



City of Hercules

111 Civic Drive
Hercules, CA 94547

Meeting Minutes

City Council

Mayor Dan Romero
Vice Mayor Dion Bailey
Council Member Alex Walker-Griffin
Council Member Chris Kelley
Council Member Tiffany Grimsley

Dante Hall, City Manager
Patrick Tang, City Attorney
Eibeleis Melendez, City Clerk

Tuesday, April 9, 2024

7:00 PM

In-Person in Council Chambers or To Watch or Listen only:

Zoom ID: 848 2758 4808

Zoom Passcode: 299850

Zoom Phone Number: 1-669-900-6833

I. CLOSED SESSION – CALL TO ORDER - ROLL CALL - NONE

NONE

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS - NONE

NONE

III. CONVENE INTO CLOSED SESSION

The Hercules City Council will meet in Closed Session regarding the following - NONE

NONE

IV. REGULAR MEETING – CONVENE TO OPEN SESSION - ROLL CALL - 7:00 P.M.

Present: 5 - Council Member C. Kelley, Council Member T. Grimsley, Council Member A. Walker-Griffin, Mayor D. Romero, and Vice Mayor D. Bailey

V. REPORT ON ACTION TAKEN IN CLOSED SESSION - NO CLOSED SESSION

NONE

VI. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was lead by Vice Mayor Bailey.

VII. MOMENT OF SILENCE

NONE

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

NONE

IX. AGENDA ADDITIONS/DELETIONS

NONE

X. PUBLIC COMMUNICATIONS

Public comment was provided by Earl McKelvy.

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

NONE

XII. CONSENT CALENDAR

MOTION: A motion was made by Council Member Kelley, seconded by Council Member Walker-Griffin, to adopt the Consent Calendar. The motion carried by the following vote:

Aye: 5 - Council Member C. Kelley, Council Member T. Grimsley, Council Member A. Walker-Griffin, Mayor D. Romero, and Vice Mayor D. Bailey

1. [22-827](#) Meeting Minutes for the Regular Meeting of March 26, 2024

Attachments: [Meeting Minutes for the Regular Meeting of March 26, 2024](#)

APPROVED

2. [22-755](#) Waive Second Reading and Adopt Ordinance Repealing Local Density Bonus Regulations in Hercules Municipal Code and Reference State Density Bonus Law
RECOMMENDATION:
Staff recommends that the City Council adopt Ordinance No. 24-XX (Attachment 2) the proposed amended provisions of Hercules Municipal Code Sections 13-6.100, 13-6.300 and 13-30.420, amending and renumbering Sections 13-30.460 and 13-30.470, repealing Sections 13-30.430, 13-30.440 and 13-30.450 and amending Section 13-60.200 to comply with the State Density Bonus Law and finding the action exempt

from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

Attachments: [Staff Report - Density Bonus](#)

[Attach 1- Draft Ordinance](#)

[Attach 2 - 24-02 PC Resolution Density Bonus](#)

[Attach 3 - Legislative History](#)

[Attach 4- Pending Legislation](#)

Ordinance 551 APPROVED

3. [22-773](#) Approve Five Year Extension of the Expiration Date of the Vesting Tentative Map No. 9533 and Waive Second Reading and Adopt Amendment #4 to the Development and Owner Participation Agreement (DOPA 07-01) for the Hill Town Project
- RECOMMENDATION:
- Staff recommends that the City Council waive second reading and adopt the Hill Town Amendment #4 to extend the term of the Development and Owner Participation Agreement (DOPA 07-01) by and between the City of Hercules and the Santa Clara Valley Housing Group, Inc., authorize the City Manager to execute the amended DOPA if it is substantially similar to the approved draft (Attachment 2A), and approve extension of the Vesting Tentative Map No. 9533 for the Hill Town project, finding that all actions are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

Attachments: [Staff Report - DOPA Vesting Map Amendment](#)

[Attach 1 - Draft Ordinance](#)

[Attach 1A - Draft DOPA Amendment No. 4](#)

[Attach 2 - PC Resolution Hill Town.docx](#)

[Attach 3 - Hill Town Development Short History](#)

Ordinance 550 APPROVED

4. [22-828](#) Resolution of the City Council Suspending Enforcement of the City's All-Electric Reach Code
- RECOMMENDATION:
- Adopt a resolution suspending enforcement of the City's All-Electric Reach Code (Hercules Municipal Code Section 9-5.04(b))

Attachments: [Staff Report - Suspension of Reach Code \(CLC\)](#)

[Attach 1 - Resolution - Suspension of Reach Code \(CLC\)](#)

Resolution 24-020

5. [22-829](#) Computer and Electronic Surplus
- RECOMMENDATION:

Adopt a Resolution declaring certain computer property and electronics as surplus and authorizing the proper disposal of said property.

Attachments: [Staff Report - IT Surplus 2024](#)

[Attach 1 - Resolution - 2024 IT Surplus including Exhibit A](#)

Resolution 24-021

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [22-830](#) Resolution of the City Council approving the Project Stabilization Agreement for the City of Hercules and Authorizing the City Manager to Execute the Project Stabilization Agreement with the Contra Costa County Building and Construction Trades Council and Local Unions
RECOMMENDATION:
Adopt a resolution approving the Project Stabilization Agreement for the City and Authorizing the City Manager to execute the Project Stabilization Agreement with the Contra Costa County Building and Construction Trades Council and local unions.

Attachments: [Staff Report - Project Stabilization Agreement](#)

[Attach 1 - Resolution Approving the Project Stabilization Agreement](#)

[Exhibit 1 - DOCSNT-#1456651-v1-City of Hercules PSA](#)

City Manager, Dante Hall, introduced the item. Special Counsel Christina Lawrence, presented the item. Public comment was provided by the following: Jason Lindsey, Tom Hansen, Bill Whitney, John Belperio, Rick Solis, Ken Miller and Eric Haynes. Council asked questions and provided comment. Special Counsel, City Manager Hall and Director Roberts provided a response. Action was taken on this item.

MOTION: A motion was made by Vice Mayor Bailey, seconded by Council Member Grimsley, to adopt Resolution 24-022. The motion carried by the following vote:

Aye: 4 - Council Member T. Grimsley, Council Member A. Walker-Griffin, Mayor D. Romero, and Vice Mayor D. Bailey

Nay: 1 - Council Member C. Kelley

2. [22-831](#) Initiation of FY 2024/25 Landscape and Lighting Assessment District Proceedings
RECOMMENDATION:
It is recommended by City staff that City Council adopt a resolution directing the filing of the Annual Engineer's Reports for the City of Hercules Landscaping and Lighting Assessment District No. 83-2, Victoria by the Bay Landscaping and Lighting Assessment District No. 2002-1, Hercules Village Landscaping and Lighting Assessment District No. 2002-2, Baywood Landscaping and Lighting Assessment District No. 2004-1, and Bayside Landscaping and Lighting Assessment District No. 2005-1

pursuant to the Landscaping and Lighting Act of 1972; and directing staff to begin the process of holding a Proposition 218 election for the Victoria by the Bay Landscaping and Lighting Assessment District No. 2002-1 to ask the property owners of the district to consider an assessment increase.

Attachments: [Staff Report - LLADs Resolution of Initiation](#)

[Attach 1 - LLADs Resolution of Initiation](#)

City Manager, Dante Hall, Introduced the item. Public Works Director, Mike Roberts, presented the item. Ed Espinoza from Francisco and Associates was also present to answer questions. Council asked questions and provided comment. Director Roberts provided a response. No public comment. Action was taken on this item.

MOTION: A motion was made by Council Member Kelley, seconded by Vice Mayor Bailey, to adopt Resolution 24-023. The motion carried by the following vote:

Aye: 5 - Council Member C. Kelley, Council Member T. Grimsley, Council Member A. Walker-Griffin, Mayor D. Romero, and Vice Mayor D. Bailey

3. [22-833](#)

FY 23-24 Capital Improvement Program Update

RECOMMENDATION:

It is recommended that the City Council receive an update on the status of the FY 23-24 Capital Improvement Program, discuss, and provide direction if any.

Attachments: [Staff Report - CIP Update](#)

[Attach 1 - Hercules CIP Program FY23-24 - ADOPTED](#)

[Presentation - Hercules CIP Update FY23-24](#)

City Manager, Dante Hall, introduced the item. Public Works Director, Mike Roberts, presented the item. Council asked questions and provided comment. Director Roberts provided a response. No public comment. This was an informational item. No action was taken on this item.

4. [22-834](#)

Quarterly Review of Future Agenda Items

RECOMMENDATION:

Staff recommends that the City Council receive the staff report on the quarterly review of future City Council agenda items and provide comments.

Attachments: [Staff Report - Quarterly Review of Future Agenda Items](#)

[Attach 1 - Future Agenda Items List](#)

City Clerk, Eibleis Melendez, introduced and presented the item. Council asked questions and provided comment. Direct Roberts and City Manager Hall provided a response. No public comment. This was an informational item. No action was taken on this item.

XIV. PUBLIC COMMUNICATIONS

NONE

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.

- 1. Regional Committee**
- 2. City Council Committees and Subcommittees**
- 3. Commission Liaisons**

City Manager, Dante Hall, advertised the City Goal Setting Workshop that is taking place on Saturday, April 13th. He invited Parks and Recreation Director, Christopher Roke, to the podium to provide a departmental update and promote upcoming events.

Special Counsel, Christie Crowl, had no announcements, but noted that her colleague, Rick Jarvis, would be in attendance at the Goal Setting Workshop.

1. Regional Committee

Mayor and Council reported out on the Contra Costa Mayor Conference monthly meeting.

2. City Council Committees and Subcommittees

Vice Mayor Bailey reported out on the Public Safety and Traffic Subcommittee meeting.

3. Commission Liaisons

No reports were provided

Community Events-

Council Members reported out on events they attended throughout the City and County which included the Team Up to Clean Up event and Coffee With A Cop.

Future Agenda Items Requests-

Council Member Grimsley requested to have Arlene Wong, the head of the Hercules High School Music Program and the Hercules High School students, that received a music award for their music performance at Disneyland be recognized in person at a future City Council meeting. Mayor Romero will get back to her with a possible date.

XVI. ADJOURNMENT

Mayor Romero adjourned the meeting at 8:48 P.M.

DocuSigned by:

Dan Romero

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Dan Romero, Mayor

DS

Attest:



Eibleis Melendez, City Clerk