

**JOINT PINOLE CITY COUNCIL & SUCCESSOR AGENCY
TO THE FORMER CITY OF PINOLE REDEVELOPMENT AGENCY
MINUTES
APRIL 7, 2015**

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS

The Regular Pinole City Council Meeting and Special Meeting of the Successor Agency were held in the Pinole Council Chambers, 2131 Pear Street, Pinole, California. Mayor Murray called the meeting to order at 5:30 PM and led the Pledge of Allegiance.

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

A. COUNCIL MEMBERS PRESENT

Mayor Peter Murray
Council Member Phil Green
Council Member Debbie Long
Council Member Tim Banuelos arrived at 5:45 p.m.
Mayor Pro Tem Roy Swearingen

B. STAFF PRESENT

Belinda Espinosa, City Manager
Hector De La Rosa, Assistant City Manager
Stephanie Downs, Assistant City Attorney
Dean Allison, Development Services Director
Neil Gang, Police Chief
Sandra Sato, Interim Finance Director
Patricia Athenour, City Clerk

City Clerk Athenour announced the agenda was posted on April 1, 2015 at 6:00 P.M. and all legally required notice was provided. Following an inquiry by the City Clerk, Mayor Murray said he may have a conflict on Item 7E because his daughter may be applying for the position, and asked the City Attorney for a legal opinion. Assistant City attorney Downs said there was no legal conflict and he did not have to recuse from voting on the matter.

No reports were received subsequent to the publication of the agenda or entered into the record.

3. CONVENE TO A CLOSED SESSION (5:30 PM)

Assistant City Manager Hector De La Rosa advised the Council there may be a speaker wishing to address the Council regarding Item 7B, who may arrive after the Closed Session.

At 5:35 p.m., Mayor / Chair Murray convened the Noticed Closed Session to confer with the City Attorney and staff regarding the following matters:

Items A – C: Joint Successor Agency / City Council:

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GC §54956.8
Property Locations: 1. Gateway West, APN No. 401-410-017
2. Gateway East – Pinole Valley Rd. in front of Kaiser, APN No. 401-211-032
3. Gateway East – Corner of Pinole Valley Rd & I-80 off ramp, APN No. 401-211-034
4. Gateway East – Corner of Henry Avenue and Pinole Valley Rd, APN No. 401-211-033
Pinole CA 94564
City Negotiator: Belinda Espinosa, City Manager and Hector De La Rosa, Assistant City Manager
Negotiating Parties: Thomas Properties (# 1-3) and Scott Lee (# 4)
Under Negotiation: Price & Terms
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Pursuant to Government Code §54956.8
Property Location: 2361 San Pablo Avenue, Pinole CA 94564
Bank of Pinole building / APN No. 401-162-003
City Negotiator: Belinda Espinosa, City Manager and Hector De La Rosa, Assistant City Manager
Negotiating Parties: Jason Sterlino and Angelo Dalo
Under Negotiation: Price & Terms
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Pursuant to Government Code §54956.8
Property Location: 2361 San Pablo Avenue, Pinole CA 94564
Bank of Pinole building / APN No. 401-162-003
City Negotiator: Belinda Espinosa, City Manager and Hector De La Rosa, Assistant City Manager
Negotiating Parties: Kris Kaiser
Under Negotiation: Price & Terms
- D. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to GC §54597.6
City Labor Negotiators: Belinda Espinosa, City Manager; Hector De La Rosa, Assistant City Manager; and Labor Negotiator Bruce Heid, IEDA
Employee Organizations: Local 1 and AFSCME

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

At 7:06 p.m., Mayor / Chair Murray reconvened the meeting in open session. He announced there were no reportable actions on any of the items in Closed Session.

5. RECOGNITIONS / PRESENTATIONS / COMMUNITY EVENTS

- A. Proclamations
- B. Presentations / Recognitions
- C. Community Announcements and/or Events

There were no proclamations or presentations.

Council Member Green thanked all the people who assisted in the Rich Voisey Memorial, mentioning Richmond Sanitary Service, and the individuals who assisted with cooking and preparing the food at the memorial.

6. CITIZENS TO BE HEARD (Public Comments)

The following speakers addressed the Council:

Carol Carpenter, Pinole citizen, addressed Council regarding the traffic problems in the neighborhood area of Pinole Valley Road from Pinole Creek Bridge 6 to the City limits. She reported the numerous calls to the Police Department regarding speeders and reckless driving as late as midnight. She described it as a safety issue.

Vanessa Wilke, Pinole citizen, addressed Council on the same matter, and said that the neighborhood has come together due to their experiences with the rise in speeding and three recent accidents, as well as vandalism and exhibition of reckless driving. She reported that she had previously presented a letter to Dean Allison and the Council and wanted the Council to put faces to the letter, representing thirty-five families. She thanked the City for placing a traffic monitoring device and said she was waiting for the results. She reported that the speed limit sign was half covered by a tree and stated the need for police enforcement.

Michael Wilke, Pinole citizen, also addressed the safety concerns when making a left turn into their court. He said he supported a hard line on ticketing and said patrolling was needed. He reported witnessing a motorcycle officer see a car pass at 50 mph without responding, and requested help from the police to rectify the situation.

Jane Lovelle, Pinole citizen, addressed Council on the traffic conditions and said that many children's bedrooms flanked the road side and referred to the three accidents within 9.5 weeks. The speed limit is posted "35 mph-radar enforced", but does not believe it is ever enforced.

Mark Wieber, Pinole citizen, provided photographs to the Council showing cars speeding cars, and a parked car hit by a van. He cited a monitoring box that calculated 4,000 cars going through the area in a 24-hour period. Mr. Wieber expressed support for establishing a double fine zone.

Mayor Murray referred the matter to staff and introduced Police Chief Gang in the audience and said he was certain the staff would address this matter.

Dave Ruport, Pinole citizen, addressed Council regarding the Measure S 2014 priority discussion held in March. Ruport said he re-read the ballot question and the bottom line was that nothing was really promised. He discussed the close margin on the approval and referred to the question as carefully worded regarding making reductions in services. He read and reviewed the impartial analysis. He compared Measure S to other general sales tax, which does not state what a general tax can be used for. The measure did not contain a time duration, which he said were facts the public deserved to know.

Seet Thong, Pinole citizen, addressed the Pinole Valley Road speeding and vandalism problems, citing that her vehicle had been vandalized. She asked for more patrol in her area.

Council Member Green asked that staff be directed to provide an official report back to Council on the traffic matter.

Irma Ruport, Pinole citizen, reported that she attended the Planning Commission meeting the prior evening on the Gateway proposal and said the staff and consultant presentation ensued for 3.5 hours and more than half the audience members left. When the public was able to speak, they were limited to three minutes. She said that no Public Hearings should be started after 11 pm. She said the Planning Chair said the actions were not appealable. She urged the Council, when the item comes before them to conduct a public workshop and have explanations to the issues. She asked that the Council remand it back to the Planning Commission to allow the public to get all their issues discussed and answered.

7. CONSENT CALENDAR

Items 7B, D and E were removed from the Consent Calendar.

ACTION: Motion By Council Members Banuelos / Swearingen, The City Council Approved the Consent Calendar Items A and C.

Vote:	Passed	5-0
	Ayes:	Banuelos, Green, Long, Murray, Swearingen
	Noes:	None
	Abstain:	None
	Absent:	None

7A. Approved the Minutes of the Meeting of March 17, 2015

7C. Adopted **Resolution 2015-14**, Declared Surplus Computer Equipment and Fire Apparatus [**Council Report No. 2015-22; Action: Adopt Resolution Per Staff Recommendation (Janke/Piper)**]

Items Removed from the Consent Calendar

7B. Received the March 14, 2015 – April 3, 2015 List of Warrants and the March 27, 2015 Payroll in the Amount of \$328,726.55. **REMOVED FOR DISCUSSION**

Council Member Long removed the Warrant List to request that a cost center identifying the department charged with the expense. She also requested an asterisk on items where there is offsetting revenues for reimbursement, and cited invoice #277908 as an example.

City Manager Espinosa said she would confer with the Finance Director to see if the request could be accomplished.

