

CORONAVIRUS (COVID-19) ADVISORY

IMPORTANT INSTRUCTIONS ON HOW TO PARTICPATE AND WATCH THE HERCULES CITY COUNCIL MEETING

On March 16, 2020, the Health Officer of Contra Costa County issued an Order through April 7, 2020 that directed that all individuals living in the county to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities and work for essential businesses and governmental services.

Under the Governor's Executive Order N-25-20, this meeting may utilize teleconferencing or other virtual meeting platforms. Pursuant to the Governor's Executive Order N-25-20, teleconferencing restrictions of the Brown Act have been suspended.

Beginning with the April 14, 2020 Hercules City Council meeting, the City Council will conduct its meeting utilizing ZOOM.

DUE TO THE SHELTER IN PLACE ORDERS AND PURSUANT TO EXECUTIVE ORDER N-25-20, direct public attendance or participation at council meetings has been suspended and the Council Chambers will be closed to the general public. City Council and staff will participate virtually through the ZOOM application. Applicants, consultants, and others with matters before the Council will be allowed to participate via ZOOM but must make prior arrangements with the City Clerk.

How to watch the meeting from home:

1. Comcast Channel 28
2. Livestream online at <https://hercules.legistar.com/Calendar.aspx>

We are happy to accommodate written public comments. Public Comment will be accepted by email to lmartin@ci.hercules.ca.us during the meeting, prior to the close of public comment on an item and read into the record during public comment. Additional ways to provide your public comment is to mail your comment to City of Hercules, ATTN: City Clerk – Public Comment (Meeting Date), 111 Civic Drive, Hercules, CA 94547 via USPS in time to reach the City Clerk no later than 5:45 p.m. on the day of the meeting or by telephone by calling (510) 799-8215 no later than 5:45 p.m. on the meeting date. All comments received by the close of the public comment period will be available after the meeting as supplemental materials and will become part of the official meeting record. The City cannot guarantee that its network and/or the site will not be uninterrupted. To ensure that the City Council receives your comments, you are strongly encouraged to submit your comments in writing in advance of the meeting by 5:45 p.m. on the day of the Council meeting.

Individuals wishing to address the City Council are asked to provide the following information:

1. Subject Line to contain the words "PUBLIC COMMENTS"
2. (Optional) - Name, address and contact information of person providing comments.
3. General topic or agenda item you wish to comment on.

All public comments are allowed up to 3 minutes to relay their message or concern. All public comments are recorded and become part of the public record. 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 read into the record at the conclusion of the initial 30 minute period, time will be reserved at the conclusion of the meeting to read the remaining comments.

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, October 13, 2020

5:30 PM

**CLOSED SESSION - 5:30 P.M.
REGULAR SESSION - 7:00 P.M.**

Virtual Meeting Via Zoom

City Council

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

*David Biggs, City Manager
Patrick Tang, City Attorney*

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 – 5:30 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. [20-349](#) Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager (Discuss Annual Evaluation Per Employment Agreement)
2. [20-350](#) 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

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. [20-346](#) Presentation by Bio-Rad on their Going Green and Solar Project

IX. AGENDA ADDITIONS/DELETIONS

X. PUBLIC COMMUNICATIONS

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed as follows:

Public comment will be accepted by email to Lori Martin at lmartin@ci.hercules.ca.us during the meeting, prior to the close of public comment on an item and will be read into the record during public comment. All comments received by the close of the public comment period will be available after the meeting as supplemental materials and will become part of the official meeting record. The City cannot guarantee that its network and/or the site will not be uninterrupted. To ensure that the City Council receives your comments, you are strongly encouraged to submit your comments in writing in advance of the meeting.

For additional alternatives to providing public comments please refer to the Notice of Important Instructions on how to Participate and Watch the Hercules City Council Meeting on the front page of the agenda.

Individuals wishing to address the City Council are asked to provide the following information: 1. Subject line to contain the words "PUBLIC COMMENTS". 2. Name, address and contact information of person providing comments. 3. General topic or agenda item you wish to comment on.

All public comments are allowed up to 3 minutes to relay their message or concern. 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. [20-348](#) **Minutes**
 Recommendation: Approve the regular meeting minutes of September 22, 2020.

 Attachments: [Minutes - 092220 - Regular](#)

2. [20-343](#) **Conflict of Interest Code Biennial Review**
 Recommendation: Adopt a Resolution amending the City's Conflict of Interest Code for designated employees, consultants, boards, committees and commissions for the City of Hercules.

 Attachments: [Staff Report Conflict of Interest Amendment 2020](#)
 [Attach 1 - Resolution - Amending Conflict of Interest Code 2020](#)
 [Attach 2 - Local Agency Biennial Notice](#)

3. [20-359](#) **Surplus Vehicles**
 Recommendation: Adopt a Resolution declaring six (6) City fleet vehicles as surplus property and authorize the disposal of the vehicles.

 Attachments: [Staff Report - Surplus Vehicles-FY2021](#)
 [Attach 1 - Resolution - Surplus Vehicles - 101320](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [20-340](#) **Business License Tax Structure**
 Recommendation: Receive report, discuss, and provide direction, if any.

 Attachments: [Staff Report - Business License Fee Structure 09222020](#)
 [Attach 1 - Business License Tax Update 03102020](#)

2. [20-341](#) **SB 946 Sidewalk and Park Vending Requirements and Proposed Draft Ordinance**
 Recommendation: Accept staff report, discuss, and direct staff to amend amendments to the Hercules Municipal Code to establish revised regulations for sidewalk and park vendors consistent with the requirements of SB 946.

 Attachments: [Staff Report - Sidewalk Vending 2020922](#)
 [Attach 1 - Draft Ordinance - SIDEWALK VENDING 2020922](#)
 [Attach 2 - SB 946](#)

3. [20-342](#) **Acceptance of the Classification and Compensation Report dated November 22, 2019**
 Recommendation: Staff recommends the City Council:
 1. Approve updated job descriptions as listed in Attachment 1;
 2. Approve the recommended changes to the classification plan in Attachment 2;
 3. Approve salary increases as follows: Recreation Manager 5.3% based on market data and City policy;
 4. Approve reclassification to best meet operational needs: Community Development Specialist 5%, and Associate Engineer (new classification) 5%;
 5. Approve freezing or "y-rating" the salary range for the classification of Maintenance Worker II based on market data and City policy.
 Attachments: [Staff Report - Classification and Compensation Study](#)
 [Attach 1 - Job Descriptions](#)
 [Attach 2 - Hercules Final Report 2019-11-22-lm](#)
 [Attach 3 - Hercules Power Point Comp Report 2020-01-27](#)
 [Attach 4 - Hercules PT Salary Presentation Jan 2020](#)

4. [20-344](#) **Approve Memorandum of Understandings (MOUs) with the Teamsters Local 315 Full-Time and Part-Time Units and Approve Updated FY 2020-21 Salary Schedules**
 Recommendation: Adopt a Resolution approving Memorandum of Understandings (MOUs) with Teamsters Local 315 full-time and part-time units; and adopt the updated FY 2020-21 salary schedules for 1) Teamsters full-time and part-time represented employees; 2) Updated FY 2020-21 salary schedule for unrepresented part-time employees; 3) Updated FY

2020-21 salary schedule for Senior Management and Unrepresented employees; 4) Updated salary schedule for Mid-Management Employees.

Attachments: [Staff Report - Teamsters MOUs - 101320 elg updated](#)
[Attach 1 - Resolution Approving Teamster MOU FY 20-21](#)
[Attach 2 - Teamsters Full Time 2020-21 MOU -DRAFT 092320 dcb](#)
[Attach 3 - Teamsters Part Time 2020-21 MOU - DRAFT 092320](#)
[Attach 4 - Full-Time Salary Schedule - Teamsters - FY 20-21](#)
[Attach 5 - FY 2020-21 PART-TIME SALARY SCHEDULE WITH 3% COLA](#)
[Attach 6 - Senior Mgmt and Unrep Salary Schedule - Class Title Changes Only AND 1 new c](#)
[Attach 7 - Senior Mgmt Assigned Assistant CM - Class Title Changes Only to class titles high](#)
[Attach 8 - Mid Management Salary Schedule \(Recreation Mgr Grade Change\) -Effective 1013](#)

5. [20-345](#) **Continued Discussion Regarding Accessory Dwelling Units (ADUs)**
Recommendation: Receive report, review proposed changes to City's ADU Ordinance, and direct staff to (1) prepare any additional amendments to the City's ADU Ordinance consistent with state law, and (2) bring any such changes back to the Council for initial review, or in the alternative, take to the Planning Commission for consideration and recommendation before introduction and adoption by the Council.

Attachments: [Staff Report - ADU 2020 - 10132020](#)
[Attach 1 - ADU Staff Report 08112020](#)
[Attach 2 -ADU 2020 Ordinance - Draft 10-9-2020](#)

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, October 27, 2020 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: October 8, 2020)

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 510-799-8215 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.