

**September 21, 2010, 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 Pro Tem Tucker called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

The invocation was given by Pastor Calvin Waetzig, Saint Paul's Lutheran Church.

Roll call found Council Members Abercrombie, Maciel, Tolbert, and Mayor Pro Tem Tucker present; Mayor Ives absent.

1. CONSENT CALENDAR - Following the removal of item 1-H by a member of the public, it was moved by Council Member Abercrombie and seconded by Council Member Maciel to adopt the Consent Calendar. Roll call vote found Council Members Abercrombie, Maciel, Tolbert, and Mayor Pro Tem Tucker in favor; Mayor Ives absent. Motion carried 4:0:1.
  - A. Minutes Approval – Special meeting minutes of May 18, 2010, regular meeting minutes of July 20, 2010, and closed session minutes of September 7, 2010 were approved.
  - B. Acceptance of the Sidewalk/ADA Improvements Project, Phase 2 - CIP 73115, and 73118, Completed by Nor-Cal Concrete, Inc., of Suisun, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2010-155 accepted the project.
  - C. Approval of Master Professional Services Agreements with Various Consultants to Provide Technical Analysis of Infrastructure Needs for Various Development Projects Related to Water, Storm Drainage, and Traffic and Authorize the Development & Engineering Services Director to Execute these Agreements and Subsequent Task Orders For a Not to Exceed Aggregate Amount of \$50,000 at One Time for Each Consultant – Resolution 2010-156 approved the agreements.
  - D. Award a Construction Contract to Republic ITS of Fremont, California, for the 2010 Traffic Calming Project - CIP 72065, and Authorize the Mayor to Execute the Contract – Resolution 2010-157 awarded a contract in the amount of \$35,400 for the project.
  - E. Authorize Federal Fiscal Year 2010 Grant Application for Section 5307 U.S. Department of Transportation Federal Transportation Administration Funds in the Amount of \$1,169,777 for Tracer Public Transportation Services and for Replacement Fixed Route Buses; Certification of Application Assurances; and the City Manager or Designee to Execute the Grant Documents – Resolution 2010-158 authorized the grant application.

- F. Declaring and Approving the List of Surplus Equipment and Commodities for Sale at Public Auction to the Highest Bidder – Resolution 2010-159 declared and approved the surplus list.
- G. Authorization to Award the Purchase of Three 26-Foot Low Floor Hybrid Buses and Two ADA Accessible Minivans for Tracer Paratransit Service to A-Z Bus Sales Under the CALACT/MBTA Purchasing Cooperative Agreement – Resolution 2010-160 authorized awarding the purchase in the amount of \$641,823.82.
- I. Authorization of Task Order No. CH01-13 to Master Professional Services Agreement No. CH01 With CH2M Hill for Wastewater Treatment Plant – Final Design of Effluent Outfall Pipeline and Diffuser Improvements and Authorization for the Mayor to Execute the Task Order – Resolution 2010-161 authorized the Task Order.
- J. Approval of a Resolution Authorizing Individuals to Act on Behalf of a 457 Deferred Compensation Trust Agreement with VALIC – Resolution 2010-162 approved the action.
- H Authorization to Enter Into a Lease Agreement with Agra Trading, LLC for the Holly Sugar Southerly Paved Drying Bed and Authorization for the Mayor to Execute the Agreement - Kevin Tobeck, Public Works Director, presented the staff report. Mr. Tobeck stated that in 2003, the City purchased approximately 1,200 acres from Holly Sugar. The majority of this property is in an agricultural lease. The purchased property included two paved areas historically used for drying sugar beets which were excluded from the agricultural lease area.

Since 1991 Agra Trading has provided by-product marketing, recycling and trading services to growers and buyers of various commodities throughout the western United States. Agra Trading proposes to lease the Holly Sugar southerly paved drying bed area for the purposes of storing, drying and distributing agricultural by-products such as walnut shells, tomato pumice, olive pits and peach pits which are transported to nearby cogeneration facilities for waste energy production.

Organic by-product storage, drying and distribution is an appropriate use for this facility as no odors or other nuisances are anticipated. The lease does not permit other uses. The proposed rent is \$4,000 per month for approximately 40 acres. Staff believes this amount represents fair market value. The proposed lease parcel is shown in Exhibit A of the Lease Agreement. The proposed lease term is for five years through September 30, 2015. The lease contains a six month notice provision for early termination.

This lease has no fiscal impact on the General Fund. The lease will provide \$48,000 annual revenue to the Wastewater Enterprise Fund.

Staff recommended hat the Council authorize the City to enter into a Lease Agreement with Agra Trading, LLC for the Holly Sugar southerly drying bed and authorize the Mayor to execute the agreement.

