

**CITY OF HERCULES  
CITY COUNCIL MINUTES**

**June 27, 2017  
6:00 p.m. Closed Session  
7:00 p.m. Regular Meeting**

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**I. ROLL CALL – CALL TO ORDER – 6:00 P.M.**

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

**II. PUBLIC COMMUNICATION – CLOSED SESSION ITEMS**

**Speakers:** Pil Orbison.

**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.

**VI. PLEDGE OF ALLEGIANCE**

**VII. MOMENT OF SILENCE**

**Action:** Mayor de Vera called for a moment of silence in remembrance of Hercules resident Mike Lefiti who was a victim of the June 14, 2017 shooting incident at the UPS Facility in San Francisco.

**VII. INTRODUCTIONS/PRESENTATIONS – None.**

## **VIII. AGENDA ADDITIONS/DELETIONS**

**Action:** Council Member Boulanger made a request to move Item XIII.4 Memorandums of Understanding with Teamsters Local 315 and Management and Non-Represented Employees to be discussed prior to the FY 2017-18 Budget public hearing item. Mayor de Vera polled the City Council Members which did not result in consensus of City Council to take Item XIII.4 out of order. City Manager Biggs identified the supplemental material distributed prior to the meeting.

## **IX. PUBLIC COMMUNICATIONS**

**Speakers:** None.

## **X. PUBLIC HEARINGS**

### **1. Landscaping and Lighting Assessment District 83-2**

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

- a. Open the continued public hearing, declare the results of the property owner protest balloting proceedings conducted for a proposed increase in the maximum assessment rate for Benefit Zones 1, 3&4, 5C, 6 and 7 within the Hercules Landscaping and Lighting Assessment District No. 83-2 commencing Fiscal Year 2017-2018, take any additional public testimony, and close the public hearing; and,
- b. Adopt a Resolution declaring the results of the property owner protest balloting proceedings conducted for a proposed increase in the maximum assessment rate for Benefit Zones 1, 3&4, 5C, 6 and 7 within the Hercules Landscaping and Lighting Assessment District No. 83-2 commencing Fiscal year 2017-18; and,
- c. Adopt a Resolution approving the Final Engineer's Report, Confirming Diagram and Assessments and Ordering Levy of Assessments for Y 2017-18 for the Hercules Landscaping and Lighting Assessment District No. 83-2 commencing Fiscal Year 2017-18 pursuant to the Landscaping and Lighting Act of 1972.

**Action:** Mayor de Vera opened the public hearing at 7:26 p.m. Mayor de Vera closed the public hearing at 7:26 p.m. with no comments offered from the public.

**Speakers:** None.

**Action:** Moved by Vice Mayor Kelley, seconded by Council Member Boulanger to adopt Resolution declaring the results of the property owner protest balloting proceedings conducted for a proposed increase in the maximum assessment rate for Benefit Zones 1, 3&4, 5C, 6 and 7 within the Hercules Landscaping and Lighting Assessment District No. 83-2 commencing Fiscal Year 2017-18. The motion carried by the following vote:

**Aye:** 5 – Council Members Boulanger, Esquivias, Romero, Vice Mayor Kelley, Mayor de Vera

**Action:** Moved by Vice Mayor Kelley, seconded by Council Member Boulanger to adopt Resolution approving the Final Engineer's Report, Confirming Diagram and Assessments and Ordering Levy of Assessments for FY 2017-18 for the Hercules Landscaping and Lighting Assessment District No. 83-2 commencing Fiscal Year 2017-18 pursuant to the Landscaping and Lighting Act of 1972. The motion carried by the following vote:

**Aye:** 5 – Council Members Boulanger, Esquivias, Romero, Vice Mayor Kelley, Mayor de Vera

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

**Recommendation:** Open the Continued Public Hearing, Receive a Staff Report, Take Public Testimony, Close the Public Hearing, and adopt the following resolutions:

- a. Adopt the Fiscal Year 2017-18 City of Hercules Budget Plan which includes the First Year (2017-18 Fiscal Year) of the Five-Year (2017-2022 Fiscal Years) Capital Improvement Budget and making certain designations and fund balance adjustments, approving 16 annual contracts for services in a total amount of \$533,430.
- b. Adopt the 2017-18 Fiscal Year Hercules Public Financing Authority Budget Plan Consisting of Debt Service in the amount of \$2,217,819.
- c. Establishing the Appropriations Limit for the 2017-18 Fiscal Year in accordance with Proposition 111 and Article XIII B.

