

# City of Hercules

111 Civic Drive  
Hercules, CA 94547



## Meeting Agenda

Tuesday, January 23, 2024

7:00 PM

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

**Zoom ID: 824 9273 1099**

**Zoom Passcode: 683606**

**Zoom Phone Number: 1-669-444-9171**

### 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](http://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**

The Hercules City Council will meet in Closed Session regarding the following:

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

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

**VI. PLEDGE OF ALLEGIANCE**

**VII. MOMENT OF SILENCE**

**VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS**

**The City of Hercules Would like to Recognize the following for the Month of February:**

**Black History Month - February 1st, 2024**

**National Freedom Day - February 1st, 2024**

**Chinese Lunar New Year - February 10th, 2024**

**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. [22-748](#) **Zoning Code amendments to implement the State law pertaining to emergency shelters and low barrier navigation centers. Amendments to Hercules Municipal Code (Table 13-6.1), Chapter 13-35 (Sec.13-35.258. Emergency Shelters), and Chapter 13-60 Definitions, pursuant to California Assembly Bill 2339. Amendments to Hercules Municipal Code (Table 13-12.1,13-15.1 and 13-18.1), Chapter 13-35 (Sec.13-35-260, Family Day Care Homes, proposed to be modified to Low-Barrier Navigation Centers), and Chapter 13-60. Definitions, pursuant to California Assembly Bill 101.**

**RECOMMENDATION:**

Staff recommends that the City Council approve the proposed ordinance amendments, which, consistent with State law requirements, generally accomplish the following:

- Update Hercules Municipal Code pursuant to State law, including:
  - o Add Emergency Shelters as a Permitted (P) Land Use in RM-L Residential Multifamily Low Density Zoning Districts Table 13-6.1.
  - o Modify emergency shelter objective standards in Sec.13-35.258
  - o Modify the “Emergency Shelters” definition in Chapter 13-60 Definitions.
  - o Add Low-Barrier Navigation Center as a Permitted (P) Land Use to Historic Town Center District (HTC) Table 13-12.1, Planned Commercial Residential Mixed-Use District (PC-R) Table 13-15.1 and New Town Center District (NTC) Table 13-18.1.
  - o Delete Sec.13-35.260. Family Day Care Homes and replace with Sec.13-35-260 Low-Barrier Navigation Center.
  - o Add “Low-Barrier Navigation Centers” definition to Chapter 13-60 Definitions.

**Attachments:** [Staff Report - Emergency Shelter - Low Barrier Nav Code Update](#)  
[Attach 1 - Draft Ordinance- Emergency Shelters - Low Barrier Nav](#)  
[Attach 2 - HCD Review of Draft Housing Element](#)

**XII. CONSENT CALENDAR**

**XIII. DISCUSSION AND/OR ACTION ITEMS**

1. [22-750](#) **Development Update**  
**RECOMMENDATION:**  
Receive a report from staff on the status of major development projects, take public comment, and ask any questions of staff or applicants present. This item is for information only.

**Attachments:**     [Staff Report - Development Update](#)  
                              [Presentation - Development Update](#)  
                              [Attach 1 - Leducor Affordable Housing Accommodation Request](#)

2. [22-751](#) **Professional Services Agreement with Gates & Associates in the amount of \$76,450 for the Refugio Valley Park Area and Shade Structure Improvement Project**  
**RECOMMENDATION:**  
Adopt a Resolution approving a professional services agreement with Gates & Associates in the amount of \$76,450 for the Refugio Valley Park Picnic Area and Shade Structure Improvement Project and authorizing the City Manager to execute the agreement on behalf of the City Council.

**Attachments:**     [Staff Report - Refugio Valley Park Picnic Area & Shade Structure Improvements](#)  
                              [Attach 1 - Resolution - Refugio Valley Park Picnic Areas & Shade Structures Improvements](#)  
                              [Attach 2 - 24-003-CM Gates+Associates Service Agreement - Refugio Valley Park](#)  
                              [Attach 2a - Hercules Resumes](#)  
                              [Attach 2b - Company Profile - Hercules](#)

3. [22-752](#) **Professional Services Agreement with SERA Architecture in the amount of \$57,918 for the Police Lobbies Security Improvement Project and Appropriation of \$57,918 from the Asset Seizure Fund to fully fund the Agreement**  
**RECOMMENDATION:**  
Adopt a Resolution approving a professional services agreement with SERA Architecture in the amount of \$57,918 for the Police Lobbies Security Improvement Project, appropriating \$57,918 from the Asset Seizure Fund to fully fund the Agreement, and authorizing the City Manager to execute the agreement on behalf of the City Council.

