

December 3, 2013, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza

Web Site: www.ci.tracy.ca.us

Mayor Ives called the meeting to order at 7:00 p.m., and led the Pledge of Allegiance.

The invocation was offered by Pastor Rob Krenik, Calvary Chapel of Tracy.

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

Leon Churchill, Jr., City Manager, presented the Employee of the Month award for December to Gary Castillo, Police Department.

Maria Peterson, Fire Engineer, provided a presentation regarding Holiday Fire Safety.

1. CONSENT CALENDAR - It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.
 - A. Approval of Minutes – Regular meeting minutes of October 1, 2013, and closed session minutes of October 15, 2013, and November 5, 2013, were approved.
 - B. Adopt a Resolution Approving the Annual Report on Development Impact Fee Revenues, Expenditures, and Findings Regarding Unexpended Funds – Resolution 2013-183 approved the annual report.
 - C. Approve a Lease Agreement with Holman Capital Corporation, and Related Documents, for the Purchase of Two Triple Combination Fire Pumpers from Hi-Tech Emergency Vehicle Service, Incorporated – Resolution 2013-184 approved the agreement.
 - D. Approve Amendment Three to the Professional Services Agreement (PSA) with Drake Haglan and Associates of Sacramento, California, for Additional Design Services for the Eleventh Street – East Tracy Overhead, Bridge Number 29C-0126 – CIP 73063, Federal Project Number BHLS-5192(020), and Authorize the City Manager to Execute the Amendment – Resolution 2013-185 approved the amendment.
 - E. Authorization for Exercise of Option to Purchase from the West Side Irrigation District the Contract Right to 2,500 Acre-Feet of Central Valley Project Water Supply for \$2.5 Million and Authorization for the Mayor to Execute the Assignment Agreement – Resolution 2013-186 authorized the purchase.
 - F. Acceptance of the Twelfth Street Sidewalk Improvements – CIPs 73132 and 73134, Completed by Knife River Construction of Stockton, California, and

Authorization for the City Clerk to File the Notice of Completion – Resolution 2013-187 accepted the project.

- G. Authorize Interim Renewal Contracts Between the United States Bureau of Reclamation and the City for Providing Central Valley Project Water Service and Authorize the City Manager to Execute the Agreements – Resolution 2013-188 authorized the contract renewals.

2. ITEMS FROM THE AUDIENCE – Paul Miles provided Council with a letter dated December 3, 2013, stating he asked the Mayor, at the Council meeting on November 19, 2013, to direct staff to provide him with a copy of policies and procedures that were implemented to ensure complaints against the Chief of Police would be investigated appropriately. Mr. Miles stated he has not received any communication from any staff member.

Robert Tanner addressed Council concerning recent complaints regarding disability access. Mr. Tanner stated he believed the City needed to address those concerns.

Gary Hampton, Police Chief, addressed Council regarding Mr. Miles' contention that he has received no communication regarding his complaints. Police Chief Hampton stated Mr. Miles has in fact received communication from the Police Chief's office and the City Attorney on every complaint he has filed in accordance with State law. Police Chief Hampton stated Mr. Miles has also received the policies and procedures regarding complaints. Police Chief Hampton further stated Mr. Miles threatened and has successfully tried him in the court of public opinion and that after 27 months of enduring Mr. Miles' comments he can no longer sit by and let himself and members of the Tracy Police Department to be maliciously liabled through Mr. Miles' comments and misleading statements.

Steve Nicolaou provided Council with a letter dated October 21, 2013, addressed to Robin K. Hunt of the Federal Aviation Administration. Mr. Nicolaou stated he did not believe Council had the authority to pursue an over-ride of the Airport Land Use Commission's decision.

Steve Abercrombie addressed Council regarding Brighter Christmas. Mr. Abercrombie stated the Brighter Christmas jail would be held on Wednesday, December 4, 2013, between 9:00 a.m. and noon. Mr. Abercrombie also stated that Kat Country would be conducting a toy drive between 9:00 a.m. and 7:00 p.m. on the same date at the Wal Mart store located on Grant Line Road.

Diana Silva asked for an update regarding the Tracy Sports fields. Mayor Ives indicated the next phase is for the leagues to start building.

3. CONTINUED PUBLIC HEARING TO ADOPT AMENDMENTS TO THE CITYWIDE ROADWAY AND TRANSPORTATION, AND STORM DRAINAGE MASTER PLANS, THE ESTABLISHMENT OF ROADWAY AND TRAFFIC, WATER, RECYCLED WATER, WASTEWATER, STORM DRAINAGE, PUBLIC SAFETY, PUBLIC FACILITIES, AND PARK DEVELOPMENT IMPACT FEES AND THE ASSOCIATED AB1600 FEE

STUDIES FOR ALL NEW DEVELOPMENTS WITHIN THE CITY - Mayor Ives opened the public hearing and then continued the item to January 7, 2014.

4. PUBLIC HEARING TO CONSIDER APPLICATIONS TO AMEND THE EASTLAKE AND ELISSAGARAY RANCH PLANNED UNIT DEVELOPMENTS TO REMOVE A TEN ACRE SITE PREVIOUSLY DESIGNATED FOR A SCHOOL; TO APPROVE THE CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLANS FOR THE ELISSAGARAY INFILL PLANNED UNIT DEVELOPMENT; TO APPROVE A VESTING TENTATIVE SUBDIVISION MAP TO SUBDIVIDE THE TEN ACRE SITE INTO 47 RESIDENTIAL LOTS; AND TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION. THE PROJECT IS LOCATED ON DOMINIQUE DRIVE BETWEEN EASTLAKE CIRCLE AND BASQUE DRIVE, ASSESSOR'S PARCEL NUMBERS 252-050-24 AND 252-260-01. THE APPLICANT AND PROPERTY OWNER IS TVC TRACY HOLDCO, LLC. APPLICATION NUMBERS PUD12-0003 AND TSM12-0002 – It was moved by Mayor Pro Tem Maciel and seconded by Council Member Rickman to continue consideration of the item to December 17, 2013. Voice vote found all in favor; passed and so ordered.

5. PUBLIC HEARING TO CONSIDER AN APPROPRIATION OF \$25,245 IN CITIZENS' OPTIONS FOR PUBLIC SAFETY "COPS" GRANT FUNDING TO PURCHASE POLICE SAFETY EQUIPMENT – Lieutenant Mark Duxbury provided the staff report. Lt. Duxbury stated the Citizens' Option for Public Safety (COPS) grant program is awarded to cities and counties that provide law enforcement services on a per capita basis which is allocated to county Supplemental Law Enforcement Services Funds (SLESF). Government Code 30061 specifies "In order to utilize these funds, under California Government Code Section 30061(c)(2), ...the City Council shall appropriate existing and anticipated moneys exclusively to fund frontline municipal police services, in accordance with the written requests submitted by the Chief of Police..." These written requests shall be acted upon by the City Council at a public hearing.

In August 2012, Council appropriated \$100,000 in SLESF and COPS grant funding, which was used for the purchase of a ballistic engineered armored response all purpose vehicle. The Police Department intends to use the additional award of \$25,425 to purchase safety equipment for patrol vehicles, technological equipment enhancements and automated external defibrillators (AEDs).

The City of Tracy has received the additional \$25,245 from the State COPS Grant. There is no fiscal impact to the Fiscal Year 2013-14 General Fund.

Staff recommended that Council open the public hearing and approve the request to appropriate and expend the State COPS program funds for the aforementioned purchases.

Mayor Ives opened the public hearing.

Paul Miles asked if the loan from the City General Fund to purchase the assault vehicle has been paid in full. Lt. Duxbury stated there was a specific plan to pay back the General Fund over time and payments are on schedule with that plan. Mr. Miles questioned the use of these funds for a defibrillator. Lt. Duxbury stated the defibrillator would be placed inside the facility to be used in interviews, holding cells and front lobby.

Mr. Miles questioned whether the funds were appropriate to help with front line public safety.

As there was no one further wishing to address Council on the item, the public hearing was closed.

It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adopt Resolution 2013-189 approving appropriation of \$25,245 in Citizens' Options for Public Safety Grant Funding for the purchase of Police safety equipment. Voice vote found all in favor; passed and so ordered.

6. ACCEPT UPDATE ON THE TRACY HILLS PROJECT AND PROVIDE DIRECTION ON THE PROPOSED DEVELOPMENT AGREEMENT – Bill Dean, Assistant Development Services Director, provided the staff report. The Tracy Hills Specific Plan was originally approved and annexed to the City in 1998, zoning the site for a mix of residential, commercial and industrial land uses. To date it has not developed, and current efforts by the property owners represent new investment in this project and ideas on how the first phase of development can begin. A significant amount of work has taken place over the last several years on addressing infrastructure delivery to the plan area. This largely took place during the preparation of several Citywide Infrastructure Master Plans approved earlier this year, namely Parks, Roadways, Wastewater, Public Buildings and Public Safety. These Master Plans contemplate the Tracy Hills project and address infrastructure delivery.

Applications have been submitted for a Specific Plan Amendment amending the entire Specific Plan document including proposed land use changes for a portion of the Tracy Hills area (proposed amendment), and a Tentative Subdivision Map for the first phase of development, which is approximately 400 acres containing approximately 1,200 single family homes and 50 acres of business park, as well as a school site, storm drain facilities, roads, and other infrastructure. The proposed amendment still includes residential uses; however, the land uses are organized in a new layout for the area between I-580 and the California Aqueduct.

Several areas of importance include the freeway edge (how to turn habitat constraints into landscaping opportunities); neighborhood design that provides for high levels of mobility, public safety access, and access to public spaces; land dedicated to business park development at the project entrance; project and City of Tracy identification at Corral Hollow Road and I-580.

Per Council direction, staff is negotiating a Development Agreement (DA). The following comprise the basic categories that are being negotiated in this agreement. As negotiations are still ongoing, this list could change, including any changes directed by City Council. A list of the main Draft DA terms will be published with publication of draft project documents including the Draft Specific Plan, Tentative Map, and Draft Environmental Impact Report.

General Terms:

- \$5 million public benefit payment to City for use as directed by City Council

- Vesting rights for the project, meaning that the approvals are “locked in” for the terms of the agreement and cannot be changed without consent of each party, City and developer
- Use of a Community Facilities District (CFD) to fund capital infrastructure costs and maintenance and operations costs of various aspects of the project
- 25 year term

Water Storage:

- Use of water storage at the water treatment plant and timing of water tank, and funding for Aquifer Storage and Recovery (ASR) Well Wastewater Treatment:
- Funding for wastewater treatment plant expansion and reservations for funded capacity Wastewater Conveyance
- Timing and funding of improvements to the Corral Hollow sewer line and force main to Lammers sewer line

Traffic

- Use of traffic development impact fees used for Tracy Hills related traffic impacts
- Project Timing

The City is in the process of preparing a subsequent Environmental Impact Report (EIR) to analyze the applications, and has issued a Notice of Preparation to solicit comments on what should be studied. The Planning Commission conducted a hearing on November 6, 2013, to receive public comment on the scope of the EIR.

There is no fiscal impact associated with this agenda item. The developers have entered into a Cost Recovery Agreement with the City to cover staff and consultant time associated with processing the applications. As the Tracy Hills project is evaluated for infrastructure requirements, environmental impacts, compliance with City standards, the fiscal impacts associated with impacts to public services are also being evaluated. A component of the project involves the formation of a CFD to fund capital infrastructure expenses; this funding tool is also being evaluated to fund maintenance and operational costs associated with the project, including long term costs such as police, fire, and other City services. This is being evaluated in part due to the existing property tax sharing agreement with San Joaquin County where the City share of property tax from the Tracy Hills project is zero percent. This previous arrangement was put in place in the 1990s when the Northeast Industrial Area (NEI) of the City was also contemplated under the tax sharing agreement with the City netting a higher property tax amount in NEI than was customary. The CFD and various capital and operational funding plans will be presented to City Council as work on the project applications progresses.

Staff recommended that Council accept the update on the Tracy Hills project, and provide any direction to staff, as necessary, related to the project or the DA.

John Palmer, Tracy Hills Project Manager, thanked the Mayor and Council for the opportunity to present the project and introduced the project team. Mr. Palmer provided the design features of Phase 1. Mr. Palmer added that project information provided includes previous input from staff and Council.

Van Stevens discussed the design philosophy of the project which includes a walkable community, connectivity, complimentary residential sub-blocks, walking trails and a variety of parks.

Mr. Palmer discussed Tracy Hills Parkway (a roadway in the project) or spine road that snakes through the project. As a design feature, the road helps provide visual interest and a better design for the project. Mr. Palmer added that they would like to work with the City of Tracy and add veteran names to the streets in Tracy Hills.

Mayor Ives asked if the Development Agreement (DA) covered the entire project or just Phase 1A. Mr. Dean stated the DA was for the entire project and that at this time they were only proposing changes to Phase 1.

Mayor Ives invited members of the public to address Council on the item.

Steve Nicolaou asked if the Tracy Hills project would be in compliance with the Airport 2009 Land Use Compatibility Plan and the current runway lengths. Mr. Dean stated the application has been routed to the San Joaquin Council of Government (COG) who are in the process of making comments. Mr. Dean added the project will be in compliance with the adopted Land Use Compatibility Plan.

Mr. Nicolaou asked if staff had heard of any plans to override the Airport Plan. Mr. Dean stated no.

Robert Tanner stated the City needed to ensure that funds are available to cover police and fire protection. Andrew Malik, Development Services Director, stated the City will receive \$.03 per square foot for fire funding and that a Community Facilities District (CFD) was being proposed for the project to cover needed services.

Dave Helm asked if the proposed \$5 million has been earmarked for any protection or services. Mayor Ives stated the funds were to be used at Council discretion. Mr. Helm asked when the \$5 million would be paid to the City. Mr. Dean stated they were still negotiating the DA, but were considering payment installments. Mr. Helm asked how many phases were proposed for the project and when was build out anticipated. Mr. Dean stated the question would be better directed to the applicant, but added the owners were interested in starting Phase 1 in 2015.

John Palmer indicated the presentation focused on Phase 1 and that they hoped to start infrastructure for Phase 1 early in 2014, with a planned build out of Phase 1 in three to five years. Mr. Palmer added that the project would include multiple phases and multiple years for build out.

Mayor Pro Tem Maciel asked what percentage of the project Phase 1 represents. Mr. Palmer stated approximately 25%.

Dave Helm asked if the project, because of its location, would have an impact on police and fire communication. Mayor Ives stated it would be taken care of. Mr. Helm asked if the project would have any impact on the airport. Mayor Ives stated staff is reviewing the application and they would provide comments. Mr. Helm asked if there were sufficient Residential Growth Allotments (RGAs) for the project to be built out in a timely

manner. Mayor Ives stated there was a table of RGAs the developer finds sufficient to build their project.

Dave Anderson, President of Tracy Airport Association, stated the area of the proposed project in the vicinity of the airport is planned for commercial and industrial uses which is preferred. Mr. Anderson stated they hoped there would not be a situation where the owners ask to have the property re-zoned.

Mayor Pro Tem Maciel asked if there were any special treatments or concerns bordering the aqueduct. Mr. Palmer stated there was a 100-foot habitat area planned that will serve as a buffer with native grasses and minimal landscaping. Mr. Palmer added that a utility corridor is also planned between the aqueduct and the right of way.

Council Member Manne asked if there were any roadway improvement plans for Corral Hollow Road near the interchange. Mr. Dean stated staff was in the process of describing the project and an environmental document will analyze the project to determine what improvements are needed and the timing of those improvements.

Council Member Manne asked if there was an expected build out date for Lammers Road. Mr. Dean stated Lammers Road is a future roadway anticipated in the master plan and not likely part of Phase 1.

Council Member Manne asked for clarification regarding the elevation between the proposed homes and the highway. Mr. Stevens stated on average the community falls away from I-580, with a variety of conditions and down-sloping from the freeway.

Council Member Manne asked how large the buffer zone was between the freeway and the proposed project. Mr. Stevens stated a minimum of 100 feet to include required elements to mitigate noise, etc.

Council Member Manne asked if the landscape design along the freeway frontage will be for beauty, but also to reduce noise. A representative from the group stated the conservation easement will include, sycamores, oaks, and poplar trees, placed and grouped conducive to the habitat and to reduce noise.

Council Member Manne asked if a detention basin is proposed on the northeast side. Kul Sharma, City Engineer, stated storm drainage for Tracy Hills is proposed to be contained within the site, and includes a network of detention and retention basins. Mr. Sharma stated they are confident the on-site basins will work for the project.

Council Member Manne asked if any safety barriers were proposed along the aqueduct protecting the residents. Mr. Dean stated portions of the spine road will be touching the area and staff and the developers were still working on those details. Mr. Dean stated they did remove any planned parks from those areas.

Mayor Pro Tem Maciel asked if the aqueduct was currently fenced. Mr. Dean stated he believed it is fenced.

Council Member Manne thanked the development team for the presentation stating he liked the street presentation and the landscape architecture. Council Member Manne added that he would like to get a better idea of the architecture when the project returns.

Council Member Young stated she did not see a fence between the homes, the habitat area and the freeway. A representative of the development team stated they were still evaluating what type of fencing is required and who or what needs to be kept out of the habitat areas. Mr. Stevens added that a security fence is always present along freeways.

Council Member Young briefly asked for clarification regarding the mention of a school being included in Phase 1. Mike Souza stated the project was part of the Jefferson School District and that a K-8 school is planned for the site. Mr. Souza added high school students will go to Kimball High.

Council Member Young stated the overall project looked good and encouraged the team to pursue naming streets after veterans.

Council Member Rickman stated it was nice to see trails incorporated in the project and that he was looking forward to seeing the rest of the project.

Mayor Pro Tem Maciel thanked the team for the presentation and for meeting the high quality standards the City of Tracy expects.

Mayor Ives stated a lot of very nice statements and pictures had been provided that show how the project will look, reminding the team that Council will expect them to keep their word when the project comes back for approval. Mayor Ives added that staff is tasked with making sure the team adheres to this point as well.

Council accepted the update on the Tracy Hills project.

7. ITEMS FROM THE AUDIENCE – Brian Van Lehn provided two letters to the Council; one dated November 27, 2013, to Brian and LeAnn Van Lehn from Diane Kindermann Henderson, and one dated December 12, 2013, to Mr. and Mrs. Brian Van Lehn from Wilson Ihrig & Associates.
8. STAFF ITEMS – None.
9. COUNCIL ITEMS
 - A. Determine Whether to Direct Staff to Place an Item on a Future Council Agenda Regarding Initiating an Investigation of the City's Actions Regarding the Agreement the Surland Companies Proposed to the City Related to Airport Fuel Sales - Maria A. Hurtado, Assistant City Manager, provided the staff report. At the City Council meeting held on November 5, 2013, Council Member Rickman requested that Council consider directing staff to initiate an independent inquiry surrounding a proposed agreement by the Surland Companies related to airport fuel sales.

The purpose of this item is to provide an opportunity for Council to discuss whether staff time and City resources should be devoted to placing an item on a future agenda to consider Council Member Rickman's request. Approval of Council Member Rickman's request would enable the Council to make a decision regarding his request at a future Council meeting.

Staff recommended that Council determine whether to direct staff to place an item on a future Council agenda regarding initiating an investigation of the City's actions regarding the agreement the Surland Companies proposed to the City relating to airport fuel sales.

Mayor Ives invited members of the public to address Council on the item.

Paul Miles provided a presentation entitled "Potential investigation of the City's alleged agreement with the Surland Company to determine if unethical, illegal, or criminal action took place".

Steve Abercrombie urged Council to inform Mr. Miles that enough time and energy has been spent on Mr. Miles and it was time to move on. Mr. Abercrombie asked that Council not let Mr. Miles ruin Chief Hampton's reputation and career.

Steve Nicolaou provided Council with a letter dated October 21, 2013, addressed to Robin K. Hunt of the Federal Aviation Administration. Mr. Nicolaou stated, in keeping with the promise of transparency, believes Council should not engage in any investigation, but should instead refer the Surland matter to the Grand Jury.

Dave Helm stated he was confused why Mr. Miles' presentation was included in this agenda item. Mr. Helm added that he shared similar concerns with Mr. Miles at how investigations are looked at. Mr. Helm asked why a lease was renegotiated with the fuel service operator when his license was suspended.

Les Serpa, Surland Communities, stated Mr. Nicolaou, along with others, have been detractors of the Ellis project over the past five years. Mr. Serpa further stated Surland agreed to help with improvements at the airport, but that there is no agreement between the City of Tracy and Surland regarding the airport. Mr. Serpa stated he was not concerned about any investigation and that any investigation will only waste taxpayer money and City time.

Council Member Rickman stated he was also confused why Mr. Miles provided a presentation at this point in the agenda. Mayor Ives indicated the title of the presentation by Mr. Miles was aimed at this agenda item and therefore scheduled during this item versus during Items from the Audience.

Council Member Rickman indicated a lot of the content from Mr. Miles' presentation was not related to this agenda item.

Council Member Rickman stated one of the issues that concerned him was that Council was not notified about the situation. Council Member Rickman stated he has not received any information from staff or Mr. Churchill except that there was

no agreement. Council Member Rickman further stated it was troubling that a member of the public, through a public records act request, has more information than Council. Council Member Rickman stated the accusations are serious and brings into question the integrity of the City and Council.

Council Member Rickman asked Council to place the item on a future agenda so the matter can be discussed in public. Council Member Rickman stated at minimum, he wanted to find out exactly what happened behind the scenes.

Mayor Ives clarified that the agenda states "initiate an investigation", but what he heard Council Member Rickman request was a discussion of the facts.

Council Member Rickman stated an investigation could be an option, but it was hard to say if the matter is civil or criminal without having the information.

Mayor Pro Tem Maciel stated he agreed with Mr. Abercrombie's comments about Mr. Miles. Mayor Pro Tem Maciel further stated it was hard for him to dismiss Mr. Miles' feelings about Chief Hampton but embrace his concerns about Mr. Sodergren and Mr. Churchill. Mayor Pro Tem Maciel indicated it was not clear what the Council was trying to figure out. Mayor Pro Tem Maciel indicated there were two items not in dispute: a memorandum from Surland proposing a deal which appears that the City rejected and that Surland wrote a check to the City to cover Turlock Air's financial obligations to the City. Based on those facts, Mayor Pro Tem Maciel stated he failed to see any basis to engage in an investigation.

Council Member Rickman stated in the past two years Council was heading one direction and then all of a sudden switched to shorten the runway length. Council Member Rickman stated it does not necessarily mean anybody did anything wrong, but it does warrant a discussion.

Mayor Pro Tem Maciel asked what information Council was not provided. Council Member Rickman stated Council was not informed regarding the Surland proposal.

Council Member Rickman asked if the Federal Aviation Administration (FAA) has authority over the runway length. Mr. Churchill stated the FAA has standards regarding runway length.

Council Member Manne stated the agenda specifically states "initiating an investigation regarding an agreement for airport fuel sales". Council Member Manne stated he has no experience with investigations. Council Member Manne stated he was in favor of talking about the item, but that he would need help to figure out what and who to investigate.

Council Member Rickman stated questions he has been asked are, was there an offer, was there an acceptance, was there an agreement, did all of those items happen, or was there a partial acceptance of the offer.

Council Member Young stated she was in agreement to discuss Council Member Rickman's concerns and agreed with Mayor Pro Tem Maciel regarding what is

the Council trying to get to the bottom of. Council Member Young stated certain facts are not in dispute. Council Member Young stated she was concerned with any investigation and the connotation it gives. Council Member Young added that everyone should be able to question authority when it is appropriate. Council Member Young asked what was Council looking for on this issue.

Mayor Pro Tem Maciel suggested Council come back with specific questions they want staff to address.

Mayor Ives stated with every decision Council makes there will be individuals that will disagree with that decision. Mayor Ives stated the Council should be able to work through a concern and have a discussion.

Council Member Rickman stated he wanted to know if there was an agreement between the City and Surland, and any background information regarding the agreement, and if there was an acceptance or partial acceptance.

Dan Sodergren, City Attorney, stated in order for there to be an agreement with the City, it has to be in writing, authorized by City Council or someone Council has delegated authority to. Mr. Sodergren further stated even if there was a written agreement approved by City Council, the agreement cannot limit the Council's legislative ability. Mr. Sodergren stated he does not see a written agreement or an agreement on Council's part.

Council Member Rickman asked if an offer can be accepted by completing elements of the offer. Mr. Sodergren clarified that in the private sector you can get into reliance, but with public agreements with the City, government code requires agreements to be approved in writing.

Council Member Rickman asked if the items requested of the City in the Surland proposal were performed. Mr. Sodergren stated he did not know and would have to go through them item by item.

Mayor Ives asked if that was the question of Council Member Rickman's focus that he wanted discussed. Council Member Rickman stated those were the questions he has not been able to get answers to.

Mayor Pro Tem Maciel stated he had no problem with staff reviewing and answering those questions.

Council Member Manne asked what happens if Council finds that some of those items were fulfilled. Mayor Ives stated that would need to be decided once Council has all the facts.

Leon Churchill, Jr., City Manager, stated if there is consensus on the specific items mentioned by Council Member Rickman then staff knew what to bring back to Council.

It was moved by Mayor Pro Tem Maciel to direct staff to review the memorandum from Surland to the City that made a proposal regarding fuel sales at the airport

and to report back the various issues that were listed in that memorandum and what the status of those proposals are, including detail if any of those items came to fruition and the circumstance through which they did. Council Member Rickman seconded the motion. Voice vote found all in favor; passed and so ordered.

- B. Appoint An Applicant To The Transportation Advisory Commission From The Commission's Eligibility List – Maria Hurtado, Assistant City Manager, provided the staff report. There is one vacancy on the Transportation Advisory Commission due to Commissioner Gainor resigning from the Commission on September 12, 2013. Mr. Gainor's term was due to expire on April 30, 2014. The last time appointments were made to the Transportation Advisory Commission was June 4, 2013. At that time the subcommittee consisting of Council Member Rickman and Council Member Manne nominated one applicant to fill a vacancy on the Transportation Advisory Commission and recommended one applicant be placed on an eligibility list. The purpose of an eligibility list is to fill vacancies that might occur in the 12 months following the last appointment to the board and/or commission. Council confirmed the subcommittee's nomination and the creation of an eligibility list.

Council can either appoint Mr. Silva to the Transportation Advisory Commission for a term commencing on December 4, 2013, expiring on April 30, 2018, or direct staff to open a new recruitment. If a new recruitment is opened, Council would need to determine how to proceed with regard to Mr. Silva's status.

It was moved by Council Member Young and seconded by Council Member Manne to approve the Council Subcommittee's recommendation to appoint Mr. Silva to the Transportation Advisory Commission to serve a term which will commence on December 4, 2013, and expire on April 30, 2018. Voice vote found all in favor; passed and so ordered.

10. ADJOURNMENT - It was moved by Mayor Pro Tem Maciel and seconded by Council Member Manne to adjourn. Voice vote found all in favor; passed and so ordered. Time: 9:46 p.m.

The above agenda was posted at the Tracy City Hall on November 27, 2013. The above are summary minutes. A recording is available at the office of the City Clerk.

Mayor

City Clerk