

## NOTICE OF SPECIAL MEETING

Pursuant to Section 54956 of the Government Code of the State of California, a Special meeting of the **Tracy City Council** is hereby called for:

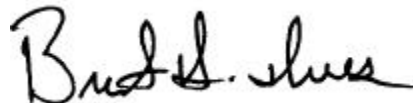
**Date/Time:** **Tuesday, October 16, 2012, 6:00 p.m.**  
(or as soon thereafter as possible)

**Location:** **City Council Chambers,  
333 Civic Center Plaza, Tracy**

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Tracy City Council on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

1. Call to Order
2. Roll Call
3. Items from the audience - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2008-140 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. 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.*
4. Request to Conduct Closed Session  
(See attached memorandum, which is incorporated herein and made a part hereof)
5. Motion to Recess to Closed Session
6. Reconvene to Open Session
7. Report of Final Action, if Any
8. Adjournment

**Posting Date: October 11, 2012**



Mayor

The City of Tracy is in compliance with the Americans with Disabilities Act and will make all reasonable accommodations for the disabled to participate in employment, programs and facilities. Persons requiring assistance or auxiliary aids in order to participate, should contact the City Manager's Office at (209) 831-6000 at least 24 hours prior to the meeting.

# MEMORANDUM



**CITY OF TRACY**  
**CITY ATTORNEY**

---

**TO:** Honorable Mayor and City Council

**THROUGH:** City Clerk

**FROM:** Daniel G. Sodergren, City Attorney

**DATE:** October 10, 2012

**RE:** Request to Conduct a Closed Session Regarding the Matters Listed Below -  
Special City Council Meeting on October 16, 2012  
(Estimated Time – One Hour)

I. Real Property Negotiations (Gov. Code, § 54956.8)

- **Property Location:** City-owned Holly Sugar Property (APN #s: 212-140-06; 212-140-07; 212-150-01)
  
- Negotiators 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, Assistant Director of Development and Engineering Services; and Steve Bayley, Deputy Director of Public Works
  
- Negotiating Parties:** Representatives of Tracy Blast Development, LLC
  
- Under Negotiation:** Price and terms of payment for the sale or lease of the property

II. Pending Litigation (Gov. Code, § 54956.9(b))

- *Allred & McFarland v. City*  
(San Joaquin Superior Court Case No. 39-2009-00215510-CU-WT-STK)
  
- *Anderson v. City*  
(San Joaquin Superior Court Case Nos. 39-2009-00223976-CU-WM-STK and 39-2011-00268360-CU-WT-STK)

- *City of Tracy v. California State Water Resources Control Board*  
(Sacramento County Superior Court Case No. 34-2009-80000392)
- *Denman v. City*  
(United States District Court Case No. 2:11-CV-00310-GEB-JFM)
- *Environmental Law Foundation, et al. v. California Regional Water Quality Control Board, Central Valley Region (City of Tracy)*  
(Sacramento County Superior Court Case No. 34-2009-00047273)
- *Espinoza v. City*  
(San Joaquin Superior Court Case No. 39-2011-00259854-CU-MC-STK)
- *Farm'acy v. City*  
(San Joaquin Superior Court Case No. 39-2012-00282104-CU-JR-STK)
- *Gill v. City*  
(San Joaquin Superior Court Case No. 39-2012-00281916-CU-PA-STK)
- *Gomez v. City*  
(San Joaquin Superior Court Case No. 39-2011-00265024)
- *Miles v. City*  
(San Joaquin Superior Court Case No. 39-2012-00279070-CU-WM-STK)
- *Munoz v. City*  
(San Joaquin Superior Court Case No. 39-2008-00198928)
- *TRAQC v. City*  
(3<sup>rd</sup> District Court of Appeal Case No. CO69741)
- *Whitsitt v. City*  
(U.S. District Court Case No. CIV S-10-0528 JAM DAD PS)