

City of Hercules

*111 Civic Drive
Hercules, CA 94547*



Meeting Agenda

Tuesday, July 25, 2017

7:00 PM

Closed Session - 6:00 P.M.

Regular Meeting - 7:00 P.M.

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(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Manager (Discuss Annual Evaluation Per Employment Agreement)
2. Pursuant to Government Code Section 54956.9, Conference with Legal Counsel - Potential Litigation - Exposure to litigation in one (1) case.

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

1. Present Proclamation to the Celebrate Hercules Association Committee for their efforts on the 4th Annual 4th of July Celebrate Hercules Event

Attachments: [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 - None.**XII. CONSENT CALENDAR****1. Minutes**

Recommendation: Approve Minutes for the Regular City Council meeting of July 11, 2017.

Attachments: [Agenda Item Review and Approval Form](#)
 [City Council Minutes of July 11, 2017](#)

XIII. DISCUSSION AND/OR ACTION ITEMS**1. Community Choice Energy (CCE) Program**

Recommendation: Receive Report, Discuss, and Provide Direction, if any.

Attachments: [Agenda Item Review and Approval Form](#)
 [Staff Report - CCE Program](#)
 [CCE Technical Study](#)
 [CCE Technical Study Appendices](#)
 [October 2016 Staff Report re Solar Choice](#)
 [June 26 Staff Report CCE Technical Study MOU](#)

2. Electing City Council Members as an Approved Employee Group the Ability to Obtain Health Benefits from the City's CalPERS Medical Plan

Recommendation: Adopt two (2) CalPERS Resolutions which will add City Council members as an authorized employee group to the City's health and benefit plans through CalPERS.

Attachments: [Agenda Item Review and Approval Form](#)
 [Staff Report - CalPERS Resolutions - Council Benefits](#)
 [Resolution - Hercules - 701 NonPERS Council](#)
 [Resolution - Hercules - 005 PERS Council](#)

3. Contract Amendment No. 2 with WSP USA

Recommendation: Approve contract amendment No. 2 with WSP USA for \$25,704 for a total not to exceed contract amount of \$63,154 to conduct a feasibility study for remedial work within Refugio Creek associated with the Path to Transit project and perform site inspections and maintenance prior to the remediation.

Attachments: [Agenda Item Review and Approval Form](#)
[Staff Report - WSP Amend No 2](#)
[Attachment 1 - Figures 1-5](#)
[Attachment 2 - Resolution](#)
[Attachment 3 - Contract Amendment No.2](#)
[Attachment 4 - Proposal](#)

4. **Part-Time Employees Salary Adjustment to Provide a Cost of Living Adjustment and to Address New Minimum Wage as of January 1, 2018 and Approve New Job Classification for Administrative Engineering/Planning Intern**

Recommendation: Adopt a Resolution approving a new salary schedule for part-time employees to provide a 3.8% cost of living adjustment and to comply with the new minimum wage as of January 1, 2018 and creating the Administrative Engineering/Planning Intern job classification.

Attachments: [Agenda Item Review and Approval Form](#)
[Staff Report - Part-Time Employees Salary Adjustment](#)
[Resolution](#)
[Exhibit A - Part-Time Salary Schedule](#)
[Exhibit B - Administrative Intern Job Description](#)

5. **Temporary Waiver of Business Licenses for Fee Class Contractors and City Professional Services Contractors.**

Recommendation: Approve a Resolution establishing a temporary waiver of business licenses for fee class contractors (up to \$20,000 per year in value) and City professional services contractors.

Attachments: [Agenda Item Review and Approval Form](#)
[Staff Report](#)
[Resolution - Business License Pilot Temp 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.

XVI. ADJOURNMENT

The next Regular Meeting of the City Council will be held on Tuesday, August 8, 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: July 20, 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 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.