



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

Tuesday, February 11, 2020

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 Esquivias called the meeting to order at 6:00 p.m.

Present: 4 - Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member D. Romero, and
Council Member G. Boulanger

Absent: 1 - Council Member D. Bailey

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.

1. [20-144](#) 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. [20-145](#) 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
3. [20-146](#) Conference with Legal Counsel - Existing Litigation Pursuant to Government Code Section 54956.9 (d) (1). Rodum, Eva v. City of Hercules, et al, Contra Costa Superior Court Case No. CIVMSC18-01148

4. [20-150](#) Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9 (d) (2): In one (1) matter - Claim of Marylyn and Manuel Judan, Claim No. GL-013278

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

Mayor Esquivias called the meeting to order at 7:02 p.m.

Present: 4 - Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member D. Romero, and Council Member G. Boulanger

Absent: 1 - Council Member D. Bailey

V. REPORT ON ACTION TAKEN IN CLOSED SESSION

City Attorney Tang identified the items discussed in closed session which were Items 1, 3 and 4 stating there were no final or reportable actions taken. City Attorney Tang stated that the City Council will reconvene closed session at the end of the regular session to discuss Item 2, Anticipated Litigation in one (1) matter: Hercules Development Partners, LP / Ledcor Corporation.

VI. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Esquivias.

VII. MOMENT OF SILENCE

Mayor Esquivias called for a moment of silence for those that have lost their lives from the Coronavirus.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

None.

IX. AGENDA ADDITIONS/DELETIONS

City Manager Biggs stated that there were no additions, deletions or supplemental documents handed out prior to the meeting.

X. PUBLIC COMMUNICATIONS

Public Speakers: Ben Steinbert; Anton Jungherr; Lynne Noone; James Araby.

XI. PUBLIC HEARINGS

None.

XII. CONSENT CALENDAR

Council Member Romero pulled Item 2 to ask a question. Staff addressed and answered the question and Item 2 was put back on the consent calendar.

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

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

Absent: 1 - Council Member D. Bailey

1. [20-147](#) **Meeting Minutes**
Recommendation: Approve the regular meeting minutes of January 28, 2020.
2. [20-148](#) **Approval of the Amended Encroachment Easement and Agreement for Block N of the Bayfront Project**
Recommendation: Adopt a Resolution approving the amended encroachment easement and agreement for Block N of the Bayfront project and authorizing the City Manager to execute said agreement on behalf of the City Council.
3. [20-149](#) **Notice of Intent to Vacate a Portion of "Excess" Right-of-Way along San Pablo Avenue abutting the Hilltown Project**
Recommendation: Adopt a Resolution declaring a notice of intent to vacate "excess" right-of-way along San Pablo abutting the Hilltown project site and setting a public hearing for March 24, 2020 utilizing the process outlined in the Streets and Highways Code Section 8300 et seq and Government Code Section 65402.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [20-140](#) **Professional Services Agreement with HDR in the amount of \$1.15M for the Design of the Regional Internodal Transit Center (RITC) and Appropriating \$500K in Measure J TLC Grant Funding to Fully Fund said Agreement**
Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement with HDR for a not to exceed amount of \$1.15M for the design of the Regional Internodal Transit Center (RITC) and appropriating \$500K in Measure J TLC grant funding received by the Contra Costa Transportation Authority to fully fund said agreement.

City Manager Biggs introduced the item and Public Works Director Roberts provided a staff report. City Council asked questions and

provided comments. Representatives of HDR introduced themselves and provided additional information. HDR Representatives in attendance were: Linda Rimbach, Project Manager; Chris Goepel, Rail Expert; Vikrant Sanghai, Principle.

MOTION: A motion was made by Council Member Romero, seconded by Vice Mayor Kelley, to adopt Resolution 20-008. The motion carried by the following vote:

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

Absent: 1 - Council Member D. Bailey

2. [20-143](#) **Update on Code Compliance Efforts**

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. At the conclusion of the discussion City Manager Biggs stated that he would provide information during the budget process by way of a budget referral item for a part-time code enforcement officer.

XIV. PUBLIC COMMUNICATIONS

Public Speaker: Pil Orbison.

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 recessed the meeting at 8:51 p.m. to reconvene into closed session.

Mayor Esquivias adjourned the meeting at 9:20 p.m.

Roland Esquivias, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk