



**SPECIAL MEETING
PINOLE CITY COUNCIL
AGENDA**

**TUESDAY
July 26, 2011
6:00 PM**

**2131 Pear Street, Pinole, California
Council Chamber**

**Roy Swearingen, Mayor
Peter Murray, Mayor Pro Tem
Tim Banuelos, Council Member
Phil Green, Council Member
Debbie Long, Council Member**

Public Comment: The public is encouraged to address the City Council on any matter listed on the agenda or on any other matter within its jurisdiction subject to the rules of decorum described in Council Resolution 2009-124. If you wish to address the City Council or Agency Board, please complete the gold card that is provided at the rear entrance to the Council Chambers and hand the card to the City Clerk. City Council will hear public comment on items listed on the agenda during discussion of the matter and prior to a vote. City Council will hear public comment on matters **not** listed on the Regular agenda during Citizens to be Heard, Agenda Items 3.

Americans With Disabilities Act: In compliance with the Americans With Disabilities Act of 1990, if you need special assistance to participate in a City Meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the City Clerk's Office at (510) 724-8928. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service. Assisted listening devices are available at this meeting. Ask the City Clerk if you desire to use this device.

Note: Staff reports are available for inspection at the Office of the City Clerk, City Hall, 2131 Pear Street during regular business hours, 8:00 a.m. to 4:30 pm Monday – Thursday, and on the City Website at www.ci.pinole.ca.us. You may also contact the City Clerk via e-mail at pathenour@ci.pinole.ca.us

COUNCIL MEETINGS ARE TELEVISED LIVE ON CHANNEL 26. They are retelecast the following Thursday at 6:00 p.m. The Community TV Channel 26 schedule is published on the city's website at www.ci.pinole.ca.us. City Council meetings are video-streamed live on the City's website, and remain archived on the site for six months.

Ralph M. Brown Act. G.C. §54950. *In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies, which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.*

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

2. ROLL CALL, CITY CLERK REPORT & STATEMENT OF CONFLICT

An official who has a conflict must, prior to consideration of the decision: (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself /herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov't Code § 87200.

3. CONVENE TO A CLOSED SESSION – CITY COUNCIL

Closed Sessions are held in the Council Caucus/Community Meeting Room located at 2131 Pear Street, Pinole, California. Topics at Closed Session may include, but are not limited to License Permit Determinations, Conference with Real Property Negotiators, Conference With Legal Counsel (Existing & Anticipated Litigation), Liability Claims, Threat to Public Service/Facilities, Labor Negotiation, Public Employee Appointment, Evaluation or Discipline or Release, and Case Review/Planning, Report Involving Trade Secret, Hearings, and Charge Involving Information Protected By Federal Law. Citizens may address the Council regarding a Closed Session item prior to the Council adjourning into the Closed Session.

- A. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to GC §54597.6
City Labor Negotiator: Bruce Heid, Chief Negotiator, Belinda Espinosa,
City Manager & Michelle Fitzer, Asst City Manager
Employee Organizations: Local 1, AFSCME, Fire Local 1230, PPEA,
Unrepresented, & Management Group

4. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION

5. CITIZENS TO BE HEARD (Public Comment – Items Not On the Agenda)

6. CONSENT CALENDAR

- A. Approve the 2011-13 Memorandum of Understanding (MOU) with AFSCME Local 512 [[Council Report No. 2011-86](#); **Action: Adopt Resolution Per Staff Recommendation (Fitzer/Miller)**]
- B. Approve the 2011-13 Memorandum of Understanding (MOU) with Local 1 [[Council Report No. 2011-87](#); **Action: Adopt Resolution Per Staff Recommendation (Fitzer/Miller)**]
- C. Ratify City Attorney's Appointment of Stephanie Downs as Assistant City Attorney [**Action: Adopt [Resolution](#) Per Staff Recommendation (Reyes)**]
- D. Adopt a Resolution to Impose the City's Last, Best and Final Offer for Terms and Conditions of Employment for the International Association of Firefighters Local 1230 (IAFF) [[Council Report No. 2011-88](#); **Action: Adopt Resolution Per Staff Recommendation (Fitzer/Miller)**]
- E. Approve Amendment to Health Insurance Cap For Pinole Police Employees Association (PPEA); International Association Of Firefighters, Local 1230 (IAFF); Public Employees Union, Local One; American Federation Of State, County And Municipal Employees, Local 512 (AFSCME); Unrepresented/ Confidential Employees; Management Employees; And Elected Officials [[Council Report No. 2011-89](#) **Action: Adopt 7 Resolutions Per Staff Recommendation (Fitzer/Miller)**]

7. ADJOURNMENT to the Regular City Council Meeting of August 16, 2011 and in memory of the fallen US Armed Service members and Pinole citizen Amber Swartz.

POSTED: Monday, July 25, 2011 at 9:00 AM

Patricia Athenour, MMC
City Clerk

Any writings or documents provided to a majority of the City Council after distribution of the packet, regarding any item on this agenda will be made available for public inspection at the Administration Counter at City Hall located at 2131 Pear Street in a binder located outside the Council Chambers at 2131 Pear Street, available during normal business hours. (Pursuant to SB 343-effective July 1, 2008)