

# City of Hercules

111 Civic Drive  
Hercules, CA 94547



## Meeting Agenda

Tuesday, May 22, 2018

Closed Session - 5:30 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 – 5:30 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. [18-171](#) Pursuant to Government Code Section 54956.9 (e)(2), Conference with Legal Counsel - Potential Litigation - Exposure to litigation in one (1) case: Dispute regarding City's property tax allocation.
2. [18-172](#) Pursuant to Government Code Section 54956.9 (e)(2), Conference with Legal Counsel - Potential Litigation - Exposure to litigation in one (1) case: Dispute regarding Taylor Morrison's share of costs for construction of a retention basin at Parcel C.
3. [18-166](#) 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
4. [18-167](#) 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/COMMISSION REPORTS**

1. [18-170](#) **Demonstration Pilot Streetlight Replacement Project Update**  
**Recommendation:** Receive 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. [18-175](#) **Adopt a Resolution Amending Development Impact Fees to Incorporate the Updated Rodeo-Hercules Fire Protection District Levied Fire Facilities Impact Fee and Amending the City's Master Fee Schedule**  
**Recommendation:** Open the public hearing, take public testimony, close the public hearing and adopt a Resolution amending development impact fees to incorporate the updated Rodeo-Hercules Fire Protection District levied fire facilities impact fee and amending the City's master fee schedule.

**Attachments:**     [Staff Report - Fire Impact Fees 05222018](#)  
                              [Attach 1 - Fire Facilities Impact Fee SR 03132018](#)  
                              [Attach 2 - Fire District DIF Information & Study](#)  
                              [Attach 3 - Fire Department Letter and E-mail](#)  
                              [Attach 4 - Resolution - Fire Facilities Impact Fee updated w attachment](#)

**XII. CONSENT CALENDAR**

1. [18-176](#) **Meeting Minutes**  
**Recommendation:** Approve the Regular City Council Meeting Minutes of May 8, 2018.

**Attachments:**     [Minutes 050818 - Regular](#)

2.     [18-164](#)     **Second Reading of Ordinance No. 510 for Zoning Text Amendment #18-03 which Amends Chapter 34 of the Hercules Zoning Ordinance (Hercules Municipal Code, Title 10) to Update, Revise and Clarify the City's Sign Regulations**  
          **Recommendation:** Waive second reading and adopt Ordinance No. 510.

**Attachments:**     [Staff Report - ZTA 18-03 - Sign Ordinance Amendments - 2nd Reading](#)  
                          [Attach 1 - ZTA 18-03 - Sign Ordinance Amendments - CC Ordinance FINAL](#)

3.     [18-174](#)     **Second Reading of Ordinance 511 to Adopt Proposed Zone Text Amendment #ZTA 18-02 Related to Establishing Restrictions on Paving of Residential Lots**  
          **Recommendation:** Waive second reading and adopt Ordinance 511.

**Attachments:**     [Staff Report - CC Paving 5-22-2018-pt](#)  
                          [Attach 1 - CC Ordinance for Paving 5-22-2018-clean](#)  
                          [Attach 2 - CC Paving SR for 5-8-2018-hs clean](#)

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

1.     [18-173](#)     **Introduction of FY 2018-19 City of Hercules Budget Plan Including the First Year of the Five Year 2018-2023 Capital Improvement Budget**  
          **Recommendation:** Receive an introduction on the proposed FY 2018-19 budget including the first year of the five year 2018-2023 capital improvement budget.

**Attachments:**     [Staff Report - Budget Intro 05222018](#)  
                          [Attach 1 - Finance Commission Parks Rec Analysis](#)  
                          [FY18-19 Budget Document](#)

2.     [18-165](#)     **Update and Presentation on Possible Digital Sign**  
          **Recommendation:** Receive report, discuss, and provide direction, if any.

**Attachments:**     [Staff Report - Digital Sign Update 05222018](#)  
                          [Attach 1 - Digital Signs Staff Report 03282017](#)

3.     [18-177](#)     **Property Tax Update**  
          **Recommendation:** Receive report, discuss, and provide direction, if any.

**Attachments:**     [Staff Report - Property Tax Update 05222018 final](#)

4.     [18-169](#)     **2018 Development Site Update and Review**  
          **Recommendation:** Receive report, discuss, and provide direction, if any.

**Attachments:**     [Staff Report - Development Site Update 05222018](#)  
                          [Attach 1 - 2018 Development Site Update Power Point](#)

**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, June 12, 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 17, 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.