

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, February 22, 2022

6:00 PM

Zoom Meeting ID: 830 3733 3690

Zoom Passcode: 574261

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:

1. [22-077](#) **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

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

XII. CONSENT CALENDAR

1. [22-078](#) **Minutes**
 Recommendation: Approve the special meeting minutes of February 7, 2022 and February 15, 2022 and the regular meeting minutes of February 8, 2022.

 Attachments: [Minutes - 020722 - Special.pdf](#)
 [Minutes - 020822 - Regular.pdf](#)
 [Minutes - 021522 - Special.pdf](#)

2. [22-074](#) **Emergency Declaration Extension**
 Recommendation: Adopt a Resolution extending the Declaration of Local Emergency by 30 days to April 1, 2022.

 Attachments: [Staff Report - Emergency Declartion to 040122.docx](#)
 [Attach 1 - Resolution - Emergency Declaration.docx](#)

3. [22-075](#) **2nd Reading and Adoption of Ordinance 536, an Ordinance Amending the Hercules Municipal Code by Adding Section 13-32.500 to Allow Minimum Parking Exceptions**
 Recommendation: The Planning Commission and City staff recommend that the City Council adopt an Ordinance amending the City of Hercules Municipal Code by adding Section 13-32.500 to allow parking exceptions for reducing the minimum amount of required parking.

 Attachments: [Staff Report - Ordinance 536 -rcr.docx](#)
 [Ordinance 536.doc](#)

4. [22-079](#) **Acceptance of the Engie Energy Services Project**
 Recommendation: Adopt a Resolution accepting the Engie Energy Services Project as complete for a total amount of \$4,005,348 and authorize the filing of a Notice of Completion with the Contra Costa County Recorder's office.

 Attachments: [Staff Report - Engie Energy Services Project Acceptance Rev1.docx](#)
 [Attach 1 - Resolution - Engie Energy Services Project Acceptance.doc](#)
 [Attach 2 - Notice of Completion - Engie Energy Services Project Acceptance.docx](#)

5. [22-081](#) **Resolution Authorizing the City to Submit Applications to CalRecycle for Grant Funding**
 Recommendation: Adopt a Resolution authorizing the City to submit applications to the California Department of Resources Recycling and Recovery (CalRecycle) for grant funding.

 Attachments: [Staff Report - Hercules SB1383 Grant 2-3-22 sk.docx](#)
 [Attach 1 - Resolution - SB1383.doc](#)

6. [22-080](#) **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 - 2-22-22 Report on UUT RPTT Polling Results.docx](#)
[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](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [22-072](#) **FY 2021-22 Mid-Year Budget Review and Miscellaneous Mid-Year Budget Appropriations and Adjustments**
Recommendation: Receive a report on the FY 2021-22 mid-year budget review and adopt a Resolution approving various mid-year budget appropriations and adjustments.

Attachments: [Staff Report - FY 21-22 Mid-Year Budget Update - Final \(1\).docx](#)
[Attach 1 - Resolution.docx](#)
[Attach 2 - Proposed Budget Amendment.pdf](#)
[Attach 3 - General Fund Summary.pdf](#)
[Attach 4 - General Fund Summary of One-Time Revenues and Expenditures.pdf](#)
[Attach 5 - General Fund FY 20-21 Available Fund Balance Calculation.pdf](#)
[Attach 6 - List of Projects Funded by ARPA funds-Final \(1\).docx](#)
[Presentation.pdf](#)

2. [22-076](#) **Update on Returning to In-Person Hybrid Meetings**
Recommendation: Receive report, discuss, and provide direction to staff.

Attachments: [Staff Report - Returning to In-Person Meetings.docx](#)
[Attach 1 - Poll of Contra Costa Cities.pdf](#)
[Attach 2 - recommendations-for-safe-public-meetings 020222.pdf](#)
[Attach 3 - 12-14-21 Staff Report.pdf](#)
[Attach 4 - 09-28-21 Staff Report.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 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: February 17, 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.