

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

December 19, 2023, 5:00 p.m.

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

1. Mayor Young called the meeting to order at 5:06 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.
 4. Items from the audience – There was no public comment.
 5. Request to Conduct Closed Session
 - 5.A Conference with Legal Counsel — Existing Litigation (Gov. Code § 54956.9(d)(1))

Rosebrook 58, LLC v City of Tracy, et al. San Joaquin County Superior Court, Case STK-CV-UST-2022-10145
 - 5.B Conference with Legal Counsel — Existing Litigation (Paragraph (1) of subdivision (d) of Section 54956.9)

City of Tracy v. Durkee and Galvao, et al. San Joaquin County Superior Court, Case No. STK-CV-UED-2020-0000544
 - 5.C Personnel Matter (Gov. Code § 54957(b)(1))

Public Employee Evaluation of Performance

Position Title: City Attorney
 - 5.D Personnel Matter (Gov. Code § 54957(b)(1))

Public Employee Evaluation of Performance

Position Title: City Manager
- There was no public comment on items 5.A through 5.D.
- 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: 5:09 p.m.
6. Mayor Young reconvened the meeting to open session at 6:07 p.m.

7. Report of Final Action, if Any – In the matter of *City of Tracy v Durkee et al*, San Joaquin County Superior Court No. STK-CV-UED-2020-0000544, the City Council, by unanimous vote, approved a final negotiated settlement with (a) Mr. Durkee in the amount of \$150,000 and (b) Mr. Galvao - Council has taken action to settle based on the following terms: cash settlement of \$135,000; reimbursement of up to \$50,000 for the owner to connect to City water and sewer system and abandon the existing septic system as well; waiver of the City's sewer connection fee, but the owner to pay for the water connection fees; City agrees to construction of water and sewer laterals, at City's expense, to the edge of the owner's property.

Rosebrook 58, LLC v City of Tracy, et al. San Joaquin County Superior Court, Case STK-CV-UST-2022-10145 - The City Council, by unanimous vote, accepted Plaintiff's offer to dismiss the action against the City with prejudice in exchange for a waiver of costs.

8. Council Items and Comments - None

9. Adjournment – Time: 6:09 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 December 14, 2023. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk