

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

November 19, 2024, 5:00 p.m.

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

1. Mayor Young called the meeting to order at 5:05 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. City Council had no declarations of conflicts.
4. Items from the audience – There was no public comment.
5. DISCUSSION ITEMS

5.A. Personnel Matter (Gov. Code § 54954.5; § 54957(b)(1))

(1) Public Employee Performance Evaluation/Discipline/Dismissal/Release

Position Title: City Attorney

(2) Conference with Labor Negotiators

Agency Designated Representatives: Juan Lopez, Amistad Associates  
Kimberly Murdaugh, Human Resources  
Director

Unrepresented Employee: Bijal Patel, City Attorney

5.B. Personnel Matter (Gov. Code § 54954.5; § 54957(b)(1))

(1) Public Employee Performance Evaluation/Discipline/Dismissal/Release

Position Title: City Manager

(2) Conference with Labor Negotiators

Agency Designated Representatives: Juan Lopez, Amistad Associates  
Kimberly Murdaugh, Human Resources  
Director

Unrepresented Employee: Midori Lichtwardt, City Manager

There was no public comment on items 5.A and 5.B.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to recess to closed session. Roll call found all in favor; passed and so ordered. Time: 5:07 p.m.

## 6. Reconvene to Open Session – Time: 7:10 p.m.

**ACTION:** Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Davis to continue the closed session until after the regular meeting. Roll call found all in favor; passed and so ordered.

Following the adjournment of the regular meeting, Council reconvened the closed session at 9:10 p.m.

City Council reconvened to open session at 10:05 p.m. to report final action on agenda item 5.A.

## 7. Report of Final Action for Agenda Item 5.A - Kimberly Murdaugh, Director of Human Resources stated the City will be entering into a Separation Agreement with City Attorney, Bijal Patel.

Council Member Arriola announced at this time Ms. Patel is voluntarily issuing her resignation as Tracy City Attorney and the City Council is accepting her resignation.

Ms. Murdaugh continued stating the terms of that agreement. Ms. Patel will work in the following:

- Active capacity through December 31, 2024, and then enter her voluntary resignation as of December 31, 2024.
- Receive a settlement reflective of 12-months severance pay, which would be her salary earned and accrued benefits between January – December 2025.
- Advancement of 140 hours of management leave that would be advanced to her in January 2025.
- The equivalent of 12-months COBRA payments to allow for the continuation of health care for her and her family in addition to California State Bar fees for calendar year 2025. Bijal Patel is responsible for the payment of those fees directly to the State Bar.
- There will be a mutual release of claims.

The terms of the settlement agreement received three yes votes (Council Member Arriola, Mayor Pro Tem Davis, and Mayor Young) and two abstained votes (Council Members Bedolla and Evans) from City Council.

Ms. Patel will work in active status in the office through December 3, 2024, and remain in active status and work remotely from December 4 through December 31, 2024.

Council Members thanked Ms. Patel for her service to the City and wished her luck in her future endeavors.

Council returned to closed session at 10:13 p.m. to discuss agenda item 5.B.

Council Member Bedolla left the meeting at 10:13 p.m.

Council reconvened to opened session at: 10:50 p.m.

Report of Final Action on Item 5.B – Mayor Young announced staff will be returning on December 3, 2024, with an amended contract for City Manager Midori Lichtwardt.

## 8. There were no Council items or comments.

9. Adjournment Time: 10:51 p.m.

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

The above agenda was posted at the Tracy City Hall on November 14, 2024. 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

\* These minutes reflect administrative edits made to Agenda Item 7 on the floor at the December 3, 2024, Council meeting.