

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, May 9, 2023

7:00 PM

In-Person in Council Chambers or
Zoom ID: 829 9644 6400
Zoom Passcode: 121619
Zoom Phone Number: 1-669-444-9171

City Council

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

Dante Hall, City Manager
Patrick Tang, City Attorney
Eibleis Melendez, Acting City Clerk

See last pages of agenda for information regarding meeting procedures
To view webcast of meetings, live or on demand, go to the City's website at www.ci.hercules.ca.us

**I. CLOSED SESSION – CALL TO ORDER - ROLL CALL
NO CLOSED SESSION**

**II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS
NONE**

III. CONVENE INTO CLOSED SESSION

The Hercules City Council will meet in Closed Session regarding the following:
NO CLOSED SESSION

IV. REGULAR MEETING – CONVENE TO OPEN SESSION - ROLL CALL [7:00P.M]

**V. A. REPORT ON ACTION TAKEN IN CLOSED SESSION-
NO CLOSED SESSION**

**B. CONSIDER AND TAKE ACTION ON ANY REQUEST FROM A COUNCIL MEMBER TO
PARTICIPATE IN A MEETING REMOTELY DUE TO JUST CAUSE OR EMERGENCY
CIRCUMSTANCES PURSUANT TO AB 2449**

VI. PLEDGE OF ALLEGIANCE

VII. MOMENT OF SILENCE

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. [22-532](#) Asian American and Pacific Islander Heritage Month Proclamation

Attachments: [Proclamation - Asian American and Pacific Islander Heritage Month 2023](#)

2. [22-533](#) Jewish American Heritage Month Proclamation

Attachments: [Proclamation - Jewish American Heritage Month 2023](#)

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. [22-527](#) **Membership in Marin Clean Energy**
RECOMMENDATION:
 1. Receive a report from City staff;
 2. Ask any questions of City or MCE staff;
 3. Take public comment;
 4. Approve a Resolution Requesting Membership in MCE authorizing the Mayor to execute the Memorandum of Understanding with Marin Clean Energy, and authorizing the City Manager, or designee, to execute other documents to initiate membership in Marin Clean Energy; and
 5. Approve the first reading of an Ordinance approving the Marin Clean Energy joint powers agreement and authorizing the implementation of a community choice aggregation program.

Attachments: [00Staff Report - MCE](#)
[Attach 1 - Resolution Requesting Membership in MCE](#)
[Attach 1- Exhibit 1 - MOU with MCE](#)
[Attach 1- Exhibit 2 - PG&E Load Data Forms](#)
[Attach 2 - Ordinance Approving MCE JPA](#)

XII. CONSENT CALENDAR

1. [22-522](#) **Meeting Minutes for the Regular Meeting on April 25, 2023**
Attachments: [Meeting Minutes for the Regular Meeting on April 25, 2023](#)
2. [22-521](#) **Accept the Investment Report for the Quarter Ending March 31, 2023**
RECOMMENDATION: Accept the Investment Report for the Quarter Ending March 31, 2023

Attachments: [Staff Report - Investment Quarterly Report Ending 03-31-2023](#)
[Attach 1 - Investment Report for Quarter Ending March 31, 2023](#)

3. [22-523](#) **Quarterly Review of Future Agenda Items**
Attachments: [Staff Report - Quarterly Review of Future Agenda Items](#)
[Attach 1 - Future Agenda Items List](#)
5. [22-525](#) **Adoption of a List of Projects for Fiscal Year 2023-24 funded by SB 1: the Road Repair and Accountability Act of 2017**
RECOMMENDATION: Adopt a resolution adopting a list of projects for Fiscal Year 2023-24 funded by SB 1: the Road Repair and Accountability Act of 2017.
Attachments: [Staff Report - SB1 FY 23-24](#)
[Attach 1 - SB1 FY 23-24](#)
6. [22-530](#) **Authorize Display of Pride Month Commemorative Flag**
RECOMMENDATION: Approve Display of Commemorative Flag for the month of June - Pride Month
Attachments: [Staff Report - Pride Flag Display for Month of June](#)
[Attachment - Flag Policy #16](#)
7. [22-531](#) **Authorize Display of Juneteenth Commemorative Flag**
RECOMMENDATION: Approve Display of Juneteenth Commemorative Flag from June 17th through June 24th
Attachments: [Staff Report - Juneteenth Flag Display](#)
[Attach 1 - Flag Policy #16](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [22-528](#) **EVCS Site Host Agreement**
RECOMMENDATION:
1. Receive a report from staff regarding a Site Host Agreement for EV Charging services at the Hercules Civic Center and Hercules Community Swim Center;
2. Ask any questions;
3. Take public comment; and
4. Approve a resolution authorizing the City Manager to execute a Site Host Agreement with EVCS
Attachments: [Staff Report - EVCS Site Host Agreement](#)
[Attach 1 - Resolution - EVCS Site Host Agreement](#)
[Attach 2 - EVCS Site Host Agreement](#)

2. [22-529](#) **Update on the Hercules Police Department**
RECOMMENDATION: Receive an update on the Hercules Police Department
- Attachments:** [Staff Report - Hercules PD Annual Report 2022](#)
[Presentation - Hercules Police Department Review](#)
3. [22-526](#) **Consider and Approve an Amendment to Extend the Trailer Acquisition and Lease Agreement with the Hercules Historical Society (HHS)**
RECOMMENDATION: Adopt a Resolution authorizing the City Manager to execute an amendment to the Trailer Acquisition and Lease Agreement between the City of Hercules and the Hercules Historical Society (HHS), to continue the lease for an additional five (5) years with an option for a five (5) year extension. A lease provision providing for payment by HHS of an annual amount of \$100 to cover utility costs is included as an option for Council to consider.
- Attachments:** [Staff Report - Historical Society Trailer Lease Extension](#)
[Attach 1 - Feb.14, 2023 Staff Report\(with prior attach. 1-4, 20pgs\)](#)
[Attach 2 - February 2023 Interim Month-to-Month Lease HHS](#)
[Attach 3 - Revised Proposed First Amendment to the 2013 Agreement](#)
[Attach 4 - Resolution Authorizing Amendment to the Agreement Between City of Hercules an](#)

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.

1. Regional Committees
2. City Council Committees and Subcommittees
3. Commission Liaisons

XVI. ADJOURNMENT

The next Regular Meeting of the City Council will be held on Tuesday, May 23, 2023 at 7:00p.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 City Clerk's Office at (510) 799-8208

(Posted: May 4, 2023)

INSTRUCTIONS ON HOW TO PARTICIPATE AND WATCH THE HERCULES CITY COUNCIL AND PLANNING COMMISSION HYBRID MEETINGS

Attend in Person: Hercules City Council Chambers – 111 Civic Drive, Hercules, CA 94547

Attend via Zoom Teleconference: Details provided below and zoom webinar login, passcode and phone numbers provided on the agenda cover.

How to Submit Public Comments

In Person: Attend meeting at the Hercules City Council Chambers, fill out a public speaker card located on the side table and submit it to the City Clerk.

Via Zoom: Members of the public may submit a live remote public comment via Zoom video conferencing. Download the Zoom mobile app from the Apple Appstore or Google Play. If you are using a desktop computer, you can test your connection to Zoom by clicking here or go to: <https://www.zoom.us/join>. Zoom also allows you to join by phone at +1-669-900-6833 or +1-929-205-6099 or +1-253-215-8782.

- Speakers will be asked to provide their name and city of residence, although providing this information is not required for participation.
- Each speaker will be allowed up to 3 minutes to speak and provide comment. 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 accommodated prior to the initial 30 minute period, time will be reserved at the conclusion of the meeting for the remaining public comments.
- Speakers will be muted until their opportunity to provide public comment.

When the Mayor opens the comment period for the item you wish to speak on, please use the “raise hand” feature (or press *9 if connecting via telephone) which will alert staff that you have a comment to provide and press *6 to unmute.

Written Comments Submitted Electronically: All comments received before 3:00 p.m. the day of the meeting will be provided to the City Council prior to the meeting and posted to the City’s agenda website and located by clicking on the “meeting details” tab. Written comments received after 3:00 p.m. will be provided to City Council and posted to the agenda website the following day. Written comments will not be read aloud during the meeting. Email comments to emelendez@ci.hercules.ca.us. Please indicate which item on the agenda you are commenting on in the subject line of your email.

Written comments submitted in person or via mail: Additional ways to provide your public comment is to either drop off your comment in person to the front desk receptionist located in the City Hall lobby or to mail your comment to City of Hercules, ATTN: City Clerk – Public Comment (Meeting Date), 111 Civic Drive, Hercules, CA 94547 in time to reach the City Clerk no later than 3:00 p.m. on the day of the meeting or you can submit your comment by telephone by calling (510) 799-8208 no later than 3:00 p.m. on the meeting date.

If you need assistance with public comment, please contact: Eibleis Melendez City Clerk at emelendez@ci.hercules.ca.us or by calling (510) 799-8208.

All public comments will become part of the official meeting record. The City cannot guarantee that its network and/or the website will not be uninterrupted. To ensure that the City Council receives your written comments, you are strongly encouraged to submit your comments in writing in advance of the meeting by 3:00 p.m. on the day of the Council or Commission meeting.

OTHER WAYS TO WATCH THE MEETING

Live on Channel 28: City Council meetings will replay the following Thursday at 7:00 p.m. and Saturday at 1:00 p.m.
Planning Commission meetings will replay the following Wednesday at 7:00 p.m. and Saturday at 9:00 a.m.

Video Streamed Live on the City's Website:

To view City Council and Planning Commission meeting videos online go to: Hercules Meeting Videos.
Instructions to view Live or On-Demand Videos from the City's website:

1. Go to: Hercules Meeting Videos or <https://hercules.legistar.com/calendar.aspx>.
2. Locate the desired meeting and date.
3. Click the associated "Video" link (Video status is as follows):
 - Video = Video is available for on demand viewing.
 - In Progress = Video is available for viewing during live recording.
 - Not Available = Video is either unavailable or has not been recorded.

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 510-799-8208 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, 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.