**Attachments:**     [Staff Report - Police Lobbies Security Improvement Design Contract](#)  
                              [Attach 1 Resolution - Police Lobbies Security Improvement Design Contract](#)  
                              [Attach 2 - 24-002-CM - SERA Architecture Services Agreement Hercules Police Lobbie](#)  
                              [Attach 2a - QUALS - City of Hercules Resumes - 010924](#)

4. [22-753](#) **Library Starry Cone Leak - Discuss Options and Recommendation to Approve Amendment NO. 1 with SERA Architecture in the amount of \$71,963 to Design a Permanent Repair, for a not-to-exceed total contract amount of \$81,369.**

**RECOMMENDATION:**

Discuss options to address the Hercules Library Starry Cone leak and adopt a resolution approving Amendment No.1 with SERA Architecture in the amount of \$71,963 to design a permanent repair, for a not-to-exceed total contract amount of \$81,369 and authorizing the City Manager to execute the Amendment on behalf of the City Council.

**Attachments:**

[Staff Report - Starry Cone Leak](#)

[Attach 1 - Resolution - Story Cone Leak](#)

[Attach 2 - Amend #1 23-067-CM SERA Design Contract Amendment 1](#)

[Attach 3- 23-067-CM SERA Design Contract Amendment 1](#)

[Attach 3a - Quals-City of Hercules Resumes-010924](#)

[Attach 4a - Story Cone Testing Memo 1112023](#)

[Attach 4b - Hercules Library Story Cone Markups](#)

5. [22-754](#) **1) Consider Approval of a Resolution Authorizing the City Manager to Enter into an Agreement with the Hercules Historical Society to Extend the Trailer Acquisition and Lease Agreement; 2) Review and Provide Direction Regarding a Policy for Lease of City Properties.**

**RECOMMENDATION:**

1) 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.

2) Review and discuss a draft Lease Policy and provide direction to staff.

**Attachments:**

[Staff Report - Historical Society Trailer Lease Extension](#)

[Attach 1A - Staff Report May 9, 2023 - Historical Society Trailer Lease Extension](#)

[Attach 1B - Staff Report February 14, 2023 - HHS Trailer Lease Extension](#)

[Attach 2 - February 2023 Interim Month-to-Month Lease HHS](#)

[Attach 3 - FIRST AMENDMENT TO TRAILER ACQUISITION and LEASE AGREEMENT](#)

[Attach 4 - Resolution Authorizing Amendment to Trailer Acquisition and lease Agreement with](#)

[Attach 5 - DRAFT - Public Property Lease Policy](#)

6. [22-737](#) **Authorization to Establish a Volunteer “Team Up to Clean Up Hercules” Pilot Program**

**RECOMMENDATION:**

Staff recommends that the City Council:

1. Adopt a resolution establishing a six-month Volunteer “Team Up to Clean Up Hercules” Pilot Program; and
2. Appropriate \$1,500 from the FY 2023-2024 General fund for the pilot program expenditures, or
3. Provide alternative directions.

**Attachments:**     [Staff Report - Establishment of the Team Up to Clean Up Community Volunteer Pilot Program](#)  
[Attach 1 - Resolution Authorizing “TEAM UP TO CLEAN UP HERCULES” Pilot Program](#)  
[Attach 2 - Draft “TEAM UP TO CLEAN UP HERCULES” Pilot Program Guidelines](#)  
[Attach 3 - Liability Waiver](#)

#### **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**

The next Regular Meeting of the City Council will be held on Tuesday, February 13, 2024 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](http://www.ci.hercules.ca.us) and can receive e-mail notification of agenda and staff report postings by signing up to receive an e-notice from the City’s homepage. Agendas and staff reports may also be obtained by contacting the City Clerk at (510) 799-8200

(Posted: January 18, 2024)

**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](mailto: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](mailto: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](http://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.