



CITY OF CARSON

MINUTES CARSON CITY COUNCIL SPECIAL MEETING DECEMBER 9, 2021 5:00 P.M.

CALL TO ORDER:

The meeting was called to order at 5:04 P.M. by Mayor Lula Davis-Holmes in the Helen Kawagoe Council Chambers, Carson City Hall, located at 701 E. Carson Street, Carson, California 90745.

ROLL CALL:

Deputy City Clerk Joy Simarago noted the roll:

Council Members Present:

Mayor Lula Davis-Holmes, Mayor Pro Tem Jim Dear, Council Member Jawane Hilton, Council Member Cedric Hicks, and Council Member Arleen Rojas

Also Present:

Monica Cooper, City Treasurer; Sunny Soltani, City Attorney; David Roberts, Assistant City Manager; John Raymond, Assistant City Manager; and Eliza Jane Whitman, Director of Public Works

FLAG SALUTE:

Council Member Hicks led the Pledge of Allegiance.

INVOCATION:

Mayor Pro Tem Dear requested a moment of silence to recognize all the women and men serving in the Armed Forces.

Council Member Hilton gave the invocation.

CLOSED SESSION (Items 1 to 2)

REPORT ON ANY PUBLIC COMMENTS ON CLOSED SESSION ITEMS (CITY CLERK) -
None

ANNOUNCEMENT OF CLOSED SESSION ITEMS (CITY ATTORNEY)

City Attorney Soltani announced the Closed Session items.

RECESS:

The meeting was recessed at 5:09 P.M. by Mayor Davis-Holmes to Closed Session.

RECONVENE:

The meeting was reconvened at 6:47 P.M. by Mayor Davis-Holmes with all members previously noted present.

REPORT ON CLOSED SESSION ACTIONS (CITY ATTORNEY)

City Attorney Soltani provided the Closed Session report as follows:

Item No. 1. 2021-887 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (CITY COUNCIL)

Recommendation: A closed session will be held, pursuant to Government Code Section 54956.9 (e)(1), because there is a significant exposure to litigation in four cases.

ACTION: No reportable action was taken.

Item No. 2. 2021-899 PUBLIC EMPLOYEE APPOINTMENT / EMPLOYMENT PERFORMANCE EVALUATION / DISCIPLINE / DISMISSAL OR RELEASE (CITY COUNCIL)

Recommendation: A closed session will be held pursuant to Government Code Section 54957 (b)(1) for purposes of considering the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee (for the position of the City Manager).

ACTION: The City Council authorized to put the City Manager on paid Administrative Leave and they appointed Mr. David Roberts as the Acting City Manager while she is on paid Administrative Leave.

SUBSEQUENT NEED ITEM

City Attorney Soltani asked the City Council to add a Subsequent Need Item for declaring the position of the City Clerk vacant based on the Elections Code. If the City Council is not able to reach consensus on an appointment of a City Clerk to fill the vacancy. If the City Council is interested to have an election to meet the June deadline election because you have to notice it 114 days, you would have to declare the office vacant tonight. If the City Council waits until January, you would not make it. The timeline would not work out to make it for the June election and you would have to wait until November. That is why she is asking the City Council to add it as a Subsequent Need Item. She has a resolution declaring the office of the City Clerk vacant and shared with the City Council and has copies available for the public. She requested a resolution number from the Deputy City Clerk.

It was moved to add the subsequent need item (urgency) item as Item No. 4 to the agenda for the resolution of the declaration of a vacancy in the City Clerk’s Office on motion of Dear,

seconded by Hicks and unanimously carried by the following vote:

Ayes: Mayor Davis-Holmes, Mayor Pro Tem Dear, Council Member Hilton, Council Member Hicks, and Council Member Rojas
Noes: None
Abstain: None
Absent: None

RECESS:

The meeting was recessed at 6:51 P.M. by Mayor Davis-Holmes.

RECONVENE:

The meeting was reconvened at 7:00 P.M. by Mayor Davis-Holmes with all members previously noted present.

ORAL COMMUNICATIONS FOR MATTERS LISTED ON THE AGENDA (MEMBERS OF THE PUBLIC)

Ana Meni

Inquired why the City Clerk vacancy was not properly added on the agenda by the City Manager who is now placed on Administrative Leave; requested clarification regarding the Special Meeting notice that was provided by Mayor Pro Tem Jim Dear at the previous meeting; did not include the Tree Contract and that item was added on the agenda tonight but not the City Clerk item; the report City Attorney Soltani gave regarding the City Clerk vacancy – she did not identify how the City was notified of the vacancy; she submitted a Public Records Act Request (PRAR) Form and read Myla Rahman’s resignation letter dated December 7, 2021 she tendered to the city. City Management let down the community by not properly informing the Mayor and City Council in a formal capacity which should have been the City Council agenda. Staff was able to update the agenda face to add on newly sworn in Council Member Arleen Rojas and also deemed that the City Clerk position was vacant but they did not make an effort to put an agendized item to formally report to the Mayor and City Council; bringing attention the let down, the disconnect with City management of not doing their due diligence and should have added this item on the agenda; she asked if there was another amended Special Meeting Notice because the Tree Contract was not on the Special Meeting Notice.

Mayor Davis-Holmes responded she requested the Tree Contract item be added to the Special Meeting agenda at the last City Council meeting.

Mayor Davis-Holmes and Mayor Pro Tem Dear confirmed there was no objection heard to add the Tree Contract item to the Special Meeting agenda.

This item was heard again after Item No. 4.

Representative from Great Scott Tree Services Inc.

Spoke about the original request for proposal (RFP) regarding the cost of the insurance and the existing contract

DISCUSSION: (Item 3)

Item No. 3. 2021-952 CONSIDER AWARDING A CONTRACT TO GREAT SCOTT TREE SERVICES INC. TO PROVIDE TREE MAINTENANCE SERVICES FOR THE PERIOD OF THREE YEARS

Item No. 3 was heard after Oral Communications For Matters Listed on the Agenda (Members of the Public).

Director Whitman gave a PowerPoint presentation.

Mayor Pro Tem Dear referred to the 12-Month Tree Trimming Plan slide and inquired about areas in District 2, District 1, District 4 and why is it focused on District 3. Director Whitman responded to his inquiry.

Mayor Pro Tem Dear asked if trees are to be trimmed in a schedule; any plans to bring in other types of trees; any plans to improve the tree wells. Director Whitman responded to his question.

Council Member Hilton stated he was taken back how staff changed the requirements on the floor and explained it; received an email this morning regarding the bids were not accurate; referred to another email from the United Pacific Service Incorporation; his hesitation is he saw they changed the scope or the insurance services last time which was walked on and Mayor and City Council did not get a chance to look at it; he does not support the request for proposal (RFP) and recommends readvertising for RFP.

City Attorney Soltani stated the motion is to reject all bids.

- Recommendation: TAKE the following actions:
1. AWARD a three-year contract to Great Scott Tree Services, Inc. in the amount of \$2,500,615.00 to provide tree planting and maintenance services with two additional one-year extensions at the City's sole discretion; AND
 2. AUTHORIZE the Mayor to execute the contract after approval as to form by the City Attorney and REQUIRE any exercise of the optional extension to be presented to the City Council for approval.

ACTION: It was moved to reject all bids and rebid to make sure everything in line on motion of Hilton, seconded by Dear and unanimously carried by the following vote:

Ayes: Mayor/Agency Chairman/Authority Chairman Davis-Holmes, Mayor Pro Tem/Agency Vice Chairman/Authority Vice Chairman Dear, Council Member/Agency Member/Authority Board Member Hilton, Council Member/Agency Member/Authority Board Member Hicks, and Council Member/Agency Member/Authority Board Member Rojas

Noes: None
Abstain: None
Absent: None

Item No. 4.

CONSIDER RESOLUTION NO. 21-178, DECLARING THE CITY CLERK POSITION VACANT (CITY COUNCIL)

After Item No. 2, City Attorney Soltani asked the City Council to add a Subsequent Need Item for declaring the position of the City Clerk vacant based on the Elections Code. If the City Council is not able to reach consensus on an appointment of a City Clerk to fill the vacancy. If the City Council is interested to have an election to meet the June deadline election because you have to notice it 114 days, you would have to declare the office vacant tonight. If the City Council waits until January, you would not make it; the timeline would not work out to make it for the June election and you would have to wait until November. That is why she is asking the City Council to add it as a Subsequent Need Item. She has a resolution declaring the office of the City Clerk vacant. She shared with the City Council and has copies available for the public. She requested a resolution number from the Deputy City Clerk.

It was moved to add the Subsequent Need (urgency) Item as Item No. 4 to the agenda for the resolution of the declaration of a vacancy in the City Clerk's Office on motion of Dear, seconded by Hicks and unanimously carried by the following vote:

Ayes: Mayor Davis-Holmes, Mayor Pro Tem Dear, Council Member Hilton, Council Member Hicks, and Council Member Rojas
Noes: None
Abstain: None
Absent: None

Item No. 4 was heard after Item No. 3.

City Attorney Soltani noted Deputy City Clerk Simarago has a resolution number regarding the item which she provided as Resolution No. 21-178.

Council Member Hicks asked the official date the City Clerk vacated her position.

City Attorney Soltani responded in writing the City Clerk notified the City Council that she was resigning on December 8, 2021.

Recommendation: WAIVE further reading and ADOPT Resolution No. 21-178 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DECLARING THAT A VACANCY EXISTS IN THE ELECTIVE OFFICE OF THE CITY CLERK, AND ACKNOWLEDGING THE NEED TO FILL THE VACANCY WITHIN SIXTY (60) DAYS OR HAVE THE VACANCY BE SUBJECT TO A SPECIAL ELECTION UNDER APPLICABLE LAWS"

ACTION: It was moved to adopt Resolution No. 21-178, as read by title only, on motion of Davis-Holmes, seconded by Hilton and unanimously carried by the following vote:

Ayes: Mayor Davis-Holmes, Mayor Pro Tem Dear, Council Member Hilton, Council Member Hicks, and Council Member Rojas
Noes: None
Abstain: None
Absent: None

COUNCIL MEMBER REQUESTS TO ADD ITEMS TO FUTURE AGENDAS – None.

ORAL COMMUNICATIONS (COUNCIL MEMBERS)

This item was heard after Oral Communications For Matters Listed on the Agenda (Members of the Public).

Council Member Hicks stated he was concerned that he asked the other Assistant City Manager who said he was not asked if he would like to be the City Manager and that he would love to do it; would like to know what the City Council was told and what is being said now is two different things. He expressed concern the City Council was told he was asked and said he did not want it but that it seems to be not the case.

Mayor Pro Tem Dear stated that it is a moot point because the decision was already made. He spoke to Assistant City Manager John Raymond several times and recalls him saying that he does not want to be the City Manager.

Mayor Davis-Holmes stated what is being asked is if he was asked for this time.

Mayor and City Council congratulated Assistant City Manager David Roberts for his appointment as Acting City Manager. Mayor Davis-Holmes clarified Assistant City Manager John Raymond was not asked for this acting assignment.

Mayor Pro Tem Dear asked Acting City Manager David Roberts if he was asked.

Acting City Manager David Roberts responded he was not asked.

Mayor Pro Tem Dear noted new Acting City Manager David Roberts and the City Manager was put on Administrative Leave with pay.

Mayor Davis-Holmes stated the question was asked did you ask Assistant City Manager John Raymond and you stated yes just to clarify.

Mayor Pro Tem Dear stated the question was asked and answered.

Mayor Pro Tem Dear wished everyone Merry Christmas, Happy New Year, Happy Kwanza, Happy Hanukkah, and Happy Holidays.

Council Member Rojas wished everyone Happy Holidays; clarified the City Manager was not suspended and was put on Administrative Paid Leave.

Mayor Davis-Holmes announced the Snow Run Winter Fest on December 18, 2021, from 3:00 P.M. to 7:00 P.M., at the Carson Community Center. Mayor is providing 500 toys with Carson Citizens Cultural Arts Foundation to kids on a first-come, first-serve basis; 250 Turkey Giveaway on December 19, 2021, at Veterans Park; must register online.

Council Member Hicks announced Toy Giveaway on December 18, 2021, from 11:00 A.M. to 1:00 P.M. at Mills Park for Carson residents; must register.

Mayor Davis-Holmes wished everyone Happy Holidays and Merry Christmas. She thanked staff for joining the meeting.

ANNOUNCEMENT OF UNFINISHED OR CONTINUED CLOSED SESSION ITEMS (AS NECESSARY) – None.

RECESS TO CLOSED SESSION – None.

RECONVENE TO OPEN SESSION – None.

REPORT OF ACTIONS ON UNFINISHED OR CONTINUED CLOSED SESSION ITEMS – None.

ADJOURNMENT

The meeting was adjourned at 7:30 P.M. by Mayor Davis-Holmes to an adjourned special meeting to be held on December 13, 2021, at 5:30 P.M., Carson City Hall, Helen Kawagoe Council Chambers, located at 701 E. Carson Street, Carson, California 90745.

Lula Davis-Holmes
Mayor

ATTEST:

Joy Simarago
Deputy City Clerk