



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, June 23, 2020

7:00 PM

Council Chambers

REGULAR MEETING - 7:00 P.M.

I. 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

II. REPORT ON ACTION TAKEN IN CLOSED SESSION

City Attorney Tang stated that he reported out from closed session during the special meeting held at 5:30 p.m.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Esquivias.

IV. MOMENT OF SILENCE

Mayor Esquivias called for a moment of silence for Federal Security Officer, Patrick Underwood who was shot and killed in Oakland while guarding the Federal building.

V. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

None.

VI. 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 City website.

VII. PUBLIC COMMUNICATIONS

City Clerk Martin read public comments into the record. Public comments were received from:

Josh Broward; Nancy Arms; Susan Keeffe; Sarah Creeley; Cedrick Gousse; Sylvia Villa Serrano; Jamela Smith; Cameron Folds; Renell Farley; Tiffany Grimsley; Rich Marta; Pil Orbison.

VIII. PUBLIC HEARINGS

By consensus, City Council re-ordered the public hearing agenda items to take Items 3 and 4 first, followed by Items 1 and 2.

1. [20-273](#) **Continued Public Hearing on Proposed FY 2020-21 City of Hercules Budget Plan Including the First Year of the Five Year 2020-2025 Capital Improvement Budget**

Recommendation: Open the continued public hearing, receive a staff report, take public testimony, close the public hearing, and adopt the following Resolutions:

a. Resolution approving the FY 2020-21 City of Hercules budget plan which includes the first year of the five year (2020-2025) capital improvement budget and making certain designations and fund balance adjustments, approving 22 annual contracts for services in a total amount of \$3,473,640.

b. Resolution approving the FY 2020-21 Hercules Public Financing Authority budget plan consisting of debt service in the amount of \$2,210,586.

c. Resolution establishing the appropriations limit for the FY 2020-21 in accordance with Proposition 111 and Article XIII B.

Mayor Esquivias opened the continued public hearing at 9:41 p.m.

City Clerk Martin read public comments into the record. Public comments were received from the following members of the public: Josh and Sarah Broward; Hercules Library Foundation; Alex Walker-Griffin; Myrna Godinez; Estrela DePaz; Paul Freese; Teresa Kearns.

City Manager Biggs provided an update on the budget since the last meeting. City Council asked questions and provided comments. City Council and staff went through an exercise of populating various options into the budget balancing spreadsheet.

Mayor Esquivias closed the public hearing at 11:34 p.m.

MOTION: A motion was made by Vice Mayor Kelley, seconded by Council Member Bailey to adopt Resolution 20-045 with the incorporation of the changes made to the budget balancing spreadsheet.

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

MOTION: A motion was made by Council Member Romero and seconded by Vice Mayor Kelley to adopt Resolution 20-046, Hercules Public Financing Authority budget plan for FY 2020-21.

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

MOTION: A motion was made by Vice Mayor Kelley and seconded by Council Member Romero to adopt Resolution 20-047 establishing the appropriations limit for FY 2020-21.

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

2. [20-274](#) **Public Hearing on Approving Additions, Deletions and Adjustments to the Master Fee Schedule with Said Additions, Deletions and Adjustments to become effective July 1, 2020**

Recommendation: Open the public hearing, receive a staff report, take public testimony, close the public hearing and consider adopting a Resolution approving the Master Fee Schedule effective July 1, 2020.

Mayor Esquivias continued this item to the August 11, 2020 City Council meeting due to the time being after 11:00 p.m. The Council Rules of Procedure prohibit the opening of new items after 11:00 p.m.

3. [20-268](#) **Continued Public Hearing - Resolution Adopting Required Findings and Approving a Multi-Year Energy Service Contract for Energy Related Services and Improvements to City Facilities with Engie Services U.S.**

Recommendation: Receive a report from staff and presentation from ENGIE, discuss and consider an Engineering Services Contract with ENGIE for a \$2.9M base option to install solar arrays, LED lighting on City-owned facilities and streetlights, and retrocommissioning the Library HVAC or alternatively \$3.9M for Option A to include replacing the City Hall HVAC System.

City Manager Biggs introduced the item. Ms. Kelly Fergusson and other Engie representatives provided additional information and an update since the last meeting.

Mayor Esquivias opened the continued public hearing at 7:43 p.m. City

Council asked questions and provided comments. Mayor Esquivias closed the public hearing 9:14 p.m. with no comments offered from the public.

Motion by Council Member Romero, seconded by Council Member Boulanger to adopt Resolution 20-048 with Option A contingent upon the City being able to secure the financing. The motion passed by the following vote:

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

Nay: 1 - Council Member D. Bailey

4. [20-269](#)

Continued Public Hearing - Adopt Required Findings and Approve a Finance Agreement and Related Loan Documents with Sterling National Bank to Fund Energy Related Improvements and Services at City of Hercules Facilities for an Estimated Amount of Between \$3,000,000 and \$4,000,000

Recommendation: Adopt a Resolution making certain findings and approve related loan documents with Sterling National Bank to fund energy related improvements and services at City facilities for an estimated cost of \$3,166,466 to \$4,209,354 with the final amount to be financed dependent on the scope of energy conservation improvements to city facilities.

Mayor Esquivias opened the continued public hearing at 9:19 p.m.

City Manager Biggs introduced the item and gave a brief update. City Manager Biggs made a suggestion to continue the Public Hearing open to August 11, 2020.

City Council asked questions and provided comments. City Manager Biggs offered a suggestion that if City Council is inclined to approve the financing to make the approval contingent upon Sterling Bank being agreeable to extending the escrow close date to August 14, 2020. If Sterling Bank is not agreeable to this amendment, the City Council could consider alternate financing proposals at the August 11, 2020 City Council meeting.

Mayor Esquivias continued the public hearing to the August 11, 2020 City Council meeting at 9:27 p.m.

Mayor Esquivias called for a short recess at 9:30 p.m.

Mayor Esquivias reconvened the meeting at 9:40 p.m.

MOTION: A motion was made by Council Member Romero, seconded by Council Member Boulanger, to adopt Resolution 20-049 with Option A contingent upon Sterling Bank extending the closing date until August 14, 2020. 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

Nay: 1 - Council Member D. Bailey

IX. CONSENT CALENDAR

None.

X. DISCUSSION AND/OR ACTION ITEMS

None.

XI. PUBLIC COMMUNICATIONS

City Clerk Martin read a public comment received from Tamara Nubin into the record.

XII. 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. A request was made by Council Member Bailey to add the Police Chief Imboden's statement which went out on social media to be added to the City website as well. There was a consensus of City Council supporting this request. Council Member Romero reminded everyone that there is a household hazardous waste collection event on Saturday, June 27th from 8:00 a.m. to 1:00 p.m. at the Hercules Corp Yard.

Future Agenda Items:

Mayor Esquivias and Council Member Bailey requested an item on an upcoming agenda regarding police policies related to use of force. By consensus of City Council, it was agreed to have a special meeting to discuss this topic.

By consensus of City Council it was agreed that a town hall community workshop hosted by the Police Chief and City Manager to discuss police policies related to use of force should occur prior to the special Council meeting.

XIII. ADJOURNMENT

Mayor Esquivias adjourned the meeting at 12:05 a.m.

Roland Esquivias, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk