

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, September 13, 2022

6:00 PM

In Person In Council Chambers or

Zoom ID: 833 8615 2711

Zoom Passcode: 454189

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

See last pages of agenda for information regarding meeting procedures
To view webcast of meetings, live or on demand, go to the City's website at www.ci.hercules.ca.us

I. SPECIAL MEETING - CLOSED SESSION – 6:00 P.M. CALL TO ORDER - ROLL CALL

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

III. CONVENE INTO CLOSED SESSION

The Hercules City Council will meet in Closed Session regarding the following:

1. [22-268](#) Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Attorney
2. [22-273](#) Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager

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

V. REPORT ON ACTION TAKEN IN CLOSED SESSION

VI. PLEDGE OF ALLEGIANCE

VII. MOMENT OF SILENCE

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. [22-266](#) Proclamation Recognizing the Month of September as Library Card Sign-Up Month

Attachments: [Library Card Sign-up Month 2022 Proclamation \(1\)](#)

IX. AGENDA ADDITIONS/DELETIONS

X. PUBLIC COMMUNICATIONS

This time is reserved for members of the public to address issues not included in the agenda. In accordance with the Brown Act, Council will refer to staff any matters brought before them at this time, and those matters may be placed on a future agenda.

Individuals wishing to address the City Council in-person are asked to complete a form indicating the name and address of the speaker and the general topic to be addressed. Speakers attending via Zoom are asked to use their "raise hand" icon. Speakers will be allowed 3 minutes to discuss their concerns. All public comments are recorded and become part of the public record. 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.

XI. PUBLIC HEARINGS

XII. CONSENT CALENDAR1. [22-267](#) **Minutes**

Recommendation: Approve the Regular Meeting Minutes of August 9, 2022.

Attachments: [Meeting Minutes August 9, 2022](#)

2. [22-269](#) **Emergency Declaration Extension**

Recommendation: Adopt a resolution authorizing virtual city council, commission and committee meetings during a declared state of emergency pursuant to government code 54953 (AB 361).

Attachments: [Staff Report AB 361](#)

[Attach 1 - AB 361 Resolution](#)

[Attach 2 - Contra Costa County Health Officer Memo July 5 2022](#)

3. [22-262](#) **Contract Amendment No. 2 with Carollo Engineers**

Recommendation: Approve Contract Amendment No. 2 with Carollo Engineers to complete the design and secure easements for the Sycamore Avenue Sewer Trunk Replacement Project in the amount of \$58,913 for a total, not to exceed contract amount of \$1,010,297.

Attachments: [Staff Report - Sewer Trunk Replacement Carollo Amendment 2](#)

[Attach 1 - Sewer Trunk Replacement Carollo Amendment](#)

[Attach 2 - Scope and Amendment 2 Executed](#)

[534 - Equal Pay Act Contractor Acknowledgment Form DOCUSIGN VERSION](#)

4. [22-263](#) **Acceptance of Bayfront Loop Offer of Dedication including the Public Improvements for Subdivision No. 9499 "The Grand" and approval of a maintenance agreement for the frontage landscaping**

Recommendation: To adopt the following resolutions 1. Accepting the offer of dedication for Bayfront Loop including the public improvements for Subdivision 9499; and 2. Approving a Maintenance Agreement allowing the Property Owner to maintain their frontage landscaping in Bayfront Loop.

Attachments: [Staff Report - Acceptance of Dedications Subdivision 9499 & Approval of Landscape Agreem](#)

[Att 1A Reso - Acceptance of Dedications Tract 9499](#)

[Att 1B Reso - Loop Road Easement Agreement](#)

[Att 2 The Grand Landscape Agreement Signed\(3\)](#)

[Att 3 Subdivision Map 9499 - Block QR \(Recorded\)](#)

[Att 4 The Grand - Street Right of Way Exhibit](#)

[Att 5 THE GRAND PUBLIC IMPROVEMENTS EXHIBIT](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [22-270](#) **Approve a memorandum of understanding with Teamster Local 315, Executive, Mid-Management & Non-Represented Pay Plans**

Recommendation: Adopt a Resolution Approving a Memorandum of Understanding with Teamsters Local 315, Pay Plans for Executive, Mid-Management and Non-Represented Employees.

Attachments: [SR - Teamsters FT & Pay Plans 09132022 SR elg revision 09072022](#)
[Attach 1 - Resolution Approving Teamster MOUs and Pay and Benefit Plans FY 22-24](#)
[Attach 2 - Teamsters Full Time 2022-24 MOU - DRAFT - 202209 with elg comment 09072022](#)
[Attach 2 - Teamsters Part Time 22-24 MOU - DRAFT 09132022](#)
[Attach 3 - Executive 2022-2024 - DRAFT - 09132022](#)
[Attach 4 - Mid Management 2022-2024 DRAFT 09132022](#)
[Attach 5 - Non-Represented 2022-2024 - draft 09132022](#)
[Attach 6 - SALARY SCHEDULE FY 22-23](#)
[Attach 6 - SALARY SCHEDULE FY 23-24](#)

2. [22-260](#) **Discussion of the Insight Market Analysis Report Prepared by HdL ECONSolutions**

Recommendations: (1) Receive a presentation on the Insight Market Analysis Report, and (2) With the completion of the INSIGHT Market Analysis report package, it is recommended to proceed with the final two work products for Economic Development Services to assist with retail recruitment support with the preparation of a Community Profile and a Void Analysis to identify possible targeted users and business type categories based on supply gap sectors.

Attachments: [Business Insight Report - SR](#)
[Attach 1 - City of Hercules INSIGHT Market Analysis 2022 June](#)
[Attach 2 - Presentation for Insight report with Hercules](#)

3. [22-261](#) **Interim Housing Successor to the former Hercules Redevelopment Agency**

Recommendation: Adopt a resolution that the City of Hercules serve as Interim Housing Successor to the former Hercules Redevelopment Agency for a limited period and purposes; designating the housing assets be administered by the City Manager or his designee(s) in order to, among other administrative actions, facilitate the collection of loan payments, execute loan subordinations, and enable borrowers to pay off loans upon sale or refinance of homes.

Attachments: [Interim Housing Successor Agency SR](#)
[Attach 1 - Resolution](#)
[Attach 2 - Resolution No. 12-005 \(Adopted on 12.10.2012\)](#)
[Attach 3 - DOF letter to the County Housing Authority](#)
[Attach 4 - Victoria City RDA req agree \(002\)](#)
[Attach 5 - Victoria Green - Subordination Agreement - Regulatory Agreement Only - Governn](#)
[Attach 6 - AssignmentAssumptionAgreement](#)

4. [22-264](#) **Business Grant Assistance and Business Rental Assistance ARPA Programs**

Recommendation: Approve the Business Grant Assistance and the Business Rental Assistance Program components and implementation measures.

Attachments: [Business Assistance and Business Rental Assistance Programs - SR](#)
[Attach 1 - Resolution](#)
[Attach 2 - Draft City of Hercules Small Business Assistance Grant Program Guidelines](#)
[Attach 3 - Draft City of Hercules Small Business Assistance Grant Program Application](#)
[Attach 4 - Draft City of Hercules Small Business Rent Assistance Grant Program Guidelines](#)
[Attach 5 - Draft City of Hercules Small Business Rent Assistance Grant Program Application](#)
[Attach 6 - Business Assistance Programs Presentation](#)

5. [22-271](#) **Agreement with MIG in the amount of \$190,845 to complete a Parks Master Plan and the American with Disabilities Act (ADA) assessment for park facilities**

Recommendation: 1. Adopt a Resolution authorizing the City Manager to execute an agreement with MIG for a not to exceed amount of \$190,845 to complete a Parks Master Plan and American with Disabilities Act (ADA) Assessment for Park Facilities; and 2. Approve an appropriation of \$15,845 in General Fund monies to fully fund the America with Disabilities Act (ADA) assessment for Park Facilities.

