

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, November 14, 2023

SPECIAL MEETING 5:30 P.M., REGULAR MEETING 7:00 P.M.
In Council Chambers or To Watch or Listen: Zoom ID: 811 9532
6658 Zoom Passcode: 993920
Zoom Phone Number: 1-669-900-6833

City Council

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

Dante Hall, City Manager
Patrick Tang, 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. SPECIAL MEETING – CALL TO ORDER - ROLL CALL- 5:30 P.M.

II. PUBLIC COMMUNICATION - SPECIAL MEETING ITEMS

III. COMMISSION INTERVIEWS

1. [22-707](#) **COMMISSION INTERVIEWS
RECOMMENDATION:**
Conduct Interviews for eligible candidates which have applied fir Hercules
Commission and Committees.

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

**V. REPORT ON ACTION TAKEN IN CLOSED SESSION-
NO CLOSED SESSION**

VI. PLEDGE OF ALLEGIANCE

VII. MOMENT OF SILENCE

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. [22-693](#) **Proclamation Recognizing November 20, 2023 As Transgender Day
of Remembrance In The City of Hercules**

Attachments: [2023 Proclamation-Transgender Day of Remembrance](#)

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. [22-694](#) **Public Hearing on Approving Additions, Deletions and Adjustments to the Master Fee Schedule**

RECOMMENDATION:

Staff recommends that the City Council open the continued public hearing, deliberate, and adopt the resolution approving additions, deletions and adjustments to the Master Fee Schedule for services provided by the City.

Attachments: [Staff Report - Master Fee Schedule Update Effective 11142023](#)
[Attach 1 - Resolution Master Fee Schedule](#)
[Attach 2 - Exhibit A - Master Fee Schedule 11142023](#)
[Attach 3 - Summary of Current and Recommended Fee](#)
[Attach 4 - Revised Paving Permit and Plan Review Fee and Cost Detail S-036 and 037](#)
[Attach 5 - Revised Admin Minor Use Permit Fee Detail S-001](#)
[Attach 6 - Hercules Cost of Services Study Final Report 08.09](#)
[Attach 7 - Selected User Fee Comparison with other Jurisdictions](#)
[Attach 8 - PowerPoint Presentation Hercules Cost of Services Study](#)

XII. CONSENT CALENDAR

1. [22-695](#) **Meeting Minutes for the Regular Meeting of October 24, 2023**

Attachments: [Meeting Minutes for the Regular Meeting of October 24, 2023](#)

2. [22-696](#) **Approval of the Final Map and Subdivision Improvement Agreement for Tract No. 9606 “Owl Ranch”**

RECOMMENDATION:

City Council adopt a resolution approving the Final Map and Subdivision Improvement Agreement for Tract No. 9606 “Owl Ranch” located at 215 Skelly and authorizing the City Manager to execute the Subdivision Improvement Agreement on behalf of the City Council.

Attachments: [Staff Report - Owl Ranch Final Map](#)
[Attach 1 - Resolution Owl Ranch Final Map](#)
[Attach 2\(a\) - Subdivision Map 9606](#)
[Attach 2\(b\) - Skelly Conditions of Approval](#)
[Attach 3 - Subdivision Improvement Agreement](#)

3. [22-706](#) **MIG, Inc. Contract Amendment****RECOMMENDATION:**

Staff recommends that the City Council adopt a resolution approving the first amendment to an agreement with MIG, Inc. for \$12,990 to continue to provide professional services described in Attachment A of the original contract.

Attachments: [Staff Report - MIG Contract Amendment](#)
[Attach 1 - Resolution](#)
[Attach 2 - MIG - First Amendment to the Original Agreement #22-054](#)
[Attach 3 - MIG - Original Contract -22-054](#)
[Attach 4 - 9.13.2023 Staff Report - Parks Master Plan MIG](#)
[Attach 5 - Signed Resolution #22-081 MIG Parks Master Plan](#)

XIII. DISCUSSION AND/OR ACTION ITEMS1. [22-697](#) **Commission and Committee Appointments****RECOMMENDATION:**

Consider making appointments to Hercules Commissions, Regional Boards and Committees for the start of new two (2) year terms, to fill expired terms.

Attachments: [Staff Report - Commission Appointments](#)

2. [22-699](#) **Additional Information on Project Labor Agreements****RECOMMENDATION:**

Review and discuss report; provide direction to City attorney and staff on the questions outlined in the report.

Attachments: [Staff Report - Project Labor Agreements](#)
[Attach 1 - Sample Definitions](#)
[Attach 2 - Project Stabilization Agreement Template](#)
[Attach 3 - Staff Report 10.3.23 - Project Labor Agreement and attachments](#)

3. [22-698](#) **FY 23-24 1st Quarter Budget Report****RECOMMENDATION:**

Receive the reports on the FY 23-24 1st Quarter Budget Report for the period ending September 30, 2023, and the Preliminary FY 22-23 General Fund Annual Results (Unaudited) for June 30, 2023.

Attachments: [Staff Report - FY 23-24 1st Quarter Financial Report](#)
[Attach 1 - General Fund YTD Revenue through 09302023](#)
[Attach 2 - General Fund YTD Expenditures through 09302023](#)
[Attach 3 - All Funds YTD Revenues and Expenditures through 09302023](#)
[Attach 4 - Active CIP through 09302023](#)

4. [22-700](#) **“Small Business Saturday” Extension of Yiftee Digital Gift Card Program**

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving the third amendment to the Yiftee Digital Gift Card program to add an additional \$25,000 for this contract, funded by the General Fund, and authorize the City Manager to execute all related documents that are substantially similar to the approved draft.

Attachments: [Staff Report - Yiftee Small Business Saturday Program](#)
[Attach 1 - Resolution](#)
[Attach 2 - Draft Amendment No. 3 to the Original Agreement](#)
[Attach 3 - Original Agreement](#)
[Attach 4 - Amendment No. 1 to Original Agreement](#)
[Attach 5 - Amendment No. 2 to Original Agreement](#)

5. [22-701](#) **Proposed Amendments to Existing Lease Between City of Hercules and Lotus Organic LLC of Property Located at 1991 Railroad Avenue -Leila’s By The Bay**

RECOMMENDATION:

City Council adopt a resolution authorizing the City Manager to enter into an amendment to the existing lease between City of Hercules and Lotus Organic LLC for operation of a restaurant located at 1991 Railroad Avenue -Leila’s By The Bay

Attachments: [Staff Report - Leila's 1991 RR Ave proposed Lease Amendment](#)
[Attach 1 - Resolution Authorizing City Manager to execute amendments to lease for 1991 Ra](#)
[Attach 2 - Lease Amendment Leila's 1991 Railroad 23107](#)
[Attach 3 - 1991 Lease and LOU documents](#)

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

XVI. ADJOURNMENT

The next Special Meeting of the City Council will be held on Tuesday, December 5, 2023 at 6:00p.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: November 8, 2023)

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: At this time remote public comment is suspended and will not be accepted. To watch and listen only 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@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) 799-8208 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@ci.hercules.ca.us 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.