



# 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, May 22, 2018

Council Chambers

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**Closed Session - 5:30 p.m.**

**Regular Session - 7:00 p.m.**

#### **I. CLOSED SESSION – 5:30 P.M. CALL TO ORDER - ROLL CALL**

Mayor Kelley called the meeting to order at 5:34 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 at 5:36 p.m.

1. 18-171 Pursuant to Government Code Section 54956.9 (e)(2), Conference with Legal Counsel - Potential Litigation - Exposure to litigation in one (1) case: Dispute regarding City's property tax allocation.
2. 18-172 Pursuant to Government Code Section 54956.9 (e)(2), Conference with Legal Counsel - Potential Litigation - Exposure to litigation in one (1) case: Dispute regarding Taylor Morrison's share of costs for construction of a retention basin at Parcel C.

3. 18-166 Pursuant to Government Code Section 54957.6 CONFERENCE WITH LABOR NEGOTIATORS - City Negotiators: David Biggs, City Manager; Annie To, 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
4. 18-167 Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager (Discuss Annual Evaluation Per Employment Agreement)

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

Mayor Kelley called the meeting to order at 7:06 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

City Attorney Tang reported that there were no final or reportable actions taken on Items 1-3 of the Closed Session agenda. City Attorney Tang reported that City Council will convene after the regular meeting to discuss Item 4 of the Closed Session agenda.

#### VI. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Council Member Esquivias.

#### VII. MOMENT OF SILENCE

Mayor Kelley called for a moment of silence for the recent high school shooting in Santa Fe, Texas where 8 students and 2 teachers were fatally shot and wounding several others including one officer who is in critical condition. Mayor Kelley called upon our State and Federal Legislators to do something about gun violence in this country and stated that this is a public health emergency.

#### VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. 18-170 **Demonstration Pilot Streetlight Replacement Project Update**  
**Recommendation:** Receive Report.

City Manager Biggs introduced the item. Public Works Director Roberts gave a presentation on the pilot streetlight replacement project. City Council asked questions and provided comments.

**IX. AGENDA ADDITIONS/DELETIONS**

City Manager Biggs reported that there were no additions or deletions and pointed out that copies of the presentations tonight have been provided to City Council with extra copies at the back table for the public.

**X. PUBLIC COMMUNICATIONS**

Public Speakers: Lynne Noone, Susan Pricco, Fire Chief Bryan Craig, Ben Ortega and Pil Orbison.

**XI. PUBLIC HEARINGS****1. 18-175****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**

**Recommendation:** Open the public hearing, take public testimony, close the public hearing and 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.

City Manager Biggs introduced the item and provided a staff report. City Attorney Tang provided additional information. City Council conducted a question and answer period.

Fire Chief Bryan Craig and Carlos Villarreal, Fire District Financial Consultant answered questions related to the fee increase.

Mayor Kelley opened the public hearing at: 8:15 p.m.

Public Speakers:

Mark Pedroia - Fire Life Safety to the Fire District

Sue Pricco - West County Chair of West County Tax Payers Association

Mayor Kelley closed the public hearing at 8:21 p.m.

City Council provided final comments on the item.

Council Member de Vera made a motion to continue the public hearing and allow the Hercules-Rodeo Fire District to revisit the nexus study and bring back a revised study with supporting documents to lower the development impact fee by re-evaluating the need for a new fire station, however still meeting the needs of protecting life and addressing structural fires.

A substitute motion was made by Vice Mayor Romero to revise the Table 6 and 7 of the nexus study to remove the new Fire Station 76 and lowering the cost per square foot on Table 7 from \$990 per square foot to \$600 per square foot. After further discussion Vice Mayor Romero withdrew his substitute motion.

**MOTION:** A motion was made by Council Member de Vera, seconded by Council Member Esquivias, to continue the public hearing to a future City Council meeting date when a revised nexus study can be completed. 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

## **XII. CONSENT CALENDAR**

Council Member de Vera pulled Consent Item #3 to ask a question. City Attorney Tang addressed the question and Mayor Kelley put Item #3 back on the consent calendar.

**MOTION:** A motion was made by Vice Mayor Romero, seconded by Council Member Boulanger, 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.     18-176     **Meeting Minutes**  
**Recommendation:** Approve the Regular City Council Meeting Minutes of May 8, 2018.  
Approved.
2.     18-164     **Second Reading of Ordinance No. 510 for Zoning Text Amendment #18-03 which Amends Chapter 34 of the Hercules Zoning Ordinance (Hercules Municipal Code, Title 10) to Update, Revise and Clarify the City's Sign Regulations**  
**Recommendation:** Waive second reading and adopt Ordinance No. 510.  
Approved.
3.     18-174     **Second Reading of Ordinance 511 to Adopt Proposed Zone Text Amendment #ZTA 18-02 Related to Establishing Restrictions on Paving of Residential Lots**  
**Recommendation:** Waive second reading and adopt Ordinance 511.  
Approved.

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

1.     18-173     **Introduction of FY 2018-19 City of Hercules Budget Plan Including the First Year of the Five Year 2018-2023 Capital Improvement Budget**

**Recommendation:** Receive an introduction on the proposed FY 2018-19 budget including the first year of the five year 2018-2023 capital improvement budget.

City Manager Biggs introduced the item and provided a staff report.  
Finance Director To provided additional information.

Finance Director To presented the budget balancing worksheet.

City Council conducted a question and answer period.

Paul Freese, former Finance Commissioner gave a presentation on the Parks & Recreation budget deficit. Parks and Recreation Director Roke provided additional information.

City Council conducted a question and answer period and provided comments.

2.     18-165     **Update and Presentation on Possible Digital Sign**

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

City Manager Biggs introduced the item. Mr. Mike McCoy with Mesa Outdoor provided a presentation.

Public Speakers:

Chris Tallerico, resident of Hercules

John Botalli, Business Agent for Teamsters

Glenn Moniz, Hercules employee and Teamsters shop steward

Dwayne Collard, Hercules Police Officers Association President

City Council asked questions and provided comments. Mr. McCoy provided additional information.

Vice Mayor Romero made a motion to proceed with allowing Mesa Outdoor to submit an application for the sign. The motion was seconded by Council Member Boulanger. The motion failed 3-2.

Council Member de Vera made a motion to direct staff to issue a letter to other vendors asking if they would like to submit a letter of interest and allow a 30 day response time and if the city does not receive any letters of

interest to proceed with Mesa Outdoor submitting an application and enter into negotiations for the terms and conditions of the lease agreement. If the City receives letters of interest then proceed with a Request for Proposal for the project. This motion was seconded by Council Member Esquivias. Vice Mayor Romero made a request to Council Member de Vera who made the motion to add a stipulation that this item will come back before the City Council at the June 26th Council meeting. Council Member de Vera agreed to add that stipulation.

**MOTION: A motion was made by Vice Mayor Romero, seconded by Council Member Boulanger, to approve proceeding with Mesa Outdoor for submittal of an application for an outdoor electronic sign and to enter into negotiations of the terms and conditions of the lease. The motion failed by the following vote:**

**Aye:** 2 - Council Member G. Boulanger, and Vice Mayor D. Romero

**Nay:** 3 - Council Member M. de Vera, Council Member R. Esquivias, and Mayor C. Kelley

**MOTION: A motion was made by Council Member de Vera, seconded by Council Member Esquivias directing staff to issue a letter to other vendors allowing a 30 day response time and inviting other vendors to submit a letter of interest for an outdoor digital sign and to continue this item to the June 26, 2018 City Council meeting.**

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

3. 18-177

**Property Tax Update**

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

This item was tabled to the June 12, 2018 City Council meeting.

4. 18-169

**2018 Development Site Update and Review**

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

This item was tabled to the June 12, 2018 City Council meeting.

**XIV. PUBLIC COMMUNICATIONS**

None.

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

Due to the meeting being in the 11:00 p.m. hour, Mayor Kelley advanced to allow only Council Members to make requests for future agenda items. Vice Mayor Romero requested a discussion item inviting Mr. Duffy, Contra Costa School Superintendent to come to a future Council Meeting to present the schools climate policy.

**XVI. ADJOURNMENT**

Mayor Kelley recessed the meeting at 11:23 p.m. to convene Closed Session. Mayor Kelley to convene the regular meeting to report out on any final actions taken in closed session and adjourn the regular meeting.

  
Chris Kelley, Mayor

Attest  
  
Lori Martin, MMC  
Administrative Services Director/City Clerk

