



# City of Hercules

111 Civic Drive  
Hercules, CA 94547

## Meeting Minutes

### City Council

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

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

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Tuesday, January 28, 2020

6:00 PM

Council Chambers

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**Special 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 Esquivias called the meeting to order at 6:02 p.m.

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

#### **II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS**

None.

#### **III. CONVENE INTO CLOSED SESSION**

City Attorney Tang announced the items listed on the agenda to be discussed in closed session.

Mayor Esquivias recessed the meeting at 6:04 p.m.

1. [20-128](#) 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. [20-129](#) 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 Esquivias called the meeting to order at 7:10 p.m.

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

## **V. REPORT ON ACTION TAKEN IN CLOSED SESSION**

City Attorney Tang identified the items discussed in closed session and stated that no final or reportable actions were taken in closed session.

## **VI. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Bailey.

## **VII. MOMENT OF SILENCE**

Mayor Esquivias called for a moment of silence in remembrance and observance of International Holocaust Remembrance Day.

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

1. [20-130](#) Proclamation - Special Recognition to Officer Jose Salala as the 2020 Police Officer of the Year  
  
Chief Imboden introduced Corporal Jose Salala and spoke to his achievement of earning Police Officer of the Year. Mayor Esquivias read aloud a Proclamation of Special Recognition to Corporal Salala. Corporal Salala spoke and thanked everyone for the special recognition.

Mayor Esquivias called for a short recess for a photo opportunity at 7:21 p.m.

Mayor Esquivias reconvened the meeting at 7:24 p.m.

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

City Manager Biggs identified the supplemental documents provided prior to the meeting and available at the side table for the public.

## **X. PUBLIC COMMUNICATIONS**

Public Speakers: Lauren Fetzer; Trina Araby.

## **XI. PUBLIC HEARINGS**

None.

## **XII. CONSENT CALENDAR**

Council Member Romero requested to pull Items 2 and 3.

Council Member Romero asked a question in regard to the yield used in the Investment report. City Manager Biggs addressed and answered

Council Member Romero's question.

Council Member Romero asked a question in regard to the Anti-Nepotism/Croynism item and how the city is notified if the policies are violated. Staff addressed and answered Council Member Romero's question.

Item 2 and 3 were placed back on the consent calendar.

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

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

1.     [20-131](#)     **Meeting Minutes**  
**Recommendation:** Approve the regular meeting minutes of January 14, 2020.  
Approved.
2.     [20-132](#)     **Investment Report for the Quarter Ending September 30, 2019**  
**Recommendation:** Accept the Investment Report for the quarter ending September 30, 2019.  
Received and Filed.
3.     [20-133](#)     **Update Regarding the Following Matters:**  
          1) Anti-Nepotism and Anti-Cronyism Ordinance;  
          2) Hercules Ethics Policy  
**Recommendation:** Accept and file the report.  
Received and Filed.
4.     [20-134](#)     **Authorize an Application Designating the Contra Costa Countywide Bicycle Advisory Committee as the Review Body for TDA Article 3 Pedestrian and Bicycle Funding in the City of Hercules**  
**Recommendation:** Adopt a Resolution authorizing application to the Metropolitan Transportation Commission for exemption from the local Bicycle Advisory Committee (BAC)/Bicycle and Pedestrian Advisory Committee (BPAC) Requirement and Designating the Contra Costa Countywide BAC as the review body for Transportation Development Act Article 3 Pedestrian and Bicycle Funding in the City of Hercules.  
Approved.

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

1.     [20-138](#)     **FY 2018-19 Comprehensive Annual Financial Reports Auditor Presentation**  
**Recommendation:** Receive a presentation from the Auditors on the Fiscal Year 2018-19 Comprehensive Annual Financial Reports (CAFR).  
  
City Manager Biggs introduced the item and provided a staff report and invited Elba Zuniga from CliftonLarsonAllen to present a summary of the audited financial statements.  
  
City Council asked questions and provided comments.
2.     [20-142](#)     **Update on Waterfront/Bayfront Parking Study and Future Steps**  
**Recommendation:** Receive Report, Discuss, and Provide Feedback and Direction, if any.  
  
City Manager Biggs introduced the item and provided a staff report. City Council asked questions and provided comments.  
  
A consensus of City Council was to move forward with the parking study provided the City obtains in writing the commitment of the developer to provide the additional 40 spaces which the developer has offered.
3.     [20-135](#)     **Professional Services Agreement with Bellecci & Associates in the Amount of \$74,200 for the Final Design of the Willow/Palm Sidewalk Project.**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an agreement with Bellecci & Associates for a not to exceed amount of \$74,200 for the final design of the Willow/Palm Sidewalk project.  
  
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 Council Member Romero, seconded by Council Member Bailey, to adopt Resolution 20-005. The motion carried by the following vote:**  
  
**Aye:** 5 - Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member D. Bailey, Council Member D. Romero, and Council Member G. Boulanger
4.     [20-137](#)     **2020 City Council Appointments on Regional Committees and Council Sub-Committees**  
**Recommendation:** Appointment of members of the City Council by the Mayor to both Regional Committees and Council Sub-committees.  
  
Mayor Esquivias asked the City Council members if they had any questions or concerns on the proposed draft Regional Appointments for

2020. With no questions or concerns brought forward, Mayor Esquivias approved the attached listing of appointments to the Regional Committees and Subcommittees for 2020.

5. [20-136](#)

**Update on Monument or Gateway Sign**

**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. There was a consensus of City Council to have this item come back with more information during the budget process to be considered as a possible City Council budget referral item.

**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.  
There were no future agenda items requested.

**XVI. ADJOURNMENT**

Mayor Esquivias adjourned the meeting at 10:03 p.m.

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Roland Esquivias, Mayor

Attest:

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Lori Martin, MMC  
Administrative Services Director/City Clerk