

# City of Hercules

111 Civic Drive  
Hercules, CA 94547



## Meeting Agenda

Tuesday, March 8, 2022

6:00 PM

Zoom Meeting ID: 823 2559 9798

Zoom Passcode: 765431

Zoom Phone Number: 1-669-900-6833

## City Council

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

*Dante Hall, 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](http://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. [22-083](#) **Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION** - Title: City Manager (Discuss Annual Evaluation Per Employment Agreement)
2. [22-084](#) **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** (Government Code Section 54956.9 (e)(1): In one (1) matter.

**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. [22-085](#) **A Proclamation Recognizing March 2022 as American Red Cross Month in the City of Hercules**  
**Attachments:** [Proclamation - 2022 National Red Cross.docx](#)
2. [22-093](#) **Proclamation - Recognizing Women's History Month**  
**Attachments:** [Proclamation - Womens History Month.docx](#)
3. [22-086](#) **Securities Law Training**  
**Recommendation:** Receive a presentation by Stradling Yocca Carlson & Rauth, P.C., Bond and Disclosure Counsel, regarding federal securities law matters related to the offering of municipal bonds.  
**Attachments:** [Staff Report - Securities Law Training.docx](#)  
[Attach 1 - Presentation - Hercules City Council Disclosure Training.pptx](#)

**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:

The public may log into the Zoom meeting (refer to agenda cover for Zoom login information) and provide their public comment (3 minute time limit). When the public comment period is open for the item you wish to speak on, use the "raise hand" feature in Zoom (or press \*9 if connecting via phone audio only) at the time the Mayor calls for public comment. Please wait your turn and once you are brought into the meeting, state your name and city of residence for the record.

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.

All public comments are allowed up to 3 minutes to relay their message or concern. 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. [22-082](#) **Mandatory Garbage/Solid Waste Disposal - Delinquent Accounts**  
**Recommendation:** Conduct a Public Hearing and upon conclusion, consider adopting a Resolution confirming the report of delinquent accounts and placing liens on said properties and special assessments upon property taxes pursuant to City of Hercules Municipal Code Section 5-2.01 to 5-2.16, Mandatory Garbage/Solid Waste Disposal.

**Attachments:**    [Staff Report - Garbage Liens.docx](#)  
                          [Attach 1 - Resolution - Liens.docx](#)  
                          [Attach 2 - Prelim Lien List.pdf](#)

2. [22-091](#) **Willow Avenue Self Storage Project - Sanitary Sewer Disposal System**  
**Recommendation:** Receive a status update on the sanitary sewer disposal system that has yet to be installed by the Developer, provide feedback on staff's proposed measures to allow the self-storage facility to open in the interim, and authorize staff to enter into negotiations on an amendment to the development agreement for Council consideration that will facilitate the completion of a public system intended to serve all properties in the Willow corridor catchment basin.

- Attachments:**     [Staff Report - Willow Self Storage Sanitary Sewer Disposal System.docx](#)  
[Attach 1 - Resolution 18-058 - Willow Ave Commercial Project.pdf](#)  
[Attach 2 - Ordinance 513 - Hercules Self Storage with Signed Developer Agreement.pdf](#)  
[Attach 3 - Willow Private SS Exhibit.pdf](#)  
[Attach 4 - Conceptual Lift Station and Conveyance System.pdf](#)  
[Attach 5 - 02222022 Correspondence from Hercules Self Storage.pdf](#)

## XII. CONSENT CALENDAR

1.     [22-087](#)     **Minutes**  
**Recommendation:** Approve the regular meeting minutes of February 22, 2022.

**Attachments:**     [Minutes - 022222 - Regular.pdf](#)

2.     [22-088](#)     **Contract Amendment for First Carbon Solutions to Prepare the Environmental Review of D.R. Horton's Residential Development Proposal for 215 Skelly**  
**Recommendation:** Authorize the City Manager to execute a contract amendment for a total contract amount not to exceed \$146,900.

**Attachments:**     [Staff Report - Skelly Project CEQA - FCS Contract Amendment](#)  
[Attach 1 - Skelly Project CEQA - FCS Contract Amendment - resolution](#)  
[Exhibit A - Skelly Residential Project ISMND - FCS Proposal \(total\)](#)

3.     [22-089](#)     **Housing Element Annual Progress Report for 2021**  
**Recommendation:** Receive report and direct staff to submit report to state agencies by April 1, 2022, deadline.

**Attachments:**     [Staff Report - 2021 Annual Housing Report - CC 2022-3-8](#)  
[Attach 1a - Housing Element Annual Progress Report - 2021 \(PDF\)](#)  
[Attach 1b - Housing Element Annual Progress Report - 2021 \(Excel\)](#)

## XIII. DISCUSSION AND/OR ACTION ITEMS

1.     [22-090](#)     **Follow Up from February 22, 2022 Council Meeting - Discussion of Potential Tax Measures: 1) Continuation of the City's Utility User Tax (UUT), and 2) Process for Becoming a Charter City for the Purpose of Increasing the Real Property Transfer Tax (RPTT)**  
**Recommendation:** Receive report, discuss, provide direction to staff regarding: 1) Extending the Utility Users Tax (UUT) beyond January 1, 2025, and 2) the proposal to become a charter city for the limited purpose of increasing the Real Property Transfer Tax (RPTT).

**Attachments:** [Staff Report - FINAL - Follow up from February 22 Council Meeting Regarding Potential Tax I](#)  
[Attach 1 - February 8, 2022, Staff Report - Polling Results Related to Extending the Existing I](#)  
[Attach 2 - Summary Report of January 2022 Community Survey Results.pdf](#)  
[Attach 3 - Changes in Full-Time Equivalent City Government Employees by Function Last Te](#)  
[Attach 4 - February 25, 2020, Staff Report - Process for Becoming a Charter City.pdf](#)  
[Attach 5 - January 25, 2022 Staff Report to the City Council - Long-Term Financial Projection](#)  
[Attach 6 - FY 21-22 General Fund Five-Year Financial Forecast.pdf](#)  
[Attach 7 - Estimated Cost to Restore City Services to Pre-Recession Levels.pdf](#)  
[Attach 8 - March 23, 2021, Staff Report - Public Works Department Organizational Review ar](#)  
[Attach 9 - March 23, 2021, City Council Presentation - Public Works Department Organizatio](#)  
[Attach 10 - March 23, 2021, Final Report - Public Works Department Organizational Review :](#)  
[Attach 11 - SUMMARY OF BUILT AND APPROVED RESIDENTIAL UNITS AS OF FEBRUAR](#)

2. [22-094](#) **Extension of Lew Edwards and FM3 Contract to the Lew Edwards Group Contract for Polling and Strategic Communication Services for Ballot Measures to Extend the Utility Users Tax, and the Viability of Becoming a Charter City for the Limited Purpose of Increasing the Real Property Transfer Tax**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an agreement for Election Opinion Poll Services with the Lew Edwards Group for an amount not to exceed \$131,250 subject to the City Attorney's review and available budget appropriations.

**Attachments:** [Staff Report - Lew Edwards Contract Ext combined SRs.pdf](#)  
[Attach 1 - Resolution.docx](#)  
[Attach 2 - Exh A - Exh B - LEG Contract Extension Exhibits A&B.pdf](#)  
[Attach 3 - LEG.FM3.Summary.PollingHighlights.pdf](#)  
[Attach 4- 220-6254 City of Hercules Community Issues Survey - Council Briefing - D3A.pptx](#)  
[Attach 5 - 220-6254-F City of Hercules Community Issues Survey \(Phone\).pdf](#)

#### **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, March 22, 2022 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](http://www.ci.hercules.ca.us) and can receive e-mail notification of agenda and staff report postings by signing up to receive an e-notice from the City's homepage. Agendas and staff reports may also be obtained by contacting the Administrative Services Department at (510) 799-8215.

(Posted: March 2, 2022)

**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](http://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.

