

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

**November 16, 2010, 6:00 p.m.**

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Ives called the meeting to order at 6:00 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Abercrombie, Maciel, Tolbert, and Mayor Ives present; Mayor Pro Tem Tucker absent. Mayor Pro Tem Tucker arrived at 6:01 p.m.
3. ITEMS FROM THE AUDIENCE - None
4. CLOSED SESSION –

A. Personnel Matter (Gov. Code section 54957)

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

Position Title(s): City Attorney

B. Real Property Negotiations (Gov. Code section 54956.8)

Property Location: City-owned Schulte Road Property (Two adjoining parcels located on the south side of West Schulte Road, approximately one mile west of Lammers Road; comprised of: APN#209-230-03; and APN#209-230-29)

Negotiator(s) for the City: Leon Churchill, City Manager, and Andrew Malik, Director of Development and Engineering

Negotiating Parties: Representatives of GWF Solar II LLC

Under Negotiation: Price and terms of payment for the sale or lease of the property.

Property Location: City-owned Holly Sugar Property (comprised of: APN#212-130-12; APN#212-130-13; APN#212-160-04; APN#212-160-05; APN#212-160-06; APN#212-160-07; APN#212-150-01; and APN#212-160-09 generally in the area of 19500, 19582 & 19600 South Tracy Boulevard)

Negotiator(s) for the City: Leon Churchill, City Manager; Andrew Malik, Director of Development and Engineering Services; Bill Sartor, Assistant City Attorney; and Kevin Tobeck, Director of Public Works

Negotiating Parties: Representatives of San Joaquin County

Under Negotiation: Price and terms of payment for sale or lease of the property.

C. Pending Litigation (Gov. Code section 54956.9(b))

- Claim of Bryan Denman
  - *Christopher Bosch v. City of Tracy, et al.*  
(San Joaquin County Superior Court Case No. 39-2010-00252419-CU-OE-STK)
5. MOTION TO RECESS TO CLOSED SESSION – Council Member Abercrombie motioned to recess the meeting to closed session at 6:01 p.m. Council Member Maciel seconded the motion. Voice vote found all in favor; passed and so ordered.
6. RECONVENE TO OPEN SESSION – Mayor Ives reconvened the meeting into open session at 6:44 p.m.
7. REPORT OF FINAL ACTION – In the matter of the claim of Bryan Denman, Council Member Abercrombie moved to reject the claim and directed staff to send a notice of rejection to the claimant in accordance with Government Code section 913. Council Member Maciel seconded the motion. Voice vote found all in favor; passed and so ordered.
8. ADJOURNMENT – It was moved by Council Member Abercrombie and seconded by Council Member Maciel to adjourn. Voice vote found all in favor; passed and so ordered. Time: 6:45 p.m.

The agenda was posted at City Hall on November 10, 2010.

\_\_\_\_\_  
Mayor

ATTEST:

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