

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. The public may log into the Zoom meeting to provide their public comment virtually. Please refer to the Zoom meeting information on the front cover of the Agenda.

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 and will be available on the City's website. 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 4:00 p.m. on the day of the meeting or by telephone by calling (510) 799-8215 no later than 4:00 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 4:00 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 26, 2021

6:00 PM

Zoom Meeting ID: 814 3711 9064

Zoom Password: 924491

Zoom Phone No: 1-669-900-6833

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 – 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. [21-047](#) **Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9 (d) (2): In two (2) matters - Vela, Claim No. GL-014088 and Gaan, Claim No. GL-014088**

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. [21-043](#) **Presentation by the PHREED Organization**
2. [21-042](#) **Presentation by Tamara Miller from the City of Pinole Regarding the San Pablo Bridge Replacement Project**

Attachments: [2021_01_13 Pinole - San Pablo Avenue Bridge Replacement Pinole FINAL](#)

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:

The public may log into the Zoom meeting (refer to agenda cover for Zoom login information) and provide their public comment (3 minute time limit). When the public comment period is open for the item you wish to speak on, use the "raise hand" feature in Zoom (or press *9 if connecting via phone audio only) at the time the Mayor calls for public comment. Please wait your turn and once you are brought into the meeting, state your name and city of residence for the record.

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.

All public comments are allowed up to 3 minutes to relay their message or concern. 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. [21-039](#) **Continued Public Hearing Regarding 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 continued 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](#)
 [Attach 1 - ADU 2020 Ordinance - 2021-01-12](#)

XII. CONSENT CALENDAR

1. [21-041](#) **Minutes**
Recommendation: Approve the regular meeting minutes of January 12, 2020.
2. [21-040](#) **Second Reading of Ordinance No. 532 Adding Chapter 2-1.06 to Title 2 "Administration entitled "Electronic Filing of Campaign Disclosure Documents".**
Recommendation: Consider waiving the second reading and adopt 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](#)

3. [21-046](#) **Update Regarding the Following Matters:**
1) Anti-Nepotism and Anti-Cronyism Ordinance;
2) Hercules Ethics Policy
Recommendation: Accept and file the report.
- Attachments:** [Staff Report - nepotism ethics update 210126](#)
[Attach 1 - Nepotism Cronyism Ordinance](#)
[Attach 2 - Resolution No. 13-051-Ethics](#)
4. [21-048](#) **Resolution Authorizing Application For, and Receipt of, Local Government Planning Support Grant Program Funds From the Department of Housing & Community Development to Support the City's 6th Cycle Update (2023-2031) of the Housing Element of the General Plan**
Recommendation: Adopt a Resolution and direct staff to submit application for \$150,000 Local Early Action Planning (LEAP) 2020 Grant.
- Attachments:** [Staff Report - LEAP Grant Application - CC 2021-01-26](#)
[Attach 1 - LEAP Grant Application - Resolution - 2021-01-26](#)
[Attach 2 - LEAP Grant Application - HCD Application - Hercules](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [21-044](#) **Update on Landscape & Lighting Assessment Districts and 221/22 Annual Renewal**
Recommendation: Receive report, discuss, and provide direction , if any.
- Attachments:** [Staff Report - L&LAD Update 01262021](#)
[Attach 1 - L&LAD Service Reductions SR 10232018](#)
[Attach 2 - LLAD Neighborhood Notification Letter 11272018 final](#)
[Attach 3 - First Look L&LAD Financials](#)
[Attach 4 - Summary of LLAD Assessments and Maintenance \(12-14-2020\)](#)
2. [21-045](#) **Continued Discussion and Presentation of Draft Ordinance Regarding Sidewalk Maintenance and Liability**
Recommendation: Receive report, discuss, and provide direction, if any.
- Attachments:** [Staff Report - Sidewalk Liability 210126 - JPT](#)
[Attach 1 - Staff Report - 111020](#)
[Attach 2 - Staff Report - 100819](#)
[Attach 2a - LOCC Article](#)
[Attach 2b - article from Risk Management](#)
[Attach 3 - Sidewalk Exhibit Map](#)
[Attach 4 - RMA Model Sidewalk Ordinance](#)
[Attach 5 - Draft Sidewalk Ordinance](#)

3. [21-025](#) **Water Consumption Review**
Recommended Action: Receive Report, Discuss, and Provide Direction, if any.
Attachments: [Staff Report - Water Consumption Review 01262021](#)
[Attach 1 - Water Charges Hercules](#)
4. [21-026](#) **Update on Smoking Ordinance Restrictions for Multi-Unit Residence Comprised of Ten (10) Or More Units**
Recommended Action: Receive Report, Discuss, and Provide Direction, if any.
Attachments: [Staff Report - Smoking Ordinance Update 01262021](#)
[Attach 1 - Staff Reports - Multi-family smoke free ordinance](#)
[Attach 2 - Notification Letters](#)
5. [21-027](#) **Possible Ordinance Imposing a Cap on Food Delivery Service Charges**
Recommendation: Receive report, discuss, and provide direction, if any.
Attachments: [Staff Report - Delivery Fee Cap 01262021](#)
[Attach 1 - Milpitas Staff 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, February 9, 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 21, 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.