



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, November 13, 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 item to be discussed in closed session.

Mayor Kelley recessed the meeting at 6:01 p.m.

1. [18-380](#) Pursuant to Government Code Section 54956.9 (e)(2), Conference with Legal Counsel - Potential Litigation - Exposure to litigation in one (1) case.

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 there was no final or reportable action taken in closed session.

VI. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Romero.

VII. MOMENT OF SILENCE

Mayor Kelley called for a moment of silence for all of the victims of the Camp Fire and the 42 people who have died in that fire and the Woolsey Fire where 2 people have died.

Mayor Kelley also added that this moment of silence is also for Lafayette Council Member Art Mitchell who passed away a week ago at the age of 61. Mayor Kelley stated that Council Member Mitchell was elected to the Lafayette City Council in 2012 and re-elected in 2016.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

None.

IX. AGENDA ADDITIONS/DELETIONS

City Manager Biggs identified the supplemental document for Item XIII.3, part-time salary schedule handed out prior to the meeting and available on the side table for the public.

X. PUBLIC COMMUNICATIONS

Public Speaker: Lynne Noone.

XI. PUBLIC HEARINGS

1. [18-375](#) **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. Ms. Coverston from Republic Services provided additional information. City Council asked questions and provided comments.

Mayor Kelley opened the public hearing at 7:09 p.m.
Mayor Kelley closed the public hearing at 7:09 p.m. with no comments offered from the public.

MOTION: A motion was made by Council Member de Vera, seconded by Council Member Esquivias, to adopt. 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 Vice Mayor Romero, seconded by Council Member Boulanger, 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. [18-379](#) **Meeting Minutes**
Recommendation: Approve the Regular City Council Meeting Minutes of October 23, 2018.

Approved.
2. [18-374](#) **Contract Amendment with Gray Bowen Scott for a Not to Exceed Amount of \$75,000 to Complete Securing the Commitment from Capitol Corridor for the Hercules Train Stop and On-Call Grant Administration Support Services for the Regional Intermodal Transportation Center and Appropriating \$75,000 in Measure J Funding to Fully Fund Said Amendment**
Recommendation: Adopt a Resolution authorizing the City Manager to execute Contract Amendment No. 8 with Gray Bowen Scott for a not to exceed amount of \$75,000 and appropriating \$75,000 in Measure J funding to fully fund said amendment.

Approved.
3. [18-377](#) **Lease Amendment No. 1 to T-Mobile 998 Turquoise Cell Site**
Recommendation: Authorize the City Manager to execute Amendment No. 1 for an additional ground lease of approximately 100 square feet at the rate of \$7,500 per year with automatic 3% increases as allowed for in the Original Lease Agreement.

Approved.
4. [18-369](#) **Amendment to Hilltown Development Agreement to Extend Performance Dates by Four (4) Months**
Recommendation: Direct staff to process an amendment to the Development Agreement for the Hilltown Site to extend performance deadlines by four (4) months.

Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [18-373](#) **Approval of the Final Map, Associated Easements, and Subdivision Improvement Agreement for the Bayfront Development Subdivision No. 9499 Lands of Hercules Land Partners LP Otherwise Known as The Grand (Blocks Q & R)**
Recommendation: Adopt a Resolution approving the final map, associated easements, and subdivision improvement agreement for the Bayfront Development Subdivision 9499 Lands of Hercules Land Partners LP otherwise known as The Grand.

City Manager Biggs introduced the item. Public Works Director Roberts provided a staff report. Planning Director Smyth provided additional information. City Council asked questions and provided comments. Ben Ortega with Ledcor provided additional information.

Public Speaker: Bryan Craig, Fire Chief

City Council requested one amendment to Exhibit 3E to incorporate a reference into the reciprocal private parking and access agreement to reference "private lane".

MOTION: A motion was made by Council Member Esquivias, seconded by Council Member Boulanger, to adopt Resolution 2018-070. 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. [18-371](#) **Approve Memorandum of Understanding with the Hercules Police Officers Association**
Recommendation: Adopt a Resolution approving a Memorandum of Understanding with the Hercules Police Officers Association.

City Manager Biggs introduced the item and provided a staff report. City Council asked questions and provided comments.

MOTION: A motion was made by Council Member Boulanger, seconded by Council Member Esquivias, to adopt Resolution 18-066. 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. [18-372](#) **Part-Time Salary Adjustment to Provide Cost of Living Adjustment and to Address New Minimum Wage as of January 1, 2019**
Recommendation: Adopt a Resolution approving a new salary schedule for part-time employees to provide a 4.5% cost of living adjustment and to comply with the new minimum wage as of January 1, 2019.

City Manager Biggs introduced the item and provided a staff report. City Council asked questions and provided comments.

MOTION: A motion was made by Council Member de Vera, seconded by Vice Mayor Romero, to adopt Resolution 18-071. 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

4. [18-370](#)

FY 2018-19 First Quarter Budget Report and Preliminary Final FY 2017-18 Budget Report

Recommendation: Receive the reports on the FY 2018-19 first quarter budget and the preliminary final FY 2017-18 budget report prepared without audit.

City Manager Biggs introduced the item and invited Sandra Sato, Finance Consultant to the dais to provide additional information or answer questions that the Council may have. City Council asked questions and provided comments.

5. [18-376](#)

Commission Appointments

Recommendation: Consider making appointments to Hercules Boards and Commissions for the start of new 2 year terms.

City Manager Biggs introduced the item and City Clerk Martin provided a staff report. City Clerk Martin polled the City Council on their choice of candidates to fill the new terms on the Community and Library Services Commission, Planning Commission and the Contra Costa Transportation Authority Citizens Advisory Committee. City Council requested that the City Clerk continue the recruitment of applicants for the Finance Commission. City Clerk Martin made a request for City Council to identify which candidate will replace current Planning Commissioner Bailey and now Council Member Elect Bailey. The following candidates were appointed by majority vote of the Council to the following Commissions for 2 year terms:

Community and Library Services Commission: Brain Campbell-Miller, Han Chen, and Rhodora Carpena.

Planning Commission: Ken Morrison, Irina Galieva, and Nicole Sacramento.

Contra Costa Transportation Authority Citizens Advisory Committee: Bradley Powles.

XIV. PUBLIC COMMUNICATIONS

Public Speaker: Curt Kramer, Assistant Troop Master for Troop 81 in Pinole stated that Troop 81 is in attendance tonight to observe a City Council meeting to earn a merit badge titled, "Citizenship in the Community".

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

City staff and Council Members reported on attendance at events and community and regional meetings and made announcements of upcoming events in December. City Manager Biggs reminded everyone that the City Council will meet only once in November and December and at the next meeting on December 11th the City Council will declare the November 6th election results and conduct its reorganization.

Vice Mayor Romero requested an update from the City Clerk on the cable broadcasting services with CCTV.

XVI. ADJOURNMENT

Mayor Kelley adjourned the meeting at 8:49 p.m.

Chris Kelley, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk