

CORONAVIRUS (COVID-19) ADVISORY

IMPORTANT INSTRUCTIONS ON HOW TO PARTICIPATE 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 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, January 12, 2021

7:00 PM

CLOSED SESSION - NONE.
REGULAR SESSION - 7:00 PM.

Virtual Meeting Via Zoom

City Council

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

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

I. SPECIAL MEETING - CLOSED SESSION – NONE.

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS - NONE.

III. CONVENE INTO CLOSED SESSION - NONE.

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. [21-002](#) **Proclamation Recognizing and Congratulating Laura Bond on Being Area 104 Starbucks Manager of the Year**

Attachments: [Proclamation - Laura Bond - Starbucks](#)

2. [21-010](#) **Proclamation Recognizing Planning Commissioner Susan Tolley for her Years of Service**

Attachments: [Proclamation -Commissioner Tolley - 2011-2020](#)

3. [21-007](#) **Council on Aging Annual Report by Jennifer Doran, City Representative on Contra Costa County Advisory Council on Aging Recommendation: Receive and file report.**

Attachments: [Council on Aging Report - J.Doran](#)

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. [21-009](#) **First Reading of Ordinance No. 532 Adding Chapter 2-1.06 to Title 2 "Administration entitled "Electronic Filing of Campaign Disclosure Documents".**
 Recommendation: Open the public hearing, take public testimony, waive the first reading, and approve the introduction of Ordinance 532 amending Title 2 of the Hercules Municipal Code by adding Chapter 2-1.06, "Electronic Filing of Campaign Disclosure Documents".

 Attachments: [Staff Report - Ordinance Adding Chapter to Title 2 - electronic filing of campaign stmts](#)
 [Attach 1 - Ordinance 532](#)
 [Attach 2 - Assembly Bill No 2151](#)
 [Attach 3 - Proposal 2020](#)

2. [21-008](#) **Zoning Text Amendment #20-03: City Ordinance to update Municipal Code Section 13-35-320 to address changes in State housing law affecting local regulation of Accessory Dwelling Units (ADUs)**
 Recommendation: Open the public hearing, take public testimony, waive the first reading, and approve the introduction of Ordinance No. 531 amending Hercules Municipal Code Title 13, Chapter 35 "Specific Land Use Requirements" to update the City's current policies and processes for accessory dwelling units (ADU's) for conformity with current State law.

 Attachments: [Staff Report - ADU 2020 Ordinance - 2021-01-12](#)
 [Attach 1 - ADU 2020 Ordinance - 2021-01-12](#)

XII. CONSENT CALENDAR

1. [21-003](#) **Minutes**
 Recommendation: Approve the regular meeting minutes of December 12, 2020.

 Attachments: [Minutes - 120820 - Regular](#)

2. [21-005](#) **Review Upcoming Council Agenda Items List**
 Recommendation: Receive report, discuss, and provide direction, if any.

 Attachments: [Staff Report - Qrtly Review Agenda Pending Items](#)
 [Attach 1 - Agenda Pending Items List](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [20-407](#) **FY 2019-20 Comprehensive Annual Financial Reports**
 Recommendation: Receive the fiscal year 2019-20 Comprehensive Annual Financial Reports (CAFR) and Accept the Audited Financial Statements.

Attachments: [Staff Report - FY 19-20 Annual Audit](#)
[Attach 1 - SAS Letter or Required Communication Letter in an Audit](#)
[Attach 2 - Hercules Public Financing Authority \(PFA\) Financial Statements](#)
[Attach 3 - Hercules Wastewater Fund Financial Statements](#)
[Attach 4 - Agreed Upon Procedure \(AUP\) Report on Measure B for Year Ended 063020](#)
[Attach 5 - Agreed Upon Procedure \(AUP\) Report on Measure C for Year Ended 063020](#)
[Attach 6 - Agreed Upon Procedure \(AUP\) Report on GANN Appropriation Limit Calculation](#)
[Attach 7 - FY 19-20 General Fund - Reconciliation Between Budgetary and GAAP Basis of A](#)
[Attach 8 - FY 19-20 General Fund Audited FY 19-20 Year-End Result and Updated FY 20-21](#)

2. [20-427](#) **Recognized Obligation Payment Schedule for the Period of July 1, 2021 through June 30, 2022 (ROPS 21-22)**
Recommendation: Adopt a Resolution approving the recognized obligation payment schedule for the period of July 1, 2021 through June 30, 2022 (ROPS 21-22).

Attachments: [Staff Report - ROPS 21-22_SA](#)
[Attach 1 - Resolution - ROPS 21-22 Resolution Successor Agency ROPS](#)
[Attach 2 - Hercules ROPS 21-22 RAD App](#)

3. [21-004](#) **2021 Development Site Update and Review**
Recommendation: Receive report, discuss, and provide direction if any.

Attachments: [Staff Report - Development Sites Update 01122021](#)
[Attach 1 - Development Update January 2021](#)

4. [21-001](#) **Contra Costa County Library Commission Appointment**
Recommendation: Consider making an appointment to the Contra Costa County Library Commission to an unexpired term ending June 30, 2023.

Attachments: [Staff Report - Library Commission Appointment](#)

5. [21-006](#) **2021 Council Appointments on Regional Committees and Council Subcommittees**
Recommendation: Express additional interest and availability for the 2021 Council Appointments on Regional Committees and Council Subcommittees to be made by the Mayor.

Attachments: [Staff Report - Council Appointments to Regional Committees](#)
[Attach 1 - 2020 CC Appointed Reps - Approved 01.28.2020](#)

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 26, 2021 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 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 7, 2021)

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.