

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

May 30, 2023, 10:00 a.m.

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

1. Mayor Young called the closed session meeting to order at 10:03 a.m.
2. There was no action required pursuant to AB 2449.
3. Roll call found Council Members Bedolla, Evans, Mayor Pro Tem Davis and Mayor Young were present. Council Member Arriola absent.
4. ITEMS FROM THE AUDIENCE - Alice English shared that this past weekend was Memorial Day weekend and it was about honoring the fallen who fought for our freedom regardless of race, background, gender, or political affiliation. The Mayor calls the media and tries to divide the city, calling fellow Council Members corrupt without proof or basis, and expressed disappointment at the Mayor's continued attempts to divide the City with racist rhetoric and false statements. One of the past City Managers that was fired, it was on record that it was due to embezzlement with a credit card and not due to his race, he broke his contract and stole from the City of Tracy. Ms. English asked that the Mayor stop hiding behind racial rhetoric and her religion and stop bringing her personal dirt to the City and shared the diversity of staff and community and that should not be divisive when should be looking to unite.

Mayor Young asked that anyone that addressed the Council have it be on issues that the Council can handle and expressed her disagreement with Ms. English's comments.

5. REQUEST TO CONDUCT CLOSED SESSION

5.A 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)

5.B PUBLIC EMPLOYEE APPOINTMENT (Gov. Code §§ 54954.5, 54957.) TITLE: INTERIM CITY MANAGER

Gabriela Rodriguez-Machuca shared that she has had issues getting her business relocated and up and running and hoped that the selected interim City Manager is going to follow through on the direction that Council gives and get things done for the City.

Pat Howell shared her observation that the community has witnessed collusion of the majority Council with the Assistant City Manager, City Attorney and other staff to get rid of the City Manager while he was on medical leave. Ms. Howell stated that by airing these grievances in public have completely disregarded the City Manager's reputation and has tainted the reputation of the City, potential lawsuit, and costs involved for a new manager search. Council should have listened to the current and past disgruntled employees and the public and suggested that Council fire the City Attorney who advised Council poorly.

Alice English stated that she disagreed with the prior speaker especially when it comes to what was published and what was discussed. The City Attorney is employed by the Council, and some are attempting to tarnish her integrity. Ms. English stated that Council needs to do the job that they were elected for, they work for the whole City of Tracy and expressed disappointment in the City Manager being partisan in some of his speech and what Council is doing is right and requested that the Council select an Interim City Manager that will get the job done for Tracy.

Burnell Shull expressed her sadness at the loss of the City Manager who may have a great personality, but he picked the wrong friends. Ms. Shull expressed her confusion as to why certain things are being held up and how the City Attorney came in and is correcting issues that have been ongoing in the City. Ms. Shull asked why there were issues with the Homeless Center.

Community Member shared that Tracy is a City Manager system of Government and there are checks and balances, at this time there does not seem to be checks and balances. The opportunity is given to Council to do the right thing and you don't do it. Some of the items that they have read are personal grudges, you all have inspiration to move on to the next thing and are not here for the City. If you cannot do the job please step down, the quality of life has gone down as bad as the quality of those that are representing us up there.

Bobby Bivens President of the NAACP of San Joaquin County expressed his sadness that City leadership has moved in a negative manner to impede progress and shared that in the 1930's every time a black man was lynched, the offices at the NAACP would fly a flag that stated "another black man lynched today" and Tracy should fly that flag. Mr. Bivens expressed his belief that those who did the job during the City Manager's absence should be fired and thousands of people from diverse ethnicities have moved to the City of Tracy and the City is not welcoming to people of color. Mr. Bivens questioned the abilities of the three Council Members and staff regarding experience and training and based on his past experience as a government employee he understands how government works. Mr. Bivens commented that Council Member Bedolla, Council Member Evans and Mayor Pro Tem Davis are members of the proud boys based on their behavior and asked them to rethink on the actions that they are thinking about taking against the City Manager.

Council Member Evans called a point of order and clarified that he has zero affiliation with the group mentioned.

Mayor Pro Tem Davis called a point of order and expressed her disappointment in the Mayor for not calling out affronts to all speakers equally.

Council Member Bedolla disagreed with the characterization of the previous two commenters.

Mary Kennedy Bracken shared that she is appalled by the conduct of Council and the lack of respect shown to the Mayor and that the Mayor needs to be

respected and urged Council to make decisions based on facts and what is good for the City.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to recess to closed session. Roll call found Council Members Bedolla, Evans, Mayor Pro Tem Davis and Mayor Young in favor; passed and so ordered. Council Member Arriola absent. Time: 10:54 a.m.

6. Reconvene to Open Session – 11:11 a.m.

7. Report of Final Action for Agenda Item 5.A. - Bijal Patel City Attorney, reported that in closed session under 5.A by a vote of three (3) Ayes, one (1) abstention and one (1) absence, the Council voted to approve a Settlement Agreement with City Manager Rogers. Mr. Rogers recently served the City with a demand letter. The Settlement Agreement as signed by Mr. Rogers provides that Mr. Rogers will waive and release his employment related claims against the City and will resign his City employment and other material terms and in exchange for a Settlement Agreement in the same amount as the 9-month severance provision reflected in his employment agreement that amount is \$265,963.32.

Recessed back to Closed Session at 11:13 a.m.

Reconvened to Open Session at 11:28 a.m.

Report of Final Action for Agenda Item 5.B, if any – Bijal Patel City Attorney, reported that in closed session by vote of four (4) ayes and one (1) absence the Council voted for the appointment of Midori Lichtwardt as Interim City Manager, effective immediately and that she will receive the City Manager salary of \$286,536.00 annually. Council directs staff to prepare an Employment Agreement consistent with these items and bring back at the next Council Meeting.

8. Council Items and Comments – Council Member Evans expressed gratitude to those that served in the Armed Forces and their families.

9. Adjournment – Time: 11:29 a.m.

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

The above agenda was posted at the Tracy City Hall on May 26, 2023. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk