

**PINOLE / HERCULES
Wastewater Subcommittee**

**Minutes prepared by: Anita Tucci-Smith
March 26, 2015
9:15 A.M.**

The special meeting was hosted by the City of Pinole in the Council Chambers of City Hall.

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Tim Banuelos, Pinole Councilmember serving as Chair, called the meeting to order at 9:20 A.M. and led the Pledge of Allegiance.

2. ROLL CALL

Subcommittee Members Present:

Tim Banuelos, Councilmember, City of Pinole
Peter Murray, Mayor; Alternate for Debbie Long, City of Pinole
Sherry McCoy, Mayor, City of Hercules
Dan Romero, Vice Mayor, City of Hercules

Subcommittee Members Absent:

None

Staff Present:

Belinda Espinosa, City Manager, Pinole
Hector de la Rosa, Assistant City Manager, Pinole
Dean Allison, Public Works Director/City Engineer, Pinole
David Biggs, City Manager, Hercules
Mike Roberts, Public Works Director/City Engineer, Hercules
Patrick Tang, City Attorney, Hercules

Members of the Public:

John Belperio, Carpenters Union
Anthony Gutierrez, Pinole
Dave Kangas, Hercules
Irma Ruport, Pinole
Graham Sharp, Vice President, HDR Engineering, Inc.
Roy Swearingen, Councilmember, City of Pinole
James Tillman, Wastewater Advocate, Pinole

3. INTRODUCTIONS

4. CITIZENS TO BE HEARD – FOR ITEMS NOT ON THE AGENDA

Jim Tillman, Pinole, spoke to the East Bay Municipal Utility District (EBMUD) and the intrusion of water into the sewer plant and urged the Pinole City Council to consider that as an item of public discussion given that water entering the sewer lines and storm drains was causing high operations on the Pinole side.

5. DISCUSS POTENTIAL DEAL POINTS FOR A PROJECT LABOR AGREEMENT

David Biggs, City Manager, Hercules, noted that the Wastewater Subcommittee had agreed to a special meeting to discuss potential deal points for a Project Labor Agreement (PLA). To that end, and considering customized local points, he had developed a bullet point list that he distributed to the Committee and to the public of what staff saw as typical customized provisions for a potential PLA related to:

- Prevailing wage;
- Desired parameters on wages;
- Discussion of financial contributions to union programs for training or education;
- Benefit package and contribution requirements and parameters;
- Incorporating and defining core worker provisions;
- Local hire requirements and goals;
- Clarifying provisions for non-union worker access for employment through the union hiring halls;
- Developing eligible apprentice programs;
- Providing for off-site parts and materials fabrications;
- Establishing monitoring requirements and components; and
- Defining labor management protocols.

Belinda Espinosa, City Manager, Pinole, stated in general those were the main categories found in a PLA. She noted that the Pinole City Council had already voted to consider a PLA, and once there was general direction, a labor negotiator would be hired to attempt to structure a deal that was centralized on what the cities of Hercules and Pinole wanted the PLA to look like.

Hercules Councilmember Romero stated his vote was still a 'no' vote, although he suggested it was important for the cities to work out the deal points to come to a conclusion and for a potential re-vote in the City of Hercules. He wanted to find out why in Contra Costa County there were no core worker provisions, which was an important issue for him, and that core workers should also be construction workers and not necessarily just management.

Hercules Mayor McCoy stated that all the issues were important and that prevailing wage would be part of the agreement, but sought a clarification of core workers and suggested the definition be expanded to include the workers of a local contractor. She also supported apprenticeship programs and suggested

that providing off-site parts and materials fabrications was a given.

Pinole Mayor Murray supported prevailing wage, benefit packages and contributions; suggested that core workers should be the local hire and be defined as a goal from the position of foreman down; and wanted to make sure that everything was well defined and monitored to avoid abuses.

Pinole Councilmember Banuelos stated that based on his experience, core workers could be defined as the management of the construction work. He suggested that providing for off-site parts and materials fabrications was a necessity and a given, and emphasized the importance of training.

Mr. Biggs noted the desire for core worker provisions for at least supervisor and above, and when defining local worker the contractor would have to meet local worker provisions, generally by percentage.

Ms. Espinosa verified that the negotiations for a PLA would be consistent with the process of other labor negotiations and wanted the issues to be discussed by the Mayors of each city. She noted that the Pinole City Attorney had opined that the issue could not be discussed in closed session by the City Council consistent with other labor negotiations given that the unions were not the City's unions. As a result, everything would be open, all strategies and goals would be revealed as part of the process, and time was of the essence. There was no definition of core worker, although generally that was anything above foreman who were not part of the PLA and who came with the contractor, and in this case, the core worker discussion related to those beneath that level. Approximately 100 workers would be involved in the two-year construction process. Local hire would be by zip code; first within the two cities, and then working outward.

PUBLIC COMMENTS

Irma Rupert, Pinole, expressed concern for delays caused by the City of Hercules earlier in the project and urged the cooperation of both cities to create a win/win situation for the ratepayers of both cities. She supported local hire and continued discussions with all involved, and noted that the PLA negotiators and human resources staff should be from the PLAs and not just from the City.

Jim Tillman, Pinole, suggested the unions should offer their own deal points; noted the delays associated with the project had increased costs to the ratepayers of both cities; and urged a timely resolution of the issues related to the PLA to avoid additional increased costs.

Anthony Gutierrez, Pinole, suggested the attempt to manage the project without a legitimate Project Manager with full authority and attempting to do it by consensus was a concern. He asked why the last 38 wastewater projects in the State of California within the last five years had been done without PLAs; the

percentage of workers who would come from the local hiring region; without a PLA whether a local hire provision could be included in the general contract bid process; and noted that PLAs had been deemed non-discriminatory and asked if that was because non-union workers were considered a protected group in the state. He also asked if it was true that 75 percent of trade employees were non-union members; if any of the big parts off-site would come from off-shore, such as China; and suggested that discussion points were premature and the dispute of whether or not to pursue a PLA should be determined first.

John Belperio, Local Carpenter's Union, stated with respect to local hire language that with a PLA there would be a skilled worker. On the desire for local hire and the majority to be core workers, he stated there could not be both. He noted that Helmets to Hard Hats would come with a PLA where veterans and others would have an opportunity to work; local hire would start in the surrounding area and move out until the positions were filled; and referred to a list of 1,500 Contra Costa County residents in the building trades. He encouraged Subcommittee members to tour the training facilities at any time.

On the discussion, Subcommittee members concurred on most of the deal points but wanted the PLA to return to both City Councils for discussion, preferably at the same time, potentially in special meetings; with the primary areas of concern the definition of core worker and whether to include local workers as core workers, as well as the accommodation of workers with specialized skills.

It was agreed that the Pinole City Council would meet for a special meeting on April 7 to discuss the deal points. The next meeting of the Hercules City Council was identified as April 14. A special Wastewater Subcommittee meeting was scheduled for Wednesday, April 15.

6. ADDITIONAL COMMENTS AND REQUESTS FROM THE SUBCOMMITTEE

There were no comments.

7. ADJOURNMENT

The meeting adjourned at 11:05 A.M. to a special meeting scheduled for Wednesday, April 15, 2015 at 8:30 A.M. in the City of Pinole.