



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, September 24, 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 6:04 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

1. [19-721](#) Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Attorney
2. [19-724](#) 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. [19-725](#) 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.

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

Mayor Romero called the meeting to order at 7:07 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 that the City Council discussed existing litigation with Department of Finance and stated that the other two items listed on the agenda will be discussed at the conclusion of the City Council meeting.

VI. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Romero.

VII. MOMENT OF SILENCE

Mayor Romero called for a moment of silence for two Hercules residents that passed away recently, Gina Diane Fullerton and Mario Zecchin.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. [19-723](#) Proclamation Recognizing Dr. Phillip A. Howard, Founder and Senior Pastor of Valley Bible Church and Caroline Howard for 48 Years of Leadership to the People of Valley Bible Church and the Hercules Community

Mayor Romero read aloud the Proclamation and presented it to Mr. and Mrs. Howard. Dr. and Mrs. Howard each spoke a few words and thanked the City Council. Members of the City Council congratulated the Howard's and wished them well in their future endeavors.

Mayor Romero called for a short recess at 7:23 p.m.

Mayor Romero reconvened the meeting at 7:38 p.m.

IX. AGENDA ADDITIONS/DELETIONS

City Manager Biggs stated there were no additions or deletions to the agenda and stated that copies of the Engie Powerpoint presentation are available on the side table for the public.

X. PUBLIC COMMUNICATIONS

Public Speakers: Lynne Noone; Pil Orbison.

XI. PUBLIC HEARINGS

None.

XII. CONSENT CALENDAR

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. [19-720](#)**Meeting Minutes**

Recommendation: Approve the regular meeting minutes of September 10, 2019.

Approved.

2. [19-729](#)**Second Reading and Adoption of an Ordinance Approving Re-Zone #17-02 for the Sycamore Crossing Project (Assessor Parcel Numbers 404-020-094-3 and 404-020-095-00)**

Recommendation: Waive the second reading and adopt Ordinance 524 with modified diagram and findings with facts, changing the zoning district for the westerly portion of the Sycamore Crossing site, revising the zoning district designation from General Commercial (CG) to Planned Commercial Residential (PC-R) zoning for the approved hotel and multi-family residential parcels, and changing the open space area that traverses the site to Public/Quasi-Public-Open Space (P/QP-O).

Adopted.

XIII. DISCUSSION AND/OR ACTION ITEMS**1. [19-726](#)****Memorandum of Understanding with Hercules Bayfront for Expanded Use of an Existing Public Access Easement to Facilitate Interim Bus Service to the Waterfront.**

Recommendation: Adopt a Resolution Approving a Memorandum of Understanding (MOU) with Hercules Bayfront for Expanded Use of an Existing Public Access Easement to Facilitate Interim Bus Service to the Waterfront.

City Manager Biggs introduced the item and provided a staff report. Mr. Anderson of WestCAT provided additional information. City Council asked questions and provided comments.

MOTION: A motion was made by Council Member Kelley, seconded by Council Member Bailey, to adopt Resolution 19-055. 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. [19-727](#) **Streetlight Purchase for Landscaping and Lighting Citywide District 83-2 Zone 1 "Hercules by the Bay" and Zone 7 "The Heights"**

Recommendation: Adopt a Resolution authorizing the City Manager to sole source purchase 160 streetlights from Holophane in the amount of \$317,578 including sales tax.

City Manager Biggs introduced the item and Public Works Director Roberts provided a staff report. Mr. Heinz of Holophane provided additional information. City Council asked questions and provided comments.

MOTION: A motion was made by Vice Mayor Esquivias, seconded by Council Member Kelley, to adopt Resolution 19-056. 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. [19-731](#) **2019 Streetlight Replacement Project Construction Contract with NEMA Construction**

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with NEMA Construction for the 2019 Streetlight Replacement Project in the amount of \$168,400 and up to a 5% contingency of \$8,420 for a not to exceed amount of \$176,820 to replace a total of 160 streetlights in Landscaping & Lighting District (LLAD) No. 83-2 Zones 1 "Hercules By The Bay" and Zone 7 "Heights".

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 Kelley, seconded by Council Member Boulanger, to adopt Resolution 19-057. 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. [19-728](#) **Engie Service Company's Feasibility Assessment for Energy Conservation Facilities and Associated Program Development Agreement**

Recommendation: Receive report from staff and presentation on the feasibility assessment findings from Engie, discuss, provide direction to staff if any, approve Program Development Agreement if desired by adopting a Reolution Approving a Program Development Agreement with Engie.

City Manager Biggs introduced the item and Public Works Director Roberts provided a staff report. City Attorney Tang advised that if action is taken on the contract that the agreement be conformed to the City's

standard contract template. Ms. Kelly Ferguson of Engie provided a presentation on their feasibility assessment findings. Mr. Ramirez of Engie provided additional information.

City Council asked questions and provided comments. There was a consensus of City Council to expand the scope to include information on a EV charging station.

Public Speaker: Pil Orbison.

MOTION: A motion was made by Vice Mayor Esquivias, seconded by Council Member Kelley, to adopt Resolution 19-058. 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. [19-730](#)

Approve a Debt Issuance and Management Policy in Accordance with Senate Bill 1029

Recommendation: Adopt a Resolution approving the Debt Issuance and Management Policy.

City Manager Biggs introduced the item and provided a staff report. Finance Director Gato provided additional information. City Council asked questions and provided comments.

MOTION: A motion was made by Council Member Bailey, seconded by Vice Mayor Esquivias, to adopt Resolution 19-059. 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

6. [19-722](#)

Update on Parking Considerations & Issues

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 and gave direction to staff.

7. [19-719](#)

League of California Cities Resolutions

Recommendation: Discuss and consider two (2) Resolutions introduced by the League of California Cities and determine a City position that the voting delegate can represent at the Annual Business Meeting.

City Manager Biggs introduced the item and provided a staff report. City Council provided direction to the City's voting delegate.

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.

Future agenda items requested by City Council:

Council Member Boulanger requested a discussion on new bus routes in the City of Hercules. There was a consensus of City Council to add future local bus service routes at a future meeting.

Mayor Romero requested a discussion regarding the business license schedule of fees . There was a consensus of City Council to add this item to a future meeting.

Council Member Bailey requested a discussion item on EV charging stations. There was a consensus of City Council to add this item to a future meeting.

XVI. ADJOURNMENT

Mayor Romero recessed the meeting at 10:12 pm. City Council to reconvene closed session and adjourn the meeting immediately following closed session.

Mayor Romero adourned the City Council meeting at 10:50 p.m.

Dan Romero, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk