



City of Hercules

111 Civic Drive
Hercules, CA 94547

Meeting Minutes

City Council

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

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

Tuesday, March 24, 2020

6:30 PM

Council Chambers

CLOSED SESSION - 6:30 P.M.
REGULAR SESSION - 7:00 P.M.

I. SPECIAL MEETING - CLOSED SESSION – 6:30 P.M. CALL TO ORDER - ROLL CALL

Mayor Esquivias called the meeting to order at 6:30 p.m.

Council Member Boulanger, Bailey, Romero and Vice Mayor Kelley participated via teleconference. Mayor Esquivias was physically present in the Council Chambers.

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

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

None.

III. CONVENE INTO CLOSED SESSION

City Attorney Tang announced the item listed on the agenda to be discussed in closed session.

Mayor Esquivias recessed the meeting to convene closed session at 6:33 p.m.

1. 20-209 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

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

Mayor Esquivias called the meeting to order at 7:00 p.m.

Council Members Boulanger, Bailey, Romero and Vice Mayor Kelley participated via teleconference. Mayor Esquivias was physically present in the Council Chambers.

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

V. REPORT ON ACTION TAKEN IN CLOSED SESSION

City Attorney Tang reported out by making a statement on pending/existing litigation between the Successor Agency to the Hercules Redevelopment Agency and City of Hercules v. California Department of Finance, et al. stating that a settlement agreement has been signed by both parties. City Attorney Tang reported on the details of this settlement.

VI. PLEDGE OF ALLEGIANCE

Mayor Esquivias led the Pledge of Allegiance.

VII. MOMENT OF SILENCE

Mayor Esquivias called for a moment of silence for Charles "Chuck" Durley, a former employee of the City of Hercules who passed away 1 year ago. Mayor Esquivias called for a moment of silence for Nelson Canindin who was a member of the St. Patricks Music Ministry who recently passed away due to COVID-19.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. 20-211 Proclamation - Recognizing and Honoring Community Development Director Holly Smyth for her Service to the City of Hercules

Mayor Esquivias read aloud and presented Holly Smith, Community Development Director with a Proclamation in recognition of her service, dedication and commitment during her 6 years of employment with the City of Hercules. Members of the City Council spoke in regards to Holly Smyth's accomplishments with the City of Hercules. City Manager Biggs also spoke and recognized the accomplishments of Holly Smyth. Community Development Director Holly Smyth spoke a few words and thanked the City Council, City Manager, Department Heads and co-workers for this recognition.

IX. AGENDA ADDITIONS/DELETIONS

City Manager Biggs stated that there were no additions or deletions to the agenda. City Manager Biggs identified the supplemental documents provided prior to the meeting and available to the public on the city website.

X. PUBLIC COMMUNICATIONS

City Clerk Martin read two (2) public comments into the record. Public comments were submitted prior to the meeting via e-mail from Mr. Han Chen and Mr. Paul Crandell.

XI. PUBLIC HEARINGS

1. **20-208** **Hilltown Project Proposal by Santa Clara Valley Housing Group Inc. to Construct Approximately 4,200 Square Feet of Commercial Space and 597 Residential Multi-Family Dwelling Units (potentially including up to 10% of the building ground area for taller architectural features no more than 25' above 65' zoning allowance) with All Ancillary Development Activities of Grading, Relocating Existing Utilities and Easements, Constructing Private Streets / Parks / Open Space Amenities on a 44+ Acre Site at 4200 San Pablo Avenue (Assessor Parcel Numbers #404-040-064), Bound by John Muir Parkway, San Pablo Avenue, and Interstate 80.**
Recommendation: Open the public hearing, continue the public hearing until April 14, 2020.

City Manager Biggs introduced the item and recommended that Council open the public hearing and continue this item to the April 14th meeting. City Manager Biggs stated that although the item is ready for review and action, however due to the COVID-19 and no public access to the meeting that he recommended this item be continued in hopes that public access to the meeting room will be open by April 14, 2020 and stated further that if it is not that staff is working on other alternative electronic means for others to be able to participate.

Mayor Esquivias opened the public hearing and with the consensus of City Council, continued the public hearing to April 14, 2020.
2. **20-207** **2019 Annual Housing Element Progress Report**
Recommendation: Conduct a public hearing and approve the Housing Element Progress Report for the 2019 calendar year and direct staff to submit the report to the appropriate state and regional agencies via minute action.

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

Manager Biggs explained that this is a routine and mostly ministerial report and thank Community Development Director Smyth and her staff for all of their efforts in completing the report. City Manager Biggs stated that staff will change the contact person to be the Interim Community Development Director, Robert Reber before the document is finalized and signed since Community Development Director Smyth's last day is the end of this week.

Mayor Esquivias opened the public hearing at 7:35 p.m.

There wer no public comments submitted via e-mail.

Members of the City Council asked questions and provided comments.

Mayor Esquivias closed the public hearing at 7:40 p.m.

MOTION: A motion was made by Council Member Romero, seconded by Council Member Boulanger, to adopt the 2019 Housing Element Progress Report and directed staff to submit the report to the appropriate state and regional agencies. The motion carried by the following vote:

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

XII. CONSENT CALENDAR

MOTION: A motion was made by Vice Mayor Kelley, seconded by Council Member Bailey, to adopt the consent calendar. The motion carried by the following vote:

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

1. 20-205

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Recommendation: Approve the regular meeting minutes of March 10, 2020.

Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. 20-206

Preparation and Filing of the FY 2020/21 Landscaping and Lighting Engineer's Reports

Recommendation: Adopt a Resolution directing the filing of the Annual Engineer's Reports for the City of Hercules Landscaping and Lighting Assessment District No. 2002-1, Hercules Village Landscaping and Lighting Assessment District No. 2002-2, Baywood Landscaping and Lighting Assessment District No. 2004-1, and Bayside Landscaping and Lighting Assessment District No. 2005-1, pursuant to the Landscaping and Lighting Act of 1972.

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

Members of the City Council asked questions and provided comments. City Manager Biggs stated that staff is changing their recommendation at this time in regards to balloting in Zone 3 to replace the light poles and in Zone 6 to reduce the operating deficit that his recommendation is that we do not do any balloting due to the current crisis and that the City Council revisit this option next year. City Manager Biggs explained that the Landscaping and Lighting Assessment Districts will just move forward with a normal Consumer Price Index "CPI" inflator for this year.

There was a consensus among Members of the City Council to not move forward with balloting this year. A request was made by two members of the City Council to receive more information in regards to water usage in the Districts and citywide. City Manager Biggs stated that water usage information specific to the Landscaping and Lighting Assessment Districts will be provided in the material which is scheduled to come back as a public hearing and in addition there is a scheduled item related to water usage citywide in general to be presented to the City Council for review in the near future.

MOTION: A motion was made by Vice Mayor Kelley, seconded by Council Member Boulanger, to adopt Resolution 2020-016. The motion carried by the following vote:

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

2. 20-203

Long-Term Financial Projection for the General Fund

Recommendation: Review and discuss the long-term financial projection for the General Fund.

City Manager Biggs introduced the item and provided a staff report. Members of the City Council asked questions and provided comments. There were no public comments submitted for this item via e-mail.

3. 20-204

Municipal Financial Health Diagnostic Tool

Recommendation: Receive a report and discuss the League of California Cities Municipal Financial Health Diagnostic Tool.

City Manager Biggs introduced the item and provided a staff report. Finance Director Gato provided additional information. Members of the City Council asked questions and provided comments. There were no public comments submitted via email for this item.

4. 20-202**Annual Review of 2017 Strategic Plan as Updated May 2018**

Recommendation: Receive report, review strategic plan, and update objectives as appropriate.

City Manager Biggs introduced the item and provided a staff report. Members of the City Council asked questions and provided comments. There were no public comments submitted for this item via email.

XIV. PUBLIC COMMUNICATIONS

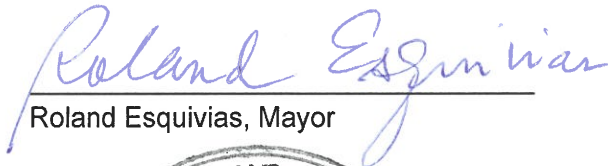
City Clerk Martin stated that there were no public comments submitted during the course of the meeting via email.

XV. CITY COUNCIL/CITY MANAGER/CITY ATTORNEY ANNOUNCEMENTS, COMMITTEE, SUB-COMMITTEE AND INTERGOVERNMENTAL COMMITTEE REPORTS AND FUTURE AGENDA ITEMS

City Manager Biggs updated the City Council and public on the status of City services and responses to the COVID-19 public health pandemic and the City's declaration of a State of Emergency. City staff and Council Members reported on attendance at events and community and regional meetings.

XVI. ADJOURNMENT

Mayor Esquivias adjourned the meeting at 9:24 p.m.



Roland Esquivias, Mayor

Attest:



Lori Martin, MMC
Administrative Services Director/City Clerk

