

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, December 13, 2022

7:00 PM

In person in Council Chambers or

Zoom ID: 856 3161 6879

Zoom Passcode: 223611

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 – NONE

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

III. CONVENE INTO CLOSED SESSION

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

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

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.

All public comments are allowed up to 3 minutes to relay their message or concern. 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. 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. The public may log into the Zoom meeting (refer to agenda cover for Zoom login information) and provide their public comment (3 minute time limit). All public comments are recorded and become part of the public record.

XI. PUBLIC HEARINGS - NONE

XII. CONSENT CALENDAR

1. [22-373](#) **Emergency Declaration**
 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](#)

2. [22-372](#) **Meeting Minutes of November 9, 2022**

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

3. [22-342](#) **FY 2022-23 First Quarter Budget Report**
 Recommendation: Receive the report on the FY 2022-23 first quarter budget report.

 Attachments: [FY 22-23 1st Quarter Revenue and Expenditure Report SR](#)
 [Attach 1 - General Fund Year-to-date Revenue Report through September 30, 2022](#)
 [Attach 2 - General Fund Year-to-date Expenditure Report through September 30, 2022](#)
 [Attach 3 - All Funds Year-to-date Revenues and Expenditures Report through September 30,](#)
 [Attach 4 - Active Capital Projects through September 30, 2022](#)

4. [22-370](#) **Declaring Results of the November 8, 2022 General Municipal Election**
 Recommendation: Adopt a Resolution declaring the results of the General Municipal Election held on November 8, 2022.

 Attachments: [Staff Report - Election Results 121322](#)
 [Attach 1 - Resolution](#)
 [Exhibit A - Certificate of Election_SummaryReport_Final](#)
 [Attach 2 - Measure N Ordinance Text](#)

5. [22-374](#) **Annual Local Commission Appointment List**
 Recommendation: Review and receive the Annual Local Commission Appointment List commonly referred to as the Maddy Act.

 Attachments: [Staff Report - Maddy Act 121322](#)
 [Attach 1 - 2022 Maddy Act - revised 12.13.22](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [22-371](#) **Solid Waste Collection Franchise Agreement - Adjustment of Republic Services' Rate +3.52% effective January 1, 2023**
Recommendation: Adopt a resolution approving Republic Services' base year rate adjustment of +3.52% effective January 1, 2023 per the recommended order issued by the Public Works Director.

Attachments: [Staff Report - Solid Waste R3 12-01-2022](#)
[Resolution - Solid Waste Rate Adjustment](#)
[Att 1 - Report and Recommended Order for Republic Rate Increase](#)
[Att 2 - 11092022 Staff Report - Solid Waste Rate Adjustment](#)

2. [22-383](#) **Professional Services Agreement with Carollo Engineers in the amount of \$284,000 for Engineering Support Services during Construction for the Sycamore Avenue Sewer Trunk Replacement Project - Duck Pond Park to the Wastewater Treatment Plant**
Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement with Carollo Engineers for a not to exceed amount of \$284,000 for Engineering Support Services during construction for the Sycamore Avenue Sewer Trunk Replacement Project - Duck Pond Park to the Wastewater Treatment Plant.

Attachments: [Staff Report-Carollo Engineering Support Services](#)
[Attach 1 - Resolution Carollo Engineer Support Services](#)
[Proposal for Sycamore Ave Trunk Sewer Replacment ESDC_rev](#)

3. [22-384](#) **Award of a Construction Contract to Cratus for the Sycamore Avenue Trunk Sewer Replacement Project - Duck Pond Park to the Wastewater Treatment Plant**
Recommendation: Adopt a resolution authorizing the City Manager to execute a construction contract with Cratus Inc. in the amount of \$11,615,866 for the Sycamore Avenue Trunk Sewer Replacement Project - Duck Pond Park to the Wastewater Treatment Plant, authorizing an additional expenditure of up to \$1,161,587 for a 10% contingency on said construction contract, for a total not to exceed contract amount of \$12,777,453.

Attachments: [Staff Report - Sycmoare Sewer Trunk Construction](#)
[Attach 1 - Resolution Sycamore Sewer Trunk Construction Contract](#)
[Location Map - Sycamore Ave Trunk Sewer Replacement Project](#)

XIV. CITY COUNCIL PRESENTATIONS

1. [22-379](#) Vice Mayor Walker-Griffin to Present a Proclamation to Mayor Bailey

Attachments: [D. Bailey - Mayor 2022 Proclamation](#)

2. [22-380](#) Remarks from Mayor Bailey

XV. OATHS OF OFFICE & INSTALLATION OF RE-ELECTED COUNCIL MEMBERS

1. [22-376](#) Administer Oath of Office to Re-Elected Council Members Dion Bailey and Chris Kelley.

Attachments: [Cert of Election Form - D. Bailey](#)
[Cert of Election Form - C. Kelley](#)

2. [22-381](#) Remarks from Council Members

XVI. RECESS AND REFRESHMENTS

XVII. RECONVENE - CALL TO ORDER - ROLL CALL

XVIII. CITY COUNCIL REORGANIZATION

1. [22-375](#) **Selection of Mayor and Vice Mayor**
Recommendation: City Council to nominate and appoint a Mayor and Vice Mayor for 2023.

Attachments: [Staff Report - Selection of Mayor and Vice Mayor](#)
[Attach 1 - Council Rules of Procedure - Amended by Res No. 18-017 041018](#)

2. [22-385](#) Administer Oath of Office to Newly Appointed Mayor
3. [22-382](#) Remarks from Newly Appointed Mayor and Vice Mayor

XIX. DISCUSSION AND/OR ACTION ITEMS

1. [22-378](#) **City Council Regular Meeting Dates for the 2023 Calendar Year**
Recommendation: Review the schedule of City Council regular meeting dates in 2023 and consider canceling one or more regular meetings in August and the November 28th and December 26th regular meetings.

Attachments: [Staff Report - Meeting Schedule 2023](#)
[Attach 1 - 2023 Meeting Calendar \(2023 Jan - Dec\)](#)

2. [22-377](#) **2023 Council Appointments on Regional Committees and Council Subcommittees**

Recommendation: Express interest and availability for the 2023 Council Appointments on Regional Committees and Council Subcommittees to be made by the Mayor at the January 10, 2023 City Council meeting.

Attachments: [Staff Report - Council Appointments to Regional Committees](#)
[Attach 1 - 2022 CC Appointed Reps - Approved 01.11.2022](#)

XX. 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.

XXI. 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.

XXII. ADJOURNMENT

The next Regular Meeting of the City Council will be held on Tuesday, January 10, 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 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: December 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.