

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, January 25, 2022

6:00 PM

Zoom Meeting ID: 842 0985 1288

Zoom Passcode: 799394

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

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:

IV. REGULAR MEETING – 7:00 P.M. CALL TO ORDER - ROLL CALL

1. [22-035](#) **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
(Government Code Section 54956.9 (e)(1): In one (1) matter.
2. [22-036](#) **Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiators:** Property Address: 1991 Railroad Ave, Hercules, CA 94547; Real Property Negotiator: Dante Hall, City Manager

V. REPORT ON ACTION TAKEN IN CLOSED SESSION

VI. PLEDGE OF ALLEGIANCE

VII. MOMENT OF SILENCE

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. [22-037](#) **Proclamation in Celebration of Lunar New Year 2022**

Attachments: [Proclamation - 2022 Lunar New Year.docx](#)

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. [22-029](#) **Zoning Text Amendment #21-02 - Parking Exception**
Recommendation: Adopt an ordinance amending Title 13, Chapter 32 of the Hercules Municipal Code to add Section 13-32.500 to allow the approval of parking exceptions on a validated case-by-case basis citywide.

Attachments: [Staff Report - ZTA 21-02 - Parking Exception](#)
[Attach 1 - ZTA 21-02 - Parking Exception - Draft Ordinance](#)

2. [22-030](#) **America's Tire Store: Proposal to Construct and Operate an 8,938-square-foot Tire Store on the Southerly Portion of The Home Depot Parking Lot at 1625 Sycamore Avenue, Hercules**
Recommendation: Adopt a resolution:
(1) Amending the conditions of approval for Conditional Use Permit #03-02 and Design Review Permit #03-02 for The Home Depot project; and
(2) Approving the America's Tire store project, consisting of Conditional Use Permit #21-03, Design Review Permit #21-03, and Tentative Parcel Map #21-01.

Attachments: [Staff Report - Americas Tire - 2021-01-25](#)
[Attachment 1 - Resolution - America's Tire - 2021-01-25](#)
[Exhibit A - Conditions of Approval - Home Depot](#)
[Exhibit A.1 - Home Depot Site Plan](#)
[Exhibit A.2 - Home Depot Lot Description](#)
[Exhibit B - Conditions of Approval - Americas Tire](#)
[Exhibit B.1 - America's Tire Project Plans](#)
[Exhibit B.2 - America's Tire Signage Plans](#)
[Attachment 2 - America's Tire - 2007 Parking Study](#)
[Attachment 3 - Presentation - America's Tire - 2021-01-25](#)

XII. CONSENT CALENDAR

1. [22-028](#) **Minutes**
Recommendation: Approve the special meeting minutes of January 4, 2022, the regular meeting minutes of January 11, 2022 and the special meeting minutes of January 18, 2022.

Attachments: [Minutes - 010422 - Special.pdf](#)
[Minutes - 011122 - Regular.pdf](#)
[Minutes - 011822 - Special.pdf](#)

2. [22-014](#) **Annual Update Regarding the Following Matters:**
1) **Anti-Nepotism and Anti-Cronyism Ordinance**
2) **Hercules Ethics Policy**
Recommendation: Accept report, provide direction to staff, if any and file the report.

Attachments: [Staff Report - 2022 - nepotism ethics update council staff report 220125.docx](#)
[Attach 1 - nepotism cronyism Ordinance.pdf](#)
[Attach 2 - 13-051-Ethics.pdf](#)

3. [22-034](#) **Emergency Declaration Extension**
Recommendation: Adopt a Resolution extending the Declaration of Local Emergency by 30 days to March 2, 2022.

Attachments: [Staff Report - Emergency Declartion to 030222.docx](#)
[Attach 1 - Resolution - Emergency Declaration.docx](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [22-031](#) **Fiscal Year 2020-21 Annual Comprehensive Financial Report**
Recommendation: Receive the fiscal year (FY) 20-21 Annual Comprehensive Financial Report (CAFR) and accept the audited financial statements.

Attachments: [Staff Report - FY 20-21 Annual Audit.docx](#)
[Attach 1 - 2021 Hercules ACFR Commun with Govern at Conclusion Letter.pdf](#)
[Attach 2 - 2021 Hercules ACFR FINAL_012022.pdf](#)
[Attach 3 - 2021 Hercules PFA FINAL Report.pdf](#)
[Attach 4 - 2021 Hercules Wastewater FINAL Report.pdf](#)
[Attach 5 - 2021 Hercules Measure B FINAL Report.pdf](#)
[Attach 6 - 2021 Hercules Measure C FINAL Report.pdf](#)
[Attach 7 - 2021 Hercules GANN FINAL Report.pdf](#)
[Attach 8 - Annual Audit Presentation_2021 Hercules AU-C260.pptx](#)

2. [22-032](#) **Long-Term Financial Projection for the General Fund and Approval of a Resolution Declaring a Fiscal Emergency in the City of Hercules by Unanimous Vote**
Recommendation: Receive and discuss the long-term financial projection of the general fund and approve a Resolution unanimously declaring a fiscal emergency in the City of Hercules.

Attachments: [Staff Report - Long Term Financial Projection - General Fund \(1\).docx](#)
[Attach 1 - Resolution for Fiscal Emergency Declaration.docx](#)
[Attach 2 - General Fund Long-Term Financial Forecast.pdf](#)

3. [22-033](#) **Consideration of an Updated Library Services Agreement Between the City of Hercules and Contra Costa County**
Recommendation: Receive staff report, discuss and consider adopting a Resolution authorizing the City Manager to execute the agreement as described in the staff report.

Attachments: [Staff Report - Library Agreement 220125.doc](#)
 [Attach 1 - Library RESOLUTION No - 211108 \(002\) \(2\).docx](#)
 [Attach 2 - Library Lease Agreement dated 7-1-2007.pdf](#)
 [Attach 3 - Library Lease and Service Agreement Template Hercules LCSC 211109.pdf](#)
 [Attach 4 - Library RESOLUTION No - 220125.docx](#)

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, February 8, 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 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: January 20, 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),

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.