Robert Tanner, 1371 Rusher Street, addressed Council asking why the monies were going to the Water Treatment Fund rather than the General Fund. Mr. Tobeck indicated the property was purchased by the Water Treatment Fund and the funds were to be returned to the same fund.

It was moved by Council Member Abercrombie and seconded by Council Member Tolbert to adopt Resolution 2010-163 approving the Lease Agreement with Agra Trading, LLC. Voice vote found Council Member Abercrombie, Maciel, Tolbert and Mayor Pro Tem Tucker in favor; Mayor Ives absent. Motion carried 4:0:1.

2. ITEMS FROM THE AUDIENCE - Susan Sarvey, 26139 Corral Hollow Road, addressed Council regarding the recent PG&E pipeline explosion in San Bruno. Ms. Sarvey indicated that she had addressed Council on several occasions regarding the pipelines that traverse the City. Ms. Sarvey stated the City should know who to contact in case of an emergency that could turn off pipeline shut off valves.

Irene Sundberg, 1852 W. Eleventh Street, addressed Council regarding decisions made by Council, including allowing future construction in the Ellis subdivision which is near a natural gas line. Ms. Sundberg stated Council should establish a policy regarding setbacks near pipelines.

A representative of the Friends of the Tracy Library thanked Council for their support of the Tracy Public Library.

Brian Van Lehn, 540 Winston Court, addressed Council regarding his ongoing concerns with noise issues at Leprino Foods.

3. DISCUSSION AND ADOPTION OF A RESOLUTION IN SUPPORT OF PROPOSITION 22, A LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010 - Maria Hurtado, Assistant City Manager, presented the staff report. Ms. Hurtado introduced Steven Qualls, League of California Cities, who provided information on Proposition 22. Mr. Qualls stated the League of California Cities requests the Council adopt a resolution in support of Proposition 22, which is on the November, 2010 ballot. The measure is designed to limit the State of California's ability to take, borrow, or shift costs to local governments. The main provisions of Proposition 22 include:

- Revokes the State's ability to borrow local government property tax funds (currently authorized by 2004 Prop 1A);
- Prohibits the State from taking or borrowing the Highway User Tax on gasoline (HUTA), which currently funds city, county and state roads, highway, transit and other transportation improvements and services;
- Prevents the State from redirecting or diverting locally levied taxes, including parcel taxes, sales taxes, utility user taxes, TOTs and other locally imposed taxes that are currently passed by local governments and/or their voters and dedicated to cities, counties and special districts;
- Prohibits the State from taking, borrowing or redirecting existing funding for public transit, including existing taxes on gas and "spillover" funds dedicated to the Public Transportation Account;
- Adds additional constitutional protections to prevent the State from raiding redevelopment funds or shifting redevelopment funds to other state purposes.

Staff recommended Council adopt a resolution in support of Proposition 22.

Mayor Pro Tem Tucker invited members of the audience to address Council on the item.

Larry Gamino, 21 W. First Street, addressed Council in support of the Proposition. Mr. Gamino indicated the ACE Train needed to be routed through Downtown, as well as busing which connects residents to BART and the ACE Train.

It was moved by Council Member Abercrombie and seconded by Council Member Tolbert to adopt Resolution 2010-164 in support of Proposition 22, the local Taxpayer, Public Safety and Transportation Protection Act of 2010. Voice vote found Council Member Abercrombie, Maciel, Tolbert, and Mayor Pro Tem Tucker in favor; Mayor Ives absent. Motion carried 4:0:1.

4. ITEMS FROM THE AUDIENCE – Kim Kern, 1710 Whirlaway Lane, addressed Council regarding the removal of the No Parking signs next to the Tracy Learning Center. Ms. Kern indicated she had called the City regarding the signs, but has not yet received a response.

Vasco Soares, thanked Council Member Tolbert and Mayor Pro Tem Tucker for their commitment to the community. Mr. Soares also stated he was not satisfied with the response he received from Andrew Malik, Director of Development and Engineering Services, regarding the length of time it took the Planning Department to approve a restaurant remodel. Mr. Soares referred to an article in the Tracy Press that indicated the owner of the Tracy Outlet Mall was also having issues with the Planning Department regarding approval and fees for store front remodels and signage. Mr. Soares requested the process be streamlined. Mr. Soares added he was not in favor Measure E. Mr. Soares stated the City needed to assist businesses that want to locate in the City.

5. COUNCIL ITEMS – None.
6. ADJOURNMENT - It was moved by Council Member Abercrombie, and seconded by Council Member Maciel to adjourn. Voice vote found Council Members Abercrombie, Maciel, Tolbert, and Mayor Pro Tem Tucker in favor; Mayor Ives absent. Motion carried 4:0:1. Time: 7:36 p.m.

The above agenda was posted at the Tracy City Hall on September 16, 2010. The above are summary minutes. A recording is available at the office of the City Clerk.

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Mayor

ATTEST:

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City Clerk