



# 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*

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Tuesday, March 12, 2019

7:00 PM

Council Chambers

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**SPECIAL CLOSED SESSION - NONE.**  
**REGULAR MEETING - 7:00 P.M.**

**I. SPECIAL MEETING - CLOSED SESSION – NONE.**

**II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS - NONE.**

**III. CONVENE INTO CLOSED SESSION - NONE.**

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

Mayor Romero called the meeting to order at 7:00 p.m.

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

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

None.

**VI. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Vice Mayor Esquivias.

**VII. MOMENT OF SILENCE**

Mayor Romero called for a moment of silence for Leo Garfield, former Police Chief for the City of Richmond, CA. Leo Garfield passed away at the age of 90.

**VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS**

1. [19-493](#) Presentation from Education Matters, Jason Singer, Executive Director  
This item was tabled to the March 26, 2019 City Council meeting.

**IX. AGENDA ADDITIONS/DELETIONS**

City Manager Biggs stated there were no additions or deletions to the agenda. City Manager Biggs identified the supplemental information handed out prior to the meeting and available to the public at the side table.

**X. PUBLIC COMMUNICATIONS**

Speakers: Lynne Noone; Ben Ortega.

**XI. PUBLIC HEARINGS**

1. [19-492](#) **Mandatory Garbage/Solid Waste Disposal - Delinquent Accounts**  
**Recommendation:** Conduct a public hearing and upon conclusion, consider adopting a Resolution confirming the report of delinquent accounts and placing liens on said properties and special assessments upon property taxes pursuant to City of Hercules Municipal Code Section 5-2.01 to 5-2.16, Mandatory Garbage/Solid Waste Disposal.

City Manager Biggs introduced the item and provided a staff report. Ms. Janna Coverston from Republic Services provided additional information. City Council asked questions and provided comments.

Mayor Romero opened the public hearing.

Mayor Romero closed the public hearing with no comments offered from the public.

**MOTION:** A motion was made by Council Member Kelley, seconded by Council Member Boulanger, to approve Resolution 19-010. The motion carried by the following vote:

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

2. [19-497](#) **2019 Hercules Transportation Impact Fee Update**  
**Recommendation:** Hold a public hearing and consider the following:

- 1) Approving a Resolution
  - a) Adopting the 2019 Hercules Transportation Impact Fee Nexus Study
  - b) Approving a "Transportation Impact Fee" as set by the Council at or below the maximum justified fee, and
  - c) Amending the City's Master Fee Schedule to Replace the "Traffic Facilities Fee" with the "Transportation Impact Fee" contingent upon adoption of the companion Ordinance, and

- 2) Waive the first reading and introduce an Ordinance amending title 10, Chapter 18, Article 6 - Traffic Facilities Impact Fees.

City Manager Biggs introduced the item and Planning Director Smyth

provided a staff report. Assistant City Attorney Crawl provided additional information. City Council asked questions and provided comments.

Mayor Romero opened the public hearing.

Mayor Romero closed the public hearing with no comments offered from the public.

City Council gave direction to staff to set the transportation impact fee at 75% with the exception of hotels to be set at 50% for up to five (5) years. Furthermore, City Council gave direction to staff to rescind the 2011 temporary reduction Resolution back to 2010 rates set by the 2009 nexus study.

**MOTION: A motion was made by Council Member Kelley, seconded by Vice Mayor Esquivias, to adopt Resolution 19-011, as amended. The motion carried by the following vote:**

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

**MOTION: A motion was made by Vice Mayor Esquivias, seconded by Council Member Kelley, to waive the first reading and approve the introduction of Ordinance 518, as amended. The motion carried by the following vote:**

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

**3. [19-499](#)**

**2018 Annual Housing Element Progress Report**

**Recommendation:** Conduct a public hearing and approve the annual Housing Element Progress Report for the 2018 calendar year and direct staff to submit the report to the appropriate state and regional agencies via minute action.

City Manager Biggs introduced the item and Planning Director Smyth provided a staff report.

Mayor Romero opened the public hearing. Mayor Romero closed the public hearing with no comments offered from the public.

**MOTION: A motion was made by Council Member Bailey, seconded by Council Member Boulanger, to approve the 2018 Annual Housing Element Progress Report. The motion carried by the following vote:**

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

**XII. CONSENT CALENDAR**

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

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

1. [19-495](#) **Meeting Minutes**  
**Recommendation:** Approve the Special and Regular Meeting Minutes of February 26, 2019.

Approved.

2. [19-496](#) **Acceptance of the Bay Trail West Project**  
**Recommendation:** Adopt a Resolution accepting the Bay Trail West Project contract with Grade Tech Inc. as complete for a total amount of \$1,252,872 and authorizing the filing of the Notice of Completion with the Contra Costa County Recorder's Office.

Approved.

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

Mayor Romero called for a 10 minute recess at 9:00 p.m.  
Mayor Romero reconvened the meeting at 9:10 p.m.

1. [19-491](#) **Update on Recycling and Recycling Audits by Republic Services**  
**Recommendation:** Receive Report, Discuss, and Provide Direction, if any.

City Manager Biggs introduced the item and provided a staff report. Mr. Sean Moberg from Republic Services gave a presentation on recycling and recycling audits. Mr. Moberg introduced other staff members from Republic Services: Regan Chung and Terry Singleton, Recycling Coordinator and BL Moore, Political and Community Leader. Mr. Moberg stated that Terry Singleton would be giving the presentation.

Public Speakers: Waldemeir Pernes; Mary Tobin-Kelly.

City Council asked questions and provided comments. City Council provided direction to staff to work with Republic Services and come back in 2-4 weeks with a proposal to incorporate the recycling audit fee into either the franchise agreement or the current approved rate structure.

2. [19-498](#) **Approval of Contract Amendment No. 3 for \$15,080 with DKS for the Transportation Impact Fee Nexus Study and Circulation element Update for a Total Not To Exceed Contract Amount of \$250,094, and Appropriation of \$15,080 to cover the Cost of Said Amendment.**  
**Recommendation:** Adopt a Resolution appropriating an additional \$15,080 in funds from the General Plan Update Fees and approving Amendment No. 3 to Contract # 16-056 with DKS for a total not to exceed contract amount of \$250,094, to update the Transportation Impact Fee Study and the City's Circulation Element.

City Manager Biggs introduced the item and provided and staff report. City

Council asked questions and provided comments.

**MOTION:** A motion was made by Council Member Kelley, seconded by Vice Mayor Esquivias, to adopt Resolution 19-013. The motion carried by the following vote:

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

3. [19-490](#)

**Discussion of Parking Restrictions**

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

City Manager Biggs introduced the item and provided and staff report. City Council asked questions and provided comments. City Council gave direction to refer this item to the Traffic and Safety Committee.

**XIV. PUBLIC COMMUNICATIONS**

None.

**XV. 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.

**XVI. ADJOURNMENT**

Mayor Romero adjourned the meeting at 11:08 p.m.