

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, September 10, 2019

5:00 PM

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 – 5:00 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. [19-687](#) 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
2. [19-688](#) Pursuant to Government Code Section 54956.9(a), Conference with Legal Counsel - Pending/Existing Litigation: Successor Agency to the Hercules Redevelopment Agency and City of Hercules v. California Department of Finance, et al, Sacramento Superior Court Case No. 34-2018-80003038
3. [19-690](#) 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
4. [19-691](#) 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.
5. [19-695](#) Pursuant to Government Code Section 54956.9, Conference with Legal Counsel - Existing Litigation: *Narcisse v. Tafesse et al.* USDC Northern District of California Case No. 5:16CV-000682-EJD

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. [19-693](#) Proclamation Recognizing September 11, 2019 as Patriot Day and Honoring the Heroic Acts following this Day of Remembrance

Attachments: [Proclamation - Patriot Day 2019](#)

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. [19-685](#) **Vacation of Public Right of Way Within the Southeasterly Portion of Linus Pauling Drive**
Recommendation: Open the continued public hearing and adopt a Resolution approving the vacation of public right of way within the Southeasterly portion of Linus Pauling Drive subject to conditions stated therein.

Attachments: [Staff Report - Linus Pauling Vacation Cont Public Hearing SR 09102019 HS redlined](#)
[Attach 1 - Vacation Aerial](#)
[Attach 2 - Resolution and Exhibits - Linus Pauling Vacation for 9-10-2019 HS redlined](#)
[Attach 3 - Prior Staff Reports and Attachments](#)

2. [19-697](#) **Sycamore Crossing Project, a Proposal by Sycamore Crossing Land Developers, LLC to Relocate Existing Utilities and Easements and Construct Approximately 29,511 Square Feet of Commercial Space, a 105-room hotel, and up to 120 residential dwellings on approximately 12.88 acres bound by San Pablo Avenue, Sycamore Avenue and Tsushima Street, Requiring Approval of: CEQA Initial Study & Determination #IS 17-02, General Plan Amendment #GPA 17-02, Re-Zone #RZ 17-02, Initial/Final Planned Development Plan #FPDP 17-02, Design Review Permit #DRP 17-04, Including a Master Sign Program; Conditional Use Permit #CUP 17-01; Vesting Tentative Map #VTM 9477; and Minor Exception #ME19-01 on Assessor Parcel Numbers 404-020-094-3 and 404-020-095-0.**
- RECOMMENDATION:** Open the public hearing, invite the applicant to make a presentation, receive a presentation from City staff, receive any testimony from the public, ask applicant team or city staff to answer questions, request any changes, and if ready to take action close the public hearing and consider adopting two (2) Resolutions and one (1) Ordinance for the project entitlements.

Attachments: [Sycamore Crossing Staff Report for Council](#)
[Att 1 Sycamore Crossing Resolution for General Plan Amendment #GPA 17-02](#)
[Att 2 Sycamore Crossing Ordinance for Rezone #RZ 17-02](#)
[Att 3 Sycamore Crossing Reso for PDP-DRP-CUP-VTM](#)
[-----Exhibit A - Sycamore Crossing Conditions of Approval Updated](#)
[-----Exhibit B Sycamore Crossing Mitigation Measure](#)
[-----Exhibit C Sycamore Crossing Development Plans \(rcvd 8-31-2019\)](#)
[-----Exhibit D Sycamore Crossing Findings with Facts](#)
[Att 4 - Hyperlink to Initial Study / Environmental Checklist](#)
[Att 5 PC Reso 19-05-Sycamore Crossing-GPA 17-02](#)
[Att 6 PC Reso 19-06- Sycamore Crossing-ZA 17-01](#)
[Att 7 PC Reso 19-07 for PFP-DRP-MSP-CUP-VTM with exhibits merged](#)
[Att 8 Sycamore Crossing Planning Commission 7-15-19 Staff Report](#)
[Att 9 Sycamore Crossing - Planning Commission 8-5-19 Staff Report](#)

XII. CONSENT CALENDAR

1. [19-692](#) **Meeting Minutes**
Recommendation: Approve the regular meeting minutes of July 23, 2019.

Attachments: [Minutes - 072319 - Regular](#)

2. [19-680](#) **Informational Report on Updated Purchasing Guidelines**
Recommendation: Receive Report.

Attachments: [Staff Report - Purchasing Guidelines - 09102019](#)
[Attach 1 - Purchasing Guidelines](#)

3. [19-682](#) **Close-Out of the 1991-01 Sewer Assessment District and the 2001 Alfred Nobel Assessment District Update**
Recommendation: Receive Informational Report.

Attachments: [Staff Report - Assessment District Update](#)

4. [19-701](#) **Proclamation Recognizing Constitution Week September 17-23, 2019 in the City of Hercules**
Recommendation: Receive and file the Proclamation.

Attachments: [Proclamation - Constitution Week September 17-23, 2019](#)

5. [19-686](#) **Amendment No. 1 to the Utility User's Tax Billing and Collection Agreement with East Bay Municipal Utility District (EBMUD)**
Recommendation: Adopt a Resolution authorizing the City Manager to execute the first amendment to the agreement between the City of Hercules and EBMUD for the utility user's tax billing and collection.

Attachments: [Staff Report - EBMUD Billing and Collection Agreement - Amendment No. 1](#)
[Attach 1 - Original UUT Contract Hercules 101509](#)
[Attach 2 - Amendment 1 to Hercules-EBMUD UUT Billing Agreement](#)

6. [19-684](#) **Review Upcoming Council Agenda Items List**
Recommendation: Review, discuss and provide direction, if any.

Attachments: [Staff Report - Qrtly Review Agenda Pending Items 091019](#)
[Attach 1 - Agenda List of Pending Items](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-700](#) **Consideration and Adoption of Resolution of Support for the Countywide Imposition of One-Half of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa County and Adopting the Proposed Transportation Expenditure Plan (TEP) Conditionally Amending the Growth Management Program (GMP), Which Includes Attachment A: Principles of Agreement for Establishing the Urban Limit Line (ULL) in the Measure J TEP to Match that Found in the 2020 TEP**
Recommendation: Adoption of Resolution of Support for the Countywide Imposition of One-Half of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa County and Adopting the Proposed Transportation Expenditure Plan (TEP) Conditionally Amending the Growth Management Program (GMP), which includes Attachment A: Principles of

Agreement for Establishing the URban Limit Line (ULL) in the Measure J TEP to Match that Found in the 2020 TEP.

Attachments: [Staff Report - Reso 202 TEP 09102019 SR](#)
[Attach 1 - Resolution Approving TEP](#)
[Attach 2 - Draft TEP](#)
[Attach 3 - Ordinance 19-01 Conditionally Amending GMP](#)
[XIII.1 - Presentation 09.10.19](#)

2. [19-681](#) **Approval of the Fifth Amended and Restated Joint Exercise of Powers Agreement for the West Contra Costa Integrated Waste Management Authority**
Recommendation: Adopt a Resolution approving the Fifth Amended and Restated Joint Exercise of Powers Agreement (“Agreement”) for the West Contra Costa Integrated Waste Management Authority to which the City is a party, and authorizing the Mayor to execute the Agreement.

Attachments: [Staff Report - WCCIWMA JEPA Amendment 09102019](#)
[Attach 1 - Resolution - Amended WCCIWMA JEPA](#)
[Attach 2 - Exhibit A - Final 2019.07.18 WCCIWMA Board Approved Amended and Restated .](#)

3. [19-699](#) **Approve Memorandum of Understandings with Teamsters Local 315 Full-Time and Part-Time Units for Fiscal Year 2019-20 and Approve an Updated Unrepresented Part-Time Employee FY 2019-20 Salary Schedule and the Updated FY 2019-20 and FY 2020-21 Salary Schedules for the HPOA, Executive Level, Mid-Management and Non-Represented Employees**
Recommendation: Adopt a Resolution approving the FY 2019-20 Memorandum of Understandings with Teamsters Local 315 Full-Time and Part-Time Units and approve an updated 2019-20 salary schedule for unrepresented part-time employees and approve updated FY 2019-20 and 2020-21 salary schedules for HPOA, Executive Level, Mid-Management and Non-Represented employees.

Attachments: [Staff Report - Teamster MOU & Part Time Reso 09102019](#)
[Attach 1 - Resolution Approving Teamster MOU FY 19-20](#)
[Attach 2 - Teamsters Full Time 2019-20 MOU - final](#)
[Attach 3 - Teamsters Part Time 2019-20 MOU - final](#)
[Attach 4 - FY 19-20 PT Non-Benefited Salary Schedule](#)
[Attach 5 - FY 19-20 Salary Schedules](#)
[Attach 6 - FY 20-21 Salary Schedules \(HPOA, Sr. Mgmt, Unrep, Mid-Mgmt\)](#)

4. [19-698](#) **Update on Sign Ordinance Content**
Recommendation: Review, discuss and provide direction, if any.

Attachments: [Staff Report - Sign Ordinance Update - 190910](#)

5. [19-652](#) **2019 Development Site Update and Review**

Recommendation: Receive report, discuss, and provide direction if any.

Attachments: [Staff Report - Development Sites Update 09102019](#)
[Attach 1 - Development Update July 23, 2019](#)

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, September 24, 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: September 5, 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, 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.