

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, July 10, 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. 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. [18-230](#) 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. [18-235](#) 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. [18-233](#) Heritage Garden Presentation and Proclamation to the Hercules Rotary Club

Attachments: [2018 Rotary Proclamation for Heritage Garden](#)

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. [18-228](#) **Mandatory Garbage/Solid Waste Disposal - Delinquent Accounts**
Recommendation: Conduct a 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 - Hercules Prelim List - redacted](#)

2. [18-238](#) **Landscaping and Lighting Assessment District No. 83-2 - Conduct Continued Public Hearing, Declare the Results of the Property Owner Protest Balloting Proceedings Conducted for Proposed Assessment Increases in Designated Zones, Adopt a Resolution Declaring the Same, and Adopt a Resolution Approving the Final Engineers Report, Confirming Diagrams and Assessments and Ordering Levy of Assessments for Fiscal Year 2018-19**
Recommendation:
 1. Open the continued public hearing, conduct the continued public hearing and receive ballots, close the continued public hearing and 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, 6, 7 and 9 within the Hercules Landscaping and Lighting Assessment District (LLAD) No. 83-2 commencing Fiscal Year 2018-19; and
 2. Adopt a Resolution declaring 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, 6, 7 and 9 within the Hercules Landscaping and Lighting Assessment District No. 83-2 commencing Fiscal Year 2018-19; and

3. Adopt a Resolution approving the final Engineers Report, confirming diagram and assessments and ordering levy of assessments for FY 2018-19 for the Hercules Landscaping and Lighting Assessment District No. 83-2 commencing Fiscal Year 2018-19 pursuant to the Landscaping and Lighting act of 1972.

Attachments: [Staff Report - FY 2018-19 LLAD Continued 07102018](#)
[Attach 1 - Resolution Declaring Results of the Protest Balloting 83-2](#)
[Attach 2 - Resolution Confirming Diagram and Assessments 83-1 FY 2018-19](#)
[Attach 3 - Final Engineers Report 83-2 \(07-10-18\)](#)

XII. CONSENT CALENDAR

1. [18-232](#) **Meeting Minutes**
Recommendation: Approve the Regular City Council Meeting Minutes of June 26, 2018.
2. [18-236](#) **Surplus Vehicles**
Recommendation: Adopt a Resolution declaring two city fleet vehicles as surplus property and authorize the disposal of the vehicles.

Attachments: [Minutes - 062718 - Regular](#)

Attachments: [Staff Report - Surplus Vehicles-FY1819](#)
[Attach 1 - SurplusVehicles - RESO PD - FY1819](#)
[Attach 2 - Resolution Exhibit A](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [18-237](#) **Municipal Resources Group (MRG) Professional Services Agreement for Planning, Building, and Public Works Staff Augmentation Services for \$100,000**
Recommendation: Adopt a Resolution authorizing the City Manager to execute a Professional Services Agreement for \$100,000 for Planning, Building, and Public Works staff augmentation services for continued project management consulting services on development funded projects and programs, general plan related updates, planning related field inspections and conditions of approval verifications, and public works special assignments as needed for the 2018-19 fiscal year.

Attachments: [Staff Report for 2018-19 MRG Professional Services Agreement](#)
[Attach 1 - Resolution for MRG Agreement](#)
[Attach 2 - MRG Professional Services Agreement final](#)

2. [18-231](#) **Consideration of Attendance Waiver Requests from Two (2) Commissioners**
 Recommendation: Review and discuss approving attendance waiver requests received from two (2) commissioners.

 Attachments: [Staff Report - Attendance Waiver Requests](#)
 [Attach 1 - City Clerk Correspondence to Commissioners](#)
 [Attach 2 - Attendance Waiver Requests from Commissioners](#)
 [Attach 3 - Resolution 10-068 - Procedures Governing Appointments - Attendance](#)
 [Attach 4 - HMC - Attendance at Meetings](#)

3. [18-229](#) **2018 Emergency Management Office Holder Successors**
 Recommendation: Each member of the City Council to make three (3) standby officer appointments each to the Office Holder Successors in the event of a state or local emergency.

 Attachments: [Staff Report - Office Holder Successor Appointments](#)
 [Attach 1 - California Government Code Section 8635](#)
 [Attach 2 - 2018 CC Appointed Reps - Draft 06.26.18](#)
 [Attach 3 - Mercury News article](#)

4. [18-227](#) **Review Upcoming Council Agenda Items List**
 Recommendation: Review, discuss and provide direction.

 Attachments: [Staff Report - Qrtly Review Agenda Pending Items](#)
 [Attach 1 - Agenda List of Pending Items](#)

5. [18-234](#) **Professional Services Agreement with LSA in the Amount of \$61,955 for Permit Preparation, Including 30% Plans and Regulatory Agency coordination for the Lake Refugio Dredging Project**
 Recommendation: Adopt a Resolution authorizing the City Manager to execute a consultant agreement with LSA for a not to exceed amount of \$61,955 to prepare permits including 30% dredging plans, and assist in coordination with the regulatory agencies for the Lake Refugio Dredging Project.

 Attachments: [Staff Report - LSA Dredging](#)
 [Attach 1 - LSA Dredging Resolution](#)
 [Attach 2A - LSA Partially Executed Contract Re-dated](#)
 [Attach 2B - LSA - Anti Nepotism Acknowledgment](#)

6. [18-239](#) **Process for Determining Future Council Agenda Items**
 Recommendation: Discuss options and provide direction to staff.

 Attachments: [Staff Report - Process for scheduling future agenda items dcb](#)
 [Attach 1A - Council Rules of Procedure - Amended by Resolution No. 18-017 April 10 2018](#)
 [Attach 1B - Resolution 13-051-Ethics - Attachment to Rules of Procedure](#)

7. [18-180](#) **Workforce Housing Update**

Recommendation: Receive report, discuss, and provide direction, if any.

Attachments: [Staff Report - Workforce Housing Report](#)
 [Attach 1 - Inclusionary Housing Ordinance](#)
 [Attach 2 - ULI Priced Out San Francisco](#)

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 24, 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 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 5, 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.