

**CITY OF HERCULES
CITY COUNCIL MINUTES**

**June 13, 2017
6:00 p.m. Closed Session
7:00 p.m. Regular Meeting**

I. ROLL CALL – CALL TO ORDER – 6:07 P.M.

Present: Council Members Boulanger, Esquivias, Romero, Vice Mayor Kelley and Mayor de Vera
Absent: None.

II. PUBLIC COMMUNICATION – CLOSED SESSION ITEMS

Speakers: None.

III. CONVENE INTO CLOSED SESSION

1. Pursuant to Government Code Section 54957.6 CONFERENCE WITH LABOR NEGOTIATORS – City Negotiators: David Biggs, City Manager; Annie To, Director of Finance; Lori Martin, Director of Administrative Services relative to the following employee groups:

- Teamsters Local 315 Employee Organizations
- Hercules Police Officers Association
- Hercules Senior Manager Employee Group
- Confidential Unrepresented Employee Group
- Mid Management Employee Group

2. Pursuant to Government Code Section 54956.9, Conference with Legal Counsel - Existing Litigation: Refugio Heights HOA v. City of Hercules, et al. Contra Costa County Superior Court Case No. C16-02378.

**IV. REGULAR MEETING – 7:06 P.M.
RECONVENE TO OPEN SESSION - ROLL CALL**

Present: Council Members Boulanger, Esquivias, Romero, Vice Mayor Kelley and Mayor de Vera
Absent: None.

V. REPORT ON ACTION TAKEN IN CLOSED SESSION

Action: City Attorney Tang announced that there is no final or reportable actions on Closed Session Items 1 or 2. City Attorney Tang reported that City Council will reconvene to Closed Session to continue discussion on Item 1. City Attorney Tang reported that Council Member Romero was recused and did not participate in discussion of Item 2 due to a conflict of interest.

VI. PLEDGE OF ALLEGIANCE

The Hercules Color Guard led the City Council, Staff and Audience in the Pledge of Allegiance.

VII. MOMENT OF SILENCE

Action: The Mayor called for a moment of silence to reflect on the City's mission and vision. Mayor de Vera read aloud the City's mission and vision statement.

VII. INTRODUCTIONS/PRESENTATIONS

1. Certificate of Appreciation – DiAngelo Soriano:

Action: Mayor de Vera presented DiAngelo Soriano with a certificate of appreciation for his service on the Community & Library Commission and his various achievements as a student at Hercules High School.

Speakers: Sarah Creeley

VIII. AGENDA ADDITIONS/DELETIONS

Action: City Manager Biggs identified the supplemental material distributed prior to the meeting.

IX. PUBLIC COMMUNICATIONS

Speakers: Lynne Noone.

Mayor de Vera recessed the City Council meeting at 7:23 PM for a photo opportunity with DiAngelo Soriano.

Mayor de Vera reconvened the City Council meeting at 7:25 PM.

X. PUBLIC HEARINGS

1. Landscaping and Lighting Assessment Districts 2017-18 Assessments

Recommendation: It is recommended that the City Council take the following actions:

- a. Hold a Public Hearing to receive testimony regarding the increase in the maximum assessment rates for Benefit Zones 1, 3&4, 5C, 6, and 7 and the assessments for Benefit Zones 2, 5A, 5B, 8, 9, and 10 for Fiscal Year (FY) 2017-18 for the City of Hercules Landscaping and Lighting Assessment District No. 83-2 pursuant to the Landscaping and Lighting Act of 1972; and
- b. At the conclusion of the public testimony, request any remaining assessment ballots for Benefit Zones 1, 3&4, 5C, 6, and 7 of Landscaping and Lighting Assessment District No. 83-2 be delivered to the City Clerk, declare the balloting period closed and any ballots received after that time shall be invalid and not counted; and
- c. Declare the assessment ballots will be tabulated on June 14, 2017 in the City Council Chambers beginning at 8:00 AM and that any interested person may attend and watch the tabulation process; and
- d. Continue the public hearing to June 27, 2017 for Landscaping and Lighting Assessment District No. 83-2, at which time the ballot results will be presented and City Council will take action on this item; and

Action: Mayor de Vera opened the public hearing at 8:12PM for Benefit Zones 1, 3&4, 5C, 6, and 7 and the assessments for Benefit Zones 2, 5A, 5B, 8, 9, and 10 for Fiscal Year (FY) 2017-18 for the City of Hercules Landscaping and Lighting Assessment District No. 83-2.

Speakers: Julie McGuire, Joseph Loo, Melinda Manzo, Bob Polacchi, Roy Farwell.

Action: Mayor de Vera requested members of the public to submit any ballots to the City Clerk prior to the close of the public testimony and declared the balloting period closed.

Mayor de Vera continued the public hearing for LLAD 83-2 to June 27, 2017 at which time the ballot results will be presented and City Council will take action on this item.

Action: Mayor de Vera opened the public hearing for Items 1e through 1h at 8:55 PM.

Speakers: None.

Action: Mayor de Vera closed the public hearing for Items 1e through 1h at 8:55 PM.

