



City of Hercules

111 Civic Drive
Hercules, CA 94547

Meeting Minutes

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

Tuesday, January 26, 2021

6:00 PM

Zoom Meeting ID: 814 3711 9064

Zoom Password: 924491

Zoom Phone No: 1-669-900-6833

I. SPECIAL MEETING - CLOSED SESSION – 6:00 P.M. CALL TO ORDER - ROLL CALL

Mayor Kelley called the meeting to order at 6:00 p.m.

Present: 5 - Council Member T. Grimsley, Council Member D. Romero, Council Member A. Walker-Griffin, Vice Mayor D. Bailey, and Mayor C. Kelley

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

III. CONVENE INTO CLOSED SESSION

City Attorney Tang announced the item listed on the agenda to be discussed in closed session.

Mayor Kelley recessed the meeting at 6:03 p.m.

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

Mayor Kelley called the meeting to order at 7:00 p.m.

Present: 5 - Council Member T. Grimsley, Council Member D. Romero, Council Member A. Walker-Griffin, Vice Mayor D. Bailey, and Mayor C. Kelley

V. REPORT ON ACTION TAKEN IN CLOSED SESSION

City Attorney Tang identified the item discussed in closed session and stated that no were no final or reportable actions to report.

VI. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Bailey.

VII. MOMENT OF SILENCE

Mayor Kelley called for a moment of silence for Jackie Donald Thorn a long time Hercules resident who passed away on January 11, 2021 at the age of 84.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS**1. [21-043](#) Presentation by the PHREED Organization**

City Manager Biggs introduced the item and members of the PHREED Organization gave a presentation to City Council, staff and the public. Members of the City Council provided comments.

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

Tamara Miller, City of Pinole introduced the item and Matthew Todd of Gray Bowen Scott gave a presentation on the bridge replacement project. Members of the City Council asked questions and provided comments.

A public comment was received by Robert Antaki.

IX. AGENDA ADDITIONS/DELETIONS

City Manager Biggs stated that there were no additions or deletions to the agenda. City Manager Biggs identified the supplemental documents provided prior to the meeting and available to the public on the City's website.

X. PUBLIC COMMUNICATIONS

Public Speakers: William McGee; David Kavanaugh

City Clerk Martin read aloud public comments received by Ann Tingley and Pil Orbison.

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.

City Manager Biggs introduced the item. Community Development Director Reber and Assistant City Attorney Crawl provided a staff report and an update on this item since the last public hearing. Members of the City Council asked questions and provided comments.

Mayor Kelley opened the public hearing at 8:52 p.m.

City Clerk Martin read aloud a public comment submitted by Selina Williams.

Mayor Kelley closed the public hearing at 8:53 p.m. with no other comments submitted from the public.

By consensus, City Council gave direction to staff to modify the 3 criteria points when reviewing applications. Assistant City Attorney Crawl stated that the language will be modified in Section 6 to change the word "from any" to "all".

MOTION: A motion was made by Council Member Romero, seconded by Vice Mayor Bailey, to waive the first reading and approve the introduction of Ordinance 531, as amended. The motion carried by the following vote:

Aye: 5 - Council Member T. Grimsley, Council Member D. Romero, Council Member A. Walker-Griffin, Vice Mayor D. Bailey, and Mayor C. Kelley

XII. CONSENT CALENDAR

MOTION: A motion was made by Council Member Romero, seconded by Council Member Grimsley, to adopt the Consent Calendar. The motion carried by the following vote:

Aye: 5 - Council Member T. Grimsley, Council Member D. Romero, Council Member A. Walker-Griffin, Vice Mayor D. Bailey, and Mayor C. Kelley

1. [21-041](#)

Minutes

Recommendation: Approve the regular meeting minutes of January 12, 2020.

Approved.

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".
Approved.
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.
Approved.
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.
Approved.

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.

City Manager Biggs introduced the item and provided a staff report.
Members of the City Council asked questions and provided comments.

There was a consensus of City Council to further explore balloting in Zones 3, 4 and 6.

City Manager Biggs stated that this item is scheduled to come back in March for further discussion.
2. [21-045](#) **Continued Discussion and Presentation of Draft Ordinance Regarding Sidewalk Maintenance and Liability**
Recommendation: Receive report, discuss, and provide direction, if any.

City Attorney Tang introduced the item and provided a staff report.
Members of the City Council asked questions and provided comments.

A public comment was received from Selina Williams and read into the record by City Clerk Martin.

By consensus, City Council directed staff to bring this item back in March for further discussion.

3. [21-025](#)

Water Consumption Review

Recommended Action: Receive Report, Discuss, and Provide Direction, if any.

City Manager Biggs introduced the item and provided a staff report. Members of the City Council asked questions and provided comments. Public Works Director Roberts and Public Works Superintendent Brown provided additional information.

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.

City Manager Biggs introduced the item and provided a staff report. Members of the City Council provided comments.

5. [21-027](#)

Possible Ordinance Imposing a Cap on Food Delivery Service Charges

Recommendation: Receive report, discuss, and provide direction, if any.

City Manager Biggs introduced the item and provided a staff report. City Manager Biggs stated that after the agenda item was produced he learned that the County will be proposing a county-wide ordinance on imposing a cap on food delivery service charges.

MOTION: A motion was made by Council Member Walker-Griffin, seconded by Council Member Romero, to authorize the Mayor to sign a letter of support to the Board of Supervisors for a countywide cap on food delivery service charges. The motion carried by the following vote:

Aye: 5 - Council Member T. Grimsley, Council Member D. Romero, Council Member A. Walker-Griffin, Vice Mayor D. Bailey, and Mayor C. Kelley

XIV. PUBLIC COMMUNICATIONS

None.

**XV. CITY COUNCIL/CITY MANAGER/CITY ATTORNEY ANNOUNCEMENTS,
COMMITTEE, SUB-COMMITTEE AND INTERGOVERNMENTAL COMMITTEE REPORTS
AND FUTURE AGENDA ITEMS**

City staff and Council Members reported on attendance at events and community and regional meetings.

There were no requests for future agenda items.

XVI. ADJOURNMENT

Mayor Kelley adjourned the meeting at 10:50 p.m.

DocuSigned by:

Chris Kelley

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Chris Kelley, Mayor

DocuSigned by:

Attest:



Lori Martin, MMC

Administrative Services Director/City Clerk