



# City of Hercules

111 Civic Drive  
Hercules, CA 94547

## Meeting Minutes

### City Council

*Mayor Myrna de Vera*  
*Vice Mayor Chris Kelley*  
*Council Member Dan Romero*  
*Council Member Gerard Boulanger*  
*Council Member Roland Esquivias*

*David Biggs, City Manager*  
*Patrick Tang, City Attorney*  
*Lori Martin, City Clerk*

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Tuesday, July 25, 2017

7:00 PM

Council Chambers

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**Closed Session - 6:00 P.M.**

**Regular Meeting - 7:00 P.M.**

#### **I. SPECIAL MEETING - CLOSED SESSION – 6:00 P.M. CALL TO ORDER - ROLL CALL**

The meeting was called to order at 6:04 p.m.

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

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

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

None.

#### **III. CONVENE INTO CLOSED SESSION**

City Attorney Tang announced the items to be discussed in closed session. Mayor de Vera recessed the meeting to go into closed session at 6:06 p.m.

1. Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager (Discuss Annual Evaluation Per Employment Agreement)
2. Pursuant to Government Code Section 54956.9, Conference with Legal Counsel - Potential Litigation - Exposure to litigation in one (1) case.

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

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

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

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

City Attorney Tang reported that there was no final or reportable action on Item 2. Mayor de Vera reported on Item 1 stating that the City Council completed the performance evaluation of City Manager Biggs stating further that the evaluation was favorable and that the City Council is extending Mr. Biggs employment contract.

**VI. PLEDGE OF ALLEGIANCE****VII. MOMENT OF SILENCE**

Mayor de Vera called for a moment of silence for the recent passing of Hercules resident Annette Marrone.

**VIII. INTRODUCTIONS/PRESENTATIONS**

1. Present Proclamation to the Celebrate Hercules Association Committee for their efforts on the 4th Annual 4th of July Celebrate Hercules Event

Mayor de Vera presented a Proclamation to Bill Shea and the Celebrate Hercules Association team of volunteers for their hard work and dedication to the 4th of July Celebrate Hercules event.

Mr. Bill Shea and members of the Celebrate Hercules Association thanked City Council for their recognition and appreciation of all of the volunteers that make this a fun and successful event each year.

**IX. AGENDA ADDITIONS/DELETIONS**

City Manager Biggs identified the supplemental information distributed prior to the meeting.

Mayor de Vera polled the Council Members regarding her request to move Item XIII.2 to August 8th. The consensus of City Council was for Item XIII.2 to remain on the July 25, 2017 City Council agenda.

**X. PUBLIC COMMUNICATIONS**

Speakers: Chander Mohan Sharma, Joji Acosta, Jane Weijnschenk, Nancy Turley, Tanya Weijnschenk, Lynne Noone, Ryan Monsanto.

**XI. PUBLIC HEARINGS - None.****XII. CONSENT CALENDAR**

**MOTION:** A motion was made by Council Member Boulanger, seconded by Council Member Esquivias, to adopt the consent calendar. The motion carried by the following vote:

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

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

**1. Minutes**

**Recommendation:** Approve Minutes for the Regular City Council meeting of July 11, 2017.

Approved.

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

**1. Community Choice Energy (CCE) Program**

**Recommendation:** Receive Report, Discuss, and Provide Direction, if any.

City Manager Biggs introduced the item and gave a staff report.

J.R. Killigrew of MCE provided additional information.

City Council discussed the option of joining the CCE program. The consensus of City Council was to not join at this time and to only consider this item on a future agenda if MCE offers another open enrollment program where the one-time cost to join is waived, and to return to the City Council at that time to ask if the Council is inclined to consider the option.

**2. Electing City Council Members as an Approved Employee Group the Ability to Obtain Health Benefits from the City's CalPERS Medical Plan**

**Recommendation:** Adopt two (2) CalPERS Resolutions which will add City Council members as an authorized employee group to the City's health and benefit plans through CalPERS.

City Manager Biggs introduced the item and gave a staff report.

Public Comment was made by Mary Tobin Kelly.

**MOTION:** A motion was made by Council Member Romero, seconded by Council Member Boulanger, to adopt Resolution 17-055. The motion carried by the following vote:

**Aye:** 3 - Council Member D. Romero, Council Member G. Boulanger, and Council Member R. Esquivias

**Nay:** 1 - Mayor M. de Vera

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

**MOTION:** A motion was made by Council Member Romero, seconded by Council Member Esquivias, to adopt Resolution 17-056. The motion carried by the following vote:

**Aye:** 3 - Council Member D. Romero, Council Member G. Boulanger, and Council Member R. Esquivias

**Nay:** 1 - Mayor M. de Vera

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

**3. Contract Amendment No. 2 with WSP USA**

**Recommendation:** Approve contract amendment No. 2 with WSP USA for \$25,704 for a total not to exceed contract amount of \$63,154 to conduct a feasibility study for remedial work within Refugio Creek associated with the Path to Transit project and perform site inspections and maintenance prior to the remediation.

City Manager Biggs introduced the item and Public Works Director Roberts gave a staff report.

Robert Roat and Claire Wilkin from WSP provided additional information.

**MOTION:** A motion was made by Council Member Esquivias, seconded by Council Member Boulanger, to adopt Resolution 17-057. The motion carried by the following vote:

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

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

**4. Part-Time Employees Salary Adjustment to Provide a Cost of Living Adjustment and to Address New Minimum Wage as of January 1, 2018 and Approve New Job Classification for Administrative Engineering/Planning Intern**

**Recommendation:** Adopt a Resolution approving a new salary schedule for part-time employees to provide a 3.8% cost of living adjustment and to comply with the new minimum wage as of January 1, 2018 and creating the Administrative Engineering/Planning Intern job classification.

City Manager Biggs introduced the item and gave a staff report.

**MOTION:** A motion was made by Council Member Boulanger, seconded by Council Member Esquivias, to adopt Resolution 17-058. The motion carried by the following vote:

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

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

5. **Temporary Waiver of Business Licenses for Fee Class Contractors and City Professional Services Contractors.**

**Recommendation:** Approve a Resolution establishing a temporary waiver of business licenses for fee class contractors (up to \$20,000 per year in value) and City professional services contractors.

City Manager Biggs introduced the item and gave a staff report. Parks and Recreation Director Roke provided additional information.

**MOTION:** A motion was made by Council Member Esquivias, seconded by Council Member Boulanger, to adopt Resolution 17-059. The motion carried by the following vote:

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

**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**

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

**XVI. ADJOURNMENT**

Mayor de Vera adjourned the meeting at 10:54 p.m. in memory of Annette Marrone.

  
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Myrna de Vera, Mayor

Attest:

  
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Lori Martin, Administrative Services Director/City Clerk