7D. Authorized the Mayor to Execute a Letter To The Office of Management & Budget Regarding Oil by Rail Safety Recommendations [**Oral Report; Action: Council Discretion (Mayor Pro Tem Swearingen)**] **REMOVED FOR COMMENT**

Council Member Long commented that since it was a consent item, an oral report was not correctly stated, but had no issue with the letter. Council approved the Mayor executing the letter.

ACTION: Motion by Council Members Swearingen / Long, the Council Approved Items 7B and Item 7D.

Vote:	Passed	5-0
	Ayes:	Banuelos, Green, Long, Murray, Swearingen
	Noes:	None
	Abstain:	None
	Absent:	None

- 7E. Authorize the City Manager to Amend the Job Description for the Recreation Coordinator Position **[Council Report No. 2015-23; Action: Adopt Resolution Per Staff Recommendation (Johnson)] REMOVED FOR DISCUSSION**

Council Member Long removed the matter to question the criteria used to determine eligibility. She said that it did not seem that the required years of experience was adequate and asked why staff had not considered an AA degree coupled with several years of experience. Her position was to insure they retain a person with maturity and four years may not be sufficient experience.

Assistant City Manager Hector De La Rosa responded to the question stating that staff looked at the requirements of other cities and attempted to be consistent with other agencies. Most did not ask for an AA degree for a Recreation Coordinators. Staff did consider it as an option when analyzing the criteria, but said an AA degree sometimes does not equate to being qualified, where experience may qualify one for the position. De La Rosa said it did not mean that an AA degree could not be a requirement along with some work experience. With regard to the flow of experience, the intent was to look at those separately and could have separate categories for Education and Experience.

Council Member Long recommended being more cautious about the supervisory capacity, stating that education may not be the driving factor. She favored seeing some level of a degree or a credential program. Experience should be coupled with some level of education, plus experience coupled with a level of supervisory experience.

Mayor Murray requested a motion to address the amendments presented by Council Member Long.

Council Member Green suggested referring the matter back to staff to provide options. Council Member Long agreed and would like staff to explore other options.

A brief discussion ensued regarding what would be explored, and the concern to recruit prior to retirements in June, and whether they would consider someone with many years of experience and no degree.

Mr. De La Rosa concurred with Council Member Long's recommendation for an AA degree and suggested an AA degree with three years of experience, one of which is supervisory or substitution of the AA with three or four years of recreation experience (children, senior, etc.) with one year of supervisory experience. Looking at succession planning, he was aware some employees dedicate their life to an organization and do not have time to obtain degrees or certificates. He said there was no guarantee that an internal candidate would be the best candidate in the end.

Mayor Murray asked if Council if it was their pleasure to bring the matter back at the next meeting.

Council Direction: Consensus To Bring Item 7E Regarding Amendment To The Recreation Coordinator Position As A Consent Calendar Item At A Future Meeting To Review The Proposed Requirements For The Position.

JOINT CITY COUNCIL SUCCESSOR AGENCY BOARD ITEM

- F. Approval of Four Contracts Associated with Redevelopment Agency Bond Refunding [**Successor Agency Report No. 2015-24; Action: Adopt 4 Council Joint City Council / Successor Agency Resolutions Per Staff Recommendation (De La Rosa)**]

Mr. De La Rosa presented and entered Successor Agency report 2015-24 into the record. He provided background information stating that the former Redevelopment Agency issued bonds years ago and the bonds would reach maturity in eight more years. The debt service is being paid from the Redevelopment Property Tax Trust Fund (RPTTF) funds and money is not going to the City or the taxing agencies and we now have opportunity to refund and issue the bonds rather than using cash for debt service. The savings would be 3 to 5 million over the 8 remaining years on the bonds. The City would receive 19% into the General Fund.

Mr. De La Rosa introduced the two consultants available for questions - Eric Scriven, NHA and Ralph Holmes and representatives from Stifel, Nicolaus & Company. Additionally the City proposed to contract with Myers Nave to act as bond council and with HDL to prepare a fiscal consultant report. The timeline was to sell the bonds by July, before interest rates are anticipated to rise. There would be no burden to the General Fund; the costs would be rolled into the refunding.

Council Member Green confirmed with staff that the existing bonds would expire in eight years and the new bonds would have the same term with a reduced interest rate. De La Rosa confirmed that was accurate.

Council Member Long asked the current interest rate and the anticipated new rate, and asked for an explanation of the last paragraph on page 2.

Ralph Holmes, Stifel, Nicolaus & Company, responded that the interest rates on current bonds range from 4.5% to 6.75% and he estimated the new rates to be 2.4%, and if it is not necessary to a reserve account, there could be more savings. In terms of financing you have the option of paying for a reserve fund, or you can pay for insurance.

Council Member Long, Debbie confirmed that all consultant fees would be paid in the refinancing and asked why the bond counsel and the disclosure counsel were higher than the medium shown on a table in the staff report.

Eric Scriven, NHA responded to questions related to the higher fee structures for bond and disclosure counsel related to the determination of the method of bond sale. He discussed the pros and cons of a private placement v. a public offering, which is more complicated and requires continual disclosure for the next eight years, but offers potentially lower interest rates.

Council Member Long said the report stated staff time costing \$10,000 and asked if that was included in the capped amount allowed by the State payable from the ROPS, or would it be in addition. She also asked the actual savings from refunding.

Mr. De La Rosa said \$10,000 was just an estimate of staff costs, and it would be through the bond issuance, not part of the ROPS. He provided an explanation regarding calculating the savings from the refunding and said it could be \$400,000 annually.

Eric Scriven explained that the Council / Successor Agency would have an opportunity to review the sales and the Oversight Board will also be required to approve the refunding.

Ralph Holmes explained that there must be a savings in order to refund bonds, and they would pick and choose the bonds that it make sense to refund and others could drop out, however the sale of all bonds occurs at one time.

ACTION: Motion By Council Member / Board Members Banuelos / Swearingen, The City Council and Successor Agency Board, Adopted the Following 4 Joint Resolutions:

- a. Adopted **Joint Council Resolution 2015-15 / SA 2015-01**, Authorized the Executive Director to Execute a Contract with NHA Advisors to Serve As Financial Advisors for Refunding of Redevelopment Agency Bonds **[Action: Adopt Successor Agency Resolution]**
- b. Adopted **Joint Council Resolution 2015-16 / SA 2015-02**, Authorized the Executive Director to Execute a Contract with Stifel, Nicholas to Serve As Underwriters for Refunding of Redevelopment Agency Bonds **[Action: Adopt Joint Resolution]**
- c. Adopted **Joint Council Resolution 2015-17 / SA 2015-03**, Authorized the City Manager to Approve a First Amendment to the Contract with Meyers Nave To Serve As Bond/Disclosure Counsel for Refunding of Redevelopment Agency Bonds **[Action: Adopt Joint Resolution]**
- d. Adopted **Joint Council Resolution 2015-18 / SA 2015-04**, Authorized the City Manager to Execute an Agreement with HDL Companies to Prepare a Fiscal Consultants Report for Refunding Redevelopment Tax Allocation Bonds (1998A, 1998B, 1999, 2003A, 2004A, & 2004B) **[Action: Adopt Joint Resolution]**

Vote:	Passed	5-0
	Ayes:	Banuelos, Green, Long, Murray, Swearingen
	Noes:	None
	Abstain:	None
	Absent:	None

At 8:20 p.m., Chair Murray adjourned the Special Successor Agency Board Meeting.

8. PUBLIC HEARINGS

There were no Public Hearings.

Item 10A was moved forward on the agenda.

10. NEW BUSINESS

- A. Authorize the City Manager to Execute a Contract with YMCA to Operate and Maintain the Pinole Swim Center for the 2015 Season **[Council Report No. 2015-26; Action: Adopt Resolution Per Staff Recommendation (De La Rosa/Johnson)]**

Rochelle Johnson, Recreation Manager entered Council report 2015-26 into the record and noted the following corrections to the draft agreement:

1. Page 1 - Section 2. Term continues through October 31, 2015.
2. Page 6 – Section 4.1- Item 13 – Replace “YMCA” with “City”.

Recreation Manager Johnson introduced YMCA representatives, Sara Sutton and Lauren Kugelman and, recommended approval of the contract with the changes noted above. Ms. Johnson was available for questions.

Council Member Long said she would like to see a fundraiser, possibly by the Seals or a group to raise revenue to allow family use of the pool at off-peak times which would help offset some of City’s costs and have little impact to the revenue to the YMCA. She asked the YMCA representatives to take her suggestion back to their agency for consideration in future years.

Council Member Green asked the length of the season, and said he would like to see the season extended and the pool open perhaps beyond the summer months.

Staff responded that the pool will be open from May 1 through Labor Day, September 7th. The Seals begin practice on April 15th.

Mayor Murray suggested staff research the cost for the time extension and see if the YMCA would entertain a contract for extension through September.

Per Mr. De La Rosa, the YMCA had provided an estimated cost to keep the pool open longer, and the reason it was not provided to Council as an option was due to the 25% (\$12,000) increased cost to the City.

Council Member Green asked staff could come back and provide the calculations.

Recreation Manager Johnson asked if Council was interested in just weekends or daily, and Council Member Green said daily until school begins and weekends after school is in session.

Council Member Long asked staff the amount of water and the cost to keep the pool operational, given the pending mandatory water reductions.

There was interest among some members to receive cost of extending the season.

ACTION: Motion by Council Members Swearingen/Banuelos, the Council Adopted Resolution 2015-19, Authorized the City Manager to Execute a Contract with the YMCA to Operate and Maintain the Pinole Swim Center for the 2015 Season

Vote: Passed 5-0.

Ayes:	Banuelos, Green, Long, Murray, Swearingen
Noes:	None
Abstain:	None
Absent:	None

Mayor Murray said staff may forward an amendment to increase the season, however currently they were moving ahead with the contract, as approved.

9. OLD BUSINESS

- A. Discussion and Direction Regarding the Project Labor Agreement For the Wastewater Treatment Plant Upgrade Project **[Council Report No. 2015-25; Action: Provide Direction (Espinosa)]**

Belinda Espinosa, City Manager entered Council Report 2015-25 into the record and sought direction from the Council on the proposed topics to develop deal points for the Project Labor Agreement (PLA). She provided background information, and reported that Hercules had discussed the issue and initially voted 3-2, not to consider a PLA. At the March 26 Pinole-Hercules WPCP Subcommittee meeting there was possible interest in discussing the matter further. Espinosa reported that Hercules Manager Biggs provided a list of topics that could be used in the PLA to fit the needs of Hercules and Pinole, stating if there was agreement on the deal points, perhaps they would change their position. The list was included in the Council staff report for discussion and to then provide input back to the Subcommittee. Ms. Espinosa read the deal points into the record for the benefit of the viewing audience and requested input from the Council.

Council Member Banuelos provided a brief report on the March 26th Subcommittee meeting. He said the comments on the deal points seemed to be relatively similar between Pinole and Hercules and Hercules appeared willing to take another look at the PLA.

Mayor Murray commented that it seemed there was an impasse and reported on two comments indicating the core worker provision was a sticking point. He said one of the Hercules members stated he would only vote for a PLA if a contractor could bring in all his own people. Out of the eleven items, there was agreement on most; all except core worker, but if we cannot agree on that, we don't have a PLA. He recommended tonight to affirm Pinole's position and then hear from Hercules and schedule a special meeting after that to look at the proposal.

Council Member Banuelos suggested hearing from the council members and reviewing the items individually.

Council Member Green noted that the Council had approved the PLA and thought hiring a negotiator would follow. Ms. Espinosa said prior to hiring a negotiator, Council's input was required on the deal points to provide to the negotiator.

Mayor Murray asked Ms. Espinosa to provide explanations on each deal point, as needed, and the Council would provide their comments and direction. Each bullet item was discussed individually, a lengthy dialogue ensued with each Council member providing input, and the final Pinole direction noted in italics beneath the bullet points.

The City Council discussed each bullet point individually, provided their comments and noted concurrence when it was reached on some of the deal points. City Manager Espinosa was directed to send Hercules the information outlining the Council's discussion.

- **Define wages as limited to Prevailing Wage and any other desired parameters.**

Pinole: The cities will not be obligated to pay any additional costs, beyond the contract amount as a result of negotiated wage increases not reflected in the State prevailing wage determination.

Ms. Espinosa explained that prevailing wage is set by the state, and includes wages per hour, health and retirement. She said if any of the trades are up for a wage increase during the two years of the contract, it must be included in the schedule.

Council Member Long commented that even without a PLA, prevailing wage would be part of our contract. There was agreement on this bullet point.

- **Define financial contributions limitations and parameters.**

Pinole: No Financial Contributions

There was Council consensus on this item.

- **Define benefit package and contribution requirements and parameters.**

Pinole: Fringe benefits payments will be made to the Union benefits plan

Council Member Green said it was necessary to define core worker before being able to define the benefit package.

Ms. Espinosa said there was no formal definition but provided the following common definitions:

1. "Core worker" was anyone below foreman position; anyone below foreman has to be dispatched from the union hall.
2. "Benefit package" means retirement and health programs.

She asked the Council if they wanted to allow upon proof that the contractor provides a benefit package to their workers, they then would not have to pay into the Trust Fund. .

Mayor Pro Tem Swearingen commented that he has a problem when a contractor provides a benefit package and pays for benefits to his workers, and then is also required to pay to the trust fund. He said this would stop some contractors from bidding the job. If you have a health plan, you should not be required to join the union health plan and provide that also. It is double paying.

There was discussion regarding whether benefitted package requirements was a negotiated item, and the outcome was as stated above that benefits payments would be made to the union benefit plan.

- **Incorporate and Define Core Worker provisions.**

Pinole: Employers may employ CORE works in any classification above Foreman. Foreman is considered a "local hire" classification.

There was lengthy discussion regarding this item.

Council Member Long's position was that a "Core Worker" should be defined as those above foreman. She raised the question regarding the number of journeyman vs. apprentices, and asked where it was established.

Ms. Espinosa responded that it was set by the state and established by craft.

Mayor Murray moved on to local hire, and made a case that the workers from the hall are very experienced and are considered craftsman. His point was that the best way to hire local people was to go through this kind of process.

Council Member Banuelos said in his opinion a “core worker” is a foreman and above.

Mayor Murray’s discussed his definition of “core worker” and explained that the management team was responsible or laying out the job and they hire the workers who are dispatched from the hall.

Council Member Green’s definition of “Core Worker” was anyone dispatched from the hall, and if you brought your foreman to a job, you could send him to hall and “name-call” him out.

Council Member Long said a foreman should not be a core worker, it is managers and above.

Mayor Murray, in an attempt to wrap up this item, stated it appeared from what he has heard, that two members believe anyone above foreman in a management position, and a “core worker” can be brought to the job by the contractor.

Council Member Long said she was not here to argue for the contractor but to use our tax dollars on Pinole and Hercules residents as much as possible and get the best skilled workers on the job.

- **Establish “local hire” goal and define local hiring bands and protocols.**

Pinole: “Local Hire” goal is 100%. Pinole and Hercules residents will have first priority; Contra Costa County residents will have next priority

If the job order cannot be filled with Pinole-Hercules zip codes or from Contra Costa County residents, the next priority shall be from Alameda and Solano County residents.

Council Member Long commented that prospective hires should have to produce a photo id to determine and validate their residency.

Mayor Murray said the goal was to be 100% local, and contractors would go to your established “bands” to get their workers.

There was Council concurrence.

- **Clarify provisions for non-union worker access to employment through hiring halls.**

Pinole: CORE workers shall be eligible for dispatch through hiring halls affiliated with the Contra Costa Building Trades.

Council Member Long commented that they must be dispatched from the hall but are not required to be union.

City Manager Espinosa said all she had read required union membership within eight days, if you are in the hiring halls.

Robert Sewell, Plumbers and Steamfitters Local 159, addressed Council and said in his hall, they must go through the five-year apprenticeship program, which is a State approved program. He also said it is the manager's decision whether they bring core workers into the local. Each local union has its own rules.

Mayor Murray said this would be a negotiable item. There was Council agreement on Pinole's position noted above.

- **Define eligible Apprentice programs.**

Pinole: Allow Flexibility to the Negotiator.

There was no discussion; they were in agreement on this item.

- **Define Apprentice/Journeyman ratios.**

Pinole: This is established by State Law and will be followed accordingly.

The State mandates the minimums and it was stated that the requirement was at least five to 1. There was Council concurrence on this item.

- **Provide for Off-site parts and material fabrication as necessary.**

Pinole: Agree Off-site fabrication of parts and materials is necessary.

Council Member Long commented that she thought the City once passed a resolution requiring "made in USA" and asked the City Attorney to research.

- **Establish Monitoring requirements and components.**

Pinole: Agrees that timely written reports on Status of 'Local Hiring' Goal should be included. Frequency of the reports needs to be determined.

There was consensus on this item.

- **Define Labor/Management Protocols.**

Pinole: Allow Flexibility to the Negotiator.

Council discussion ensued on this item, with Mayor Pro Tem Swearingen commenting that the bullet item should be to "establish local hire goal", not a "requirement." Both Mayor Murray and Council Member Long felt strongly that it should be a requirement, and Council Member Long said it was legal to require under a PLA, which gives the teeth for local hire. The Council debated the matter further.

City Manager Espinosa said that City Attorney Reyes had ruled that it must be a goal. She suggested establishing a definition of "local hire."

Mayor Murray requested the City Manager to clarify and finalize their comments on the deal as discussed this evening, and to send to Hercules for their review and discussion.

The Council asked Mr. Sewell's opinion of the nearby "local hire" goals. Mr. Sewell responded that most are 25 percent; San Francisco is 50%.

Council Member Long said that whatever is legal is how it should be written.

City Manager Espinosa said she would send Pinole's responses to Hercules for their review and discussion at their next meeting, after sending the draft to Council.

Council Member Green said that the Subcommittee members should keep Hercules City Council informed to Pinole's progress at their meetings.

11. REPORTS & COMMUNICATIONS

A. Mayor Report

1. Announcements

- a. Mayors Conference update – The meeting was hosted by Pinole last week. The Key note speakers discussed poverty in the local area and sought involvement from the communities
- b. WCCIWMA update – The board is down to interviewing the finalists for the Executive Director position and should be making a selection soon.

B. Mayoral & Council Appointments

There were no appointments. City Clerk Athenour reported that Marcia Kalapus announced her resignation effective immediately, from the Traffic & Pedestrian Safety Committee (TAPS) due to health reasons.

City Clerk Athenour reminded the Council she had received one application for the opening on Planning Commission and also reported that she was continuing to advertise the openings on the following Boards:

Community Service commissions
TAPS
Planning Commission upcoming vacancy as of 4/30/2015

The Council directed Ms. Athenour to set a filing deadline of May 14, 2015 on the Planning Commission recruitment.

Council Member Green said he has heard people are not applying because the applications are too difficult and invasive.

Council discussed the matter briefly and there was no direction to amend the application forms. City Clerk Athenour said no applicants are rejected due to failure to complete.

C. City Council Committee Reports

Mayor Pro Tem Swearingen reported on the discussion at the East Bay Division League meeting and said police officers are now carrying body cameras in many agencies and we may be seeing this in the near future.

Mayor Murray reported on the Chamber State of the City meeting, stating he entertained questions on Doctors Hospital, Appian 80, and the Gateway project.

Council Member Long commented that at the Mayors Conference meeting, Council Member David Hudson, the BAAQMD delegate reported there has been no decision on fireplace burning prohibition and stated he would be against it. She suggested inviting him to a future Council meeting, if the issue ramps up.

D. Council Requests For Future Agenda Items

1. Police Department Update on April 21 regarding the traffic conditions reported this evening in the vicinity of Pinole Valley Road at the east end of the Valley (Council)
2. Data on Help My Community and the number of new business licenses that can be attributed to their contract – provide with the budget information, as well as providing an update business license list to Council Member Long
3. Monthly list of the building permits issued (Long)

City Manager Espinosa said the Building Permit data would be available on the web in the next few weeks. .

4. Award of the Skate Park contracts – scheduled on April 21.

E. City Manager Report / Department Staff

F. City Attorney Report

There were no reports from either the City Manager or the City Attorney.

12. **ADJOURNMENT** to the Regular City Council Meeting of April 21, 2015 in Remembrance of Amber Swartz.

At 10:42 PM, Mayor Murray adjourned the Regular meeting to the Regular City Council Meeting of April 21, 2015 in Remembrance of Amber Swartz.

Submitted by:

Patricia Athenour, MMC
City Clerk

APPROVED BY CITY COUNCIL: April 21, 2015