



# City of Hercules

111 Civic Drive  
Hercules, CA 94547

## Meeting Minutes

### City Council

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

*David Biggs, City Manager*  
*Patrick Tang, City Attorney*

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Tuesday, October 13, 2020

5:30 PM

Virtual Meeting Via Zoom

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**CLOSED SESSION - 5:30 P.M.**  
**REGULAR SESSION - 7:00 P.M.**

#### **I. SPECIAL MEETING - CLOSED SESSION – 5:30 P.M. CALL TO ORDER - ROLL CALL**

Mayor Esquivias called the meeting to order at 5:30 p.m.

**Present:** 4 - Mayor R. Esquivias, Council Member D. Bailey, Council Member D. Romero, and Council Member G. Boulanger

**Absent:** 1 - Vice Mayor C. Kelley

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

City Clerk Martin read aloud a public comment from 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 5:40 p.m.

1. [20-349](#) Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager (Discuss Annual Evaluation Per Employment Agreement)
2. [20-350](#) 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

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

Mayor Esquivias called the meeting to order at 7:00 p.m.

**Present:** 4 - Mayor R. Esquivias, Council Member D. Bailey, Council Member D. Romero, and Council Member G. Boulanger

**Absent:** 1 - Vice Mayor C. Kelley

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

City Attorney Tang reported that the closed session item related to the City Manager evaluation was not discussed and was continued to the next meeting. City Attorney Tang stated that there were no final or reportable actions for the closed session item related to the labor negotiations, however there is an action item on the open session meeting related to labor negotiations.

**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 the October 7, 2020 passing of San Francisco Firefighter Paramedic, Jason Cortez. Mr. Cortez died after sustaining injuries from a training accident.

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

1. [20-346](#) Presentation by Bio-Rad on their Going Green and Solar Project  
Troy Clement and Oscar Gomez from Bio-Rad gave a presentation regarding the company's Going Green and Solar project.

**IX. AGENDA ADDITIONS/DELETIONS**

City Manager Biggs stated that there were no additions or deletions to the agenda.

**X. PUBLIC COMMUNICATIONS**

City Clerk Martin read aloud public comments received from: Pil Orbison; Elanor Gumban; Celsa Taraya; Lori Chinn; Alma Yee.

**XI. PUBLIC HEARINGS**

None.

**XII. CONSENT CALENDAR**

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

**Aye:** 4 - Mayor R. Esquivias, Council Member D. Bailey, Council Member D. Romero, and Council Member G. Boulanger

**Absent:** 1 - Vice Mayor C. Kelley

1. [20-348](#) **Minutes**  
**Recommendation:** Approve the regular meeting minutes of September 22, 2020.  
Approved.
2. [20-343](#) **Conflict of Interest Code Biennial Review**  
**Recommendation:** Adopt a Resolution amending the City's Conflict of Interest Code for designated employees, consultants, boards, committees and commissions for the City of Hercules.  
Approved.
3. [20-359](#) **Surplus Vehicles**  
**Recommendation:** Adopt a Resolution declaring six (6) City fleet vehicles as surplus property and authorize the disposal of the vehicles.  
Approved.

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

1. [20-340](#) **Business License Tax Structure**  
**Recommendation:** Receive report, discuss, and provide direction, if any.  
  
City Manager Biggs introduced the item and provided a staff report. Council Member Boulanger consulted with City Attorney Tang to ask if he can participate in the discussion since he has a business license with the City. City Attorney Tang stated that because this discussion is related to all businesses and not just his that he does not have a conflict and can participate in the discussion.  
  
City Council asked questions and provided comments. City Manager Biggs stated that he will reach out to Avenu to obtain an updated list of business licenses by business type and bring that information back to City Council at a future meeting. City Manager Biggs stated that he will also invite representatives of Avenu to attend the Council Meeting and be available to answer questions.

2. [20-341](#) **SB 946 Sidewalk and Park Vending Requirements and Proposed Draft Ordinance**  
**Recommendation:** Accept staff report, discuss, and direct staff to agendaize amendments to the Hercules Municipal Code to establish revised regulations for sidewalk and park vendors consistent with the requirements of SB 946.  
  
City Manager Biggs introduced the item. City Attorney Tang provided a staff report. City Council asked questions and provided comments.  
  
City staff will update the proposed draft ordinance based on the discussion and bring this item back for further review at the October 27, 2020 City Council meeting.
3. [20-342](#) **Acceptance of the Classification and Compensation Report dated November 22, 2019**  
**Recommendation:** Staff recommends the City Council:  
1. Approve updated job descriptions as listed in Attachment 1;  
2. Approve the recommended changes to the classification plan in Attachment 2;  
3. Approve salary increases as follows: Recreation Manager 5.3% based on market data and City policy;  
4. Approve reclassification to best meet operational needs: Community Development Specialist 5%, and Associate Engineer (new classification) 5%;  
5. Approve freezing or "y-rating" the salary range for the classification of Maintenance Worker II based on market data and City policy.  
  
City Manager Biggs introduced the item and City Clerk Martin provided a staff report. City Council asked questions and provided comments.  
  
**MOTION: A motion was made by Council Member Romero, seconded by Council Member Boulanger, to approve the updated job descriptions in Attachment 1 and approving the recommended changes to the Classification Plan in Attachment 2 of the Classification and Compensation Study, dated November 22, 2019. The motion carried by the following vote:**  
  
**Aye:** 4 - Mayor R. Esquivias, Council Member D. Bailey, Council Member D. Romero, and Council Member G. Boulanger  
  
**Absent:** 1 - Vice Mayor C. Kelley
4. [20-344](#) **Approve Memorandum of Understandings (MOUs) with the Teamsters Local 315 Full-Time and Part-Time Units and Approve Updated FY 2020-21 Salary Schedules**  
**Recommendation:** Adopt a Resolution approving Memorandum of Understandings (MOUs) with Teamsters Local 315 full-time and part-time units; and adopt the updated FY 2020-21 salary schedules for 1) Teamsters full-time and part-time represented employees; 2) Updated FY

2020-21 salary schedule for unrepresented part-time employees; 3) Updated FY 2020-21 salary schedule for Senior Management and Unrepresented employees; 4) Updated salary schedule for Mid-Management Employees.

City Manager Biggs introduced the item and City Clerk Martin provided a staff report. Finance Director Gato provided additional fiscal information on this item. City Council asked questions and provided comments.

**MOTION: A motion was made by Council Member Romero, seconded by Council Member Bailey, to adopt Resolution 20-062 including the revised attached salary schedules. The motion carried by the following vote:**

**Aye:** 4 - Mayor R. Esquivias, Council Member D. Bailey, Council Member D. Romero, and Council Member G. Boulanger

**Absent:** 1 - Vice Mayor C. Kelley

5. [20-345](#) **Continued Discussion Regarding Accessory Dwelling Units (ADUs)**  
**Recommendation: Receive report, review proposed changes to City's ADU Ordinance, and direct staff to (1) prepare any additional amendments to the City's ADU Ordinance consistent with state law, and (2) bring any such changes back to the Council for initial review, or in the alternative, take to the Planning Commission for consideration and recommendation before introduction and adoption by the Council.**

City Manager Biggs introduced the item and Community Development Director Reber provided a staff report. Assistant City Attorney Crowl added additional information. City Council asked questions and provided comments. City Council provided direction to staff to incorporate the changes discussed tonight and refer this item to the Planning Commission for their review and recommendation to City Council on the Ordinance amendment. After Planning Commission review, this item will come before City Council as a public hearing for an Ordinance amendment.

Public Comment: a public comment was submitted by Stephen Lawton and was provided to City Council and staff with a copy posted to the city's website.

**MOTION: A motion was made by Council Member Boulanger, seconded by Council Member Bailey, directing staff to incorporate changes discussed at the October 13, 2020 City Council meeting to the draft Ordinance and then refer to Planning Commission for review and recommendation to City Council. The motion carried by the following vote:**

**Aye:** 4 - Mayor R. Esquivias, Council Member D. Bailey, Council Member D. Romero, and Council Member G. Boulanger

**Absent:** 1 - Vice Mayor C. Kelley

**XIV. PUBLIC COMMUNICATIONS**

None.

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

No reports or announcements were made due to the late hour. No future agenda items were requested.

**XVI. ADJOURNMENT**

Mayor Esquivias adjourned the meeting at 11:19 p.m.

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Roland Esquivias, Mayor

Attest:

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Lori Martin, MMC  
Administrative Services Director/City Clerk