



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

Tuesday, October 10, 2017

Council Chambers

Closed Session - 6:00 p.m.

Regular Session - 7:00 p.m.

I. CLOSED SESSION – 6:00 P.M. CALL TO ORDER - ROLL CALL

Mayor de Vera called the meeting to order at 6:00 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 6:01 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

Mayor de Vera stated that the Council completed the public employee evaluation of City Attorney and shared that City Council has agreed that City Attorney Tang's performance is exceptional and he generally exceeds City Council expectations.

VI. PLEDGE OF ALLEGIANCE**VII. MOMENT OF SILENCE**

Mayor de Vera called for a moment of silence for all the souls who passed away due to the recent Las Vegas shooting and the Napa, Sonoma and Santa Rosa fires.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

None.

IX. AGENDA ADDITIONS/DELETIONS

City Manager Biggs identified the supplemental material handed out prior to the meeting including communication received from a resident in regards to Item XI.1 Proposed Ordinance to Regulate Local Marijuana Activities. City Manager Biggs requested that City Council continue Item XIII.4 to the next meeting as staff would like to make some adjustments to the report and bring back at the next meeting.

X. PUBLIC COMMUNICATIONS

Speakers: Bill Shea, Giorgio Cosentino, Glenna Phillips.

XI. PUBLIC HEARINGS**1.****Proposed Ordinance to Regulate Local Marijuana Activities**

Recommendation: Conduct a Public Hearing, Waive the First Reading, and Introduce an Ordinance Amending Title 4, Chapter 18 of the Hercules Municipal Code to Enact Additional Local Restrictions on the Use, Sale, Cultivation, and Delivery of Marijuana within City Limits.

Mayor de Vera introduced the item. City Attorney Tang gave a staff report. Commander Koepp spoke in support of the proposed Ordinance and spoke about several marijuana related incidents which have occurred in the City of Hercules.

Mayor de Vera opened the Public Hearing at 7:26 p.m.

Mr. Frank Grimsley asked questions in regards to enforcement and penalties of the Ordinance.

Mr. Giorgio Consentino provided comments and concerns in regards to marijuana.

Mayor de Vera closed the public hearing at 7:29 p.m.

City Attorney Tang addressed questions in regards to the code enforcement process related to violations of the Adult Use of Marijuana Ordinance.

Mayor de Vera brought the item back to Council for discussion.

Vice Mayor Kelley stated she would not support the Ordinance unless Sections 10 and 11 are removed.

Mayor de Vera polled the remaining Council Members regarding their desire in regards to Sections 10 and 11.

Mayor de Vera received input from a majority of Council expressing a desire to leave Sections 10 and 11 and to monitor and review the Ordinance again after the first of the year and after the State finalizes their regulations and consider amendments if needed at that time.

MOTION: A motion was made by Council Member Romero, seconded by Council Member Boulanger, to approve the Introduction and First Reading of Ordinance 504. The motion carried by the following vote:

Aye: 4 - Mayor M. de Vera, Council Member D. Romero, Council Member G. Boulanger, and Council Member R. Esquivias

Nay: 1 - Vice Mayor C. Kelley

XII. CONSENT CALENDAR

Vice Mayor Kelley pulled Item 4 from the Consent Calendar and provided comments and asked staff for clarification on where the SB1 funds would be applied.

Staff addressed questions related to Item 4.

Mayor de Vera added Item 4 back to the Consent Calendar and brought the Consent Calendar back to Council for a vote.

MOTION: A motion was made by Vice Mayor Kelley, seconded by Council Member Esquivias, to adopt the Consent Calendar. 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

1. Approve Special Meeting Minutes of September 26, 2017

Recommendation: Adopt Minutes

Adopted.

2. **Approve Regular Meeting Minutes of September 26, 2017**
Recommendation: Adopt Minutes
Adopted.
3. **Second Reading of Ordinance 503 Adopting Zoning Designation Amendment #RZ 17-01 and Zoning Text Amendment #ZTA 17-01 related to the Safeway Center Project**
Recommendation: Adopt Ordinance.
Adopted.
4. **Budget Amendment to Incorporate SB1 "The Road Repair and Accountability Act" Funding for the 2017 Annual Street Maintenance Project**
Recommendation: Adopt a resolution amending the adopted Fiscal Year 2017-18 Budget to incorporate SB 1 funding for the 2017 Annual Street Maintenance project and expanding the description of said projects in the budget to meet the requirements of the Act.
Approved.
5. **Amendment to the Children's Program Leader I/II Job Description**
Recommendation: Approve minor amendments to the Children's Program Leader I/II job description.
Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. **Maintenance and Reimbursement Agreement between the City, BART and WestCat for the Hercules Transit Center**
Recommendation: Adopt a Resolution approving a Maintenance and Reimbursement Agreement between the City, BART, and WestCat for the Hercules Transit Center.
City Manager Biggs introduced the item and gave a staff report.

City Council provided comments. City Council requested that Article 5.1 of the Maintenance and Reimbursement Agreement include clarifying language in regards to the repayment source to come from the ROPS.

City Manager Biggs stated that he would recommend an amendment be added to Article 5.1 to further clarify where the source of repayment would come from. City Manager Biggs recommended the addition of the following language to Article 5.1 of the agreement: "The repayment source shall be limited to Redevelopment Agency revenues provided through the

ROPS or other means".

MOTION: A motion was made by Council Member Romero, seconded by Vice Mayor Kelley, to adopt Resolution 17-076 as amended. 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. **Update on Code Compliance**

Recommendation: Receive Report, Discuss, and Provide Direction, if any.

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

City Council asked questions and provided comments.

Glenna Phillips, resident of Hercules addressed Council requesting an extra review the code related to the parking of cars on the street and to review the intent of the code and enforcement of it.

Mayor de Vera asked staff to provide a response to Ms. Phillips questions. City Manager Biggs explained the 72 hour street parking regulation. Police Commander Koeppe provided additional information in regards to parking enforcement. City Council recommended that Ms. Phillips contact the City Manager in the morning to discuss her situation further.

3. **Cable Televisions Options**

Recommendation: Receive report, discuss options, and provide direction if appropriate.

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

City Council discussed the item and considered the options provided in the staff report. The consensus of City Council was to move forward with Option D to embark on a six month pilot program to live stream the City Council and Planning Commission meetings to the internet while exploring other options to provide cable broadcasting service directly from the City of Hercules.

MOTION: A motion was made by Council Member Romero, seconded by Vice Mayor Kelley, to approve a six month pilot program to live stream the City Council and Planning Commission meetings to the internet while exploring other options to provide cable broadcasting services. 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

4. Long Term Financial Projection for the General Fund

Recommendation: Review and discuss the long term financial projection of the general fund.

This item was tabled to the October 24, 2017 City Council meeting.

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 9:51 p.m.

Myrna de Vera, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk