

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, March 26, 2019

7:00 PM

SPECIAL CLOSED SESSION - 6:00 P.M.

REGULAR MEETING - 7:00 P.M.

Council Chambers

City Council

Mayor Dan Romero
Vice Mayor Roland Esquivias
Council Member Chris Kelley
Council Member Gerard Boulanger
Council Member Dion Bailey

David Biggs, City Manager
Patrick Tang, City Attorney
Lori Martin, City Clerk

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

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

III. CONVENE INTO CLOSED SESSION

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

1. [19-531](#) Pursuant to Government Code Section 54957(b)(1) PUBLIC EMPLOYMENT - Title: City Manager Contract
2. [19-532](#) Pursuant to Government Code Section 54956.9 (d)(1), Conference with Legal Counsel - Pending/Existing Litigation - Taylor Morrison of California, LLC, entitled *Taylor Morrison of California, LLC v. City of Hercules*, Superior Court for the County of Contra Costa, Case No. C19-00366.

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

1. [19-528](#) Proclamation Recognizing Stanley Tom for his Service to the Hercules Finance Commission and Acknowledging his Dedication and Commitment to the Hercules Community

Attachments: [Proclamation - Stanley Tom - Finance Commission - 2019](#)

2. [19-519](#) Presentation from Education Matters, Jason Singer, Executive Director

Attachments: [WCC-Master-Spreadsheet-2017-18](#)

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. [19-529](#) **Meeting Minutes**
Recommendation: Approve the Regular Meeting Minutes of March 12, 2019.

Attachments: [Minutes - 031219 - Regular](#)

2. [19-516](#) **Proclamation Declaring the Month of March as American Red Cross Month**
Recommendation: Receive Proclamation recognizing March 2019 as American Red Cross Month in the City of Hercules.

Attachments: [Staff Report - American Red Cross 0326209](#)
[Proclamation - 2019 Red Cross Proclamation Final](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-515](#) **Update on WestCAT Bus Service**
Recommendation: Receive Report, Discuss, and Provide Direction, if any.

Attachments: [Staff Report - West Cat Bus Service 03262019](#)
[Attach 1 - Full-System-Map](#)
[Attach 2 - Bayfront Interim Bus Improvements](#)

2. [19-518](#) **Multi-Family Smoking Ordinance Update**
Recommendation: Receive update, discuss, and provide direction, if any.

Attachments: [Staff Report - Update Multi Family Smoking 03262019](#)
[072418 Staff Report - smoking restrictions multi-family units discussion](#)

3. [19-530](#) **Second Reading and Adoption of Transportation Facilities Impact Fee Ordinance**
 Recommendation: Waive second reading and adopt the attached Ordinance of the City Council of the City of Hercules amending Title 10, Chapter 18 - Development Impact Fees, Article 6 - Traffic Facilities Impact Fees of the Hercules Municipal Code related to the Transportation Facilities Impact Fees.
- Attachments:** [Staff Report - 2nd Reading of Transportation Facilities Fee Ordinance 512](#)
 [Attach 1- Ordinance 518 -Transportation Impact Fees](#)
 [Exhibit A to Ordinance 518-Amending HMC Transportation Impact Fees](#)
 [Attach 2- Previously Passed CC Reso 19-011 Setting Transportation Impact Fees](#)
4. [19-501](#) **Proposed Amendment to Employment Agreement for City Manager David Biggs**
 Recommendation: Adopt a Resolution of the Hercules City Council approving Amendment No. 2 to the Employment Agreement with City Manager David Biggs extending the term of the agreement to December 21, 2021 with an option for two (2) additional one year extensions, and effective July 1, 2019, providing a 5% deferred compensation match and a 10% increase in annual salary.
- Attachments:** [Staff Report - Biggs Employment Agreement - 032619 - use this version](#)
 [Attach 1 - City Manager Employment Agreement](#)
 [Attach 2 - Amendment No. 1](#)
 [Attach 3 - CM Employment Agree Reso](#)
 [Attach 4 - BIGGS Contract Amendment No. 2](#)
5. [19-517](#) **Update on Landscape & Lighting Assessment Districts and 2019/20 Annual Renewal**
 Recommendation: Receive report, discuss, and provide direction, if any.
- Attachments:** [Staff Report - L&LAD Update 03262019](#)
 [Attach 1 - 10232018 Staff Report & Attachments](#)
 [Attach 2 - LLAD Neighborhood Notification Letter 11272018 final](#)
6. [19-527](#) **Inclusionary Housing Implementation Policy Recommendations**
 Recommendation: Receive report, discuss, and provide direction on formulation of an inclusionary housing implementation policy to manage the City's interests in the development, restriction, and management of affordable housing units to be constructed as part of projects with development agreements requiring affordable housing.
- Attachments:** [Staff Report - Inclusionary Housing Policy 03262019](#)
 [Attach 1 - Ordinance 469](#)
 [Attach 2 - Inclusionary Housing Best Practices](#)

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.

XVI. ADJOURNMENT

The next Regular Meeting of the City Council will be held on Tuesday, April 9, 2019 at 7:00 p.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: March 21, 2019)

**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, 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.