



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

Tuesday, April 24, 2018

Council Chambers

Closed Session - 5:00 p.m.

Regular Session - 7:00 p.m.

I. CLOSED SESSION – 5:00 P.M. CALL TO ORDER - ROLL CALL

Mayor Kelley called the meeting to order at 5:03 p.m.

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 Kelley recessed the meeting at 5:04 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

1. [18-124](#) Pursuant to Government Code Section 54957.6 CONFERENCE WITH LABOR NEGOTIATORS - City Negotiators: David Biggs, City Manager; Annie To, Director of Finance; Lori Martin, Director of Administrative Services relative to the following employee groups:
 - a. Teamsters Local 315 Employee Organizations
 - b. Hercules Police Officers Association
 - c. Hercules Senior Manager Employee Group
 - d. Confidential Unrepresented Employee Group
 - e. Mid Management Employee Group
2. [18-127](#) 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 Kelley called the regular City Council meeting to order at 7:05 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

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

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

VII. MOMENT OF SILENCE

Mayor Kelley called for a moment of silence for Paul J. Velasco, a 40 year resident of Hercules who passed away recently.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. [18-116](#) Hercules High School Music Presentation

Hercules High School string music group provided a short music performance. Hercules High School Music Director Anthony West provided information related to the music classes provided at Hercules High School.
2. [18-125](#) Supervisor Federal D. Glover to Introduce Dominic Aliano, District Representative

Supervisor Glover introduced his new District Representative Dominic Aliano. Dominic Aliano provided a brief biography and answered questions from the City Council.
3. [18-117](#) Proclamation in Special Recognition of Reserve Police Detective Van Putten as the 2018 Women of the Year in Contra Costa County

Mayor Kelly read aloud the Proclamation and presented it to Ms. Connie Van Putten.

Planning Commission Chair Dion Bailey provided an update on a recent Planning Commission meeting.

IX. AGENDA ADDITIONS/DELETIONS

City Manager Biggs reported that there was an updated version of the first look at revenues and expenditures handed out prior to the meeting and extra copies are available on the table for the public. City Manager Biggs explained the process for the joint item between the Successor Agency and City Council.

X. PUBLIC COMMUNICATIONS

Speaker: Lynne Noone

XI. PUBLIC HEARINGS

Mayor Kelley called the joint meeting of the Successor Agency and Hercules City Council to order at 7:45 p.m.

Present: 5 - Agency Member G. Boulanger, Agency Member M. de Vera, Agency Member R. Esquivias, Agency Member D. Romero, and Chair C. Kelley

1. [18-121](#) **Major Amendment to the 2008 Hilltown Development and Owner Participation Agreement ("Development Agreement") with Santa Clara Valley Housing Group (SCVHG) to: Extend the Term for Six Months with Provision for Additional Extension; Remove the Redevelopment Agency as Party to the Agreement; and Make Additional Changes to the Original Agreement Consistent with Changed Circumstances**
 1. Extend the Term for Six Months with Provision for Additional Extension;
 2. Remove the Redevelopment Agency as Party to the Agreement;
 3. Make Additional Changes to the Original Agreement Consistent with Changed Circumstances

Recommendation: Review, discuss and conduct a public hearing and consider taking the following actions:

Successor Agency:

Adopt a Resolution of the Hercules Successor Agency approving certain amendments to the 2008 Hilltown Development Agreement, including but not limited to removal of the Redevelopment Agency as a party to the agreement (Attachment 2)

City Council

Waive the first reading and introduce an Ordinance approving amendments to the Hilltown Development Agreement to remove the Redevelopment Agency as a party to the agreement, conditionally extend the term of the agreement, and to clarify the developer's obligations regarding affordable housing, stormwater and clean water requirements, and the in-lieu sports facility fee (Attachment 3).

City Manager Biggs gave a staff report. City Manager Biggs invited the Developer to speak in regards to their qualifications and to show some of the projects they are working on. Mr. Steve Schott of Santa Clara Valley Housing Group added additional information. Members of the City Council conducted a question and answer period with staff and the developer.

Mayor Kelley opened the joint public hearing of the Successor Agency and the Hercules City Council at 8:10 p.m.

Mayor Kelley closed the joint public hearing of the Successor Agency and the Hercules City Council at 8:10 .m. with no comments offered from the public.

MOTION: A motion was made by Agency Member de Vera, seconded by Agency Member Esquivias, to adopt Successor Agency Resolution 18-018. The motion carried by the following vote:

Aye: 5 - Agency Member G. Boulanger, Agency Member M. de Vera, Agency Member R. Esquivias, Agency Member D. Romero, and Chair C. Kelley

MOTION: A motion was made by Vice Mayor Romero, seconded by Council Member Boulanger, to waive the reading and approve the introduction of Ordinance 509. 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

Chair Kelley adjourned the Successor Agency meeting at 8:15 p.m.

2. [18-120](#)

Ordinance to Amend Hercules Municipal Code Title 5, Chapter 6, to update, revise, and clarify the City's Smoking Ordinance

Recommendation: Receive a presentation, open the public hearing, waive the First Reading, and introduce an Ordinance amending the City's smoking ordinance

City Attorney Tang introduced the item and provided a staff report. City Council provided comments.

Mayor Kelley open the public hearing at 8:31 p.m.

Mayor Kelley closed the public hearing at 8:31 p.m. with no comments offered from the public.

A motion was made by Council Member Boulanger to waive the reading and approve the introduction of Ordinance 508.

An amendment to the motion was made by Vice Mayor Romero to add clarifying language into the Ordinance to define the language of a minor to be someone under the age of 21.

MOTION: A motion was made by Council Member Boulanger, seconded by Vice

Mayor Romero, to waive the reading and approve the introduction of Ordinance 508 as amended. The motion carried by the following vote:

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

Nay: 1 - Council Member M. de Vera

XII. CONSENT CALENDAR

MOTION: A Motion was made by Council Member de Vera, seconded by Council Member Boulanger to adopt Items 1-4 of the Consent Calendar.

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

Council Member de Vera requested that Item 5 be pulled from the Consent Calendar and discussed separately.

City Council discussed and agreed by majority to add the location of the Northeast corner of Willet and Sycamore as an additional location for the placement of political signs.

MOTION: A motion was made by Vice Mayor Romero, seconded by Council Member de Vera, to adopt Resolution 18-020 as amended. 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. [18-114](#)

Meeting Minutes

Recommendation: Approve the Special Closed Session meeting minutes of April 10, 2018.

Approved.

2. [18-113](#)

Meeting Minutes

Recommendation: Approve the Special Workshop and Regular City Council Meeting Minutes of April 10, 2018.

Approved.

3. [18-115](#)

Meeting Minutes

Recommendation: Approve the Special City Council Workshop meeting minutes of April 14, 2018.

Approved.

4. [18-123](#)

Computer and Electronic Surplus

Recommendation: Adopt a Resolution declaring certain computer property and electronics as surplus and authorizing the proper disposal of said property.

Approved.

5. [18-111](#) **Approve Updated Locations for Posting of Political Signs on Public Property**
Recommendation: Adopt a Resolution approving locations for posting of political signs on public property.

This item was pulled from the Consent Calendar and approved as amended.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [18-119](#) **Second Reading of Zone Text Amendment No. ZTA 18-01 Related to Accessory Dwelling Units**
Recommendation: Waive the 2nd Reading and adopt Ordinance 506, Zoning Text Amendment #ZTA 18-01 modifying the Hercules Zoning Ordinance by repealing and replacing Section 35.320 and modifying Section 60.200 as well as Table 6.1 and Table 15.1 regarding accessory Dwelling Units (ADUs).

City Manager Biggs introduced the item. Planning Director Smyth provided a staff report. Assistant City Attorney Crawl provided additional information. City Council asked questions and provided comments. City Council provided direction to staff to make two amendments to the Ordinance. The amendments agreed upon by a consensus of the City Council was to amend the height limit to 18' and to limit detached accessory dwelling units to one (1) habitable space.

MOTION: A motion was made by Council Member de Vera, seconded by Council Member Esquivias, to waive the reading and adopt Ordinance 506, as amended. 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

2. [18-126](#) **Landscaping and Lighting Assessment Districts - Approval of Preliminary Engineer's Reports and Declaring the City Council's Intention to Levy and Collect Assessments for Fiscal Year 2018-19**
Recommendation: Adopt the following Resolutions:
- a. A Resolution for the preliminary approval of the Engineer's Report and declaring the City Council's intention to levy and collect assessments for Fiscal Year 2018-19 within the City of Hercules for Landscaping and Lighting Assessment District No. 83-2 and setting a public hearing for June 26, 2018; and
 - b. A Resolution for the preliminary approval of the Preliminary Engineer's Report and declaring the City Council's intention to levy and collect assessments for Fiscal year 2018-19 within the City of Hercules Victoria by the Bay Landscaping and Lighting Assessment District No. 2002-1

(District) and setting a public hearing for June 26, 2018; and

c. A Resolution for the preliminary approval of the Preliminary Engineer's Report and declaring the City Council's intention to levy and collect assessments for Fiscal Year 2018-19 within the City of Hercules for Hercules Village Landscaping and Lighting Assessment District No. 2002-2 (District) and setting a public hearing for June 26, 2018; and

d. A Resolution for the preliminary approval of the Preliminary Engineer's Report and declaring the City Council's intention to levy and collect assessments for Fiscal Year 2018-19 within the City of Hercules for Baywood Landscaping and Lighting Assessment District No. 2004-1 (District) and setting a public hearing for June 26, 2018; and

e. A Resolution for the preliminary approval of the Preliminary Engineer's Report and declaring the City Council's intention to levy and collect assessments for Fiscal Year 2018-19 within the City of Hercules for Bayside Landscaping and Lighting Assessment District No. 2005-1 and setting a public hearing for June 26, 2018.

City Manager Biggs introduced the item and provided a staff report. City Manager Biggs introduced Ed Espinoza from Francisco & Associates. Mr. Espinoza of Francisco & Associates provided additional information. Mr. Espinoza and City Manager Biggs introduced some new information for City Council consideration to approve an additional assessment to Zone 9 of the Citywide Landscaping and Lighting Assessment District 83-2, increasing the assessment to the 8 year amortization amount. City Council discussed the options and established a consensus to increase the assessment in Zone 9 to the 8 year amortization amount.

MOTION: A motion was made by Council Member Esquivias, seconded by Vice Mayor Romero, to adopt Resolution 18-021, as amended. 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

MOTION: A motion was made by Vice Mayor Romero, seconded by Council Member Boulanger, to adopt Resolution Nos: 18-022, 18-023, 18-024 and 18-025. 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

3. [18-118](#) **List of Projects for Fiscal Year 2018-19 Funded by SB 1, the Road Repair and Accountability Act of 2017**
Recommendation: Adopt a Resolution approving a list of SB 1 projects for FY 2018-19.
- Public Works Director Mike Roberts introduced the item and provided a staff report. City Manager Biggs provided additional information.
- MOTION: A motion was made by Vice Mayor Romero, seconded by Council Member Boulanger, to adopt Resolution 18-026. 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
4. [18-91](#) **First Look at FY 2018-19 General Fund Revenues and Expenditures**
Recommendation: Discuss and provide staff with feedback on the general fund revenue and expenditure estimates being developed for the FY 2018-19 budget.
- City Manager Biggs introduced the item. Finance Director To provided a staff report and presented the first look at FY 18-19 revenues and expenditures. City Manager Biggs provided additional information. City Council asked questions and provided comments.
5. [18-112](#) **Records Retention Schedule and Records Management Program**
Recommendation: Adopt a Resolution approving a new Records Retention Schedule and rescinding Resolution No. 92-16; and adopt a Resolution approving a Records Management Program.
- City Manager Biggs introduced the item. City Clerk Martin provided a staff report. City Council asked questions and provided comments. City Council gave direction to staff to make one minor amendment to the Records Retention Schedule to modify File No. 703.07 related to Initiative Petitions from an 8 month retention period to Permanent.
- MOTION: A motion was made by Council Member de Vera, seconded by Council Member Esquivias, to adopt Resolution 18-027, as amended. 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
- MOTION: A motion was made by Council Member Boulanger, seconded by Council Member Esquivias, to adopt Resolution 18-028. 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

XIV. PUBLIC COMMUNICATIONS

None.

