

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, February 13, 2018

Closed Session - 6:00 p.m.

Regular Session - 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

I. 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. [18-20](#) Conference with Legal Counsel - Anticipated or Potential Litigation Pursuant to Government Code Section 54956.9(e)(1): Significant exposure to litigation in two (2) matters.

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

1. [18-05](#) Hercules Library Manager Lynne Noone to Present the Annual Library Report

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. [18-04](#) **Mandatory Garbage/Solid Waste Disposal Delinquent Accounts**
Recommendation: Conduct public hearing and upon conclusion, consider adopting a Resolution confirming the report of delinquent accounts and placing liens on said properties and special assessments upon property taxes pursuant to City of Hercules Municipal Code Section 5-2.01 to 5-2.16, Mandatory Garbage/Solid Waste Disposal.

Attachments: [Staff Report - Garbage Liens](#)
 [Attach 1 - Resolution - Garbage Liens](#)
 [Attach 2 - Prelim Lien Listing - 020518 - redacted](#)

2. [18-13](#) **Citywide Comprehensive Update to the Circulation Element of the City's General Plan**
Recommendation: Staff recommends that the City Council:
a: Request that staff make an opening presentation of the updated Circulation Element;
b: Open the public hearing;
c: Receive comments from the public;
d: Discuss the updated Circulation Element
e. Make a decision whether to either 1) Provide direction to staff on specific changes to be made to the updated Circulation Element, and continue the public hearing to a future date specific City Council meeting to allow sufficient time for staff to incorporate the requested changes into the document, or 2) Approve the attached Resolution (Attachment1) adopting the January 2018 Comprehensive Update to the City's Circulation Element (with any further changes to be captured in an Exhibit D), and determine that the attached Initial Study and Mitigated Negative Declaration is adequate to address the environmental impacts of the Circulation Element update.

Attachments: [Staff Report- Circulation Element 2-13-18 mtg-hs clean](#)
 [Attach 1-CC Resolution Circulation Element 2-13-18 draft vc-hs clean](#)
 [Resolution Exhibit A -Jan 2018 Hercules Circulation Element](#)
 [Resolution Exhibit B-Transportation Related Compiled Appendices](#)
 [Resolution Exhibit C-Initial Study-Neg Dec-Comment Letters for Circulation Element](#)
 [Attach 2 - Additional Q-A Relevant to Circulation Element](#)
 [Attach 3-PC Reso 18-02 re Circulation Element - GPA 17-03](#)
 [Attach 4 - Link to December 18, 2017 PC Agenda](#)
 [Attach 5 - Link to January 16, 2018 PC Agenda](#)

XII. CONSENT CALENDAR

1. [18-03](#) **Approve the January 23, 2018 Regular Meeting Minutes**
Recommendation: Adopt Minutes.

Attachments: [Minutes - 012318](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [18-08](#) **FY16-17 Comprehensive Annual Financial Reports**
Recommendation: Recieve and file report.

Attachments: [Staff Report - 2017 CAFR](#)
[Attach 1 - 2017 Hercules AFS final](#)
[Attach 2 - 2017 Hercules PFA FINAL](#)
[Attach 3 - 2017 Hercules WW Fund FINAL](#)
[Attach 4 - 2017 Hercules SAR final](#)
[Attach 5 - 2017 Hercules GANN final](#)
[Attach 6 - 2017 Hercules Measure B report](#)
[Attach 7 - 2017 Hercules Measure C report](#)

2. [18-07](#) **Update on Development and Owner Participation Agreement (DOPA) with Santa Clara Housing Group Inc. for the Hilltown Site**
Recommendation: Receive a presentation on the development and owner participation agreement and Santa Clara Housing Development framework for possible amendments, and if desired, direct staff to negotiate terms for a possible amendment for future consideration by the City Council.

Attachments: [Staff Report - Hilltown Framework 02132018](#)
[Attach 1 - January 9, 2018 Staff Report](#)
[Attach 2 - SCVH Letter Dated February 1, 2018](#)

3. [18-10](#) **Contract Amendment with Gray Bowen Scott for a Not to Exceed Amount of \$60,500 to Complete Securing the Commitment from Capitol Corridor for the Hercules Train Stop and On-Call Grant Administration Support Services for the Regional Intermodal Transit Center**
Recommendation: Adopt a Resolution authorizing the City Manager to execute Contract Amendment No. 7 with Gray Bowen Scott to complete securing the required commitments to serve the Hercules Train Stop and provide on-call grant administration support services for the Regional Intermodal Transit Center.

Attachments: [Staff Report - GBS Amendment No.7](#)
 [Attach 1 - Resolution - GBS Amendment No.7](#)
 [Attach 2 - GBS Amendment No.7-signed](#)
 [Attach 3 - Revised GBS Proposal - Scope of Work](#)
 [Attach 4 - Public Outreach Materials](#)

4. [18-09](#) **Regional Water Quality Board Permit Requirements for Stormwater Trash Load Reductions in Designated Commercial Areas**
Recommendation: Receive report, discuss, and provide direction, if any.

Attachments: [Staff Report - Storm Water Ordinance](#)
 [Attach 1 - Trash Capture Devices Installed](#)
 [Attach 2 - Commercial Properties](#)

5. [18-17](#) **Approval of One-Year Extension of Professional Services Agreement with RGR Entertainment Agency and Update to Scope of Services for the 2018 Social Bite Event**
Recommendation: Approve a one-year extension of the agreement with RGR Entertainment Agency to provide community special events on the City's behalf. This would be the first of two, one-year extensions pursuant to the agreement.

Attachments: [Staff Report - Special Events - RGR 021318](#)
 [Attach 1 - RGR Agreement - signed through 2-28-18](#)
 [Attach 2 - Scope of Services - updated draft for 2018](#)

6. [18-21](#) **Initiation of Proposition 218 Process for Assessment Increase in Landscape & Lighting Assessment District 83-2: Zones 1 (Hercules by the Bay), 3&4 (Gems & Birds), 6 (Village Parkway), 7 (Heights), and 9 (Birds & Country Run)**
Recommendation: Receive a report from the City Council Ad Hoc; determine whether to undertake a Proposition 218 process for Zones 1, 3&4, 6, 7, and 9 in 2018; and if so, appropriate funds in the amount of \$55,000 to cover the incremental costs to do so including for professional assistance with education & outreach.

Attachments: [Staff Report - L&LAD Prop 218 Initiation 02132018](#)
 [Attach 1 - Resolution Budget Appropriation](#)
 [Attach 2 - 121217 Staff Report - LLAD Follow Up](#)

7. [18-22](#) **Proposed Regulations to Limit Paving of Residential Yards**
Recommendation: Receive report, discuss and provide direction, if any.

Attachments: [Staff Report - paving yards 180213](#)
 [Attach 2 - GCS 65858 et seq.](#)
 [Attach 3 - GCS 36937\(b\)](#)

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, February 27, 2018 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: February 8, 2018)

**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.