



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, May 8, 2018

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 Kelley called the meeting to order at 6:00 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

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

Speaker: Pil Orbison

III. CONVENE INTO CLOSED SESSION

City Attorney Tang announced the items to be discussed in closed session.
Mayor Kelley recessed the meeting at 6:03 p.m.

1. [18-145](#) 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. [18-148](#) 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 meeting to order at 7:03 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 the Hercules Police Explorer Color Honor Guard.

VII. MOMENT OF SILENCE

Mayor Kelley called for a moment of silence for Robert Shawn Pitts, a Terra Haute, Indiana Police Officer who was shot and killed May 4, 2018 while conducting a homicide investigation. Officer Pitts had served with the Terre Haute Police Department for 16 years. Officer Pitts was 46 years old.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. [18-136](#) Police Memorial Week Proclamation

Mayor Kelley read aloud the Police Memorial Week Proclamation. Chief Goswick addressed the City Council and provided additional information. Chief Goswick introduced Police Officer of the Year, Russell Lumus who read the names of the officers who have lost their lives in the line of duty in the past year.
2. [18-143](#) Union Pacific Railroad Presentation on Refugio Creek Bridge Replacement

Francisco Castillo, Public Affairs Manager for Union Pacific Railroad presented the Regugio Creek Bridge Replacement project. Mr. Castillo identified members of the project team. City Council asked questions. Mr. Castillo provided a phone number (888) 877-7267 that residents can call for any railroad concerns.

IX. AGENDA ADDITIONS/DELETIONS

City Manager Biggs stated there were no additions or deletions to the agenda.

X. PUBLIC COMMUNICATIONS

None.

XI. PUBLIC HEARINGS

1. [18-134](#) **Safeway Master Sign Program & Zoning Amendment to the Sign OrdinanceText Amendment No. 18-03 (ZTA #18-03) to update the Hercules Zoning Ordinance, Chapter 34, Sign Regulations, and Design Review Permit No. 18-01**
Recommendation: Receive report, open public hearing, discuss potential changes to #ZTA 18-03 and Design Review Permit #DRP 18-01 and consider waiving the First Reading and introducing an Ordinance with the proposed Zone Text Amendment #ZTA 18-03 for revisions to Chapter 34 of the Zoning Ordinance of the Sign Regulations and adopting a resolution approving DRP #18-01 for the Safeway Center Master Sign Program.

City Manager Biggs introduced the item. Planning Manager Robert Reber, Planning Director Holly Smyth and City Attorney Tang provided a staff report. City Council asked questions. Mike Powers with McNellis Partners and Project Developer answered questions from City Council.

Mayor Kelley opened the public hearing at 8:18 p.m.
Mayor Kelley closed the public hearing at 8:18 p.m. with no comments offered from the public.

MOTION: A motion was made by Council Member de Vera, seconded by Council Member Esquivias, to waive the waive the first reading and approve the introduction of Ordinance 510. 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 18-029. 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. [18-142](#) **Consider Approving an Ordinance to Adopt Proposed Zone Text Amendment #ZTA 18-02 Related to Establishing Restrictions on Paving of Residential Lots**
Recommendation: Receive report, open public hearing, discuss potential changes to #ZTA 18-02, and waive first reading and introduce an Ordinance with the proposed Zone Text Amendment related to Paving on residential lots.

City Manager Biggs introduced the item. Planning Director Smyth and City Attorney Tang provided a staff report. Public Works Director Roberts

provided additional information. City Council asked questions. City Council provided direction to staff to send flyers of this new ordinance to the Board of Realtors, Homeowner's Associations and Home Depot. City Council provided direction to staff to add a definition of paving to the Ordinance.

Mayor Kelley opened the public hearing at 8:53 p.m.

Mayor Kelley closed the public hearing at 8:53 with no comments offered from the public.

MOTION: A motion was made by Council Member Boulanger, seconded by Vice Mayor Romero, to waive the reading and approve the introduction of Ordinance 511, 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

XII. CONSENT CALENDAR

Council Member de Vera requested to pull Item 3 from the Consent Calendar.

MOTION: A motion was made by Vice Mayor Romero, seconded by Council Member Boulanger, to adopt Items 1 and 2 of the Consent Calendar. 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. [18-141](#) **Meeting Minutes**
Recommendation: Approve the Regular City Council Meeting Minutes of April 24, 2018.

Approved.
2. [18-140](#) **Ordinance to Approve 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 Clarify the Developer's Obligations Regarding Affordable Housing, Stormwater and Clean Water Requirements, and the In-Lieu Sports Facility Fee**
Recommendation: Waive reading and adopt Ordinance 509.

Approved.
3. [18-139](#) **Ordinance to Amend Hercules Municipal Code by Repealing and Replacing Article 5, Section 6 Related to Smoking in Workplaces and Public Places, and Finding that this Ordinance is Exempt from CEQA**
Recommendation: Waive the Reading, and adopt Ordinance 508.

