



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, July 10, 2018

Council Chambers

Closed Session - 6:00 p.m.

Regular Session - 7:00 p.m.

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

Mayor Kelley called the meeting to order at 6:00 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

None.

III. CONVENE INTO CLOSED SESSION

City Attorney Tang announced the items to be discussed in closed session.
Mayor Kelley recessed the meeting at 6:03 p.m.

1. [18-230](#) 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:
 - a. Teamsters Local 315 Employee Organizations
 - b. Hercules Police Officers Association
 - c. Hercules Senior Manager Employee Group
 - d. Confidential Unrepresented Employee Group
 - e. Mid Management Employee Group
2. [18-235](#) Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager (Discuss Annual Evaluation Per Employment Agreement)

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

Mayor Kelley called the meeting to order at 7:00 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 the City Manager evaluation has been completed and concluded.

City Attorney Tang reported no final or reportable action related to Closed Session Item 2: Conference with Labor Negotiators.

VI. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member de Vera.

VII. MOMENT OF SILENCE

Mayor Kelley called for a moment of silence for Catherine Barbara (Smith) Silva who passed away peacefully at her home in Pinole at the age of 94 on July 6, 2018.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. [18-233](#) **Heritage Garden Presentation and Proclamation to the Hercules Rotary Club**

Holly Smyth, Planning Director and Rotarian gave a presentation of the Heritage Garden project from the start of the project to the end result. Ms. Smyth called the volunteers to the podium and Mayor Kelley read aloud and presented the members of the Hercules, Rodeo and Crockett Rotary with a Proclamation.

IX. AGENDA ADDITIONS/DELETIONS

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

X. PUBLIC COMMUNICATIONS

Planning Chair Dion Bailey provided an update from the last Planning Commission meeting.

Speakers: Chris Tallerico; Dennis Clay & Sue Pricco; Bob Polachi.

XI. PUBLIC HEARINGS

1. [18-228](#) **Mandatory Garbage/Solid Waste Disposal - Delinquent Accounts Recommendation:** Conduct a public hearing and upon conclusion,

consider adopting a Resolution confirming the report of delinquent accounts and placing liens on said properties and special assessments upon property taxes pursuant to City of Hercules Municipal Code Section 5-2.01 to 5-2.16, Mandatory Garbage/Solid Waste Disposal.

City Manager Biggs introduced the item and provided a staff report. Janna Coverston with Republic Services provided additional information.

Mayor Kelley opened the public hearing at 7:41 p.m.

Mayor Kelley closed the public hearing at 7:41 p.m. with no comments offered from the public.

City Council asked questions and provided comments.

MOTION: A motion was made by Council Member Boulanger, seconded by Council Member Esquivias, to adopt Resolution 18-045. 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. [18-238](#)

Landscaping and Lighting Assessment District No. 83-2 - Conduct Continued Public Hearing, Declare the Results of the Property Owner Protest Balloting Proceedings Conducted for Proposed Assessment Increases in Designated Zones, Adopt a Resolution Declaring the Same, and Adopt a Resolution Approving the Final Engineers Report, Confirming Diagrams and Assessments and Ordering Levy of Assessments for Fiscal Year 2018-19

Recommendation:

1. Open the continued public hearing, conduct the continued public hearing and receive ballots, close the continued public hearing and 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, 6, 7 and 9 within the Hercules Landscaping and Lighting Assessment District (LLAD) No. 83-2 commencing Fiscal Year 2018-19; and
2. 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, 6, 7 and 9 within the Hercules Landscaping and Lighting Assessment District No. 83-2 commencing Fiscal Year 2018-19; and
3. Adopt a Resolution approving the final Engineers Report, confirming diagram and assessments and ordering levy of assessments for FY 2018-19 for the Hercules Landscaping and Lighting Assessment District No. 83-2 commencing Fiscal Year 2018-19 pursuant to the Landscaping and Lighting act of 1972.

CM Biggs introduced the item and provided a staff report. City Manager Biggs stated that the city has received ballots for Zone 1 in the mail and the City Clerk has provided those ballots to the City's Assessment Engineer, Ed Espinoza who will tabulate the ballots after the close of the public hearing.

Mayor Kelley opened the continued public hearing at 7:45 pm and asked that anyone here to turn in ballots from the Coventry Development (Zone 1) to come forward with their ballot.

Mayor Kelley closed the continued public hearing at 7:45 pm with no comments offered from the public. There were no additional ballots turned in prior to the close of the public hearing.

Mayor Kelley informed everyone in attendance that the City Council will come back to this item after allowing time for the City's Assessment Engineer, Ed Espinoza of Francisco and Associates time to tabulate the ballots from Zone 1 and Mr. Espinoza will report on the results of the remaining Landscaping and Lighting Assessment Districts at this time as well.

Mayor Kelley re-opened this item at 8:34 p.m. to allow Mr. Espinoza to report on the results of the Landscaping and Lighting Assessment Districts Proposition 218 Election.

Mr. Espinoza reported the following results:

Zone 1	No - 59.3%	Yes - 40.7%	-	Failed
Zone 3 & 4	No - 51.4%	Yes - 48.6%	-	Failed
Zone 6	No - 62%	Yes - 38%	-	Failed
Zone 7	No - 53.2%	Yes - 46.8%	-	Failed
Zone 9	No - 42.4%	Yes - 57.6%	-	Passed

City Council by unanimous vote adopted 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, 6, 7 and 9 within the Hercules Landscaping and Lighting Assessment District No. 83-2 commencing Fiscal Year 2018-19.

City Council by unanimous vote adopted a Resolution approving the final Engineers Report, confirming diagram and assessments and ordering levy of assessments for FY 2018-19 for the Hercules Landscaping and Lighting Assessment District No. 83-2 commencing Fiscal Year 2018-19 pursuant to the landscaping and Lighting Act of 1972.

83-2

MOTION: A motion was made by Council Member de Vera, seconded by Council Member Esquivias, to adopt Resolution 18-046. 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

MOTION: A motion was made by Vice Mayor Romero, seconded by Council Member Boulanger, to adopt Resolution 18-047. 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

XII. CONSENT CALENDAR

MOTION: A motion was made by Council Member Boulanger, 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. [18-232](#)

Meeting Minutes

Recommendation: Approve the Regular City Council Meeting Minutes of June 26, 2018.

Approved.

2. [18-236](#)

Surplus Vehicles

Recommendation: Adopt a Resolution declaring two city fleet vehicles as surplus property and authorize the disposal of the vehicles.

Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [18-237](#)

Municipal Resources Group (MRG) Professional Services Agreement for Planning, Building, and Public Works Staff Augmentation Services for \$100,000

Recommendation: Adopt a Resolution authorizing the City Manager to execute a Professional Services Agreement for \$100,000 for Planning, Building, and Public Works staff augmentation services for continued project management consulting services on development funded projects and programs, general plan related updates, planning related field inspections and conditions of approval verifications, and public works special assignments as needed for the 2018-19 fiscal year.

City Manager Biggs introduced the item and Planning Director Smyth provided a staff report. City Council asked questions and provided comments. Mike Oliver of MRG provided additional information.

MOTION: A motion was made by Council Member Esquivias, seconded by Council Member Boulanger, to adopt Resolution 18-049. 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. [18-231](#)

Consideration of Attendance Waiver Requests from Two (2) Commissioners

Recommendation: Review and discuss approving attendance waiver requests received from two (2) commissioners.

City Manager Biggs introduced the item. City Clerk Martin provided a staff report.

City Council asked questions and provided direction to staff.

MOTION: A motion was made by Vice Mayor Romero, seconded by Council Member Boulanger, to approve attendance waivers for Finance Commissioner Harris and Planning Commissioner Galieva and directed staff to send a letter to all Commissioners reminding them of the attendance rule and reminding the Commissioners that an absence is not an excused absence even if they notified the Chair of their need to miss a meeting and requiring that each Commissioner return a signed copy of the letter showing that they received the letter and understand the attendance requirement. 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

3. [18-229](#)

2018 Emergency Management Office Holder Successors

Recommendation: Each member of the City Council to make three (3) standby officer appointments each to the Office Holder Successors in the event of a state or local emergency.

City Manager Biggs introduced the item and provided a staff report. City Council asked questions. A consensus of City Council was established for each member of the City Council to send via email to the City Clerk the names of their three (3) office holder successors.

4. [18-227](#)

Review Upcoming Council Agenda Items List

Recommendation: Review, discuss and provide direction.

City Manager Biggs introduced the item and provided a staff report. City Council discussed and did not have any additions or deletions to the list.

MOTION: A motion was made by Vice Mayor Romero, seconded by Council Member de Vera, to provide this report on the Consent Calendar for future meetings. 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

5. [18-234](#)

Professional Services Agreement with LSA in the Amount of \$61,955 for Permit Preparation, Including 30% Plans and Regulatory Agency coordination for the Lake Refugio Dredging Project

Recommendation: Adopt a Resolution authorizing the City Manager to execute a consultant agreement with LSA for a not to exceed amount of \$61,955 to prepare permits including 30% dredging plans, and assist in coordination with the regulatory agencies for the Lake Refugio Dredging Project.

Public Works Director Roberts introduced the item and provided a staff report. Mr. Dan Sidel with LSA provided additional information. City Council asked questions and provided comments.

MOTION: A motion was made by Council Member Esquivias, seconded by Council Member Boulanger, to adopt Resolution 18-050. 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

6. [18-239](#)

Process for Determining Future Council Agenda Items

Recommendation: Discuss options and provide direction to staff.

City Manager Biggs introduced the item and City Attorney Tang provided a staff report. City Council asked questions and provided direction to staff to keep the current process identified in the Council Rules of Procedure.

7. [18-180](#)

Workforce Housing Update

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

City Manager Biggs introduced the item and provided a staff report. City Council asked questions and provided comments. A consensus of City Council was established directing staff to bring this item back at a future meeting to discuss the implementation of development based affordable housing.

XIV. PUBLIC COMMUNICATIONS

None.

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

City staff and Council reported on events and attendance at community and regional meetings.

Mayor Kelley announced that she will be on vacation at the next City Council meeting and that Vice Mayor Romero will Chair the August 14, 2018 City Council meeting.

Vice Mayor Romero requested a future agenda item relating to the impact of reduced recycling revenues. A consensus of City Council was established to add Vice Mayor Romero's request to the pending agenda

items list to be discussed at a future meeting.

XVI. ADJOURNMENT

Mayor Kelley adjourned the meeting at 10:48 p.m.

Chris Kelley, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk