



# City of Hercules

111 Civic Drive  
Hercules, CA 94547

## Meeting Minutes

### City Council

*Mayor Dan Romero*  
*Vice Mayor Roland Esquivias*  
*Council Member Chris Kelley*  
*Council Member Gerard Boulanger*  
*Council Member Dion Bailey*

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

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Tuesday, November 12, 2019

6:00 PM

Council Chambers

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**SPECIAL 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 Romero called the meeting to order at 6:01 p.m.

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

#### **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 Romero recessed the meeting at 6:02 p.m.

1. [19-794](#) Pursuant to Government Code Section 54956.9(a), Conference with Legal Counsel - Pending/Existing Litigation: Successor Agency to the Hercules Redevelopment Agency and City of Hercules v. California Department of Finance, et al, Sacramento Superior Court Case No. 34-2018-80003038
2. [19-795](#) Pursuant to Government Code Section 54956.9 (d)(1), Conference with Legal Counsel - Pending/Existing Litigation - Taylor Morrison of California, LLC, entitled *Taylor Morrison of California, LLC v. City of Hercules*, Superior Court for the County of Contra Costa, Case No. C19-00366.
3. [19-796](#) Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9(d)(2): In one (1) matter: Hercules Development Partners, LP / Ledcor Corporation

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

Mayor Romero called the meeting to order at 7:07 p.m.

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

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

City Attorney Tang identified the items discussed in closed session and stated that there were no final or reportable actions taken in closed session.

**VI. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Hercules Police Explorer Color Honor Guard and Eagle Scout Nicholas Fay.

**VII. MOMENT OF SILENCE**

Mayor Romero recognized city employees who are also veterans by reading aloud the names of city employees who are United States military veterans in honor of Veteran's Day.

**VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS**

1.     [19-800](#)     **Proclamation: Expressing Special Recognition to Eagle Scout Nicolas Fay**  
  
Mayor Romero read aloud a Proclamation expressing special recognition to Nicolas Fay on his Eagle Scout accomplishment. Members of the City Council each congratulated Nicolas Fay. Nicolas Fay thanked the City Council for their recognition and Proclamation. Nicolas Fays' father also thanked the City Council for their recognition of their son Nicolas Fay.
  
2.     [19-791](#)     **Proclamation: Recognition of Volunteers**  
  
Mayor Romero read aloud a Proclamation recognizing November 12th as Volunteer Appreciation Day. City volunteers from various city departments were in attendance. Each member of the City Council thanked the volunteers. Mayor Romero passed out city volunteer pins to each volunteer present and called for a short recess for a photograph opportunity.  
  
Mayor Romero recessed the meeting at 7:30 p.m.  
Mayor Romero reconvened the meeting at 7:39 p.m.

**IX. AGENDA ADDITIONS/DELETIONS**

There were no additions or deletions to the agenda.

## X. PUBLIC COMMUNICATIONS

Public Speakers: Sherry Tindal; Irene Muir; Darlene Almeda; Ciera Khuu.

Sherry Tindal presented a petition to the City regarding a request to close the road at the end of Skully prior to any development of 215 Skelly.

## XI. PUBLIC HEARINGS

### 1. [19-790](#)

**Amendment #3 to 2008 Hilltown Development and Owner Participation Agreement ("Development Agreement") with Santa Clara Valley Housing Group (SCVHG) to Extend Key Performance Dates and Correct Reference to Affordable Housing**

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

a. 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 and to correct reference to affordable housing.

City Manager Biggs introduced the item and provided a staff report. Mayor Romero invited Mr. Steve Schott of Santa Clara Valley Housing Group to the podium to make comments. Mr. Schott provided an update on the status of their project. City Council asked questions and provided comments.

Mayor Romero identified two typo's in the documents to correct prior to the next meeting.

Mayor Romero opened the public hearing at 7:59 p.m.

Mayor Romero closed the public hearing at 7:59 p.m with no comments offered from the public.

**MOTION:** A motion was made by Council Member Kelley, seconded by Vice Mayor Esquivias, to waive the first reading and approve the introduction of Ordinance 525, as amended. The motion carried by the following vote:

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

### 2. [19-801](#)

**Ordinance to Amend Hercules Municipal Code Title 9, Chapters 1-18, Adopting by Reference the New California Code of Regulations Title 24, 2019 Edition of the California Building Standards Code with Amendments Developed by Contra Costa County and the Rodeo-Hercules Fire Protection District**

**Recommendation:** Convene a public hearing, take testimony, waive the first reading, and introduce an Ordinance repealing and replacing Building code Regulations of the existing Hercules Municipal Code Title 9, Building

Regulations.

City Manager Biggs introduced the item and Planning Director Smyth provided a staff report. City Council asked questions and provided comments. Mayor Romero invited Fire Chief Craig to the podium to answer questions.

Mayor Romero opened the public hearing at 8:13 p.m.

Mayor Romero closed the public hearing at 8:13 p.m. with no comments offered from the public.

**MOTION: A motion was made by Vice Mayor Esquivias, seconded by Council Member Kelley, to waive the first reading and approve the introduction of Ordinance 526, as amended. The motion carried by the following vote:**

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

## XII. CONSENT CALENDAR

**MOTION: A motion was made by Council Member Kelley, seconded by Council Member Boulanger, to adopt the Consent Calendar. The motion carried by the following vote:**

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

1. [19-797](#)

**Meeting Minutes**

**Recommendation:** Approve the regular meeting minutes of October 22, 2019 and the special meeting minutes of November 5, 2019.

Approved.

2. [19-793](#)

**Acceptance of the 2019 Pavement Maintenance Project**

**Recommendation:** Adopt a Resolution accepting the 2019 Pavement Maintenance Project contract with MCK as complete for a total amount of \$601,590 and authorizing the filing of the Notice of Completion with the Contra Costa County Recorder's Office.

Approved.

3. [19-792](#)

**Acceptance of the Hercules Avenue Traffic Calming Project Construction contract with the Chrisp Company**

**Recommendation:** Adopt a Resolution accepting the Hercules Avenue Traffic Calming Project construction contract with the Chrisp Company as complete for a total amount of \$85,655 and authorizing the filing of the Notice of Completion with the Contra Costa County Recorder's Office.

Approved.

**XIII. DISCUSSION AND/OR ACTION ITEMS****1. [19-775](#)****Approval of City of Hercules Assessment District No. 2005-1 (John Muir Parkway) Limited Obligation Improvement Bonds Refinancing and Related Actions****Recommendation:**

1. Adopt a Resolution of the City Council of the City of Hercules declaring its intention to levy reassessments and to issue refunding bonds; and
2. Adopt a Resolution of the City Council of the City of Hercules authorizing the issuance of refunding bonds and approving and authorizing related documents and actions; and
3. Adopt a Resolution of the City Council of the City of Hercules adopting a reassessment report, confirming and ordering the reassessment by summary proceedings, and authorizing and directing related actions.

City Manager Biggs introduced the item and Finance Director Gato provided a staff report. City Council asked questions and provided comments.

Ms. Wing-See Fox, Municipal Advisor, Urban Futures answered questions and provided additional information. Ms. Vanessa Legbandt, Legal Counsel, Stradling Yocca Carlson & Rauth answered questions and provided additional information and Mike Cavanaugh, Underwriter/Placement Agent, Hilltop Securities answered questions and provided additional information.

**MOTION: A motion was made by Council Member Kelley, seconded by Council Member Bailey, to adopt Resolution 19-066. The motion carried by the following vote:**

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

**MOTION: A motion was made by Council Member Boulanger, seconded by Vice Mayor Esquivias, to adopt Resolution 19-067. The motion carried by the following vote:**

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

**MOTION: A motion was made by Council Member Bailey, seconded by Council Member Kelley, to adopt Resolution 19-068. The motion carried by the following vote:**

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

**2. [19-798](#)****Consider Adoption of a City Flag Policy**

**Recommendation:** Receive report, discuss and provide direction, if any.

City Manager Biggs introduced the item and provided a staff report and thanked Nai Saelee, Management Analyst for his work on the staff report.

City Council discussed the policy and provided direction to staff to incorporate the changes discussed into the policy and to schedule this item for City Council adoption at a future meeting.

City Council by consensus directed staff to make the following changes to the proposed Flag Policy:

1. Add a definition that religious flags are not considered commemorative flags.
2. Add language to Section B.3 to reflect that only one (1) commemorative flag will be flown at one time on the flag pole at the Hercules Civic Center.
3. In Section B.4 delete the words "unless otherwise directed by the City Council" and attach federal and state laws to the policy.

3. [19-799](#)

**Commission Appointments**

**Recommendation:** Consider making appointments to Hercules Boards and Commissions for the start of new two (2) year terms beginning in January and making appointments to certain seats with unexpired terms.

Mayor Romero introduced the item. City Clerk Martin polled the city Council Members on their choice of candidates to fill the vacancies on the City's Boards and Commissions. The following candidates were appointed by majority vote of the City Council to the following Commissions:

**Finance Commission:**

Valerie Palapas - 2 year term ending 12/31/2021  
Lori Tretasco - 2 year term ending 12/31/2021  
Edward Ulle - unexpired term ending 12/31/2020

**Community and Library Services Commission:**

Evangelia Ward-Jackson - 2 year term ending 12/31/2021  
J. Yamamoto - unexpired term ending 12/31/2020

**Planning Commission:**

Hector Rubio - 2 year term ending 12/31/2021

There was a consensus of City Council to schedule a special meeting at 5:30 p.m. on December 10, 2019 to conduct interviews of the two candidates which applied for the vacant seat on the Contra Costa County Mosquito and Vector Control Board. City Council provided direction to staff to continue the recruitment for the vacancy on the Planning Commission and the student vacancy on the Community and Library Services Commission.



**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 attendance at events and community and regional meetings.


Requests for future agenda items:

1. A request was made by Council Member Boulanger to discuss public cameras on streets.
2. A request was made by Mayor Romero to discuss city monument signs.
3. A request was made by Council Member Bailey to discuss the pros/cons of a charter city.

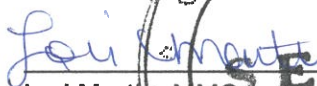
There was a consensus of City Council to add the three (3) requested future agenda items to the pending agenda items list.

**XVI. ADJOURNMENT**

Mayor Romero adjourned the meeting at 9:53 p.m.

  
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Dan Romero, Mayor

Attest:

  
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Lori Martin, MMC  
Administrative Services Director/City Clerk

