



# City of Hercules

111 Civic Drive  
Hercules, CA 94547

## Meeting Minutes

### City Council

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

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

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Tuesday, September 26, 2017

Council Chambers

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**Closed Session - 6:15 p.m.**

**Regular Session - 7:00 p.m.**

#### **I. SPECIAL MEETING - CLOSED SESSION – 6:15 P.M. CALL TO ORDER - ROLL CALL**

Mayor de Vera called the meeting to order at 6:15 p.m.

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

#### **II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS**

None.

#### **III. CONVENE INTO CLOSED SESSION**

City Attorney Tang announced the closed session item.

Mayor de Vera recessed the meeting at 6:16 p.m.

1. Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Attorney

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

Mayor de Vera called the meeting to order at 7:05 p.m.

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

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

City Attorney Tang reported that there were no final or reportable actions taken in closed session.

#### **VI. PLEDGE OF ALLEGIANCE**

**VII. MOMENT OF SILENCE**

Mayor de Vera called for a moment of silence for the victims of several natural disasters that have occurred in Puerto Rico and the Caribbean Islands and for the recent earthquake in Mexico City.

**VIII. INTRODUCTIONS/PRESENTATIONS**

None.

**IX. AGENDA ADDITIONS/DELETIONS**

City Manager Biggs identified the supplemental material distributed prior to the meeting.

**X. PUBLIC COMMUNICATIONS**

Speakers: Bill Shea, Pil Orbison, Sylvia Villa-Serrano.

**XI. PUBLIC HEARINGS**

1. **“Safeway Center” entitlements and environmental initial study/addendum to allow the construction of a shopping center with a 57,100-sq.-ft. Safeway grocery store, a 20-pump fueling center, a 2,500-sq.-ft. kiosk/mini-mart, a 6,000-sq.-ft. pad with two drive-thrus for a bank and a coffee shop, and sign ordinance modifications to allow for up to 90-foot tall pylon signs in General Commercial (CG) zone districts within 100 feet of Interstate 80, and a conditional use permit to allow for: grocery and liquor sales; restaurant with liquor service; drive-through sales and services; retail uses more than 2,000 sq. ft.; and outdoor retail sales.**  
**Recommendation:**
  1. Adopt Resolution No. 17-069 approving CEQA Addendum IS #17-01;
  2. Adopt Resolution No. 17-070 approving General Plan Amendment #17-01;
  3. Introduce Ordinance No. 503 incorporating Zone Amendment RZ #17-01 and Zone Text Amendment #17-01;
  4. Adopt Resolution 17-071 approving Initial/Final Planned Development Plan #17-01, Design Review Permit #17-02, Conditional Use Permit #17-01, and Minor Exception #17-01, subject to Conditions of Approval and the full drawings contained therein with any modification agreed to by the majority of the Council.

City Manager Biggs introduced the item. Planning Director Smyth gave a staff report and introduced the project team members.

Mayor de Vera opened the public hearing at 7:33 p.m.

Mr. John McNellis, Project Developer gave a presentation of the project.

Public Speakers who spoke in favor of the project: Joseph Lubas, Paty O'Day, Pil Orbison.

Public Speakers who spoke in opposition of the project: None.

Mayor de Vera and Members of the City Council conducted a question/answer period with the project applicant.

Mr. Ray Pendrum from MIG provided information in regards to the fuel station traffic flow.

Police Chief Goswick provided information in regards to security for the 24 hour operation. A representative from Safeway provided additional information in regards to security.

Debbie Kartiganer, Safeway Attorney addressed questions related to the letter received today from Adams Broadwell.

Mr. Dan Daporto, special counsel to the City for CEQA answered questions related to the EIR.

Mayor de Vera closed the public hearing at 8:30 p.m.

Mayor de Vera brought the discussion back to the Council for comments prior to any motions and voting on this item.

**MOTION: A motion was made by Vice Mayor Kelley, seconded by Council Member Boulanger, to adopt Resolution 17-069. The motion carried by the following vote:**

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

**MOTION: A motion was made by Council Member Esquivias, seconded by Council Member Boulanger, to adopt Resolution 17-070. The motion carried by the following vote:**

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

**MOTION: A motion was made by Council Member Boulanger, seconded by Vice Mayor Kelley, to approve the Introduction and First Reading of Ordinance 503. The motion carried by the following vote:**

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

**MOTION: A motion was made by Council Member Romero, seconded by Vice Mayor Kelley, to adopt Resolution 17-071. The motion carried by the following vote:**

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

Mayor de Vera called for a 5 minute recess at 8:43 p.m.  
Mayor de Vera reconvened the meeting at 8:50 p.m.

## **XII. CONSENT CALENDAR**

Council Member Romero made a request to pull Item 2 from the consent calendar for a separate discussion.

Mayor de Vera recommended voting separately on both Items 1 and 2 of the consent calendar.

### **1. City Council Regular Meeting Minutes of September 12, 2017**

**Recommendation:** Adopt Minutes

Adopted.

**MOTION:** A motion was made by Council Member Romero, seconded by Vice Mayor Kelley, to adopt the meeting minutes of September 26, 2017. The motion carried by the following vote:

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

**Abstain:** 1 - Council Member G. Boulanger

### **2. City Council Rules of Procedure**

**Recommendation:** Adopt a Resolution approving the updated City Council Rules of Procedure and rescinding all previous versions of the document.

Council Member Romero recommended that Commission Reports be added to the Rules of Procedure to allow 5 minutes for Commission reports. The consensus of City Council was in agreement to the amendment suggested by Council Member Romero.

City Manager Biggs clarified that Commission Reports would be added to the title of Item VIII which would reflect,  
"Introductions/Presentations/Commission Reports.

**MOTION:** A motion was made by Council Member Romero, seconded by Council Member Boulanger to adopt the City Council Rules of Procedure as amended.

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

**XIII. DISCUSSION AND/OR ACTION ITEMS****1. Appointment to the Community and Library Services Commission**

**Recommendation:** Consider making an appointment to the Community and Library Services Commission for the vacant Student Advisor Commissioner seat.

**MOTION:** A motion was made by Vice Mayor Kelley, seconded by Council Member Esquivias, to approve the appointment of Nina Nguyen to the Student Commissioner seat on the Community and Library Services Commission. The motion carried by the following vote:

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

**2. PARS Post-Employment Benefits Section 115 Trust Program to Pre-Fund Pension Benefits**

**Recommendation:** Authorize participation in the Public Agencies Post-Employment Benefits Section 115 Trust Program administered by Public Agency Retirement Services (PARS) to pre-fund Pension Benefits and authorize the City Manager to execute contract documents.

Mayor de Vera recused herself from this item due to a conflict of interest with her profession. Mayor de Vera left the room during the discussion and vote of this item.

City Manager Biggs provided a staff report. City Manager Biggs introduced the PARS representative, Mitch Barker. Mr. Barker answered questions from the City Council in regards to the investments in equities.

**MOTION:** A motion was made by Council Member Boulanger, seconded by Council Member Romero, to adopt Resolution 17-072. The motion carried by the following vote:

**Aye:** 4 - Vice Mayor C. Kelley, Council Member D. Romero, Council Member G. Boulanger, and Council Member R. Esquivias

**Recused:** 1 - Mayor M. de Vera

**3. 2017 Speed Survey and Speed Limit Change**

**Recommendation:** Receive a Report on the Draft 2017 Speed Survey, discuss recommended Speed Limit Changes, and provide direction to staff.

City Manager Biggs introduced the item. Public Works Director Roberts gave a staff report.

City Council presented questions and comments and directed staff to provide additional information in regards to the exemption for doing a speed survey on local residential roads when the speed ordinance comes before Council for consideration of an amendment.

**4. Agreement for Construction Management Services on Bay Trail West Project**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an Agreement with Parisi CSW Design Group in an amount not to exceed \$135,992 for Construction Management Services on the Bay Trail West Project.

City Manager Biggs introduced the item. Public Works Director Roberts gave a staff report.

Public Works Director Roberts introduced Mr. Robert Stevens, Resident Engineer with Parisi CSW Design Group. Mr. Stevens provided a brief biography and was available to answer questions.

**MOTION:** A motion was made by Council Member Romero, seconded by Council Member Esquivias, to adopt Resolution 17-073. The motion carried by the following vote:

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

**5. Contract Amendment for Staff Augmentation for Wastewater Program**

**Recommendation:** Adopt a resolution authorizing the City Manager to execute Contract Amendment No.2 with West Yost Associates for \$160,798, for a total contract amount not to exceed \$210,788, for staff augmentation to advance the Hercules wastewater program.

City Manager Biggs introduced the item. Public Works Director Roberts gave a staff report. Public Works Director Roberts stated that Mr. Dakari Barksdale was selected as the project engineer from West Yost and Associates who will serve as staff augmentation 2 days a week for a 1 year period.

Public Works Director Roberts introduced Ms. Lani Good, Senior Engineer of West Yost & Associates. Ms. Good. Ms. Good will provide expertise as needed. Ms. Lani Good introduced herself and gave a brief biography and answered questions from the City Council.

**MOTION:** A motion was made by Vice Mayor Kelley, seconded by Council Member Esquivias, to adopt Resolution 17-074. The motion carried by the following vote:

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

**6. Local Regulation of Cannabis Uses**

**Recommendation:** Receive and Discuss Staff Report and Revised Draft Legislation, and Provide Further Direction to Staff and the City Attorney.

CM Biggs introduced the item. City Attorney Tang gave a staff report.

City Council reviewed the draft ordinance and provided direction to staff to make some minor changes to the ordinance. City Council agreed to hold off on amending the smoking ordinance until the first quarter of 2018.

City Manager Biggs explained that City Council will have an opportunity to make amendments and/or revisions to the Ordinance during the Introduction and First Reading of the Ordinance and/or prior to final adoption of the Ordinance.

**7. Update on Code Compliance**

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

Council Member Romero made a recommendation that this item be tabled to the next meeting.

**MOTION:** A motion was made by Council Member Romero, seconded by Vice Mayor Kelley, to table Item XIII.7 to the October 10, 2017 City Council meeting. The motion carried by the following vote:

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

**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.

**XVI. ADJOURNMENT**

Mayor de Vera adjourned the meeting at 11:16 p.m.

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Myrna de Vera, Mayor

Attest:

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Lori Martin, MMC  
Administrative Services Director/City Clerk