

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, June 25, 2024

7:00 PM

In-Person in Council Chambers or To Watch or Listen only:

Zoom ID: 847 0735 1765

Zoom Passcode: 458188

Zoom Phone Number: 1-669-900-6833

City Council

Mayor Dan Romero

Vice Mayor Dion Bailey

Council Member Alex Walker-Griffin

Council Member Chris Kelley

Council Member Tiffany Grimsley

Dante Hall, City Manager

Patrick Tang, City Attorney

Eibleis Melendez, 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 - NONE

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS - NONE

III. CONVENE INTO CLOSED SESSION - NONE

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

V. REPORT ON ACTION TAKEN IN CLOSED SESSION - NONE

VI. PLEDGE OF ALLEGIANCE

VII. MOMENT OF SILENCE

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

Presentation of the Juneteenth Proclamation

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. [22-898](#) **Landscaping and Lighting Assessment Districts (LLADs) - Hold Public Hearings for the City's Five LLADs, Hold Public Hearing regarding Proposed Assessment Increase for the Victoria by the Bay LLAD, and Adopt Resolutions Confirming Diagrams and Assessments for the City's five LLADs for Fiscal Year 2024/25**

RECOMMENDATION:

City staff is recommending City Council take the following actions:

- 1) Hold a Public Hearing and Adopt a Resolution Confirming Diagram and Assessments and Ordering Levy of Assessments for Fiscal Year (FY) 2024/25 for the City of Hercules Landscaping and Lighting Assessment District No. 83-2 pursuant to the Landscaping and Lighting Act of 1972;
- 2) Hold a Public Hearing and Adopt a Resolution Confirming Diagram and Assessments and Ordering Levy of Assessments for FY 2024/25 for the City of Hercules LLAD 2002-2 (Hercules Village) pursuant to the Landscaping and Lighting Act of 1972;
- 3) Hold a Public Hearing and Adopt a Resolution Confirming Diagram and Assessments and Ordering Levy of Assessments for FY 2024/25 for the City of Hercules LLAD 2004-1 (Baywood) pursuant to the Landscaping and Lighting Act of 1972;
- 4) Hold a Public Hearing and Adopt a Resolution Confirming Diagram and Assessments and Ordering Levy of Assessments for FY 2024/25 for the City of Hercules LLAD 2005-1 (Bayside) pursuant to the Landscaping and Lighting Act of 1972; and
- 5) Victoria by the Bay LLAD Action Items:
 - a. Hold a Public Hearing to receive testimony regarding the proposed increase to the maximum assessment rate for the City of Hercules Landscaping and Lighting Assessment District No. 2002-1 (Victoria by the Bay LLAD) commencing with FY 2024/25;
 - b. Prior to the conclusion of public testimony, request any remaining assessment ballots for the Victoria by the Bay LLAD be delivered to the City Clerk, close public testimony and declare the balloting period closed, and any ballots received after that time shall be considered invalid and not counted;

- c. Declare that the assessment ballots will be tabulated on June 25, 2024 outside City Council Chambers upon close of the balloting period and that any interested person may attend and watch the tabulation process;
- d. Announce the results of the ballot tabulation will be declared at the July 23, 2024 City Council meeting and this agenda item will be continued until that time;
- e. On July 23, 2024 adopt a Resolution declaring the results of the ballot tabulation regarding the proposed increase to the maximum assessment rate for the Victoria by the Bay LLAD commencing Fiscal Year 2024/25;
- f. On July 23, 2024 adopt a Resolution Approving the Final Engineer's Report, Confirming Diagram and Assessments and Ordering Levy of Assessments for FY 2024/25 for the Victoria by the Bay LLAD pursuant to the Landscaping and Lighting Act of 1972.

Attachments: [Attach #1a - Resolution Confirming Diagram and Assesments 83-2](#)
[Staff Report - FY 2024-25 LLAD](#)
[Attach #1b - Resolution Confirming Diagram and Assesments 2002-2](#)
[Attach #1c - Resolution Confirming Diagram and Assesments 2004-1](#)
[Attach #1d - Resolution Confirming Diagram and Assesments 2005-1](#)
[Attach #1e - Resolution Confirming Diagram and Assesments 2002-1](#)
[Attach #2 - Reesolution Declaring Results of The Protest Balloting 2002-1](#)
[Attach #3a - L832_2425_FER](#)
[Attach #3b - L2002-2_2425 FER](#)
[Attach #3c - L041_2425 FER](#)
[Attach #3d - L051_2425 FER](#)
[Attach #3e - L2002-1-2425 FER \(Prop 218 Pass\)](#)

2. [22-899](#) **Public Hearing to amend and restate the City of Hercules' participation in the Statewide Community Infrastructure Program (SCIP) and consideration of a SCIP application from D.R. Horton for the Owl Ranch residential project**

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 24-XX (Attachment 1), an Amended and Restated Resolution making certain findings and authorizing certain actions necessary for the City of Hercules to confirm and expand its participation in SCIP and finding the action exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

Staff also recommends that the City Council adopt Resolution No. 24-XX (Attachment 2) authorizing the City Manager to approve the SCIP application from D.R. Horton, dated March 29, 2024 (Attachment 3) and finding the action exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Attachments: [Staff Report - Statewide Community Infrastructure Program](#)
[Attach 1 - Resolution - SCIP](#)
[Attach 1A - Resolution of Intention](#)
[Attach 1B - Acquisition Agreement](#)
[Attach 1C - Eligible Facilities & Fees](#)
[Attach 1D - Eligible Services](#)
[Attach 2 - Resolution - SCIP 24-01 - Owl Ranch](#)
[Attach 3 - DR Horton SCIP Application](#)
[Presentation](#)

3. [22-900](#) **Public Hearing on Approving Additions, Deletions and Adjustments to the Master Fee Schedule with said Additions, Deletions and Adjustments become effective July 1, 2024**

RECOMMENDATION:

Open the Public Hearing, Receive a Staff Report, Take Public Testimony, Close the Public Hearing, and Adopt the following resolution (Attachment 1):

1. A Resolution of the City Council of the City of Hercules Approving Additions, Deletions, and Adjustments to the Master Fee Schedule with said Additions, Deletions, and Adjustments to Become Effective July 1, 2024.

Attachments: [Staff Report - Master Fee Schedule Public Hearing & Adoption](#)
[Attach 1 - Resolution Master Fee Schedule](#)
[Attach 2 - Proposed FY 2024-25 Master Fee Schedule](#)

XII. CONSENT CALENDAR

1. [22-895](#) **Meeting Minutes for the Regular Meeting of June 11, 2024**
Attachments: [Meeting Minutes for the Regular Meeting of June 11, 2024](#)
2. [22-896](#) **Accept the Investment Report for the Quarter Ending March 31, 2024**
RECOMMENDATION:
Accept the Investment Report for the Quarter Ending March 31, 2024
Attachments: [Staff Report - Investment Quarterly Report Ending March 31, 2024](#)
[Attach 1 - Quarterly Investment Report](#)
3. [22-897](#) **November 5, 2024 General Municipal Election**
RECOMMENDATION:
Staff recommends adoption of a Resolution Calling for the Holding of a General Municipal Election to be held on Tuesday, November 5, 2024 and the Specifications of the Election Order for the Election of Three Members of the City Council for the Full Term of Four Years.
Attachments: [Staff Report - City Election](#)
[Attach 1 - Resolution Calling the Election](#)
[Attach 2 - Election Notice](#)
4. [22-903](#) **Authorize Cancellation of The August 13, 2024, Regular City Council Meeting**
RECOMMENDATION:
Staff recommends that the City Council consider a summer recess and authorize the cancellation of its August 13, 2024 regular meeting
Attachments: [Staff Report - Cancellation of the August 13, 2024, Regular City Council Meeting](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [22-901](#) **Beechnut Park Conceptual Plan**
RECOMMENDATION:
Receive a presentation on the community outreach for the Beechnut Park improvements and designate by minute order the "Play Area with Design Option 3" as the preferred alternative.
Attachments: [Staff Report - Beechnut Park Conceptual Design](#)
[Presentation - Beechnut Community Outreach](#)

2. [22-902](#) **Hercules Branding Project and Final Logo Design Selection**
RECOMMENDATION:
Staff recommends that the City Council select the final logo design with the approved variations for Tripepi Smith to deliver a full Logo Library, Brand Guidelines, and Brand Templates.
- Attachments:** [Staff Report - Hercules Branding Project and Final Logo Design Selection](#)
[Attach 1 - Focus Round 2 - Hercules Logo Concept Options](#)
3. [22-798](#) **Update on Local Business Preference Program for Goods and Services**
RECOMMENDATION:
Review and discuss report; provide direction to City Attorney's office and Staff
- Attachments:** [Staff Report - Local Business Preference](#)
[Attach 1 - Purchasing Guidelines 09102019](#)
[Attach 2 - Public Contracting Code Section 2002](#)
[Attach 2A - San Pablo Municipal Code 3.16](#)

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 Committee
2. City Council Committees and Subcommittees
3. Commission Liaisons

XVI. ADJOURNMENT

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: At this time remote public comment is suspended and will not be accepted. To watch and listen only 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.

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@herculesca.gov or by calling (510) 799-8208.

All public comments will become part of the official meeting record. As email containing public meeting comments are part of the official record, note that personal contact information may be published if it is included with your email. 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.