

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, December 11, 2018

REGULAR MEETING AND CLOSED 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. REGULAR MEETING - 7:00 P.M. - CALL TO ORDER - ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. MOMENT OF SILENCE

IV. AGENDA ADDITIONS/DELETIONS

V. 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.

VI. CONSENT CALENDAR

1. [18-393](#) **Declaring Results of the November 6, 2018 General Municipal Election**
 Recommendation: Adopt a Resolution declaring the results of the General Municipal Election held on November 6, 2018.

 Attachments: [Staff Report - Election Results 121118](#)
 [Attach 1 - Resolution](#)
 [Attach 1a - Exhibit A Certified Election Results - 110618 Election](#)

2. [18-390](#) **Meeting Minutes**
 Recommendation: Approve the Special City Council Meeting Minutes of November 5, 2018

 Attachments: [Minutes - 110518 - Special](#)

3. [18-391](#) **Meeting Minutes**
 Recommendation: Approve the Regular City Council Meeting Minutes of November 13, 2018.

 Attachments: [Minutes - 111318 - Regular](#)

4. [18-394](#) **Annual Local Commission Appointment List**
 Recommendation: Review and receive the Annual Local Commission Appointment List commonly referred to as the Maddy Act.

Attachments: [Staff Report - Maddy Act 121118](#)

[Attach 1 - 2018 Maddy Act - revised 111318](#)

5. [18-396](#) **Close-out of the 1991-01 Sewer Assessment District and the 2001 Alfred Nobel Assessment District**

Recommendation: Receive and File Report.

Attachments: [Staff Report - Close-out of two 1915 Act AD](#)

6. [18-406](#) **Contract Amendment with Management Partners for Financial Management Services in an Additional Amount of \$50,000 for a Total Not to Exceed Amount of \$100,000**

Recommendation: Adopt a Resolution Approving Professional Services Agreement Amendment #1 with Management Partners for Financial Management Services in an amount not to exceed \$100,000.

Attachments: [Amendment to Management Partners Contract SR 12112018](#)

[Attach 1 Resoulution Management Partners Amendment 1](#)

[Attach 2 - Management Partners Contract Amend 1](#)

[Attach 3 - Management Partners Agreement 18-055](#)

VII. CITY COUNCIL PRESENTATIONS

1. [18-385](#) Mayor Kelley to Present a Proclamation to Council Member de Vera

Attachments: [M.deVera 2018 Proclamation](#)

2. [18-386](#) Vice Mayor Romero to Present a Proclamation to Mayor Kelley

Attachments: [C.Kelley - Mayor 2018 Proclamation](#)

3. [18-387](#) Remarks from Council Member de Vera and Mayor Kelley

VIII. OATHS OF OFFICE & INSTALLATION OF RE-ELECTED AND NEWLY ELECTED COUNCIL MEMBERS

1. [18-388](#) Administer Oath of Office to Re-Elected Council Member Chris Kelley and Newly Elected Council Member Dion Bailey

Attachments: [Cert of Election Form - C.Kelley](#)

[Cert of Election Form - D.Bailey](#)

2. [18-389](#) Remarks from Council Members Kelley and Bailey

IX. RECESS FOR REFRESHMENTS

X. RECONVENE - CALL TO ORDER - ROLL CALL**XI. CITY COUNCIL REORGANIZATION**

1. [18-400](#) Selection of Mayor and Vice Mayor

Attachments: [Staff Report - Selection of Mayor and Vice Mayor](#)

[Attach 1 - Council Rules of Procedure - Amended by Res No. 18-017 041018](#)

2. [18-401](#) Remarks from Newly Appointed Mayor

XII. PUBLIC HEARINGS

1. [18-397](#) **Amendment to 2008 Hilltown Development and Owner Participation Agreement ("Development Agreement") with Santa Clara Valley Housing Group (SCVHG) Extend Key Performance Dates by Four Months**

Recommendation: Receive staff report, open, conduct and close the public hearing and take the following actions:

Waive the First Reading and Introduce an Ordinance of the City Council of the City of Hercules approving amendments to the Hilltown Development Agreement to extend key performance dates.

Attachments: [Staff Report - Development Agreement Amendment 12112018](#)

[Attach 1 - Hercules Hilltown Letter for DA Extension 10.17.19](#)

[Attach 2 - City Council Ordinance Amend Hilltown DA draft 12112018](#)

[Attach 2a - Development Agreement Amendment 181115-jpt-hs](#)

[Attach 3 - PC Reso 18-18 for Hilltown Amendment No 2](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [18-402](#) **Business License Tax Administrative Policy**

Recommendation: Informational only, no action is required by the City Council at this time.

Attachments: [Staff Report - Business License Tax Administrative Policy 01082019](#)

[Attach 1 - Business License Tax Administrative Policy DCB](#)

2. [18-398](#) **2019 Council Appointments on Regional Committees and Council Subcommittee's**

Recommendation: Express interest and availability for the 2019 Council Appointments on Regional Committees and Council Subcommittee's to be made by the Mayor in January 2019.

Attachments: [Staff Report - Council Appointments to Regional Committees](#)

[Attach 1 - 2018 CC Appointed Reps - Approved 01.09.18](#)

3. [18-399](#) **City Council Regular Meeting Dates for 2019**

Recommendation: Review the schedule of City Council Regular Meeting Dates in 2019 and consider canceling one or more regular meetings in August and the November 26th and December 24th regular meetings.

Attachments: [Staff Report - Meeting Schedule 2019](#)
 [2019 Meeting Calendar](#)

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. CONVENE INTO CLOSED SESSION

1. [18-408](#) Pursuant to Government Code Section 54956.9(b), Conference with Legal Counsel - Potential Litigation - Significant exposure to litigation in one (1) case regarding Due Diligence Review (DDR) determination from the California Department of Finance.

XVII. ADJOURNMENT

The next Regular Meeting of the City Council will be held on Tuesday, January 8, 2019 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: December 6, 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.