



City of Hercules

111 Civic Drive
Hercules, CA 94547

Meeting Minutes

City Council

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

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

Tuesday, January 23, 2018

Council Chambers

CLOSED SESSION - 5:30 P.M.
REGULAR SESSION - 7:00 P.M.

I. CLOSED SESSION – 5:30 P.M. CALL TO ORDER - ROLL CALL

Mayor Kelley called the meeting to order at 5:31 p.m.

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

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

III. CONVENE INTO CLOSED SESSION

City Attorney Tang announced the items to be discussed in closed session. Mayor Kelley recessed the meeting to convene closed session at 5:32 p.m.

1. Conference with Legal Counsel - Existing Litigation Pursuant to Government Code Section 54956.9(d)(1): Refugio Heights Homeowner's Assoc. v. City of Hercules (Contra Costa County Superior Court Case No. C16-02378)
2. Conference with Legal Counsel - Anticipated or Potential Litigation Pursuant to Government Code Section 54956.9(e)(1): Significant exposure to litigation in two (2) matters.

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

Mayor Kelley called the meeting to order at 7:12 p.m.

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

V. REPORT ON ACTION TAKEN IN CLOSED SESSION

City Attorney Tang reported that Vice Mayor Romero recused himself on closed session item #1 due to owning property in the disputed area. City Attorney Tang reported that there were no final or reportable actions on any of the three closed session items.

VI. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Esquivias.

VII. MOMENT OF SILENCE

Mayor Kelley called for a moment of silence for 2 children recently killed in car accident in Antioch. Camila Cardoza, 2 and Lenexy Cardoza, 4. This terrible accident was caused by a driver in a stolen vehicle who crashed into the vehicle driven by the girls mother, Edith Cardoza of Pittsburg.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. Presentation of a Proclamation to Lumus Russell III for Police Officer of the Year

Mayor Kelley read aloud and presented a Proclamation to Officer Lumus Russell III in recognition of being awarded Police Officer of the Year. Officer Russell was chosen by his peers as Police Officer of the Year. Officer Russell spoke a few words following the presentation thanking his family and the Police Department for this honor.

Chief Goswick presented Officer Lumus Russel with a special pin for his uniform.

Mayor Kelley allowed time for some photograph opportunities.

2. Pinole-Hercules Wastewater Treatment Plant Construction Update by Mike Warriner, Carollo Engineering

Mike Warriner of Carollo Engineering presented an update of the Pinole-Hercules Wastewater Treatment Plant Construction.

IX. AGENDA ADDITIONS/DELETIONS

City Manager Biggs identified the supplemental information provided prior to the meeting.

X. PUBLIC COMMUNICATIONS

Speakers: Gregory Young, Lynne Noone, Chander Sharma, Pil Orbison.

XI. PUBLIC HEARINGS - NONE

XII. CONSENT CALENDAR

MOTION: A motion was made by Council Member de Vera, seconded by Council Member Esquivias, to adopt the consent calendar. The motion carried by the following vote:

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

1. Approve the January 9, 2018 Regular Meeting Minutes

Recommendation: Adopt Minutes

Approved.

2. Resolution to Revise Council Rules of Procedure Section 3.7 to Allow Discussion of Future Agenda Items After 11:00 p.m.

Recommendation: Approve Resolution modifying Section 3.7 of the Rules of Procedure.

Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. Contract Amendment No. 3 with BKF Engineering in the Amount of \$22,818 for Landscape Inspection and Engineering Services for the Muir Pointe Residential Subdivision

Recommendation: Adopt a Resolution authorizing the City Manager to execute Contract Amendment No. 3 with BKF Engineering for a not to exceed amount of \$22,818 (total contract amount \$146,347) to provide landscape inspection and construction engineering support services for the Muir Pointe Residential Subdivision.

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

Mayor Kelley called for a 5 minute recess at 8:29 p.m.

Mayor Kelley reconvened the meeting at 8:35 p.m.

MOTION: A motion was made by Vice Mayor Romero, seconded by Council Member Esquivias, to adopt Resolution 18-05. The motion carried by the following vote:

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

2. City Recognized Nonprofit Program Update

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

City Manager Biggs introduced the item. Parks and Recreation Director Roke gave a staff report. City Council provided comments and input.

3. Cable TV Options

Recommendation: Receive report, discuss options and provide direction to staff.

City Manager Biggs introduced the item. City Clerk Martin provided a staff report. City Council provided comments and input and directed staff to bring this item back with some refined costs in a side by side table format for further review.

4. Paving in Front Yards

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

City Manager Biggs introduced the item. City Attorney Tang provided a staff report with input from Public Works Director Roberts and Planning Director Smyth.

5. Annual Review of 1) Anti-Nepotism and Anti-Cronyism Ordinance; 2) Hercules Ethics Policy; 3) Council Rules of Procedure

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

City Manager Biggs introduced the item. City Attorney Tang gave a staff report. City Council reviewed and provided comments.

XIV. PUBLIC COMMUNICATIONS

None.

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

Members of the City Council and staff reported on events and attendance at community meetings.

XVI. ADJOURNMENT

Mayor Kelley adjourned the meeting at 10:14 p.m. in memory of Carol Jobe, Hercules resident who passed away on January 5, 2018.

Chris Kelley, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk