

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, January 10, 2023

7:00 PM

In-Person in Council Chambers or
Zoom ID: 854 3437 4933
Zoom Passcode: 613170
Zoom Phone Number: 1-669-900-6833

City Council

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

Dante Hall, City Manager
Patrick Tang, City Attorney
Eibleis Melendez, Acting 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- NONE

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

III. CONVENE INTO CLOSED SESSION

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.

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

1. [22-403](#) **ADU & SB9**-Amendments to Hercules Municipal Code (Table 13-6.1, Table 13-15.1, Section 13-35.320, and Section 10-2.904) pursuant to the Department of Housing and Community Development's review of Hercules ADU Ordinance, newly enacted ADU legislation, and SB 9 guidance. **Recommendations:** That the City Council:
1. Request planning staff present the staff report;
 2. Open the public hearing
 3. Receive comments from the public;
 4. Close the public hearing;
 5. Request clarification from staff on any issues related to the Ordinance;
 6. Adopt first reading of amended Ordinance.

Attachments: [CC Staff Report - ADU & SB9](#)
[CC Presentation - ADU & SB 9 - 1.10.2023](#)
[Attach 1 - Draft Ordinance - ADU & SB 9-FINAL](#)
[Attach 2 - HCD Review of Hercules ADU Ordinance](#)
[Attach 3 - HCD SB 9 Fact Sheet](#)
[Attach 4 - SB 897 Text](#)
[Attach 5 - AB 2221 Text](#)

2. [22-400](#) **Child Care and Supportive Housing Ordinance** - Amendments to Hercules Municipal Code (Table 13-6.1, 13-7.1, 13-12.1 and 13-15.1 and deletion of Sec. 13-35.260) pursuant to Senate Bill 234 the Keeping Kids Close to Home Act and amendments to Hercules Municipal Code (Table 13-6.1, 13-12.1, 13-15.1, and 13-18.1) pursuant to Assembly Bill No. 2162. **Recommendation:** That the City Council:
1. Request planning staff present the staff report;
 2. Open the public hearing
 3. Receive comments from the public;
 4. Close the public hearing;
 5. Request clarification from staff on any issues related to the Ordinance;
 6. Adopt first reading of amended Ordinance.

Attachments: [CC Staff Report- Child Care and Supportive Housing](#)
[CC Presentation - Childcare & Supportive Housing - 1.10.2023](#)
[Attach 1 - Draft Ordinance- Childcare & Supportive Housing](#)
[Attach 2 - Senate Bill 234](#)
[Attach 3 - Assembly Bill 2162](#)

3. [22-402](#) **Construction Codes** - Ordinance to Amend Hercules Municipal Code Title 9, Chapters 1-18, Adopting by Reference the New California Code of Regulations Title 24, 2022 Edition of the California Building Standards Code with amendments developed by City of Hercules, Contra Costa

County and the Rodeo-Hercules Fire Protection District.

Recommendation: That the City Council:

1. Request planning staff present the staff report;
2. Open the public hearing
3. Receive comments from the public;
4. Close the public hearing;
5. Request clarification from staff on any issues related to the Ordinance;
6. Adopt first reading of amended Ordinance.

Attachments: [CC Staff Report - Building Code 2022](#)
 [CC Presentation - 2022 CBC Update - 1.10.2023](#)
 [Attach 1 - Building Code 2022 Ordinance](#)
 [Attach 2 - County Ord. No. 2022-35 Adoption of 2022 Building Code](#)
 [Attach 3 - County Findings - Ord. No. 2022-35](#)
 [Attach 4 - All-Electric Ordinance No. 539](#)
 [Attach 5 - RHFD Ordinance 2022-01](#)
 [Attach 6 - Staff Report - RHFD Supporting Findings](#)

XII. CONSENT CALENDAR

1. [22-408](#) **Meeting Minutes for December 13, 2022**

Attachments: [Meeting Minutes for December 13, 2022](#)

2. [22-396](#) **Recognized Obligation Payment Schedule for the Period of July 1, 2023, through June 30, 2024 (ROPS 23-24)**
Recommendation: Adopt a Resolution approving the recognized obligation payment schedule for the period of July 1, 2023 through June 30, 2024 (ROPS 23-24)

Attachments: [Staff Report-ROPS 23-24 SA](#)
 [Attach 1 - SA Resolution - ROPS 23-24](#)
 [Attach 2 - Hercules ROPS 23-24 RAD App Draft 12.5.22](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [22-407](#) **Commission and Committee Appointments**

Attachments: [Staff Report - Commission Appointments 110922](#)

2. [22-405](#) **AB 2449 Effect on Public Agency Brown Act Meeting Requirements - New Procedures for Remote Participation**

Attachments: [Staff Report - AB 2449 Remote Participation](#)
 [Attach 1 - AB 2449 Flow Chart for Authorizing Remote Participation](#)
 [Attach 2 - AB2449 Summary](#)

3. [22-406](#) **Receive and Discuss the Allocation of Local Assistance Funds From**

Senate Bill 154(Skinner) Budget Act 2022

Recommendation: Receive, discuss and provide feedback and direction, if any.

Attachments: [Staff Report Budget Allocation Receipt 1.10.23](#)
 [Attach 1 - Resolution](#)

4. [22-395](#) **Review of Preliminary FY 21-22 General Fund Year-End Result**

Recommendation: Receive the report on the preliminary General Fund FY 21-22 year-end result.

Attachments: [Staff Report-Review of Preliminary General Fund FY 21-22 Year End Results](#)
 [Attach 1 - Preliminary General Fund Year-to-date Revenue Report through June 30, 2022](#)
 [Attach 2 - Preliminary General Fund Year-to-date Expenditure Report through June 30, 2022](#)
 [Attach 3 - Preliminary General Fund Summary of Revenues, Expenditures, and Changes in A](#)
 [Attach 4 - FY 21-22 Preliminary General Fund Results - Presentation](#)

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, January 24th, 2023 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: January 5, 2023)

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 emelendez@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: Eibleis Melendez, Acting City Clerk at emelendez@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 ACCOMMODATIONS: 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.