

## **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. City Council and staff 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, October 27, 2020**

**5:30 PM**

**Closed Session - 5:30 p.m.**

**Regular Session - 7:00 p.m.**

**Virtual Meeting Via Zoom**

### **City Council**

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

*David Biggs, City Manager*  
*Patrick Tang, City Attorney*

*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 – 5:30 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. [20-362](#) Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager (Discuss Annual Evaluation Per Employment Agreement)

**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. [20-365](#) Proclamation - Recognizing Commander Thomas Koeppe Upon His Retirement For Over Twenty-Seven Year of Dedicated and Exceptional Service to the Hercules Police Department and the City of Hercules  
  
Attachments: [Koeppe Retirement Proclamation - 102720](#)
2. [20-364](#) Proclamation - Recognizing October 2020 as Filipino American History Month in the City of Hercules  
  
Attachments: [Proclamation - Filipino American History Month 2020](#)
3. [20-368](#) Presentation by Supervisor Gioia and Glover Regarding a new Medical Urgent Care Clinic in Pinole

**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. [20-369](#) **Zone Text Amendment #20-02: Update to Hercules Municipal Code, Title 10, Chapter 16, "Wireless Telecommunications Facilities," regarding small wireless equipment**

**Recommendation:** Consider waiving the first reading and approving introduction of the draft zone text amendments to the City's wireless telecommunications regulations.

**Attachments:**     [Staff Report - Telecom Ordinance - Small Facilities \(ZTA 20-02\) - CC 2020-10-05 - Staff Rep](#)  
[Attach 1 - Telecom Ordinance - Small Facilities \(ZTA 20-02\) - CC 2020-10-27 - Att 1 - Redlin](#)  
[Attach 2 - Telecom Ordinance - Small Facilities \(ZTA 20-02\) - CC 2020-10-27 - Att 2 - Clean](#)  
[Attach 3 - Telecom Ordinance - Small Facilities \(ZTA 20-02\) - CC 2020-10-27 - Att 3 - Preser](#)

## XII. CONSENT CALENDAR

1. [20-367](#) **Minutes**  
**Recommendation:** Approve the regular meeting minutes of October 13, 2020.

**Attachments:**     [Minutes - 101320 - Regular](#)

2. [20-366](#) **Receive the Finance Commission's Annual Report on Measures B and C for Fiscal Year Ending June 30, 2019**  
**Recommendation:** Receive and file the Finance Commission's Annual Report on Measures B and C for fiscal year ending June 30, 2019.

**Attachments:**     [Staff Report - Measure B and C Annual Report from FC - 102720](#)  
[Attach 1 - Measure B and Measure C Report](#)

3.     [20-370](#)     **Removal of the Marked Crosswalk on San Pablo Avenue at the East Side of the Intersection with Sycamore Avenue**

**Recommendation:** Receive any input from the public, discuss as needed, and adopt a Resolution authorizing the removal of the marked crosswalk on San Pablo Avenue at the east side of the intersection with Sycamore Avenue.

**Attachments:**     [Staff Report - Sycamore & San Pablo Crosswalk Removal](#)  
                          [Attach 1 - Resolution - Crosswalk Removal](#)  
                          [Attach 2 - Notice Crosswalk Removal - San Pablo Ave](#)

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

1.     [20-363](#)     **SB 946 Sidewalk and Park Vending Requirements and Proposed Draft Ordinance**

**Recommendation:** Accept staff report, discuss, and direct staff to amend amendments to the Hercules Municipal Code to establish revised regulations for sidewalk and park vendors consistent with the requirements of SB 946.

**Attachments:**     [Staff Report - sidewalk vending -10-27](#)  
                          [Attach 1 - Oct 13, 2020 Staff Report - sidewalk vending - db](#)  
                          [Attach 2 - SIDEWALK VENDING Hercules DRAFT 201027-REDLINE](#)  
                          [Attach 3 - SB 946](#)

2.     [20-360](#)     **Update on Parking Enforcement**

**Recommended Action:** Receive report, discuss, and provide direction, if any.

**Attachments:**     [Staff Report - Parking Enforcement Update 10272020](#)  
                          [Attach 1 - Prior Parking Enforcement Update w attachments](#)

### **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 10, 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 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 22, 2020)

**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](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.