

## **CORONAVIRUS (COVID-19) ADVISORY**

### **IMPORTANT INSTRUCTIONS ON HOW TO PARTICPATE AND WATCH THE HERCULES CITY COUNCIL MEETING**

On March 16, 2020, the Health Officer of Contra Costa County issued an Order through April 7, 2020 that directed that all individuals living in the county to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities and work for essential businesses and governmental services.

Under the Governor's Executive Order N-25-20, this meeting may utilize teleconferencing or other virtual meeting platforms. Pursuant to the Governor's Executive Order N-25-20, teleconferencing restrictions of the Brown Act have been suspended.

Beginning with the April 14, 2020 Hercules City Council meeting, the City Council will conduct its meeting utilizing ZOOM.

DUE TO THE SHELTER IN PLACE ORDERS AND PURSUANT TO EXECUTIVE ORDER N-25-20, direct public attendance or participation at council meetings has been suspended and the Council Chambers will be closed to the general public. Attendance at the meeting in the Council Chamber will be limited to the Mayor and essential City of Hercules staff which will be conducted under the mandated social distancing requirements. The remaining members of the City Council will participate virtually through the ZOOM application. Applicants, consultants, and others with matters before the Council will be allowed to participate via ZOOM but must make prior arrangements with the City Clerk.

How to watch the meeting from home:

1. Comcast Channel 28
2. Livestream online at <https://hercules.legistar.com/Calendar.aspx>

We are happy to accommodate written public comments. Public Comment will be accepted by email to [lmartin@ci.hercules.ca.us](mailto:lmartin@ci.hercules.ca.us) during the meeting, prior to the close of public comment on an item and read into the record during public comment. Additional ways to provide your public comment is to mail your comment to City of Hercules, ATTN: City Clerk – Public Comment (Meeting Date), 111 Civic Drive, Hercules, CA 94547 via USPS in time to reach the City Clerk no later than 5:45 p.m. on the day of the meeting or by telephone by calling (510) 799-8215 no later than 5:45 p.m. on the meeting date. All comments received by the close of the public comment period will be available after the meeting as supplemental materials and will become part of the official meeting record. The City cannot guarantee that its network and/or the site will not be uninterrupted. To ensure that the City Council receives your comments, you are strongly encouraged to submit your comments in writing in advance of the meeting by 5:45 p.m. on the day of the Council meeting.

Individuals wishing to address the City Council are asked to provide the following information:

1. Subject Line to contain the words "PUBLIC COMMENTS"
2. (Optional) - Name, address and contact information of person providing comments.
3. General topic or agenda item you wish to comment on.

All public comments are allowed up to 3 minutes to relay their message or concern. All public comments are recorded and become part of the public record. 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 read into the record at the conclusion of the initial 30 minute period, time will be reserved at the conclusion of the meeting to read the remaining comments.

# City of Hercules

111 Civic Drive  
Hercules, CA 94547



## Meeting Agenda

Tuesday, July 14, 2020

6:30 PM

### JOINT MEETING OF THE HERCULES CITY COUNCIL AND THE HERCULES PUBLIC FINANCING AUTHORITY

Virtual Meeting Via Zoom

### City Council

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

*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 – 6:30 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. [20-284](#) 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. City Manager Contract (City Negotiator - Mayor Esquivias)

**IV. REGULAR AND JOINT 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:

Public comment will be accepted by email to Lori Martin at [lmartin@ci.hercules.ca.us](mailto:lmartin@ci.hercules.ca.us) during the meeting, prior to the close of public comment on an item and will be read into the record during public comment. All comments received by the close of the public comment period will be available after the meeting as supplemental materials and will become part of the official meeting record. The City cannot guarantee that its network and/or the site will not be uninterrupted. To ensure that the City Council receives your comments, you are strongly encouraged to submit your comments in writing in advance of the meeting.

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.

Individuals wishing to address the City Council are asked to provide the following information: 1. Subject line to contain the words "PUBLIC COMMENTS". 2. Name, address and contact information of person providing comments. 3. General topic or agenda item you wish to comment on.

All public comments are allowed up to 3 minutes to relay their message or concern. 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. [20-282](#) **Continued Public Hearing on Approving Additions, Deletions and Adjustments to the Master Fee Schedule with Said Additions, Deletions and Adjustments to become effective July 15, 2020**  
**Recommendation:** Open the continued public hearing, receive a staff report, take public testimony, close the public hearing and consider adopting a Resolution approving the Master Fee Schedule effective July 15, 2020.

**Attachments:**     [Staff Report - Master Fee Schedule 071420](#)  
                              [Attach 1 - Supplemental Memo - Master Fee Schedule](#)  
                              [Attach 2 - Resolution Master Fee Schedule](#)  
                              [Attach 3 - FY 20-21 Master Fee Schedule CC 071420 rev with FY 19-20 Comparison](#)

2. [20-275](#) **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 - Garbage Liens](#)  
                              [Attach 2 - Hercules Prelim - 071420](#)

3. [20-277](#) **First Reading and Introduction of an Ordinance Amending Chapter 13-34 "Sign Regulations" of the Hercules Municipal Code to Allow the City to Make the Regulations Content-Neutral and Consistent with Recent Court Rulings (Including U.S. Supreme Court *Reed v. Town of Gilbert*) as Well as Making Certain Minor Regulatory Changes for Consistency and Clarity**  
**Recommendation:** Open the public hearing, receive a staff report, take public testimony, close the public hearing and consider waiving the first reading and approving the introduction of Ordinance 527.

**Attachments:**     [Staff Report - Council Sign Ordinance Update](#)  
                              [Attach 1 - September 10, 2019 Staff Report](#)  
                              [Attach 2 - May 12, 2020 Staff Report](#)  
                              [Attach 3 - June 1, 2020 Planning Commission Staff Report](#)  
                              [Attach 4 - Planning Commission Resolution](#)  
                              [Attach 5 - ZTA 20-01 - Sign Ordinance Update - Att 5- draft amendment - redline F](#)  
                              [Attach 6 - ZTA 20-01 - Sign Ordinance Update - Att 6 - draft amendment - clean](#)

## XII. CONSENT CALENDAR

1.     [20-276](#)     **Minutes**  
                  **Recommendation:** Approve the regular meeting minutes and special meeting minutes of June 23, 2020.  
  
                  **Attachments:**     [Minutes - 062320 - Special](#)  
  [Minutes - 062320 - Regular](#)
  
2.     [20-278](#)     **Sterling National Bank Equipment Lease Purchase Agreement**  
                  **Recommendation:** Eliminate the contingency related to the Sterling National Bank Equipment Lease Purchase Agreement as approved on June 23, 2020.  
  
                  **Attachments:**     [Staff Report - Sterling ENGIE Financing Contingency 07142020](#)
  
3.     [20-281](#)     **Acceptance of the Refugio Valley Park Tennis Court Resurfacing Project**  
                  **Recommendation:** Adopt a Resolution accepting the Refugio Valley Park tennis court resurfacing project as complete for a total amount of \$162,300 and authorizing the filing of the Notice of Completion with the Contra Costa County Recorder's Office.  
  
                  **Attachments:**     [Staff Report - Refugio Park Tennis Court Resurfacing Project Acceptance](#)  
  [Attach 1 - Resolution - Tennis Court Resurfacing Project Acceptance](#)  
  [Attach 2 - Notice of Completion - Tennis Court Resurfacing Project Acceptance](#)  
  [Attach 3 - Exhibit Tennis Court Resurfacing Project Acceptance](#)
  
4.     [20-283](#)     **Side Letter with Hercules Police Officers Association**  
                  **Recommendation:** Approve a side letter with the Hercules Police Officers Association modifying the existing Memorandum of Understanding effective through June 30, 2021.  
  
                  **Attachments:**     [Staff Report - POS Side Letter 07142020](#)  
  [Attach 1 - POA Side Letter](#)

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

1. [20-285](#) **Designation of Voting Delegate and Alternates for the League of California Cities Annual Conference and Business Meeting**  
**Recommendation:** Designate voting delegate and alternates for the League of California Cities Annual Conference and Business Meeting to be held October 7-9 in Long Beach, CA.

**Attachments:**     [Staff Report - LOCC Voting Delegate](#)  
                              [Attach 1 - Voting and Delegate Form and Instructions](#)

**XIV. COMMISSION OF THE HERCULES PUBLIC FINANCING AUTHORITY**

1. [20-280](#) **Resolution of the Commission of the Hercules Public Financing Authority Setting July 28, 2020 as a Regular Commission Meeting**  
**Recommendation:**
  - 1) Adopt a Resolution establishing July 28, 2020 as a regular meeting of the Authority.
  - 2) Authorize the officers of the Authority to take all actions necessary to implement the purpose of such Resolution.

**Attachments:**     [Staff Report - Approval of Regular Meeting Date - 071420](#)  
                              [Attach 1 - Resolution - Establishing Regular Meeting Date](#)

**XV. 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.

**XVI. 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.

**XVII. ADJOURNMENT**

The next Regular Meeting of the City Council will be held on Tuesday, July 28, 2020 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 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: July 9, 2020)

**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.