



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, September 22, 2020

6:00 PM

Virtual Meeting Via Zoom

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 6:11 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

City Clerk Martin read aloud a public comment submitted by Pil Orbison.

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 6:15 p.m.

1. [20-327](#) Pursuant to Government Code Section 54957.6 Conference With Labor Negotiators - City Negotiators: David Biggs, City Manager; Edwin Gato, Director of Finance; Lori Martin, Director of Administrative Services relative to the following employee groups:
 - a. Teamsters Local 315 Employee Organizations
2. [20-315](#) Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager (Discuss Annual Evaluation Per Employment Agreement)

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

Mayor Esquivias called the meeting to order at 7:21 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 reported that there were no final or reportable actions taken on the Labor Negotiation item with the Teamsters Local 315. City Attorney Tang reported that the City Manager Evaluation item was tabled to the next City Council meeting which will start at 5:30 p.m.

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 a long time Hercules resident, Beverly Demoris who passed away on June 7, 2020.

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 City website.

X. PUBLIC COMMUNICATIONS

City Clerk Martin read aloud a public comment submitted by Georgio Consentino.

XI. PUBLIC HEARINGS

1. [20-333](#) **Public Hearing to Consider Resolution Approving Requested Modifications to Existing Approvals for the Hill Town Project, Including Final Planned Development Plan #19-01 and Design Review Permit #19-02, Following Community Development Director's Denial Pursuant to Chapter 13-46 of the Hercules Municipal Code**
Recommendation: Open the public hearing, receive a presentation from City staff and the applicant, receive any testimony from the public, ask applicant team or City staff to answer questions, and if ready to take action,

close the public hearing and consider adopting the following Resolution for the project entitlements.

City Manager Biggs introduced the item and Community Development Director Reber provided a brief staff report followed by a presentation by representatives of Santa Clara Valley Housing Development.

Mayor Esquivias opened the Public Hearing at 7:34 p.m.

City Council asked questions and provided comments.

Mayor Esquivias closed the public hearing at 8:34 p.m. with no comments offered from the public.

Community Development Director Reber stated that a correction will be made to the Findings of Facts in the Resolution to change the affordable housing from 20% to 5%.

Council Member Bailey motioned to approve the minor modifications presented and further modify by adding an additional condition of approval requirement to install a half basketball court in the park. The motion was seconded by Council Member Boulanger. Council Member Romero requested a discussion of the motion and requested that the requirement of adding a half basketball court be removed. Council Member Bailey did not accept an amendment to the motion. The motion failed 4-1.

Council Member Romero motioned to approve the Resolution as presented, seconded by Council Member Boulanger. Motion passed 5-0.

MOTION: A motion was made by Council Member Bailey, seconded by Council Member Boulanger, to amend the Resolution to require the developer to add a half basketball court to the park. The motion failed by the following vote:

Aye: 1 - Council Member D. Bailey

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

MOTION: A motion was made by Council Member Romero, seconded by Council Member Boulanger, to adopt Resolution 20-058. 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

MOTION: A motion was made by Vice Mayor Kelley, seconded by Council Member Romero, 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. [20-330](#) **Minutes**
Recommendation: Approve the regular meeting minutes of September 8, 2020.
Approved.

2. [20-329](#) **2nd Reading and Adoption to Amend Hercules Municipal Code Title 2, Chapter 2, "Boards and Commission", to 1) Change the Finance Commission Meeting Schedule from Monthly to Bi-Monthly pursuant to City Council Resolution 19-019; 2) Amend Title 8, Chapter 8 to Amend the Finance Commission Oversight Subcommittee to Reflect that it will meet pursuant to Title 2, Chapter 2, Section 2-2.607**
Recommendation: Approve the 2nd reading and adopt Ordinance 528 to amend the Hercules Municipal Code Title 2, Chapter 2 and Title , Chapter 8 amending the Finance Commission and the Finance Commission Oversight Subcommittee to change the meeting schedule from monthly to bi-monthly as established by City Council Resolution 19-019.
Approved.

3. [20-334](#) **Review Upcoming Council Agenda Items List**
Recommendation: Recieve report, discuss, and provide direction, if any.
Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [20-326](#) **Update on Regional Intermodal Transportation Center Design**
Recommendation: Receive report, discuss, and provide direction, if any.

City Manager Biggs introduced the item and provided a presentation on the Regional Intermodal Transportation Center Design project. City Council asked questions and provided comments.

2. [20-337](#) **Sycamore Avenue Trunk Sewer Replacement Project Update**
Recommendation: Receive a presentation on the status of the Sycamore Avenue Trunk Sewer Replacement Project.
- Public Works Director Roberts introduced the item and provided a staff report. Anne Prudhel, Project Manager gave a presentation on the Sycamore Avenue Trunk Sewer Replacement Project.
- City Council asked questions and provided comments.
3. [20-332](#) **Award of Construction Contract for the Civic & Sycamore Pedestrian Enhancement Project**
Recommendation: Adopt a Resolution authorizing the City Manager to execute a construction contract with HM Construction for the Civic & Sycamore Pedestrian Enhancement Project.
- Public Works Director Roberts 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 Bailey, to adopt Resolution 20-059. 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. [20-325](#) **Business License Tax Structure**
Recommendation: Receive report, discuss, and provide direction, if any.
- This item was tabled to the next City Council meeting.
5. [20-328](#) **League of California Cities Conference Resolution**
Recommendation: Discuss the Resolution to be voted on at the upcoming League of California Cities annual conference business meeting being held virtually on October 9th at 11:00 AM and provide input to the City's voting delegation.
- City Manager Biggs introduced the item and City Clerk Martin provided a staff report. City Council discussed the Resolution to be voted on at the League of California Cities annual business meeting.
- MOTION: A motion was made by Council Member Romero, seconded by Council Member Boulanger, to provide voting direction to the City's voting delegate to vote no on the Resolution at the League of California Cities annual business meeting. 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

6. [20-335](#)**SB 946 Sidewalk and Park Vending Requirements and Proposed Draft Ordinance**

Recommendation: Accept staff report, discuss, and direct staff to amend amendments to the Hercules Municipal Code to establish revised regulations for sidewalk and park vendors consistent with the requirements of SB 946.

This item was tabled to the next City Council meeting.

XIV. PUBLIC COMMUNICATIONS

City Clerk Martin read aloud a public comment submitted by Tiffany Grimsley.

XV. CITY COUNCIL/CITY MANAGER/CITY ATTORNEY ANNOUNCEMENTS, COMMITTEE, SUB-COMMITTEE AND INTERGOVERNMENTAL COMMITTEE REPORTS AND FUTURE AGENDA ITEMS

Future Agenda Items:

Council Member Boulanger requested a follow up update and City Council discussion on the RITC main design project. A poll was taken by Mayor Esquivias which resulted in consensus of the City Council to add this discussion item to the pending agenda items list.

Council Member Romero requested a presentation by Bio-Rad on their solar facility project. Mayor Esquivias conducted a poll which resulted in a consensus of the City Council to add this item to the pending agenda items list.

Council Member Romero requested a discussion regarding Code Enforcement/Compliance and Parking Enforcement during the Covid-19 time period. Mayor Esquivias conducted a poll which resulted in a consensus of the City Council to add this item to the pending agenda items list.

Council Member Romero mentioned that there are a few older items on the pending agenda items list and asked if the preferred parking district in Victoria by the Bay can come forward prior to the end of the year.

XVI. ADJOURNMENT

Mayor Esquivias adjourned the meeting at 11:25 p.m.

Roland Esquivias, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk