

City of Hercules

*111 Civic Drive
Hercules, CA 94547*



Meeting Agenda

Tuesday, June 27, 2017

6:00 PM

Council Chambers

City Council

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

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

*Cablecast live on Comcast Channel 28, AT&T Channel 99 and webcast live via the City's website at
www.ci.hercules.ca.us*

I. SPECIAL MEETING - CLOSED SESSION – 6:00 P.M. CALL TO ORDER - ROLL CALL

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

III. CONVENE INTO CLOSED SESSION

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

1. Pursuant to Government Code Section 54957.6 CONFERENCE WITH LABOR NEGOTIATORS - City Negotiators: David Biggs, City Manager; Annie To, Director of Finance; Lori Martin, Director of Administrative Services relative to the following employee groups:
 - a. Teamsters Local 315 Employee Organizations
 - b. Hercules Police Officers Association
 - c. Hercules Senior Manager Employee Group
 - d. Confidential Unrepresented Employee Group
 - e. Mid Management Employee Group
2. Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager (Discuss Annual Evaluation Per Employment Agreement)

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 - None.

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. Landscaping and Lighting Assessment District 83-2

Recommendation: It is recommended that the City Council take the following actions:

- a. Open the continued public hearing, declare the results of the property owner protest balloting proceedings conducted for a proposed increase in the maximum assessment rate for Benefit Zones 1, 3&4, 5C, 6 and 7 within the hercules Landscaping and Lighting Assessment District No. 83-2 commencing Fiscal Year 2017-2018, take any additional public testimony, and close the public hearing ; and,
- b. Adopt a Resolution declaring the results of the property owner protest balloting proceedings conducted for a propose increase in the maximum assessment rate for Benefit Zones 1, 3&4, 5C, 6 and 7 within the Hercules Landscaping and Lighting Assessment District No. 83-2 commencing Fiscal Year 2017-18; and,
- c. Adopt a Resolution approving the Final Engineer's Report, Confirming Diagram and Assessments and Ordering Levy of Assessments for FY 2017-18 for the hercules Landscaping and Lighting Assessment District No. 83-2 commencing Fiscal Year 2017-18 pursuant to the Landscaping and Lighting Act of 1972.

Attachments: [XI.1 - LLAD 83-2](#)
 [LLAD 83-2 Staff Report](#)
 [Attachment 1](#)
 [Attachment 2](#)
 [Attachment 3](#)
 [Attachment 4](#)
 [Attachment 5](#)

2. Proposed FY 2017-18 City of Hercules Budget Plan Including the First Year 2017-2022 Capital Improvement Budget

Recommendation: Open the continued public hearing, receive a staff report, take public testimony, close the public hearing and adopt the following resolutions:

- a. Adopt the Fiscal Year 2017-2018 City of Hercules Budget Plan which includes the First Year (2017-18 Fiscal Year) of the Five-Year (2017-2022 Fiscal Years) Capital Improvements Budget and making certain designations and fund balance adjustments and approving 16 annual contracts for services in a total amount of \$533,430.
- b. Adopt the 2017-18 Fiscal Year Hercules Public Financing Authority Budget Plan Consisting of Debt Service in the amount of \$2,217,819.

c. Establishing the Appropriations Limit for the 2017-18 Fiscal Year in accordance with Proposition 111 and Article XIII B.

Attachments: [XI. 2 - Budget](#)
 [Staff Report](#)
 [Attachment 1A](#)
 [Attachment 1B](#)
 [Attachment 1C](#)
 [Attachment 2](#)
 [Attachment 3](#)
 [Attachment 4](#)
 [Attachment 5](#)
 [Attachment 6](#)
 [Attachment 7](#)

3. **Ordinance to Amend Hercules Municipal Code Title 7, Chapter 1 to Allow the City to Require the Addition of City Communications Infrastructure as a Condition to the Approval of any Permit Issued for an Excavation Project in Order to Facilitate Efforts to Develop Communications Services to the Public, and Limit Excavations in the Public Right-of-Way**
Recommendation: Conduct a public hearing and upon conclusion, waive first reading and introduce an Ordinance amending Hercules Municipal Code Title 7, Chapter 1, by adding Section 7-1.323 City Communications Infrastructure.

Attachments: [XI.3 - Open Trench Ordinance](#)
 [Staff Report](#)
 [Attachment 1](#)
 [Attachment 2](#)

XII. CONSENT CALENDAR

1. **Approval of Minutes**
Recommendation: Approve Minutes for the City Council Meeting of June 13, 2017.
Attachments: [XII.1 - Minutes](#)
 [Minutes](#)
2. **Approve Final Map for Phase 1 for the Bayfront Project**
Recommendation: Adopt a Resolution approving the Bayfront Project Subdivision No. 9290 Phase 1 Final Map, a one lot (i.e. Block N) subdivision of a portion of Parcel D.

Attachments: [XII.2 - Final Map for Bayfront Project](#)
 [Staff Report](#)
 [Attachment 1](#)
 [Attachment 2](#)
 [Attachment 3](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. **Engagement Letter with CliftonLarsonAllen LLP (Gallina LLP) for Annual Audit Services**

Recommendation: Adopt a Resolution authorizing the City Manager to execute an engagement letter with CliftonLarsonAllen LLP to provide annual audit services to the City and its related entities for FY 2016-17, FY 2017-18, and FY 2018-19 for a not to exceed amount of \$57,600, \$58,675 and \$59,765.

Attachments: [XIII.1 - Audit Services](#)
 [Staff Report](#)
 [Attachment 1](#)
 [Attachment 2](#)

2. **Annual Landscape Maintenance Contracts**

Recommendation: Adopt a Resolution authorizing the City Manager to execute annual landscape maintenance contracts with:

a. Pacific Site Management for Citywide Landscaping and Lighting Assessment District No. 83-2 for an amount of \$332,898, Victoria By The Bay Landscaping and Lighting Assessment District No. 2002-1 for an amount of \$135,911, Hercules Village (Promenade) Landscaping and Lighting Assessment District No. 2002-2 for an amount of \$45,302, Baywood Landscaping and Lighting Assessment District No. 2004-1 for an amount of \$34,196, and the Hercules Transit Center for an amount of \$13,273.

Attachments: [XIII.2 - Annual Landscape Contracts](#)
 [Staff Report](#)
 [Attachment 1](#)
 [Attachment 2](#)

3. **New Cingular Wireless PCS, LLC (AT&T) Agreement**

Recommendation: Approve an amended and restated site lease agreement and memorandum of lease between City of Hercules and New Cingular Wireless PCS, LLC (AT&T) and authorize the City Manager to execute related documents.

Attachments: [XIII.3 - Cingular Wireless Lease Agreement](#)

[Staff Report](#)

[Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

4. **Memorandums of Understanding with Teamsters Local 315 and Management and Non-Represented Employees**

Recommendation: Adopt Resolutions Approving Memorandum of Understandings with the Teamsters Local 315 and the Pay and Benefit Plans for Management and Non-Represented Employees.

Attachments: [XIII.4 - Memorandums of Understanding](#)

[Staff Report](#)

[Attachment 1](#)

[Attachment 2a](#)

[Attachment 2b](#)

[Attachment 3](#)

[Attachment 4](#)

[Attachment 5](#)

5. **Green Infrastructure Plan Framework**

Recommendation: Adopt a Resolution approving the Green Infrastructure Plan Framework to comply with Municipal Regional Storm Water Permit Provision C.3.J.I(1).

Attachments: [XIII.5 - Green Infrastructure Plan Framework](#)

[Staff Report](#)

[Attachment 1](#)

[Attachment 2](#)

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, July 11, 2017 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 Administrative Services Department at (510) 799-8215

(Posted: June 22, 2017)

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 commission 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 Commission 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. In order to ensure the efficient conduct of meetings, and to provide opportunities for all interested persons to speak and be heard, the Commission will adhere to the following meeting procedures: