

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, June 11, 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. [19-622](#) 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
2. [19-623](#) 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

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. [19-628](#) Presentation by Matt Miller Regarding Greenlots

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. [19-620](#) **Public Hearing of Proposed FY 2019-20 City of Hercules Budget Plan Including the First Year of the Five Year 2019-2024 Capital Improvement Budget**
Recommendation: Open the Public Hearing, receive a Staff Report, take Public Testimony, and continue the Public Hearing on June 25, 2019.

Attachments: [Staff Report-Budget public hearing 06112019](#)
 [Attachment 1 - Updated General Fund Available Balance](#)
 [Attachment 2 - Updated FY 2019-20 Budget Balancing Spreadsheet](#)
 [Attachment 3 - Updated Long-Term Operating Financial Forecast for General Fund](#)

XII. CONSENT CALENDAR

1. [19-618](#) **Meeting Minutes**
Recommendation: Approve the Regular Meeting Minutes of May 28, 2019.

Attachments: [Minutes - 052819 - Regular](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-615](#) **Gay Pride Proclamation Request**
Recommendation: Receive Report, Discuss, and Provide Direction, if any.

Attachments: [Staff Report - Gay Pride Request 06112019](#)
 [Attach 1 - Gay Pride Letter Staff Report 05282019](#)

2. [19-617](#) **City Council Regular Meeting Dates for 2019**
Recommendation: Review the schedule of City Council Regular Meeting Dates in 2019 and consider canceling one or more regular meetings in August.

Attachments: [Staff Report - Meeting Schedule 2019](#)
 [2019 Meeting Calendar - Approved by City Council 121118 - revised 042919](#)

3. [19-621](#) **Report from Public Safety/Traffic Committee on Parking Issues in the City of Hercules**

Recommendation: Receive Report, Discuss, and Provide Direction, if any.

Attachments: [Staff Report - Parking Issues Within the City 061119](#)
 [042419 - Public Safety Traffic Sub Committee Minutes 041119](#)
 [Preferential Parking Program from Muni Code](#)

4. [19-616](#) **Approve Technical Correction to Amendment to Employment Agreement for City Manager David Biggs as Approved by Resolution 19-014**

Recommendation: Approve a technical correction to Exhibit A to the Amendment to Employment Agreement for City Manager David Biggs as approved by Resolution 19-014.

Attachments: [Staff Report - Biggs Emp Agmt Technical Correction](#)
 [Attach 1 - CM Contract Technical Correction](#)

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, June 25, 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: June 6, 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.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: David Biggs, City Manager
Edwin Gato, Director of Finance

SUBJECT: Public Hearing on Proposed FY 2019-20 City of Hercules Budget Plan including the First Year of the Five Year 2019 – 2024 Capital Improvement Budget

RECOMMENDED ACTION:

Open the Public Hearing, Receive A Staff Report, Take Public Testimony, and Continue the Public Hearing to June 25, 2019.

COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION: The Finance Commission conducted a preliminary review of the FY 2019-20 Proposed Budget on May 21, 2018. The Finance Commission will be undertaking a further review of the FY 2019-20 Proposed Budget and any revision to the City's Master Fee Schedule at its special meeting scheduled for June 17, 2019.

FISCAL IMPACT OF RECOMMENDATION:

If adopted as proposed, the General Fund Operating Budget will be \$15,917,500. This is before any Decision Packages or Budget Referrals are incorporated into the Budget by final action of the City Council. On this basis, there is an operating deficit in the General Fund of about \$480,000. After recommended Decision Packages, the operating deficit will increase to \$688,000. Available one-time monies would be applied to a variety of one-time purposes including capital investments and meeting other critical expenditure or reserve needs of a one-time nature.

DISCUSSION:

The proposed FY 2019-20 Budget was introduced to the City Council at the May 28, 2019, City Council meeting. Based on the review as part of that introduction, the City Council asked a number of questions which were responded to at that time. Several additional corrections have been made to the FY 2019-20 Proposed Budget based on the initial review by the Council and these corrections will be incorporated into the revised proposed FY 2019-20 Budget to be adopted by the

Council on June 25, 2019. Changes to the budget since it was presented to the Council on May 28, 2019 include:

General Fund changes

1. Move \$65,000 of new development revenues from one-time to on-going.
2. Add \$9,300 of cost for File Server with Drives and paid for by cable franchise PEG (public, educational, and government programming) fee revenue.

Other Funds

1. The budget for the Landscape and Lighting Maintenance District (LLAD) is updated to match the Engineer's report.
2. The Capital Projects section is updated with current estimated costs developed by Public Works.

The proposed FY 2019-20 Budget is a living document which is subject to change until it is finalized and adopted on June 25, 2019.

The entirety of the revised proposed FY 2019-20 Budget including the City Manager's Budget Message is available on-line on the City's website (www.ci.hercules.ca.us) and through the following link: <https://www.ci.hercules.ca.us/Home/ShowDocument?id=12956>. A Budget Balancing Worksheet is utilized to modify the proposed base budget through the inclusion of recommended Decision Packages of both an on-going and of a one-time nature.

This evening's public hearing was noticed in the local newspaper on June 1, 2019. The purpose of the public hearing is to provide a formal opportunity for community input. In addition, additional changes requested by the City Council will be incorporated into Budget Referrals and brought back for the Continued Public Hearing on June 25, 2019. At the City Council meeting on June 25, 2019, there will be an opportunity for additional public input, and it is anticipated that the City Council will at that meeting adopt a final budget by approving a series of Decision Packages and Budget Referrals added into the Base Budget.

At the Continued Public Hearing, the City Council will consider a resolution approving the FY 2019-20 Budget and taking other budgetary actions.

ATTACHMENTS:

1. Updated General Fund Available Balance
2. Updated FY 2019-20 Budget Balancing Spreadsheet
3. Updated Long-Term Operating Financial Forecast for General Fund



FY 19-20 Proposed Budget General Fund - Budget Summary

	FY 16/17	FY 17/18	FY 18/19	FY 18/19	FY 19/20	FY 19/20
	Actuals	Actuals	Mid-Year Updated	Projections	Baseline Budget	Proposed Budget (with Addendum and Decision Packages)
Beginning Available Balance			\$ 4,660,327	\$ 4,660,327	\$ 1,268,975	\$ 1,268,975
Revenues						
Taxes	9,333,927	9,497,820	9,489,838	9,489,838	9,434,100	9,434,100
Increase in tax revenues on new developments					125,867	190,867
Intergovernmental	2,227,808	2,314,222	1,866,203	1,866,203	2,104,400	2,104,400
Fines & Forefeitures	47,824	48,579	35,000	35,000	35,000	35,000
Program Revenues	2,736,135	3,820,655	2,434,995	2,434,995	2,467,410	2,467,410
Use of Money & Property	237,325	405,093	332,010	332,010	335,000	335,000
Cost allocated to other funds	276,501	404,587	805,880	805,880	617,599	617,599
Transfers In	100,000	100,000	100,000	100,000	265,766	265,766
	14,959,520	16,590,956	15,063,926	15,063,926	15,385,142	15,450,142
Expenditures						
Police	6,021,830	6,414,593	6,603,729	7,002,809	7,233,907	7,233,907
Public Works	213,999	473,545	338,027	333,919	369,584	369,584
Community Development	512,151	438,620	707,924	733,446	677,339	677,339
Parks and Recreation	1,883,159	2,076,523	2,236,790	2,314,299	2,397,149	2,397,149
City Council	189,397	211,301	340,316	342,344	333,602	333,602
City Manager	260,011	269,758	367,953	376,598	382,458	382,458
Legal	398,516	400,574	350,000	350,000	360,000	360,000
Administrative Services	477,252	671,372	691,337	766,266	884,951	884,951
Finance	1,160,532	879,733	1,282,013	1,312,294	1,093,697	1,093,697
Workers Comp/General Liability	667,710	699,134	866,510	821,921	992,604	992,604
Non-Department	870,251	1,363,516	1,341,361	772,064	260,000	260,000
On-Going Decision Packages				-	-	273,569
Transfers Out	-	71,387	163,387	163,387	879,209	879,209
	12,654,808	13,970,056	15,289,347	15,289,347	15,864,500	16,138,069
Net Annual Activity						
Baseline Operations	\$ 2,304,712	\$ 2,620,900	\$ (225,421)	\$ (225,421)	(479,358)	(687,927)
One-time Revenues: Successor Agency Administration			265,000	265,000	135,000	135,000
One-time Revenues: RPTTF City Pass-Through				409,000	389,000	389,000
One-time Revenues: Sales Tax					200,000	200,000
One-time: City Manager Contract						(44,000)
One-time: File Server with Drives (Paid for by Peg Fees)						(9,300)
Increase Fiscal neutrality reserve			(1,497,817)	(1,497,817)		(236,867)
OPEB Trust Contribution			(200,000)	(200,000)		(100,000)
Pension Contribution (Section 115 Trust)			(1,000,000)	(1,000,000)		(250,000)
One-time Decision Packages			(1,142,114)	(1,142,114)		(568,711)
Ending Available Balance			\$ 859,975	\$ 1,268,975	\$ 1,513,617	\$ 96,170
General Fund Operating Reserve						
Reserve	2,176,150	2,176,150	2,299,833	2,299,833	3,797,650	3,797,650
Deposit		123,683	1,497,817	1,497,817	-	236,867
Draw on reserve	-					
Reserve balance	2,176,150	2,299,833	3,797,650	3,797,650	3,797,650	4,034,517
% of Expenditures	17%	16%	25%	25%	24%	25%

**FY 19/20 BUDGET BALANCING SPREADSHEET
AS APPROVED BY CITY COUNCIL ON JUNE 28, 2019**

	TOTAL	ON-GOING	ONE-TIME
Estimated Beginning Working Cash July 1, 2019 General Fund and Fiscal Neutrality Fund			
General Fund Working Cash	3,273,949		
Fiscal Neutrality Fund Working Cash	3,797,650		
Estimated Beginning Working Cash July 1, 2019 General Fund and Fiscal Neutrality	7,071,599		
Reserve for Economic Uncertainty in 25% target	(3,797,650)		
Reserve for Earthquake Insurance Deductible	(500,000)		
Reserve for Capital Projects	(450,000)		
Reserve for Planning	(699,174)		
Reserve for Building	(21,800)		
Reserve for Reusable Bags (remaining)	(19,000)		
Reserve for PEG Fees	(70,000)		
Carryover prior year decision packages:			
DP #16-1: Record Management	(50,000)		
DP #18-10: Implement a Citywide Cash Receipt System and Training	(25,000)		
DP #18-12: Naviline Financial System Upgrade	(40,000)		
DP #19-4: Comprehensive Class & Comp Study Implementation	(60,000)		
DP #19-14: Update of Personnel Rules	(30,000)		
DP #17-1: Hazard Mitigation Plan and Climate Adaptation Strategy	(40,000)		
Estimated Beginning Available Working Cash July 1, 2019	1,268,975		1,268,975
Estimated Beginning Available Working Cash July 1, 2016 after Addendums and Correction	1,268,975		
Add: Revenue After Addendums and Corrections	16,174,142		
On-Going		15,450,142	
One-Time: Sales Tax			200,000
One-Time: RPTTF City Pass-Through			389,000
One-Time: Successor Agency Administration			135,000
One-Time: Safeway (One Quarter Sales Tax)	65,000	65,000	
Subtract: Expense After Addendums and Corrections	(15,864,500)		
On-Going		(15,864,500)	
One-time: City Manager Contract	(44,000)		(44,000)
One-time: File Server with Drives (Paid for by PEG Fees)	(9,300)		(9,300)
Surplus/(Deficit)	321,342	(349,358)	670,700
Subtotal: Estimated Available Working Cash Before Decision Packages June 30, 2020	1,590,317	(349,358)	1,939,675
Recommended Decision Packages			
1. DP #20-1: Police Department Over Hire	65,000		65,000
2. DP #20-2: Golf Club Fund	10,000		10,000
Revenue Increase	(10,000)		(10,000)
3. DP #20-3: Employee Labor Agreements	511,703	223,023	288,680
4. DP #20-4: AED's for Childcare Sites & Recreation Facilities	15,000		15,000
5. DP #20-5: Upgrade Patio at Community Center (Recommended Parks DIF)	0		0
6. DP #20-6: Pool Cover Reel	8,000		8,000
7. DP #20-7: Secure Filing Cabinets for Human Resources	5,000		5,000
8. DP #20-8: Replace Chairs in City Hall Conference Room (Not Recommended)	0		0
9. DP #20-9: Police Department Cell Phones (Recommended Asset Forfeiture)	0		0
10. DP #20-10: Star Chase	0	0	0
11. DP #20-11: Police Support Specialist (Recommended as P/T)	34,000	34,000	
12. DP #20-12: Traffic Enforcement Motorcycle	40,000		40,000
13. DP #20-13: Police Executime Advanced Scheduling Module	23,910	2,705	21,205
14. DP #20-14: Police Administrative Commander	13,841	13,841	
General Fund Balance Decision Packages			
1. GFDP #20-1: Capital Projects Fund	-		
2. GFDP #20-2: Reserve for Restricted Planning Funds	125,826		125,826
3. GFDP #20-3: OPEB Trust Contribution	100,000		100,000
4. GFDP #20-4: Pension IRS Section 115 Trust	250,000		250,000
5. GFDP #20-5: Contribution to Fiscal Neutrality	236,867		236,867
Total: Decision Packages	1,429,147	273,569	1,155,578
Surplus/(Deficit) After Decision Packages/Budget Referrals	161,170	(622,927)	784,097
Estimated Available Working Cash After Decision Packages/Budget Referrals June 30,	161,170	(622,927)	784,097



General Fund 5-Year Forecast

	Year 1 FY 19/20	Year 2 FY 20-21	Year 3 FY 21-22	Year 4 FY 22-23	Year 5 FY 23-24
	Proposed Budget	Forecast	Forecast	Forecast	Forecast
Beginning Available Balance	\$ 1,268,975	\$ 96,170	\$ (519,463)	\$ (291,600)	\$ 577,127
Revenues					
Taxes	9,434,100	10,053,000	10,268,000	10,484,000	10,694,000
Increase in tax revenues on new developments	190,867	371,367	992,863	1,752,727	1,908,337
Intergovernmental	2,104,400	2,146,000	2,189,000	2,233,000	2,278,000
Fines & Forfeitures	35,000	36,000	37,000	38,000	39,000
Program Revenues	2,467,410	2,517,000	2,568,000	2,619,000	2,672,000
Use of Money & Property	335,000	342,000	349,000	356,000	363,000
Cost allocated to other funds	617,599	630,000	643,000	656,000	669,000
Transfers In	265,766	-	-	-	-
	15,450,142	16,095,367	17,046,863	18,138,727	18,623,337
Expenditures					
Police	7,233,907	7,463,000	7,260,000	7,544,000	7,789,000
Public Works	369,584	381,000	394,000	404,000	416,000
Community Development	677,339	706,000	731,000	741,000	761,000
Parks and Recreation	2,397,149	2,500,000	2,589,000	2,610,000	2,675,000
Administration	3,054,708	3,178,000	3,287,000	3,336,000	3,423,000
Workers Comp/General Liability	992,604	1,022,000	1,053,000	1,085,000	1,118,000
Non-Department	260,000	268,000	276,000	284,000	293,000
On-Going Decision Packages	273,569	287,000	296,000	305,000	314,000
Transfers Out	879,209	906,000	933,000	961,000	990,000
	16,138,069	16,711,000	16,819,000	17,270,000	17,779,000
Net Annual Activity					
Baseline Operations	(687,927)	(615,633)	227,863	868,727	844,337
One-time Revenues: Successor Agency Administration	135,000				
One-time Revenues: RPTTF City Pass-Through	389,000				
One-time Revenues: Sales Tax	200,000				
One-time: City Manager Contract	(44,000)				
One-time: File Server with Drives (Paid for by PEG Fees)	(9,300)				
Increase Fiscal neutrality reserve	(236,867)				
OPEB Trust Contribution	(100,000)				
Pension Contribution (Section 115 Trust)	(250,000)				
One-time Decision Packages	(568,711)				
Ending Available Balance	\$ 96,170	\$ (519,463)	\$ (291,600)	\$ 577,127	\$ 1,421,464



City of Hercules

111 Civic Drive
Hercules, CA 94547

Meeting Minutes

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

Tuesday, May 28, 2019

6:00 PM

Council Chambers

Closed Session - 6:00 P.M.

Regular Session - 7:00 P.M.

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

Mayor Romero called the meeting to order at 6:00 p.m.

Present: 5 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

None.

III. CONVENE INTO CLOSED SESSION

City Attorney Tang announced the items to be discussed in closed session.

Mayor Romero recessed the meeting at 6:01 p.m.

1. [19-602](#) 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
2. [19-603](#) 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. [19-610](#) 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

Mayor Romero called the meeting to order at 7:10 p.m.

Present: 5 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

V. REPORT ON ACTION TAKEN IN CLOSED SESSION

City Attorney Tang stated that Closed Session Item No. 1 will be discussed at the end of the regular meeting. City Attorney Tang reported that there were no final or reportable actions taken in closed session on Items 2 or 3.

VI. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Bailey.

VII. MOMENT OF SILENCE

Mayor Romero called for a moment of silence in remembrance of Memorial Day and those that have given the ultimate sacrifice for our country and our freedom.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

None.

IX. AGENDA ADDITIONS/DELETIONS

City Manager Biggs stated that there are no additions or deletions, however a copy the budget presentation slides was provided prior to the meeting and available to the public on the side table.

X. PUBLIC COMMUNICATIONS

Mayor Romero recognized Commissioner Han Chen for his volunteerism and service on the Community and Library Services Commission for the last six years and presented Mr. Chen with a City volunteer pin.

Mr. Chen thanked Mayor Romero and members of the City Council for the recognition and stated he is proud of the many projects that have been accomplished over the last several years.

XI. PUBLIC HEARINGS

None.

XII. CONSENT CALENDAR

Vice Mayor Esquivias made a request to pull Item 4 for a brief discussion. Vice Mayor Esquivias thanked Mayor Romero for acknowledging Pride month in June. This item was placed back on the consent calendar.

MOTION: A motion was made by Vice Mayor Esquivias, seconded by Council Member Kelley, to adopt the Consent Calendar. The motion carried by the following vote:

Aye: 5 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

1. [19-601](#) **Meeting Minutes**
 Recommendation: Approve the Regular Meeting Minutes of May 14, 2019.
 Approved.
2. [19-593](#) **City Council Salary Schedule**
 Recommendation: Adopt a Resolution approving a Council Member Salary Schedule.
 Approved.
3. [19-599](#) **Acceptance of the Duck Pond Park Improvement Project, Appropriating \$3,119 in Parks and Recreation Development Impact Fee Funds to Fully Fund the Project and Authorizing the Filing of the Notice of Completion**
 Recommendation: Adopt a Resolution accepting the Duck Pond Park Improvement Project construction contract with HM Construction as complete for a total amount of \$153,462, appropriating \$3,119 in Parks and Recreation Development Impact Fee funds to fully fund the project and authorize the filing of the Notice of Completion with the Contra Costa County Recorder's Office.
 Approved.
4. [19-609](#) **Letter Recognizing June as Gay Pride Month**
 Recommendation: Receive letter recognizing June 2019 as Gay Pride Month.
 Received.
5. [19-605](#) **Approval of Northern Waterfront Economic Development Initiative Memorandum of Understanding among the County of Contra Costa, the City of Antioch, the City of Concord, the City of Pittsburg, the City of Hercules, the City of Martinez, the City of Brentwood, and the City of Oakley**

Recommendation: Approve and Authorize the City Manager to Execute the Northern Waterfront Economic Development Initiative Memorandum of Understanding with non-substantive changes as approved by the City Attorney.

Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-607](#) **Introduction of FY 2019-20 City of Hercules Budget Plan Including the First Year of the Five Year 2019-2024 Capital Improvement Budget**

Recommendation: Receive an Introduction on the Proposed FY 2019-20 Budget Including the First Year of the Five Year 2019-2024 Capital Improvement Budget.

City Manager Biggs introduced the item and provided a staff report and presentation on the FY 2019-20 budget introduction. Finance Director Gato provided additional information.

City Council asked questions and provided comments.

2. [19-606](#) **Award a Construction Contract to Chrisp Company for the Hercules Avenue Traffic Calming Project**

Recommendation: Adopt a Resolution authorizing the City Manager to execute a construction contract with Chrisp Company in the amount of \$83,030 for the Hercules Avenue Traffic Calming Project.

Council Member Kelley recused herself from this item and left the room at 8:34 p.m.

Public Works Director Roberts introduced the item and provided a staff report. City Council asked questions and provided comments.

MOTION: A motion was made by Council Member Boulanger, seconded by Vice Mayor Esquivias, to adopt Resolution 19-031. The motion carried by the following vote:

Aye: 4 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member G. Boulanger, and Council Member D. Bailey

Recused: 1 - Council Member C. Kelley

3. [19-600](#) **Nonprofit Group Designations & Renewals**

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

Council Member Kelley returned to the dais at 8:49 p.m.

City Manager Biggs introduced the item and Parks and Recreation Director Roke provided a staff report. City Council asked questions and

provided comments. Mayor Romero thanked staff for the report.

4. [19-611](#)

City Banner Program

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

City Manager Biggs introduced the item and Parks and Recreation Director Roke provided a staff report. City Council asked questions and provided comments.

By consensus of City Council, direction was given to staff to provide a 50% discount for up to 6 months to any Hercules business that has not previously used the banner program.

By consensus of City Council, direction was given to staff to allow all businesses the ability to reserve a banner space 12 months in advance.

XIV. PUBLIC COMMUNICATIONS

None.

**XV. CITY COUNCIL/CITY MANAGER/CITY ATTORNEY ANNOUNCEMENTS,
COMMITTEE, SUB-COMMITTEE AND INTERGOVERNMENTAL COMMITTEE REPORTS
AND FUTURE AGENDA ITEMS**

City staff and Council Members reported on attendance at events and community and regional meetings.

Mayor Romero asked each Council Member if they had any requests for future agenda items. Council Member Boulanger called up on appeal Planning Commission Resolution 19-03 and notice of decision regarding design review permit #19-01 for Bayfront Blocks M, P and O. Council Member Boulanger explained that the main purpose of appealing the decision is not to stop the project, but to accelerate the discussion regarding the city's parking study which is due to be completed by July 2019. Mayor Romero stated that he also wanted to call up on appeal the same item noting his concern of the Waterfront Warehouse style building and specifically the building called the "Mint" has an outside elevator noting that feature may be inconsistent with the Waterfront Master Plan.

By consensus of City Council the appeal of Planning Commission Resolution 19-03 and Notice of Decision regarding Design Review Permit #19-01 for Bayfront Blocks M, P and O was approved and direction was given to staff to schedule this item as a public hearing item at an upcoming City Council meeting.

Vice Mayor Esquivias requested a future agenda item to discuss issuing a Proclamation recognizing June as Pride Month and flying the Pride Flag over City Hall. By consensus of City Council, staff was given direction to

schedule this as a discussion item at the next meeting, provided there is enough time and space on the agenda.

XVI. ADJOURNMENT

Mayor Romero recessed the City Council meeting at 10:00 p.m. to reconvene closed session.

Mayor Romero adjourned the City Council meeting at 10:53 p.m.

Dan Romero, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

TO: Members of the City Council

SUBMITTED BY: David Biggs, City Manager

SUBJECT: Gay Pride Proclamation Request

RECOMMENDED ACTION: Receive Report, Discuss, and Provide Direction, if any.

FISCAL IMPACT OF RECOMMENDATION: None as a result of this item.

DISCUSSION: On May 28, 2019, the City Council by a unanimous vote acknowledged June as Gay Pride Month by way of a staff report and Letter of Recognition. At the end of the meeting, Vice Mayor Esquivias asked the Council to add to a future agenda item to discuss a formal proclamation acknowledging June as Gay Pride Month and to consider flying the Gay Pride flag as well. The City Council agreed to that request and asked that the matter be brought back for discussion and Council direction, if any.

ATTACHMENTS:

1. Staff report from May 25, 2019



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of May 28, 2019

TO: Members of the City Council

SUBMITTED BY: Lori Martin, City Clerk/Director of Administrative Services

SUBJECT: Letter Recognizing June as Gay Pride Month

RECOMMENDED ACTION: Receive Letter Recognizing June 2019 as Gay Pride Month.

FISCAL IMPACT OF RECOMMENDATION: None

DISCUSSION: The Mayor has provided a letter based on community member requests which recognizes June as Gay Pride Month. The letter is being provided to the City Council as part of this agenda in order to share the letter with the greater Hercules community and in recognition of the many contributions which our Lesbian, Bisexual, Gay, and Transsexual community members make to Hercules.

ATTACHMENTS:

1. Letter



MAYOR & CITY COUNCIL

May 28, 2019

Members of the Hercules LGBT Community:

The City of Hercules is a diverse community which prides itself on being an accepting and inclusive community, including the members of our community who are part of the Lesbian, Gay, Bisexual, Transgender (LGBT) community. The Hercules City Council is committed to supporting visibility, dignity and equity for all people in our community, and as such, is happy to recognize June as LGBT Pride Month.

The members of the Hercules LGBT community come from many walks of life and make tremendous contributions to our community in many different forms for which the City Council and the community in general are very grateful. This includes City officials, City employees, volunteers, and others who are an integral part of the Hercules community.

We are committed to ensuring the equitable treatment of lesbians, gay men, bisexual, transgendered, and questioning persons in our community and in encouraging acceptance.

With June recognized as LGBT Pride Month in many communities across not only California, but the United States as well, we are happy to recognize June as LGBT Pride Month and encourage our community and residents to reflect on ways we all can live and work together with a commitment to mutual respect and understanding.

We wish you all of the best as the many celebrations and recognitions of Pride Month take place in the local area and the greater Bay Area.

Sincerely,

Dan Romero
Mayor

cc: Council Members



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

TO: Members of the City Council

SUBMITTED BY: Lori Martin, Administrative Services Director/City Clerk

SUBJECT: City Council Regular Meeting Dates for 2019

RECOMMENDED ACTION:

Review the schedule of City Council Regular Meeting Dates in 2019 and consider canceling one additional regular meeting in August.

COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION:

There was no commission or subcommittee review of this item.

FISCAL IMPACT OF RECOMMENDATION:

There is no fiscal impact associated with this item.

DISCUSSION:

The City Council reviews and adopts the City meeting calendar in January each year. The meeting calendar attached reflects the schedule adopted by City Council at the beginning of the year. City Council traditionally considers going dark for one or two meetings in August of each year to allow for vacations. City Council made a decision to go dark the 2nd meeting in August when this item was considered at the beginning of the year and directed staff to bring this back for review in June for their review and consideration on whether to go dark the 1st meeting in August or to keep it on the calendar.

Attached is a 2019 Calendar showing all City Council and Commission meeting dates and dates when City Offices are closed due to holidays.

ATTACHMENTS:

1. Calendar

2019

City of Hercules Meeting Schedule

January 2019						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

February 2019						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

March 2019						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April 2019						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2019						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June 2019						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July 2019						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2019						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September 2019						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2019						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November 2019						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December 2019						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

January
1: New Year's Day
21: Martin Luther King Day
February
18: Presidents Day
May
27: Memorial Day
July
4: Independence Day
September
2: Labor Day
November
11: Veterans' Day
28: Thanksgiving
December
25: Christmas Day
City Offices are open Monday-Thursday. Dates noted in red are dates offices are closed.
Regular City Meetings
City Council
Community & Library Services Commission
Finance Commission
Planning Commission



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

TO: Members of the City Council

SUBMITTED BY: William Imboden, Police Chief
Michael Roberts, Public Works Director/City Engineer

SUBJECT: Report from Public Safety/Traffic Committee on Parking Issues in the City of Hercules

RECOMMENDED ACTION: Receive Report, Discuss, and Provide Direction, if any.

FISCAL IMPACT OF RECOMMENDATION: None as a result of this item.

DISCUSSION: This item was initially referred by Council to the Public Safety/Traffic Committee, where it was discussed on April 24, 2019.

The 3 main issues that emerged from the discussion were:

- 1) Street Parking in Transit-Oriented Developments (TOD) – Concern of insufficient street parking due to residents not parking in their garages or owning more vehicles than the development can support. Most residential units in TODs do not have driveways, which increases street parking demand. Street sweeping is ineffective in these areas because cars are parked continuously. TODs included are primarily Baywood, Bayside and Promenade.
- 2) WestCAT Lynx service stops along Victoria Crescent in Victoria By The Bay – Concern was expressed that commuters are parking on Victoria Crescent near Lynx stops the entire day, so residents have insufficient on-street parking for their own use.
- 3) Illegal Parking – Automobiles are blocking crosswalks, parked in alleys and on curb returns, blocking sight distance, and parked on the street for over 72 hours.

Potential options to address these issues that were discussed included implementing a preferential parking program, parking restrictions during certain times of the day, additional red curbing, and enforcement by the part time parking enforcement officer. It was noted the City does not have the ability to require HOAs to enforce their CC&Rs requiring residents to park their cars in their garages.

The City Council subsequently agreed that the matter be brought back for the June 11th council meeting to allow for the Committee Members to share their perspectives.

ATTACHMENTS:

1. April 24, 2019 Public Safety/Traffic Subcommittee Meeting Draft Minutes
2. Preferential Parking Program

<i>Financial Impact</i>			
Description:			
Funding Source:			
Budget Recap:			
Total Estimated cost:	\$	New Revenue:	\$
Amount Budgeted:	\$	Lost Revenue:	\$
New funding required:	\$	New Personnel:	\$
Council Policy Change: Yes <input type="checkbox"/> No <input type="checkbox"/>			



6:30 p.m. – Special Meeting
Public Safety / Traffic Sub Committee
April 24, 2019

Council Chambers
City Hall
111 Civic Drive
Hercules, CA. 94547

PUBLIC SAFETY / TRAFFIC SUB COMMITTEE MINUTES

I. ROLL CALL – CALL TO ORDER

Present:

1. Chair - Councilmember Chris Kelley
2. Vice Chair – Councilmember Gerard Boulanger

Staff Present:

1. Bill Imboden, Police Chief
2. Mike Roberts, Public Works Director

II. PLEDGE OF ALLEGIANCE

III. INTRODUCTIONS/PRESENTATIONS – None

IV. AGENDA ADDITIONS/DELETIONS

V. PUBLIC COMMUNICATIONS

Lee Schulstad - 205 Copper Beech

Consider painting curb red in front of house red where driveways are too close on cul-de-sac for a parking space. Thanked Mike Roberts for committing to painting their curb red after asking for it at the 4/23 council meeting.

Tommy Mattingly – 124 Dunham Ct

Traffic on Hercules Ave is speeding.

Minimum of 40 MPH

Congestion causing commuters to use as a short cut.

Garbage from commuters

No crosswalks on Hercules Ave.

Staff Response: Traffic Calming plan has been approved and is out to bid. Roundabouts on Hercules Ave @ Titan and Zeus/ Pearce.

David Bernstine - 115 Maritime Terrace

“Parking Leaches” parking in residential areas along Victoria Crescent West to use the Westcat Lynx busses. Street sweeping is impossible. Emergency vehicles have a hard time getting through. Vehicles are being issued citations by PEO. Commercial vehicles parking there as well.

Ken Morrison – 348 Turquoise (Commissioner)

Sycamore@ SPA very dangerous. More traffic coming with construction. Nothing being done for bike safety. Lane changes need to take into account bikes. Green Strip on Sycamore Ave is horrible to ride on. Can we just paint the lines green and not the whole lane?

Can we put out detour signs on John Muir @ Bayfront to avoid the construction zone? Even just “recommended detour” sign.

Han Chen -

Red strip prior to handicap area? Difficult to see past cars parked along curb on Tsushima when pulling out of Central.

Parking is getting worse. 127 houses coming in next to him. What’s the purpose of having a garage if city isn’t checking up on HOA’s to make sure they are imposing their parking restrictions? People parking 3 cars on street, driveway empty, garage empty.

Traffic around Sycamore @ SPA.

Email submitted to C.M. not included in “Public Comment” section.

VI. INFORMATION ITEMS – None

VII. CONSENT CALENDAR – None

VIII. DISCUSSION AND/OR ACTIONS ITEMS

1. Parking issues within the city and potential remedies.

Councilmember Kelley asked Mike Roberts to discuss parking districts:

Parking Districts

45 permitted parking spots on Sycamore IFO Aventine. Permits issue to vehicles

\$50/yr. Non-permitted vehicles only allowed to park 2 hr max.

Councilmember Boulanger – parking district meant to encourage people to park in their garage.

Mattingly - Any discussion for making Hercules Ave preferential parking?

Kelley – Council is reluctant to do that and then get blamed by residents for imposing it. Residents need to bring that forward as a group (groundswell). Realizing that the cars will just get pushed elsewhere and other residents will blame them.

Bernstine - Pebble Beach area complaining about cars parking to use Lynx. 50 – 100 cars all day long.

Kelley – Proposed solution: signs that say 4 hour parking only. Would apply to resident as well.

Roberts - “4 hour parking between 8 am – 5 pm” would help residents.

Additional issues of parking for bus riders – they leave trash.

Roberts – Comprehensive study of parking and WestCat issues. Potential to add parking on John Muir and removing one traffic lane. Move the bus stop? Time and effort by City Staff to study.

Parking restrictions around stops may be the answer but it needs to be studied.

Bernstine – City should be sensitive to the needs of the residents over the needs of the commuters who are parking in residential areas.

Kelly – Start mobilizing your neighbors (to come to Council to advocate for Parking Stickers)

Han – Pilot program throughout entire City to implement permitted parking.

Kelley – Learn from other cities that have gone down this road: limit number of stickers each home receives.

Roberts – City has embraced transit-oriented residences. Too many cars, no one parks in garages. Are HOAs enforcing their rules?

Lynn Schwaebe - People parking right up to the corner on Central at Tsushima (and in the neighborhood).

Kelley – There will always be a need for parking for commuters. People will always need their cars, even as public transportation expands. There will be solutions put in place, whether its metered parking, permitted parking, etc.

Han – Can the city contact the HOAs and ask for their CCRs and if they are enforcing them with respect to street parking and garage parking?

Roberts – committed staff to looking for better spots for the Lynx busses to stop, away from residential streets.

Bernstine – opposed to removing the “No Parking” on VCW because it removes the bike lane and the speeding cars.

Boulanger – Every alley in Promenade area has cars parked in them. Up to seven cars. All the time. 24-hours. For weeks and months. People are not using their garage for cars.

Roberts – Permit parking for area? Getting people to empty the stuff out of their garage so they can park their cars and use the subdivision as designed is a serious problem.

Lynn – Total number of cars minus the number of garage parking spaces = issue that number of permits.

Going forward – building housing with no off-street parking is a problem.

Bernstine - Street sweepers wont sweep a street with cars parked on it. VCW streets haven't been swept since the bus stops went in ten years ago.

Chief – any solution that includes increased enforcement will require adding staff to the PD for parking enforcement.

Chief – suggestion to check with jurisdictions that have imposed some sort of restrictions. What have they done and how did they implement it?

Bernstine – I don't want to wait until something happens with confrontational parkers before the City does something about the parkers in VCW.

Roberts – Write a petition and have neighbors sign it.

Lynn – SPA @ Sycamore is the worst. Husband has been hit on scooter already. Is there something that can be done?

Roberts – Crosswalk being removed on east side of intersection. Safeway will be lighting curtilage on Sycamore and on San Pablo.

No further discussion items.

IX. SUBCOMMITTEE ANNOUNCEMENTS

None.

X. ADJOURNMENT

Meeting adjourned at 8:24 PM.

Article 17. Preferential Parking Program

Sec. 3-4.1701 Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) "Residence" means a house, apartment, condominium, mobile home or other type of dwelling, in conformance with the City's Zoning Ordinance and related zoning maps, having an address assigned consistent with the house numbering maps maintained by the City. An apartment having numbers or letters assigned in addition to the street address shall be deemed to be a residence.

(b) "Guest" means any person visiting or intending to visit, for any purpose, either a resident or merchant located in a preferential parking district.

(c) "Merchant" means a person who, as proprietor, operates a commercial business involved in the retailing of goods or services within a preferential parking district.

(d) "Permit" means a permit issued to an individual to park in a preferential parking district in the City.

(e) "Preferential parking district" or "district" means certain public streets or portions thereof, including residences and businesses adjacent thereto, designated by the resolution establishing the district, wherein vehicles displaying a valid permit applicable to that district shall be exempt from parking restrictions established pursuant to this Chapter.

(f) "Resident" means a person who lives in a residence located in a preferential parking district. (Ord. 483 § 1 (part), 2015)

Sec. 3-4.1702 Establishment of Districts.

(a) The City Council may by resolution, upon first convening a public hearing and providing notice to property owners of record and/or lawful lessees of properties within three hundred (300) feet of the proposed preferential parking district, designate a public street or streets, or portions thereof, together with residences and/or businesses adjacent thereto, as a preferential parking district.

(b) A proposal to create a preferential parking district may be brought to the City Council by staff, or at the City Council's discretion, or upon receipt of a petition signed by no less than two-thirds (2/3) of all property owners of record and/or lawful lessees of properties comprising all developed frontage of the public street or streets proposed for designation. Any person signing such a petition may be required to provide satisfactory evidence that he or she satisfies the requirements of this Section. The City Council retains discretion to approve or

disapprove petitions to create preferential parking districts, and may assign additional review to a Council committee, subcommittee, and/or the Planning Commission.

(c) When districts are formed by resolution, the resolution should identify various district parameters including but not limited to permit expiration dates, hourly parking limitations, eligibility criteria for permittees, and the number of permits to be issued. (Ord. 483 § 1 (part), 2015)

Sec. 3-4.1703 Issuance of Permits.

(a) Permits shall be issued by the City Manager or his or her designee. Each permit issued shall remain property of the City at all times.

(b) The number of permits to be issued to any one (1) residence or to any merchant's business establishment, including its employees, shall be determined by the number of residents and merchants, as well as the parking conditions within each district, and shall be set forth in the resolution establishing the district.

(c) Permits may be issued only to the following persons: residents, merchants, employees of merchants, or guests within specified districts. (Ord. 483 § 1 (part), 2015)

Sec. 3-4.1704 Posting Signs in Preferential Parking Districts.

Upon the adoption by the City Council of a resolution designating a preferential parking district and the specific parking regulations applicable thereto, the City Manager shall cause signs to be erected in the district, indicating prominently thereon the parking restrictions and the fact that motor vehicles with valid permits shall be exempt therefrom. (Ord. 483 § 1 (part), 2015)

Sec. 3-4.1705 Exemption from Parking Restrictions.

(a) A motor vehicle displaying a valid permit affixed to the vehicle's interior rear-view mirror, or displayed as otherwise directed by the Director of Public Works, may park or be parked in the district for which the permit is issued without being subject to parking restrictions in this Chapter or the resolution establishing the preferential parking district; provided, however, that nothing herein shall affect or excuse a violation of any other provision of this Code, the California Vehicle Code, the Streets and Highways Code, or any other laws applicable to the parking of motor vehicles.

(b) A preferential parking permit shall not guarantee or reserve to the permittee an on-street public parking space within any district. (Ord. 483 § 1 (part), 2015)

Sec. 3-4.1706 Vehicles Excepted from This Chapter.

No person shall, without a permit, park any motor vehicle in a preferential parking district in violation of any parking restrictions set forth herein or in a resolution establishing a preferential parking district, excepting the following:

(a) Repair, maintenance, refuse, utility, fuel or delivery vehicles doing business in the district.

(b) Vehicles delivering life support and health commodities to residential areas or schools located in the preferential parking district.

(c) Police vehicles and other public safety or emergency vehicles operated by or under the authority of a governmental entity while engaged in the performance of official duties.

(d) Any other vehicle expressly authorized by law to park within the district, notwithstanding the provisions of this Chapter. (Ord. 483 § 1 (part), 2015)

Sec. 3-4.1707 Application for and Term of Permit.

(a) Each person desiring to obtain a permit shall submit an application on such form as may be provided by the City, together with the filing fee as established by resolution of the City Council. No permit shall be issued unless the applicant is at least eighteen (18) years of age, possesses a valid California driver's license, and is a resident or merchant within the district to be established. Residency shall be established by a valid driver's license or at least two (2) utility bills, or other proof of residency that may be required by staff. Permit issuance is subject to terms and conditions as may be set forth in this Chapter or in the resolution establishing the district.

(b) Each permit shall be valid for the period set forth in the resolution establishing the district, and may be renewed in accordance with procedures set forth in that resolution or in the manner provided for a new permit if no such procedures have been established. (Ord. 483 § 1 (part), 2015)

Sec. 3-4.1708 Prohibited Activities.

(a) Unless exempted by provisions of this Chapter, no person shall park a motor vehicle in any preferential parking district in violation of any parking restrictions set forth in this Chapter or resolution establishing a preferential parking district.

(b) No person shall falsely represent himself/herself as eligible for a parking permit or furnish false information in an application for a permit.

(c) No permit issued pursuant to this Chapter shall thereafter be assigned, transferred or used for any consideration, monetary or otherwise. Only the person to whom a permit has been issued or his/her minor child with a valid California driver's license or learner's permit may use the permit. This Section does not apply to guest permits, which are governed by Section [3-4.1710](#).

(d) No person shall copy, produce or create a facsimile or counterfeit parking permit, nor shall any person use or display a facsimile or counterfeit preferential parking district permit.

(e) No person shall display a permit that has been revoked. (Ord. 483 § 1 (part), 2015)

Sec. 3-4.1709 Permit Revocation.

(a) The permit of any permittee who has violated the provisions of Section [3-4.1708\(b\)](#), (c) or (d) may be immediately revoked upon written notice by the City of the permit revocation. Upon notification of such revocation, the permittee shall, within fifteen (15) business days of the date of such notice, either surrender the permit or file a written request with the City Clerk for a hearing before the City Manager or his or her designee.

(b) Any written request for a hearing must be received within said fifteen (15) day period to be considered timely, and upon receipt of a timely request, the revocation shall be stayed pending a final decision following the hearing.

(c) A hearing shall be held by the City Manager or designee, unless continued by agreement, no less than ten (10) business days after the date notice of the hearing is mailed by first class mail, postage prepaid, to the permittee. At the hearing, any person may present evidence or argument as to whether the permit should be revoked.

(d) The City Manager or designee may give oral notice of the decision at the close of the hearing, or may send notice of the decision by mail to the permittee. The decision shall be final. If the decision to revoke is sustained following the hearing, the permittee shall, within twenty-four (24) hours, surrender the permit to the City Clerk.

(e) Any revoked permit not timely surrendered shall immediately be deemed null and void, and of no force or effect.

(f) No permittee who has had a permit revoked may reapply for another permit for twenty-four (24) months following the effective date of the revocation. (Ord. 483 § 1 (part), 2015)

Sec. 3-4.1710 Guest Permits.

Any rules governing the issuance of guest permits shall be as set forth in the resolution establishing the district. (Ord. 483 § 1 (part), 2015)

Sec. 3-4.1711 Dissolving a District.

The procedures set forth in Section [3-4.1702](#) shall be utilized by the City Council in determining whether to dissolve a preferential parking district. (Ord. 483 § 1 (part), 2015)

Sec. 3-4.1712 Penalties.

(a) It shall be unlawful for any person including but not limited to the registered owner of the vehicle to violate any provision, or fail to comply with any of the requirements, of Section [3-4.1708](#)(a) through (e). Any person violating any said subsections or failing to comply with any of their requirements shall be deemed guilty of an infraction, and upon conviction thereof shall be punishable by: (1) a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation within one (1) year; or (3) a fine not exceeding five hundred dollars (\$500.00) for each additional violation within one (1) year. Any person violating this Chapter or causing or permitting a violation thereof shall be regarded as committing a separate offense on each day that the violation occurs or continues.

(b) Civil Remedies Available. A violation of any of the provisions of this Chapter shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisance.

(c) The penalties in this Section are not exclusive, and are in addition to any other lawful penalties pursuant to State or local law. (Ord. 483 § 1 (part), 2015)



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of June 11, 2019

TO: Members of the City Council

SUBMITTED BY: Patrick Tang, City Attorney
Lori Martin, Director of Administrative Services

SUBJECT: Approve Technical Correction to Amendment to Employment Agreement for City Manager David Biggs as Approved by Resolution 19-014.

RECOMMENDED ACTION:

Approve a technical correction to Exhibit A to the Amendment to Employment Agreement for City Manager David Biggs as approved by Resolution 19-014.

FISCAL IMPACT OF RECOMMENDATION:

None as a result of this technical correction.

DISCUSSION:

On March 26, 2019, the City Council approved an Amendment to the Employment Agreement with City Manager David Biggs. One of the provisions is designed to allow City Manager Biggs to direct portions of his compensation to one of the City's offered retirement savings programs. The language as approved in Section 4.D which is designed to provide for this option, needs to be modified to meet the requirements of ICMA-RC, the City's retirement savings plan provider. The change as presented in the revised Exhibit A (Attachment 1) would meet this technical requirement and provides that depositing Incentive pay into the VantageCare Retiree Health Saving (RHS) Program is mandatory and not elective.

ATTACHMENTS:

1. Revised Amendment No. 2

AMENDMENT NO. 2
to
CITY OF HERCULES AGREEMENT WITH DAVID BIGGS FOR CITY
MANAGER/EXECUTIVE DIRECTOR SERVICES

1. Parties. The Parties to this Contract Amendment are the City of Hercules, a California municipal corporation and the City of Hercules as Successor Agency to the Redevelopment Agency (hereinafter "City"), and David Biggs, Hercules City Manager (hereinafter "Biggs").

The Parties to this Contract Amendment do mutually agree and promise as follows:

2. Purpose. This Amendment No. 2 is being entered into to amend the existing contract between City and Biggs which was approved by the City Council of the City of Hercules on June 10, 2014 by Resolution No. 14-037, and as amended on October 23, 2018, as Amendment No. 1 by Resolution 18-064. Said contract including Amendment No. 1 shall hereinafter be referred to as the "Original Agreement" and is incorporated herein by reference.

3. Original Agreement Provisions. The Parties hereto agree to continue to abide by those terms and conditions of the Original Agreement, which except for the express amendments contained herein, are unaffected by this Amendment No. 2.

4. Amendment. This Amendment No. 2 is intended to amend the Original Agreement to provide for the following:

- A. Extend the term of the Original Agreement to December 31, 2021, with two additional one year options to extend, each one year option to extend requiring approval by Council pursuant to the Annual Performance Evaluation process established in Section 7 of the Original Agreement based on Biggs' anniversary date of June 30th. In the event the City Council does not complete the annual evaluation process on or before September 30th, then the one year option shall be deemed to be effective.
- B. Effective July 1, 2019, Biggs shall be provided with the same benefit provided to all Executive Level employees in Article 2, Section 13.2 of the Pay & Benefits Plan for Executive Level Employees and shall receive an employer contribution equivalent to 5% of his salary on a one-to-one match deposited into his ICMA 457 Deferred Compensation Plan through payroll deduction subject to the limits, policies and conditions established by the ICMA and Federal Tax laws.
- C. Effective July 1, 2019, increase Biggs' adjusted annual salary of \$224,400 by 10%, for an annual salary of \$246,840.

D. Section 6 D of the Original Agreement – Incentive, is amended to ~~allow for~~ **require** the retention incentive to be deposited into the ~~City's ICMA 457 Deferred Compensation Plan or the~~ VantageCare Retiree Health Savings (RHS) Program ~~at the election of Biggs.~~

E. Waive for 2019 the Annual Performance Evaluation required pursuant to Section 7 of the Original Agreement. The Annual Performance Evaluation will be required pursuant to Section 7 of the Original Agreement for all subsequent years during the term of this Amendment No 2, unless expressly waived by the City Council.

5. Severability. If any provision or portion of this Amendment No. 2 is held to be invalid or unenforceable, this Amendment, including all of the remaining terms, will remain in full force and effect as if such invalid or unenforceable provision(s) or portion(s) had never been included.

6. Independent Review. Biggs acknowledges that he has had the opportunity to obtain independent review of the financial and legal effects of this Amendment No. 2, and acknowledges that he has made an independent judgment regarding this Amendment No. 2 and has not relied upon any representation of City, its officers, agents or employees, other than the terms expressly set forth in this Amendment No. 2.

7. Counterparts. This Amendment No. 2 may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Amendment.

8. Effective Date. This Amendment No. 2 will become effective on the date of approval by the City Council at a duly noticed regular meeting of the Council.

9. Signatures. These signatures attest the parties' agreement hereto:

City of Hercules

By _____
Dan Romero, Mayor

By _____
David Biggs, City Manager

Date: _____

Date: _____

Approved as to Form:

By _____

J. Patrick Tang, City Attorney

ATTEST:

Lori Martin, Administrative Services Director/City Clerk

Amendment Approval: This Amendment No. 2 to the Original Agreement has been approved by Resolution No. 19-014 of the City Council of the City of Hercules at a regular meeting of the Council on the 26th day of March, 2019.