

**August 7, 2023, 5:00 p.m.**

City Hall, 333 Civic Center Plaza, Tracy  
And one Council Member attended remotely  
At the following location: Hilton Hawaiian Village  
2005 Kālia Rd, Honolulu, HI 96815

Web Site: [www.cityoftracy.org](http://www.cityoftracy.org)

1. Mayor Young called the meeting to order at 5:20 p.m.
2. There were no actions taken pursuant to AB 2449.
3. Roll call found Council Members Arriola, Bedolla, Evans, Mayor Pro Tem Davis, and Mayor Young present. Council Member Arriola participated remotely.
4. Items from the Audience – Tim Silva thanked City of Tracy, Council, Police and Fire Department for National Night Out and stated it is a great way for elected officials to get out in the community and participate in the event.

Dotty Nygard stated she spoke to engineers regarding the Bessie Road project upgrading infrastructure, water and sewer and asked why the electric wiring is not being buried. That section of Bessie has older trees and every year or two PG&E takes away half that tree canopy and requested the City reach out to our local PG&E as their website states one of their main roles is to bury the lines.

Rosario Arulappan shared his appreciation for National Night Out and thanked Police and City Officials and the Fire Department. Mr. Arulappan stated the aquatics park task force needs to be investigated as he received a flyer to save the date to discuss about the design of the water park in Ellis which they don't have any rights as they were already dissolved, and the land is acquired by City and the City have rights to talk about design. The City should take action as it is confusing people and giving wrong information.

Manala, a resident of Ellis thanked the City for starting the Tracer bus going to Tracy Hills, Ellis and train station, and thanked Mayor Pro Tem Davis and Police and Fire staff that came out for National Night Out in Ellis. Manala stated the City approved the motion to accept the land from Surland to start work for the Aquatic Park, requested the City, City Manager and Parks and Recreation Director keep the City informed through general publications on progress being made as this has been going on for years.

Jorge Gonzalez shared concerns regarding accidents due to people not stopping and speeding at 10<sup>th</sup> and Taft. Mr. Gonzalez spoke about the City sending staff to cut trees, has left multiple messages and came here to speak to Council. They destroyed his fence, which he fixed it twice, has sent pictures and cost of repairs and got a letter saying if he does anything, he would be responsible for this legal matter.

## 5. Request to Conduct Closed Session

5.A Personnel Matter (Gov. Code, § 54957)

Public Employee Appointment, Employment, Evaluation of Performance, Discipline, or Dismissal

Position Title: City Attorney

Steve Nicolaou stated attorneys have to take an oath, and quoted Cal. Bus. & Prof Section 6125. Mr. Nicolaou shared his concerns regarding unauthorized practice of law by the City Attorney and has filed a complaint with the State Bar of California against the City Attorney for the unauthorized practice of law and singled out the July meetings.

Robert Tanner stated warning letters are sent when an Attorney or a CPA is going to miss a timeframe for extended education. Mr. Tanner shared concerns regarding the City Attorney being out of balance as of February 1 because she did not complete the continued education and stated Council needs to review everything from February 1.

Robert Bivens stated the City Attorney did violate the law and quoted California Bus. & Prof Section 6126 and spoke about the law being violated, fines and being a punishable crime, and asked the City to go to San Joaquin District Attorney's Office and file a criminal complaint because a criminal act has been completed here. This person did not take the time to take the necessary classes.

Rosario Arulappan stated the incident related to the City Attorney is unfortunate, but it was resolved last week as it was an administrative matter involving updating a continuing education credit. Mr. Arulappan spoke about the Mayor's ongoing public confrontation with the City Attorney, involving the media, acceptance of funds from developer, the Attorney's role is to make sure they not given preferential treatment and felt it is a racist attack on the City Attorney.

Mayor Young disagreed with any connection that she was involved in all the things just said regarding the City Attorney.

Gary Cooper stated the last time the Council faced an issue of this magnitude, Council took upon itself by a simple 3/2 vote to change the rules by the way we manage two important employee positions in the City of Tracy and as result we lost a very capable City Manager. Citizens deserve full accountability from our Council and operate by own rules of behavior and policies. Council last time decided not to follow the rules they adopted. We are asking to make the City Attorney accountable to the rules Council has.

Midori Lichtwardt, Interim City Manager responded to Mayor Pro Tem Davis's question and clarified that vote has not changed, a super majority is required to terminate the City Manager and City Attorney.

Mayor Young confirmed there was no second reading and adoption of the ordinance so it did not go into effect.

Robin Cole stated three members of Council decide what to do in Tracy and it is appalling. Council set a precedent by having a public trial of a good man and now we do not see Ms. Patel in Chambers. If she did nothing wrong why is she not here. Her contract was clear, Council can kick her out for any reason. Ms. Cole shared concerns about having an Attorney without a renewed license and asked for the City Attorney to resign.

Ms. Lichtwardt confirmed there is outside Counsel, Todd Amspoker on the line.

Council Member Bedolla stated it should have been announced at the beginning of the meeting. Currently outside Counsel is presiding because of the subject matter of the meeting.

Prab stated this is very unfortunate it happened to City of Tracy and guessing it is an honest mistake, but a big mistake. Not sure if City has any checks for licenses that may be expiring. It is more responsible for the City to inform the person, and better to have checks in place by the City.

Dotty Nygard stated as a licensed nurse, for us who have licensure that is governed by the State there is an obligation on the licensee to make sure they are current and in an active state to practice. This is disappointing to see Tracy being in the limelight, it breaks trust. Still trying to understand why our city is governed by misinformation and mistruth. Please uphold trust and integrity of Tracy and do the right thing, she needs to be let go.

Tim Silva stated what matters is what is her standing with the California Bar at the present time and at the time that she was considered unethical. We are trying and convicting her in a court of public opinion. We always jump the gun before we know all the facts. Do not like our City being painted in a black light all the time. It gets blown up and media brought in. Let's wait for the facts to come out and what Council wants to do, then bring that forward to press. Reserve judgement and trust our City Council and Mayor to meet, take in all the facts do the right thing.

Mayor Young stated the news station informed the City about the deficiency from the State Bar.

Jorge Gonzalez stated if the people who should set examples applying the law as the City Attorney won't respect the law, who is going to do it. Don't have pleasure to know her, but she did something that was wrong. Wrong to fool us this way. Received letter signed by her. What moral does she have to send this. Is she above the law.

Sandy Taylor stated the City Attorney has practiced law for almost 27 years and as an officer of the court she knowingly failed to fill the obligation of the 25 hours of education within three years. Not a simple administrative error. Ms. Taylor shared her concerns regarding the City Attorney's failure to renew her license. When her license status became known last week, she should have been terminated immediately.

Roy Hawkins reminded Council that Ms. Patel's contract was terminated on July 1 of this year, the day her license to practice law became inactive. Mr. Hawkins shared his concerns regarding the City Attorney continuing to practice under an inactive license and asked why is she still there.

A resident from Ellis stated the incident related to City Attorney is unfortunate but was resolved last week.

Ann Langley stated we now have a City Attorney that broke the law and knew she broke it. Council needs to do something about it. It matters what kind of a precedent Council sets, a level of ethical way of living for this community.

A resident of Ellis felt this matter is more of a legal problem than a public opinion matter and requested the City take advice from their Counsel and put the legal opinion first. In the last month good decisions have been made by the Council and requested those decisions in the best interest of City be kept as they were.

Alice English stated the City Manager was not fired. Mayor brought media even then calling Council racist and corrupt, false narrative all the way across. The City Manager resigned. The false narratives are being posed and urged Council to do the right thing, the public is not privy to what happens behind closed doors and do not let this Mayor continue to put a black light on Tracy.

Mayor Young disagreed with the terminology and reference to her role as Mayor.

Vannie Dart stated all licensed professionals have to go through continuing education and the renewal process. If our systems are down the renewal process will be delayed causing a lapse and shared this happened to her husband during the pandemic who is a CPA. The City Attorney did not practice law without a license, she did and does have a license, it was lapsed. Ms. Dart spoke about the Mayor stating the City of Tracy being racist because of the former City Manager, calling the media and asked why is it that in this case it is ok. We finally have a City Attorney that stands up to Developers. Let her do her job if her license good enough today. Stop airing our dirty laundry to the world.

Mayor Young said she did not say the City of Tracy is racist.

Yolanda Bariel Knight stated as of Friday morning the State Bar of California had changed her status of Ms. Patel back to active. Her Attorney profile on the state bar website still shows her license as being inactive as of July 1 because of MCLE noncompliance. This is not something we said, it is something the State Bar said. People make mistakes and sometimes they have consequences. Her activity lapsed and she should not be allowed to practice. Our former City Manager sat in the chambers and took some of the worst statements about himself. Where is she.

Michel Bazinet shared concerns regarding Bijal Patel practicing law while her California State Bar Association law license was suspended and not alerting City Council about her suspended license. Her employment contract states her employment terminates immediately if she is found to have committed an act resulting in disbarment or suspension from the California State Bar Association.

If Council ignores a legal issue and allows Ms. Patel to continue working, then she will be working despite her terminated employment contract as City Attorney which opens up the City for legal sanctions which could include prison terms. The City Attorney has to be held accountable.

Karen Moore stated the City Attorney could of handled it and when there are other options and other attorneys, to continue to ignore the law when you are a lawyer, that is the one person that should not be breaking laws and she holds no hope this is a Council that will do the right thing.

**ACTION:** Motion was made by Mayor Pro Tem Davis and seconded by Council Member Evans to recess to closed session. Roll call found all in favor; passed and so ordered. Time: 6:26 p.m.

6. Reconvened to Open Session – Time: 9:11 p.m.
7. Report of Final Action, if Any – Todd Amspoker serving as the City Attorney stated the Council met in closed session related to the City Attorney and there was no reportable Action at this time. Ms. Patel remains the City Attorney and direction has been provided to staff.
8. Council Items and Comments – There were no Council comments.
9. Adjournment – Time: 9:12 p.m.

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

The above agenda was posted at the Tracy City Hall on August 4, 2023. The above are action minutes. A recording is available at the office of the City Clerk.

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Mayor

ATTEST:

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City Clerk