



# 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*

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Tuesday, February 13, 2018

Council Chambers

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**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**

None.

#### **III. CONVENE INTO CLOSED SESSION**

City Attorney Tang announced the items to be discussed in closed session.  
Mayor Kelley recessed the meeting to convene closed session at 6:02 p.m.

1. Conference with Legal Counsel - Anticipated or Potential Litigation  
Pursuant to Government Code Section 54956.9(e)(1): Significant exposure to litigation in two (2) matters.

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

Mayor Kelley called the meeting to order at 7:01 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**

None.

**VI. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Vice Mayor Romero.

**VII. MOMENT OF SILENCE**

Mayor Kelley called for a moment of silence for two police officers in Westerville, Ohio while responding to a 911 hangup call involving potential domestic abuse. Westerville Police Officers Eric Joering, 39 and Anthony Morelli, 54 were shot as they entered an apartment.

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

1. Hercules Library Manager Lynne Noone to Present the Annual Library Report

This item was tabled to the February 27, 2018 council meeting.

**IX. AGENDA ADDITIONS/DELETIONS**

City Manager Biggs identified the supplemental information provided prior to the meeting.

**X. PUBLIC COMMUNICATIONS**

Speakers: Georgio Constantino, Sue Pricco, Albert Flanagan

**XI. PUBLIC HEARINGS**

1. **Mandatory Garbage/Solid Waste Disposal Delinquent Accounts**  
**Recommendation:** Conduct 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. City Clerk Martin gave a staff report and introduced Janna Coverston from Republic Services.

Mayor Kelley opened the public hearing at 7:20 p.m.

Mayor Kelley closed the public hearing at 7:20 p.m. with no comments offered from the public.

**MOTION:** A motion was made by Vice Mayor Romero, seconded by Council Member Boulanger, to adopt Resolution 18-006. 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. **Citywide Comprehensive Update to the Circulation Element of the City's General Plan**  
**Recommendation:** Staff recommends that the City Council:
- a: Request that staff make an opening presentation of the updated Circulation Element;
  - b: Open the public hearing;
  - c: Receive comments from the public;
  - d: Discuss the updated Circulation Element
  - e. Make a decision whether to either 1) Provide direction to staff on specific changes to be made to the updated Circulation Element, and continue the public hearing to a future date specific City Council meeting to allow sufficient time for staff to incorporate the requested changes into the document, or 2) Approve the attached Resolution (Attachment1) adopting the January 2018 Comprehensive Update to the City's Circulation Element (with any further changes to be captured in an Exhibit D), and determine that the attached Initial Study and Mitigated Negative Declaration is adequate to address the environmental impacts of the Circulation Element update.

City Manager Biggs introduced the item and gave a brief staff report. Adjunct Planner Victor Carniglia gave a detailed staff report. Josh Pilachowski of DKS provided a presentation and overview of the Circulation Element.

City Council discussed, asked questions and provided comments to the proposed Circulation Element.

Mayor Kelley opened the public hearing at 8:36 p.m.  
Mayor Kelley closed the public hearing at 8:36 p.m. with no comments offered from the public.

There was a consensus of City Council to direct staff to incorporate comments from tonight's discussion into the document and bring back to a future meeting for City Council review and consideration of approval.

## **XII. CONSENT CALENDAR**

**MOTION:** A motion was made by Council Member de Vera, seconded by Council Member Esquivias, to adopt 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. **Approve the January 23, 2018 Regular Meeting Minutes**

**Recommendation:** Adopt Minutes.

Approved.

**XIII. DISCUSSION AND/OR ACTION ITEMS****1. FY16-17 Comprehensive Annual Financial Reports**

**Recommendation:** Recieve and file report.

City Manager Biggs introduced the item. Finance Director To gave a staff report. Elba Zuniga of CLA presented the FY 16-17 audited financial statements including Measure B, Measure C, GANN Appropriations Limit and the SAS 114 Letter.

City Council discussed, asked questions and provided comments. The consensus of City Council was to have the audit reports reviewed by the Finance Commission and City Council provided direction to staff to request that the Finance Commission provide an update to City Council prior to City Council receiving and filing the audit reports.

City Manager Biggs stated that the Finance Commission will be reviewing the statements at their February 26th meeting. City Manager Biggs stated that staff will bring the audit reports back to City Council at the March 27th meeting after the reports have been reviewed by the Finance Commission. City Manager Biggs explained that Ms. Zuniga from CLA was available to attend tonight's meeting and therefore wanted the City Council to be able to ask questions of the auditor before receiving and filing the reports.

**2. Update on Development and Owner Participation Agreement (DOPA) with Santa Clara Housing Group Inc. for the Hilltown Site**

**Recommendation:** Receive a presentation on the development and owner participation agreement and Santa Clara Housing Development framework for possible amendments, and if desired, direct staff to negotiate terms for a possible amendment for future consideration by the City Council.

City Manager Biggs introduced the item and gave a brief staff report. Jim Sullivan and Steve Schott of Santa Clara Housing Group presented an update on the Hilltown project.

City Council discussed and asked questions of the developer.

City Council provided direction to staff.

**MOTION:** A motion was made by Council Member de Vera, seconded by Council Member Esquivias, to authorize the City Manager and the City Attorney to enter into negotiation of the terms for an amendment to the development agreement including the extension of time deemed realistic and benficial to both parties. 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. Contract Amendment with Gray Bowen Scott for a Not to Exceed Amount of \$60,500 to Complete Securing the Commitment from Capitol Corridor for the Hercules Train Stop and On-Call Grant Administration Support Services for the Regional Intermodal Transit Center**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute Contract Amendment No. 7 with Gray Bowen Scott to complete securing the required commitments to serve the Hercules Train Stop and provide on-call grant administration support services for the Regional Intermodal Transit Center.

City Manager Biggs introduced the item and gave a staff report. Eric Zell of Zell & Associates and Terry Bowen of Gray Bowen Scott provided additional information and answered questions.

**MOTION:** A motion was made by Vice Mayor Romero, seconded by Council Member Boulanger, to adopt Resolution 18-007. 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. Regional Water Quality Board Permit Requirements for Stormwater Trash Load Reductions in Designated Commercial Areas**

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

Public Works Director Roberts introduced the item. Frank Kennedy of Kennedy & Associates gave a presentation on trash capture devices.

By consensus of City Council direction was given to staff to proceed with Option #1 which would require commercial property owners in "moderate" and "high" trash generation areas install and maintain full-trash capture devices in all storm drain inlets on their property.

**5. Approval of One-Year Extension of Professional Services Agreement with RGR Entertainment Agency and Update to Scope of Services for the 2018 Social Bite Event**

**Recommendation:** Approve a one-year extension of the agreement with RGR Entertainment Agency to provide community special events on the City's behalf. This would be the first of two, one-year extensions pursuant to the agreement.

City Manager Biggs introduced the item and gave a staff report and explained the requested changes for this year's event.

Vice Mayor Romero requested that alcohol only be allowed in designated

areas only. City Manager Biggs stated that this can be addressed in the applicant's conditional use permit.

Mayor Kelley requested that the scope of services include language that no cannabis related products of any kind be allowed.

A consensus of City Council was obtained on the two requested changes made by Vice Mayor Romero and Mayor Kelley.

**MOTION:** A motion was made by Council Member Boulanger, seconded by Council Member Esquivias, to approve the one-year extension and scope of services 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

**6. Initiation of Proposition 218 Process for Assessment Increase in Landscape & Lighting Assessment District 83-2: Zones 1 (Hercules by the Bay), 3&4 (Gems & Birds), 6 (Village Parkway), 7 (Heights), and 9 (Birds & Country Run)**

**Recommendation:** Receive a report from the City Council Ad Hoc; determine whether to undertake a Proposition 218 process for Zones 1, 3&4, 6, 7, and 9 in 2018; and if so, appropriate funds in the amount of \$55,000 to cover the incremental costs to do so including for professional assistance with education & outreach.

City Manager Biggs introduced the item and gave a staff report. Vice Mayor Romero as a member of the Ad Hoc Committee updated the Council on the recent interviews conducted with the firms which responded to the request for proposal. Trent Sunahara of Tripepi Smith provided information on his firms proposal and how his company can help the city successfully market and conduct a Proposition 218 initiative.

The consensus of City Council was to initiate a Proposition 218 process this year for Assessment District 83-2, Zone 1, 3&4, 6, 7 and 9 and appropriate funds in the amount of \$55,000 to cover the costs to do so.

**MOTION:** A motion was made by Council Member de Vera, seconded by Council Member Esquivias, to adopt Resolution 18-008. 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

**7. Proposed Regulations to Limit Paving of Residential Yards**

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

City Attorney Tang introduced the item and gave a staff report. City Attorney Tang explained the options of enacting a moratorium and adopting an urgency ordinance.

City Council discussed both options and obtained a consensus to move forward with an urgency ordinance.

#### 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.

Council Member de Vera requested a discussion regarding workforce housing on a future agenda.

Council Member Boulanger requested a discussion regarding the Hercules Point relating to how to use and how to connect to it.

City Manager Biggs suggested a study session with Ledcor to receive a full update on their development plans.

#### XVI. ADJOURNMENT

Mayor Kelley adjourned the meeting at 11:15 p.m.