Council Member de Vera requested that a definition or finding be added to the Ordinance related to hookah smoking. City Council provided direction

to staff to add a finding on high tech smoking to the Ordinance.

MOTION: A motion was made by Vice Mayor Romero, seconded by Council Member Esquivias, to waive the reading and adopt Ordinance 508, 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

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [18-138](#)

November 6, 2018 General Municipal Election

Recommendation: Staff recommends that City Council consider and take action on the following:

1. Adopt a Resolution Calling for the Holding of a General Municipal Election to be held on Tuesday, November 6, 2018 for the Election of Two (2) Members of the City Council for the Full Term of Four (4) Years.
2. Adopt a Resolution Requesting the Contra Costa Board of Supervisors to Consolidate a General Municipal Election to be held on Tuesday, November 6, 2018 with the Statewide General Election to be held on the same date.
3. Adopt a Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidate Statements Submitted to the Voters at an Election to be held on Tuesday, November 6, 2018.

City Manager Biggs introduced the item. City Clerk Martin provided a staff report. City Council provided direction to staff to leave the current language in Resolution #1 to resolve a tie vote by lot. City Council provided direction to staff to leave Section 3.B, Items 1 and 2 in Resolution #3 and delete Items 3 and 4.

MOTION: A motion was made by Council Member Esquivias, seconded by Council Member de Vera, to adopt Resolution 18-030. 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 de Vera, seconded by Council Member Esquivias, to adopt 18-031. 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 Vice Mayor Romero, to adopt Resolution 18-032, 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. [18-147](#)**Hercules Point Update and Approve Letter to East Bay Regional Parks District Board****Recommendation:**

- 1) Receive report, discuss, and provide direction, if any.
- 2) Approve and authorize the Mayor to sign a letter to the President and Board Members of the East Bay Regional Parks District.

City Manager Biggs introduced the item and provided a staff report. Planning Manager Reber provided additional information. Council Member de Vera suggested a call to action by adding a request for a face-to-face meeting between the Mayor and Vice Mayor and the President and/or Chair of the East Bay Regional Parks to the letter. City Council provided direction to staff to amend the letter to request the meeting.

MOTION: A motion was made by Vice Mayor Romero, seconded by Council Member Boulanger, to approve the letter to East Bay Regional Parks, 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

3. [18-133](#)**2017 Strategic Plan Status Report**

Recommendation: Receive Report, discuss, and provide direction, if any.

City Manager Biggs introduced the item and provided a staff report. City Council discussed the strategic plan and provided direction to staff to make amendments to the plan as follows: 1) add CalPERS increasing rates to the SWOT analysis under the Threat column; 2) remove past mismanagement and staff turnover under weaknesses; 3) work towards providing one police officer per 1000 residents as city resources permits.

MOTION: A motion was made by Vice Mayor Romero, seconded by Council Member Esquivias, to approve the update to the 2018 Strategic Plan, 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

4. [18-135](#)**Pre-Qualified Vendors for Planning-Related Services**

Recommendation: Adopt a Resolution approving a list of qualified vendors for planning, environmental and technical planning, transportation planning, architecture & urban design, landscape architecture, historic preservation, and fiscal analysis services.

City Manager Biggs introduced the item. Planning Director Smyth provided a staff report. Smyth recommended that the vendor list be available for the next 3 years. City Council asked questions and provided comments.

MOTION: A motion was made by Vice Mayor Romero, seconded by Council

Member Boulanger, to adopt Resolution 18-033. 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

Members of the City Council and staff reported on events and attendance at community and regional meetings.

Vice Mayor Romero made a request to call up Planning Commission Resolution 18-05. Vice Mayor Romero stated that the language for electric vehicles needs to be defined as it currently states 3% and should be 6% pursuant to state standard. Vice Mayor Romero stated that the language in regards to construction debris is not consistent with our municipal code in regards to construction debris coming off the site. City Manager Tang explained the appeal process. City Manager Biggs explained that this item would come back to City Council at their regular meeting of June 12, 2018 as a public hearing item.

Mayor Kelley requested an item on a future meeting regarding a measure being sponsored by the American Beverage Association titled, "The Tax Fairness, Transparency and Accountability Act". Mayor Kelley stated she would like to discuss this item as it may have a direct effect on Hercules. Mayor Kelley polled the Council Members with a majority consensus to bring this forward as a discussion item as we gain more information on the measure.

MOTION: A motion was made by Vice Mayor Romero, seconded by Council Member Boulanger, to bring back on appeal Planning Commission Resolution 18-05 to address Section 11-G related to electric vehicles and to add language to address construction debris. The motion carried by the following vote:

Aye: 3 - Council Member G. Boulanger, Council Member R. Esquivias, and Vice Mayor D. Romero

Nay: 2 - Council Member M. de Vera, and Mayor C. Kelley

XVI. ADJOURNMENT

Mayor Kelley adjourned the meeting at 10:22 p.m.

Chris Kelley, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk