



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, August 14, 2018

Council Chambers

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 Kelley called the meeting to order at 6:00 p.m.

Present: 5 - Council Member G. Boulanger, Council Member M. de Vera, Council Member R. Esquivias, Vice Mayor D. Romero, and 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 Kelley recessed the meeting at 6:02 p.m.

1. 18-267 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:
 - a. Teamsters Local 315 Employee Organizations
 - b. Hercules Police Officers Association
 - c. Hercules Senior Manager Employee Group
 - d. Confidential Unrepresented Employee Group
 - e. Mid Management Employee Group

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

Mayor Kelley called the meeting to order at 7:06 p.m.

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

V. REPORT ON ACTION TAKEN IN CLOSED SESSION

City Attorney Tang reported that there was no final or reportable actions taken during closed session.

VI. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Romero.

VII. MOMENT OF SILENCE

Mayor Kelley called for a moment of silence for Hercules resident Christopher Bunag. Mr. Bunag was a member of the Hercules Cycling Club who was hit by a vehicle that ran into him from behind on July 24, 2018 while riding his bicycle on San Pablo Avenue, near the Dead Fish Restaurant in Crockett, Ca.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

City Manager Biggs introduced Finance Consultant Sandra Sato who will be working on an interim basis while the City is recruiting for a new Finance Director. Ms. Sato introduced herself and gave a brief biography.

IX. AGENDA ADDITIONS/DELETIONS

City Manager Biggs identified the supplemental document handed out prior to the meeting stating that extra copies of the supplemental document have been placed on the side table for the public.

Vice Mayor Romero requested that Item XIII.2 be removed and tabled to a September meeting.

Mayor Kelley polled the Council and asked for each to weigh in on if they would like to hear Item XIII.2 or table it to a September 2018 council meeting.

The consensus of City Council was 3-2 to keep Item XIII.2 on the agenda.

X. PUBLIC COMMUNICATIONS

Speaker: Sarah Creeley.

XI. PUBLIC HEARINGS

None.

XII. CONSENT CALENDAR

Vice Mayor Romero pulled Item 2 from the Consent Calendar to ask a question. Public Works Director Roberts responded to the question. Item 2 was placed back on the 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: 5 - Council Member G. Boulanger, Council Member M. de Vera, Council Member R. Esquivias, Vice Mayor D. Romero, and Mayor C. Kelley

1. 18-266 **Meeting Minutes**
Recommendation: Approve the Regular City Council meeting minutes of July 24, 2018.
Approved.
2. 18-265 **Grant Deed for the Willow Overcrossing Project**
Recommendation: Adopt a Resolution authorizing the City Manager to execute a grant deed conveying two (2) parcels to the California Department of Transportation (Caltrans) in accordance with the 1995 Cooperative Agreement for the completed Willow Overcrossing Project.
Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. 18-261 **Approve Professional Services Agreement with Rising Sun Energy Center to Provide Energy Efficiency Program in Former HMU Service Area**
Recommendation: Adopt a Resolution approving a Professional Services Agreement with Rising Sun Energy Center to provide energy efficiency programs in the former HMU service area in an amount not to exceed \$150,930.

City Attorney Tang explained that he has recommended that any public officials that live in the former HMU service area should recuse themselves from any discussion and action on this item and stated further his recommendation is for Council Member Boulanger, City Attorney Tang, City Manager Biggs and Finance Director To should recuse themselves and leave the room during discussion and action on this item.

Council Member Boulanger, City Attorney Tang, City Manager Biggs and Finance Director To left the room during deliberation of this item.

Public Works Director Roberts introduced the item and provided a staff report. Wells Brown from Rising Sun Energy Center provided additional information. City Council asked questions and provided comments.

Members of the City Council made a request to increase the number of smart power strips. Public Works Director Roberts recommended that the scope of services provided as an attachment to the agreement be amended to increase the number of smart power strips from 133 to 400 with the agreement amount to remain at an amount not to exceed \$150,930.

MOTION: A motion was made by Council Member de Vera, seconded by Council Member Esquivias, to adopt Resolution 18-053, as amended. The motion carried by the following vote:

Aye: 4 - Council Member M. de Vera, Council Member R. Esquivias, Vice Mayor D. Romero, and Mayor C. Kelley

Recused: 1 - Council Member G. Boulanger

2. 18-268 **Possible Six Month Extension to Performance Deadlines Under the Hilltown Development Agreement**

Recommendation: Receive report, discuss, and provide direction, including possibly approving a six month extension to performance deadlines in the Development Agreement Amendment dated April 24, 2018.

