



# 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, March 13, 2018

Council Chambers

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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 Kelley called the meeting to order at 7:01 p.m.

**Present:** 4 - Council Member G. Boulanger, Council Member M. de Vera, Vice Mayor D. Romero, and Mayor C. Kelley

**Absent:** 1 - Council Member R. Esquivias

**V. REPORT ON ACTION TAKEN IN CLOSED SESSION - NONE**

**VI. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Kelley.

**VII. MOMENT OF SILENCE**

Mayor Kelley called for a moment of silence for the victims of the March 9th shooting at Pathway Home located in Yountville, CA. The three victims were identified as Christine Loeber, 48 of Napa; Jennifer Golick, 42 of St. Helena and clinical director with the center; and Jennifer Gonzales, 32 who was six months pregnant, according to the Napa County Sheriff's Office.

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

1. 18-51 Proclamation recognizing March 2018 as American Red Cross Month.  
  
Mayor Kelley read aloud the Proclamation recognizing the month of March 2018 as American Red Cross Month. Representatives of the Red Cross, Patty Nichols, Regina Kiser and James Slaughter accepted the Proclamation.
2. 18-52 School Resource Officers Presentation  
  
Chief Goswick gave a presentation on the School Resource Officer program. Chief Goswick introduced School Resource Officers Lumus Russell and Greg Sanchez. Members of the City Council asked questions and thanked the Chief and Officers.

**IX. AGENDA ADDITIONS/DELETIONS**

City Manager Biggs stated that public hearing Item XI.1, Fire Facilities Impact Fees will be pulled tonight and tabled to an upcoming City Council meeting due to a deficiency in the public hearing notice. City Manager Biggs identified the supplemental material handed out prior to the meeting.

**X. PUBLIC COMMUNICATIONS**

Speakers: Jack Weir, Contra Costa Taxpayers Association; Paul Cardaropoli, President of the Senior Center Club.

**XI. PUBLIC HEARINGS**

1. 18-57 **Fire Facilities Impact Fees**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution amending Development Impact Fees to incorporate the updated Rodeo-Hercules Fire Protection District levied Fire Facilities Impact Fee and amending the City's Master Fee Schedule.  
  
This item was pulled and tabled to a future meeting.
2. 18-56 **Annual Housing Report**  
**Recommendation:** Conduct a public hearing and upon conclusion approve the Annual Housing Element Progress Report for the 2017 calendar year and direct staff to submit to the appropriate State agencies.  
  
City Manager Biggs introduced the item. Planning Director Smyth gave a staff report. Members of the City Council asked questions.  
  
Mayor Kelley opened the public hearing at 8:16 p.m.  
Mayor Kelley closed the public hearing at 8:16 p.m. with no comments offered from the public.

**MOTION:** A motion was made by Vice Mayor Romero, seconded by Council Member Boulanger, to approve the Annual Housing Element Progress Report for the 2017 calendar year and authorize staff to submit the report to the appropriate State agencies. The motion carried by the following vote:

**Aye:** 4 - Council Member G. Boulanger, Council Member M. de Vera, Vice Mayor D. Romero, and Mayor C. Kelley

**Absent:** 1 - Council Member R. Esquivias

3. 18-55      **Zone Text Amendment No. ZTA 18-01 related to Accessory Dwelling Units**

**Recommendation:** Conduct a public hearing and upon conclusion waive first reading and introduce an Ordinance for No. ZTA 18-01 modifying the Hercules Zoning Ordinance by repealing and replacing Section 35.320 and modifying Section 60.200 regarding Accessory Dwelling Units (ADUs).

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

Members of the City Council asked questions.

Mayor Kelley opened the public hearing at 9:07 p.m.

Mayor Kelley closed the public hearing at 9:07 p.m. with no comments offered from the public.

Mayor Kelley polled the Council on their preference of square footage allowed for a detached accessory dwelling unit. Consensus of the City Council was to allow a maximum square footage of 800.

City Manager Biggs stated that staff will incorporate the Council's input into the proposed Ordinance and bring the draft Ordinance back for a first reading and introduction as a public hearing item to the April 10, 2018 City Council meeting.

Mayor Kelley re-opened the public hearing and asked for a motion to continue the public hearing to the April 10, 2018 City Council meeting.

**MOTION:** A motion was made by Council Member de Vera, seconded by Council Member Boulanger, to continue the public hearing to the April 10, 2018 City Council meeting. The motion carried by the following vote:

**Aye:** 4 - Council Member G. Boulanger, Council Member M. de Vera, Vice Mayor D. Romero, and Mayor C. Kelley

**Absent:** 1 - Council Member R. Esquivias

## XII. CONSENT CALENDAR

Mayor Kelley recessed the meeting for a short break at 9:25 p.m.

Mayor Kelley reconvened the meeting at 9:35 p.m.

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

**Aye:** 4 - Council Member G. Boulanger, Council Member M. de Vera, Vice Mayor D. Romero, and Mayor C. Kelley

**Absent:** 1 - Council Member R. Esquivias

1. 18-49 **Minutes**

**Recommendation:** Approve the Minutes for the Council Meeting of February 27, 2018

Approved.

## XIII. DISCUSSION AND/OR ACTION ITEMS

1. 18-58 **Contract Amendment: Transportation Impact Fee Nexus Study and Circulation Element Update**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute Contract Amendment No. 2 to Contract No. 16-056 with DKS in the amount of \$37,795 for a total contract amount not to exceed \$235,014 for purposes of updating the Transportation Impact Fee Nexus Study and the Circulation Element.

City Manager Biggs introduced the item and provided a brief staff report. Josh Pilachowski of DKS provided additional information.

Members of the City Council asked questions and provided input.

City Manager Biggs stated that staff will work with the consultant to modify the scope of the project and will schedule a workshop at an upcoming council meeting to have a more in-depth conversation in regards to the projects, prioritization and tiering.

**MOTION:** A motion was made by Vice Mayor Romero, seconded by Council Member de Vera, to adopt Resolution 18-012. The motion carried by the following vote:

**Aye:** 4 - Council Member G. Boulanger, Council Member M. de Vera, Vice Mayor D. Romero, and Mayor C. Kelley

**Absent:** 1 - Council Member R. Esquivias

2. 18-34      **Amendments to Hercules Municipal Code Title 5, Chapter 6, Smoking Ordinance**  
**Recommendation:** Receive report, discuss and provide direction, if any.  
City Manager Biggs introduced the item. City Attorney Tang gave a staff report. City Council asked questions and provided input. City Attorney Tang stated that he will update the model ordinance based on City Council's discussion and input and schedule a public hearing for first reading and introduction to consider an amendment to the City's smoking ordinance at an upcoming City Council meeting.
3. 18-06      **Legislative Policies and Processes**  
**Recommendation:** Receive report, discuss, and provide direction, if any.  
City Manager Biggs introduced the item and gave a staff report. Members of the City Council asked questions and provided input. City Manager Biggs stated that staff will add a new section related to legislative policies and processes to the Council Rules of Procedures and bring back to a future meeting for City Council consideration to amend the Council Rules of Procedure.
4. 18-47      **FY 2018/19 Landscaping and Lighting Assessment District (LLAD) Engineer's Report**  
**Recommendation:** Adopt a Resolution directing the filing of the Annual Engineer's Report for LLAD No. 83-2, Victoria By The Bay LLAD No. 2002-1, Hercules Village LLAD No. 2002-2, Baywood LLAD No. 2004-01, and Bayside LLAD No. 2005-01.  
City Manager Biggs introduced the item and gave a staff report.  
**MOTION:** A motion was made by Council Member de Vera, seconded by Council Member Boulanger, to adopt Resolution 18-013. The motion carried by the following vote:  
**Aye:** 4 - Council Member G. Boulanger, Council Member M. de Vera, Vice Mayor D. Romero, and Mayor C. Kelley  
**Absent:** 1 - Council Member R. Esquivias
5. 18-48      **FY 2016-17 Comprehensive Annual Financial Reports**  
**Recommendation:** Receive and File the FY 2016-17 Comprehensive Annual Financial Reports and Accept the Audited Statements.  
City Manager Biggs introduced the item and gave a staff report.  
**MOTION:** A motion was made by Council Member Boulanger, seconded by Vice Mayor Romero, to receive and file the FY 2016/17 Comprehensive Annual Financial Report and Accept the Audited Statements. The motion carried by the following vote:  
**Aye:** 4 - Council Member G. Boulanger, Council Member M. de Vera, Vice Mayor D. Romero, and Mayor C. Kelley

Absent: 1 - Council Member R. Esquivias

**XIV. PUBLIC COMMUNICATIONS - None.**

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

City Manager Biggs announced that Police Chief Goswick has submitted his retirement application with plans to retire on June 30, 2018. City Manager Biggs stated that he will be undertaking an open and promotional recruitment process utilizing the recruitment firm of Bob Murray and Associates. City Manager Biggs stated further that the City will be issuing a press release tomorrow and making this information available on the City website.


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

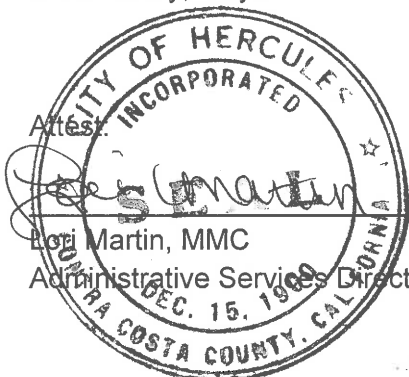
Council Member Boulanger requested a meeting of the traffic subcommittee.

Vice Mayor Romero requested a future agenda item regarding consideration of the City of Hercules becoming the Successor Agency for the former Housing Redevelopment Agency.

**XVI. ADJOURNMENT**

Mayor Kelley adjourned the meeting at 10:54 p.m.

  
Chris Kelley, Mayor

  
Lori Martin, MMC  
Administrative Services Director/City Clerk