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

Staff and Council reported on events and attendance at community and regional meetings.

Members of the City Council requested the following future agenda items:

Smoking Ordinance for multi-family units, requested by Vice Mayor Romero.

Annual Designation of EOC Successors, requested by Vice Mayor Romero.

Annual Development Update, requested by Council Member de Vera.

Mayor Kelley polled the City Council Members and established consensus to add the three (3) items listed above.

Vice Mayor Romero requested that his colleagues call the School District Trustees in El Cerrito and request that they reject all of the options outlined in a recent report that was issued related to School Resource Officers.

XVI. ADJOURNMENT

Mayor Kelley adjourned the meeting at 10:54 p.m.

**AGENDA FOR THE SUCCESSOR AGENCY TO THE FORMER HERCULES
REDEVELOPMENT AGENCY - APRIL 24, 2018**

I. ROLL CALL - CALL TO ORDER

Chair Kelley called the joint meeting of the Successor Agency and Hercules City Council to order at 7:45 p.m.

Rollcall

Present: 5 - Agency Member G. Boulanger, Agency Member M. de Vera, Agency Member R. Esquivias, Agency Member D. Romero, and Chair C. Kelley

II. PUBLIC COMMUNICATIONS

None.

III. PUBLIC HEARING

1. [18-122](#) **Major Amendment to 2008 Hilltown Development and Owner Participation Agreement ("Development Agreement") with Santa Clara Valley Housing Group (SCVHG) to: Extend the Term for Six Months with Provision for Additional Extension; Remove the**

Redevelopment Agency as Party to the Agreement; and Make Additional changes to the Original Agreement Consistent with Changed Circumstances - Note: This item to be approved prior to Item XI.1 on the Regular City Council Agenda of 04/24/18

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

Successor Agency:

Adopt a Resolution of the Hercules Successor Agency approving certain amendments to the 2008 Hilltown Development Agreement, including but not limited to removal of the Redevelopment Agency as a party to the agreement (Attachment 2).

City Council:

Waive the first reading and introduce an Ordinance approving amendments to the Hilltown Development Agreement to remove the redevelopment agency as a party to the agreement, conditionally extend the term of the agreement, and to clarify the developer's obligations regarding affordable housing, stormwater and clean water requirements, and the in-lieu sports facility fee (Attachment 3).

City Manager Biggs introduced the item and provided a staff report. City Manager Biggs invited the Developer to speak in regards to their qualifications and to present slides of some of their current projects they are working on. Mr. Steve Schott of Santa Clara Valley Housing Group provided additional information. City Council conducted a question and answer period with staff and the developer.

Chair Kelley opened the joint public hearing of the Successor Agency and the Hercules City Council at 8:10 p.m.

Chair Kelley closed the public hearing of the Successor Agency and the Hercules City Council at 8:10 p.m. with no comments offered from the public.

MOTION: A Motion was made by Agency Member de Vera, seconded by Agency Member Esquivias to adopt Successor Agency Resolution 18-018.

Aye: 5 - Agency Member G. Boulanger, Agency Member M. de Vera, Agency Member R. Esquivias, Agency Member D. Romero, and Chair C. Kelley

MOTION: A Motion was made by Vice Mayor Romero, seconded by Council Member Boulanger to waive the reading and approve the introduction of Ordinance 509.

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

IV. ADJOURNMENT

Chair Kelley adjourned the Successor Agency meeting at 8:15 p.m.

Chris Kelley, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk