



# 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*

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Tuesday, December 11, 2018

Council Chambers

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#### REGULAR MEETING AND CLOSED SESSION - 7:00 P.M.

#### I. REGULAR MEETING - 7:00 P.M. - CALL TO ORDER - ROLL CALL

Mayor Kelley called the meeting to order at 7:00 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. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member de Vera.

#### III. MOMENT OF SILENCE

Mayor Kelley called for a moment of silence for Hercules resident, James "Jimmy" Allen who passed away at age 71 on November 24, 2018 and Hercules resident Marilyn Hamilton who passed away at age 83.

#### IV. AGENDA ADDITIONS/DELETIONS

City Manager Biggs stated there are no additions or deletions, however Item XI, City Council Reorganization will be moved and opened for discussion after Item VIII, Oaths of Office with the recess following the City Council Reorganization item.

#### V. PUBLIC COMMUNICATIONS

Public Speakers: Jeff Todd; Lynne Noone; Doris Sykes; Pil Orbison.

**VI. CONSENT CALENDAR**

**MOTION:** A motion was made by Council Member de Vera, seconded by Council Member Boulanger, 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.     18-393     **Declaring Results of the November 6, 2018 General Municipal Election**  
**Recommendation:** Adopt a Resolution declaring the results of the General Municipal Election held on November 6, 2018.  
Approved.
2.     18-390     **Meeting Minutes**  
**Recommendation:** Approve the Special City Council Meeting Minutes of November 5, 2018  
Approved.
3.     18-391     **Meeting Minutes**  
**Recommendation:** Approve the Regular City Council Meeting Minutes of November 13, 2018.  
Approved.
4.     18-394     **Annual Local Commission Appointment List**  
**Recommendation:** Review and receive the Annual Local Commission Appointment List commonly referred to as the Maddy Act.  
Approved.
5.     18-396     **Close-out of the 1991-01 Sewer Assessment District and the 2001 Alfred Nobel Assessment District**  
**Recommendation:** Receive and File Report.  
Approved.
6.     18-406     **Contract Amendment with Management Partners for Financial Management Services in an Additional Amount of \$50,000 for a Total Not to Exceed Amount of \$100,000**  
**Recommendation:** Adopt a Resolution Approving Professional Services Agreement Amendment #1 with Management Partners for Financial Management Services in an amount not to exceed \$100,000.  
Approved.

**VII. CITY COUNCIL PRESENTATIONS**

1.     18-385     Mayor Kelley to Present a Proclamation to Council Member de Vera  
  
Mayor Kelley read aloud and presented a Proclamation to Council Member Myrna de Vera for her 8 years of service on the City Council.  
  
Cora Young from Congressman Mike Thompson's Office read aloud and presented a Proclamation to Council Member Myrna de Vera recognizing her 8 years of service on City Council.  
  
Mary Nicely presented a Proclamation to Council Member de Vera on behalf of former Assembly Member Tony Thurman and Senator Nancy Skinner.  
  
Council Member Esquivias read aloud and presented a Proclamation to Council Member de Vera on behalf of Supervisor Federal Glover and the Contra Costa County Supervisors.  
  
Manual de Vera, husband of Council Member de Vera thanked and congratulated his wife for her service on the Planning Commission and City Council.  
  
Mark de Vera, son of Council Member de Vera thanked and congratulated his mother.  
  
Other members of the public who spoke to thank and congratulate Council Member de Vera:  
Yi Shi Yee  
Wanda Lee Stevens  
Tim Banuelos  
Phil Simmons  
  
Members of the City Council each provided comments to outgoing Council Member de Vera.  
  
Council Member Myrna de Vera provided her outgoing comments.
2.     18-386     Vice Mayor Romero to Present a Proclamation to Mayor Kelley  
  
Vice Mayor Romero read aloud and presented Mayor Kelley with a Proclamation for her term as Mayor.  
  
Members of the City Council provided comments to Mayor Kelley.  
  
Mayor Kelley provided comments.

3. 18-387 Remarks from Council Member de Vera and Mayor Kelley

#### **VIII. OATHS OF OFFICE & INSTALLATION OF RE-ELECTED AND NEWLY ELECTED COUNCIL MEMBERS**

1. 18-388 Administer Oath of Office to Re-Elected Council Member Chris Kelley and Newly Elected Council Member Dion Bailey
- City Clerk Martin administered the Oath of Office to re-elected Council Member Kelley and newly elected Council Member Bailey and presented them with their Certification of Election forms.
2. 18-389 Remarks from Council Members Kelley and Bailey
- Council Members Kelley and Bailey provided remarks.

#### **IX. RECESS FOR REFRESHMENTS**

Mayor Romero called for a 15 minute recess at 8:36 p.m.

#### **X. RECONVENE - CALL TO ORDER - ROLL CALL**

Mayor Romero reconvened and called the meeting to order at 8:54 p.m.