**Action:** Mayor de Vera opened the public hearing.

**Speakers:** Stanley Tom, Bob Polacchi, Pam Young, Mary Tobin Kelly, Sarah Creeley, Sherry McCoy.

**Action:** Mayor de Vera closed the public testimony at 8:14 p.m.

**Action:** Moved by Council Member Romero, seconded by Vice Mayor Kelley to adopt the Fiscal Year 2017-18 City of Hercules Budget Plan which includes the first year of the five year Capital Improvements Budget and making certain designations and fund balance adjustments and approving 16 annual contracts for services in a total amount of \$533,430. The motion carried by the following vote:

**Aye:** 5 – Council Members Boulanger, Esquivias, Romero, Vice Mayor Kelley, Mayor de Vera.

**Action:** Moved by Vice Mayor Kelley, seconded by Council Member Boulanger, to adopt the Fiscal Year 2017-18 Hercules Public Financing Authority Budget Plan Consisting of Debt Service in the amount of \$2,217,819. The motion carried by the following vote:

**Aye:** 5 – Council Members Boulanger, Esquivias, Romero, Vice Mayor Kelley, Mayor de Vera.

**Action:** Moved by Council Member Esquivias, seconded by Council Member Romero to establish the Appropriations Limit for the 2017-18 Fiscal Year in accordance with Proposition 111 and Article XIII B. The motion carried by the following vote:

**Aye:** 5 – Council Members Boulanger, Esquivias, Romero, Vice Mayor Kelley, Mayor de Vera.

3. **Ordinance to Amend Hercules Municipal Code Title 7, Chapter 1 to Allow the City to Require the Addition of City Communications Infrastructure as a Condition to the Approval of any Permit Issued for an Excavation Project in Order to Facilitate Efforts to Develop Communications Infrastructure, Create a More Efficient Delivery of Communications Services to the Public, and Limit Excavations in the Public Right-of-Way**  
**Recommendation:** Conduct a public hearing and upon conclusion, waive first reading and introduce an Ordinance amending Hercules Municipal Code Title 7, Chapter 1, by adding Section 7-1.323 City Communications Infrastructure.  
**Action:** Council Member Romero recommended an amendment to Hercules Municipal Code Section 7-1.323(j)(1) adding language “The Director of Public Works *with the approval of the City Manager*.  
**Action:** Moved by Council Member Romero, seconded by Vice Mayor Kelley to waive reading and approve the introduction of Ordinance 502 as amended.

## **XI. CONSENT CALENDAR**

**Action:** Moved by Council Member Romero, seconded by Council Member Boulanger to adopt the consent calendar. The motion carried by the following vote:

**Ayes:** Council Members: Esquivias, Boulanger, Romero, Vice Mayor Kelley, Mayor de Vera.

### **1. Approval of Minutes**

**Recommendation:** Approve Minutes for the City Council Meeting of June 13, 2017.

**Action:** Approved Minutes of June 13, 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:** Approved Resolution.

## **XII. DISCUSSION AND/OR ACTION ITEMS**

### **1. Adopt a Resolution and Execute an Engagement Letter with CliftonLarsonAllen LLP (Gallina LLP) for Annual Audit Services to the City and Its Related Entities as Required by Law for FY 2016-17, FY 2017-18, and FY 2018-19**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an engagement letter with CliftonLarsonAllen LLP to provide annual audit services to the City and its related entities for FY 2016-17, FY 2017-18 and FY 2018-19 for a not to exceed amount of \$57,600, \$58,675 and \$59,765.

**Speakers:** Elba Zuniga of CliftonLarsonAllen, LLP.

**Action:** Moved by Council Member Esquivias, seconded by Vice Mayor Kelley to adopt Resolution authorizing the City Manager to execute an engagement letter with CliftonLarsonAllen, LLP to provide annual audit services to the City and its related entities for

FY 2016-17, FY 2017-18 and FY 2018-19 for a not to exceed amount of \$57,600, \$58,675 and \$59,765. The motion carried by the following vote:

**Ayes:** Council Members: Esquivias, Boulanger, Romero, Vice Mayor Kelley, Mayor de Vera.

2. **Award Annual Landscape Maintenance Contracts for the City's Landscaping and Lighting Assessment Districts and the Hercules Transit Center**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute annual landscape maintenance contracts with:

- a. Pacific Site Management for Citywide Landscaping and Lighting Assessment District No. 83-2 for an amount of \$332,898, Victoria By The Bay Landscaping and Lighting Assessment District No. 2002-1 for an amount of \$135,911, Hercules Village (Promenade) Landscaping and Lighting Assessment District No. 2002-2 for an amount of \$45,302, Baywood Landscaping and Lighting Assessment District No. 2004-1 for an amount of \$34,196, and the Hercules Transit Center for an amount of \$13,273.
- b. New Image Landscape Company for Bayside Landscaping and Lighting Assessment District No. 2005-1 for an amount of \$18,500.

**Action:** Moved by Vice Mayor Kelley, seconded by Council Member Esquivias to adopt Resolution awarding annual landscape maintenance contracts for the City's Landscaping and Lighting Assessment Districts and the Hercules Transit Center. The motion carried by the following vote:

**Ayes:** Council Members: Esquivias, Boulanger, Romero, Vice Mayor Kelley, Mayor de Vera.

3. **Amended and Restated Site Lease Agreement Between City of Hercules and New Cingular Wireless PCS, LLC (AT&T) at the Refugio Valley/Falcon Site**

**Recommendation:** Approve an Amended & Restated Site Lease Agreement and Memorandum of Lease Between City of Hercules and New Cingular Wireless PCS, LLC (AT&T) and authorize the City Manager to execute related documents.

**Action:** Moved by Council Member Romero, seconded by Council Member Esquivias to approve an amended and restated site lease agreement and memorandum of lease between City of Hercules and New Cingular Wireless PCS, LLC and authorize the City Manager to execute related documents. The motion carried by the following vote:

**Ayes:** Council Members: Esquivias, Boulanger, Romero, Vice Mayor Kelley, Mayor de Vera.

**Action:** Mayor de Vera recessed the meeting at 10:22 p.m.

**Action:** Mayor de Vera reconvened the City Council meeting at 10:28 p.m.

4. **Approve Memorandums of Understanding**

**Recommendation:** Adopt a Resolution Approving Memorandums of Understanding with the Teamsters Local 315 and the Pay and Benefit plans for Management and Non-Represented Employees.

**Action:** Moved by Council Member Boulanger, seconded by Council Member Esquivias to adopt Resolution approving Memorandum of Understandings with the Teamsters Local 315 and

the Pay and Benefit Plans for Management and Non-Represented Employees. The motion carried by the following vote:

**Ayes:** Council Members: Esquivias, Boulanger, Romero, Vice Mayor Kelley, Mayor de Vera.

**5. Adoption of Green Infrastructure Plan Framework**

**Recommendation:** Adopt a Resolution approving the Green Infrastructure Plan Framework to comply with Municipal Regional Storm Water Permit Provision C.3.J.I(1).

**Speaker:** Frank Kennedy from Kennedy & Associates.

**Action:** Moved by Council Member Esquivias, seconded by Council Member Boulanger to adopt Resolution approving the Green Infrastructure Plan Framework to comply with Municipal Regional Storm Water Permit Provision C.3.J.I(1). The motion carried by the following vote:

**Ayes:** Council Members: Esquivias, Boulanger, Romero, Vice Mayor Kelley, Mayor de Vera.

**XIII. PUBLIC COMMUNICATIONS (continued)**

**Speakers:** Pil Orbison.

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

**Action:** Members of the City Council and staff reported on events and committee meetings. City Council requested future discussion items on the following:

1. Discuss forming a Landscaping Maintenance Sub-Committee.
2. Parks and Recreation fund deficit and ideas on reducing the deficit.

**XV. ADJOURNMENT.**

Mayor de Vera adjourned the meeting at 11:04 p.m. in memory of Mike Lefiti.

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Myrna L. de Vera, Mayor

ATTEST:

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Lori Martin, MMC  
Administrative Services Director/City Clerk