

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, February 27, 2024

6:00 PM

CLOSED SESSION - 6:00 P.M., REGULAR MEETING- 7:00 P.M

In-Person in Council Chambers or to Listen Only:

Zoom ID: 826 3556 0622

Zoom Passcode:728808 Zoom Phone Number:1-669-444-9171

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

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

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

III. CONVENE INTO CLOSED SESSION

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

1. [22-778](#) 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
 - c. Hercules Senior Manager Employee Group
 - d. Confidential Unrepresented Employee Group
 - e. Mid Management Employee Group
2. [22-779](#) Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE 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

Mayor Romero wants to proclaim the following acknowledgement for the month of March:

American Red Cross Month

Irish American Heritage Month

Women's History Month

Prescription Drug Abuse Awareness Month

National Vietnam Veterans Day - March 29th

Cesar Chavez Day - March 31st

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. [22-781](#) **Mandatory Garbage/Solid Waste Disposal - Delinquent Accounts**
RECOMMENDATION:
Conduct a Public Hearing and upon conclusion, consider adopting a Resolution confirming the report of delinquent accounts and placing liens on said properties and special assessments upon property taxes pursuant to City of Hercules Municipal Code Section 5-2.01 to 5-2.16, Mandatory Garbage/Solid Waste Disposal.

Attachments: [Staff Report - Garbage Liens](#)
 [Attach 1 - Resolution](#)
 [Attach 2 - Lien List](#)

XII. CONSENT CALENDAR

1. [22-776](#) **Meeting Minutes for the Regular Meeting of February 13, 2024**

Attachments: [Meeting Minutes for the Regular Meeting of February 13, 2024](#)

2. [22-777](#) **Grant Funding Request for the Sycamore Avenue Bicycle & Pedestrian East-West Connector Project under I-80 and the BNSF Railroad.**

RECOMMENDATION:

The City Council adopt a resolution requesting the Metropolitan Transportation Commission allocate \$150K in Transportation Development Act Article 3 Pedestrian/Bicycle Project funding in FY 2024 for the Sycamore Avenue Bicycle & Pedestrian East-West Connector Project.

Attachments: [Staff Report - Hercules TDA3 -Sycamore Avenue](#)
 [Attach 1 - Hercules TDA3 Resolution - Sycamore Ave](#)
 [Attach 2 - Preliminary Plans-Sycamore \(7-12-22\)](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [22-780](#) **Victoria by the Bay Landscaping and Lighting Assessment District - Adopt a Resolution Declaring the Results of the Property Owner Protest Ballot Proceedings and Discuss Options to Balance the Budget and Eliminate the Fund Deficit.**

RECOMMENDATION:

It is recommended that City Council:

- a) Adopt a resolution declaring the results of the property owner protest ballot tabulation conducted on December 5, 2023 regarding a proposed increase in the maximum assessment for the Victoria by the Bay Landscaping and Lighting Assessment District No. 2002-1 (Victoria by the Bay LLAD) commencing Fiscal Year (FY) 2024/25; and
- b) Receive a staff report, discuss options to balance the budget and eliminate the fund deficit for the Victoria by the Bay LLAD, and provide direction to staff on the next steps to take.

Attachments: [Staff Report - Victoria by the Bay LLAD](#)
 [Attach 1 - Resolution Declaring Results of The Protest Balloting 2002-1](#)

2. [22-783](#) **Consideration of a Resolution Adopting the Hercules Parks & Recreation Facilities Master Plan**

RECOMMENDATION:

Staff recommends that the City Council review, discuss, and consider approving a resolution adopting the Hercules Parks and Recreation Facilities Master Plan.

Attachments: [Staff Report - Consideration of a Resolution Adopting the Park System Master Plan](#)
 [Attach 1 - Resolution](#)
 [Attach 2 - Draft Hercules Parks and Recreation Facilities Master Plan](#)
 [Attach 3 - Draft Master Plan Appendices](#)
 [Presentation - Draft Plan](#)
 [Attach 5 - Joint Commission Meeting Comments](#)

3. [22-786](#) **Requested Report on Business License Taxes**

RECOMMENDATION:

Staff requests that the City Council receive this report, discuss, and provide direction, if any.

Attachments: [Staff Report - Business License Tax Update](#)
 [Attach 1 - Municipal Code Chapter 6 - Business License Tax](#)
 [Attach 2 - List of Businesses - Renewal Notices](#)
 [Attach 3 - Hercules Fee Schedule and FAQs](#)

4. [22-785](#) **Consideration of Adopting a Resolution Electing to Retain the Housing Assets and Functions Previously Performed by the Hercules Redevelopment Agency**
RECOMMENDATION:
Adopt a resolution electing to retain the housing assets and functions previously performed by the Hercules Redevelopment Agency pursuant to Health and Safety Code Section 34176.
- Attachments:** [Staff Report - Elect to be Housing Successor](#)
 [Attach 1 - Resolution - Elect to be Housing Successor](#)
 [Exhibit A - DOF Letter to CCC Housing Authority](#)
 [Exhibit B - Contra Costa Response to 9-17-12 DOF Letter re Hercules RDA](#)
 [Exhibit C - Hercules Housing Asset List Form - Redevelopment Agency](#)
5. [22-782](#) **FY 23-24 Midyear Budget Review and Recommended Midyear Budget Appropriations and Adjustments**
RECOMMENDATION:
Receive a report on the FY 23-24 midyear budget review and adopt a resolution approving midyear budget appropriations and adjustments as summarized and detailed in Attachment 2.
- Attachments:** [Staff Report - FY 23-24 Mid-Year Budget Update](#)
 [Attach 1 - Resolution](#)
 [Attach 2 - Proposed Budget Amendment](#)
 [Attach 3 - General Fund Summary](#)
 [Attach 4 - Non-General Fund Summary](#)
6. [22-787](#) **Proposed Resolution to Amend City Manager Hall's Employment Agreement to Increase the Annual Salary from \$262,086 to \$285,000 and to Provide Education Incentive Pay of 3%**
RECOMMENDATION:
Discuss and consider adoption of a resolution to amend City Manager Dante Hall's Employment Agreement to increase the current annual salary from \$262,086 to \$285,000 and to Provide Education Incentive Pay of 3%.
- Attachments:** [Staff Report - CM Employment Agreement Amendment](#)
 [Attach 1 - 21-028 - Hall CM Employment Agreement](#)
 [Attach 2 - 21-028 Hall- CM Employment Agreement Amendment1](#)
 [Attach 3 - Amendment No. 2 CM Hall Agreement](#)
 [Attach 4- Resolution Amending City Manager Employment Agreement](#)

7. [22-784](#) **Request for Information Regarding a Welcome Baby Event**

RECOMMENDATION:

Staff recommends that the City Council receive information regarding a Welcome Baby event and provide direction, if any.

Attachments: [Staff Report - Welcome Baby](#)
 [Attach 1 - Welcome Baby event - City of Montebello](#)

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, March 12, 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: February 22, 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: 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: Eiblis 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 interrupted. 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.