Attachments: [Staff Report - Parks Master Plan MIG](#)
[Attach 1 - RESOLUTION AUTHORIZING AGREEMENT WITH MIG INC. FOR PARKS MAST](#)
[Attach 2 - MIG Hercules Parks & Recreation Facilities Master Plan Contract](#)

XIV. 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.

**XV. 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.

XVI. ADJOURNMENT

The next Regular Meeting of the City Council will be held on Tuesday, September 27, 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: September 8, 2022)

INSTRUCTIONS ON HOW TO PARTICIPATE AND WATCH THE HERCULES CITY COUNCIL AND PLANNING COMMISSION HYBRID MEETINGS

Attend in Person: Hercules City Council Chambers – 111 Civic Drive, Hercules, CA 94547

Attend via Zoom Teleconference: Details provided below and zoom webinar login, passcode and phone numbers provided on the agenda cover.

Please note: Updated COVID-19 safety protocols will be posted outside the City Council Chambers. Please review this information before entering the Council Chambers.

How to Submit Public Comments

In Person: Attend meeting at the Hercules City Council Chambers, fill out a public speaker card located on the side table and submit it to the City Clerk.

Via Zoom: Members of the public may submit a live remote public comment via Zoom video conferencing. Download the Zoom mobile app from the Apple Appstore or Google Play. If you are using a desktop computer, you can test your connection to Zoom by clicking here or go to: <https://www.zoom.us/join>. Zoom also allows you to join by phone at +1-669-900-6833 or +1-929-205-6099 or +1-253-215-8782.

- Speakers will be asked to provide their name and city of residence, although providing this information is not required for participation.
- Each speaker will be allowed up to 3 minutes to speak and provide comment. A limit of 30 minutes will be devoted to taking public comment during the first public comment period on the agenda. If any speaker comments have not been accommodated prior to the initial 30 minute period, time will be reserved at the conclusion of the meeting for the remaining public comments.
- Speakers will be muted until their opportunity to provide public comment.

When the Mayor opens the comment period for the item you wish to speak on, please use the “raise hand” feature (or press *9 if connecting via telephone) which will alert staff that you have a comment to provide and press *6 to unmute.

Written Comments Submitted Electronically: All comments received before 3:00 p.m. the day of the meeting will be provided to the City Council prior to the meeting and posted to the City’s agenda website and located by clicking on the “meeting details” tab. Written comments received after 3:00 p.m. will be provided to City Council and posted to the agenda website the following day. Written comments will not be read aloud during the meeting. Email comments to lberges@ci.hercules.ca.us. Please indicate which item on the agenda you are commenting on in the subject line of your email.

Written comments submitted in person or via mail: Additional ways to provide your public comment is to either drop off your comment in person to the front desk receptionist located in the City Hall lobby or to mail your comment to City of Hercules, ATTN: City Clerk – Public Comment (Meeting Date), 111 Civic Drive, Hercules, CA 94547 in time to reach the City Clerk no later than 3:00 p.m. on the day of the meeting or you can submit your comment by telephone by calling (510) 799-8215 no later than 3:00 p.m. on the meeting date.

If you need assistance with public comment, please contact: Lauren Berges, City Clerk at lberges@ci.hercules.ca.us or by calling (510) 799-8215.

All public comments will become part of the official meeting record. The City cannot guarantee that its network and/or the website will not be uninterrupted. To ensure that the City Council receives your written comments, you are strongly encouraged to submit your comments in writing in advance of the meeting by 3:00 p.m. on the day of the Council or Commission meeting.

OTHER WAYS TO WATCH THE MEETING

Live on Channel 28: City Council meetings will replay the following Thursday at 7:00 p.m. and Saturday at 1:00 p.m.
Planning Commission meetings will replay the following Wednesday at 7:00 p.m. and Saturday at 9:00 a.m.

Video Streamed Live on the City's Website:

To view City Council and Planning Commission meeting videos online go to: Hercules Meeting Videos.
Instructions to view Live or On-Demand Videos from the City's website:

1. Go to: Hercules Meeting Videos or <https://hercules.legistar.com/calendar.aspx>.
2. Locate the desired meeting and date.
3. Click the associated "Video" link (Video status is as follows):
 - Video = Video is available for on demand viewing.
 - In Progress = Video is available for viewing during live recording.
 - Not Available = Video is either unavailable or has not been recorded.

**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.