

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

December 21, 2021, 5:00 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Young called the meeting to order at 5:04 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Arriola, Bedolla, Davis, Mayor Pro Tem Vargas and Mayor Young present.
3. ITEMS FROM THE AUDIENCE – None.
4. Request to Conduct Closed Session

A. Conference with Legal Counsel – Existing Litigation (Gov. Code Section 54956.9(d)(1))

- i. Case Title: MARY MITRACOS, v. CITY OF TRACY, and SURLAND COMMUNITIES, LLC, CASE NO. C093383; COURT OF APPEAL, STATE OF CALIFORNIA THIRD APPELLATE DISTRICT

B. Conference with Legal Counsel – Existing Litigation (Gov. Code Section 54956.9(d)(4))

National Prescription Opiate Litigation (U.S.D.C. Case No. 1:17-CV-2804)

Council Member Davis announced she will be recusing herself from item 4.A pending determination from the FPPC.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to recess to closed session. Roll call found all in favor; passed and so ordered. Time: 5:07 p.m.

5. Mayor Young reconvened the meeting to open session at 6:20 p.m.
6. REPORT OF FINAL ACTION – Greg Rubens, Interim City Attorney stated regarding Item 4.B – existing litigation opiate settlement, Council decided by unanimous vote to participate in that settlement and authorize the City Manager to sign the agreement.
7. COUNCIL ITEMS AND COMMENTS – Mayor Pro Tem Vargas stated she previously requested and was told she could not instruct the City Attorney to send a letter to FPPC to seek a legal opinion on Government Code 82048 related to negotiations or having an arrangement regarding proposed perspective employment as an employee leaving the City of Tracy. There is a cooling period and Code 1090 of the FPPC also describe that a person, employee, public official or members or officers or consultants of the local agencies cannot seek employment, interview or accept employment within a year after leaving their office. Mayor Pro Tem Vargas asked the City Attorney to reach out to the FPPC to look into the 1090 possible conflict of interest on this matter and report back to Council.

Greg Rubens, Interim City Attorney stated that type of decision is something more appropriate for closed session that can be brought back at the next meeting.

Mayor Pro Tem Vargas responded she is fine if it is covered in closed session but wanted to make sure that the professional courtesy between employees doesn't override common sense and legal. There are Government Codes and FPPC guidance that have been trumped and not followed, requested a legal opinion and for the public to know we are doing the right thing.

Mayor Young stated it connects to another issue Council needs to discuss in closed session and supported Mayor Pro Tem Vargas's request and combine the two items together.

Mr. Rubens stated he will try to bring it back on January 18, 2022, or February 1, 2022.

8. ADJOURNMENT- Time: 6:26 p.m.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adjourn. Roll call found all in favor; passed and so ordered.

The agenda was posted at City Hall on December 16, 2021. The above are action minutes.

ATTEST:

Mayor

City Clerk