

**PINOLE CITY COUNCIL  
MINUTES  
JULY 26, 2011**

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

The Special Pinole City Council meeting was held in the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Swearingen called the meeting to order at 6:06 PM and Council Member Long led the Pledge of Allegiance.

**2. ROLL CALL, CITY CLERK/SECRETARY'S REPORT & STATEMENT OF CONFLICT****A. COUNCIL PRESENT**

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

**B. STAFF PRESENT**

Belinda Espinosa, City Manager  
Michelle Fitzer, Assistant City Manager  
Stephanie Downs, Assistant City Attorney  
Charles Hanley, Fire Chief  
Jennifer Miller, HR Analyst  
Bruce Heid, IEDA – Chief Labor Negotiator

Assistant City Manager Michelle Fitzer announced that the Agenda was posted on July 25, 2011 at 9:00 A.M. All legally required notice was provided. She asked the Council whether there were any conflicts with the item on the agenda. None were reported.

**3. CONVENE TO A CLOSED SESSION – CITY COUNCIL**

At 6:07 p.m., Mayor Swearingen convened the noticed 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**

At 7:35 p.m., Mayor Swearingen reconvened the meeting in Open Session. He announced there were no reportable actions from Closed Session.

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

**Richard Voisey**, Pinole citizen / Pinole firefighter, commented on Redevelopment. The cost is \$2.6 million to “pay-to-play” and he asked Council not to do that. When he first started with

Pinole he learned about City government and RDA. He didn't have a positive opinion, then he had a positive opinion, and now he has a negative opinion of RDA. The 19% of the 1% property tax is what we would normally get. Right now the City is getting only 50% of the 19%, because 50% is going to the Agency. Seven million has been lost on projects – 2401 San Pablo Ave; Panattoni Development Project. You can't afford to keep losing millions of dollars. You get money back which is used to pay manager's salaries. In 2008 when Fire didn't get a salary increase, some managers took 20% increases. Don't believe the community can afford to keep Redevelopment. Going to hear that Police & Fire can't sustain services – but we're going to be Redevelopment poor. Mr. Voisey said he was asking Council to quit doing this. When you have discussion sessions, show the millions of dollars we've lost, and show the millions we'll gain, and try to change my mind. We could get \$600,000 - \$800,000 per year (in General Fund money) to pay for services in the community. He thinks that is a wise choice.

Mayor Swearingen advised that the next reading for this item would be August 16<sup>th</sup>.

**Irma Ruport**, Pinole citizen, announced National Night Out. She also asked when the agenda for this meeting was schedule and posted.

Mayor Swearingen responded that the meeting was announced at the July 19<sup>th</sup> meeting and Ms. Fitzer reported that the agenda was posted yesterday morning, in accordance with the 24 hour notice requirements for a special meeting. Ms. Ruport stated the agenda wasn't on the website. Ms. Fitzer reported that the agenda and all of the packet materials were uploaded to the website on Monday morning.

## 6. CONSENT CALENDAR

- A. Adopted **Resolution 2011- 48**, Approved 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. Adopted **Resolution 2011-49**, Approved the 2011-13 Memorandum of Understanding (MOU) with Local 1 [**Council Report No. 2011-87**; **Action: Adopt Resolution Per Staff Recommendation (Fitzer/Miller)**]
- C. Adopted **Resolution 2011- 50**, Ratified City Attorney's Appointment of Stephanie Downs as Assistant City Attorney [**Action: Adopt Resolution Per Staff Recommendation (Reyes)**]

**ACTION: MOVED MURRAY/BANUELOS; PASSED 5-0**

### **Items Removed From the Consent Calendar**

Items 7D and 7E were removed from the Consent Calendar. When considered they were taken as one action for both items.

- 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)**]

**Vince Wells**, Local 1230 read a statement into the record, stating his disappointment as labor representative of a public safety organization, to see how negotiations have been handled in

Pinole. Labor negotiations were handled like the State of Wisconsin. Without eliminating the collective bargaining rights; you just chose to ignore them. He stated that the City failed to bargain in good faith, having been involved in a pattern bargaining process in which terms were predetermined since February 2010. He stated that he had a document to support his statement. He went on to say that the actions jeopardized public safety, which was a primary responsibility of the City. He stated that the City has shown Police and Firefighters that you do not value the fact that they put their lives on the line. By imposing a second tier retirement package you have created a safety benefit that is equal to or less than non-safety employees. Future Police and Fire will most likely be a training ground. He stated IAFF had offered savings greater than or equal to what was on the table, so this isn't about the budget. He said there was a clear agenda and (the City) had taken advantage of a situation to unnecessarily impose benefits. Mr. Wells said that the process wasted their time and tax payers money by having budget meetings and contract negotiations when they (Council) knew there would be no meeting half-way. He said IAFF will oppose these actions and pursue the violations of their collective bargaining rights through the proper channels.

Mr. Wells went on to explain the document he was referring to was the February 2, 2010 Contra Costa Public Managers' Association template of what they wanted to do, and what they recommended that all of the City Managers do. He said they were trying to prevent the ability to negotiate, with this City when another City has something, so that the comparables were accurate. It says that the second tier for safety employees should be 2% @ 50 safety and 2% @ 60 for miscellaneous employees. It recommends capping medical benefits. The point is that this is exactly what was done. He stated that IAFF offered other alternatives to share medical costs, offering to pick up 10% of their medical costs, with the City paying 90%. Currently the City is paying 100%. He said 10% would save a lot more money in this particular year than capping at the 2011 rates.

Wells raised a question, referring to a letter from negotiator said that the staffing impact from the Station 74 closure was still on the table and negotiating. If you look at Option A, it says minimum staffing is three Firefighters per station. He was not clear whether that was being imposed, or are we still negotiating staffing?

Ms. Fitzer responded that in accordance with the correspondence received from IAFF, impact bargaining regarding the brown-out of Station 74 would continue, which would include any potential amendment to the staffing language.

- 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)]

**ACTION: MOTION BY BANUELOS/LONG; THE CITY COUNCIL ADOPTED RESOLUTION 2011- 51, IMPOSING THE LAST, BEST AND FINAL OFFER ON FIRE LOCAL 1230, AND ADOPTED RESOLUTIONS 2011-52 THROUGH 2011-58, FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT FOR ALL EMPLOYEE BARGAINING GROUPS, MANAGEMENT, CONFIDENTIAL AND ELECTED OFFICIALS.**

**Vote: Passed 5-0.**

**7. ADJOURNMENT**

At 7:48 pm Mayor Swearingen adjourned 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.

**Submitted by:**

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**Patricia Athenour, MMC  
City Clerk**

**Approved By City Council:**