

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, July 12, 2022

6:00 PM

In-Person in Council Chambers or
Zoom ID: 830 4375 6249
Zoom Passcode: 482781
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
Lauren Berges, City Clerk

See last pages of agenda for information regarding meeting procedures
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. [22-215](#) **Conference With Legal Counsel - Existing Litigation (Government Code section 54956.9)**
City of Long Beach, et al. versus Monsanto Company (class action)
2. [22-229](#) **Conference With Legal Counsel - Existing Litigation (Government Code section 54956.9)**
City of Pinole et al. v. PG&E (U.S. Bankruptcy Court, Northern District of California, Case No. 19-30088)

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

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.

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). If attending in-person, please fill out a speaker card and provide to the City Clerk.

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 last pages 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. [22-226](#) **Resolution Calling an Election on November 8, 2022 for Voters to Consider a Ballot Measure to Extend the Existing Utility Users Tax at the Current Rate of 8%, submittal of the Ordinance to the Voters, and Requesting the County to Consolidate this Election with the Statewide General Election.**

Attachments: [Agenda report 220706](#)
[Resolution 220706](#)
[Chapter 8 text ordinance revision \(basic\)\(redline from prior clean copy\)\(C. Liu and B. Fay\) - 2](#)

2. [22-227](#) **Public Hearing to Consider a Resolution Calling an Election on November 8, 2022 for Voters to Consider a Ballot Measure to make Hercules a Charter City and Establish by Ordinance a Local Real Property Transfer Tax, submittal of the Measure to the Voters, and Requesting the County to Consolidate this Election with the Statewide General Election.**

Attachments: [Agenda report charter city RPTT 220705](#)
[RESOLUTION charter City RPTT 220705](#)
[CITY OF HERCULES DRAFT CHARTER](#)
[EXHIBIT B - Ordinance RPTT 220706](#)
[Staff Report charter city public hearing 220614](#)
[Attach 1 - May 10 2022 Staff Report with Attachments](#)

3. [22-219](#) **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](#)
 [Attach 1 - Resolution - Liens](#)
 [Attach 2 - Delinquent Accounts Rpt. 062022](#)

XII. CONSENT CALENDAR

1. [22-228](#) **Minutes**
Recommendation: Approve the Regular Meeting Minutes of June 28, 2022.
- Attachments:** [Meeting Minutes June 28, 2022](#)
2. [22-220](#) **Agreement with M-Group for Planning Services**
Recommendation: Adopt a resolution authorizing the City Manager to execute an agreement with Metropolitan Planning Group dba M-Group in the not-to-exceed amount of \$106,000 for planning services.
- Attachments:** [M-Group Contract 062822 - Staff Report](#)
 [Attach 1 - M-Group Contract Resolution](#)
 [Attach 2 - M-Group Agreement, Scope and Fee 062822](#)
3. [22-221](#) **Ordinance to amending the Hercules Municipal Code, adding Title 10 Chapter 2 Article 9 Urban Lot Split and Title 13 Chapter 36-36 Two Unit Development**
Recommendation: Adopt Ordinance No. 540 amending the Hercules Municipal Code, Land Use and Zoning Code sections to establish regulations for subdivision and two-unit developments to comply with SB 9.

Attachments: [SB 9 - CC Staff Report - 2022-07-12](#)
 [Attachment 1 - SB 9 - Ordinance No. 540](#)
 [Attachment 2 - Signed PC Reso 22-07 - SB 9 Ordinance](#)

4. [22-222](#) **Extension of Professional Services Agreement with Doherty Law Group for Legislative Advocacy Services.**
Recommendation: Staff recommends that the City Council adopt a Resolution to extend the Doherty Law Group agreement from April 2022 to June 2022 for an additional cost of \$18,000.

Attachments: [Doherty Amendment 6 SR 07122022](#)
[Attach 1 - Resolution Doherty 6th Amendment](#)
[Attach 2 - Original Contract and Amendment Nos. 1, 2, 3, 4, and 5](#)
[Attach 3 - Amendment No. 6](#)

5. [22-224](#) **Update on the Sanitary Sewer Disposal System to be installed by the Developer for the Willow Avenue Self-Storage Project**
Recommendation: Receive a status update on the public sanitary sewer disposal system to be installed in Willow Avenue by Hercules Self-Storage Management, the Developer for the Self-Storage Project at 1444 Willow Avenue.

Attachments: [Staff Report - Willow Self Storage Sanitary Sewer Disposal System](#)
[Attach 1 - Staff Report - Willow Self Storage Sanitary Sewer Disposal System](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [22-223](#) **Receive the Finance Commission's Annual Report on Measure B and C for Fiscal Year Ending June 30, 2021**
Recommendation: Receive and file the Finance Commission's annual report on Measure B and C.

Attachments: [SR - Measure B and C Annual Report from FC 07122022](#)
[Attach 1 - Measure B and Measure C Report 2021 \(Final\)](#)

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, July 26, 2022 at 7:00p.m. in the Council Chambers.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at www.ci.hercules.ca.us and can receive e-mail notification of agenda and staff report postings by signing up to receive an enotice from the City's homepage. Agendas and staff reports may also be obtained by contacting the Administrative Services Department at (510) 799-8215

(Posted: July 7, 2022)

INSTRUCTIONS ON HOW TO PARTICIPATE AND WATCH THE HERCULES CITY COUNCIL AND PLANNING COMMISSION HYBRID MEETINGS

Attend in Person: Hercules City Council Chambers – 111 Civic Drive, Hercules, CA 94547

Attend via Zoom Teleconference: Details provided below and zoom webinar login, passcode and phone numbers provided on the agenda cover.

Please note: Updated COVID-19 safety protocols will be posted outside the City Council Chambers. Please review this information before entering the Council Chambers.

How to Submit Public Comments

In Person: Attend meeting at the Hercules City Council Chambers, fill out a public speaker card located on the side table and submit it to the City Clerk.

Via Zoom: Members of the public may submit a live remote public comment via Zoom video conferencing. Download the Zoom mobile app from the Apple Appstore or Google Play. If you are using a desktop computer, you can test your connection to Zoom by clicking here or go to: <https://www.zoom.us/join>. Zoom also allows you to join by phone at +1-669-900-6833 or +1-929-205-6099 or +1-253-215-8782.

- Speakers will be asked to provide their name and city of residence, although providing this information is not required for participation.
- Each speaker will be allowed up to 3 minutes to speak and provide comment. A limit of 30 minutes will be devoted to taking public comment during the first public comment period on the agenda. If any speaker comments have not been accommodated prior to the initial 30 minute period, time will be reserved at the conclusion of the meeting for the remaining public comments.
- Speakers will be muted until their opportunity to provide public comment.

When the Mayor opens the comment period for the item you wish to speak on, please use the “raise hand” feature (or press *9 if connecting via telephone) which will alert staff that you have a comment to provide and press *6 to unmute.

Written Comments Submitted Electronically: All comments received before 3:00 p.m. the day of the meeting will be provided to the City Council prior to the meeting and posted to the City’s agenda website and located by clicking on the “meeting details” tab. Written comments received after 3:00 p.m. will be provided to City Council and posted to the agenda website the following day. Written comments will not be read aloud during the meeting. Email comments to lberges@ci.hercules.ca.us. Please indicate which item on the agenda you are commenting on in the subject line of your email.

Written comments submitted in person or via mail: Additional ways to provide your public comment is to either drop off your comment in person to the front desk receptionist located in the City Hall lobby or to mail your comment to City of Hercules, ATTN: City Clerk – Public Comment (Meeting Date), 111 Civic Drive, Hercules, CA 94547 in time to reach the City Clerk no later than 3:00 p.m. on the day of the meeting or you can submit your comment by telephone by calling (510) 799-8215 no later than 3:00 p.m. on the meeting date.

If you need assistance with public comment, please contact: Lauren Berges, City Clerk at lberges@ci.hercules.ca.us or by calling (510) 799-8215.

All public comments will become part of the official meeting record. The City cannot guarantee that its network and/or the website will not be uninterrupted. To ensure that the City Council receives your written comments, you are strongly encouraged to submit your comments in writing in advance of the meeting by 3:00 p.m. on the day of the Council or Commission meeting.

OTHER WAYS TO WATCH THE MEETING

Live on Channel 28: City Council meetings will replay the following Thursday at 7:00 p.m. and Saturday at 1:00 p.m.
Planning Commission meetings will replay the following Wednesday at 7:00 p.m. and Saturday at 9:00 a.m.

Video Streamed Live on the City's Website:

To view City Council and Planning Commission meeting videos online go to: Hercules Meeting Videos.
Instructions to view Live or On-Demand Videos from the City's website:

1. Go to: Hercules Meeting Videos or <https://hercules.legistar.com/calendar.aspx>.
2. Locate the desired meeting and date.
3. Click the associated "Video" link (Video status is as follows):
 - Video = Video is available for on demand viewing.
 - In Progress = Video is available for viewing during live recording.
 - Not Available = Video is either unavailable or has not been recorded.

**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.