



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, March 26, 2019

7:00 PM

Council Chambers

SPECIAL CLOSED SESSION - 6:00 P.M.

REGULAR MEETING - 7:00 P.M.

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

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

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

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

Public Speaker: Pil Orbison.

III. CONVENE INTO CLOSED SESSION

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

Mayor Romero recessed the meeting at 6:05 p.m.

1. [19-531](#) Pursuant to Government Code Section 54957(b)(1) PUBLIC EMPLOYMENT - Title: City Manager Contract
2. [19-532](#) Pursuant to Government Code Section 54956.9 (d)(1), Conference with Legal Counsel - Pending/Existing Litigation - Taylor Morrison of California, LLC, entitled *Taylor Morrison of California, LLC v. City of Hercules*, Superior Court for the County of Contra Costa, Case No. C19-00366.

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

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 Kelley.

VII. MOMENT OF SILENCE

Mayor Romero called for a moment of silence for the 49 people who were killed in mass shootings at two mosques in the New Zealand city of Christchurch.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. [19-528](#) Proclamation Recognizing Stanley Tom for his Service to the Hercules Finance Commission and Acknowledging his Dedication and Commitment to the Hercules Community

Mayor Romero read aloud and presented a Proclamation to Stanley Tom for his dedicated service to the Hercules Finance Commission and the Hercules community.

Mr. Tom spoke and thanked the City Council for the recognition. Each member of City Council provided comments and thanked Stanley Tom for his service to the Commission and the community.

2. [19-519](#) Presentation from Education Matters, Jason Singer, Executive Director
Jason Singer, Executive Director with Education Matters gave a presentation in regards to student achievement in WCCUSD and statistics related to non-proficiency in math, English Language Arts.

Members of the City Council asked questions and provided comments.

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

None.

XI. PUBLIC HEARINGS

None.

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

1. [19-529](#) **Meeting Minutes**
Recommendation: Approve the Regular Meeting Minutes of March 12, 2019.
Approved.
2. [19-516](#) **Proclamation Declaring the Month of March as American Red Cross Month**
Recommendation: Receive Proclamation recognizing March 2019 as American Red Cross Month in the City of Hercules.
Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-515](#) **Update on WestCAT Bus Service**
Recommendation: Receive Report, Discuss, and Provide Direction, if any.

City Manager Biggs introduced the item and provided a brief staff report. Mr. Charlie Anderson, General Manager of WestCat provided a presentation and update on WestCat services.

Members of the City Council asked questions and provided comments.
2. [19-518](#) **Multi-Family Smoking Ordinance Update**
Recommendation: Receive update, discuss, and provide direction, if any.

City Manager Biggs introduced the item and City Attorney Tang provided a staff report. Jennifer Grand from Contra Costa County provided additional information.

Members of the City Council asked questions and provided comments.

City Council gave direction to staff to draft an Ordinance and bring forward to a future meeting.

3. [19-530](#)

Second Reading and Adoption of Transportation Facilities Impact Fee Ordinance

Recommendation: Waive second reading and adopt the attached Ordinance of the City Council of the City of Hercules amending Title 10, Chapter 18 - Development Impact Fees, Article 6 - Traffic Facilities Impact Fees of the Hercules Municipal Code related to the Transportation Facilities Impact Fees.

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

MOTION: A motion was made by Council Member Kelley, seconded by Vice Mayor Esquivias, to adopt Ordinance 518. 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

4. [19-501](#)

Proposed Amendment to Employment Agreement for City Manager David Biggs

Recommendation: Adopt a Resolution of the Hercules City Council approving Amendment No. 2 to the Employment Agreement with City Manager David Biggs extending the term of the agreement to December 21, 2021 with an option for two (2) additional one year extensions, and effective July 1, 2019, providing a 5% deferred compensation match and a 10% increase in annual salary.

City Attorney Tang introduced the item and provided a staff report. City Manager Biggs spoke about his tenure in Hercules stating further that he is looking forward to serving the community for a few more years.

Members of the City Council provided comments.

MOTION: A motion was made by Council Member Kelley, seconded by Council Member Bailey, to adopt Resolution 19-014. 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

5. [19-517](#) **Update on Landscape & Lighting Assessment Districts and 2019/20 Annual Renewal**
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. By consensus, City Council gave direction to staff to begin efforts to initiate a Proposition 218 balloting process on Zones 1 and 7.
6. [19-527](#) **Inclusionary Housing Implementation Policy Recommendations**
Recommendation: Receive report, discuss, and provide direction on formulation of an inclusionary housing implementation policy to manage the City's interests in the development, restriction, and management of affordable housing units to be constructed as part of projects with development agreements requiring affordable housing.
City Manager Biggs introduced the item and provided a staff report. City Council asked questions and provided comments.

Public Speaker: Ben Ortega

By consensus, City Council gave direction to staff to reinstitute the suspended Ordinance by way of a newly proposed Ordinance for review and consideration of adoption at a future Council meeting. City Council suggested scheduling this item for consideration in July 2019.

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.

Mayor Romero requested a future agenda item to discuss CASA Compact. There were no objections to Mayor Romero's request.

XVI. ADJOURNMENT

Mayor Romero adjourned the meeting at 10:39 p.m. in memory of the four (4) Oakland, CA police officers shot and killed on March 21, 2009. The four Oakland Police Officers killed in the line of duty were: Sergeant Mark Dunakin, Officer John Hege, Sergeant Ervin Romans, and Sergeant Daniel Sakai.

Dan Romero, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk