



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, October 22, 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 6:01 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 6:02 p.m.

1. [19-764](#) 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
2. [19-765](#) 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 reported that the City Council discussed pending/existing litigation regarding Department of Finance v. City of Hercules and Taylor Morrison v. City of Hercules with no final or reportable action taken during closed session. City Attorney Tang noted that City Council will reconvene closed session to continue discussion on the two items at the conclusion of the regular 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 Hercules resident Susie Ko who was murdered in her home seven years ago on October 8, 2012.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

None.

IX. AGENDA ADDITIONS/DELETIONS

City Manager Biggs stated that there were no additions or deletions to the agenda and there were no supplemental documents provided prior to the meeting.

X. PUBLIC COMMUNICATIONS

None.

XI. PUBLIC HEARINGS

None.

XII. CONSENT CALENDAR

MOTION: A motion was made by Council Member Kelley, seconded by Council Member Bailey, 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. [19-763](#) **Meeting Minutes**
Recommendation: Approve the regular meeting minutes of October 8, 2019.

Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-737](#) **Voluntary Collection Agreement ("VCA") with Airbnb for the Collection of Transient Occupancy Tax ("TOT")**
Recommendation: Authorize the City Manager to execute an agreement with Airbnb to collect Transient Occupancy Taxes on behalf of Hercules residents who rent their residences to others using the Airbnb application and platform.

City Attorney Tang recused himself from this item and left the room. 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 Kelley, seconded by Vice Mayor Esquivias, to adopt Resolution 19-062. 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. [19-768](#) **Amendment to CDM Smith's Contract to Provide Consultant Services Related to Waterfront District Parking Management Plan**
Recommendation: Adopt a Resolution (see Attachment 1) approving and directing staff to execute a contract amendment with CDM Smith to provide additional consultant services to assist City staff in completing a parking management plan for the Waterfront District and, additionally, expand the scope of work to include formation of a Waterfront Public Parking District.

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

MOTION: A motion was made by Vice Mayor Esquivias, seconded by Council Member Kelley, to adopt Resolution 19-063. 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. [19-744](#)**Update on Open Space Encroachments**

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. The discussion resulted in a consensus of City Council directing staff to send notices to property owners that appear to have the most significant encroachment violations and to provide another update to City Council at a future meeting.

4. [19-766](#)**Report on Promenade Neighborhood Parking Survey**

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.

The discussion resulted in a consensus of City Council providing direction to staff to delegate this item to the Traffic and Safety Sub-committee to conduct workshops starting in January 2020 with residents that live in the Promenade and Railroad Avenue areas to receive community input related to parking issues. In addition, City Council gave direction to staff to communicate with the Promenade Homeowners Association to inquire if the HOA would be willing to educate and/or enforce their rules related to use of garages to ensure compliance. Furthermore, there was a consensus of City Council to consider a future budget referral to appropriate funds to form a preferential parking district.

5. [19-767](#)**Future Bus Service**

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.

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.

Requests for future agenda items: A future agenda item was requested by Mayor Romero to discuss the City's banner program. There was a

consensus of City Council to add this item as a future agenda item.

Mayor Romero closed the meeting in memory of Mario Zecchin.

XVI. ADJOURNMENT

Mayor Romero recessed the meeting at 10:11 p.m. to reconvene into closed session.

Mayor Romero adjourned the meeting at 10:48 p.m.

Dan Romero, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk