



**CITY OF SOUTH PASADENA
SPECIAL CITY COUNCIL MEETING AGENDA**

**Council Chamber
1424 Mission Street, South Pasadena, CA 91030
September 23, 2020, at 12 p.m.**

South Pasadena City Council Statement of Civility

As your elected governing board, we will treat each other, members of the public, and city employees with patience, civility and courtesy as a model of the same behavior we wish to reflect in South Pasadena for the conduct of all city business and community participation. The decisions made tonight will be for the benefit of the South Pasadena community and not for personal gain.

NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the Special Meeting of the City Council for September 23, 2020 will be conducted remotely and held by video conference. The Meeting will be broadcast live on the City's website (http://www.spectrumstream.com/streaming/south_pasadena/live.cfm).

Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chambers will not be open for the meeting. Council Members will be participating remotely and will not be physically present in the Council Chambers.

Public Comment on Special Meeting Agenda Items: Pursuant to Government Code Section 54954.3(a), members of the public will be provided with an opportunity to address any item **described on the agenda only**, at the time the matter is considered by the City Council.

If you would like to comment on an agenda item, members of the public may submit their comments in writing for City Council consideration, by one of the following methods:

Option 1:

1. Dial (626) 322-2344 and leave a recording of your public comment. Please state your name; if you are providing public comment for open or closed session; and, the agenda item number. If no agenda item number is provided, your public comment will automatically be played under the general public comment portion of the open session meeting. **The cutoff time for public comment to be submitted via phone recording (for this special meeting) is 10 a.m. the day of the Council Meeting.**

Option 2:

2. Email your public comments to ccpubliccomment@southpasadenaca.gov. Public Comments received in writing will not be read aloud at the meeting. Written public comments will be

announced at the meeting and become part of the meeting record. Written public comments will be uploaded online for public viewing under Additional Documents. There is no word limit on emailed Public Comment. Please make sure to indicate: 1) your name, and 2) what agenda item you are submitting public comment on.

Pursuant to state law, the City Council may not discuss or take action on issues not on the meeting agenda, except that members of the City Council or staff may briefly respond to statements made or questions posed by persons exercising public testimony rights (Government Code Section 54954.2). Staff may be asked to follow up on such items.

CALL TO ORDER: Mayor Robert S. Joe

ROLL CALL: Councilmembers Stephen E. Rossi, Michael A. Cacciotti and Richard D. Schneider, M.D.; Mayor Pro Tem Diana Mahmud; and Mayor Robert S. Joe

PLEDGE OF ALLEGIANCE: Mayor Robert S. Joe

CLOSED SESSION ANNOUNCEMENTS

- 1. **CLOSED SESSION ANNOUNCEMENT(S) FROM SPECIAL CLOSED SESSION ON SEPTEMBER 19, 2020.**

ACTION/DISCUSSION

- 2. **Initiation of recruitment for City Manager and authorize staff to seek proposals for Consultant Services for City Manager Executive Recruitment**

Recommendation:

It is recommended that the City Council authorize the Acting City Manager to seek proposals from executive recruitment firms to coordinate the City Manager recruitment and selection process.

- 3. **Consideration of Employment Agreement and a Resolution for Post-Retirement Employment of Sean Joyce for the Position of Interim City Manager**

Recommendation:

It is recommended that the City Council:

- 1. The Resolution of the City of South Pasadena Requesting Approval of Public Employee's Retirement System (PERS) for Hiring of Annuitant for Temporary Appointment to Position of Interim City Manager Pursuant to Government Code Sections 21221(h); and
- 2. Approve the Employment Agreement with Sean Joyce for the Position of Interim City Manager during the recruitment process for a new full time City Manager.

ADJOURNMENT

**FUTURE CITY COUNCIL MEETINGS
(OPEN SESSION)**

October 7, 2020	Regular City Council Meeting	Council Chamber	7:30 p.m.
October 21, 2020	Regular City Council Meeting	Council Chamber	7:30 p.m.

PUBLIC ACCESS TO AGENDA DOCUMENTS AND BROADCASTING OF MEETINGS

City Council Meeting agenda packets and agenda related documents are available for public inspection: <https://www.southpasadenaca.gov/government/city-council-meetings/2019-council-meetings-copy>

Additional Documents, when presented to City Council, will also be uploaded and available on the City’s website.

Regular meetings are streamed live via the internet at:

<https://www.southpasadenaca.gov/government/city-council-meetings/2019-council-meetings-copy>.

AGENDA NOTIFICATION SUBSCRIPTION

Individuals can be placed on an email notification list to receive forthcoming agendas by emailing CityClerk@southpasadenaca.gov or calling the City Clerk’s Division at (626) 403-7230.

ACCOMMODATIONS



The City of South Pasadena wishes to make all of its public meetings accessible to the public. If special assistance is needed to participate in this meeting, please contact the City Clerk's Division via e-mail at CityClerk@southpasadenaca.gov or by calling (626) 403-7230. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Notification at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

I declare under penalty of perjury that I posted this notice of agenda on the bulletin board in the courtyard of City Hall at 1414 Mission Street, South Pasadena, CA 91030, and on the City’s website as required by law.

9/22/20

Date

/s/

Maria E. Ayala, Chief City Clerk



Special City Council Meeting Agenda Report

ITEM NO. 2

DATE: September 23, 2020

FROM: Paul Riddle, Acting City Manager

PREPARED BY: Michael Casalou, Human Resources Manager
Lucy Demirjian, Assistant to the City Manager

SUBJECT: **Initiation of recruitment for City Manager and authorize staff to seek proposals for Consultant Services for City Manager Executive Recruitment**

Recommendation

It is recommended that the City Council authorize the Acting City Manager to seek proposals from executive recruitment firms to coordinate the City Manager recruitment and selection process.

Executive Summary

The position of City Manager became vacant on September 14, 2020 with the retirement of Stephanie DeWolfe, with the duties now being temporarily performed by Acting City Manager/Fire Chief Paul Riddle. The recommended action will initiate the process to select a new permanent City Manager.

Discussion/Analysis

The most common approach to recruiting a new City Manager involves the use of a professional executive recruitment firm. Qualified firms keep themselves apprised of professionals that would make suitable candidates, are able to offer unique outreach services to individuals that might not otherwise apply for the position, and help to reduce any perception that the process is not impartial and work directly for the Council, to whom the City Manager directly reports. While such a recruitment could conceivably be accomplished with in-house staff, on-going project loads and limited contact with the executive city management community could hamper the success of the recruitment.

Staff will seek proposals from executive recruitment firms and bring back this information at the October 7, 2020 Council meeting for Council selection and action.

Legal Review

The City Attorney has reviewed this item.

Fiscal Impact

The fiscal impact is unknown at this, time but will be submitted in a future staff report. Generally, executive level recruitments cost between \$25,000-\$30,000. This would be a general fund expense.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.



Special City Council Meeting Agenda Report

ITEM NO. 3

DATE: September 23, 2020

FROM: Chief Paul Riddle, Acting City Manager

PREPARED BY: Michael Casalou, Human Resources Manager
Teresa L. Highsmith, City Attorney

SUBJECT: **Consideration of Employment Agreement and a Resolution for Post-Retirement Employment of Sean Joyce for the Position of Interim City Manager**

Recommendation

It is recommended that the City Council approve:

1. The Resolution of the City of South Pasadena Requesting Approval of Public Employee's Retirement System (PERS) for Hiring of Annuitant for Temporary Appointment to Position of Interim City Manager Pursuant to Government Code Sections 21221(h) and
2. Approve the Employment Agreement with Sean Joyce for the Position of Interim City Manager during the recruitment process for a new full time City Manager.

Commission Review and Recommendation

This matter has not been reviewed by any Commission.

Discussion/Analysis

The City is in critical need of an experienced Interim City Manager due to the September 12, 2020 retirement of City Manager, Stephanie DeWolfe. Mr. Joyce, who is a retired City Manager and a CalPERS annuitant, previously served the City of South Pasadena as its City Manager from November 1996 to July 2004. During the COVID-19 pandemic, the 960-hour service limitation for PERS annuitants has been suspended; however it is anticipated that this temporary appointment as Interim City Manager will not exceed six months, during which the City expects to complete recruitment of a new City Manager.

The rate of pay for a retired PERS annuitant performing work of a regular employee during recruitment is set by statute and may not exceed the monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule for the vacant

September 23, 2020

Employment Agreement and Resolution to Appointment PERS Annuitant
to Position of Interim City Manager

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position, divided by 173.333 to get the hourly rate. The current published annual salary of the City Manager is \$199,875, which reduced to a monthly salary and divided by 173.333 yields an hourly rate of \$96.09. No incentives, other compensation in lieu of benefits, or actual benefits are permitted to be paid to enhance the hourly rate or in addition to the hourly rate.

The term of this temporary Employment Agreement is for a period ending upon the hiring of a City Manager and is estimated to conclude prior to March 31, 2021.

Background

City Manager Stephanie DeWolfe as separated from the City and retired, effective September 12, 2020. Mr. Joyce is familiar with the operations of a small full-service city with a water utility, and has specific experience with South Pasadena as its former City Manager from November 1996 to July 2004. Mr. Joyce is available to start on September 24, 2020 in the role of Interim City Manager and help guide the City through transition during the recruitment and hiring of a full time City Manager.

Fiscal Impact

The monthly cost to employ Mr. Joyce as Interim City Manager is \$16,656.25. If Mr. Joyce serves a maximum of 6 months, the total cost to the City will be \$99,937.50. The City will incur no benefit costs (no vacation, sick leave, health care or other insurance, etc.) This position is funded by the general fund.

Legal Review

The City Attorney has reviewed this item.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website.

Attachments: Resolution of the City of South Pasadena Requesting Approval of Public Employee's Retirement System (PERS) for Hiring of Annuitant for Temporary Appointment to Position of Interim City Manager Pursuant to Government Code Section 21221(h)

Employment Agreement with Sean Joyce to Perform Specialized and Temporary Services as Interim City Manager

RESOLUTION NO. ____

**RESOLUTION OF THE CITY OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA REQUESTING
APPROVAL OF PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)
FOR HIRING OF ANNUITANT FOR TEMPORARY APPOINTMENT
TO CRITICAL POSITION OF INTERIM CITY MANAGER
PURSUANT TO GOVERNMENT CODE SECTIONS 21221(h)**

WHEREAS, the position of City Manager is a critical position to the City of South Pasadena (City) as the City is a Council/manager type of government and the City Manager is the head of all operations within the City. Due to the sudden retirement of City Manager, Stephanie DeWolfe on September 12, 2020, the City must provide continuing City Manager services to provide direction for all municipal operations during the transition period for recruitment and appointment and training/mentoring of a new full time City Manager; and

WHEREAS, recruitment and training/mentoring of a new employee to fulfill the City Manager position, requiring specialized skills and services critical to the organization, is anticipated to take four to six months; and

WHEREAS, Sean Joyce, is an experienced City Manager who is familiar with the City of South Pasadena and many of its operational issues as a smaller full-service City with a municipal water utility, given his previous tenure as South Pasadena City Manager from November 1996 to July 2004. Accordingly, Mr. Joyce possesses the specialized skills and institutional knowledge required to serve as the Interim City Manager during the recruitment process and provide short-term training and mentoring, as necessary, to ensure transition and continuity of critical services through a newly recruited and appointed full time City Manager; and

WHEREAS, Sean Joyce, is a Public Employees Retirement System (PERS) annuitant, who retired from the City of Irvine in 2018 with no retirement incentive and is willing to accept temporary employment with the City of South Pasadena, within the parameters of Government Code Section 21221(h), as reflected in the attached Exhibit A Employment Agreement; and

WHEREAS, the City seeks approval from PERS that the hiring of Sean Joyce to perform specialized services as Interim City Manager, including training and mentoring of a newly appointed City Manager through a recruitment process, for a limited duration, not to exceed 960 hours within a fiscal year and for an hourly rate consistent with the parameters of Government Code Section 21221(h) shall not trigger reinstatement for this PERS annuitant.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of South Pasadena that:

1. Subject to approval by PERS, Sean Joyce is appointed as Interim City Manager, pursuant to the terms of the Employment Agreement attached as Exhibit A; and

2. The City Council requests that PERS approve temporary employment of PERS annuitant (effective September 24, 2020) Sean Joyce to serve as Interim City Manager during the period of recruitment for appointment of a full time City Manager and perform specialized training and mentoring of a newly appointed City Manager for a limited duration, which shall not exceed 960 hours per fiscal year as necessary until appointment and training/mentoring of a new full time City Manager is completed, as set forth in the Employment Agreement attached as Exhibit A.

3. The City Clerk shall certify to the passage and adopt of this Resolution and enter it in the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED this 23rd day of September, 2020.

Robert S. Joe, Mayor

ATTEST:

APPROVED AS TO FORM:

Evelyn G. Zneimer, City Clerk
(seal)

Teresa L. Highsmith, City Attorney

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena at a regular meeting held on the 23rd day of September, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Evelyn G. Zneimer, City Clerk
(seal)

Exhibit A
(Employment Agreement)

CITY OF SOUTH PASADENA
EMPLOYMENT AGREEMENT
WITH SEAN JOYCE
TO PERFORM SPECIALIZED AND
TEMPORARY SERVICES
AS INTERIM CITY MANAGER

This agreement is entered into September 23, 2020 by and between the CITY OF SOUTH PASADENA, a municipal corporation, hereafter referred to the "City" and Sean Joyce, hereafter referred to as "Employee".

WHEREAS, with the separation and retirement of South Pasadena's City Manager, Stephanie DeWolfe, effective September 12, 2020 the City is in immediate need of temporary Interim City Manager services in order to provide management services during the transition period for recruitment of a new City Manager and any required mentoring and training of such newly appointed City Manager; and

WHEREAS, Sean Joyce was previously employed by the City its City Manager from November 1996 to July 2004, and as such is familiar with operational needs of a small full-service city with a water utility, and possesses the requisite specialized skills and institutional knowledge needed by the City and is available to provide services as Interim City Manager during the transition period to a permanent appointment of a full time City employee as City Manager; Sean Joyce's services may include a short period of mentoring and training of the City's anticipated appointment of a new full time City Manager through the City's recruitment process; and

WHEREAS, Sean Joyce as a Public Employees Retirement System ("PERS") annuitant, is limited in his ability to accept public employment pursuant to Government Code Sections 21221(h); and

WHEREAS, Sean Joyce is able to provide temporary services to the City of South Pasadena under the terms of this Agreement and within the constraints of Government Code Section 21221(h) as a PERS annuitant and City desires to hire Sean Joyce on these terms to provide specialized services of a limited duration.

NOW THEREFORE, in consideration of the above stated desires and the mutual covenants, terms and conditions, herein contained, the parties hereto mutually and freely agree as follows:

SECTION 1 – EMPLOYMENT CONDITIONS AND DUTIES

a. Employee is appointed by and shall serve at the pleasure of the City Council as Interim City Manager. Employee has performed his due diligence to confirm with PERS that he may accept this temporary appointment as a PERS annuitant.

b. The Employee shall be responsible for performing duties of the Interim City Manager position, as well as providing mentoring and training to an anticipated permanent full time equivalent employee to the position of City Manager.

SECTION 2 – EMPLOYMENT TERM

a. The City agrees to employ Employee and Employee agrees to be employed and remain in the employment of the City for a term beginning September 24, 2020 and ending not later than March 31, 2021. This is an at-will position and Employee has no property interest in his position.

b. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the rights of the City to terminate the services of the Employee at any time during such employment terms or any renewal thereof subject to the provisions as set forth in this agreement.

c. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right to resign at any time from this position with the City, subject to the provisions as set forth in this agreement.

SECTION 3 – EMPLOYEE RESIGNATION

In the event the Employee terminates this Employment Agreement by voluntary resignation, in writing, before expiration of the employment terms or any renewal(s) thereof Employee shall not be entitled to any severance pay but shall be entitled to payment in full for consideration during pay period. In the event that the Employee voluntarily resigns this position before normal expiration date of the employment terms or any renewal he shall give the City at least 10 (10) days advanced written notice unless the parties agree otherwise. The Employee, should he resign, shall be paid for any earned salary to which he is entitled as of the final day on City payroll.

SECTION 4 – EMPLOYMENT TERMINATION

Employee serves in an at-will capacity as Interim City Manager. The City may terminate or remove the Employee with or without cause.

SECTION 5 – WORK HOURS

The City Council and Employee shall coordinate the work schedule based upon needs of the City.

SECTION 6 – SALARY

The City shall pay the Employee for all services rendered and worked pursuant to this agreement at \$96.09 per hour, which represents the annual salary

of the City Manager classification, divided by twelve months and divided again by 173.333, as required by Government Code Section 21221(h). Employee's salary will be paid on a bi-weekly basis in conformance with the City's established pay periods and pay days; although Employee is required by Government Code Sections 21221(h) to be compensated on an hourly basis, Employee is an FLSA exempt employee and is not entitled to overtime, even if his work week exceeds 40 hours. The Employee shall not receive benefits, incentives or compensation in lieu of benefits, sick leave, holiday, vacation pay or any other form of compensation in addition to the hourly rate during his employment under this employment agreement.

To the extent that Employee utilizes his personal vehicle on behalf of the City, City will reimburse Employee for his mileage at the 2020 IRS mileage rate.

SECTION 7 – INDEMNIFICATION

If the employee is named as a party in litigation relating to Employee's actions or inactions as a City employee, the City shall defend Employee and pay any judgment which may be entered against Employee, consistent with the terms of applicable law including Government Code 810 et seq.

SECTION 8 – ENTIRE AGREEMENT AND AMENDMENTS

a. This agreement supersedes any and all other agreements between the parties hereto with respect to the employment of the Employee by the City and contains all of the covenants and agreements between the parties with respect to such employment. Each party to this Agreement acknowledges that no representations, inducement, promise, or agreements have been made by any party or anyone acting on behalf of any party orally or otherwise which are not embodied herein.

b. No other agreement, statement or promise not contained in this Agreement shall be valid or binding or shall be used in interpreting the meaning of this Agreement.

c. Amendments, modifications or changes may be made to this Agreement and shall become effective on the date contained therein when executed in writing and mutually signed by both parties to this Agreement.

d. This Agreement and any amendments, modifications or changes thereto shall be binding upon the City during its term.

e. This Agreement and any amendments, modifications or changes thereto shall be binding upon the Employee and inure to the benefit of the heirs at law and executors of the Employee.

SECTION 9 – SEVERABILITY

If any provision or any portion hereof is held to be unconstitutional invalid or unenforceable, the remainder to this Agreement or portion thereof shall be deemed severable, shall not be affected, and shall remain in full force and effect.

“EMPLOYEE”

“CITY”

Sean Joyce

Robert S. Joe, Mayor

ATTEST:

Evelyn G. Zneimer, City Clerk
(seal)