

City Council Minutes

July 10, 2014

The City Council met in a special meeting at the hour of 8:05 A.M. in the Council Chamber, City Hall, on the day above written.

8:05 A.M. ROLL CALL City Clerk Spence took roll call and announced that Councilmember Olivier was present via teleconference from the California Civic Leadership Institute Workshop at the Big Creek Guest Lodge: 54510 Manzanita, Big Creek, CA 93605

Present:	Oliver Baines III	Acting Council President
	Lee Brand	Councilmember
	Paul Caprioglio	Councilmember
	Clinton Olivier	Councilmember
	Sal Quintero	Councilmember
	Blong Xiong	Councilmember
	Steve Brandau	Council President

Also Present:	Bruce Rudd	City Manager
	Renena Smith	Assistant City Manager
	Doug Sloan	City Attorney
	Yvonne Spence	City Clerk

Invocation by Council President Brandau

Pledge of Allegiance to the Flag

Council President Brandau announced how the meeting would be run. The public will have an opportunity to comment prior to Council going into Closed Session. The Council will go into Closed Session for about a half an hour, and when Closed Session is over, the Council will take additional public comments.

Council President Brandau asked City Attorney Sloan to make the announcement regarding what the Council will discuss in Closed Session. City Attorney Sloan announced that the Council will have a conference with labor negotiator regarding the Fire Basic Contract.

Council President Brandau asked the audience if anyone wanted to address the City Council regarding this topic. The following members of the public spoke on this item: Mr. Tom Sharp of the Law Offices of Bennett and Sharp, Pete Flores, and Dee Barnes. The Council recessed the meeting to go into Closed Session at 8:28 A.M.

CLOSED SESSION

The City Council met in closed session in Room 2125 from 8:28 A.M. to 9:15 A.M. to discuss the following:

CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6

City Negotiator(s): Jeffrey Cardell, Ken Phillips

Employee Organization(s):

1. International Association of Firefighters, Local 753 (Fire Basic)

Action Taken: HELD

8:00 A.M. **SCHEDULED COUNCIL HEARING AND MATTERS**

HEARING regarding a bargaining impasse and unilateral implementation of wages, hours and other terms and conditions of employment for employees in Unit 5, represented by the International Association of Fire Fighters, Local 753 (Fire Basic) – Personnel Department

Action Taken:

Mr. Jeff Cardell, Director of Personnel Services gave a staff presentation. Mr. Cardell started out by stating a couple of corrections to the agenda item. 1) The staff report should read an effective date of the terms and conditions as July 14, 2014, **not** July 14, 2015. 2) Terms and conditions recommended for approval today on the pension side should also include a 12% contribution for all new hires on or after the effective date.

After Mr. Cardell' s presentation, Council President Brandau announced that the public comment would be limited to a total of 30 minutes and each speaker would be allowed a maximum of two minutes each.

The following members of the public addressed the Council: Pete Flores, Rick Steitz, Marina Magdalano, Charles Croogman, Lee Sharp, Carlton Jones, and Christian Palmer.

With no more members of the public wanting to speak, Council President Brandau, called upon Councilmember Brand for Council comments. Councilmember Brand thanked Pete Flores and all of the firefighters for all of their hard work and for trying to find a resolution. In the FY2015 budget we started the process of rebuilding the fire department with \$400 million dollars being set aside for four engines, one fire truck and seven fire fighters. Councilmember Brand also talked about pension and health and welfare for firefighters. Councilmember Brand discussed restoring services, street maintenance and deferred infrastructure. He also stated that they have to reconcile what you are worth to what we can afford and it is difficult for him to impose. Councilmember Brand made the motion to adopt the resolution as presented by staff with staff modifications. Council President Brandau seconded the motion.

Councilmember Xiong was the next councilmember to speak. Councilmember Xiong stated that this Council is one of the hardest working groups he has worked with. He also wants everyone to understand how difficult this decision is for all of his council colleagues.

Council President Brandau recognized Councilmember Baines. Councilmember Baines stated that the council has heard a lot over the last month or so. This council has tremendous respect for the Fire body. These decisions are very difficult. He echoed Councilmember Xiong's sentiments. Councilmember Baines gets the impression that the Council and Fire Basic are very close in reaching an agreement. He requested that Fire have faith in their leadership.

Council President Brandau recognized Councilmember Quintero. Councilmember Quintero stated that he will not be supporting imposing. He doesn't believe it's a benefit to anyone. By not imposing today is a small way to say thank you and continue talking and give you time to work with your leadership. Councilmember Quintero sincerely thanked the fire fighters for the work that they do.

Council President Brandau having allowed all of the councilmembers to speak took this opportunity to speak. He stated that since he has been elected, this is the first time he has seen any type of negotiations go this far or get to this point. Council President Brandau explained that the Council was ready to take a vote on this two weeks ago and they received a letter the day of the meeting. At that time Councilmember Baines stated we owe the fire fighters more time and he agreed with Councilmember Baines. He wants the fire fighters to understand that he does believe that the negotiations won't be lasting too much longer. It is his hope that this imposition shakes up the pot and then we come back immediately and start negotiating.

The Council President announced that the vote would be a roll call vote. Clerk Spence called the roll and the vote is as follows:

1. ***RESOLUTION** – To implement changes in wages, hours and other terms and conditions of employment for City employees in Unit 5, represented by the International Association of Fire Fighters (IAFF), Local 753 (Fire Basic)

Action Taken: APPROVED AS AMENDED

Councilmember Brand made a motion to adopt a resolution as presented by staff with staff modifications.

Motion / Second: Councilmember Brand/President Brandau
Ayes: Baines, Brand, Brandau, Caprioglio, Olivier
Noes: Quintero, Xiong

Council President Brandau asked City Attorney Sloan to announce what will be discussed in closed session. City Attorney Sloan stated there will be a conference with legal counsel regarding existing litigation on both of the Vagim matters. He doesn't expect any announcement or need to return to public session afterwards. Council recessed at 10:10 A.M. for closed session.

8:30 A.M. **CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Government Code
Section 54956.9, Subdivision (d) (1)**

1. City of Fresno et al. v. Doug Vagim, et al.; Fresno Superior Court No. 13CERCG03080
5th District Court of Appeal No. F069296

Related Matter: Doug Vagim et al. v. City of Fresno, et al; Fresno Superior Court
No. 13CECG03206

Action Taken: DISCUSSED

ADJOURNED AT 11:50 A.M.

Approved on the 24 day of July, 2014.



Steve Brandau, Council President

ATTEST: 

Yvonne Spence, City Clerk