- e. Hold a Public Hearing and Adopt a Resolution Approving the Final Engineers Report, Confirming Diagram and Assessments and Ordering Levy of Assessments for FY 2017-18 for the Victoria by the Bay Landscaping and Lighting Assessment District No. 2002-1 pursuant to the Landscaping and Lighting Act of 1972; and

Action: Moved by Vice Mayor Kelley, seconded by Council Member Esquivias and carried unanimously to adopt Resolution approving the Final Engineers Report, Confirming Diagram and Assessments and Ordering Levy of Assessments for FY 2017-18 for the Victoria by the Bay Landscaping and Lighting Assessment District No. 2002-1 pursuant to the Landscaping and Lighting Act of 1972

- f. Hold a Public Hearing and Adopt a Resolution Approving the Final Engineers Report, Confirming Diagram and Assessments and Ordering Levy of Assessments for FY 2017-18 for the Hercules Village Landscaping and Lighting Assessment District No. 2002-2 pursuant to the Landscaping and Lighting Act of 1972; and

Action: Moved by Council Member Esquivias, seconded by Council Member Boulanger and carried unanimously to adopt Resolution approving the Final Engineers Report, Confirming Diagram and Assessments and Ordering Levy of Assessments for FY 2017-18 for the Hercules Village Landscaping and Lighting Assessment District No. 2002-2.

- g. Hold a Public Hearing and Adopt a Resolution Approving the Final Engineers Report, Confirming Diagram and Assessments and Ordering Levy of Assessments for FY 2017-18 for the Baywood Landscaping and Lighting Assessment District No. 2004-1 pursuant to the Landscaping and Lighting Act of 1972; and

Action: Moved by Vice Mayor Kelley, seconded by Council Member Esquivias and carried unanimously to adopt Resolution approving the Final Engineers Report, Confirming Diagram and Assessments and Ordering Levy of Assessments for FY 2017-18 for the Baywood Landscaping and Lighting Assessment District No. 2004-1.

- h. Hold a Public Hearing and Adopt a Resolution Approving the Final Engineers Report, Confirming Diagram and Assessments and Ordering Levy of Assessments for FY 2017-18 for the Bayside Landscaping and Lighting Assessment District No. 2005-1 pursuant to the Landscaping and Lighting Act of 1972.

Action: Moved by Council Member Boulanger, seconded by Council Member Romero and carried unanimously to adopt Resolution approving the Final Engineers Report, Confirming Diagram and Assessments and Ordering Levy of Assessments for FY 2017-18 for the Bayside Landscaping and Lighting Assessment District No. 2005-1.

2. Proposed FY 2017-18 City of Hercules Budget Plan which Includes a 5 Year Capital Improvement Budget

Recommendation: Open public hearing, receive a staff report and provide direction and input, accept public testimony and continue public hearing to June 27, 2017.

Action: Mayor de Vera opened the public hearing at 9:21 PM.

Speakers: Sarah Creeley, Joellen Marcotte, Giorgio Cosentino, Susan Chai, Mary Tobin Kelly, Paul Freese, Bob Polacchi.

Action: Mayor de Vera closed the public testimony at 9:45 PM continuing the public hearing to the June 27, 2017 City Council meeting.

XI. CONSENT CALENDAR

Action: Moved by Vice Mayor Kelley, seconded by Council Member Boulanger to adopt the consent calendar. **Ayes:** Council Members: Esquivias, Boulanger, Romero, Vice Mayor Kelley, Mayor de Vera; **Noes:** None.

1. Approval of Minutes

Recommendation: Approve Minutes for the City Council Meeting of May 23, 2017.

Action: Moved by Vice Mayor Kelley, seconded by Council Member Boulanger and carried unanimously to approve the City Council Minutes of May 23, 2017.

2. Approve Resolution Amending Hercules City Council Resolution No. 06-134, Authorizing the City to Join the Statewide Community Infrastructure Program (“SCIP”)

Recommendation: Adopt Resolution amending provisions of Resolution No. 06-134 authorizing the City to join the Statewide Community Infrastructure Program (“SCIP”); authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct special assessment proceedings and levy assessments within the territory of the City of Hercules; approving form of acquisition agreement for use when applicable; and authorizing related actions.

Action: Moved by Vice Mayor Kelley, seconded by Council Member Boulanger and carried unanimously to adopt Resolution.

XII. DISCUSSION AND/OR ACTION ITEMS

Note: With consensus of City Council, Mayor de Vera changed the order moving Item 2 to be the first discussion/action item.

1. Approve a Contract for Planning Services for the Hillcrest Entitlement Process for the Hill Town Project Site.

Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement with WRT, LLC to prepare entitlement reviews and draft reports for planning and environmental components for the Hillcrest Project on the Hill Town site for an amount not to exceed \$172,315.00.

Speakers: Robert Reeber, Hercules Planning Department; John Gibbs, Principal of WRT, LLC.

Action: Moved by Vice Mayor Kelley, seconded by Council Member Esquivias. **Ayes:** Kelley, Esquivias, de Vera, **Noes:** Boulanger, Abstain: Romero. Motion Passed 3-1-1.

2. Award a Construction Contract to Design Space Modular Buildings for the Corporation Yard Modular Building Replacement Project.

Recommendation: Adopt Resolution authorizing the City Manager to execute a construction contract with Design Space Modular Buildings in the amount of \$236,466 for the Corporation Yard Modular Building Replacement Project, and authorizing an additional expenditure of up to \$23,646 for a 10% contingency on said construction contract for a total not to exceed amount of \$260,112.

Action: Moved by Council Member Boulanger, seconded by Vice Mayor Kelley and carried unanimously to adopt Resolution.

XIII. PUBLIC COMMUNICATIONS (continued)

Speakers: None.

XIV. CITY COUNCIL/CITY MANAGER ANNOUNCEMENTS AND CITY COUNCIL COMMITTEE, SUB-COMMITTEE AND INTERGOVERNMENTAL COMMITTEE REPORTS

Action: None.

XV. ADJOURNMENT.

Mayor de Vera recessed the City Council meeting at 11:10 PM to convene Closed Session to continue labor negotiations Item 1. Mayor de Vera adjourned the regular meeting of the Hercules City Council at 11:32 PM.

Myrna L. de Vera, Mayor

ATTEST:

Lori Martin, MMC
Administrative Services Director/City Clerk