

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

July 5, 2023, 5:00 p.m.

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

1. Mayor Young called the meeting to order at 5:00 p.m.
2. There was no action taken by Council pursuant to AB 2449.
3. Roll call found Council Member Evans, Mayor Pro Tem Davis and Mayor Young present. Council Members Arriola and Bedolla absent from roll call.

Council Member Bedolla arrived at 5:07 p.m. Council Member Arriola arrived at 5:14 p.m.

4. ITEMS FROM THE AUDIENCE – Alice English spoke about freedom of speech being violated, the Mayor violating the Code of Conduct and Brown Act, referred to the June 20, 2023 Council meeting and Council Member Arriola deviating from the agenda, Mayor allowing Surland’s attorney to speak about something not on the agenda, and also allowed Prologis to speak beyond their time in 2021 which is setting bad precedence. The Chair has rules and conduct to follow also.

Mayor Young asked the Parliamentarian if she had violated any of the rules regarding public comment. Bijal Patel, City Attorney clarified the speaker was referring to the June 20 meeting and explained the process regarding public comment as proponent or group and comments on agendized and non-agendized items.

Mayor Pro Tem Davis asked what supersedes, is it the Code of Conduct or constitutional law.

Ms. Patel responded there is an order of hierarchy of laws and rules and the first order is the constitution and rights afforded to speakers through the first Amendment. There is a layer of language in the Brown Act and third layer is local rules. For California the best guiding rules is the Brown Act.

Gabriela Machuca stated she had emailed Council and hoped that they all took time to look at the communication to be more familiar with their journey with the City of Tracy over the last year. Hoped Council directs management to make changes because something isn’t working right. Ms. Machuca requested that Council look at the mobile food vendor ordinance.

5. REQUEST TO CONDUCT CLOSED SESSION

Real Property Negotiations (Gov. Code Section 54956.8)

5.A. Property Location: APN: 235-068-06
729/741 N. Central Avenue, Tracy, CA (commonly known as Westside Market)

Negotiators for the City: Karin Schnaider, Acting City Manager
Brian MacDonald, Interim Assistant City Manager

Adriana Castaneda, Director of Mobility and Housing
 Vanessa Carrera, Assistant to the City Manager
 Bijal Patel, City Attorney

Negotiator for Developer: Jennifer Magud, Assistant Director of Development Delta Community Developers Corporation

Under Negotiation: Price & Terms of Payment

5.B CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
 (Paragraph (1) of subdivision (d) of Section 54956.9)

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

5.C CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9, and significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9.

Alice English referred to the June 6 meeting and spoke about the difference between comment and proposal and the proposal was not on the agenda. City Attorney did remind Council that the comments made by Surland's attorney was not on the agenda. It was about the proposal. Surland's attorney had over three months to come to Council with a proposal and all Council received a letter dated March 6 and the agenda was March 7 and Council Member Arriola and Mayor acted like they did not get the letter.

Mayor Pro Tem Davis recused herself from item 5.B and 5.C due to proximity of real property.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Davis to recess to closed session. Roll call found all in favor; passed and so ordered. Time: 5:23 p.m.

6. Reconvened to Open Session – Time: 7:13 p.m.
7. Report of Final Action, if Any - None
8. Council Items and Comments – None

9. Adjournment – Time: 7:14 p.m.

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

The above agenda was posted at the Tracy City Hall on June 29, 2023. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk