

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

August 20, 2024, 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 were no actions taken pursuant to AB 2449.
3. Roll call found Council Members Evans, Mayor Pro Tem Davis and Mayor Young present. There was no declaration of conflicts.

Council Member Bedolla arrived at 5:04 p.m. and had no declaration of conflicts.

Council Member Arriola arrived at 5:07 p.m. and had no declaration of conflicts.

4. ITEMS FROM THE AUDIENCE – Sandy Taylor shared concerns regarding the City Attorney serving on suspended license and Council failing to honor the contract. Ms. Taylor stated she submitted a complaint to the Bar Association and shared her response received from the Bar Association regarding suspension.

Alice English spoke about a mailer regarding the Airport and stated she applauds Council Members Bedolla, Evans and Mayor Pro Tem Davis for their support for the Tracy Airport. Council Members go to Washington D.C. to fight for funding for roads, infrastructure and the Airport. Shared concerns regarding supporting developers like Tracy Hills and Ellis and needing to look out for all of Tracy and not just special interests.

Jimmy stated the obligation of the Sergeant at Arms is to uphold the first amendment rights of every citizen who engages in public discourse and spoke about the role of the Sergeant at Arms and ensuring every voice is heard.

Juana Dement stated as a prior Council Member she was one of the people who went to Washington and advocated for funds from the FAA to correct some of the issues. Last time Council was involved with anything to do with the Airport was when a movement was held by a developer who wanted to shorten the runway to build homes, spoke about the damage to the road to the Airport and suggested putting an item on the agenda regarding the road to the Airport. Ms. Dement asked if any Council has anything to do with the mailer. Mailers are attacking the same people. People are investigating and it will not look right if anything leads back to Council.

Tim Silva expanded on the mailer and stated the Airport is utilized for many beneficial uses and is a resource to the community. The FAA sees value of the Airport. Not a single dime came out of the City's general budget. Mr. Silva shared his disappointment and concerns regarding the mailer being misleading and added to single out certain Council Members is bizarre as many Council Members have worked on projects over the years.

5. DISCUSSION ITEMS

- 5.A. The City Council 1) discuss responses to the 2023-2024 San Joaquin County Civil Grand Jury's Report titled: "City of Tracy: Public Trust Still Not Restored" Case No. 0323 and, upon conclusion, and 2) adopt a Resolution approving the final form of response letter and authorizing the City Manager and City Attorney to jointly execute and transmit the response letter to the presiding judge.

Bijal Patel, City Attorney provided the staff report and responded to questions.

Midori Lichtwardt, City Manager provided the presentation and responded to questions.

Council questions followed regarding determining the process to respond to the findings and how Council's comments would be incorporated in the responses.

Pat Howell stated Tracy made the headlines in the Stockton Record for our disfunction on City Council and shared concerns regarding the City Attorney and the Grand Jury Findings and lawsuits against the City.

Juana Dement stated she has proof that someone sitting on the Grand Jury is connected to Mayor Young's campaign and need to find out if they recused themselves during the investigation of Tracy City Council. If they didn't then have poorly written Grand Jury Report. Ms. Dement spoke about the Grand Jury also investigating Stockton because they felt bullied by 209 Times and the founder of 209 Times told her the Grand Jury never talked to them. Grand Jury who wrote report did not do their job correctly and has been used as a political weapon.

Vannie Dart shared concerns regarding the Grand Jury Report adding the City Attorney has been attacked from day one and some of the Council Members. Why would we listen to a group of people on the Grand Jury that are tied to the Mayor. This report is nothing but a legal document to smear Council Members Davis, Evans and Bedolla and the City Attorney.

Dan Randall stated 27 months ago everything came to a stop and shared concerns regarding the City Attorney. Tracy is unfriendly to business, poor leadership. Thanked Mayor Young and Council Member Arriola as they tried to stop it. Mr. Randall shared his frustrations regarding delay in processing contracts.

Tim Silva praised what the City Attorney has been doing, has been holding developers accountable to their Development Agreements and they don't like that. Developers over run Tracy. Get City Attorney more staffing. Mr. Silva disagrees with the Grand Jury Report, shared concerns regarding the Mayor being unprofessional and wants a Council that is for the people not the developers.

Rosario stated he rejects the Grand Jury Report and shared concerns regarding pending infrastructure, business park, roads, neighborhoods, parks, schools. Council never makes conclusions properly. The City Attorney has made developers accountable and is making things move. Aquatic Center is starting to move. Why did it take three meetings to accept the land. Shared concerns about Council Members being targeted on social media and mailers and Mayor Young and Council Member Arriola working for developers.

Burnell Shull disagreed with the Grand Jury Report and shared concerns regarding a development only having one entrance and exit, stated there are reasons we got rid of City Manager and the City Attorney needs help. Ms. Shull asked why Council let all these houses come to the City, it is destroying our City.

Dotty Nygard stated it is disappointing when we have accusatory and attacking when we can have discussion and debate. Civil Grand Jury has a role and they do not take it lightly. Ms. Nygard explained the definition of the Civil Grand Jury and the system. Need to address it and debate where we can make changes. Want to see collaboration, good governance and trust.

Robert Tanner stated the Grand Jury Report is made up of a Judge and a number of people who have decided the report needed to be generated. City Attorney lost license for one month and yet the contract for the City Attorney said if she lost her license for any reason, she is gone but we had three people vote to keep her on so contract was violated. Gave her retroactive raise including the month she was not an Attorney. It is illegal all the way around. Needs to stop.

Alice English stated she agrees on training for the Brown Act. Referred to a past Grand Jury Report and members of the Grand Jury. This report is not fully transparent because only certain people were interviewed and did not mention about the \$600,000. Ms. English spoke about developers giving money to the Mayor and Council Member Arriola. They tried to get rid of the City Attorney. City Attorney works for the Council, not the other way around. Things happened way before the City Attorney came to Tracy.

Sandy Taylor reminded City Council that the response to the Grand Jury Report is directed by a subject of the investigation and shared concerns regarding the City Attorney continuing to work while suspended.

Karen Moore addressed recommendations in the Grand Jury Report. It is a good first step to have staff anonymously report problems. When Council Members are attacked we need to remember they were voted in by a majority of citizens so if attacking Council, voters are being attacked.

Jimmy stated he is a former City employee and the whistleblower who was fired after inspecting the shipping container dormitories that were illegally installed as part of the Tracy Emergency Homeless Shelter in 2022. Has cost upward of \$600,000 and cost reputation and public perception and shared his concerns regarding the Grand Jury Report.

Michel Bazinet stated the three Council Member majority publicly tars the integrity and ethics on the other two Council Members. The City Attorney is in complete denial regarding criticism directed at her and believes she only represents the Council majority. Nowhere has he seen Council agree that there is a problem in relationships, and may have contributed to it and will find ways to solve them.

Amir stated the Grand Jury Report is a joke and bias. The mailers are attacking the specific candidates. No one is ever going to be on the same page.

Mayor Young called for a 5-minute recess at 6:45 p.m.

Mayor Young reconvened the meeting at 6:57 p.m.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Evans to continue the special meeting to follow the regular meeting. Roll call found all in favor; passed and so ordered. Time: 7:01 p.m.

Special Meeting reconvened at 10:21 p.m.

Karin Schnaider, Assistant City Manager explained how staff will capture Council's consensus and recommendations regarding the findings and responses.

Bijal Patel, City Attorney responded to Council questions.

Midori Lichtwardt, City Manager responded to Council questions.

Council Member Evans provided an opening statement and referred to documents and records that with the support of Council he will be asking to include as part of Council's response to the Grand Jury Report. Mayor Pro Tem Davis supported inclusion into the response.

Mayor Young responded to Council Member Evans opening statement.

Ms. Patel asked Council Member Evans to rescind his motion he made and the second to be rescinded so it is not on the table and do not seek a vote on it so all Council can finish their opening comments and then decide how to make motions.

Council Member Evans rescinded his request for inclusion in the Council's response to the Grand Jury Report. Mayor Pro Tem Davis rescinded her support.

Midori Lichtwardt, City Manager explained the letter is the words and work of City Council and staff's intent is to help the City Council with the response to the Grand Jury Report. If Council provides opening statements, and upon consensus with the message Council wants to send, staff can help with the logistics of how that will go into the response letter or not.

Council Member Evans read out his general statement with attachments previously noted.

Mayor Pro Tem Davis read out her opening statement.

Council Member Arriola objected to the characterizations in Mayor Pro Tem Davis's statement.

Council discussed the following Grand Jury Report Findings and responses:

1.0 City Council

Findings

F1.1 *Through their unprofessional behavior and inability to work cohesively, members of the Tracy City Council have been unable to govern effectively.*

Council Member Arriola - Agree
Council Member Bedolla – Disagree Partially
Council Member Evans – Disagree Partially
Mayor Pro Tem Davis – Disagree Partially
Mayor Young – Agree

The City Council disagrees partially with finding F1.1.

Response to F1.1 - The City Council has adopted a Code of Conduct and Meeting Protocols to facilitate a professional and productive Council Meetings. The Code of Conduct, Section 3.6 Code of Conduct Compliance and Enforcement, provides the framework for the Council to address actions by fellow Council Members and/or Commissioners that may be considered unprofessional or prohibit the City Council's ability to govern effectively.

For meetings where four of the five Council Members were in attendance, the four City Council Members worked very well together. Although we disagreed on some items, we worked well and made great progress working together.

ACTION: Motion was made by Council Member Evans and seconded by Council Member Bedolla to adopt the response to the F1.1 finding from the Grand Jury as written. Roll call found Council Members Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Council Member Arriola and Mayor Young opposed.

F 1.2 Tracy City Council has violated the Brown Act in multiple ways: discussing personnel issues in an open meeting and posting personnel issues on an open Council agenda.

Council Member Arriola - Agree
Council Member Bedolla – Disagree Wholly
Council Member Evans – Disagree Wholly
Mayor Pro Tem Davis – Disagree Wholly
Mayor Young - Agree

The City Council disagrees wholly with finding F1.2.

Response to F1.2 - The City of Tracy, like all employers, is restricted in what information it can and should share regarding personnel matters. The City takes seriously its responsibility to respect the privacy rights of its current and former employees. The Brown Act affords certain protections pertaining to personnel matters. In addition, any written allegations of Brown Act violations have been formally addressed by the City Council.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Evans to accept response to F1.2 as drafted. Roll call found Council Members Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Council Member Arriola and Mayor Young opposed.

F 1.3 Some Tracy City Council Members have created a toxic work environment within City Hall by spreading accusation of corruption and alleged illegal activities by upper management, staff and other Council Members.

Council Member Arriola - Agree
Council Member Bedolla – Disagree Wholly
Council Member Evans – Disagree Wholly
Mayor Pro Tem Davis – Disagree Wholly
Mayor Young - Agree

The City Council disagrees wholly with finding F1.3.

To the extent that there is a perception of a toxic work environment, the City Council disagrees that more than one Council Member created such an environment.

The City of Tracy, like all employers, strives to foster a safe, respectful, and dignified workplace for its employees. It prides itself on having responsive and ethical professional staff. Staff will work to assure that additional and appropriate workplace training occurs.

ACTION: Motion was made by Council Member Evans and seconded by Council Member Bedolla to adopt the response to F1.3 as adopted. Roll call found Council Members Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Council Member Arriola and Mayor Young opposed.

F 1.4 Tracy City Council's behavior has resulted in poor morale within City Hall.

Council Member Arriola - Agree
Council Member Bedolla – Disagree Wholly
Council Member Evans – Disagree Wholly
Mayor Pro Tem Davis – Disagree Wholly
Mayor Young - Agree

The City Council disagrees wholly with finding F1.4.

F 1.5 The City Council created a void in City administration and leadership through the resignation of another City Manager. It should be noted that there have been six City Managers and four City Attorneys in the past five years.

Council Member Arriola - Agree
Council Member Bedolla – Disagree Wholly
Council Member Evans – Disagree Wholly
Mayor Pro Tem Davis – Disagree Wholly
Mayor Young - Agree

The City Council disagree wholly with finding F1.5.

F 1.6 The unprofessional Council behavior during Council meetings has negatively impacted the City's reputation, affecting new business development and recruitment of potential City employees.

Council Member Arriola - Agree
Council Member Bedolla – Disagree Wholly
Council Member Evans – Disagree Partially
Mayor Pro Tem Davis – Disagree Partially
Mayor Young - Agree

There was no Council consensus on finding F1.6.

F 1.7 Members of City Council attempted to undermine the ordinance requiring a supermajority vote to remove the City Manager to a simple majority vote.

Council Member Arriola - Agree
Council Member Bedolla – Disagree Wholly
Council Member Evans – Disagree Wholly
Mayor Pro Tem Davis – Disagree Wholly
Mayor Young - Agree

The City Council disagrees wholly with finding F1.7.

F 1.8 There are no established measurable performance goals and objectives for the City Manager and City Attorney; therefore, the City Council cannot conduct effective annual evaluations.

Council Member Arriola – Disagree Partially
Council Member Bedolla – Disagree Wholly
Council Member Evans – Disagree Wholly
Mayor Pro Tem Davis – Disagree Wholly
Mayor Young – Disagree Partially

The City Council disagrees wholly with finding F1.8.

F 1.9 Serving as Parliamentarian for Council meetings puts the City Attorney in a conflicting situation. Each decision by the Parliamentarian can be seen as partial to one side or the other.

Council Member Arriola – Disagree Partially
Council Member Bedolla – Disagree Wholly
Council Member Evans – Disagree Wholly
Mayor Pro Tem Davis – Disagree Wholly
Mayor Young - Agree

The City Council disagrees wholly with finding F1.9.

City Council discussed continuing the item due to the late hour.

ACTION: Motion was made by Council Member Evans and seconded by Mayor Pro Tem Davis to continue item 5.A. to Tuesday, August 27, 2024, at 7:00 p.m. Roll call found Council Members Arriola, Bedolla, Evans and Mayor Pro Tem Davis in favor; passed and so ordered. Mayor Young opposed.

6. COUNCIL ITEMS – There were no Council items.

7. ADJOURNMENT – Time: 12:53 a.m. on Wednesday, August 21, 2024.

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

The above agenda was posted at the Tracy City Hall on August 17, 2024. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk