



# 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*

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Tuesday, September 10, 2019

5:00 PM

Council Chambers

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#### I. SPECIAL MEETING - CLOSED SESSION – 5:00 P.M. CALL TO ORDER - ROLL CALL

Mayor Romero called the meeting to order at 5:02 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 5:02 p.m.

1. [19-687](#) 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
2. [19-688](#) 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. [19-690](#) 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

4. [19-691](#) Pursuant to Government Code Section 54956.9 (d)(1), Conference with Legal Counsel - Pending/Existing Litigation - Taylor Morrison of California, LLC, entitled *Taylor Morrison of California, LLC v. City of Hercules*, Superior Court for the County of Contra Costa, Case No. C19-00366.
5. [19-695](#) Pursuant to Government Code Section 54956.9, Conference with Legal Counsel - Existing Litigation: *Narcisse v. Tafesse et al.* USDC Northern District of California Case No. 5:16CV-000682-EJD

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

Mayor Romero called the meeting to order at 7:08 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 announced the items which were discussed in closed session. City Attorney Tang reported that there were no final or reportable actions taken in closed session.

#### **VI. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Hercules Police Explorer Color Guard.

#### **VII. MOMENT OF SILENCE**

Mayor Romero called for a moment of silence for all of the victims and first responders that lost their lives 18 years ago during the tragic events of 9/11/2001.

#### **VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS**

1. [19-693](#) Proclamation Recognizing September 11, 2019 as Patriot Day and Honoring the Heroic Acts following this Day of Remembrance  
Mayor Romero read aloud the Proclamation and presented it to Police Chief Imboden.

#### **IX. AGENDA ADDITIONS/DELETIONS**

City Manager Biggs stated there were no additions or deletions to the agenda and identified the supplemental documents handed out prior to the meeting and available to the public on the side table.

#### **X. PUBLIC COMMUNICATIONS**

None.

**XI. PUBLIC HEARINGS**

1.     [19-685](#)     **Vacation of Public Right of Way Within the Southeasterly Portion of Linus Pauling Drive**  
          **Recommendation:** Open the continued public hearing and adopt a Resolution approving the vacation of public right of way within the Southeasterly portion of Linus Pauling Drive subject to conditions stated therein.  
  
          Council Member Kelley announced that she is recusing herself from this item due to being employed by an agency that may have an interest in this abandonment. Council Member Kelley left the room at 7:16 p.m.  
  
          City Manager Biggs introduced the item and provided a staff report.  
  
          Mayor Romero opened the continued public hearing at 7:20 p.m.  
  
          Mayor Romero called Mr. Ben Ortega of Ledcor to the podium to provide any additional information. Mr. Ben Ortega stated that he did not have any additional information, however is available to answer any questions.  
  
          City Council asked questions and provided comments.  
  
          Public Speaker: Joanne Spalding.  
  
          Mayor Romero closed the public hearing at 7:24 p.m. with no other comments offered from the public.  
  
          **MOTION: A motion was made by Council Member Boulanger, seconded by Vice Mayor Esquivias, to adopt Resolution 19-049. 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
  
2.     [19-697](#)     **Sycamore Crossing Project, a Proposal by Sycamore Crossing Land Developers, LLC to Relocate Existing Utilities and Easements and Construct Approximately 29,511 Square Feet of Commercial Space, a 105-room hotel, and up to 120 residential dwellings on approximately 12.88 acres bound by San Pablo Avenue, Sycamore Avenue and Tsushima Street, Requiring Approval of: CEQA Initial Study & Determination #IS 17-02, General Plan Amendment #GPA 17-02, Re-Zone #RZ 17-02, Initial/Final Planned Development Plan #FPDP 17-02, Design Review Permit #DRP 17-04, Including a Master Sign Program; Conditional Use Permit #CUP 17-01; Vesting**

**Tentative Map #VTM 9477; and Minor Exception #ME19-01 on Assessor Parcel Numbers 404-020-094-3 and 404-020-095-0.**

**RECOMMENDATION:** Open the public hearing, invite the applicant to make a presentation, receive a presentation from City staff, receive any testimony from the public, ask applicant team or city staff to answer questions, request any changes, and if ready to take action close the public hearing and consider adopting two (2) Resolutions and one (1) Ordinance for the project entitlements.

Council Member Kelley returned to the dais at 7:28 p.m.

Vice Mayor Esquivias recused himself from this item due to living within the 500 foot boundary of the project.

City Manager Biggs introduced the item and provided a brief staff report.

Planning Director Smyth provided additional information and invited Mr. Sam Miller of the Lewis Group to the podium to give a presentation on the project.

City Council asked questions and provided comments.

Mayor Romero opened the public hearing at 8:09 p.m.

Mayor Romero closed the public hearing at 8:09 p.m. with no comments offered from the public.

Members of the City Council asked further questions and provided comments.

There was a consensus of City Council to amend Condition #27 to include an updated preliminary landscape plan/map to be reviewed by the Planning Commission.

Planning Director Smyth noted one additional minor change is needed to the vesting tentative map to change Tsushima Way to Tsushima Street for consistency purposes. There was a consensus of City Council to incorporate that change.

**MOTION: A motion was made by Council Member Kelley, seconded by Council Member Boulanger, to adopt Resolution 19-050. The motion carried by the following vote:**

**Aye:** 4 - Mayor D. Romero, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

**Recused:** 1 - Vice Mayor R. Esquivias

**MOTION: A motion was made by Council Member Kelley, seconded by Council Member Boulanger, to waive the first reading and approve the introduction of**

**Ordinance 524. The motion carried by the following vote:**

**Aye:** 4 - Mayor D. Romero, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

**Recused:** 1 - Vice Mayor R. Esquivias

**MOTION: A motion was made by Council Member Kelley, seconded by Council Member Boulanger, to adopt as amended Resolution 19-051. The motion carried by the following vote:**

**Aye:** 4 - Mayor D. Romero, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

**Recused:** 1 - Vice Mayor R. Esquivias

**XII. CONSENT CALENDAR**

Vice Mayor Esquivias returned to the dais at 8:30 p.m.

**MOTION: A motion was made by Council Member Boulanger, 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. [19-692](#) **Meeting Minutes**  
**Recommendation:** Approve the regular meeting minutes of July 23, 2019.  
Approved.
2. [19-680](#) **Informational Report on Updated Purchasing Guidelines**  
**Recommendation:** Receive Report.  
Approved.
3. [19-682](#) **Close-Out of the 1991-01 Sewer Assessment District and the 2001 Alfred Nobel Assessment District Update**  
**Recommendation:** Receive Informational Report.  
Approved.
4. [19-701](#) **Proclamation Recognizing Constitution Week September 17-23, 2019 in the City of Hercules**  
**Recommendation:** Receive and file the Proclamation.  
Received and filed.
5. [19-686](#) **Amendment No. 1 to the Utility User's Tax Billing and Collection Agreement with East Bay Municipal Utility District (EBMUD)**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute the first amendment to the agreement between the City of Hercules

and EBMUD for the utility user's tax billing and collection.

Approved.

6. [19-684](#)

**Review Upcoming Council Agenda Items List**

**Recommendation:** Review, discuss and provide direction, if any.

Received and filed.

**XIII. DISCUSSION AND/OR ACTION ITEMS**

1. [19-700](#)

**Consideration and Adoption of Resolution of Support for the Countywide Imposition of One-Half of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa County and Adopting the Proposed Transportation Expenditure Plan (TEP) Conditionally Amending the Growth Management Program (GMP), Which Includes Attachment A: Principles of Agreement for Establishing the Urban Limit Line (ULL) in the Measure J TEP to Match that Found in the 2020 TEP**

**Recommendation:** Adoption of Resolution of Support for the Countywide Imposition of One-Half of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa County and Adopting the Proposed Transportation Expenditure Plan (TEP) Conditionally Amending the Growth Management Program (GMP), which includes Attachment A: Principles of Agreement for Establishing the Urban Limit Line (ULL) in the Measure J TEP to Match that Found in the 2020 TEP.

City Manager Biggs introduced the item and provided a staff report. City Manager Biggs invited Don Tatson, spokesperson for Contra Costa Transportation Authority to the podium to give a presentation.

City Council asked questions and provided comments.

Mayor Romero requested that the Powerpoint presentation be provided to the public by including it with the item material in the agenda packet.

**MOTION:** A motion was made by Vice Mayor Esquivias, seconded by Council Member Kelley, to adopt Resolution 19-052. 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

2. [19-681](#)

**Approval of the Fifth Amended and Restated Joint Exercise of Powers Agreement for the West Contra Costa Integrated Waste Management Authority**

**Recommendation:** Adopt a Resolution approving the Fifth Amended and Restated Joint Exercise of Powers Agreement ("Agreement") for the West Contra Costa Integrated Waste Management Authority to which the City is

a party, and authorizing the Mayor to execute the Agreement.

City Manager Biggs introduced the item and provided a staff report. City Manager Biggs pointed out that former City Manager Steve Duran and current Interim Executive Director of West Contra Costa Integrated Waste Management Authority is in the audience and available to answer any questions.

City Council asked questions and provided comments.

**MOTION:** A motion was made by Council Member Bailey, seconded by Council Member Kelley, to adopt Resolution 19-053. 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. [19-699](#)

**Approve Memorandum of Understandings with Teamsters Local 315 Full-Time and Part-Time Units for Fiscal Year 2019-20 and Approve an Updated Unrepresented Part-Time Employee FY 2019-20 Salary Schedule and the Updated FY 2019-20 and FY 2020-21 Salary Schedules for the HPOA, Executive Level, Mid-Management and Non-Represented Employees**

**Recommendation:** Adopt a Resolution approving the FY 2019-20 Memorandum of Understandings with Teamsters Local 315 Full-Time and Part-Time Units and approve an updated 2019-20 salary schedule for unrepresented part-time employees and approve updated FY 2019-20 and 2020-21 salary schedules for HPOA, Executive Level, Mid-Management and Non-Represented employees.

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 Vice Mayor Esquivias, to adopt Resolution 19-054. 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. [19-698](#)

**Update on Sign Ordinance Content**

**Recommendation:** Review, discuss and provide direction, if any.

City Attorney Tang introduced the item and provided a staff report.

City Council asked questions and provided comments and direction was given to staff.

5. [19-652](#) **2019 Development Site Update and Review**

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

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

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

Not future agenda items were requested.

**XVI. ADJOURNMENT**

Mayor Romero adjourned the meeting at 10:14 p.m.

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Dan Romero, Mayor

Attest:

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Lori Martin, MMC  
Administrative Services Director/City Clerk