



**MINUTES
CARSON CITY COUNCIL
SPECIAL MEETING
APRIL 8, 2014**

5:00 P.M.

**CITY HALL
EXECUTIVE CONFERENCE ROOM
701 EAST CARSON STREET
CARSON, CA 90745**

AGENDA POSTED: APRIL 7, 2014

“In accordance with the Americans with Disabilities Act of 1990, if you require a disability related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the City Clerk’s office at 310-952-1720 at least 48 hours prior to the meeting.” (Government Code Section 54954.2)

CALL TO ORDER:

The meeting of the City Council was called to order at 5:14 P.M., by Mayor Dear in the Executive Conference Room, Carson City Hall, located at 701 E. Carson Street, Carson, California 90745.

ROLL CALL: City Clerk Gause noted the following:

Council Members Present:

Mayor Jim Dear, Mayor Pro Tem Elito Santarina, Council Member Lula Davis-Holmes, Council Member Mike Gipson, and Council Member Albert Robles

Council Members Absent: None

Other Elected Officials Present: Donesia Gause, City Clerk, and Karen Avilla, City Treasurer

Other Elected Officials Absent: None

Also Present:

William Wynder, City Attorney; Sunny Soltani, Assistant City Attorney; and staff: Jacquelyn Acosta, Acting City Manager; Bruce Barrette, Interim Assistant City Manager; Cedric Hicks, Director of

Community Services (Entered at 5:38 P.M.); Bob Blackwood, Interim Human Resources Officer (Entered at 6:00 P.M.); Robert Eggleston, IT Manager; and Joy Simarago, Deputy City Clerk

CLOSED SESSION (Item 1)

ITEM NO. (1) PUBLIC EMPLOYEE APPOINTMENT

Given the large attendance and the number of speakers wishing to address Agenda Item No. 2, the Mayor determined to postpone consideration of Item No. 1 until after Item No. 2. Item No. 1 was taken up at 6:29 P.M.

NEW BUSINESS DISCUSSION (Item 2)

ITEM NO. (2) CONSIDER ADOPTING A CITY-WIDE HIRING FREEZE PENDING APPOINTMENT OF THE NEW FULL-TIME CITY MANAGER (CITY MANAGER)

City Attorney Wynder provided a report commencing at 5:15 p.m.

Public Comments

Commencing at 5:16 p.m., the following persons offered comments in opposition to a citywide hiring freeze:

Ane Meni

Nancy Adams, representing AFSCME Local 809

Bob Adams, representing AFSCME

Denize Hunt

Jovanni Reyes

Mario Ringo

Ken Freschauf

Cesar Cancino

Daryl Dorsky

Karen Avilla, City Treasurer

Doris Reed

John Martinez

Chris Holt

Andrea Barrera

Oral Communications were concluded after the Mayor invited any further speakers to address Agenda Item No. 2 at 5:59 p.m. City Council deliberations then followed with the following items being discussed:

- Vacant positions to be filled
- Acting positions

Council Member Gipson requested a matrix of positions that were not filled. Whereupon, Acting City Manager Acosta stated that she would provide the requested information.

Acting City Manager Acosta stated that since last August, 26 positions were filled; 18 positions were currently in stages of the recruitment process, and 10 to 12 positions have not started the recruitment process.

- Employees working out of class

Council Member Gipson suggested that if there was a personnel issue, the person in charge should be flexible to be present at the meeting.

Mayor Dear suggested that in the future anytime a personnel matter was placed upon the agenda, the Human Resources Manager must be present and should be a standard operating procedure.

Mayor Pro Tem Santarina encouraged everyone to speak.

Council Member Davis-Holmes suggested to continue with the recruitment process and expressed concern with the long-term acting positions.

Mayor Pro Tem Santarina stated that they were determined to find the right person to be the City Manager and assured everyone that the problems would be taken care of and the time and effort was put forth during the process. He reported the following: 1) there were 43 candidates which have been reduced to 10 or 11 candidates; 2) there were two more steps in the process; and 3) in two weeks would work with the City Manager to work on everyone's concerns.

RECOMMENDATION for the City Council:

CONSIDER and PROVIDE direction.

ALTERNATIVES:

1. ADOPT, by minute order, and City-wide hiring freeze for a period not to exceed forty-five (45) calendar days or until the hiring of the new full-time City Manager, which event shall first occur.
2. TAKE such other action as the City Council deems appropriate consistent with the requirements of law.
3. TAKE no action on this item.

ACTION: At 6:11 p.m., it was moved to impose a citywide hiring freeze not-to-exceed 60 days with the exception that the recruitment continue so that once the 60-day hiring freeze has concluded and a new City Manager has been hired, that we could move expeditiously to fill those positions on motion of Robles and seconded by Santarina.

During discussion of the motion, Council Member Gipson addressed the following issues:

- Stated his concern with the hiring of summer workers that the Council approved to hire and will be affected.
- Suggested to continue with the recruiting and to look at a level of who to impose the hiring freeze upon, excluding certain levels of positions that need to be hired, such as rank-and-file employees.
- Requested to see a grid based on how many levels of upper-management positions to be filled and to deal with the rank-and-file employees.

Mayor Dear stated that he was informed by legal counsel that City Council Members, as a body, cannot specify certain categories or areas of employment.

City Attorney Wynder presented his concern that, should the City Council only direct City management not fill specific positions, that could violate the Council-Manager form of government, because the Council cannot dictate to management specific hire or fire decisions. City Attorney Wynder was of the opinion the City Council could impose a temporary citywide hiring freeze, but exclude from that action a citywide recruiting freeze, pending the hiring of a City Manager, particularly given that a decision to make an offer of employment to a new City Manager was likely to be made fairly quickly. There is merit in affording a new City Manager the opportunity to review the entire City organization while advising the new City Manager that hiring eligibility lists were ready to act on or implement.

Mayor Dear offered a friendly amendment to the motion that the hiring freeze be only be in effect for 60 days or until the City hires a new City Manager or whichever comes first which was accepted by the maker and second.

Council Member Robles inquired if could make an exception for summer hires.

City Attorney Wynder stated that he would have to look at that issue and did not know the answer but since the hiring was from a separate funding source, it may not be subject to the hiring freeze.

Council Member Gipson inquired whether it was not true that during summer months, we have summer employees such as lifeguards and that the City had a number of pools and was concerned that this scenario would be in jeopardy through this motion.

Mayor Dear inquired into the timeframe for hiring the summer employees and the hiring date. Whereupon, Acting City Manager Acosta stated that staff was actively hiring and would start in May.

Council Member Gipson expressed concern that whoever was hired as City Manager would have the expectation to hire the entire team and fill vacancies.

Mayor Dear stated that on behalf of his colleagues that they appreciated the employees and thanked them for attending the meeting. He clarified the amended motion that as soon as a City Manager is hired that at that moment the hiring freeze would disappear.

Upon inquiry, City Attorney Wynder stated that the recruitment of the City Manager started with 42 individuals and screened 19 individuals.

Mayor Dear clarified that there were 43 candidates and were narrowed down to 19 individuals for possible consideration and out of the 19 individuals, 17 were interviewed. There were two group interview days in the last few weeks and then two Council individual interview days.

City Attorney Wynder stated that the process would be narrowed further this evening.

Council Member Gipson requested from staff the number of outstanding grievances, how many people working out of class, and a chart of how many vacancies were unfilled and total of those vacancies, and how many grievances filed based on out-of-class and charges as well. Whereupon, City Attorney Wynder stated that he would provide the information.

The motion, as amended, was carried by the following voice vote:

Ayes: Mayor Dear, Mayor Pro Tem Santarina, Council Member Davis-Holmes and Council Member Robles
Noes: Council Member Gipson
Abstain: None
Absent: None

RETURN TO ITEM NO. (1) PUBLIC EMPLOYEE APPOINTMENT

At 6:29 p.m., City Attorney Wynder presented the Closed Session item.

RECOMMENDATION for the City Council:

1. A closed session will be held, pursuant to Government Code §54957, to consider the appointment of an employee to the position of City Manager.

ACTION: Item No. 1 was heard in Closed Session.

RECESS:

The City Council was recessed at 6:30 P.M., by Mayor Dear to a Closed Session to discuss the item described on this evening's agenda.

RECONVENE:

The City Council was reconvened at 7:26 P.M., by Mayor Dear with all members previously noted present.

City Clerk Gause noted the following:

Council Members Present:

Mayor Jim Dear, Mayor Pro Tem Elito Santarina, Council Member Lula Davis-Holmes, Council Member Mike Gipson, and Council Member Albert Robles

Council Members Absent: None

Other Elected Officials Present:

Donesia Gause, City Clerk

Other Elected Officials Absent:

Karen Avilla, City Treasurer

Also Present:

William Wynder, City Attorney; and staff: Joy Simarago, Deputy City Clerk

REPORT ON CLOSED SESSION

City Attorney Wynder provided the Closed Session report as follows:

The City Council has unanimously directed the City Attorney's Office to make an offer of employment to a candidate and that offer of employment will be conditioned upon the following:

- Successfully negotiating a contract of employment;
- Passing the necessary background check that will be performed by the City's outside consultant hired to coordinate the City Manager recruitment; and
- The City Manager candidate passing the required physical and the other typical criteria as required for all City employees.

He further reported as follows:

- The City Council has further unanimously directed the City Attorney's Office to bring back a contract on employment at the meeting of May 6, 2014 for public consideration and action where, if approved by the Council, the Council will then be in a position to introduce its new City Manager.
- Reported that the selected City Manager has all of the educational and professional credentials and qualifications consistent with the requirements of the Carson Municipal Code.
- Assuming the City Council approves the new City Manager's contract on May 6, 2014, effective at that moment the hiring freeze will be lifted.

Mayor Dear noted that on the agenda there should have been printed "Closed Session Report" and whoever was in charge of the agenda should be made aware of that omission.

ADJOURNMENT

The meeting was Adjourned at 7:29 P.M. by Mayor Dear.

Mayor Jim Dear

ATTEST:

City Clerk Donesia L. Gause