

City of Hercules

*111 Civic Drive
Hercules, CA 94547*



Meeting Agenda

Tuesday, September 24, 2024

6:00 PM

In-Person in Council Chambers or

Zoom ID: 851 5034 8049

Zoom Passcode: 459074

Zoom Phone Number: 1-669-900-6833

City Council

Mayor Dan Romero

Vice Mayor Dion Bailey

Council Member Alex Walker-Griffin

Council Member Chris Kelley

Council Member Tiffany Grimsley

Dante Hall, City Manager

Christie Crawl, City Attorney

Eibleis Melendez, 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. CLOSED SESSION – CALL TO ORDER - ROLL CALL - 6:00 P.M.

1A. CONSIDER AND TAKE ACTION ON ANY REQUEST FROM A COUNCIL MEMBER TO PARTICIPATE IN A MEETING REMOTELY DUE TO JUST CAUSE OR EMERGENCY CIRCUMSTANCES PURSUANT TO AB 2449

1B. SPECIAL MEETING - CLOSED SESSION

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

III. CONVENE INTO CLOSED SESSION

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

1. [22-964](#) Pursuant to Government Code Section 54957.6 Conference With Labor Negotiators - City Negotiators: Dante Hall, City Manager; Edwin Gato, Director of Finance; relative to the following employee groups:
 - a. Teamsters Local 315 Employee Organizations
 - b. Hercules Police Officers Association
2. [22-965](#) Conference with Real Property Negotiators pursuant to Gov. Code section 54956.8. CONFERENCE WITH Real Property Negotiators
Property address: 1680 Refugio Valley Road, Hercules CA 94547
Agency Negotiators: Dante Hall, City Manager; Christie Crowl, City Attorney
Negotiating Parties: City of Hercules, Rodeo Hercules Fire Protection District

IV. REGULAR MEETING – CONVENE TO OPEN SESSION - ROLL CALL - 7:00 P.M.

V. REPORT ON ACTION TAKEN IN CLOSED SESSION

VI. PLEDGE OF ALLEGIANCE

VII. MOMENT OF SILENCE

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

Mayor Romero would like to acknowledge the Filipino American History Month for the month of October.

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 are asked to complete a form indicating the name and address of the speaker and the general topic to be addressed. Speakers must make their comments from the podium and 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

1. [22-956](#) Waive first reading and introduce an Ordinance of the City Council of the City of Hercules amending Hercules Municipal Code Sections 13-6.200(3), 13-10.200(3), 13-15.200(1 & 2), 13-16.200(1-3), 13-21.400(2), 13-22.300(1 & 2), 13-23.300(1), 13-24.300(1 & 2) AND 13-25.300(2) to modify the requirement for a planned development plan, to amend Hercules Municipal Code section 13-48.200 to allow a planned development plan to be requested in all zoning overlay districts, and finding the action exempt from the California Environmental Quality Act.

RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance No. 24-XX (Attachment 1) to amend provisions of Hercules Municipal Code Sections 13-6.200(3), 13-10.200(3), 13-15.200(1 & 2), 13-16.200(1-3), 13-21.400(2), 13-22.300(1 & 2), 13-23.300(1), 13-24.300(1 & 2) and 13-25.300(2) to modify the requirement of a Planned Development Plan (PDP) for new and expanded development within the specified zoning and overlay districts, to amend Hercules Municipal Code Section 13-48.200 to allow a PDP process to be requested in all zoning and overlay districts, and finding the actions exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

Attachments: [Staff Report - PDP Removal Text Amend](#)
[Attach 1 - Ordinance](#)
[Attach 2 - Signed Planning Comm. Reso 24-05.docx](#)
[Attach 3 - Zoning and Overlay Maps](#)

XII. CONSENT CALENDAR

1. [22-954](#) **Meeting Minutes for the Special Meeting of August 29, 2024**

Attachments: [Meeting Minutes for the Special Meeting of August 29, 2024](#)

2. [22-955](#) **Meeting Minutes for the Regular Meeting of September 10, 2024**

Attachments: [Meeting Minutes for the Regular Meeting of September 10, 2024](#)

3. [22-957](#) **Local Vendor Preference Ordinance**

RECOMMENDATION:

Waive second reading and adopt Ordinance No.552 (Attachment 1) adding Title 2, Chapter 5, Sections 2-5.01 to 2-5.03 to the Hercules Municipal Code to codify the City's local vendor preference for the purchase of goods and services.

Attachments: [Staff Report- Local Vendor Preference Ordinance \(Second Reading\)](#)
[Attach 1 - Ordinance](#)

4. [22-958](#) **Update the City of Hercules Affordable Housing Policy to Reflect the Recent Density Bonus Revisions to the Hercules Municipal Code**

RECOMMENDATION:

Update the City of Hercules Affordable Housing Policy to Reflect the Recent Density Bonus Revisions to the Hercules Municipal Code

Attachments: [Staff Report - Affordable Housing Policy](#)
[Attach 1 - Resolution - Affordable Housing Policy](#)
[Attach 2 - Amended Hercules Affordable Housing Policy](#)
[Attach 3 - Density Bonus Ordinance 551](#)

5. [22-959](#) **Conflict of Interest Code Biennial Review**

RECOMMENDATION:

Adopt a Resolution amending the City's Conflict of Interest Code for designated employees, consultants, boards, committees and commissions for the City of Hercules.

Attachments: [Staff Report - Conflict of Interest Amendment 2024](#)
[Attach 1 - Resolution with Exhibit A](#)
[Attach 2 - Local Agency Biennial Notice](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [22-961](#) **Approval of Update to the West Contra Costa Transportation Advisory Committee (WCCTAC) Joint Power Agreement (JPA)**
RECOMMENDATION:
Staff recommends that the City Council adopt a resolution approving the updated WCCTAC JPA.

Attachments: [Staff Report - WCCTAC JPA Update](#)
 [Attach 1 - Resolution WCCTAC](#)
 [Attach 2 - Redline JPA](#)
 [Attach 3 - Clean Version JPA](#)

2. [22-962](#) **Approval of a Funding Agreement between the City of Hercules and Contra Costa Transportation Authority for Cost Sharing Commitments to Design & Construct the Countywide Smart Signals Project**
RECOMMENDATION:
It is recommended that the City Council approve the Funding Agreement between the City of Hercules and Contra Costa Transportation Authority for cost sharing commitments to design and construct the Countywide Smart Signals Project and authorize the City Manager to execute the Agreement on behalf of the City Council.

Attachments: [Staff Report - Countywide Signal Project Agreement](#)
 [Attach - 1 - Resolution - Smart Signals Funding Agreement](#)
 [Attach - 2 - Smart Signals Funding Agreement](#)
 [Attach - 3a - Staff Report - Countywide Signal Project 03262024](#)
 [Attach - 3b - Presentation - Contra Costa Countywide Smart Signals 03262024](#)

3. [22-960](#) **FY 24-25 Capital Improvement Program Update**
RECOMMENDATION:
It is recommended that the City Council receive an update on the status of the FY 24-25 Capital Improvement Program.

Attachments: [Staff Report - Capital Improvement Program Update](#)
 [Attach 1 - FY 24-25 Adopted CIP Program](#)
 [Presentation - Capital Improvement Program Update](#)

4. [22-963](#) **Designation of Voting Delegate and Alternates for the League of California Cities Annual Conference and General Assembly.**

RECOMMENDATION:

1. Designate a voting delegate and alternates for the League of California Cities Annual Conference and General Assembly to be held October 16-18th, 2024, in Long Beach, CA.
2. Provide the designated voting delegate direction on the resolution to be considered by the General Assembly.

Attachments: [Staff Report - League of California Cities Voting Delegate](#)
[Attach 1 - 2024 Cal Cities Voting Delegate Information Packet](#)
[Attach 2 - 2024 Cal Cities Resolutions Packet](#)

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.

- 1. Regional Committee**
- 2. City Council Committees and Subcommittees**
- 3. Commission Liaisons**

XVI. ADJOURNMENT

The next Regular Meeting of the City Council will be held on Tuesday, October 8, 2024 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 e-notice from the City's homepage. Agendas and staff reports may also be obtained by contacting the City Clerk at (510) 799-8200

(Posted: September 18, 2024)

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.

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 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.

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 emelendez@herculesca.gov. 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) 799-8208 no later than 3:00 p.m. on the meeting date.

If you need assistance with public comment, please contact: Eibleis Melendez City Clerk at emelendez@herculesca.gov or by calling (510) 799-8208.

All public comments will become part of the official meeting record. As email containing public meeting comments are part of the official record, note that personal contact information may be published if it is included with your email. 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 ACCOMMODATIONS: 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 510-799-8208 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, 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.