

# City of Hercules

111 Civic Drive  
Hercules, CA 94547



## Meeting Agenda

Tuesday, March 13, 2018

7:00 P.M.

Council Chambers

### City Council

*Mayor Chris Kelley*  
*Vice Mayor Dan Romero*  
*Council Member Roland Esquivias*  
*Council Member Myrna de Vera*  
*Council Member Gerard Boulanger*

*David Biggs, City Manager*  
*Patrick Tang, City Attorney*  
*Lori Martin, City Clerk*

*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. SPECIAL MEETING - CLOSED SESSION – NONE**

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

**III. CONVENE INTO CLOSED SESSION - NONE**

**IV. REGULAR MEETING – 7:00 P.M. CALL TO ORDER - ROLL CALL**

**V. REPORT ON ACTION TAKEN IN CLOSED SESSION - NONE**

**VI. PLEDGE OF ALLEGIANCE**

**VII. MOMENT OF SILENCE**

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

1. [18-51](#) Proclamation recognizing March 2018 as American Red Cross Month.

Attachments: [Proclamation](#)

2. [18-52](#) School Resource Officers Presentation

Attachments: [Power Point](#)

**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. [18-57](#) **Fire Facilities Impact Fees**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution amending Development Impact Fees to incorporate the updated Rodeo-Hercules Fire Protection District levied Fire Facilities

Impact Fee and amending the City's Master Fee Schedule.

**Attachments:**     [Staff Report](#)

[Attachment 1 - Resolution](#)

[Attachment 2 - Fire District DIF Information & Study](#)

[Attachment 3 - Fee Schedule](#)

2.     [18-56](#)     **Annual Housing Report**

**Recommendation:** Conduct a public hearing and upon conclusion approve the Annual Housing Element Progress Report for the 2017 calendar year and direct staff to submit to the appropriate State agencies.

**Attachments:**     [Staff Report](#)

[Attachment 1 - Hercules 2017 Annual Housing Report](#)

3.     [18-55](#)     **Zone Text Amendment No. ZTA 18-01 related to Accessory Dwelling Units**

**Recommendation:** Conduct a public hearing and upon conclusion waive first reading and introduce an Ordinance for No. ZTA 18-01 modifying the Hercules Zoning Ordinance by repealing and replacing Section 35.320 and modifying Section 60.200 regarding Accessory Dwelling Units (ADUs).

**Attachments:**     [Staff Report](#)

[Attachment 1 - Draft Ordinance](#)

[Attachment 2 - PC Resolution No. 18-03](#)

[Attachment 3 - Redline of Proposed Ordinance](#)

[Attachment 4 - Past Planning Commission Reports on ADUs](#)

## **XII. CONSENT CALENDAR**

1.     [18-49](#)     **Minutes**

**Recommendation:** Approve the Minutes for the Council Meeting of February 27, 2018

**Attachments:**     [Minutes](#)

[Attachment 1 - Revised Staff Report February 27, 2018 - Mid Year Budget Review](#)

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

1.     [18-58](#)     **Contract Amendment: Transportation Impact Fee Nexus Study and Circulation Element Update**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute Contract Amendment No. 2 to Contract No. 16-056 with DKS in the amount of \$37,795 for a total contract amount not to exceed \$235,014 for purposes of updating the Transportation Impact Fee Nexus Study and the Circulation Element.

**Attachments:**     [Staff Report](#)  
                              [Attachment 1 - Resolution](#)  
                              [Attachment 2 - Contract Amendment](#)  
                              [Attachment 3 - Scope of Work for Circulation Element](#)

2.     [18-34](#)     **Amendments to Hercules Municipal Code Title 5, Chapter 6, Smoking Ordinance**

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

**Attachments:**     [Staff Report](#)  
                              [Attachment 1 - 1992 Hercules Smoking Ordinance \(HMC 5-6\)](#)  
                              [Attachment 2 - ANR Model Ordinance](#)

3.     [18-06](#)     **Legislative Policies and Processes**

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

**Attachments:**     [Staff Report](#)  
                              [Attachment 1 - Summary](#)

4.     [18-47](#)     **FY 2018/19 Landscaping and Lighting Assessment District (LLAD) Engineer's Report**

**Recommendation:** Adopt a Resolution directing the filing of the Annual Engineer's Report for LLAD No. 83-2, Victoria By The Bay LLAD No. 2002-1, Hercules Village LLAD No. 2002-2, Baywood LLAD No. 2004-01, and Bayside LLAD No. 2005-01.

**Attachments:**     [Staff Report](#)  
                              [Attachment 1 - Resolution](#)

5.     [18-48](#)     **FY 2016-17 Comprehensive Annual Financial Reports**

**Recommendation:** Receive and File the FY 2016-17 Comprehensive Annual Financial Reports and Accept the Audited Statements.

**Attachments:**     [Staff Report](#)  
                              [Attachment 1- FY 2016-17 CAFR](#)

#### **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, March 27, 2018 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 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: March 8, 2018)

**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 510-799-8215 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](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.