

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, May 14, 2019

7:00 PM

Closed Session - None
Regular Session - 7:00 PM
Council Chambers

City Council

Mayor Dan Romero
Vice Mayor Roland Esquivias
Council Member Chris Kelley
Council Member Gerard Boulanger
Council Member Dion Bailey

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

- I. SPECIAL MEETING - CLOSED SESSION – NONE**
- II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS**
- 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**
- VI. PLEDGE OF ALLEGIANCE**
- VII. MOMENT OF SILENCE**
- VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS**
- 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. [19-585](#) **Vacation of Public Right of Way within the Southeasterly Portion of Linus Pauling Drive**
Recommendation: Conduct a public hearing and Adopt a Resolution approving the Vacation of public right of way within the southeasterly portion of Linus Pauling Drive subject to the conditions stated therein.

Attachments: [Staff Report - public hearing to vacate for 5-14-2019 MR-hs](#)
[Attach 1 - Resolution - Linus Pauling Vacation for 5-14-2019](#)
[Attach 2 - CC Reso 19-020 and 4-23-2019 staff report on Intent to Vacate](#)
[Attach 3 - PC Reso and 5-6-2019 GP Conformity Staff Report](#)
[Attach 4 - EBMUD letter](#)

XII. CONSENT CALENDAR

1. [19-583](#) **Meeting Minutes**
Recommendation: Approve the Regular Meeting Minutes of April 23, 2019.

Attachments: [Minutes - 042319 - Regular](#)

2. [19-578](#) **Consider Amending Hercules Municipal Code Title 2, Chapter 2, "Boards and Commissions", to 1) Clarify that Vacancies for All Commissions Shall be Filled in Accordance with the Process Established by Council Resolution**
Recommendation:
1) Waive the second reading and adopt an ordinance to amend the Hercules Municipal Code to standardize the process for filling Commission vacancies and to allow for the establishment of Commission meeting dates and times by Resolution.

Attachments: [Staff Report - Amend HMC Title 2 - boards and commissions meeting dates 190514](#)
[Attach 1 - ORDINANCE to Amend HMC to set commission meeting dates by resolution 1904](#)

3. [19-579](#) **Consider Adopting Additional Restrictions to Limit Smoking in Common Areas of Multi-Unit Residences, and to Prohibit Smoking Inside Dwelling Units in any Multi-Unit Residence Comprised of Ten (10) or More Units**
Recommendation: Conduct a public hearing, waive the first reading, and introduce an Ordinance to adopt additional restrictions on smoking in common areas of multi-unit residences, and to prohibit smoking inside dwelling units in any multi-unit residence comprised of ten (10) or more units.

Attachments: [Staff Report - Multi-family smoke free ordinance 190514](#)
[Attach 1 - 032619 and 072418 Staff Report](#)
[Attach 2 - HMC 5-6 Hercules Smokefree Ordinance - ADD multi-family restrictions 190423](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-584](#) **Landscaping and Lighting Assessment Districts - Approval of Preliminary Engineer's Reports and Declaring the City's Council's Intention to Levy and Collect Assessments for Fiscal Year 2019/20**
Recommendation: Adopt the following Resolutions:
 - a. A Resolution for the preliminary approval of the Engineer's Report and declaring the City Council's intention to levy and collect assessments for Fiscal Year (FY) 2019/20 within the City of Hercules for Landscaping and Lighting Assessment District No. 83-2 and setting a public hearing for July 9, 2019;
 - b. A Resolution for the preliminary approval of the Preliminary Engineer's Report and declaring the City Council's intention to levy and collect assessments for Fiscal Year (FY) 2019/20 within the City of Hercules Victoria by the Bay Landscaping and Lighting Assessment District No. 2002-1 (District) and setting a public hearing for July 9, 2019;
 - c. A Resolution for the preliminary approval of the Preliminary Engineer's Report and declaring the City Council's intention to levy and collect assessments for Fiscal Year (FY) 2019/20 within the City of Hercules for Hercules Village Landscaping and Lighting Assessment District No. 2002-2 (District) and setting a public hearing for July 9, 2019;
 - d. A Resolution for the preliminary approval of the Preliminary Engineer's Report and declaring the City Council's intention to levy and collect assessments for Fiscal Year (FY) 2019/20 within the City of Hercules for Baywood Landscaping and Lighting Assessment District No. 2004-1 (District) and setting a public hearing for July 9, 2019;
 - e. A Resolution for the preliminary approval of the Preliminary Engineer's Report and declaring the City Council's intention to levy and collect assessments for Fiscal Year (FY) 2019/20 within the City of Hercules for Bayside Landscaping and Lighting Assessment District No. 2005-1 (District) and setting a public hearing for July 9, 2019.

Attachments: [Staff Report - LLAD DRAFT May 14th \(5-9-2019\)revised](#)
[Attach 1 - Citywd LL Atch 1 \(4-30-2019\)](#)
[Attach 2 - VBB L&L Atch 1 \(4-30-2019\)](#)
[Attach 3 - HV L&L Atch 1 \(4-30-2019\)](#)
[Attach 4 - Baywd LL Atch 1 \(4-30-2019\)](#)
[Attach 5 - Bayside L&L Atch 1 \(4-30-2019\)](#)
[Attach 6a - LLAD 83-2 FY 2019-20 PER \(05-07-19\)](#)
[Attach 6b - LLAD 2002-1 FY 2019-20 PER \(04-30-19\)](#)
[Attach 6c - LLAD 2002-2 FY 2019-20 PER \(05-07-19\)](#)
[Attach 6d - LLAD 2004-1 FY 2019-20 PER \(04-30-19\)](#)
[Attach 6e - LLAD 2005-1 FY 2019-20 PER \(05-07-19\)](#)
[Attach 7 - Zone 1 Notice \(05-9-2019\) revised FAI Draft](#)
[Attach 8 - ballot zone 1 and zone 1a \(05-9-2019\) revised FAI Draft](#)
[Attach 9 - Zone 7 Notice \(05-09-2019\) revised](#)
[Attach 10 - ballot zone 7a \(05-9-2019\)](#)
[Attach 11 - FY 2019-20 Assessment Increase Summary \(05-07-19\)](#)

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, May 28, 2019 at 7:00 p.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 Administrative Services Department at (510) 799-8215

(Posted: May 9, 2019)

THE HERCULES CITY COUNCIL ADHERES TO THE FOLLOWING POLICIES, PROCEDURES AND REGULATIONS REGARDING CITY COUNCIL MEETINGS

1. SPECIAL ACCOMODATIONS: 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),

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.