

**CITY OF HERCULES
CITY COUNCIL MINUTES**

**July 11, 2017
6:00 p.m. Closed Session
7:00 p.m. Regular Meeting**

I. ROLL CALL – CALL TO ORDER – 6:00 P.M.

Present: Council Members Boulanger, Esquivias, Romero, Vice Mayor Kelley and Mayor de Vera
Absent: None.

II. PUBLIC COMMUNICATION – CLOSED SESSION ITEMS

Speakers: Pil Orbison.

III. CONVENE INTO CLOSED SESSION

1. Pursuant to Government Code Section 54957.6 CONFERENCE WITH LABOR NEGOTIATORS – City Negotiators: David Biggs, City Manager; Annie To, Director of Finance; Lori Martin, Director of Administrative Services relative to the following employee groups:

- Hercules Police Officers Association

2. Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Title: City Manager (Discuss Annual Evaluation Per Employment Agreement).

3. Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE - RETIREMENT

IV. REGULAR MEETING – 7:07 P.M.

RECONVENE TO OPEN SESSION - ROLL CALL

Present: Council Members Boulanger, Esquivias, Romero, Vice Mayor Kelley, Mayor de Vera

Absent: None.

V. REPORT ON ACTION TAKEN IN CLOSED SESSION

Action: City Attorney Tang announced that there is no final or reportable actions on Closed Session Items 1 or 2. City Attorney Tang reported action taken on Item 3 stating that City Council discussed a disability retirement application of a Police Officer and approved by a unanimous vote to approve a Resolution required by CalPERS to grant the Police Officer an Industrial Disability Retirement and advance his disability retirement payments consistent with State law until such time as CalPERS can issue the disability payments. City Attorney Tang stated that the Resolution approved by City Council is available upon request. City Attorney Tang reported that a motion was moved by Council Member Romero and seconded by Vice Mayor Kelley and the motion carried unanimously to approve the Resolution for Disability Retirement.

VI. PLEDGE OF ALLEGIANCE

VII. MOMENT OF SILENCE

Action: Mayor de Vera called for a moment of silence for the military plane crash in Mississippi that killed 16 people.

VII. INTRODUCTIONS/PRESENTATIONS – None.

- 1. Present Certificate of Appreciation to the Celebrate Hercules Association Committee for their efforts on the 4th Annual Celebrate Hercules 4th of July Event**

Action: Mayor de Vera tabled this item to the July 25th Council meeting.

VIII. AGENDA ADDITIONS/DELETIONS

Action: City Manager Biggs identified the supplemental material provided prior to the meeting.

IX. PUBLIC COMMUNICATIONS

Speakers: Bob Polacchi, Pil Orbison

X. PUBLIC HEARINGS

- 1. Mandatory Garbage/Solid Waste Disposal Delinquent Accounts**

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution confirming the report of delinquent accounts and placing liens on said properties and special assessments upon property taxes pursuant to Hercules Municipal Code Section 5-1.01 to 5-2.16, Mandatory Garbage/Solid Waste Disposal.

Action: Mayor de Vera opened the public hearing at 7:20 p.m. Mayor de Vera closed the public hearing at 7:20 p.m. with no comments offered from the public.

Speakers: Janna Coverston.

Action: Moved by Council Member Romero, seconded by Council Member Boulanger to adopt Resolution 17-051. The motion carried by the following vote:

Aye: 5 – Council Members Boulanger, Esquivias, Romero, Vice Mayor Kelley, Mayor de Vera

XI. CONSENT CALENDAR

Action: Council Member Romero requested to pull Items 1 and 2 from Consent Calendar and vote on each individually.

- 1. Approval of Minutes**

Recommendation: Approve Minutes for the City Council Meeting of June 13, 2017.

Action: Moved by Vice Mayor Kelley, seconded by Council Member Esquivias to approve the City Council meeting minutes of June 13, 2017. The motion carried by the following vote:

Ayes: Council Members: Esquivias, Boulanger, Vice Mayor Kelley, Mayor de Vera.

Nays: Council Member Romero.

- 2. Ordinance 502 Amending Hercules Municipal Code Title 7, Chapter 1 to Allow the City to Require the Addition of City Communications Infrastructure as a Condition of Approval of Any Permit Issued for an Excavation Project**

Recommendation: Waive the second reading and adopt Ordinance 502 amending Hercules Municipal Code Title 7, Chapter 1.

Action: Council Member Romero recommended an amendment to Section 7-1.323(j)(1) of the Ordinance to change the language to reflect the City Manager may exempt projects and amend Section 7-1.323(j)(2) and (3) to City Manager instead of Director.

Action: Moved by Council Member Romero, seconded by Vice Mayor Kelley to adopt Ordinance 502 as amended. The motion carried by the following vote:

Ayes: Council Members: Esquivias, Boulanger, Romero, Vice Mayor Kelley, Mayor de Vera.

XII. DISCUSSION AND/OR ACTION ITEMS

1. Approve Memorandum of Understanding with the Hercules Police Officers Association

Recommendation: Adopt a Resolution Approving a Memorandum of Understanding with the Hercules Police Officers Association.

Speakers: None.

Action: Moved by Vice Mayor Kelley, seconded by Council Member Esquivias to adopt Resolution 17-052. The motion carried by the following vote:

Ayes: Council Members: Esquivias, Boulanger, Romero, Vice Mayor Kelley, Mayor de Vera.

2. Award a Construction Contract to O.C. Jones & Sons for the 2017 Pavement Maintenance Project

Recommendation: Adopt a Resolution authorizing the City manager to execute a construction contract in the amount of \$689,906 for the 2017 Pavement Maintenance Project and authorizing an additional expenditure of up to \$68,990 for a 10% contingency on said construction contract.

Action: Moved by Council Member Esquivias, seconded by Council Member Boulanger to adopt Resolution 17-053. The motion carried by the following vote:

Ayes: Council Members: Esquivias, Boulanger, Romero, Vice Mayor Kelley, Mayor de Vera.

3. Receive and File the Finance Commission's Annual Report on Measure B/O and C/A for FY 2015-16

Recommendation: Receive and file the report.

Speaker: Stanley Tom.

Action: The Finance Commission's Annual Report on Measure B/O and C/A was received and filed.

4. City Council 2017 Regular Meeting Dates

Recommendation: Review the schedule of City Council regular meeting dates for 2017 and consider cancelling the November 28th meeting due to the Thanksgiving Holiday closure schedule.

Action: By consensus City Council cancelled the regular meeting date of November 28, 2017. The regular meeting dates of August 22nd and December 26th remain cancelled and if needed may call a special meeting in December 2017.

5. Consider Possible Reinstatement of City Council Health Benefits

Recommendation: Receive report, discuss options, and if applicable, adopt a Resolution reinstating City Council medical insurance benefits.

Speakers: Mary Tobin Kelly, Sherry McCoy, John Delgado, Pil Orbison, Selina Williams, Lauren Barton.

Action: Moved by Council Member Romero, seconded by Council Member Boulanger to adopt Resolution 17-054 reinstating City Council health benefits at the Kaiser single level, annual cost not to exceed approximately \$45,000, and an opt out provision of 50%.

Action: A substitute motion was made and moved by Mayor de Vera, seconded by Vice Mayor Kelley to not reinstate the City Council health benefits. The motion failed by the following vote:

Ayes: Vice Mayor Kelley, Mayor de Vera.

Nays: Council Members: Boulanger, Esquivias, Romero

Action: Council Member Romero amended his motion to include language in the Resolution to allow a Council Member to waive health benefits and waive the opt-out provision of 50%, seconded by Council Member Boulanger. The motion passed by the following vote:

Ayes: Council Members: Esquivias, Boulanger, Romero.

Nays: Vice Mayor Kelley, Mayor de Vera.

6. Receive Report on Strategic Planning Workshop and Hercules Strategic Plan 2017

Recommendation: Receive and file report on Strategic Planning Workshop and adopt the Hercules Strategic Plan 2017.

Action: City Council discussed and made minor amendments to the plan and by consensus would like to review the strategic plan again prior to the next budget season and once a 5 year financial forecast report is provided.

Action: Moved by Vice Mayor Kelley, seconded by Council Member Esquivias to receive and file the report by Management Partners and accept the initial Hercules Strategic Plan 2017 as amended. The motion passed by the following vote:

Ayes: Council Members: Esquivias, Vice Mayor Kelley, Mayor de Vera.

Nays: Council Member Boulanger

Abstain: Council Member Romero

Action: Mayor de Vera recessed the meeting at 10:22 p.m.

Action: Mayor de Vera reconvened the City Council meeting at 10:28 p.m.

7. Approve City Council Rules of Procedure, Sections 2.8, 4.7 and 6 and Review Sections 7 and 8

Recommendation: Approve City Council Rules of Procedure, Section 2.8., 4.7 and 6 amended at the May 23, 2017 City Council meeting and review and recommend changes to Sections 7 and 8, if any.

Action: City Council made additional amendments to Section 2.8. No further amendments were recommended to Sections 4.7 and 6 and approved Sections 4.7 and 6 as presented. In addition, amendments were made to Sections 7 and 8 by consensus of the City Council.

Action: Moved by Council Member Romero, seconded by Vice Mayor Kelley to approve Sections 2.8, 4.7 and 6 as amended and to review additional redlined version of amendments

made to Sections 7 and 8 and to do a first review of Sections 9 – 11 at the August 8, 2017 City Council meeting. The motion passed by the following vote:

Ayes: Council Members: Esquivias, Boulanger, Romero, Vice Mayor Kelley, and Mayor de Vera.

8. Designation of Voting Delegate and Alternates for the League of California Cities Annual Conference and Business Meeting

Recommendation: Discuss and appoint a voting delegate and alternate(s) for the League of California Cities Annual Conference and Business Meeting to be held September 13-15, 2017 in Sacramento, CA.

Action: By consensus of City Council Mayor de Vera was appointed the voting delegate for the League of California Cities business meeting with Council Member Esquivias as Alternate 1 and Council Member Boulanger as Alternate 2.

9. Receive Report Regarding an Update on Current Development Sites within the City of Hercules

Action: City Manager Biggs gave a Power Point presentation on current, pending and public development sites within the City of Hercules.

Action: The report was received and filed.

XIII. PUBLIC COMMUNICATIONS (continued)

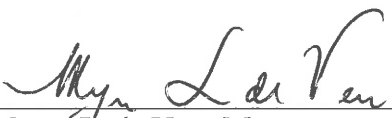
Speakers: None.

XIV. CITY COUNCIL/CITY MANAGER ANNOUNCEMENTS AND CITY COUNCIL COMMITTEE, SUB-COMMITTEE AND INTERGOVERNMENTAL COMMITTEE REPORTS

Action: Members of the City Council and staff reported on events and committee meetings.

XV. ADJOURNMENT.

Mayor de Vera adjourned the meeting at 10:56 p.m.



Myrna L. de Vera, Mayor

