



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 25, 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 6:01 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.

1. [20-169](#) 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. [20-170](#) 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 7:07 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 were no final or reportable actions to report.

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 in memory of Noah Kendrix, a Hercules resident who passed away on February 6, 2020 at the age of 24.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

None.

IX. AGENDA ADDITIONS/DELETIONS

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

X. PUBLIC COMMUNICATIONS

Public Speaker: David Kavanaugh.

XI. PUBLIC HEARINGS

1. [20-173](#) **Mandatory Garbage/Solid Waste Disposal - Delinquent Accounts**
Recommendation: Conduct a Public Hearing and upon conclusion, consider adopting a Resolution confirming the report of delinquent accounts and placing liens on said properties and special assessments upon property taxes pursuant to City of Hercules Municipal Code Section 5-2.01 to 5-2.16, Mandatory Garbage/Solid Waste Disposal.

City Manager Biggs introduced the item. City Clerk Martin provided a staff report. City Council asked questions and provided comments. Ms. Janna Coverston from Republic Services provided additional information.

Mayor Esquivias opened the public hearing at 7:16 p.m.

Public Speaker: Shawn Hung.

Mayor Esquivias closed the public hearing at 7:18 p.m.

MOTION: A motion was made by Vice Mayor Kelley, seconded by Council Member Boulanger, to adopt Resolution 20-009. 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

XII. CONSENT CALENDAR

Council Member Romero requested to pull Item 3 for questions. Council Member Boulanger requested to pull Item 2 for questions.

City Manager Biggs provided a staff report on Item #2 and Finance Director Gato provided additional information.

City Manager Biggs provided a staff report on Item #3. Public Works Director Roberts provided additional information.

Items #2 and #3 were placed back on the consent calendar.

MOTION: A motion was made by Vice Mayor Kelley, seconded by Council Member Bailey, 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. [20-171](#) **Meeting Minutes**
Recommendation: Approve the special closed session and regular meeting minutes of February 11, 2020.
Approved.
2. [20-139](#) **Accept the FY 18-19 Annual Development Impact Fee Report**
Recommendation: Review, accept and file the annual development impact fee report for fiscal year end June 30, 2019.
Approved.
3. [20-174](#) **List of Projects for Fiscal Year 2020-21 Funded by SB 1: The Road Repair and Accountability Act of 2017**
Recommendation: Adopt a Resolution approving a list of projects for fiscal year 2020-21 funded by SB 1: the Road Repair and Accountability Act of 2017.
Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [20-177](#) **Discussion Regarding the Process for Becoming a Charter City for the Purpose of Increasing the Real Property Transfer Tax (RPTT)**
Recommendation: Review and discuss report, and provide direction, if any.

City Attorney Tang introduced the item and provided a staff report. City Council asked questions and provided comments.

Public Speakers: Susan Pricco; David Kavanaugh.

With a consensus of City Council, the following direction was provided to staff:
 1. To bring this item back to City Council for further discussion at the March 24, 2020 meeting. If the City Attorney needs more time to prepare the report he will contact the Mayor and set a meeting date as soon as possible after the March 24th meeting date.
 2. Provide more information on other aspects of becoming a Charter City and more specifically why some cities chose to become a Charter City and did not implement the increase to real property transfer tax.
 3. Provide information on contracting with a consultant to conduct public outreach and polling.
 4. Provide information on what other options can be explored in regards to generating additional revenue.
 5. Provide information on why there is a financial need to increase revenues through a tax measure.
2. [20-172](#) **Fiscal Year 2019-20 Mid Year Budget Review and Miscellaneous Mid Year Budget Appropriations and Adjustments**
Recommendation: Receive a report on the fiscal year 2019-20 mid-year budget review and adopt a Resolution approving various mid year budget appropriations and adjustments.

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

MOTION: A motion was made by Vice Mayor Kelley, seconded by Council Member Boulanger, to adopt Resolution 20-011. 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

Abstain: 1 - Council Member D. Bailey

3. [20-176](#) **Professional Services Agreement with BKF in the Amount of \$148,111 for the Design of the 2021 Annual Street Repair Project and Appropriating \$148,111 in Gas Tax Funding to Fully Fund Said Agreement**
Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement with BKF for a not to exceed amount of \$148,111 for the design of the 2021 Street Repair Project and appropriating \$148,111 in Gas Tax to fully fund said agreement.

City Manager Biggs introduced the item and Public Works Director Roberts provided a staff report. Public Works Director Roberts stated that Dayne Johnson with BKF is present to answer any questions. City Council asked questions and provided comments.

MOTION: A motion was made by Council Member Romero, seconded by Council Member Bailey, to adopt Resolution 20-012. 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. [20-141](#) **Operating Memorandum with Hercules Development Partners LP Regarding Bayfront Parking**
Recommendation: Approve an Operating Memorandum with Hercules Development Partners LP regarding Bayfront parking.

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 Kelley, seconded by Council Member Boulanger, to approve the Operating Memorandum with Hercules Development Partners LP. 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
5. [20-175](#) **Accept the Investment Report for the Quarter Ending December 31, 2019**
Recommendation: Accept and file the Investment report for the quarter ending December 31, 2019.

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 Vice Mayor Kelley, seconded by Council Member Bailey, to accept and file the Investment Report for the Quarter Ending December 31, 2019. 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

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:

1. Council Member Boulanger requested a discussion item regarding the City's water bill and usage and discuss ways to reduce usage.
2. Council Member Romero requested a discussion item on what percentage of retail sales tax and other taxes does the city receive.

There was a consensus of City Council to discuss both items at a future meeting.

XVI. ADJOURNMENT

Mayor Esquivias adjourned the meeting at 10:11 p.m.

Roland Esquivias, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk