

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

**October 16, 2012, 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, Elliott, Rickman, Mayor Pro Tem Maciel and Mayor Ives present.
3. ITEMS FROM THE AUDIENCE – None
4. CLOSED SESSION -
  - I. Real Property Negotiations (Gov. Code section 54956.8)
    - Property Location: City owned Holly Sugar Property (APN #s: 212-140-06; 212-140-07; 212-150-01)
    - Negotiator(s) for City: Andrew Malik, Director of Development Services; Kevin Tobeck, Director of Public Works; Rod Buchanan, Director of Parks and Community Services; William Dean, Asst. Director of Development 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 of the or lease of the property
  - II. Pending Litigation (Govt. Code section 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*  
(3rd District Court of Appeal Case No. CO69741)
  - *Whitsitt v. City*  
(U.S. District Court Case No. CIV S-10-0528 JAM DAD PS)
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 Elliott 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 6:48 p.m.
7. REPORT OF FINAL ACTION – None
8. 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: 6:49 p.m.

The agenda was posted at City Hall on October 11, 2012. The above are action minutes.

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Mayor Ives

ATTEST:

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City Clerk