

**MINUTES OF THE CITY COUNCIL
SPECIAL MEETING
Wednesday, August 10, 2005**

CALL TO ORDER/ROLL CALL

Mayor Briggs called the special City Council meeting of August 10, 2005 to order at 4:08 p.m.

Present: Mayor Briggs, Councilmembers Leary, Scherman, Soares

Absent: Mayor Pro Tem Cooper (Arrived at 4:11 p.m.)

Terry Fitzwater, Assistant City Manager, led the Pledge of Allegiance.

CLOSED SESSION PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(GC §54957)

Mayor Briggs opened the public comment opportunity.

The following persons provided public comment for Council consideration, opposing salary increases to the City Manager and/or the City Attorney: **Pam Spitler, Constance Conley, Sarah Johnson, Jean Hawkins, Terry Wheat.**

Tom Shine and **Katheryn Wood**, urged the Council to consider the information and to make an appropriate and fair decision.

Joey Tomko questioned why the City Manager and City Attorney are still working for the City if the allegations made by Councilmembers Cooper and Leary during the Grand Jury investigation are true.

A number of speakers questioned why performance evaluations were considered with only 24-hour notice to the public.

Mayor Pro Tem Cooper stated that he was unaware why the performance review issues were placed on the special meeting agenda. He expressed that having the meeting at 4:00 p.m. excludes participation in the meeting of many working members of the community.

The City Council adjourned to closed session at 5:11 p.m. to consider the following items:

Agenda Item No. 2.1: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Title: City Manager
Pursuant to Government Code Section 54957

Agenda Item No. 2.2: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Title: City Attorney
Pursuant to Government Code Section 54957

The open session of the special August 11, 2005 City Council meeting reconvened at 5:11 to consider the following item:

Agenda Item No. 2.3: *Open Session report of Action and Compensation, City Manager and City Attorney*

Councilmember Soares announced that the City Manager and City Attorney received a very favorable job rating from a majority of the Council. He disclosed key points of compensation suggested by the Compensation Committee (Councilmembers Leary and Soares) for Council consideration.

After deliberation on compensation, the City Council took the following action:

Motion: Soares/Scherman to amend the City Manager's compensation as follows:

Effective July 1, 2005, increase base annual salary by 3%; adjust deferred compensation by 7%; adjust contract to allow use of accrued leave for outside activities not in conflict with City business; increase monthly car allowance by \$150; increase annual leave by two weeks; performance and salary review will be annually in June; on termination or retirement, there can be a mandatory conversion of all unused leave to a medical premium account at no cost to the City; and

Effective September 15, 2004, amend the City Attorney's base salary to \$175,000; the City Attorney will receive the same compensation and benefit adjustments as for the City Manager.

The motion passed by the following vote: Ayes: 3; Noes: 2 (Cooper, Leary)

The City Council adjourned to closed session to consider the following:

CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL

With no public comment offered, the City Council adjourned to closed session at 5:34 to consider the following:

Agenda Item No. 3.1:

**CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION**

Pursuant to GC Section 54956.9 (b)
One (1) Potential Case

Agenda Item No. 3.2:

**CONFERENCE WITH LEGAL COUNSEL - EXISTING
LITIGATION**

Pursuant to GC 54956.9(a)
One (1) case

Elk Grove Community Services District vs. City of Elk
Grove, Sacramento Superior Court Case No. 05AS00612

The City Council reconvened the open session of the special meeting of August 10, 2005 at 6:31.

Mayor Briggs announced there was no reportable action regarding Agenda Item Nos. 3.1, 3.2.

ADJOURNMENT

With no additional business for the Council to consider, the Special City Council meeting of August 10, 2005 was adjourned at 6:31 p.m.


PEGGY JACKSON, CITY CLERK

ATTEST:


**DANIEL BRIGGS, MAYOR
CITY OF ELK GROVE**