City Manager Biggs introduced the item and invited the Developer to the podium to speak in regards to the project. Mr. Jim Sullivan and Mr. Steve Schott with Santa Clara Valley Housing Group provided an update and background on the project status since the last extension was granted in April 2018.

City Council asked questions and provided comments. Council gave direction to staff to schedule this item for an update at the October 9, 2018 City Council meeting when additional information is available.

3. 18-269 **Contract to Provide Consultant Services to Develop a Waterfront District Parking Management Plan**

Recommendation: Adopt a Resolution approving and directing the City Manager to award a contract to CDM Smith to provide consultant services to assist City staff in creating a parking management plan for the Waterfront District and Appropriating \$54,022 from the undesignated General Fund balance.

City Manager Biggs introduced the item and provided a brief staff report. City Manager Biggs invited Anne Spevack with CDM Smith to the podium to provide additional information.

Public comment was received from Mr. Ben Ortega with Ledcor.

City Council asked questions and provided comments.

MOTION: A motion was made by Vice Mayor Romero, seconded by Council Member Boulanger, to adopt Resolution 18-054. The motion carried by the following vote:

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

4. 18-264

Citywide Landscape & Lighting Assessment District Path Forward Options and Service Reductions

Recommendation: Receive report, discuss, and provide direction, including approving implementation of recommended service reductions.

City Manager Biggs introduced the item and provided a staff report. Public Works Director Roberts provided additional information. City Council asked questions and provided comments.

MOTION: A motion was made by Council Member Esquivias, seconded by Council Member de Vera, directing staff to change the PGE rate structure from LS-2C to LS-2A which will change full maintenance responsibility to City of Hercules and send a letter to the HOA's in Zones 1 and 6 asking HOA's if they have an interest in entering into a contract with the City to provide funding to fully fund current service levels with a response deadline of October 15, 2018 and if no response or no interest to partner with the City, begin implementing service reductions by November 30, 2018. The motion carried by the following vote:

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

Abstain: 2 - Council Member G. Boulanger, and Vice Mayor D. Romero

5. 18-271

Award of a Construction Contract to Telfer Pavement Technologies for the 2018 Pavement Maintenance Project

Recommendation: Adopt a Resolution authorizing the City Manager to execute a construction contract with Telfer Pavement Technologies in the amount of \$967,624 for the 2018 Pavement Maintenance Project, authorizing an additional expenditure of up to \$96,762 for a 10% contingency on said construction contract, and appropriating \$150,000 from the Gas Tax Fund to fully fund said construction contract.

City Manager Biggs introduced the item. Public Works Director Roberts provided a staff report. City Council did not have any questions.

MOTION: A motion was made by Vice Mayor Romero, seconded by Council Member de Vera, to adopt 18-055. The motion carried by the following vote:

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

6. 18-270**Award of a Construction Contract to Grade Tech for the 2018 Refugio Valley Path Paving Project**

Recommendation: Adopt a Resolution authorizing the City Manager to execute a construction contract with Grade Tech, Inc. in the amount of \$537,714 for the 2018 Refugio Valley Path Paving Project, and authorizing an additional expenditure of up to \$53,771 for a 10% contingency on said construction contract for a total not to exceed amount of \$591,485.

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 Council Member Esquivias, seconded by Council Member Boulanger, to adopt Resolution 18-056. The motion carried by the following vote:

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

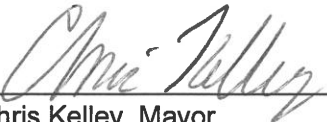
City staff and Council Members reported on events and attendance at community and regional meetings.

A future agenda item was requested by Vice Mayor Romero to add a discussion item regarding Proposition 10 that will be on ballot for the November election. Vice Mayor Romero explained that Proposition 10 is related to rent control and stated he would like the City Attorney to explain how this may affect Hercules if it passes.

A consensus of the City Council was established to add a discussion item to a future agenda in regards to Proposition 10.

XVI. ADJOURNMENT

Mayor Kelley adjourned the meeting at 11:05 p.m. in memory of Christopher Bunag.


Chris Kelley, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk



