p.m., and called the meeting back to order at 11:42 p.m.

**ACTION** It was moved by Commissioner Hudson, and seconded by Commissioner Krogh, that the Planning Commission recommend City Council approve the Development Agreement as proposed by the Applicant, with the following modifications:

- Reduce the number of Development Agreement Residential Growth Allotments available under Section F.3 of the Growth Management Ordinance from 2,250 to 2,000;
- Remove the language that provides a mechanism for applying Residential Growth Allotments to other properties;
- Remove Section 1.8 of Exhibit A, which provides for priority access for event purchases and private cabana rights;
- Remove the last two lines of the paragraph defining "Total Cost" under Section 1, "Definitions," of Exhibit D, which reference a land cost of \$210,000 per acre, since that was a holdover from a previous document;
- Eliminate the extension to 24 months for building permits; and
- Remove language pertaining to free annual passes to the Swim Center for residents and replace it with a 50% discount on the normal access price.

A roll call vote found all in favor, 3-0-2-0; passed and so ordered.

**2. ITEMS FROM THE AUDIENCE**

None.

**3. DIRECTOR'S REPORT**

None.

**4. ITEMS FROM THE COMMISSION**

Commissioner Hudson expressed his appreciation to the members of the community who came out to speak.

**5. ADJOURNMENT**

It was moved by Commissioner Krogh, seconded by Commissioner Hudson, to adjourn.

Time: 11:52 p.m.

  
STAFF LIAISON

  
CHAIR (ACTING)