

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, April 26, 2022

7:00 PM

Zoom ID: 889 9756 4520

Zoom Passcode: 301630

Zoom Phone Number: 1-669-900-6833

City Council

Mayor Dion Bailey
Vice Mayor Alexander Walker-Griffin
Council Member Dan Romero
Council Member Chris Kelley
Council Member Tiffany Grimsley

Dante Hall, City Manager
Patrick Tang, City Attorney
Lauren Berges, City Clerk

To view webcast of meetings, live or on demand, go to the City's website at www.ci.hercules.ca.us

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

II. PLEDGE OF ALLEGIANCE

III. MOMENT OF SILENCE

IV. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

V. AGENDA ADDITIONS/DELETIONS

VI. PUBLIC COMMUNICATIONS

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed as follows:

The public may log into the Zoom meeting (refer to agenda cover for Zoom login information) and provide their public comment (3 minute time limit). If attending in-person, please fill out a speaker card and provide to the City Clerk. When the public comment period is open for the item you wish to speak on, use the "raise hand" feature in Zoom (or press *9 if connecting via phone audio only) at the time the Mayor calls for public comment. Please wait your turn and once you are brought into the meeting, state your name and city of residence for the record.

For additional alternatives to providing public comments please refer to the Notice of Important Instructions on how to Participate and Watch the Hercules City Council Meeting on the front page of the agenda.

All public comments are allowed up to 3 minutes to relay their message or concern. A limit of 30 minutes will be devoted to taking public comment at this point in the agenda. If any speakers remain at the conclusion of the initial 30 minute period, time will be reserved at the conclusion of the meeting to take the remaining comments.

VII. CONSENT CALENDAR

- [22-152](#) **Minutes**
Recommendation: Approve the Regular Meeting Minutes of April 12, 2022.
Attachments: [April 12, 2022 Meeting Minutes](#)
- [22-141](#) **Emergency Declaration Extension**
Recommendation: Adopt a Resolution extending the Declaration of Local Emergency by 30 days to June 1, 2022.
Attachments: [Staff Report - Emergency Declaration Extension - 032222](#)
[Attach 1 - Resolution - Emergency Declaration Extension](#)

3. [22-149](#) **Award of Construction Contract for the Baywood Tree Replacement Project**
Recommendation: Adopt a resolution authorizing the City Manager to execute a contract with Desert Parks Landscaping for the Baywood Tree Replacement Project in the amount of \$140,000 and up to a 5% contingency of \$7,000 for a not to exceed total contract amount of \$147,000 to replace 34 nuisance trees; and, waiving an inconsequential irregularity in Desert Parks Landscaping's bid.

Attachments: [Staff Report - Baywood Tree Replacement Contract Award - 042622](#)
[Attach 1 - Resolution - Baywood Tree Replacement](#)
[Att 2 - Tree Removal & Replacement Map](#)
[Att 3 - Tree Root Exhibit](#)
[Att 4 - New Tree Exhibit](#)
[Att 5 - Bid Protest Response](#)

VIII. DISCUSSION AND/OR ACTION ITEMS

1. [22-147](#) **Introduction of the proposed Five-Year Capital Improvement Program (CIP), FY 22-23 Sewer Enterprise and Internal Service funds budget**
Recommendation: Receive an introduction on the proposed Five-Year CIP, FY 22-23 Sewer Enterprise and Internal Service funds budget.

Attachments: [Budget Intro - CIP_Sewer_ISF_SR](#)
[Attach 1 - Introduction of a Five-Year CIP](#)
[Attach 2 - Introduction of Sewer Enterprise Fund FY 22-23 Proposed Budget](#)
[Attach 3 - Introduction of Internal Service Funds FY 22-23 Proposed Budget](#)

2. [22-140](#) **Military Equipment Funding, Acquisition and Use Policy**
Recommendation: Adopt a Resolution commencing the California Assembly Bill 481 process to authorize Hercules Police Department policy section 709; Military Equipment Funding, Acquisition, and Use (attached).

Attachments: [Staff Report - military equipment policy AB 481 220426 Updated](#)
[Attach 1 - Resolution AB 481 220426 Updated](#)
[AB481](#)
[Equipment list](#)
[Military Equipment Funding Policy](#)
[Military Equipment PPT](#)

3. [22-148](#) **FY 2022/23 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.

Attachments: [Staff Report - LLAD Resolution of Initiation SR \(04-26-2022\)](#)
 [Attach 1 - LLAD Resolution 22-](#)

4. [22-151](#) **Regulation of Single-Use Foodware Accessories and Standard Condiments in compliance with AB 1276**

Recommendation: Discuss adoption of an ordinance to regulate single use foodware accessories and condiments, and provide direction to staff regarding the scope of the proposed ordinance.

Attachments: [Staff Report - single use plastic AB1276 - SR - 220418](#)
 [Att 1 - draft AB 1276 ordinance goleta](#)
 [Attach 2 - AB1276](#)

5. [22-143](#) **Adoption of a resolution approving a First Amendment to an Agreement with Hinderliter de Llamas (HdL) in the amount of \$115,000 to provide overall administrative oversight of Hercules' American Rescue Plan Act (ARPA) program and to provide Economic Development staffing services for a total, not to exceed amount of \$164,500**

Recommendation: (1) Adopt a resolution approving a first amendment to an agreement with HdL in the amount of \$115,000 to provide overall administrative oversight of Hercules' ARPA programs and to provide Economic Development staffing services for a total, not to exceed amount of \$164,500; and (2) Adopt a resolution approving a budget amendment to increase the budget by \$115,000 for this contract funded by ARPA fund loss of revenue component.

Attachments: [Staff Report - HdL Contract Amendment SR 04262022](#)
 [Attach 1 - Reso HdL 1st Amendment](#)
 [Attach 2 - Resolution - Budget Amendment](#)
 [Attach 3 - 21-019-A1- Hinderliter de Llamas -ARPA Amendment 1](#)
 [Attach 4 - Contract - 21-019 - HdL ECONSolutions - COVID-19 ARPA Funds Use Adr](#)

6. [22-142](#) **Authorization To Execute a Contract With Yiftee for a Shop Local/Gift program for an amount not to exceed \$65,000 funded by American Rescue Plan Act (ARPA)**

Recommendation: Adopt a resolution authorizing the City Manager to execute an agreement with Yiftee for a Shop Local/Gift Card program for an amount not to exceed \$65,000 funded by American Rescue Plan Act (ARPA).

Attachments: [Staff Report - Yiftee Gift Card Program 04262022](#)
[Attach 1 - Resolution - Yiftee](#)
[Attach 2 - CommCard Yiftee Agreement 2022](#)
[Attach 3 - Community Gift Card Program 4-26-22](#)

IX. PUBLIC COMMUNICATIONS

This time is reserved for members of the public who were unavailable to attend the Public Communications period during Section X of the meeting, or were unable to speak due to lack of time. The public speaker requirements specified in Section X of this Agenda apply to this Section.

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

This is the time for brief announcements on issues of interest to the community. In accordance with the provisions of the Brown Act, matters which do not appear on this agenda but require City Council discussion may be either (a) referred to staff or other resources for factual information or (b) placed on a future meeting agenda.

XI. ADJOURNMENT

The next Regular Meeting of the City Council will be held on Tuesday, May 10, 2022 at 7:00p.m. in the Council Chambers.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at www.ci.hercules.ca.us and can receive e-mail notification of agenda and staff report postings by signing up to receive an enotice from the City's homepage. Agendas and staff reports may also be obtained by contacting the Administrative Services Department at (510) 799-8215

(Posted: April 21, 2022)

**THE HERCULES CITY COUNCIL ADHERES TO THE FOLLOWING POLICIES,
PROCEDURES AND REGULATIONS REGARDING CITY COUNCIL MEETINGS**

1. SPECIAL ACCOMODATIONS: In compliance with the Americans with Disabilities Act, if you require special accommodations to participate at a City Council meeting, please contact the City Clerk at 510-799-8215 at least 48 hours prior to the meeting.
2. AGENDA ITEMS: Persons wishing to add an item to an agenda must submit the final written documentation 12 calendar days prior to the meeting. The City retains the discretion whether to add items to the agenda. Persons wishing to address the City Council otherwise may make comments during the Public Communication period of the meeting.
3. AGENDA POSTING: Agendas of regular City Council meetings are posted at least 72 hours prior to the meeting at City Hall, the Hercules Swim Center, Ohlone Child Care Center, Hercules Post Office, and on the City's website (www.ci.hercules.ca.us),
4. PUBLIC COMMUNICATION: Persons who wish to address the City Council should complete the speaker form prior to the Council's consideration of the item on the agenda.

Anyone who wishes to address the Council on a topic that is not on the agenda and is relevant to the Council should complete the speaker form prior to the start of the meeting. Speakers will be called upon during the Public Communication portion of the meeting. In accordance with the Brown Act, the City Council may not take action on items not listed on the agenda. The Council may refer to staff any matters brought before them at this time and those matters may be placed on a future agenda.

In the interests of conducting an orderly and efficient meeting, speakers will be limited to three (3) minutes. Anyone may also submit written comments at any time before or during the meeting.

5. CONSENT CALENDAR: All matters listed under Consent Calendar are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Council or a member of the public prior to the time the City Council votes on the motion to adopt.
6. LEGAL CHALLENGES: If you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the meeting or in written correspondence delivered at, or prior to, the meeting. Actions challenging City Council decisions shall be subject to the time limitations contained in Code of Civil Procedure Section 1094.6.