

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

January 7, 2025, 7:00 p.m.

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

1. Mayor Arriola called the meeting to order at 7:00 p.m.
2. There were no actions taken pursuant to AB 2449.
3. Roll Call and Declaration of Conflicts – Council Members Evans, Nygard, Mayor Pro Tem Abercrombie and Mayor Arriola present. City Council had no declaration of conflicts.
4. ITEMS FROM THE AUDIENCE – Robert Tanner requested Council fill potholes on Holly between Clover and Grant Line.

Nancy Young presented a booklet to Council that goes along with the leaders wall that was accepted by the previous Council. The San Joaquin County Historical Museum as well as Tracy Historical Museum already has a copy and a small replica of the wall. The library will also receive a copy. A QR code will be added to the wall later.

Sandy Taylor stated at the December 17, 2024, meeting she heard something that bothered her and asked Council to think twice before marginalizing those that do not live within the City limits. People contribute significantly to Tracy by donating time, money, and business to Tracy and consider Tracy home. Council's decorum, integrity and judgement matter. It is ignorant to not embrace the contributions.

Burnell Shull spoke about dogs on the loose and asked if there was money to help the people trying to rescue the dogs. If the City wants to build an Aquatic Park, why can't we take care of these animals. The Shelter is too small. Got to do something about the homeless stealing and breeding dogs and trying to sell them. Need to do something to help animals and people who are trying to help the animals.

Kelly Moran, volunteer for Saving Ferals and Animal Rescue of Tracy, agreed with previous speaker and stated she is out there every night helping cats. Animal Protection League in Stockton told them that they get two appointments a month to fix feral cats. Would rather be able to do six cats. Need to make change and advance the Animal Shelter.

Veronica Vargas stated the City is supposed to be building basins to utilize as a recreational area when they are not needed for overflow or water. Back in 2018 and 2020 staff was instructed to develop a policy to make sure basins are utilized for dual purpose for green spaces. See new basin being finalized on Valpico Road which is not being done the way it was instructed to be built. Hope Council revisits the policy to create more green areas and park areas for citizens.

Blakee agreed with previous speaker about the animal issue. Another animal shelter would be beneficial for the City as we are a developing area including animals. Believe a veterinary clinic would be beneficial as well.

Ramsey stated his golden retriever called Brody met his demise on July 4 as a result of fireworks and shared his concerns regarding the absurd amount of fireworks. There are not enough facilities/hospitals for animals in Tracy. Shared concerns about needing a Pediatric Emergency Room. City has lost focus on what is important.

Danielle stated the pet facility on Paradise is small and does not accommodate the City. Veterinary Clinics are now corporations and the rates have increased and requested the City be an example for other cities to have an effective animal facility where they are housed until they find foster homes and get the animals rescued fixed affordably.

Rachel Knight Scott stated this is Council's opportunity to look at other communities and do better in Tracy and for Tracy. There is nothing for kids to do in Tracy.

Karen Moore spoke about AB 413 and stated other cities are educating people regarding implementing this new law which will reduce parking spaces around Tracy and don't see anything on the City's website. Is the City going to start enforcing this new law that passed on January 1 that requires people not to park or stop within 20 feet of a crosswalk during daylight hours so people crossing can be seen and reduce injuries.

Kristina Darling with Tracy DogGirls Rescue stated people are dumping dogs, are backyard breeders and dumping puppies and shared experiences. Had over 20 dogs roaming streets of Tracy. Don't have fines for people who let their dogs roam. Seeing dogs loose that have been returned to the owner ten times. Need kennel spaces and staff to support our growing City and dog owner growth.

5. DISCUSSION ITEMS

5.A. Discuss and Amend, by Motion, revisions to City Council Policy C-10 on Filling City Council Vacancies

Andrew Shen, Interim City Attorney and Arturo Sanchez, Acting City Manager provided the staff report and presentation and responded to Council's questions.

Steve Nicolaou stated if Mr. McIntire was third highest vote-getter we would not be here today. Follow the rules, Council approved unanimously to adopt the policy. More situational ethics come into play in our society. When they don't suit us, we try to change it. Stick to the policy now, change it prospectively. When ballots were cast the rule was in place.

Ubbo Coty agreed with the previous speaker. The options were not necessary. Need to go along with what was already established. You can anonymously initiate a Grand Jury investigation. Go with first option or go with special election.

Robert Tanner stated every Council Member voted yes on the policy and to avoid this fiasco, bring Mateo in, let him do his two years. He beat the other eight candidates by a large margin, and he was 250 votes from Dotty Nygard.

Dan Randall spoke about a rule being put in place weeks before election. Drawn from the Grand Jury special report 2018-2019. Report is old and dead. New report issued in June, did not have a recommendation. Most cities make appointments, the Council selects. Going to trust in Council to make the right

decision to fill the seat. Democracy, the majority rules. Incumbent should not be included.

Michael Page stated he needed to be here because of will of people are asking him to speak and reminded Council that this is the residents of Tracy's house. Our votes mean something and should mean something to Council. Council is all up there because they got the votes so why is it not good enough for Mateo Bedolla, he was democratically elected, he got the votes.

Todd Lieberg stated prior to November 2024, election Council voted unanimously to institute a set of rules. Those were the rules on election day – the next highest vote-getter would be the candidate selected if there became a vacancy. All citizens knew the rules or had the opportunity to know the rules. Mateo Bedolla was the next highest vote-getter and should be appointed. If Council made a mistake, they could change it for the next election. Follow existing rules. Disenfranchising 7,000 voters.

Blakee stated Tracy residents were not for sure aware of the situation. He did not vote for Mr. Bedolla but believed that appointing him to the remaining Council seat would restore trust in government. Offered an alternative and recommended a runoff election for the remainder of the term. Mr. Bedolla could be appointed for now and the City could prepare for a runoff election.

Lisa Roth stated former Mayor Pro Tem Davis, Council Member Bedolla and current Council Member Evans have a history of picking and choosing Grand Jury recommendations they prefer to follow. Tracyites feel it is manipulative and a damaged political process that has attempted to expand fairness, honor will of voters and increase trust in our government. The previous vote was for a non-binding policy. If you were to go forward with that policy tonight, you would then have an opportunity to vote as a full Council as whether or not you would want to continue that policy going forward.

Council Member Evans responded to Ms. Roths' comments regarding the Grand Jury Report.

Danielle Smith objected to proposal to disregard the people's vote and consider an alternate method to fill the vacant seat. Election results are clear. Why would the City Council bypass Mateo Bedolla who placed third and consider Guy McIntire. Do not need to spend money in court. Respect voters' choice by honoring the democratic process.

Kelly Moran hoped Council hear the people and respect our decisions. If you want to spend money on special election, give us a spay and neuter clinic. Don't spend money on a special election. Respect the will of the people.

Veronica Vargas encouraged Council to do the right thing. Option 4 would be the best solution because policies have changed. During the election, the Council modified the policy. She was a Council Member from 2014-2022. Choose the best person that you can work together with to benefit our community and move forward.

Ramsey voiced concern for public trust. People voted in a democratic election that is based on the will of the people and the will of the people was that Mateo Bedolla came in third place. Ethical duty of Council is that you represent the people in this City, at times that is contentious and deservedly so. No one was being ambushed. Prove to the people why they chose you.

A resident stated she was very excited about the new Council. Has always voted in elections. Was horrified Council was considering not putting Mateo Bedolla on Council. Change policy after you put Mateo Bedolla on Council.

Leanne Stauss stated every Tracy resident is going to look at your vote and that will show your integrity. Mateo Bedolla won fair and square. You need leave it the way it is and move on.

Rosario Arulappan shared concerns regarding Council trying to ignore the recommendation made in 2019 by the Grand Jury to appoint the third highest vote-getter to fill a vacancy on City Council. A new policy can be applied moving forward and requested Council appoint Mateo Bedolla to fill the vacancy on City Council.

Amer Roush stated he was here to support democracy and shared his support for Mateo Bedolla being appointed to the vacant Council seat. He ran against ten other people and came up third, it speaks volumes that the people have made their minds up. Do right by the people.

A resident stated she did not care what names are on there but the person who got the next highest votes should be on Council as that is what the people spoke for. It's about integrity. Stand by what Council voted for in October, stand by your word and asked why Council is making a different decision. Desperate to see change in Tracy but Council can't start like this.

Pat Howell spoke about a past election where Council had to fill a vacancy and the third highest vote-getter was told Council had an appointment policy. The Chambers were filled with angry people who believed the third highest vote-getter should have been appointed. Ms. Howell believed Council needs to follow the current policy to appoint the third highest vote-getter.

Robin Cole stated Council are leaders and need to make the best decisions for Tracy. People did not vote for Mateo Bedolla to keep the job. They voted for a new Council. Do not trust or respect the role Mateo Bedolla has played on Council. Restore trust by appointing another Council Member.

A resident stated the Grand Jury recommended creating a policy that adhered to the will of the voters and did not foster loyalty, allegiance, and personal obligations to Council Members. The City Council adopted a policy to appoint the next highest vote-getter from the most recent election to fill a vacancy. People voted and knew what they were voting for, people voted for Mateo Bedolla. Just because the third person is not who you want, you cannot change the policy.

Roy Hawkins stated 87% of the people of Tracy asked for a big change and you are being asked to complete that change. Your leadership and decisions going

forward will continue to make our town a place to be proud of. Please know we support you and your decisions and look forward to your leadership.

Richard Williams stated he felt embarrassed at the last meeting for the City of Tracy for not invoking a policy they had in place to put Mr. Bedolla in the vacant Council seat. Understand Council Members received emails, but how many of those emails were sent, was it over 1,100, the difference between third and fourth place. On October 15, 2024, Council made a policy to address this issue because of what happened in the past in regard to Mr. Morelos. You had a system in place, and on December 17, 2024, it was supposed to take place, but it didn't. Council needs to live by their rules. Make the changes after this election but not during this course of action. Time to move forward.

Sandy Taylor stated public trust has been lost the last couple of years. The previous Council changed the policy after voting was started. It is fair and reasonable for the current Council to have the opportunity to change the policy.

Mary Mitracos stated she has both benefited and been victim of the policy Council is considering. Was appointed to Council and there was a policy that said the third person should be appointed and she was bypassed. Council needs to have a runoff election. Council should do whatever is best. If appointing it should be anyone other than Guy McIntire because if he is appointed, everyone will know where three Council Members stand.

A new resident voted in the 2024 election and asked that the commitments that were in place on election day 2024 be honored.

Alice English echoed the same sentiment as Steve Nicolaou and Todd Lieberg. The voters spoke. We are talking about a policy. The Grand Jury Report in 2019 was enacted and amended in 2024. Voters saw the flyers, there were three people on the PACs, not two. Now that Mateo got third, it can't be taken away. If Council goes against the will of the people, Council will have lost respect.

Cynthia Camacho hoped Council would go with Mateo Bedolla and stated she is not looking at the name of the person, we voted for him and what is Council saying to those people who voted for him if he is not put in the seat. If you want to change it after the fact, then as a new Council it can be changed. We want transparency and want to see you succeed. Pick that third person which would be Mateo Bedolla.

Maurice Francis stated we just concluded a fair and democratic election. The third highest vote-getter would be Mateo Bedolla.

Mateo Bedolla thanked those who came out and spoke from the heart and spoke about his honor serving on Council for four years and shared information about his life in Tracy, career and how he has served the Tracy community. Mr. Bedolla asked for Council's support to maintain the policy the way he believed all of Council understood it was meant to be since it was implemented in 2019 and appoint the third highest vote-getter.

Ann Langley encouraged Council to do what is best for Tracy. Policies can be changed. Make a decision that is best for Tracy going into the future.

Michel Bazinet stated the current appointment process does not leave a level playing field, any incumbent has name recognition and has a huge advantage over anyone else and received large donations from donors with vested interests. Council has discretion to decline the policy and policies need to meet the needs of the people. The appointment should exclude an incumbent. The Grand Jury did recommend a process by which Council does select a next voter but did not contemplate an incumbent could be one of those people.

Phillip stated it is obvious if Council does not continue with what is in place, then our City will face litigation and suggested having a special election so people can feel their voices are heard. The recommendations brought forward by staff did not include going with what is in place or hold a special election but hopefully Council will make the right decision and what is best for Tracy.

Council questions and comments followed.

ACTION: Motion was made by Council Member Evans and seconded by Mayor Pro Tem Abercrombie to adopt Option 1 to maintain the current City Council Policy C-10 on Filling City Council Vacancies. Roll call found Council Member Evans, Mayor Pro Tem Abercrombie, and Mayor Arriola in favor; passed and so ordered. Council Member Nygard opposed.

5.B. By Motion, Appoint as Council Member of the Tracy City Council for the Remaining Term of the Vacated Council Seat, with the term ending in December 2026, a Qualified Citizen residing in the City of Tracy.

Arturo Sanchez, Acting City Manager provided the staff report.

Blakee stated he loved how the previous item was handled. It was the right thing to do. There will be opportunity to change that in the future.

Cynthia Camacho thanked Council for the outcome of the previous item.

Lisa Roth stated she was happy that Mayor Pro Tem Abercrombie was able to have a civil, respectful conversation for Mateo Bedolla and look forward to him continuing in that vein and encouraged Council to help the City move forward with that trust, respect, civility and address the concerns of the community and make it the best it can be.

Robert Tanner asked why we are having the discussion for item 5.B and just swear in Mateo Bedolla and get the job done.

Council questions and comments followed.

ACTION: Motion was made by Council Member Evans and seconded by Mayor Pro Tem Abercrombie to appoint as Council Member of the Tracy City Council for the remaining term of the vacated Council seat, with the term ending in December 2026, Mateo Bedolla. Roll call found all in favor; passed and so ordered.

Diego Bedolla administered a ceremonial Oath of Office to appointed Council Member Mateo Bedolla.

City Council shared congratulations and comments regarding Council Member Bedolla's appointment to City Council.

Council Member Bedolla shared comments and spoke about his time on Council and moving forward.

Mayor Arriola called for a two-minute recess at 9:21 p.m.

Council Member Bedolla took a seat on the dais.

5.C. Staff recommends that the City Council discuss and, by motion, make appointments of City Councilmembers as representatives on City Council committees and regional and multi-agency committees, boards and commissions.

Adrienne Richardson, City Clerk provided the staff report.

Mayor Arriola stated he had a proposed slate, which he prepared when there was only four sitting Council Members and made the following amendments to the proposed slate.

Tracy Homelessness Advisory Committee - Mayor Pro Tem Abercrombie
Council Member Bedolla

Ava Community Energy Authority - Council Member Nygard
Council Member Bedolla (Alternate)

Tri-Valley–San Joaquin Valley Regional Rail Authority (Valley Link) –
Council Member Nygard
Council Member Bedolla (Alternate)

Mayor Pro Tem Abercrombie recommended combining the Investment Review Committee and Tracy Finance Committee and making them quarterly on Mondays. If necessary, have a separate Finance Committee meeting. Council Member Evans agreed with the recommendation.

Mayor Pro Tem Abercrombie suggested City/School Liaison should be disbanded.

Karin Schnaider, Assistant City Manager responded to the recommendation to combine the Investment Review Committee and Finance Committee and stated concerns are timeliness of items. The meetings are short and don't take up much time but they are frequent enough to allow for conversations about regular budget augmentation so would recommend modifications to the bylaws in order to do this so things can go directly to Council in the months meetings are not taking place. There may be more frequent meetings during the budget cycle and the rest of the year remaining quarterly. The Treasurer has indicated he would

like to go back to a reporting out process and to make that modification would be an ordinance change, and staff could work with the City Attorney's Office to make those changes.

Mayor Arriola asked Andrew Shen, Interim City Attorney if he anticipates any concerns with the City Treasurer being able to leave after his portion since he would not have a vote on the finance matters, only the investment matters or did Mr. Shen anticipate amending the ordinance and resolution as necessary to allow for that.

Mr. Shen responded it is a policy decision for the Treasurer and City Council. Can accommodate either approach.

Ms. Schnaider stated the only requirement in the Government Code is that the Treasurer's Report has to be published in a public manner which we do on our website as well as be reported out to the Council and the Investment Review Committee by reporting to two Council Members. We are satisfying that by reporting to two members and the Council, it satisfies that requirement.

There was no public comment.

Mayor Arriola amended his proposed slate to combine the Tracy Finance Committee and the Investment Review Committee and still proposed Council Member Evans and Mayor Pro Tem Abercrombie for the combined committee.

Council Member Evans pulled the South San Joaquin Fire Authority from the proposed slate.

Mayor Pro Tem Abercrombie pulled the City/School Liaison Committee from the slate.

Mayor Arriola supported keeping the City/School Liaison Committee to continue engaging with our schools and is also working on a few policy initiatives focusing on youth opportunities in the City where we would have opportunities to do some good policy work with schools. At this time he asked to keep City/School Liaison Committee.

Mayor Pro Tem Abercrombie suggested changing the City/School Liaison Committee meetings to quarterly. Council Member Evans agreed.

Ms. Schnaider said there are no concerns to change the meetings to quarterly, but need to look at who runs the meeting and return with the bylaws.

Mayor Arriola amended his proposed slate to make the City/School Liaison Committee a quarterly meeting and proposed Council Member Evans and Mayor Pro Tem Abercrombie to serve on the committee and Mayor Arriola as alternate.

ACTION: Motion was made by Mayor Pro Tem Abercrombie and seconded by Council Member Evans to make the City/School Liaison quarterly meetings and Council Member Evans and Mayor Pro Tem Abercrombie to serve on the committee and Mayor Arriola as alternate. Roll call found all in favor; passed and so ordered.

Mayor Arriola shared his reasons for selecting Mayor Pro Tem Abercrombie and Council Member Nygard to serve on the South San Joaquin County Fire Authority Board.

Council Member Evans shared his reasons for wishing to remain serving on South San Joaquin County Fire Authority.

Council Member Nygard shared her reasons for wishing to serve on the South San Joaquin County Fire Authority.

Council Member Evans asked if Council would appoint Council Member Nygard and himself to the South San Joaquin County Fire Authority.

Mayor Pro Tem Abercrombie shared his reasons for wishing to serve on the South San Joaquin County Fire Authority.

ACTION: Motion was made by Mayor Pro Tem Abercrombie and seconded by Mayor Arriola to keep the appointment of Mayor Pro Tem Abercrombie and Council Member Nygard to the South San Joaquin County Fire Authority. Roll call found Council Members Bedolla, Nygard, Mayor Pro Tem Abercrombie and Mayor Arriola in favor; passed and so ordered. Council Member Evans opposed.

ACTION: Motion was made by Mayor Pro Tem Abercrombie and seconded by Council Member Bedolla to accept the list of City Council representatives on various committees, boards and commissions as amended (below) and proposed by Mayor Arriola. Roll call found all in favor; passed and so ordered.

Committee/Commission/ Board	Council Members
City Standing Committees	
Investment Review Committee (<i>to be combined with Finance Committee</i>)	1. Council Member Evans 2. Mayor Pro Tem Abercrombie
Tracy Finance Committee (<i>to be combined with Investment Review Committee</i>)	1. Council Member Evans 2. Mayor Pro Tem Abercrombie
Tracy Homelessness Advisory Committee	1. Mayor Pro Tem Abercrombie 2. Council Member Bedolla
City Partnerships	
City/Chamber Liaison Committee	1. Council Member Evans 2. Mayor Pro Tem Abercrombie (Alternate)
City/Schools Liaison (<i>Meetings to be quarterly</i>)	1. Council Member Evans 2. Mayor Pro Tem Abercrombie 3. Mayor Arriola (Alternate)

South San Joaquin County Fire Authority (SSJCFA) JPA	1. Mayor Pro Tem Abercrombie 2. Council Member Nygard
Tracy Chamber Governmental Affairs Committee	1. Mayor Pro Tem Abercrombie 2. Council Member Evans (Alternate)
Multi-Agency /Third Agency Appointments	
Altamont Regional Traffic Authority (ARTA) JPA	1. Mayor Arriola
Ava Community Energy Authority (Formerly East Bay Community Energy - EBCE)	1. Council Member Nygard 2. Council Member Bedolla (Alternate)
City Selection Committee	1. Mayor Arriola
Integrated Waste Management Task Force (Formerly Solid Waste Management Plan Advisory Task Force)	1. Council Member Nygard 2. Mayor Arriola (Alternate)
LAFCO (<i>Next rotation for City of Tracy will be in May 2025 as Alternate</i>)	1. Mayor Arriola
League of California Cities, Central Valley Division Executive Committee	1. Mayor Pro Tem Abercrombie 2. Council Member Evans (Alternate)
San Joaquin Council of Governments (SJCOG)	1. Mayor Arriola 2. Council Member Nygard (Alternate)
San Joaquin County Water Advisory Commission	1. Council Member Nygard
San Joaquin Partnership	1. Council Member Nygard 2. Mayor Arriola (Alternate)
San Joaquin Regional Rail Commission	1. Mayor Arriola
Special City Selection Committee, SJVAPCD	1. Mayor Arriola 2. Mayor Pro Tem Abercrombie (Alternate)
Tri-Valley- San Joaquin Valley Regional Rail Authority (Valley Link)	1. Council Member Nygard 2. Council Member Bedolla (Alternate)

6. Council Items and Comments – Council Member Nygard asked for a memo in regard to the comment earlier on AB 413 on how that may impact our streets. Mayor Arriola seconded the request.

Council Member Nygard asked for a memo on where we are with the Housing Element as well as our General Plan. Council Member Evans seconded the request.

Council Member Nygard shared a social media rave to the City of Tracy regarding loss of water to a house and contacting the afterhours emergency line and workers were there within half an hour and got it working and they appreciated the great service.

Karin Schnaider, Assistant City Manager announced beginning construction for sewer upgrade going from Valpico north all the way up to Grant Line which will include series of intersection closures that we will be announcing ongoing over the next few months. First one is north bound Corral Hollow will be closed from 8:30 a.m. to as late as 8:00 p.m. on the following intersections as soon as next Monday. Cypress Lane to Tennis Lane, will be a 13-15 trench as it moves along and is too fragile to allow traffic to go over it. Will open north bound lane when construction is not in place. Lennar is doing this to make sure there are proper notifications to each neighborhood as it moves up and down. Check website for updates.

Mayor Arriola asked to work with our Public Information Officer to have notice going out on social media, so folks are aware of the closures.

7. Adjournment – Time: 9:54 p.m.

ACTION: Motion was made by Mayor Pro Tem Abercrombie 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 January 2, 2025. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk