

**PINOLE CITY COUNCIL / PINOLE REDEVELOPMENT AGENCY
MINUTES
MAY 9, 2011**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

The Special Pinole City Council / Redevelopment Agency Board of Directors meeting was held in the Pinole Council Caucus-Community Room, 2131 Pear Street, Pinole, California. Mayor Swearingen called the meeting to order at 6:00 PM and 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 / Executive Director
Michelle Fitzer, Assistant City Manager
Benjamin T. Reyes, City Attorney
Stephanie Downs, Agency Legal Counsel
Mary Drazba, Economic Development Manager
Patricia Athenour, City Clerk

City Clerk Patricia Athenour announced that the Agenda was posted on Thursday, May 5, 2011 at 4 PM. All legally required notice was provided. She asked the Council and Redevelopment Board of Directors whether there were any conflicts with any items on the agenda. None were reported.

City Clerk Athenour advised Council of staff's request to add an urgency item to the Agenda that arose subsequent to the posting on May 5, 2011. Ms. Athenour informed the Council that the addition of an urgency item requires a 4/5's affirmative vote of the Council. The matter was regarding labor negotiations with the PPEA bargaining unit and if it was the decision of the Council to add the item, it could be addressed under Item 3C.

Ms. Athenour also advised Council that there were citizens present to address the Council on a matter not on the agenda. While public comment section was not required on Special Meeting agendas, it is the Mayor's discretion to take testimony from the public, as has been Council's past practice at special meetings.

ACTION: Motion by Council Members Murray/Banuelos, the City Council Approved Adding "Conference with Labor Negotiators – PPEA" As Urgency Item to the Closed Session Agenda Item 3C.

Vote: Passed 5-0.

CITIZENS TO BE HEARD (PUBLIC COMMENT)

The following citizens addressed the City Council / Agency Board:

Georgia Manessis, Pinole citizen, addressed Council as a citizen concerned regarding the Senior Center budget and retaining employees Janet Bilbas and J.T. Torres and requested to have the window for filing for the PERS two-year additional service credit extended to June 19, 2011. She reported that the seniors have already raised pledges totaling \$23,000. She said the Center was essential to the senior community to keep them healthy.

Jack Meehan, Pinole citizen, supported Ms. Manessis' statement. He said the jeopardy the seniors face was analogous to the closure of the Fire Station 74 on July 1, 2011. He also reported reading an article in the Pinole Patch regarding the Grand Jury report and cautioned the Council not to criticize the Grand Jury in their response.

Lorraine Regier, Pinole Area Senior Foundation, addressed Council regarding the extension of the PERS additional service credit window specifically as it related to Senior Coordinator Janet Bilbas and the retention of the Senior Center programs. She spoke to the pledges received totaling \$23,000, and reminded the Council that the Pinole Senior Center has a regional draw, with pledges received from the following: thirty from Pinole, four from El Sobrante, five from Richmond, three from Rodeo and five from San Pablo. She encouraged everyone to rise to the Council's challenge and cautioned the Council regarding their decision.

Bob Bauer, Pinole Senior Club secretary, addressed Council to assure that the \$75,000 was available, and it is due to Ms. Bilbas' drive to make the center self supporting in the next fiscal year.

Angie Harlow, Pinole citizen, addressed Council regarding the benefits the senior community receives from Janet Bilbas and J.T. Torres. She said they were always there to offer assistance and help problem solve.

With no other speakers coming forward, Mayor Swearingen closed the public comment and said that the issue would be discussed this evening.

Council Member Long raised a suggestion to the seniors, stating that she heard that a great percentage of their membership were non-residents and suggested they make a plea to the County Board of Supervisors and other adjacent cities for funding.

Council Member Banuelos said he was forwarding a motion to reconsider the failed action on May 3, 2011 to extend the designated period for the Two Years of Additional Service Credit with CalPERS.

ACTION: Motion by Council Members Banuelos/Murray, the City Council Reconsidered the Action to Extend the Window Which Failed on May 3, 2011

Council Member Green said he voted as he did, and was not aware who was affected by the extension and did not want to show favoritism to any employee. He said that if all employees agreed to a 14-15% pay reduction, he believed there would be a balanced budget. He said he did not wish to see any employees leave. He did not know what Ms. Bilbas' position was regarding the issue. He later said that he did not object to extending the period for a short time.

City Attorney Reyes interjected and advised the Council that they needed to vote on the motion on the floor to reconsider Item 7E from May 3, 2011, based on the Council Procedures in Resolution 2009-124 and Robert's Rules of Order.

Vote Passed 5-0

Michelle Fitzer, Assistant City Manager, presented Council Report 2011-51 into the record, stating that the current expiration date for the two additional years of service credit was May 15, 2011, and staff recommended extending the window to June 19, 2011 for all employees identified as eligible to retire. She said there was no additional cost for this extension.

Council Member Green asked how it affected the proposed budget, the proposed budget report, and the amount of anticipated savings.

City Manager Espinosa said all identified eligible employees have the same benefit and several are on the fence about retirement vs. salary concessions. She said it was a difficult decision for employees. The preliminary budget to be provided on May 17, 2011 would include the number of employees retiring. Staff was preparing two budgets, one with Agency funding and one with Agency reforms, and use a new budget approach with blocks to identify and prioritize services. For instance, the Recreation programs are not on a core or highest priority block. Each budget would identify the positions recommended to be cut or reduced in order to balance the budget. She said the purpose of offering the incentive retirement was to calculate the savings and employees could elect to retire rather than realize a position or partial reduction of their position. She had anticipated that the budget would have been balanced by now, but the revenues keep changing. On May 17th, the Council would be asked to approve the format, strategy and approach to adoption of the budget.

Mayor Pro Tem Murray said he appreciated the opportunity to weigh in on this matter since he was absent on May 3. He viewed this as an extension of the senior community agreeing to raise funds and felt since there was no cost to extending, it offered the possibility of retaining employees if there was sufficient funds, and allowed additional time to find ways to strategize and find revenues; he supported extending the window period.

Council Member Banuelos said he supported it and confirmed if the window was extended, more employees could take advantage of the retirement incentive, which could provide more long term savings to the City.

Council Member Long questioned whether it should also be provided to other groups.

Ms. Fitzer said that there was no affect on other employee groups; the only eligible person in the Police Department had already filed.

Council Member Long explained that last week she pulled the item and voted in opposition because she did not have sufficient information, following repeated requests for more information on the Recreation programs as a whole, and having been told there would be new information following the meeting in March. She said she did not have information on whom and what programs would be cut. Now that Ms. Espinosa had promised that the information on staffing reductions would be included on May 17th and based on comments from senior citizens, she could consider extending the window. She stated that she was not doing it for Ms. Bilbas or the senior center specifically.

Ms. Espinosa confirmed again that the report would address specific positions that would be reduced in hours or cut in order to balance the budget.

Mayor Swearingen supported the extension because he did not believe it was fair not to give the employees additional time to make a decision about retiring if their jobs were being cut or reduced in scope. He said it was important for the community to weigh in on budget issues and that the Council was always welcome to hear their comments.

ACTION: Motion by Council Members Banuelos/Murray, the City Council Adopted Resolution 2011-26, Extending the Designated Period for Two Years Additional Service Credit with CalPERS for Miscellaneous Employees to June 19, 2011.

Vote: Passed 5-0

3. CONVENE TO CLOSED SESSION – CITY COUNCIL & AGENCY BOARD

Mayor Swearingen convened the notice Closed Session to discuss:

City Council

- A. CONFERENCED WITH REAL PROPERTY NEGOTIATOR - GC §54956.8
Property Location: 2401 San Pablo Avenue
Agency Negotiator: Michelle Fitzer, Assistant City Manager
Negotiating Parties: San Pablo Avenue Partners LLC
Under Negotiation: Price and Terms
- B. CONFERENCED WITH LEGAL COUNSEL
POTENTIAL LITIGATION - GC §54956.9(b)(1) - One Matter
- C. CONFERENCED WITH LABOR NEGOTIATOR - Pursuant to GC §54597.6
City Labor Negotiator: Bruce Heid, Chief Negotiator and, Belinda Espinosa, City Manager
Employee Organizations: Unrepresented & Management Employees, and PPEA
- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant To Government Code §54957
Position: City Manager

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

At 10:28 p.m., Mayor Swearingen reconvened the Meeting in Open session. He announced the following action from Closed Session. The City Council appointed Council Member Long to serve as the City's labor negotiator with City Manager Espinosa, City Attorney Reyes and City Clerk Athenour.

5. ADJOURNMENT

At 10:30 p.m., Mayor Swearingen adjourned the Special Meeting to the Regular City Council / Redevelopment Agency Meeting of May 17, 2011.

Submitted by:

**Patricia Athenour, MMC
City Clerk**

APPROVED BY CITY COUNCIL / AGENCY BOARD: