



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, April 9, 2019

6:00 PM

Council Chambers

CLOSED SESSION - 6:00 P.M.
REGULAR SESSION - 7:00 P.M.

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

Mayor Romero called the 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

None.

III. CONVENE INTO CLOSED SESSION

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

Mayor Romero recessed the meeting at 6:03 p.m.

1. [19-542](#) Pursuant to Government Code Section 54956.9(a), Conference with Legal Counsel - Pending Litigation - Significant exposure to litigation in one (1) case regarding Due Diligence Review (DDR) determination from the California Department of Finance.
2. [19-543](#) Pursuant to Government Code Section 54957.6 CONFERENCE WITH LABOR NEGOTIATORS - City Negotiators: David Biggs, City Manager; Edwin Gato, 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

3. [19-544](#) 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 Romero called the meeting to order at 7:10 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 Bailey.

VII. MOMENT OF SILENCE

Mayor Romero called for a moment of silence for CHP Sergeant Steve Licon, Motorcycle Officer who was fatally struck on the 15 Freeway in Lake Elsinore on April 6, 2019.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. [19-540](#) Proclamation Recognizing April 7th - 13th, 2019 as National Library Week in the City of Hercules and Presentation by Lynne Noone on the Annual Library Report

Mayor Romero read aloud and presented a Proclamation to Lynne Noone, Hercules Library Manager recognizing April 7th - 13th, 2019 as National Library Week in the City of Hercules.

Hercules Library Manager Lynne Noone gave a presentation on the annual library report.

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 on the side table.

X. PUBLIC COMMUNICATIONS

Public Speakers: Ben Ortega; Pil Orbison.

XI. PUBLIC HEARINGS**1. [19-548](#) Continued 2019 West Contra Costa County Subregional
Transportation Mitigation Program (STMP) Fee Update**

Recommendation: Open and Conduct the continued public hearing and consider a) Waiving the first reading and Introducing an Ordinance amending Title 10, Chapter 17 - West County Subregional Transportation Mitigation Program of the Hercules Municipal Code and b) Adopting a Resolution Authorizing the City Manager, City Clerk and City Attorney to Execute The 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 effective July 1, 2019.

City Manager Biggs introduced the continued public hearing and Planning Director Smyth provided a staff report. John Nemeth with WCCTAC provided additional information and Julie Morgan, Consultant with Fehr and Peers gave a presentation.

City Council asked questions and provided comments.

Mayor Romero opened the public hearing at 8:18 p.m.

Public speaker: Ben Ortega

Mayor Romero closed the public hearing at 8:23 p.m. with no other comments offered from the public.

City Council asked questions and provided comments. Lea Greenblat, WCCTAC Project Manager provided additional information.

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

Aye: 3 - Vice Mayor R. Esquivias, Council Member C. Kelley, and Council Member D. Bailey

Nay: 2 - Mayor D. Romero, and Council Member G. Boulanger

MOTION: A motion was made by Vice Mayor Esquivias, seconded by Council Member Kelley, to adopt Resolution 19-017 . The motion carried by the following vote:

Aye: 3 - Vice Mayor R. Esquivias, Council Member C. Kelley, and Council Member D. Bailey

Nay: 2 - Mayor D. Romero, and Council Member G. Boulanger

2. [19-546](#) **Consider Approving an Ordinance to Adopt Proposed Zone Text Amendment #ZTA 19-01 Related to Noticing Requirements**

Recommendation: Conduct public hearing and consider waiving the first reading and introducing an Ordinance approving Zone Text Amendment #ZTA 19-01 amending Hercules Municipal Code 13-44.200 - Application Processing and Hearing Notice.

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

Mayor Romero opened the public hearing at 9:03 p.m.

Public Speaker: Ben Ortega

Mayor Romero closed the public hearing at 9:08 p.m. with no other comments from the public.

MOTION: A motion was made by Council Member Kelley, seconded by Council Member Boulanger, to waive the first reading and approve the introduction of Ordinance 521. 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. [19-547](#) **Consider Approving an Ordinance to Adopt Proposed Zone Text Amendment #ZTA 19-02 Related to Appeals and Posting of Notices of Decision**

Recommendation: Conduct public hearing and consider waiving the first reading and introducing an Ordinance approving Zone Text Amendment #ZTA 19-02 amending Hercules Municipal Code Title 13 to clarify City Council call up and standardizing notice of decision posting and appeals periods from 10 working days to 14 calendar days.

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

Mayor Romero opened the public hearing at 9:17 p.m.

Public Speaker: Ben Ortega

Mayor Romero closed the public hearing at 9:19 p.m. with no other comments offered from the public.

MOTION: A motion was made by Council Member Kelley, seconded by Council Member Bailey, to waive the first reading and approve the introduction of Ordinance 522 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

XII. CONSENT CALENDAR

MOTION: A motion was made by Council Member Bailey, seconded by Vice Mayor Esquivias, to adopt. 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. [19-539](#)

Meeting Minutes

Recommendation: Approve the Regular Meeting Minutes of March 26, 2019.

Approved.

2. [19-536](#)

Preparation and Filing of the FY 2019/20 Landscaping and Lighting Engineer's Reports

Recommendation: Adopt a Resolution directing the filing of the Annual Engineer's Reports for the City of Hercules Landscaping and Lighting Assessment District No. 83-2, Victoria by the Bay Landscaping and Lighting Assessment District No. 2002-1, Hercules Village Landscaping and Lighting Assessment District No. 2002-2, Baywood Landscaping and Lighting Assessment District No. 2004-1, and Bayside Landscaping and Lighting Assessment District No. 2005-1 pursuant to the Landscaping and Lighting Act of 1972.

Approved.

3. [19-537](#)

Adopt a Resolution Approving the Annual Parcel Assessment Adopted by the County Flood Control District for the Contra Costa Clean Water Program for FY 19-20

Recommendation: Adopt a Resolution approving the continuance of the parcel assessment rate of \$35.00 per Equivalent Runoff Unit (ERU) for FY 2017-2018 and requesting the Contra Costa County Flood Control and Water Conservation District adopt this annual parcel assessment for drainage maintenance and the National Pollution Discharge Elimination System (NPDES) Program.

Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-549](#)

Long-Term Financial Projection for the General Fund

Recommendation: Review and discuss the long-term financial projection for the General Fund.

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

Mayor Romero recessed the meeting at 9:43 p.m. for a 5 minute break.

Mayor Romero reconvened the meeting at 9:48 p.m.

Council Member Boulanger left the meeting at 9:43 p.m.

2. [19-535](#)

Annual Review of 2017 Strategic Plan as Updated May 2018

Recommendation: Receive report, review Strategic Plan, and update objectives as appropriate.

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

3. [19-538](#)

Municipal Financial Health Diagnostic Tool

Recommendation: Receive a report and discuss the League of California Cities Municipal Financial Health Diagnostic Tool.

City Manager Biggs introduced the item and provided a staff report. City Council asked questions and provided comments. A suggestion was made to provide future updates of this annual item as a consent item. There was a consensus of City Council to place municipal financial health diagnostic tool on the consent calendar.

4. [19-541](#)

Consider Filling Vacancy on the Finance Commission

Recommendation: Consider making an appointment to the Finance Commission by reconsidering two (2) applicants which applied during the city's annual recruitment period.

City Manager Biggs introduced the item and provided a staff report. City Council discussed approving Commissioner Risby's letter requesting a waiver of the attendance provisions. There was a consensus of City Council to grant the attendance waiver requested by Commissioner Risby.

MOTION: A motion was made by Council Member Kelley, seconded by Council Member Bailey, to grant the attendance waiver requested by Commissioner Risby. The motion carried by the following vote:

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

Absent: 1 - Council Member G. Boulanger

5. [19-545](#)

Review Upcoming Council Agenda Items List

Recommendation: Review, discuss and provide direction.

This item was tabled to next meeting.

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 closed the meeting in memory of Maxima Doctolero and Robert Schroder.

Mayor Romero recessed the meeting at 10:24 p.m. to reconvene closed session.

Mayor Romero adjourned the meeting at 11:05 p.m.

Dan Romero, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk