

# City of Hercules

111 Civic Drive  
Hercules, CA 94547



## Meeting Agenda

Tuesday, May 8, 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](http://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. [18-145](#) 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. [18-148](#) Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9(d)(2): In one (1) matter: Hercules Development Partners, LP / Ledcor Corporation

**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. [18-136](#) Police Memorial Week Proclamation  
  
Attachments: [PROCLAMATION - Police Memorial 2018\\_ac](#)
2. [18-143](#) Union Pacific Railroad Presentation on Refugio Creek Bridge Replacement

**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. [18-134](#) **Safeway Master Sign Program & Zoning Amendment to the Sign OrdinanceText Amendment No. 18-03 (ZTA #18-03) to update the Hercules Zoning Ordinance, Chapter 34, Sign Regulations, and Design Review Permit No. 18-01**  
**Recommendation:** Receive report, open public hearing, discuss potential changes to #ZTA 18-03 and Design Review Permit #DRP 18-01 and consider waiving the First Reading and introducing an Ordinance with the proposed Zone Text Amendment #ZTA 18-03 for revisions to Chapter 34 of the Zoning Ordinance of the Sign Regulations and adopting a resolution approving DRP #18-01 for the Safeway Center Master Sign Program.

**Attachments:**     [Staff Report - Safeway Master Sign Program - ZTA 18-03 + DRP 18-01](#)  
[Attach 1 - ZTA 18-03 - Sign Ordinance Amendments - CC Ordinance](#)  
[Attach 2 - DRP 18-01 - Master Sign Program - Safeway Center - CC Resolution](#)  
[Exhibit A - Safeway Master Sign Program](#)  
[Attach 3 - Safeway Master Sign Program - 2018-4-16 PC Staff report & resolutions](#)

2. [18-142](#) **Consider Approving an Ordinance to Adopt Proposed Zone Text Amendment #ZTA 18-02 Related to Establishing Restrictions on Paving of Residential Lots**  
**Recommendation:** Receive report, open public hearing, discuss potential changes to #ZTA 18-02, and waive first reading and introduce an Ordinance with the proposed Zone Text Amendment related to Paving on residential lots.

**Attachments:**     [Staff Report - Paving Residential Lots - 5-8-2018 CC](#)  
[Att 1-Draft Ordinance for Paving](#)  
[Att 2 -Approved PC Reso 18-08](#)  
[Att 3 - Planning Commission Reports, attachments and powerpoints](#)  
[Att 4 - Paving Discussion at 012318 City Council](#)

**XII. CONSENT CALENDAR**

1. [18-141](#) **Meeting Minutes**  
**Recommendation:** Approve the Regular City Council Meeting Minutes of April 24, 2018.  
  
**Attachments:** [Minutes - 042418 - Regular](#)
2. [18-140](#) **Ordinance to Approve Amendments to the Hilltown Development Agreement to Remove the Redevelopment Agency as a Party to the Agreement, Conditionally Extend the Term of the Agreement, and Clarify the Developer's Obligations Regarding Affordable Housing, Stormwater and Clean Water Requirements, and the In-Lieu Sports Facility Fee**  
**Recommendation:** Waive reading and adopt Ordinance 509.  
  
**Attachments:** [Staff Report - Hilltown Development Agreement Amendment 180508 JPT](#)  
[Attach 1 - City Council Ordinance Amend Hilltown DA 180508 - 2nd Reading](#)  
[Attach. 2 - Hilltown Development Agreement Amendment as approved first reading](#)  
[Attach 3 - Development Agreement Amendment 04242018 SR](#)
3. [18-139](#) **Ordinance to Amend Hercules Municipal Code by Repealing and Replacing Article 5, Section 6 Related to Smoking in Workplaces and Public Places, and Finding that this Ordinance is Exempt from CEQA**  
**Recommendation:** Waive the Reading, and adopt Ordinance 508.  
  
**Attachments:** [Staff Report - Smoking Ordinance Update 180508 - JPT](#)  
[Attach 1 - SR Smoking Ordinance Update 180424 - JPT](#)  
[Attach 2 - Smoking Ord Proposed Amendments 180508](#)  
[Attach 3 - Hookah Fact Sheet](#)

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

1. [18-138](#) **November 6, 2018 General Municipal Election**  
**Recommendation:** Staff recommends that City Council consider and take action on the following:
  1. Adopt a Resolution Calling for the Holding of a General Municipal Election to be held on Tuesday, November 6, 2018 for the Election of Two (2) Members of the City Council for the Full Term of Four (4) Years.
  2. Adopt a Resolution Requesting the Contra Costa Board of Supervisors to Consolidate a General Municipal Election to be held on Tuesday, November 6, 2018 with the Statewide General Election to be held on the same date.
  3. Adopt a Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidate Statements Submitted to the Voters at an Election to be held on Tuesday, November 6, 2018.

**Attachments:**     [Staff Report - City Election - 110618](#)  
[Attach 1 - Resolution Calling the Election](#)  
[Attach 2 - Resolution Requesting Consolidation](#)  
[Attach 3 - Resolution - Candidate Statement Regulations](#)  
[Attach 4 - Notice of Election](#)

2.     [18-147](#)     **Hercules Point Update and Approve Letter to East Bay Regional Parks District Board**

**Recommendation:**

- 1) Receive report, discuss, and provide direction, if any.
- 2) Approve and authorize the Mayor to sign a letter to the President and Board Members of the East Bay Regional Parks District.

**Attachments:**     [Staff Report - Hercules Point 05082018](#)  
[Attach 1 - East Bay Regional Parks District Letter](#)  
[Attach 2 - Hercules Properties Deed Restriction - DTSC](#)  
[Attach 3 - Bayfront Implementing DA - Exh J2 - Purchase Sale Agreement - Hercules..](#)

3.     [18-133](#)     **2017 Strategic Plan Status Report**

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

**Attachments:**     [Staff Report - Strategic Plan 05082018](#)  
[Attach 1 - Strategic Plan Annual Review SR 03272018](#)  
[Attach 2 - 2017 Strategic Plan Review May 2018](#)

4.     [18-135](#)     **Pre-Qualified Vendors for Planning-Related Services**

**Recommendation:** Adopt a Resolution approving a list of qualified vendors for planning, environmental and technical planning, transportation planning, architecture & urban design, landscape architecture, historic preservation, and fiscal analysis services.

**Attachments:**     [Staff Report - 2018 RFQ - Planning Services 050818](#)  
[Attach 1 - 2018 RFQ - Planning Services - Resolution](#)  
[Attach 2 - 2018 RFQ - Planning Services - List of Recommended Vendors](#)  
[Attach 3 - 2018 RFQ - Planning Services - Summary of Responses to RFQ](#)

#### **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 22, 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: May 3, 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](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.