



City of Hercules

111 Civic Drive
Hercules, CA 94547

Meeting Minutes

City Council

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

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

Tuesday, December 12, 2017

Council Chambers

Closed Session - None.
Regular Session - 7:00 p.m.

I. CLOSED SESSION – None

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS - NONE

III. CONVENE INTO CLOSED SESSION - NONE

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

Mayor Kelley called the meeting to order at 7:02 p.m.

Present: 5 - Council Member M. de Vera, Mayor C. Kelley, Vice Mayor D. Romero, Council Member G. Boulanger, and Council Member R. Esquivias

V. REPORT ON ACTION TAKEN IN CLOSED SESSION - NONE

VI. PLEDGE OF ALLEGIANCE

VII. MOMENT OF SILENCE

Mayor Kelley called for a moment of silence for Virginia Pesola who was found dead at a crash site along an evacuation route in Southern California due to the recent fires. Mayor Kelley also dedicated this moment of silence to everyone who has lost their homes in the recent fires in Northern and Southern California.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

None.

IX. AGENDA ADDITIONS/DELETIONS

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

X. PUBLIC COMMUNICATIONS

Speaker: Pil Orbison.

XI. PUBLIC HEARINGS**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: 5 - Council Member M. de Vera, Mayor C. Kelley, Vice Mayor D. Romero, Council Member G. Boulanger, and Council Member R. Esquivias

1. **Approve Regular Meeting Minutes of November 14, 2017**
Recommendation: Adopt Minutes
Approved.
2. **Approve Special Meeting Minutes of November 28, 2017**
Recommendation: Adopt Minutes
Approved.
3. **Appointment to the Contra Costa County Library Commission**
Recommendation: Appoint Brian Campbell-Miller to the Contra Costa County Library Commission for a term ending June 30, 2019.
Approved.
4. **Annual Local Commission Appointment List**
Recommendation: Review and receive the Annual Local Commission Appointment List commonly referred to as the Maddy Act.
Approved.
5. **Approval of the Encroachment Easement and Agreement for Block N of the Bayfront Project**
Recommendation: Adopt a resolution approving the Encroachment Easement and Agreement for Block N of the Bayfront Project and authorizing the City Manager to execute said Agreement on behalf of the City Council.
Approved.

6. **Approval of the 2017 Speed Survey and Adoption of an Ordinance to Reduce Speed Limits on Sections of Sycamore Avenue and Refugio Valley Road**

Recommendation:

- 1) Adopt a resolution approving the 2017 Speed Survey; and
- 2) Waive the second reading and adopt an ordinance to amend Hercules Municipal Code Title 3, Chapter 4 to reduce the speed limit on Refugio Valley Road from 40 mph to 35 mph between Redwood Road and Bonaire Avenue and to reduce the speed limit on Sycamore Avenue from 40 mph to 35 mph between Civic Drive and Palm Avenue.

Approved.

7. **Acceptance of the 2017 Pavement Maintenance Project and Budget Modification**

Recommendation: Adopt a resolution accepting the 2017 Pavement Maintenance Project contract with O.C. Jones as complete for a total amount of \$694,325.64, authorizing the filing of the Notice of Completion with the Contra Costa County Recorder's Office, and approving a budget modification to incorporate \$140,000 in new SB 1 "The Road Repair and Accountability Act" funding.

Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. **Developer Update on Bayfront Project**

Recommendation: Receive presentation.

Ben Ortega of Ledcor introduced Jim Anderson, Architect. Jim Anderson gave a presentation and update on the Bayfront project. Ben Ortega addressed Block N. Chris Hagen of BAR Architects presented Blocks Q and R.

City Council provided input and asked questions related to the project.

Speakers: Phil Simmons; Ron Leavitt; Jennifer Ways.

City Manager Biggs spoke briefly about the rail progress and train stop.

2. **Municipal Resources Group (MRG) Contract Amendment No. 3 for Planning, Building, and Engineering Project Management Services**

Recommendation: Adopt a resolution authorizing the City Manager to execute Contract Amendment No. 3 with Municipal Resources Group for an additional \$75,000, for a total contract amount not to exceed \$300,000 for

continued project management consulting services on development funded projects & programs, general plan related updates, planning related field inspections and conditions of approval verifications, and engineering special assignments as needed to finish out the 2017/18 Fiscal Year.

City Manager Biggs introduced the item. Planning Director Smyth gave a staff report and introduced Mr. Victor Carniglia and Mike Oliver of MRG.

MOTION: A motion was made by Council Member Romero, seconded by Council Member Esquivias, to adopt Resolution 17-85. The motion carried by the following vote:

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

3.

Commission Appointments

Recommendation: Consider making appointments to Hercules Boards and Commissions, make appointments for either vacancies that have occurred or for the start of new terms.

MOTION: A motion was made by Mayor de Vera, seconded by Council Member Esquivias, to approve the appointment of Nina Nguyen to the Student Commissioner and Evangelia Ward-Jackson to the Regular Commission Seat with both terms ending 12/31/2019. The motion carried by the following vote:

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

MOTION: A motion was made by Council Member Boulanger, seconded by Council Member Esquivias, to approve the appointments of Susan Tolley and Hector Rubio to the Planning Commission with terms ending 12/31/19. The motion carried by the following vote:

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

MOTION: A motion was made by Council Member Boulanger, seconded by Council Member Esquivias, to approve the appointments of Judy Yamamoto and Lori Risby to the Finance Commission with terms ending 12/31/19. The motion carried by the following vote:

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

3. Commission Appointments

Recommendation: Consider making appointments to Hercules Boards and Commissions, make appointments for either vacancies that have occurred or for the start of new terms.

MOTION: A motion was made by Council Member Esquivias, seconded by Mayor de Vera, to approve the appointment of Aida Torres to the Finance Commission with a term ending 12/31/18. The motion carried by the following vote:

Aye: 3 - Council Member M. de Vera, Mayor C. Kelley, and Council Member R. Esquivias

Nay: 1 - Vice Mayor D. Romero

Abstain: 1 - Council Member G. Boulanger

4. Landscape & Lighting Assessment District Options

Recommendation: Receive Report, Discuss, and provide Direction, if any.

City Manager Biggs introduced the item and gave a staff report. City Council discussed options and asked questions of staff.

City Council provided direction to staff to bring this item back in January with additional information on the cost of doing a Proposition 218 ballot in all zones including zone 9 and not including zone 9 and to also provide recommended funding sources.

Vice Mayor Romero and Council Member Boulanger volunteered to be on the Ad Hoc Committee if one is created to help evaluate the options of conducting a Proposition 218 protest ballot in either 2018 or 2019.

5. FY17-18 First Quarter Revenue and Expenditure Report

Recommendation: Receive a report on the FY 2017-18 First Quarter Budget Review and Forecast.

City Manager Biggs introduced the item. Finance Director To gave a staff report and presented the FY 17-18 first quarter revenue and expenditure report.

6. 2018 Council Appointments on Regional Committees and Council Subcommittees

Recommendation: Express interest and availability for the 2018 Council Appointments on Regional Committees and Council Subcommittees to be made by the Mayor in January 2018.

Mayor Kelley asked City Council members to submit their interest in regional appointments to the City Clerk for consideration of changes to the current appointments at the first meeting in January 2018.

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 attendance at community meetings.

City Attorney Tang made a request for a future agenda item to consider an amendment to Council Rules of Procedure 3.7 to allow Council Members to request future agenda items after 11:00 p.m. City Attorney Tang explained that the rule is to not allow new items to be opened and discussed, however City Council should be able to request future agenda items at the 11:00 p.m. hour and prior to adjourning the meeting.

A consensus of City Council was obtained to request the following future agenda items:


Street Sweeping discussion.


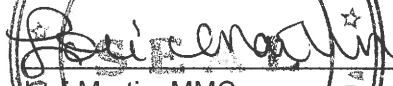
Rules for issuing Resolutions of Support or Opposition for outside agencies.

Discussion related to the pouring of concrete in residents front lawns.

XVI. ADJOURNMENT

Mayor Kelley adjourned the meeting at 10:10 p.m.


Chris Kelley, Mayor


Attest:

Don Martin, MMC
Administrative Services Director/City Clerk