**Present:** 5 - Council Member G. Boulanger, Council Member R. Esquivias, Mayor D. Romero, Council Member C. Kelley, and Council Member D. Bailey

#### **XI. CITY COUNCIL REORGANIZATION**

1. 18-400 Selection of Mayor and Vice Mayor

This item was moved, discussed and deliberated on as the last item before the recess for refreshments.

**MOTION:** A motion was made by Council Member Boulanger, seconded by Council Member Bailey, to appoint Vice Mayor Romero as Mayor. The motion carried by the following vote:

**Aye:** 5 - Council Member G. Boulanger, Council Member R. Esquivias, Vice Mayor D. Romero, Mayor C. Kelley, and Council Member D. Bailey

**MOTION:** A motion was made by Mayor Romero and seconded by Council Member Boulanger to appoint Council Member Esquivias as Vice-Mayor. The motion carried by the following vote:

**Aye:** 5 - Council Member G. Boulanger, Council Member R. Esquivias, Mayor D. Romero, Council Member C. Kelley, and Council Member D. Bailey

2. 18-401 Remarks from Newly Appointed Mayor

Newly appointed Mayor Romero provided remarks.

## XII. PUBLIC HEARINGS

1. 18-397 **Amendment to 2008 Hilltown Development and Owner Participation Agreement ("Development Agreement") with Santa Clara Valley Housing Group (SCVHG) Extend Key Performance Dates by Four Months**

**Recommendation:** Receive staff report, open, conduct and close the public hearing and take the following actions:

Waive the First Reading and Introduce an Ordinance of the City Council of the City of Hercules approving amendments to the Hilltown Development Agreement to extend key performance dates.

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

Mayor Romero opened the public hearing.

Mr. Cory Kusich with Santa Clara Valley Housing Group provided additional information and a status update on the Hilltown project.

City Council asked questions and provided comments.

Mayor Romero closed the public hearing at 9:01 p.m.

Mayor Romero suggested extending the Developer's due date for submittal from August 23, 2019 to September 10, 2019 due to the City Council going dark the second meeting in August. There were no objections to that Amendment No.2 to the Development and Owner Participation Agreement.

**MOTION:** A motion was made by Council Member Kelley and seconded by Council Member Boulanger to waive the first reading and approve the introduction of Ordinance 516 and amending the Amendment No. 2 to the Development and Owner Participation Agreement changing the due date of project submittals to September 10, 2019. The motion carried by the following vote:

**Aye:** 5 - Council Member G. Boulanger, Council Member R. Esquivias, Mayor D. Romero, Council Member C. Kelley, and Council Member D. Bailey

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

1.     18-402     **Business License Tax Administrative Policy**  
          **Recommendation:** Informational only, no action is required by the City Council at this time.  
  
          City Manager Biggs introduced the item and provided a staff report. Members of the City Council asked questions and provided comments.
  
2.     18-398     **2019 Council Appointments on Regional Committees and Council Subcommittee's**  
          **Recommendation:** Express interest and availability for the 2019 Council Appointments on Regional Committees and Council Subcommittee's to be made by the Mayor in January 2019.  
  
          City Manager Biggs introduced the item and provided a staff report.  
  
          Members of the City Council discussed and expressed interest in Regional Committee assignments. Mayor Romero to make the 2019 Committee assignments and appointments at the first meeting in January 2019.
  
3.     18-399     **City Council Regular Meeting Dates for 2019**  
          **Recommendation:** Review the schedule of City Council Regular Meeting Dates in 2019 and consider canceling one or more regular meetings in August and the November 26th and December 24th regular meetings.  
  
          City Manager Biggs introduced the item and provided a staff report. City Manager Biggs explained that the Council goes dark the second meetings in November and December due to the holidays and traditionally goes dark the first and/or the second meetings in August.  
  
          Council Member Kelley suggested going dark the second meeting in August and retaining the option of cancelling the first meeting in August. The consensus of the City Council was to cancel the August 27, 2019 meeting. No objections to Council Member Kelley's suggestion were brought forward. Consensus of the City Council was to go dark the second meetings in August, November and December and re-evaluate the August meeting in the first quarter of 2019.

**XIV. PUBLIC COMMUNICATIONS**

Speaker: Marilyn Allen.

**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 attendance at events and community and regional meetings and made announcements of upcoming events.

Mayor Romero requested a future agenda item discussion related to the City's Banner Program with no objections brought forward from the City Council Members.

**XVI. CONVENE INTO CLOSED SESSION**

1. 18-408 Pursuant to Government Code Section 54956.9(b), Conference with Legal Counsel - Potential Litigation - Significant exposure to litigation in one (1) case regarding Due Diligence Review (DDR) determination from the California Department of Finance.

**XVII. ADJOURNMENT**

Mayor Romero adjourned the meeting at 9:37 p.m. in the memory of James Allen, Wilbur Figueira and former President George H.W. Bush.

  
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Dan Romero, Mayor

