



City of Hercules

111 Civic Drive
Hercules, CA 94547

Meeting Minutes

City Council

Mayor Dan Romero
Vice Mayor Roland Esquivias
Council Member Chris Kelley
Council Member Gerard Boulanger
Council Member Dion Bailey

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

Tuesday, January 22, 2019

6:00 PM

Council Chambers

CLOSED SESSION - 6:00 P.M.
REGULAR MEETING - 7:00 P.M.

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

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

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

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

None.

III. CONVENE INTO CLOSED SESSION

City Clerk Martin announced the items to be discussed in closed session.

Mayor Romero recessed the meeting at 6:05 p.m.

1. [19-449](#) Pursuant to Government Code Section 54956.9 (d)(2), Conference with Legal Counsel - Potential Litigation - Exposure to litigation in one (1) case: Disputes regarding Taylor Morrison's share of costs for construction of a retention basin at Parcel C, and park fee credit use.
2. [19-450](#) Pursuant to Government Code Section 54956.9(a), Conference with Legal Counsel - Pending Litigation - Significant exposure to litigation in one (1) case regarding Due Diligence Review (DDR) determination from the California Department of Finance.

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

Mayor Romero called the meeting to order at 7:00 p.m.

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

V. REPORT ON ACTION TAKEN IN CLOSED SESSION

City Manager Biggs reported that there were no final or reportable actions taken in closed session.

VI. PLEDGE OF ALLEGIANCE**VII. MOMENT OF SILENCE**

Mayor Romero called for a moment of silence for Davis Police Officer, Natalie Corona, 22 who was shot and killed in the line of duty on January 10, 2019.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. [19-445](#) Proclamation in Recognition of Reserve Police Officer Ed Dean on his Retirement

Mayor Romero read aloud and presented a Proclamation to Police Officer Reserve Ed Dean in recognition of his service to the City of Hercules. Reserve Officer Ed Dean accepted the Proclamation and spoke a few words relating to his tenure with the City of Hercules. Police Chief Imboden also thanked Reserve Officer Dean and spoke briefly about the Reserve Program. Council Members thanked Reserve Officer Dean for his service to the City of Hercules.

IX. AGENDA ADDITIONS/DELETIONS

Mayor Romero requested XIII.6, Review of City's appeal policy to be tabled to the next meeting when the City Attorney will be available to discuss the item. There were no objections from Council to table Item XIII.6.

City Manager Biggs identified the supplemental documents handed out prior to the meeting and available on the side table for the public.

X. PUBLIC COMMUNICATIONS

Public Speakers: Sherry McCoy, Representative from Senator Skinners Office; Antoinette Jordan; Pil Orbison.

XI. PUBLIC HEARINGS

None.

XII. CONSENT CALENDAR

MOTION: A motion was made by Council Member Kelley, seconded by Vice Mayor Esquivias, to adopt the Consent Calendar. The motion carried by the following vote:

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

1. [19-438](#) **Meeting Minutes**
Recommendation: Approve the Regular Meeting Minutes of January 8, 2019.
Approved.
2. [19-444](#) **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.
Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-437](#) **FY 2017/18 Comprehensive Annual Financial Reports**
Recommendation: Receive the FY 2017/18 Comprehensive Annual Financial Reports and Accept the Audited Statements.

City Manager Biggs introduced the item and provided a brief staff report. Elba Zuniga of Clifton Larson Allen gave a presentation on the City's audited financial statements. Finance Director Gato provided brief comments on the audit report. City Council asked questions and provided comments.
2. [19-436](#) **Approve a Professional Services Agreement with Urban Futures for Financial Advisory Services**
Recommendation: Adopt a Resolution approving a Professional Services Agreement with Urban Futures for Financial Advisory Services.

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 Kelley, seconded by Council Member Boulanger, to adopt Resolution 19-005. The motion carried by the following vote:

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

3. [19-440](#) **Adoption of the January 2019 Sewer System Management Plan**
Recommendation: Adopt a Resolution approving the January 2019 Sewer System Management Plan.
- City Manager Biggs introduced the item and Public Works Director Roberts provided a staff report. Public Works Director Roberts introduced Ms. Gould from West Yost Associates who gave a presentation regarding the 2019 Sewer System Management Plan. City Council asked questions and provided comments.
- MOTION: A motion was made by Council Member Boulanger, seconded by Vice Mayor Esquivias, to adopt Resolution 19-006. The motion carried by the following vote:**
- Aye:** 5 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey
4. [19-442](#) **Agreement with West Yost for Engineering Services to Advance the Wastewater Program**
Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement with West Yost in the not to exceed amount of \$153,039 for engineering services to advance the City's wastewater program.
- City Manager Biggs introduced the item and Public Works Director Roberts provided a staff report. City Council asked questions and provided comments.
- MOTION: A motion was made by Vice Mayor Esquivias, seconded by Council Member Bailey, to adopt Resolution 19-007. The motion carried by the following vote:**
- Aye:** 5 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey
5. [19-446](#) **Update on Contra Costa County Providing Cable Broadcasting Service through Contra Costa TV (CCTV)**
Recommendation: Receive report.
- City Manager Biggs introduced the item and City Clerk Martin provided a staff report and introduced Chris Verduga of CCTV. Mr. Verduga provided additional information. City Council asked questions and provided comments. Council directed staff to proceed with the pilot program with CCTV.
6. [19-443](#) **Review of City's Appeal Policy Related to Planning Decisions**
Recommendation: Confirm the three policy directions related to Council appeals process and consider directing staff to prepare a Zoning Ordinance Amendment if desired.
- This item was tabled to the next City Council meeting.

7. [19-441](#)**City Street Sweeping Program Update****Recommendation:** Receive report, discuss, and provide direction, if any.

City Manager Biggs introduced the item and Public Works Director Roberts provided a staff report. City Council discussed the item and provided comments and directed staff to do some inquiry with the Contractor in regards to questions raised during the discussion and report back to Council at a future meeting.

8. [19-448](#)**City Banner Program Update****Recommendation:** Receive report, discuss, and provide direction, if any.

City Manager Biggs introduced the item and Parks and Recreation Director Roke provided a staff report. Council directed staff to have the Community and Library Services Commission to review the program and consider the following which came up during the Council discussion tonight and report their recommendations to Council at a future Council meeting:

1. Consider providing a pilot program offering a 50% discount to Hercules restaurants to advertise their business for the next four months ending June 30, 2019.
2. Consider the utilization of the banner program by non-profits and if prioritization of non-profits would be helpful.
3. Consider if there should be a limit to how long a non-profit can utilize the same advertising location.

MOTION: A motion was made by Council Member Boulanger, seconded by Council Member Bailey, to adopt a pilot program offering a 50% discount to Hercules restaurants to advertise their business utilizing the City's banner program for the next four months ending June 30, 2019. The motion carried by the following vote:

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

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 Members reported on attendance at events and community and regional meetings.

Council Member Bailey requested a future agenda item for the Public Safety and Traffic Committee to discuss the possibility of a stop sign at John Muir and Tushima. Council Member Boulanger requested the following future agenda items:

1. Discuss changing the regular meetings of the Finance Commission to quarterly instead of monthly.
2. Discuss parking restrictions in various areas of the City.
3. Discuss the disposition of the old clock tower.

There was a consensus of City Council to approve the requested future agenda items for discussion at a future meeting.

XVI. ADJOURNMENT

Mayor Romero adjourned the meeting at 10:51 p.m. in memory of Hercules resident Lawrence "Larry" Garcia who passed away on January 12, 2019 and Hercules resident Mary Ellen Fay who passed away on January 1, 2019.

Dan Romero, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk