



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, May 28, 2019

6:00 PM

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 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 Attorney Tang announced the items to be discussed in closed session.

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

1. [19-602](#) Pursuant to Government Code Section 54957.6 Conference With Labor Negotiators - City Negotiators: David Biggs, City Manager; Edwin Gato, 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. [19-603](#) Pursuant to Government Code Section 54956.9(a), Conference with Legal Counsel - Pending/Existing Litigation: Successor Agency to the Hercules Redevelopment Agency and City of Hercules v. California Department of Finance, et al, Sacramento Superior Court Case No. 34-2018-80003038

3. [19-610](#) Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9(d)(2): In one (1) matter: Hercules Development Partners, LP / Ledcor Corporation

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

Mayor Romero called the meeting to order at 7:10 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 Attorney Tang stated that Closed Session Item No. 1 will be discussed at the end of the regular meeting. City Attorney Tang reported that there were no final or reportable actions taken in closed session on Items 2 or 3.

VI. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Bailey.

VII. MOMENT OF SILENCE

Mayor Romero called for a moment of silence in remembrance of Memorial Day and those that have given the ultimate sacrifice for our country and our freedom.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

None.

IX. AGENDA ADDITIONS/DELETIONS

City Manager Biggs stated that there are no additions or deletions, however a copy the budget presentation slides was provided prior to the meeting and available to the public on the side table.

X. PUBLIC COMMUNICATIONS

Mayor Romero recognized Commissioner Han Chen for his volunteerism and service on the Community and Library Services Commission for the last six years and presented Mr. Chen with a City volunteer pin.

Mr. Chen thanked Mayor Romero and members of the City Council for the recognition and stated he is proud of the many projects that have been accomplished over the last several years.

XI. PUBLIC HEARINGS

None.

XII. CONSENT CALENDAR

Vice Mayor Esquivias made a request to pull Item 4 for a brief discussion. Vice Mayor Esquivias thanked Mayor Romero for acknowledging Pride month in June. This item was placed back on the consent calendar.

MOTION: A motion was made by Vice Mayor Esquivias, seconded by Council Member Kelley, 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. [19-601](#) **Meeting Minutes**
Recommendation: Approve the Regular Meeting Minutes of May 14, 2019.

Approved.
2. [19-593](#) **City Council Salary Schedule**
Recommendation: Adopt a Resolution approving a Council Member Salary Schedule.

Approved.
3. [19-599](#) **Acceptance of the Duck Pond Park Improvement Project, Appropriating \$3,119 in Parks and Recreation Development Impact Fee Funds to Fully Fund the Project and Authorizing the Filing of the Notice of Completion**
Recommendation: Adopt a Resolution accepting the Duck Pond Park Improvement Project construction contract with HM Construction as complete for a total amount of \$153,462, appropriating \$3,119 in Parks and Recreation Development Impact Fee funds to fully fund the project and authorize the filing of the Notice of Completion with the Contra Costa County Recorder's Office.

Approved.
4. [19-609](#) **Letter Recognizing June as Gay Pride Month**
Recommendation: Receive letter recognizing June 2019 as Gay Pride Month.

Received.
5. [19-605](#) **Approval of Northern Waterfront Economic Development Initiative Memorandum of Understanding among the County of Contra Costa, the City of Antioch, the City of Concord, the City of Pittsburg, the City of Hercules, the City of Martinez, the City of Brentwood, and the City of Oakley**

Recommendation: Approve and Authorize the City Manager to Execute the Northern Waterfront Economic Development Initiative Memorandum of Understanding with non-substantive changes as approved by the City Attorney.

Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-607](#) **Introduction of FY 2019-20 City of Hercules Budget Plan Including the First Year of the Five Year 2019-2024 Capital Improvement Budget**

Recommendation: Receive an Introduction on the Proposed FY 2019-20 Budget Including the First Year of the Five Year 2019-2024 Capital Improvement Budget.

City Manager Biggs introduced the item and provided a staff report and presentation on the FY 2019-20 budget introduction. Finance Director Gato provided additional information.

City Council asked questions and provided comments.

2. [19-606](#) **Award a Construction Contract to Chrisp Company for the Hercules Avenue Traffic Calming Project**

Recommendation: Adopt a Resolution authorizing the City Manager to execute a construction contract with Chrisp Company in the amount of \$83,030 for the Hercules Avenue Traffic Calming Project.

Council Member Kelley recused herself from this item and left the room at 8:34 p.m.

Public Works Director Roberts 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 Vice Mayor Esquivias, to adopt Resolution 19-031. The motion carried by the following vote:

Aye: 4 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member G. Boulanger, and Council Member D. Bailey

Recused: 1 - Council Member C. Kelley

3. [19-600](#) **Nonprofit Group Designations & Renewals**

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

Council Member Kelley returned to the dais at 8:49 p.m.

City Manager Biggs introduced the item and Parks and Recreation Director Roke provided a staff report. City Council asked questions and

provided comments. Mayor Romero thanked staff for the report.

4. [19-611](#)

City Banner Program

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. City Council asked questions and provided comments.

By consensus of City Council, direction was given to staff to provide a 50% discount for up to 6 months to any Hercules business that has not previously used the banner program.

By consensus of City Council, direction was given to staff to allow all businesses the ability to reserve a banner space 12 months in advance.

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.

Mayor Romero asked each Council Member if they had any requests for future agenda items. Council Member Boulanger called up on appeal Planning Commission Resolution 19-03 and notice of decision regarding design review permit #19-01 for Bayfront Blocks M, P and O. Council Member Boulanger explained that the main purpose of appealing the decision is not to stop the project, but to accelerate the discussion regarding the city's parking study which is due to be completed by July 2019. Mayor Romero stated that he also wanted to call up on appeal the same item noting his concern of the Waterfront Warehouse style building and specifically the building called the "Mint" has an outside elevator noting that feature may be inconsistent with the Waterfront Master Plan.

By consensus of City Council the appeal of Planning Commission Resolution 19-03 and Notice of Decision regarding Design Review Permit #19-01 for Bayfront Blocks M, P and O was approved and direction was given to staff to schedule this item as a public hearing item at an upcoming City Council meeting.

Vice Mayor Esquivias requested a future agenda item to discuss issuing a Proclamation recognizing June as Pride Month and flying the Pride Flag over City Hall. By consensus of City Council, staff was given direction to

schedule this as a discussion item at the next meeting, provided there is enough time and space on the agenda.

XVI. ADJOURNMENT

Mayor Romero recessed the City Council meeting at 10:00 p.m. to reconvene closed session.

Mayor Romero adjourned the City Council meeting at 10:53 p.m.

Dan Romero, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk