

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

May 24, 2023, 5:00 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy, CA.

1. Mayor Young called the closed session meeting to order at 5:02 p.m.
2. There was no action required pursuant to AB 2449.
3. Roll call found Council Members Arriola, Evans, Mayor Pro Tem Davis and Mayor Young present.

Council Member Bedolla arrived at 5:05 p.m. after roll call.

4. ITEMS FROM THE AUDIENCE - Gabriella Machuca expressed frustration with the Planning Commission agenda cancellation and the short notification that was received verbally after the close of business on a Thursday prior to a closed Friday with the explanation that staff has logistical issues to work out. Still awaiting a response and submitted emails for record.

Karen Moore shared that she had sent in an email in regard to the homeless shelter and how Tracy's money was not wasted rather issues with an unscrupulous contractor and hopes that there is a clause in the contract that includes habitability and delivery information, also expressed that instead of using the word racism; inclusion, equity and diversity would be better terms.

Andrea Brown expressed that she has spoken out against the City Manager and Mayor for not doing their part in taking care of the Homeless situation and the crime associated with it and attempted to play a recording. City Attorney Bijal Patel asked if the individuals in the recording had given consent to be recorded and that it would not be acceptable without making the determination if all the parties in the recording are not present to give consent to the playing of that recording in a public forum, the recording could not be heard. Ms. Brown confirmed that City Manager Michael Rogers was not present at the meeting and shared that she had asked why there was no ordinance in place at the park regarding enforcement and that the City Manager is not doing anything helpful.

Andy Wood shared concerns about last night's meeting and that the majority of those present affirming their belief that the Grand Jury was right when they said that the City Manager and City Attorney should be shielded from power politics and shifting alliances by requiring a super majority vote. This behavior exposes our City to a lawsuit and urged Council to recognize mutual obligations to work within the systems created, not change the rules, hold yourselves to a higher standard of decorum and civility and not tolerate bullying from anyone at the dais especially when some of our leaders are quick to condemn the sins of other when they themselves have committed the same and find common ground we are counting on all of you to put Tracy first.

Juana Dement expressed that it does not matter the attendance in last night's meeting, what matters is that the decisions are made with the correct process and the data needed to make the objective decisions, it is good that people show up and share their opinion. Ms. Dement urged Council to assist the Machuca family since they have been asking for help and have been a community orientated business, and urged that along with staff the Machuca family is provided the tools needed to be successful in their

business and it seems that there is retaliation happening from someone in City Hall. Ms. Dement expressed concern regarding the decorum seen from Council when they witness a colleague harassing or bullying staff, it is up to them to stop it and that treatment should not be allowed and urged professionalism.

Community Member expressed her concerns that Mr. Rogers retained legal counsel and by the statements made by the NAACP and by a potential second Grand Jury investigation, Council should work cohesively. Tracy deserves better and the vote last night, the voice of the people was not heard since the majority of the people that spoke were against the ordinance. If Council feels differently share the evidence with the community, urged Council to not move forward to attempt to remove the City Manager and look to see how to make the situation better and apologize to those you have wronged and restore trust to our reputation.

Alice English agreed with Ms. Dement's comments and stated Council allowing the Mayor to belittle and harass the Clerk and City Attorney and by objecting in silence is not right knowing that the Mayor is completely out of line, a point of order should be called. Mayor Young asked that Ms. English direct her comment at the whole Council and requested that her time be stopped. Ms. English stated the people that are commenting on City business are not even from Tracy and the Mayor does not deserve to be Mayor because of the fiasco that she has caused. Respect is earned not demanded and all the Mayor does is disrespect the staff and citizens of Tracy. Mayor Young stated that since she was elected, she has earned respect.

Dotty Nygard stated that respect goes both ways and expressed concern over potential litigation and the fact that businesses are watching closely, trust has been lost and is hard to repair, please take a close look at the business that we depend on such as the warehouses and product distribution centers and restore common decency. The people of Tracy look for you to lead, so please lead

5. REQUEST TO CONDUCT CLOSED SESSION

5.A PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (GOV. CODE §§ 54957, 54954.5)

5.B CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(2) ONE POTENTIAL CASE (COMPLAINT BY EMPLOYEE OF DISCRIMINATION)

Alice English shared that it will be very difficult for Council Members and expressed that when a contract is signed and broken in combination with the years of experience, he should know better. Ms. English also shared that the community needs to be aware that due to confidentiality what happens behind closed doors will remain behind closed doors and will not be made public.

ACTION: Motion was made by Mayor Pro Tem Davis and seconded by Council Member Arriola to recess to closed session. Roll call found all in favor; passed and so ordered. Time: 5:32 p.m.

6. Reconvene to Open Session – 7:05 p.m.

7. Report of Final Action, if Any - City Attorney Bijal Patel shared that there was no reportable action but wanted to note that Mayor Young was recused from closed session at 6:10 p.m.
8. Council Items and Comments – None
9. Adjournment – Time: 7:06 p.m.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Evans to adjourn. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis all in favor; Mayor Young was absent from roll call, motion passed and so ordered.

The above agenda was posted at the Tracy City Hall on May 23, 2023. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk