

**September 17, 2013, 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 Maciel called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

The invocation was offered by Pastor Tim Heinrich, Crossroads Baptist Church.

Roll call found Council Members Manne, Rickman, Young, and Mayor Pro Tem Maciel present; Mayor Ives absent.

Mayor Pro Tem Maciel recognized Linda Jimenez for being inducted into the Stockton Mexican American Hall of Fame.

Mayor Pro Tem Maciel presented a proclamation to Shannon Ding, AT&T External Affairs Consultant, on behalf of DRIVE 4 PLEDGES DAY.

1. CONSENT CALENDAR - Following the removal of item 1-D by Council Member Young, it was moved by Council Member Rickman and seconded by Council Member Manne to adopt the consent calendar. Roll call vote found Council Members Manne, Rickman, Young, and Mayor Pro Tem Maciel in favor; Mayor Ives absent.
  - A. Approval of Minutes – Regular meeting minutes of July 16, 2013, and Special meeting minutes of August 6, 2013, were approved.
  - B. Acceptance of the Water and Wastewater Improvements (Walnut Avenue, King Alley and Larsen Alley) – CIPs 74092 and 75114, Completed by Knife River Construction of Stockton, California, and Authorization for the City Clerk to File the Notice of Completion – Resolution 2013-146 accepted the improvements.
  - C. Authorize Amendment of the City's Classification Plan by Approving Revisions to the Classification Specifications of Firefighter and Firefighter Trainee in the Tracy Fire Department – Resolution 2013-147 authorized the amendment.
  - D. Approval of a One Year (With Options to Extend for Five Additional One-Year Periods) General Services Agreement, Not to Exceed \$200,000, with Advanced Building Cleaners, Inc. for Services Required for Street, Alley, and Parking Lot Sweeping; Authorize the City Manager to Execute Extensions and Any Minor Amendments Associated with this Agreement for Administrative Efficiency; and Authorize the Mayor to Execute the Agreement – Leon Churchill, Jr., City Manager, noted that the agreement had been changed to reflect an increase in the required deposit, as outlined in the Request for Bids.

David Ferguson, Public Works Director, stated street sweeping services are performed throughout the City to maintain clean streets, alleys, and parking lots, and reduce debris entering the City's storm drain system. Sweeping is completed every two weeks on all City streets, with the exception of the downtown business

district which is swept twice a week. Selected City paved alleys and parking lots are swept on a monthly basis.

A "Notice Inviting Bids" for street sweeping was published on July 19, 2013 and August 2, 2013. Bid packages were sent to eight street sweeping contractors. One of the bids was automatically disqualified because it did not contain the required bond. The low bid was submitted by Advanced Building Cleaners, Inc. Upon approval, the initial term of the Agreement will be from October 1, 2013 through September 30, 2014. In the event that the City determines the Contractor has satisfactorily performed all requirements in this Agreement, the City may extend the Agreement for five additional one year terms. The Agreement shall be automatically extended for each additional term if the Contractor does not receive a 90 day written termination notice from the City.

Funding is available in the Fiscal Year 2013/2014 Operational Budget for street sweeping services. This Agreement has a Not to Exceed amount of \$200,000.

Staff recommended that City Council approve a one year (with options to extend for five additional one-year periods) General Services Agreement with Advanced Building Cleaners, Inc. for services required for street, alley, and parking lot sweeping; authorize the City Manager to execute extensions and any minor amendments associated with this agreement for administrative efficiencies; and authorize the Mayor to execute the agreement.

Council Member Young asked what constituted an emergency for street sweeping. Mr. Ferguson stated it was complaint based and usually involved spills of rock or glass, and was not part of the routine sweeping schedule. Council Member Young stated the "not to exceed" clause was a good addition to the contract. Mr. Ferguson indicated he believed the contract would not be exceeded.

Mayor Pro Tem Maciel invited members of the public to address Council on the item. There was no one wishing to address Council.

It was moved by Council Member Rickman and seconded by Council Member Manne to adopt Resolution 2013-148 approving a one year (with options to extend for five additional one-year periods) General Services Agreement with Advanced Building Cleaners, Inc. for services required for street, alley, and parking lot sweeping; authorizing the City Manager to execute extensions and any minor amendments associated with this agreement for administrative efficiencies; and authorizing the Mayor to execute the agreement. Voice vote found Council Members Manne, Rickman, Young, and Mayor Pro Tem Maciel in favor; Mayor Ives absent.

2. ITEMS FROM THE AUDIENCE – Robert Tanner asked for a status report on the Chrisman Road property.

Steve Stumer, Tracy Air Center, provided Council with a brief update on activity at the Tracy Airport and handed out newspapers from the Merced area highlighting the grand opening of a restaurant at the Merced airport. Mr. Stumer indicated he was looking forward to similar events in Tracy.

Marsha McCray congratulated Council and staff for their efforts on attracting new businesses to the City of Tracy stating Channel 13 mentioned the City and Amazon in one of their reports.

John Favors stated he appreciated Council's rehabilitation efforts at the Tracy Airport stating they were ready to receive aircraft to support businesses locating in Tracy.

- 3 ACCEPT PRESENTATION ON TRILINK (STATE ROUTE 239) PROJECT FROM THE TRILINK TEAM – Kuldeep Sharma, City Engineer, provided the staff report. For two years the TriLink Project Team has been working on Phase 1 Planning of the State Route 239 project. Prior to publically releasing the Draft Feasibility Study, the TriLink Team asked for an opportunity to provide a presentation to City Council.

In 2011, Contra Costa County received authorization to receive Federal funding to complete Phase 1 Planning of the proposed TriLink (State Route 239) project connecting State Route 4 in the City of Brentwood area with Interstate 205 (I-205) and Interstate 580 (I-580) in the City of Tracy area. Contra Costa Transportation Authority is taking the lead role with active participation from other agencies in completing this project.

There is no impact to the City's General Fund.

Mr. Sharma introduced Steve Martin of Parsons Group, who provided a presentation regarding the TriLink project.

Staff recommended that Council accept the presentation on the TriLink Project (State Route 239) from the TriLink Team.

Mayor Pro Tem Maciel invited members of the audience to address Council on the item. There was no one wishing to address Council.

Mayor Pro Tem Maciel asked for confirmation that funding sources have not specifically been identified. Mr. Martin stated that was correct.

Council Member Young asked if all of the various elements and routes were going to be included. Mr. Martin stated all five links are included in the total program with one alternative for each link. Mr. Martin stated the project would be done in phases as funding allows and that priority phasing had not been identified.

Council Member Young asked if some type of legislation has gotten the project to this point. Mr. Martin indicated it was because of a Federal earmark started by former Congressman Pombo in 2005.

Council Member Manne asked if TriLink was in communication with the San Joaquin Council of Governments regarding this project. Mr. Martin stated yes, and that half of the project was in San Joaquin County.

Robert Tanner asked for the website address. Mr. Martin provided the website address as: [www.trilink239.org](http://www.trilink239.org).

Council accepted the presentation on the TriLink Project (State Route 239).

4. AUTHORIZATION FOR CITY STAFF TO PREPARE A MEMORANDUM OF UNDERSTANDING (MOU) WITH WILD RIVERS IRVINE LLC FOR THE POTENTIAL DEVELOPMENT AND OPERATION OF AN AQUATICS CENTER IN THE CITY OF TRACY – Leon Churchill, Jr., City Manager, stated agenda items four and five were related and that a delay in some of Ellis' development deliverables were warranted because they are dependent on a swim center solution. Agenda item four is a request to the City Council to authorize discussions on a Memorandum of Understanding (MOU) with Wild Rivers that can be narrowly described as a response to a question posed one year ago. The question was "is there private interest in the development of a swim center". The narrow answer is yes. The variables that need to be examined include what methodology will generate the most predictable outcome, deliver the desired community amenities in a timely fashion, deliver the most complete project and does not undermine other City priorities, among others.

Andrew Malik, Development Services Director, provided the staff report. On October 1 and 2, 2012, Council directed staff to acquire information on the potential of a privately developed and operated aquatic waterpark project. Staff conducted outreach to three separate waterpark owner/operators in California: Palace Entertainment; Golfland Sunsplash; and Wild Rivers Waterpark.

