



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 23, 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: 4 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, and
Council Member G. Boulanger

Absent: 1 - 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 6:01 p.m.

1. 19-569 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

2. 19-574 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
3. 19-577 Pursuant to Government Code Section 54956.9(a), Conference with Legal Counsel - Pending/Existing Litigation: Successor Agency to the Hercules Redevelopment Agency and City of Hercules v. California Department of Finance, et al, Sacramento Superior Court Case No. 34-2018-80003038.

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

Absent: 1 - 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 the Hercules Police Explorer Color Honor Guard.

VII. MOMENT OF SILENCE

Mayor Romero called for a moment of silence for Charles "Chuck" Lee Durley a valued and dedicated City of Hercules employee who passed away suddenly on April 8, 2019.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. 19-576 Proclamation In Recognition and Remembrance of Charles "Chuck" Durley

Mayor Romero read aloud and presented the family of Charles "Chuck" Lee Durley with a Proclamation. Mayor Romero unveiled the audio/video control room door plaque dedicating and naming the room the "Chuck Durley Control Room". City Council expressed their sympathy to the family for their loss.

Mayor Romero called for short recess at 7:28 p.m.

Mayor Romero reconvened the meeting at 7:33 p.m.

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: Barbara Beno; Lee Schulstad; Pil Orbison.

XI. PUBLIC HEARINGS**1. 19-564****Public Hearing to 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 as presented or as modified as desired by the City Council.

City Manager Biggs introduced the item and provided a brief staff report. Fire Chief Craig provided additional information. City Council asked questions and provided comments. James Edison, Consultant that prepared the study provided additional information.

Mayor Romero opened the public hearing at 8:08 p.m.

Public Speaker: Steve Hill, Board Director of Rodeo-Hercules Fire Protection District; Vincent Wells.

Mayor Romero closed the public hearing at 8:17 p.m.

City Council gave direction to amend the Resolution to reflect that the fees will be set at 80% with the exception of the Hotel Fee which will remain at 100% and to add language to the Resolution to include a CPI adjustment consistent with the City's development fee schedule.

MOTION: A motion was made by Council Member Boulanger, seconded by Council Member Kelley, to adopt Resolution 19-018, as amended. The motion carried by the following vote:

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

Absent: 1 - Council Member D. Bailey

2. 19-565 **Consider Amending Hercules Municipal Code Title 2, Chapter 2, "Boards and Commissions", to 1) Clarify that Vacancies for All Commissions Shall be Filled in Accordance with the Process Established by Council Resolution, and 2) Allow the City Council to Establish Commission Regular Meeting Dates and Times by Resolution.**

Recommendation:

- 1) Convene a public hearing and approve introduction of an ordinance to amend the Hercules Municipal Code to standardize the process for filling Commission vacancies and to allow for the establishment of Commission meeting dates and times by Resolution.
- 2) Adopt a Resolution establishing the dates and times for regular meetings of all City Commissions.

City Manager Biggs introduced the item and City Clerk Martin provided a staff report.

Mayor Romero opened the public hearing at 8:47 p.m.

Mayor Romero closed the public hearing at 8:47 p.m. with no comments offered from the public.

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 519. The motion carried by the following vote:

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

Absent: 1 - Council Member D. Bailey

MOTION: A motion was made by Council Member Kelley, seconded by Vice Mayor Esquivias, to adopt Resolution 19-019. The motion carried by the following vote:

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

Absent: 1 - Council Member D. Bailey

3. 19-567 **Consider Adopting Additional Restrictions to Limit Smoking in Common Areas of Multi-Unit Residences, and to Prohibit Smoking Inside Dwelling Units in any Multi-Unit Residence Comprised of Ten (10) or More Units**

Recommendation: Conduct a public hearing, waive the first reading, and introduce an Ordinance to adopt additional restrictions on smoking in common areas of multi-unit residences, and to prohibit smoking inside dwelling units in any multi-unit residence comprised of ten (10) or more units.

City Attorney Tang introduced the item and provided a staff report. City Attorney Tang identified a supplemental item provided by the American Lung Association and distributed prior to the meeting. City Council asked questions and provided comments.

Mayor Romero opened the public hearing at 8:54 p.m.

Mayor Romero closed the public hearing at 8:54 p.m. with no comments offered from the public.

MOTION: A motion was made by Vice Mayor Esquivias, seconded by Council Member Boulanger, to waive the first reading and approve the introduction of Ordinance 520. The motion carried by the following vote:

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

Absent: 1 - Council Member D. Bailey

XII. CONSENT CALENDAR

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

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

Absent: 1 - Council Member D. Bailey

1. 19-568 **Meeting Minutes**
Recommendation: Approve the Regular Meeting Minutes of April 9, 2019.
Approved.
2. 19-570 **2019 West Contra Costa County Subregional Transportation Mitigation Program (STMP) Fee Update**
Recommendation: Consider waiving the second reading and adopt an Ordinance amending Title 10, Chapter 17 - West County Subregional Transportation Mitigation Program of the Hercules Municipal Code.
Approved.
3. 19-571 **Consider Approving an Ordinance to Adopt Proposed Zone Text Amendment #ZTA 19-01 Related to Noticing Requirements**
Recommendation: Consider waiving the second reading and adopt an Ordinance approving Zone Text Amendment #ZTA 19-01 amending Hercules Municipal Code 13-44.200 - Application Processing and Hearing Notice.
Approved.

4. 19-572 **Consider Approving an Ordinance to Adopt Proposed Zone Text Amendment #ZTA 19-02 Related to Appeals and Posting of Notices of Decision**
Recommendation: Consider waiving the second reading and adopt 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.
Approved.
5. 19-575 **Notice of Intent to Vacate Excess Public Right-of-Way Within the Southerly Portions of Linus Pauling Drive Pursuant to Government Code Section 8300 et seq and 65402 and CEQA 15312, 15060(b)(3)**
Recommendation: Adopt a Resolution declaring a notice of intent to vacate right-of-way within the southerly portions of Linus Pauling Drive abutting the Bayfront Block R and setting a public hearing for May 14, 2019.
Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. 19-563 **Update to Solid Waste Collection Rates to Include Contamination Charges**
Recommendation: Amending the Previously Approved Request from Republic Services for a Base Year Adjustment to add a Contamination Charge to the Solid Waste Fee Schedule.

City Manager Biggs introduced the item and provided a staff report. Mr. Mober of Republic Services provided additional information. City Council asked questions and provided comments. City Council gave direction to staff to amend the Resolution to include language in regards to Republic Services providing a quarterly report on contamination charges levied as well as the number of waivers applied.

MOTION: A motion was made by Council Member Kelley, seconded by Vice Mayor Esquivias, to adopt Resolution 19-021, as amended. The motion carried by the following vote:

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

Absent: 1 - Council Member D. Bailey

2. 19-566 **List of Projects for Fiscal Year 2019-20 Funded by SB 1: the Road Repair and Accountability Act of 2017**
Recommendation: Adopt a Resolution adopting a list of projects for Fiscal Year 2019-20 funded by SB 1: the Road Repair and Accountability Act of 2017.
- City Manager Biggs introduced the item and Public Works Director Roberts provided a staff report. City Council asked questions and provided comments.
- MOTION: A motion was made by Council Member Kelley, seconded by Council Member Boulanger, to adopt Resolution 19-022. The motion carried by the following vote:**
- Aye:** 4 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, and Council Member G. Boulanger
- Absent:** 1 - Council Member D. Bailey
3. 19-562 **CASA Compact and Housing Legislation**
Recommendation: Receive Report, Discuss, and Provide Direction, if any, including possibly:
Adopt a Resolution of the City Council of the City of Hercules Supporting the Contra Costa County Jurisdictions' Housing Policy and Framework on Housing Matters.
- City Manager Biggs introduced the item and provided a staff report. City Council asked questions and provided comments.
- MOTION: A motion was made by Vice Mayor Esquivias, seconded by Council Member Kelley, to adopt Resolution 19-023. The motion carried by the following vote:**
- Aye:** 4 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, and Council Member G. Boulanger
- Absent:** 1 - Council Member D. Bailey
4. 19-573 **Review Upcoming Council Agenda Items List**
Recommendation: Review, discuss and provide direction.
- City Manager Biggs introduced the item and provided a staff report. City Council reviewed the pending agenda items list and directed staff to delete three (3) items.

XIV. PUBLIC COMMUNICATIONS

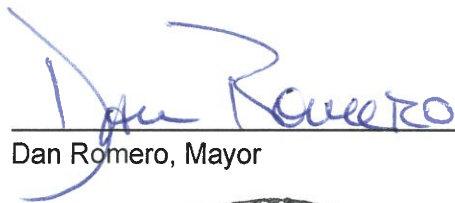
None.

**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 adjourned the meeting at 10:09 p.m. in memory of Charles "Chuck" Lee Durley.



Dan Romero, Mayor

Attest:



Lori Martin, MMC
Administrative Services Director/City Clerk

