

# **City of Hercules**

*111 Civic Drive  
Hercules, CA 94547*



## **Meeting Agenda**

**Tuesday, September 12, 2023**

**6:00 PM**

**In-Person in Council Chambers or**

**Zoom ID: 889 8120 8913**

**Zoom Passcode: 092535**

**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](http://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**

1. [22-641](#) Conference with Legal Council - Anticipated Litigation  
Significant exposure to litigation pursuant to California Government Code Sec. 54956.9
2. [22-637](#) Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Attorney
3. [22-638](#) Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager

**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**

1. [22-632](#) National Hispanic Heritage Month Proclamation  
*Attachments:* [National Hispanic Heritage Month Proclamation](#)
2. [22-633](#) Haley Solis Proclamation  
*Attachments:* [Haley Solis 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. [22-636](#) **Meeting Minutes for the Special Meeting on August 8, 2023**

**Attachments:** [Meeting Minutes for the Special Meeting on August 8, 2023](#)

2. [22-631](#) **Response to Grand Jury Report No. 2306 on Affordable Housing  
RECOMMENDATION:**

By minute order, approve a draft response letter to the Grand Jury Report and direct staff to submit the letter to the Grand Jury.

**Attachments:** [Staff Report - Hercules Response to Grand Jury Report 2306](#)  
[Attach 1 - June 16, 2023 Grand Jury letter to City Council](#)  
[Attach 2 - Grand Jury Report No. 2306](#)  
[Attach 3 - Draft Hercules Response to Grand Jury Report 2306](#)

## XIII. DISCUSSION AND/OR ACTION ITEMS

1. [22-635](#) **Update on the Hercules Parks and Recreation Facilities Master Plan  
and Draft Recommendations  
RECOMMENDATION:**

Staff recommends that the City Council:

- a) Receive a report from staff regarding the status of the Park System Master Plan
- b) Discuss and provide direction on draft project recommendations and project priorities if any.

**Attachments:** [Staff Report - Update and Draft Recommendation on the Hercules Parks and Recreation Facilities Master Plan](#)  
[Attach 1- Hercules PRFMP Draft Recommendations](#)  
[Presentation - Hercules PRFMP](#)

2. [22-634](#) **Negotiation Points for Solid Waste Franchise Agreement**

**RECOMMENDATION:**

City Council:

- a) Receive a report from staff regarding the recommended negotiation points for the Solid Waste Franchise Agreement with Republic Services; and
- b) Discuss and provide direction on the negotiation points to staff, if any; and
- c) Authorize staff to proceed with negotiations.

**Attachments:**     [Staff Report - Solid Waste Franchise Deal Points Staff Report](#)

3. [22-630](#) **Receive the Finance Commission's Annual Report on Measures B and C for Fiscal Year Ending June 30, 2022**

**RECOMMENDATION:**

Receive the Finance Commission's Annual Report on Measures B and C for Fiscal Year Ending June 30, 2022.

**Attachments:**     [Staff Report - Measure B and C Annual Report from Finance Commission](#)  
                              [Attach 1 - Measure B and C 2022](#)

4. [22-640](#) **Local Small Business Preference for Goods and Services**

**RECOMMENDATION:**

Review and discuss report; provide direction to staff.

**Attachments:**     [Staff Report - Local Preference](#)  
                              [Attach 1- Public Contracting Code Section 2002](#)  
                              [Attach 2 - San Pablo Municipal Code 3.16.100 Local Business Preference](#)

#### **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, September 26, 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 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 7, 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:** 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.