Palace Entertainment - Palace operates multiple waterparks and family entertainment centers throughout the United States. Within Northern California, Palace currently operates the 'Raging Waters' parks in Sacramento and San Jose, as well as the 'Waterworld California' waterpark in Concord. Upon contacting representatives at the Palace Entertainment office in Newport Beach it was discovered that they are not in the waterpark development industry. They indicated that they would not be interested in the development of a waterpark in Tracy at this time.

Golfland Sunsplash Entertainment Centers - The City, local retail developers, and Golfland Entertainment representatives have had preliminary discussions regarding the potential of developing entertainment type uses in the City. While conversations with Golfland Sunsplash continue, they are very preliminary and currently do not include any aquatics type facilities.

Wild Rivers Waterpark - Wild Rivers Waterpark of Irvine, was forced to close last year when their land lease expired after 27 years (to make way for a housing development). The owners have recently received approval from the Orange County Board of Supervisors to rebuild a waterpark on public land off of I-5 in Irvine. The supervisors approved a 25-year lease with Wild Rivers Irvine LLC for 17-acres of county owned property. Mike Riedel, one of the partners of Wild Rivers Waterpark LLC, was contacted to discuss any potential interest they may have in the development of a waterpark in Tracy. Mr. Riedel, being unfamiliar with the Tracy area, requested additional demographic data for the City of Tracy and surrounding area in order to determine the general feasibility of a waterpark in the region. He was specifically interested in the population density within a 10/15/30/50 mile radius of Tracy. After reviewing demographic and other Tracy market reports, Mr. Riedel has expressed interest in moving forward with a MOU with the City to explore the aquatic center concept further.

Mr. Riedel has submitted a Letter of Interest to the City to pursue and explore the possibility of developing an Aquatics Center in the City of Tracy. In order to move

forward with this request, staff is asking Council for authorization to prepare a MOU with Wild Rivers Irvine, LLC to further explore the public-private development of an Aquatics Center in the community. Should Council direct staff to negotiate a MOU with Wild Rivers Irvine LLC, staff will come back to Council with details of the MOU at a subsequent Council meeting. Staff understands that there are a number of outstanding issues related to aquatic facilities that need to be addressed, such as: location; refinement of amenities; and operations. Staff proposes a MOU with a six month duration in order to work through these issues with the private entity and the Council.

There is no impact to the General Fund as a result of preparing this MOU, aside from staff time. The City currently has \$3 million budgeted for the Aquatics Center CIP, with additional funding (\$10 million) coming from Surland Communities as part of their Development Agreement with the City.

Staff recommended that City Council authorize staff to prepare a Memorandum of Understanding (MOU) with Wild Rivers Irvine LLC for the potential development and operation of an aquatics center in the City of Tracy.

Mr. Riedel provided a brief background on Wild Rivers. Mr. Riedel stated that during negotiations, Wild Rivers would seek community input and that they were looking at providing a project that is energy neutral. Mr. Riedel added that they are known as the safest water park operator in the United States.

Council Member Manne asked Mr. Riedel if Wild Rivers has ever operated a swim center before that included competitive swimming pools. Mr. Riedel stated they have built activity pools, but not competitive pools.

Council Member Manne asked if swimming lessons are offered at the pools Wild Rivers currently operates. Mr. Riedel stated yes.

Mayor Pro Tem Maciel invited members of the public to address Council on the item.

Les Serpa, Surland Companies, indicated they understand the City of Tracy has concerns about building, owning and running a swim facility. Mr. Serpa indicated they would like to be involved in the process. Mr. Serpa added that Surland Companies has a long history of partnering with the City for designing and building projects. Mr. Serpa asked Council to allow Surland, in a parallel track, the opportunity to discuss with the City a proposal for a private entity to own, build and operate this project.

Mayor Pro Tem Maciel asked for clarification regarding an alternative proposal. Dan Sodergren, City Attorney, stated Council can discuss the MOU with Wild River, but if further information was needed, Council should direct staff to bring back Surland's request for further discussion.

Molly Lowe, President of Tracy Tritons, indicated her son sent an e-mail to Council on the subject. Ms. Lowe expressed concerns with Wild Rivers developing an aquatic park. Ms. Lowes concerns included: 1) the project being too expensive, 2) no swim lessons would be offered; and 3) swim clubs inability to host practices or swim meets at the site.

Dave Helm asked what the insurances and operating costs were for another facility owned by Wild Rivers, and if it included an Olympic-sized pool. Mr. Helm stated if the

kids want a pool, the City should build it. Mr. Helm further stated he did not believe that having a wish list without funding should be considered.

Mr. Riedel indicated insurance costs depend on the market and range between \$97,000 and \$330,000. Mr. Riedel stated operating costs depend on the park, and the cost for two or three security personnel are built into the total cost.

Steve Nicolaou applauded Mr. Churchill and staff for looking at having the private sector own, build, and operate a swim center. Mr. Nicolaou stated any impact on the general fund should be minimal if done by the private sector. Mr. Nicolaou urged Council to direct staff to negotiate a MOU with Wild Rivers.

Nicole Howard asked how a disabled person would get to the top of one of the water slides and what type of amenities would be offered for disabled individuals and their families.

Marsha McCray stated the community never asked for a water park, but instead, asked for a swim center that included fun elements and a community pool that could accommodate multiple users. Ms. McCray stated Surland had come up with a good suggestion and have demonstrated a commitment to this community. Ms. McCray suggested Council ensure that Wild Rivers has the funding necessary to build a swim center.

Sandi Taylor addressed Council expressing her support for Surland Companies' offer to partner with the City to build and operate a swim center. Ms. Taylor stated her concerns with Wild Rivers included: 1) their knowledge and experience running a swim center, 2) an amusement park on the Ellis site could trigger the need for a new Environmental Impact Report (EIR) which could further delay the project; and 3) if a swim center was not built at the Ellis site, it could take years to locate, purchase and go through the various processes for another site.

Mr. Riedel stated ADA access is required on several rides. Mr. Riedel suggested that if Council could get a private entity to build a swim facility and cover the operating costs, then that would be the way to go. Mr. Riedel discussed environmental reports, entitlements, funding, and corresponding timelines.

Evelyn Chavarria stated the proposal from Wild Rivers did not seem to include all groups in the community while the proposal from Surland provides more amenities.

Michelle Loomis stated there are a few city-run swim centers that do make money and asked Council to look into those facilities.

Mayor Pro Tem Maciel closed the public comment portion of the meeting.

Council Member Rickman asked Mr. Churchill what he specifically wanted to see from Council. Mr. Churchill indicated he was looking for Council authorization to develop a MOU with Wild Rivers.

Council Member Rickman stated the City has lacked recreational activities for families and kids which needed to be remedied. Council Member Rickman stated a swimming pool should be considered in the negotiations. Council Member Rickman asked if a

competition pool could be built or not, and if not, were there other options. Council Member Rickman added that although Wild Rivers is a private entity it did not mean the City did not have input.

Council Member Rickman asked if the proposal from Surland could go forward separate from Wild Rivers. Mr. Sodergren stated yes, if directed by Council. Council Member Rickman stated he wanted to see two separate MOUs and neither one should be dependent on the other.

Council Member Young thanked staff for their due diligence in exploring alternative options. Council Member Young stated Council needed to look at what the community wanted. Council Member Young thanked Mr. Riedel for coming to Tracy and for considering the possibility of an aquatic center. Council Member Young further stated she was in support of beginning discussions with Wild Rivers for a MOU and also in support of hearing what Mr. Serpa had to offer. Council Member Young stated a swim center needed to include amenities that the community can afford and that accommodate swim teams.

Council Member Manne stated discussions should not exclude Surland's proposal. Council Member Manne further stated he was in favor of negotiating a MOU with Wild Rivers as long as it was not exclusive. Council Member Manne added that unless the proposals include features from the original Surland aquatic center, he would not be approving the proposal.

Mayor Pro Tem Maciel stated he was in favor of directing staff to proceed on a parallel path with both entities. Mr. Churchill suggested the same opportunity be provided to the Surland proposal for a swim center and that staff could return to Council for direction. Mr. Churchill stated staff could then pursue both MOUs and obtain approval to move forward. Mr. Churchill stated he believed the City can achieve the desired outcome the community has been articulating for a very long time.

