

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, April 9, 2019

6:00 PM

CLOSED SESSION - 6:00 P.M.
REGULAR SESSION - 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. [19-542](#) Pursuant to Government Code Section 54956.9(a), Conference with Legal Counsel - Pending Litigation - Significant exposure to litigation in one (1) case regarding Due Diligence Review (DDR) determination from the California Department of Finance.
2. [19-543](#) Pursuant to Government Code Section 54957.6 CONFERENCE WITH LABOR NEGOTIATORS - City Negotiators: David Biggs, City Manager; Edwin Gato, Director of Finance; Lori Martin, Director of Administrative Services 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
3. [19-544](#) Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9(d)(2): In one (1) matter: Hercules Development Partners, LP / Ledcor Corporation

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. [19-540](#) Proclamation Recognizing April 7th - 13th, 2019 as National Library Week in the City of Hercules and Presentation by Lynne Noone on the Annual Library Report

Attachments: [Proclamation - National Library Week](#)
 [Library Presentation 040919](#)

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. [19-548](#) **Continued 2019 West Contra Costa County Subregional Transportation Mitigation Program (STMP) Fee Update**

Recommendation: Open and Conduct the continued public hearing and consider a) Waiving the first reading and Introducing an Ordinance amending Title 10, Chapter 17 - West County Subregional Transportation Mitigation Program of the Hercules Municipal Code and b) Adopting a Resolution Authorizing the City Manager, City Clerk and City Attorney to Execute The Master Cooperative Agreement Between the West Contra Costa Transportation Advisory Committee (WCCTAC) and the City of Hercules and other member Agencies in its current substantive form with Exhibits A - 2019 Nexus Update of the STMP Impact Fee and Exhibit B- STMP Administrative Guidelines as a reference and incorporate the new STMP Nexus Fees into the City's Master User Fee Schedule effective July 1, 2019.

Attachments: [Continued 2019 Staff Report WCCTAC STMP Fee Update 4-9-2019](#)

[Att1-WCCTAC 3-28-2019 Response Letter](#)

[Att2- WCCTAC STMP Staff Report of 2-26-2019](#)

[Att3-STMP Ordinance](#)

[Att4-Reso for WCCTAC STMP Master Coop Agrmt and Fees](#)

[Att5-STMP Master Coop](#)

[Att5-Exb A- Final 2019 STMP Report](#)

[Att5-Exb B- DRAFT Admin Guidelines](#)

2. [19-546](#) **Consider Approving an Ordinance to Adopt Proposed Zone Text Amendment #ZTA 19-01 Related to Noticing Requirements**

Recommendation: Conduct public hearing and consider waiving the first reading and introducing an Ordinance approving Zone Text Amendment #ZTA 19-01 amending Hercules Municipal Code 13-44.200 - Application

Processing and Hearing Notice.

Attachments: [Staff Report - Noticing Requirements](#)
 [Att1 - Ordinance -Noticing Process](#)
 [Att 1-Exhibit A - ZTA 19-01 Changes to Noticing Policy](#)
 [PC Resolution 19-01 recommending Changes to Noticing Policy](#)

3. [19-547](#) **Consider Approving an Ordinance to Adopt Proposed Zone Text Amendment #ZTA 19-02 Related to Appeals and Posting of Notices of Decision**

Recommendation: Conduct public hearing and consider waiving the first reading and introducing an Ordinance approving Zone Text Amendment #ZTA 19-02 amending Hercules Municipal Code Title 13 to clarify City Council call up and standardizing notice of decision posting and appeals periods from 10 working days to 14 calendar days.

Attachments: [Staff Report for Appeals Process 4-9-2019 CC](#)
 [Att 1-Ordinance -Appeals Process](#)
 [Att1-Exhibit A - ZTA 19-02 Changes to Appeal Policy](#)
 [Final PC Resolution 19-02 recommending Changes to Appeal Policy unsigned](#)

XII. CONSENT CALENDAR

1. [19-539](#) **Meeting Minutes**
 Recommendation: Approve the Regular Meeting Minutes of March 26, 2019.
2. [19-536](#) **Preparation and Filing of the FY 2019/20 Landscaping and Lighting Engineer's Reports**
 Recommendation: Adopt a Resolution directing the filing of the Annual Engineer's Reports for the City of Hercules Landscaping and Lighting Assessment District No. 83-2, Victoria by the Bay Landscaping and Lighting Assessment District No. 2002-1, Hercules Village Landscaping and Lighting Assessment District No. 2002-2, Baywood Landscaping and Lighting Assessment District No. 2004-1, and Bayside Landscaping and Lighting Assessment District No. 2005-1 pursuant to the Landscaping and Lighting Act of 1972.

Attachments: [Staff Report - LL ADs Agenda Report \(Order Reports\)1920](#)
 [Attach 1 - Reso - \(Ordering Reports\)1920](#)

3. [19-537](#) **Adopt a Resolution Approving the Annual Parcel Assessment Adopted by the County Flood Control District for the Contra Costa Clean Water Program for FY 19-20**
Recommendation: Adopt a Resolution approving the continuance of the parcel assessment rate of \$35.00 per Equivalent Runoff Unit (ERU) for FY 2017-2018 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 - 2019-20 Annual Stormwater Assessment](#)
 [Attach 1 - 2019-20 Annual Stormwater Assessment Reso](#)
 [Attach 2 - Request to MC for ERU Resolutions](#)
 [Attach 3 - Cost Allocation FY 2019-20](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-549](#) **Long-Term Financial Projection for the General Fund**
Recommendation: Review and discuss the long-term financial projection for the General Fund.
- Attachments:** [Staff Report - Long Term Financial Projection - General Fund](#)
 [Attach 1- General Fund Long-Term Forecast](#)
 [Attach 2 - General Fund Summary Assumptions](#)
2. [19-535](#) **Annual Review of 2017 Strategic Plan as Updated May 2018**
Recommendation: Receive report, review Strategic Plan, and update objectives as appropriate.
- Attachments:** [Strategic Plan Annual Review SR 04092019](#)
 [Hercules Strategic Plan 2017 update 05082018](#)
 [Attach 2 - 2017 Strategic Plan Review April 2019](#)
3. [19-538](#) **Municipal Financial Health Diagnostic Tool**
Recommendation: Receive a report and discuss the League of California Cities Municipal Financial Health Diagnostic Tool.
- Attachments:** [Staff Report - Financial Health Diagnostic Report](#)
 [Attachment 1-Fiscal Diagnostic Tool](#)

4. [19-541](#) **Consider Filling Vacancy on the Finance Commission**
Recommendation: Consider making an appointment to the Finance Commission by reconsidering two (2) applicants which applied during the city's annual recruitment period.

Attachments: [Staff Report - Appointment to Finance Commission](#)
 [Attach 1 - Risby, Lori - Waiver Request - 040219](#)
 [Attach 2 - Resolution 10-068 - Procedures Governing Appointments - Attendance](#)
 [Attach 3 - HMC Title 2 - Chap 2 - Boards and Commissions](#)

5. [19-545](#) **Review Upcoming Council Agenda Items List**
Recommendation: Review, discuss and provide direction.

Attachments: [Staff Report - Qrtly Review Agenda Pending Items](#)
 [Attach 1 - Agenda List of Pending Items](#)

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 23, 2019 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: April 4, 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.