

# City of Hercules

111 Civic Drive  
Hercules, CA 94547



## Meeting Agenda

**Tuesday, October 22, 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](http://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. [19-764](#) 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
2. [19-765](#) Pursuant to Government Code Section 54956.9 (d)(1), Conference with Legal Counsel - Pending/Existing Litigation - Taylor Morrison of California, LLC, entitled *Taylor Morrison of California, LLC v. City of Hercules*, Superior Court for the County of Contra Costa, Case No. C19-00366.

**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****XII. CONSENT CALENDAR**

1. [19-763](#) **Meeting Minutes**  
**Recommendation:** Approve the regular meeting minutes of October 8, 2019.

**Attachments:** [Minutes - 100819 - Regular](#)

**XIII. DISCUSSION AND/OR ACTION ITEMS**

1. [19-737](#) **Voluntary Collection Agreement ("VCA") with Airbnb for the Collection of Transient Occupancy Tax ("TOT")**  
**Recommendation:** Authorize the City Manager to execute an agreement with Airbnb to collect Transient Occupancy Taxes on behalf of Hercules residents who rent their residences to others using the Airbnb application and platform.

**Attachments:** [Staff Report - Agreement with Airbnb for the Collection of TOT 102219](#)

[Attach 1 - VCA with Airbnb for the collection of TOT](#)

2. [19-768](#) **Amendment to CDM Smith's Contract to Provide Consultant Services Related to Waterfront District Parking Management Plan**  
**Recommendation:** Adopt a Resolution (see Attachment 1) approving and directing staff to execute a contract amendment with CDM Smith to provide additional consultant services to assist City staff in completing a parking management plan for the Waterfront District and, additionally, expand the scope of work to include formation of a Waterfront Public Parking District.

**Attachments:** [Staff Report - Contract Amendment - Waterfront District Parking Management Plan - CC Sta](#)

[Attach 1 - Resolution for CDM Smith - Amendment No. 1](#)

[Attach 2 - CDM Smith - Amendment No. 1 w Scope of Work](#)

3. [19-744](#) **Update on Open Space Encroachments**  
**Recommendation:** Receive Report, Discuss, and Provide Direction, if any.

**Attachments:** [Staff Report - Open Space Encroachments Update SR 1022019](#)

[Attach 1 - Staff Report - Open Space Encroahments Presenation 10092018](#)

[Attach 2 - Hercules Code Compliance Initiative](#)

4. [19-766](#) **Report on Promenade Neighborhood Parking Survey**  
**Recommendation:** Receive Report, Discuss, and Provide Direction, if any.

**Attachments:** [Staff Report - Promenade Parking Survey SR 10242019](#)

[Attach 1 - Survey Summary w Q 8](#)

5. [19-767](#) **Future Bus Service**

**Recommendation:** Receive Report, Discuss, and Provide Direction, if any.

**Attachments:**      [Staff Report - Bus Service 10222019 SR MR Version](#)  
                              [Attach 1 - Hercules 2018 Circulation Element](#)  
                              [Attach 2 - Bus Stop Access Map – ½ mile](#)  
                              [Attach 3 - Bus Stop Access Map – ¼ mile](#)  
                              [Attach 4 - Summary of Bus Service Workshop – Circulation Element Update](#)  
                              [Attach 5 - Street Characteristics](#)

**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, November 12, 2019 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](http://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: October 17, 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](http://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.