Mayor Pro Tem Maciel stated he would like to see an Olympic-sized pool as part of any proposal. Mayor Pro Tem Maciel further stated the moral obligation is to have an aquatic center operate with little or no general fund subsidy.

Council Member Young stated any plans should fit into the original Ellis site to avoid the need for any additional environmental studies.

It was moved by Council Member Rickman and seconded by Council Member Manne to direct staff to begin preparation of a Memorandum of Understanding with Wild Rivers Irvine, LLC for the potential development and operation of an Aquatics Center in the City of Tracy; it was further moved to direct staff to bring back an agenda item for Council consideration regarding a Memorandum of Understanding with Surland Companies. Voice vote found Council Members Manne, Rickman, Young, and Mayor Pro Tem Maciel in favor; Mayor Ives absent.

Mayor Pro Tem Maciel called for a recess at 9:13 p.m., reconvening at 9:23 p.m.

5. AUTHORIZATION FOR STAFF TO NEGOTIATE AN AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT WITH SURLAND COMMUNITIES, LLC FOR THE ELLIS DEVELOPMENT WHICH IS LOCATED ON

APPROXIMATELY 321 ACRES OF LAND ON THE NORTHWEST CORNER OF CORRAL HOLLOW ROAD AND LINNE ROAD. Bill Dean, Assistant Development Services Director, provided the staff report. Surland Communities, LLC, submitted an application request to process the first amendment to the existing Development Agreement (DA), which was approved by City Council on January 22, 2013. In accordance with City Council Resolution 2004-368, there are procedures and requirements for consideration of DAs, which include first receiving City Council authorization to negotiate.

While amendments to DAs are not specifically identified in these procedures, staff is requesting direction from Council on this request. The request by Surland is narrow in scope and applies to the date when the swim center contribution is due to the City. The existing DA requires Surland to pay the City a \$2 million swim center payment by September 15, 2013, and an \$8 million swim center payment by July 17, 2016. Under the existing DA, Surland has submitted an offer to dedicate land for a swim center site. The City has until July 17, 2014, to accept this offer.

The request by Surland would change the date when the first \$2 million swim center payment is due from September 15, 2013, to July 17, 2015.

Approval authorizing staff to negotiate the DA amendment will have no fiscal impact; actual costs are tracked by staff and paid by Surland through a Cost Recovery Agreement.

Staff recommended that the Council discuss the request submitted by Surland Communities, LLC and provide direction to staff. If Council directs staff to negotiate an amendment allowing the extension of the first swim center payment, staff requests the authority to negotiate an extension of time that fits with other City needs, which may result in an extension of time earlier than July 17, 2015. Also, such direction should include direction to negotiate adequate consideration for such amendment (e.g., an extension of the time the City has to accept the offer of land for a swim center site and/or other City benefit).

Mayor Pro Tem Maciel pointed out that the request was authorization for staff to negotiate an amendment to the agreement.

Mayor Pro Tem Maciel invited members of the public to address Council on the item.

Les Serpa, Surland Companies, indicated Ellis has a long history of entitling projects and getting to a point of development which include public amenities for the community. Mr. Serpa stated they were not asking to reduce the amount to be paid, just asking that the payment date be moved out. Mr. Serpa provided examples of financial commitments Surland had been faced with which has resulted in their request to delay the required payment.

Robert Tanner stated the City might consider extending the date for accepting the 16 acres of property from Surland.

Steve Nicolaou voiced concern regarding the date of the letter from Surland of July 16, 2013, which was not received by the City for two months. Mr. Nicolaou stated the City



was setting a precedent for other developers to ask for changes to their Development Agreements. Mr. Nicolaou stated everyone should honor their commitment.

Michele Basinet stated the swim community and swim advocates have no concern with pushing the payment date out to 2015.

Steve Nicolaou reminded Council that they represent not only a few hundred swimmers, but a community of 84,000.

Council Member Manne asked what would happen if Council did not approve the extension. Dan Sodergren, City Attorney, indicated the terms of the existing Development Agreement require Surland to deposit the first \$2 million swim center payment by September 15, 2013, which was not done. Mr. Sodergren further stated that in accordance with the terms of the Agreement, a notice was sent to Surland which provides them with a 60-day cure period, during which they are not considered in default. Mr. Sodergren stated if Council chose not to pursue that option, the 60-day cure period continues.

Council Member Manne stated the request is for two years, but that the time period could be shortened. Mr. Sodergren stated staff's recommendation is that if Council chooses to pursue this type of amendment, that staff also negotiate the benefit to the City.

Council Member Rickman asked what the City's chances are of doing something with the Ellis property by July 2014. Mr. Dean stated the City could acquire the site by 2014.

Council Member Rickman asked what happens if the City accepts the land and decides to build a swim center elsewhere. Mr. Dean stated if Council accepts the Ellis property and after accepting the property decides to not develop it, options would have to be evaluated at that time.

Council Member Rickman asked if the \$2 million was earmarked for a swim center. Mr. Dean stated yes.

Council Member Rickman asked what if Wild Rivers could begin construction within two years and the \$2 million was needed. Mr. Dean stated that was why staff was asking for latitude to negotiate.

Council Member Rickman asked if staff wanted the date for acceptance of the land to be pushed out. Mr. Dean stated there could be a potential benefit, but staff would have to commence discussions with the other party.

Council Member Young asked if the City was looking at the \$10 million as a factor in the Wild River negotiation. Andrew Malik, Development Services Director, stated that point would have to be negotiated.

Council Member Young asked if the City decided to go with Wild Rivers, could the \$10 million be used for something else. Mr. Dean stated according to the Development Agreement, the \$10 million has to be used on a swim center.

Council Member Young asked if the City did re-negotiate the public benefit, would it significantly affect the agreement itself. Mr. Dean stated he did not believe it would have a significant effect on the agreement, but does add additional criteria when staff negotiates with Wild River.

Mayor Pro Tem Maciel asked if deferring the \$2 million payment compromises the City's ability to move forward with the aquatic center. Mr. Dean stated no; what it does is place an additional burden on what the City has to seek during its negotiation with Wild River.

Mayor Pro Tem Maciel clarified that the Council was talking about two parallel paths and asked if this was something the City has ever done. Mr. Dean stated Development Agreements have been renegotiated in the past.

Mayor Pro Tem Maciel indicated he had no problem authorizing staff to negotiate an amendment with a developer to make their project more viable, as long as it was not to the detriment of the City.

Council Member Rickman stated he does not have a problem amending the agreement as long as there is no negative effect for either party and the negotiations do not negatively affect the swim center. Council Member Rickman further stated that if during negotiations something comes up that will negatively affect the swim center, he would be opposed to it. Mr. Dean stated staff was clear that it was the desire of the Council to get a swim center as quickly as possible.

Council Member Rickman stated the priority between agenda items four and five, is item four. Mr. Dean stated it was clearly understood.

Council Member Manne asked if Council gave direction to negotiate an amendment, would the amendment return to Planning Commission and City Council for consideration. Mr. Dean stated yes.

Council Member Manne stated if Council finds that the amendment negatively affects the swim center, then Council could reject the amendment.

Council Member Young asked how the \$2 million would affect the project or negotiations. Mr. Malik stated there could be an impact if an MOU with Wild Rivers was pursued and they moved forward in an expedited fashion.

It was moved by Council Member Young and seconded by Council Member Rickman to direct staff to negotiate an amendment to the Amended and Restated Development Agreement with Surland Communities, LLC for the Ellis Development; it was further moved to direct staff to return to Council with an agenda item to Extend the 60-day cure period under the Amended and Restated Development Agreement by and between the City of Tracy and Surland Communities, LLC. Voice vote found Council Members Manne, Rickman, Young, and Mayor Pro Tem Maciel in favor; Mayor Ives absent.

6. SECOND READING AND ADOPTION OF ORDINANCE 1187 AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 10.08.980, NAMES OF ZONES, AND ADDING SECTION 10.08.3021, CORDES RANCH SPECIFIC PLAN ZONE (CRSP) TO THE TRACY MUNICIPAL CODE, AND PREZONING THE CORDES RANCH SPECIFIC PLAN AREA AS CRSP - The Clerk read the title of proposed Ordinance 1187. Mayor

Pro Tem Maciel invited public comment. There was no one wishing to comment on the item.

It was moved by Council Member Rickman and seconded by Council Member Manne to waive the reading of the text. Voice vote found Council Members Manne, Rickman, Young, and Mayor Pro Tem Maciel in favor; Mayor Ives absent.

It was moved by Council Member Rickman and seconded by Council Member Manne to adopt Ordinance 1187. Roll call vote found Council Members Manne, Rickman, Young, and Mayor Pro Tem Maciel in favor; Mayor Ives absent.

7. SECOND READING AND ADOPTION OF ORDINANCE 1188 AN ORDINANCE OF THE CITY OF TRACY APPROVING A DEVELOPMENT AGREEMENT WITH PROLOGIS, LP APPLICATION DA11-0001 - The Clerk read the title of proposed Ordinance 1188. Mayor Pro Tem Maciel invited public comment. There was no one wishing to comment on the item.

It was moved by Council Member Manne and seconded by Council Member Rickman to waive the reading of the text. Voice vote found Council Members Manne, Rickman, Young, and Mayor Pro Tem Maciel in favor; Mayor Ives absent.

It was moved by Council Member Manne and seconded by Council Member Rickman to adopt Ordinance 1188. Roll call vote found Council Members Manne, Rickman, Young, and Mayor Pro Tem Maciel in favor; Mayor Ives absent.

8. ITEMS FROM THE AUDIENCE – Nicole Howard asked if there was a committee that represented the disabled community. Mayor Pro Tem Maciel indicated there was no such committee, but a member of staff would contact her.

9. STAFF ITEMS

- A. RECEIVE AND ACCEPT THE CITY MANAGER INFORMATIONAL UPDATE – Leon Churchill, Jr., City Manager, provided the report. Council accepted the City Manager informational update.

10. COUNCIL ITEMS

- A. APPOINTMENT OF A CITY COUNCIL SUBCOMMITTEE TO INTERVIEW APPLICANTS FOR VACANCIES ON THE TRACY SENIOR STEERING COMMITTEE – Maria Hurtado, Assistant City Manager, provided the staff report. On August 20, 2013, City Council approved the formation of a Senior Steering Committee to facilitate two community conversations that would provide the local senior population a forum to identify and discuss current and future service needs and provide feedback to City Council and the Parks and Community Services Commission. The Senior Steering Committee will consist of seven members including one appointed Commissioner from each of the following City of Tracy commissions: Parks and Community Services Commission, Planning Commission, Tracy Arts Commission, and Transportation Commission. Additionally, three residents from the Tracy community will be appointed by City Council.

The City Clerk's office will utilize the recruitment process for boards and commissions as outlined in Resolution 2004-152, to conduct the recruitment for the Tracy Senior Steering Committee. The three positions on the Senior Steering Committee have been advertised and the recruitment is scheduled to close on September 18, 2013. As stated in Resolution 2004-152, in the event there are not two or more applicants than vacancies, the filing deadline will be extended.

In accordance with Resolution 2004-152, a two-member subcommittee needs to be appointed to interview the applicants and make a recommendation to the full Council.

Staff recommended that Council appoint a two-member subcommittee to interview applicants to fill three vacancies on the Tracy Senior Steering Committee.

Council Member Young and Council Member Manne were appointed to interview applicants to fill vacancies on the Tracy Senior Steering Committee.

Council Member Young invited residents to the Wine Stroll being held September 28, 2013, in Downtown Tracy.

Council Member Rickman invited residents to the upcoming cross-town football games being held Friday, September 20, 2013, between Kimball and Tracy High Schools and Friday, September 27, 2013, between West and Tracy High Schools. Council Member Rickman offered a challenge to Council Members Manne and Young regarding the outcome of the West and Tracy High School game. The challenge was accepted.

Council Member Rickman requested an agenda item to discuss policies or procedures on the timeliness of Council requested discussion items.

Council Member Young requested information on recreational opportunities for disabled residents.

11. ADJOURNMENT – It was moved by Council Member Manne and seconded by Council Member Rickman to adjourn. Voice vote found Council Members Manne, Rickman, Young and Mayor Pro Tem Maciel in favor; Mayor Ives absent. Time: 10:21 p.m.

The above agenda was posted at the Tracy City Hall on September 12, 2013. The above are summary minutes. A recording is available at the office of the City Clerk.

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Mayor

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City Clerk