



# City of Hercules

111 Civic Drive  
Hercules, CA 94547

## Meeting Minutes

### City Council

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

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

---

Tuesday, February 26, 2019

6:00 PM

Council Chambers

---

#### **SPECIAL MEETING AND SPECIAL CLOSED SESSION - 6:00 P.M.**

#### **REGULAR MEETING - 7:00 P.M.**

#### **I. SPECIAL MEETING - COMMISSION INTERVIEWS – 6:00 P.M. CALL TO ORDER - ROLL CALL**

Mayor Romero called the special meeting to order at 6:00 p.m.

**Present:** 4 - Mayor D. Romero, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

**Absent:** 1 - Vice Mayor R. Esquivias

#### **II. PUBLIC COMMUNICATION - SPECIAL MEETING**

None.

#### **III. APPLICANT INTERVIEWS - FINANCE COMMISSION**

##### **1. [19-475](#)**

##### **Finance Commission Interviews**

**Recommendation:** Interview candidates for the Finance Commission.

Members of the City Council conducted interviews with the following applicants for Finance Commission:

1. Dillard Davis
2. Diana Galieva
3. Edward Ulle
4. Myrna Godinez

The special meeting was adjourned at 6.42 p.m.

**IV. CLOSED SESSION – CALL TO ORDER - ROLL CALL**

Mayor Romero called the special closed session meeting to order at 6:43 p.m.

**Present:** 4 - Mayor D. Romero, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

**Absent:** 1 - Vice Mayor R. Esquivias

**V. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS**

None.

**VI. CONVENE INTO CLOSED SESSION**

City Attorney Tang announced the items to be discussed in closed session.

1. [19-481](#) Pursuant to Government Code Section 54957(b)(1) PUBLIC EMPLOYMENT - Title: City Manager Contract
2. [19-488](#) Pursuant to Government Code Section 54956.9 (d)(2), Conference with Legal Counsel - Potential Litigation - Exposure to litigation in one (1) case.

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

Mayor Romero called the meeting to order at 7:04 p.m.

**Present:** 4 - Mayor D. Romero, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

**Absent:** 1 - Vice Mayor R. Esquivias

**VIII. REPORT ON ACTION TAKEN IN CLOSED SESSION**

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

**IX. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Hercules Police Explorer Color Honor Guard.

**X. MOMENT OF SILENCE**

Mayor Romero called for a moment of silence for three Police Officers killed in the line of duty. Officer Nicholas Galinger, Chattanooga, TN, end of watch: 02/23/19; Under Sheriff Monty Johnson, Pawnee County, OK end of watch: 02/21/16; Sgt. Daniel Hinton, Fort Meyer, FL end of watch: 02/19/19.

**XI. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS**

1. [19-477](#) Proclamation - Special Recognition to Officer Luis Montenegro as the 2019 Police Officer of the Year  
  
Mayor Romero invited Chief Imboden and Officer Montenegro to the podium and presented a Proclamation to Officer Montenegro recognizing him for being selected as the 2019 Officer of the Year. Chief Imboden and Officer Montenegro spoke. Members of the City Council thanked Officer Montenegro for his service to the City and Community.
2. [19-472](#) Proclamation - Recognizing the Hercules Chinese Association on their 40th Anniversary and Declaring February 26, 2019 as Chinese Heritage Day in the City of Hercules  
  
Mayor Romero read aloud and presented the proclamation to Carolyn Wang, Bill Leong and Lori Chinn of the Hercules Chinese Association. Representatives of Hercules Chinese Association spoke. Members of the City Council thanked the Representatives and the Association for their service to the community.

**XII. AGENDA ADDITIONS/DELETIONS**

City Manager Biggs stated that copies of the Powerpoint presentations handed out prior to the meeting are available to the public on the side table.

**XIII. PUBLIC COMMUNICATIONS**

None.

**XIV. PUBLIC HEARINGS**

1. [19-480](#) **2019 West Contra Costa County Subregional Transportation Mitigation Program (STMP) Fee Update**  
**Recommendation:** Hold a public hearing and consider:
  - a) Waiving the first reading and introducing an Ordinance amending Hercules Municipal Code Title 10, Chapter 17 - West County Subregional Transportation Mitigation Program, and
  - b) Adopting a Resolution authorizing the City Manager to execute a Master Cooperative Agreement between the West Contra Costa Transportation Advisory Committee (WCCTAC) and the City of Hercules and other member agencies in its current substantive form with Exhibits A - 2019 Nexus Update of the STMP Impact Fee and Exhibit B - STMP Administrative Guidelines as a reference and incorporate the new STMP Nexus Fees into the City's Master User Fee Schedule.  
City Manager Biggs introduced the item and provided a staff report.

Mayor Romero opened the public hearing at 7:44 p.m.

Mr. John Nemeth of WCCTAC spoke briefly and invited Ms. Julie Morgan to the podium. Ms. Morgan gave a presentation on the STMP fee update.

City Council asked questions and provided comments.

Public Speakers: Patty O'Day; Ben Ortega.

City staff along with Mr. John Nemeth and Ms. Julie Morgan answered questions raised by the public speakers.

Mayor Romero closed the public hearing at 8:46 p.m.

Members of the City Council asked further questions and provided comments.

There was a consensus of City Council to not take any action on this item at this time.

City Council gave direction to staff to continue the public hearing open to the first meeting in April 2019.

## **XV. CONSENT CALENDAR**

**MOTION:** A motion was made by Council Member Kelley, seconded by Council Member Boulanger, to adopt the Consent Calendar. The motion carried by the following vote:

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

**Absent:** 1 - Vice Mayor R. Esquivias

### **1. [19-478](#)**

#### **Meeting Minutes**

**Recommendation:** Approve the Regular Meeting Minutes of February 12, 2019.

Approved.

## **XVI. DISCUSSION AND/OR ACTION ITEMS**

### **1. [19-476](#)**

#### **Finance Commission Appointments**

**Recommendation:** Consider making two (2) appointments to the Finance Commission for the start of two (2) year terms ending December 31, 2020.

City Manager Biggs introduced the item. City Clerk Martin provided a staff report and conducted a poll vote of the Council Members for their top two (2) applicant selections to fill the vacancies on the Finance Commission.

This resulted in Mr. Dillard Davis and Ms. Diana Galieva as the top two applicants appointed to fill the two (2) vacant seats.

2. [19-482](#)

**FY 2018-19 Mid-Year Budget Review and Miscellaneous Mid-Year Budget Appropriations and Adjustments and Authorizing the Creation of a Management Analyst Position**

**Recommendation:** Receive a report on the FY 2018-19 mid-year budget review and adopt a Resolution approving various mid-year budget appropriations and adjustments and authorizing the creation of a Management Analyst position.

City Manager Biggs introduced the item and Finance Director Gato provided a staff report and presentation on the mid-year budget. City Council asked questions and provided comments.

**MOTION: A motion was made by Council Member Kelley, seconded by Council Member Boulanger, to adopt Resolution 2019-009. The motion carried by the following vote:**

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

**Absent:** 1 - Vice Mayor R. Esquivias

3. [19-474](#)

**Discussion of Planning and Zoning Noticing Requirements**

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

City Manager Biggs introduced the item and provided a staff report. City Council asked questions and provided comments. City Council provided direction to staff to amend the Ordinance to include a provision allowing for the Planning Director to have discretion to expand the noticing requirements based on unique circumstances.

4. [19-470](#)

**Update on the Queen Anne House**

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

City Manager Biggs introduced the item and provided a staff report. City Council asked questions and provided comments.

5. [19-471](#)

**Update on Clock Tower**

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

City Manager Biggs introduced the item and provided a staff report. City Council asked questions and provided comments. City Council gave direction to come back with an assessment of the building and cost estimates for demolition for possible consideration in the FY 19-20 budget decision packages.

**XVII. PUBLIC COMMUNICATIONS**

None.

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

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

**XIX. ADJOURNMENT**

Mayor Romero adjourned the meeting at 10:38 p.m.

\_\_\_\_\_  
Dan Romero, Mayor

Attest:

\_\_\_\_\_  
Lori Martin, MMC  
Administrative Services Director/City Clerk