



City of Hercules

111 Civic Drive
Hercules, CA 94547

Meeting Minutes

City Council

Mayor Myrna de Vera
Vice Mayor Chris Kelley
Council Member Dan Romero
Council Member Gerard Boulanger
Council Member Roland Esquivias

David Biggs, City Manager
Patrick Tang, City Attorney
Lori Martin, City Clerk

Tuesday, November 14, 2017

Council Chambers

Closed Session - 6:00 p.m.

Regular Session - 7:00 p.m.

I. CLOSED SESSION - 6:00 P.M. CALL TO ORDER - ROLL CALL

Mayor de Vera called the meeting to order at 6:00 p.m.

Present: 5 - Mayor M. de Vera, Vice Mayor C. Kelley, Council Member D. Romero, Council Member G. Boulanger, and Council Member R. Esquivias

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

III. CONVENE INTO CLOSED SESSION

City Attorney Tang announced the closed session item.

Mayor de Vera recessed the meeting at 6:01 p.m.

1. Pursuant to Government Code Section 54956.9(e)(1), Conference with Legal Counsel
Significant exposure to litigation in one (1) matter.

IV. REGULAR MEETING – 7:00 P.M. CALL TO ORDER - ROLL CALL

Mayor de Vera called the meeting to order at 7:01 p.m.

Present: 5 - Mayor M. de Vera, Vice Mayor C. Kelley, Council Member D. Romero, Council Member G. Boulanger, and Council Member R. Esquivias

V. REPORT ON ACTION TAKEN IN CLOSED SESSION - NONE

City Attorney Tang reported that there were no final or reportable actions taken in closed session.

VI. PLEDGE OF ALLEGIANCE

VII. MOMENT OF SILENCE

Mayor de Vera called for a moment of silence for the victims of a shooting rampage which occurred in Northern California today which killed 5 and wounded several others.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. Mayor de Vera to Present Proclamations Expressing Special Recognition to Eagle Scouts, Victor Wu, Justin Cheung and Simran Samra and Mrs. Ogura from Hercules Middle School and Victor Wu to Give a Brief Presentation on the Sensory Garden Project

Mayor de Vera read aloud and presented Proclamations to Eagle Scouts Victor Wu, Justin Cheung and Simran Samra. High School Middle School Teacher, Mrs. Ogura gave a short presentation on the Sensory Garden Project at Hercules Middle School where Eagle Scout Victor Wu as the project lead.

Mayor de Vera called for a short 5 minute recess to allow for a photo opportunity with the Eagle Scouts and City Council.

2. Sales Tax Presentation by Robert Hamud of Muni-Services

Robert Hamud of Muni-Services gave a presentation and update on current trends in California sales tax.

IX. AGENDA ADDITIONS/DELETIONS

City Manager Biggs identified the supplemental material handed out prior to the meeting.

X. PUBLIC COMMUNICATIONS

Speakers: Lynne Noone, Rich Kinney, Sherry McCoy.

XI. PUBLIC HEARINGS

1. **Mandatory Garbage/Solid Waste Disposal Delinquent Accounts**
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution confirming the report of delinquent accounts and placing liens on said properties and special assessments upon property taxes pursuant to Hercules Municipal Code Section 5-2.01 to 5-2.16, Mandatory Garbage/Solid Waste Disposal.

City Manager Biggs introduced the item and gave a staff report. Janna Coverston from Republic Services answered questions asked by City Council.

Mayor de Vera opened the public hearing at 8:13 p.m.

Mayor de Vera closed the public hearing at 8:13 p.m. with no comments offered by the public.

MOTION: A motion was made by Vice Mayor Kelley, seconded by Council Member Boulanger, to adopt Resolution 17-78. The motion carried by the following vote:

Aye: 5 - Mayor M. de Vera, Vice Mayor C. Kelley, Council Member D. Romero, Council Member G. Boulanger, and Council Member R. Esquivias

2. 2017 Speed Survey and Ordinance to Reduce Speed Limits on Sections of Sycamore Avenue and Refugio Valley Road

Recommendation: 1) Review the Draft 2017 Speed Survey; and 2) Introduce an Ordinance to amend Hercules Municipal Code Title 3, Chapter 4 to reduce the speed limit on Refugio Valley Road from 40 mph to 35 mph between Redwood Road and Bonaire Avenue and to reduce the speed limit on Sycamore Avenue from 40 mph to 35 mph between Civic Drive and Palm Avenue.

City Manager Biggs introduced the item. Public Works Director Roberts gave a staff report.

Mayor de Vera opened the public hearing at 8:25 p.m.

Mayor de Vera closed the public hearing at 8:25 p.m. with no comments offered from the public.

MOTION: A motion was made by Council Member Romero, seconded by Vice Mayor Kelley, to waive the reading and approve the first reading of Ordinance 505. The motion carried by the following vote:

Aye: 5 - Mayor M. de Vera, Vice Mayor C. Kelley, Council Member D. Romero, Council Member G. Boulanger, and Council Member R. Esquivias

XII. CONSENT CALENDAR

Council Member Boulanger requested Item 2 be pulled from the Consent Calendar for separate discussion.

1. Approve Regular Meeting Minutes of October 24, 2017

Recommendation: Adopt Minutes.

MOTION: A motion was made by Council Member Romero, seconded by Council Member Boulanger, to adopt the Minutes of October 24, 2017. The motion carried by the following vote:

Aye: 5 - Mayor M. de Vera, Vice Mayor C. Kelley, Council Member D. Romero, Council Member G. Boulanger, and Council Member R. Esquivias

2. Approval of a Professional Services Agreement with Rosenow Spevacek Group for Redevelopment Related Services in a not to Exceed Amount of \$50,000
Recommendation: Approve a Professional Services Agreement with the

Rosenow Spevacek Group for Redevelopment Related Services in an amount not to Exceed Amount of \$50,000 and authorize the City Manager to execute the contract.

City Manager Biggs introduced the item and gave a staff report. Council Member Boulanger asked a question in regards to the funding source being used. Council Member Romero requested that the Resolution be amended to clarify that there was a previous agreement with RSG in an amount not to exceed \$50,000 and that the Resolution before City Council tonight is for a new agreement in an amount not to exceed \$50,000. City Council gave direction to City Attorney Tang to amend the Resolution to reflect the direction given.

MOTION: A motion was made by Council Member Esquivias, seconded by Vice Mayor Kelley, to adopt Resolution 17-79 as amended. The motion carried by the following vote:

Aye: 5 - Mayor M. de Vera, Vice Mayor C. Kelley, Council Member D. Romero, Council Member G. Boulanger, and Council Member R. Esquivias

XIII. DISCUSSION AND/OR ACTION ITEMS

1. Status Report on Historic Structures Owned by Mr. David Cury on Railroad Avenue

Recommendation: Receive report, discuss, and provide direction, if any.

City Manager Biggs introduced the item. Mr. Lawton representative of Mr. Cury presented an update on the Cury properties.

2. Update on Landscape & Lighting Assessment Districts and Discussion of Options

Recommendation: Receive report, discuss, and provide direction, if any.

City Manager Biggs introduced the item and guided City Council through the detail and financial position of each District. City Manager Biggs and Public Works Director Roberts answered questions from City Council. City Council provided comments and input. City staff to bring back an update on this item at the next meeting.

Mayor de Vera called for a short recess at 9:49 p.m.

Mayor de Vera reconvened the meeting at 10:00 p.m.

3. Award of Street Tree Maintenance Contracts

Recommendation: 1) Appropriating \$164,663 in Landscaping & Lighting District (LLAD) funding for street tree maintenance; and 2) Authorizing the City Manager to execute the street tree maintenance contracts with A-Plus for Areas 1,2,4 and 6 in the amount of \$152,863 and Commercial Tree Service for Areas 3 and 5 in the amount of \$11,800.

City Manager Biggs introduced the item. Public Works Director Roberts gave a staff report.

MOTION: A motion was made by Vice Mayor Kelley, seconded by Council Member Romero, to adopt Resolution 17-80. The motion carried by the following vote:

Aye: 5 - Mayor M. de Vera, Vice Mayor C. Kelley, Council Member D. Romero, Council Member G. Boulanger, and Council Member R. Esquivias

4. Award of a Construction Contract to MCK Services, Inc. for Street Pavement Patching

Recommendation: Adopt a Resolution authorizing the City Manager to execute a construction contract with MCK Services, Inc. in the amount of \$259,020 for the Street Pavement Patching Project, and authorizing an additional expenditure of up to \$25,902 for a 10% contingency on said construction contract.

City Manager Biggs introduced the item. Public Works Director Roberts gave a staff report.

MOTION: A motion was made by Council Member Romero, seconded by Vice Mayor Kelley, to adopt Resolution 17-81. The motion carried by the following vote:

Aye: 5 - Mayor M. de Vera, Vice Mayor C. Kelley, Council Member D. Romero, Council Member G. Boulanger, and Council Member R. Esquivias

5. Long-Term Financial Projection for the General Fund

Recommendation: Review and discuss the long-term financial projection for the General Fund.

City Manager Biggs introduced the item and gave a staff report. Finance Director Annie To walked the City Council through the long term financial forecast.

Public Speaker: Sherry McCoy.

XIV. PUBLIC COMMUNICATIONS

None.

XV. CITY COUNCIL/CITY MANAGER/CITY ATTORNEY ANNOUNCEMENTS, COMMITTEE, SUB-COMMITTEE AND INTERGOVERNMENTAL COMMITTEE REPORTS AND FUTURE AGENDA ITEMS

City Attorney Tang reminded City Council that per the Council Rules of Procedure no new items can be opened after 11:00 p.m., therefore no announcement or comments were given.

XVI. ADJOURNMENT

Mayor de Vera adjourned the meeting at 11:11 p.m.

Chris Kelley, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk