

# City of Hercules

111 Civic Drive  
Hercules, CA 94547



## Meeting Agenda

**Tuesday, March 14, 2023**

**7:00 PM**

**In-Person in Council Chambers or  
Zoom ID: 881 2554 7635  
Zoom Passcode: 141370  
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, Acting City Clerk*

**I. CLOSED SESSION – CALL TO ORDER - ROLL CALL**

NO CLOSED SESSION

**II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS**

NONE

**III. CONVENE INTO CLOSED SESSION**

The Hercules City Council will meet in Closed Session regarding the following:  
NO CLOSED SESSION

**IV. REGULAR MEETING – CONVENE TO OPEN SESSION - ROLL CALL [7:00 P.M.]****V. A. REPORT ON ACTION TAKEN IN CLOSED SESSION**

NO CLOSED SESSION

**B. 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 AB2449**

**VI. PLEDGE OF ALLEGIANCE****VII. MOMENT OF SILENCE****VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS**

1. [22-473](#) Acknowledgement of the Lupine Hills Elementary School Spelling Bee Participants
2. [22-482](#) PROCLAMATION DECLARING MARCH 2023 PRESCRIPTION DRUG ABUSE AWARENESS MONTH

Attachments: [PDA Month Proclamation](#)

**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

## XII. CONSENT CALENDAR

1. [22-481](#) **Meeting Minutes for the Regular Meeting on February 28th, 2023**  
**Attachments:** [Meeting Minutes for the Regular Meeting on February 28th, 2023](#)
  
2. [22-469](#) **2022 Annual Housing Element Progress Report**  
**RECOMMENDATION:** Accept via minute action the annual Housing Element Progress Report for the 2022 calendar year and direct staff to submit the report to the appropriate state and regional agencies.  
**Attachments:** [Staff Report- 2022 Housing Element Annual Report](#)  
[Attach 1- 2022 Housing Element Annual Progress Report](#)
  
3. [22-472](#) **Resolution Approving the Continuance of an Annual Parcel Assessment to be Adopted by the County Flood Control District for the Contra Costa Clean Water Program for FY 23-24**  
**RECOMMENDATION:** Approve a resolution approving the continuance of the parcel assessment rate of \$35.00 per Equivalent Runoff Unit (ERU) for FY 2023-2024 and requesting the Contra Costa County Flood Control and Water Conservation District adopt this annual parcel assessment for drainage maintenance and the National Pollution Discharge Elimination System (NPDES) Program.  
**Attachments:** [Staff Report- FY 23-24 Annual Stormwater Assessment](#)  
[Attach 1- Resolution - 2023-2024 Annual Stormwater Assessment](#)  
[Attach 2- County Request for Assessment Resolution](#)  
[Attach 3- Clean Water Program Cost Allocation by City](#)

4. [22-474](#) **Tripepi Smith Contract Amendment**  
**RECOMMENDATION:** Staff recommends that the City Council adopt a resolution approving the first amendment to an agreement with Tripepi Smith for \$29,000 to continue to provide professional services described in Attachment A of the original contract.

**Attachments:**     [Staff Report- Tripepi Smith Contract Amendment](#)  
                          [Attach 1- Resolution](#)  
                          [Attach 2- 22-051\\_Tripepi Smith\\_General Communication Amendment 1](#)  
                          [Attach 3- 22-051\\_Tripepi Smith\\_General Communications Agreement](#)  
                          [Attach 4- 22-013 - Tripepi\\_Smith - Election Opinion Poll Services Agreement](#)

### XIII. DISCUSSION AND/OR ACTION ITEMS

1. [22-475](#) **Direction to Staff Regarding Community Choice Energy and MCE**  
**RECOMMENDATION:**  
1. Receive a presentation from City and MCE staff;  
2. Ask any questions;  
3. Take public comment; and  
4. Provide direction to staff on whether to pursue joining MCE in 2023

**Attachments:**     [Staff Report- Community Choice Energy and MCE](#)  
                          [Att 1- PG&E-MCE Joint Rate Comparisons](#)  
                          [Att 2- MCE Rate Sheet](#)  
                          [Att 3- MCE JPA Agreement](#)  
                          [Att 4- MCE Voting-Shares](#)  
                          [Presentation- MCE Presentation](#)

2. [22-476](#) **EV Charging at City Facilities**  
**RECOMMENDATION:**  
1. Receive an informational update from staff and Electric Vehicle Charging Services, Inc. (EVCS) regarding their Charging as a Service model and Bay Area Air Quality Management District (BAAQMD) *Charge!* grant application;  
2. Ask any questions;  
3. Take public comment; and  
4. Provide any direction to staff regarding next steps.

**Attachments:**     [Staff Report- EV Charging](#)  
                          [Attach 1- EV Charging Grants](#)  
                          [Presentation- EVCS Presentation](#)

3. [22-477](#) **Renewal and Amendment of a Maintenance and Reimbursement Agreement with San Francisco Bay Area Rapid Transit (BART) and Western Contra Costa Transit Authority (WestCat) for the Hercules Transit Center**  
**RECOMMENDATION:** The City Council adopt a resolution approving a Maintenance and Reimbursement Agreement with San Francisco Bay Area Rapid Transit (BART) and Western Contra Costa Transit Authority (WestCat) for the Hercules Transit Center and authorizing the City Manager to execute the agreement on behalf of the City Council.

**Attachments:** [Staff Report- HTC Maintenance Agreement](#)  
[Attach 1 - Resolution - HTC Maintenance Agreement](#)  
[Attach 2- 17-068 - BART & WCCTA - Maintenance and Reimbursement Agreement](#)  
[Attach 3- 2023 Maintenance and Reimbursement Agreement](#)

5. [22-478](#) **Fourth of July Celebration Show**  
**RECOMMENDATION:** That the City Council receive information on the status of the Fourth of July Celebration scheduled for July 4, 2023, and approve a fireworks celebration with or without partnership of the City of Pinole.

**Attachments:** [Staff Report- Fourth of July Celebration](#)

6. [22-479](#) **Special Events Update**  
**RECOMMENDATION:** In July of 2022, the Hercules City Council approved an agreement with the Bayfront Chamber of Commerce to produce (4) four special events during the 2022-23FY including National Night Out Bay Front Festival and Run, Bottles and Bites, and the Hercules Cultural Festival. The agreement specified the City would contribute \$35,000 to assist the Chambers efforts to run these events. Staff is providing an update to the City Council on the status of these events.

**Attachments:** [Staff Report- Special Events Update](#)  
[Attach 1- Proposal - Special Events FY22-23 - 7-19-22](#)  
[Attach 2- National Night Out Recap -8-12-22](#)  
[Attach 3- Bay Front Festival and Run-10-13-22](#)  
[Attach 4- Bottles & Bites flyer- 3-26-23](#)  
[Attach 5- Cultural Festival flyer- 6-4-23](#)

7. [22-471](#) **Members of the City Council Compensation Report**  
**Recommendation:** Receive a report on total City compensation for the Council members (Attachment 1).

**Attachments:**    [Staff Report- City Council Compensation Report](#)  
[Attach 1- City Council Monthly Pay & Benefits](#)  
[Attach 2- Res 11-119 Terminate PERS Benefit](#)  
[Attach 3- Res17-054 Reinstating Limited Health Care Benefits](#)

#### **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 Regular Meeting of the City Council will be held on Tuesday, March 28, 2023 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](http://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) 799-8208

(Posted: March 9, 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.

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 [emelendez@ci.hercules.ca.us](mailto: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](mailto:emelendez@ci.hercules.ca.us) or by calling (510) 799-8208.

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 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](http://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.