

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

December 6, 2011, 5:00 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Pro Tem Maciel called the meeting to order at 5:00 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Abercrombie, Elliott, Rickman, and Mayor Pro Tem Maciel present; Mayor Ives absent.
3. ITEMS FROM THE AUDIENCE – None
4. CLOSED SESSION -
  - A. Pending Litigation (Gov. Code section 54956.9(b))
    - *Juan Espinoza v. City of Tracy, et al.*  
(San Joaquin Superior Court Case No. 39-2011-00259854-CU-MC-STK)
  - B. (Real Property Negotiations (Govt. Code section 54956.8))
    - Property Location: APN # 213-070-68 (generally in area of north side of Grant Line Road between MacArthur Drive and Chrisman Road)  
  
Negotiator(s) for the City/Agency Andrew Malik, Director of Development and Engineering Services; Kul Sharma, Assistant Director of Development and Engineering Services  
  
Negotiating Parties: Velma C. Pimental or representative  
  
Under Negotiation: Price and terms of payment for the purchase of the property
    - Property Location: City-owned Holly Sugar Property (APN #s: 212-140-06; 212-140-07, 212-150-01(portion); 212-160-09; 212-130-2 (portion); 212-130-13 (portion); 212-150-01 (portion); 212-160-04; 212-160-05; 212-160-11 (portion); 212-200-01  
  
Negotiator(s) for the City Andrew Malik, Director of Development and Engineering Services; Kevin Tobeck, Director of Public Works; and Rod Buchanan, Director of Parks and Community Services; William Dean, Asst. Director of Development and Engineering Services; and Steve Bayley, Deputy Director of Public Works

Negotiating Parties: Representatives of: Combined Solar Technologies, Inc.; Tracy Blast Development, LLC; Black Ops Airsoft, Inc. dba 9 Gates Airsoft; and American Custom Meats, LLC

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

C. Personnel Matter (Gov. Code, section 54957)

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

Position Title: City Attorney

D. Labor Negotiations (Gov. Code, section 54957.6)

- Unrepresented Employee: City Attorney

City's designated representative(s): An individual City Council Member or a subcommittee of the City Council

- Employee Organizations:

Tracy Firefighters' Association  
Teamsters Local 439, IBT  
Tracy Mid-Managers' Bargaining Unit  
Confidential Management Unit  
Technical and Support Services Unit

City's designated representatives: R. Leon Churchill Jr., City Manager; Maria Olvera, Director of Human Resources; and Jack Hughes, Liebert Cassidy Whitmore

5. MOTION TO RECESS TO CLOSED SESSION – Council Member Abercrombie motioned to recess the meeting to closed session at 5:01 p.m. Council Member Elliott seconded the motion. Voice vote found all in favor; passed and so ordered.
6. RECONVENE TO OPEN SESSION – Mayor Pro Tem Maciel reconvened the meeting into open session at 6:37 p.m.
7. REPORT OF FINAL ACTION – In the matter of Juan Espinoza v. City of Tracy, et al. (San Joaquin Superior Court Case No. 39-2011-00259854-CU-MC-STK), Council Member Abercrombie moved to authorize the City to defend the individually named employees, subject to a reservation of rights. Council Member Elliott seconded the motion. Voice vote found Council Members Abercrombie, Elliott, Rickman and Mayor Pro Tem Maciel in favor; Mayor Ives absent. Motion carried: 4:0:1.

8. In the matter of the property owned by Velma C. Pimental (APN #213-070-68), Council Member Abercrombie moved to authorize the City to make a purchase offer in an amount disclosed in closed session. If this offer is accepted by the property owner, it will become final upon the closing of escrow. Council Member Elliott seconded the motion. Voice vote found Council Members Abercrombie, Elliott, Rickman and Mayor Pro Tem Maciel in favor; Mayor Ives absent. Motion carried: 4:0:1
9. ADJOURNMENT – It was moved by Council Member Abercrombie and seconded by Council Member Rickman to adjourn. Voice vote found all in favor; passed and so ordered. Time: 6:38 p.m.

The agenda was posted at City Hall on December 1, 2011. The above are action minutes.

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Mayor

ATTEST:

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City Clerk