

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, April 23, 2019

6:00 PM

Closed Session - 6:00 p.m.

Regular Session - 7:00 p.m.

Council Chambers

City Council

Mayor Dan Romero
Vice Mayor Roland Esquivias
Council Member Chris Kelley
Council Member Gerard Boulanger
Council Member Dion Bailey

David Biggs, 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. [19-569](#) Pursuant to Government Code Section 54957.6 CONFERENCE WITH LABOR NEGOTIATORS - City Negotiators: David Biggs, City Manager; Edwin Gato, Director of Finance; Lori Martin, Director of Administrative Services relative to the following employee groups:
 - a. Teamsters Local 315 Employee Organizations
 - b. Hercules Police Officers Association
 - c. Hercules Senior Manager Employee Group
 - d. Confidential Unrepresented Employee Group
 - e. Mid Management Employee Group
2. [19-574](#) Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9(d)(2): In one (1) matter: Hercules Development Partners, LP / Ledcor Corporation
3. [19-577](#) Pursuant to Government Code Section 54956.9(a), Conference with Legal Counsel - Pending/Existing Litigation: Successor Agency to the Hercules Redevelopment Agency and City of Hercules v. California Department of Finance, et al, Sacramento Superior Court Case No. 34-2018-80003038.

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. [19-576](#) Proclamation In Recognition and Remembrance of Charles "Chuck" Durley

Attachments: [Proclamation - Charles \(Chuck\) Lee Durley](#)

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. [19-564](#) **Public Hearing to Adopt a Resolution Amending Development Impact Fees to Incorporate the Updated Rodeo-Hercules Fire Protection District Levied Fire Facilities Impact Fee and Amending the City's Master Fee Schedule**

Recommendation: Open the public hearing, take public testimony, close the public hearing, and adopt a Resolution amending development impact fees to incorporate the updated Rodeo-Hercules Fire Protection District levied Fire Facilities Impact Fee and amending the City's Master Fee Schedule as presented or as modified as desired by the City Council.

Attachments: [Staff Report - Fire Impact Fees 04232019](#)
 [Attach 1 - Staff Report from October 9, 2018 \(2\)](#)
 [Attach 2 - Staff Report from May 22, 2018](#)
 [Attach 3 - Revised Rodeo-Hercules Fire Protection District DIF Study 4-8-19](#)
 [Attach 4-HRFD Reso 2019-07](#)
 [Attach 5 - Resolution - Fire Facilities Impact Fee](#)

2. [19-565](#) **Consider Amending Hercules Municipal Code Title 2, Chapter 2, "Boards and Commissions", to 1) Clarify that Vacancies for All Commissions Shall be Filled in Accordance with the PProcess Established by Council Resolution, and 2) Allow the City Council to Establish Commission Regular Meeting Dates and Times by Resolution.**

Recommendation:

- 1) Convene a public hearing and approve introduction of an ordinance to amend the Hercules Municipal Code to standardize the process for filling Commission vacancies and to allow for the establishment of Commission meeting dates and times by Resolution.
- 2) Adopt a Resolution establishing the dates and times for regular meetings of all City Commissions.

Attachments: [Staff Report - Amend HMC Title 2 - boards and commissions meeting dates 190407](#)
[Attach 1 - ORDINANCE to Amend HMC to set commission meeting dates by resolution 190407](#)
[Attach 2 - Resolution Establishing Commission Meeting Times 190407](#)

3. [19-567](#) **Consider Adopting Additional Restrictions to Limit Smoking in Common Areas of Multi-Unit Residences, and to Prohibit Smoking Inside Dwelling Units in any Multi-Unit Residence Comprised of Ten (10) or More Units**
Recommendation: Conduct a public hearing, waive the first reading, and introduce an Ordinance to adopt additional restrictions on smoking in common areas of multi-unit residences, and to prohibit smoking inside dwelling units in any multi-unit residence comprised of ten (10) or more units.

Attachments: [Staff Report - Multi-family smoke free ordinance 190423](#)
[Attach 1 - 032619 and 072418 Staff Report](#)
[Attach 2 - HMC 5-6 Hercules Smokefree Ordinance - ADD multi-family restrictions 190423](#)

XII. CONSENT CALENDAR

1. [19-568](#) **Meeting Minutes**
Recommendation: Approve the Regular Meeting Minutes of April 9, 2019.

Attachments: [Minutes - 040919 - Regular](#)

2. [19-570](#) **2019 West Contra Costa County Subregional Transportation Mitigation Program (STMP) Fee Update**
Recommendation: Consider waiving the second reading and adopt an Ordinance amending Title 10, Chapter 17 - West County Subregional Transportation Mitigation Program of the Hercules Municipal Code.

Attachments: [Staff Report - 2nd Reading of WCCTAC STMP Ordinance 523](#)
[Attach 1 - STMP Ordinance 523](#)
[Attach 1 - Exh A- December 2018 WCCTAC Board Final 2019 STMP Report](#)
[Attach 1 - Exh B- 2019-02-14 FINAL DRAFT Admin Guidelines](#)

3. [19-571](#) **Consider Approving an Ordinance to Adopt Proposed Zone Text Amendment #ZTA 19-01 Related to Noticing Requirements**
Recommendation: Consider waiving the second reading and adopt an Ordinance approving Zone Text Amendment #ZTA 19-01 amending Hercules Municipal Code 13-44.200 - Application Processing and Hearing Notice.

Attachments: [Staff Report - Noticing Requirements](#)
[Attach 1 - Ordinance 521-Noticing Process](#)

4. [19-572](#) **Consider Approving an Ordinance to Adopt Proposed Zone Text Amendment #ZTA 19-02 Related to Appeals and Posting of Notices of Decision**

Recommendation: Consider waiving the second reading and adopt an Ordinance approving Zone Text Amendment #ZTA 19-02 amending Hercules Municipal Code Title 13 to clarify City Council call up and standardizing notice of decision posting and appeals periods from 10 working days to 14 calendar days.

Attachments: [Staff Report for Appeals Process 190423](#)
 [Attach 1 - Ord 522 -ZTA 19-02 Changes to Appeal Policy](#)

5. [19-575](#) **Notice of Intent to Vacate Excess Public Right-of-Way Within the Southerly Portions of Linus Pauling Drive Pursuant to Government Code Section 8300 et seq and 65402 and CEQA 15312, 15060(b)(3)**
Recommendation: Adopt a Resolution declaring a notice of intent to vacate right-of-way within the southerly portions of Linus Pauling Drive abutting the Bayfront Block R and setting a public hearing for May 14, 2019.

Attachments: [Staff Report - Notice of Intent to Abandon Linus Pauling](#)
 [Attach 1 - Resolution - Notice of Intent to Vacate Portion of Linus Pauling](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-563](#) **Update to Solid Waste Collection Rates to Include Contamination Charges**

Recommendation: Amending the Previously Approved Request from Republic Services for a Base Year Adjustment to add a Contamination Charge to the Solid Waste Fee Schedule.

Attachments: [Staff Report - Republic Contamination Fee 04232019](#)
 [Attach 1 - Reso Solid Waste Rate Adjustment Amendment - Add Contamination Charge](#)
 [Attach 2 - Recycling Report SR 03122019](#)

2. [19-566](#) **List of Projects for Fiscal Year 2019-20 Funded by SB 1: the Road Repair and Accountability Act of 2017**
Recommendation: Adopt a Resolution adopting a list of projects for Fiscal Year 2019-20 funded by SB 1: the Road Repair and Accountability Act of 2017.

Attachments: [Staff Report - SB1 2019-20](#)
 [Attach 1 - SB1 19-20 Reso - Exhibit 1](#)
 [Attach 2 - SB1 19-20 Location Map Exhibit 2](#)

3. [19-562](#) **CASA Compact and Housing Legislation**
 Recommendation: Receive Report, Discuss, and Provide Direction, if any, including possibly:
 Adopt a Resolution of the City Council of the City of Hercules Supporting the Contra Costa County Jurisdictions' Housing Policy and Framework on Housing Matters.
- Attachments:** [Staff Report - Casa Compact 04232019](#)
 [Attach 1 - Resolution](#)
 [Attach 2 - CASA Compact](#)
 [Attach 3 - TVCC Housing and Policy Framework Packet 2.20.19](#)
 [Attach 4 - CASA Compact Presentation Danville](#)
 [Attach 5 - Contra Costa County Policy Final 4.8.19](#)
 [Attach 6 - Draft Contra Costa PMA Memo](#)
4. [19-573](#) **Review Upcoming Council Agenda Items List**
 Recommendation: Review, discuss and provide direction.
- Attachments:** [Staff Report - Qrtly Review Agenda Pending Items](#)
 [Attach 1 - Pending Agenda Items Report](#)

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, May 14, 2019 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: April 18, 2019)

**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.