

# City of Hercules

111 Civic Drive  
Hercules, CA 94547



## Meeting Agenda

Tuesday, January 8, 2019

7:00 PM

**CLOSED SESSION - NONE.**  
**REGULAR MEETING - 7:00 P.M.**

**Council Chambers**

### City Council

*Mayor Dan Romero*  
*Vice Mayor Roland Esquivias*  
*Council Member Chris Kelley*  
*Council Member Gerard Boulanger*  
*Council Member Dion Bailey*

*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. SPECIAL MEETING - CLOSED SESSION – NONE.**

**II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS - NONE.**

**III. CONVENE INTO CLOSED SESSION - NONE.**

**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. [19-421](#) Introduction of School Board Members
2. [19-419](#) Wastewater Treatment Plant Construction Update by Mike Warriner

**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. [19-416](#) **CalPERS Contract Amendment**  
**Recommendation:** Open the public hearing, take public comment and adopt a Resolution of Intention to approve an amendment to the contract between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Hercules and waive the first reading and introduce an Ordinance authorizing the amendment to the CalPERS Contract.

**Attachments:**     [Staff Report -CalPERS Contract Amendment](#)  
                          [Attach 1 - Resolution of Intention](#)  
                          [Attach 2 - Ordinance - Amending CalPERS Contract](#)  
                          [Attach 3 - Amendment "Exhibit" to CalPERS Contract](#)  
                          [Attach 4 - GC 20469-20471-20474](#)

**XII. CONSENT CALENDAR**

1. [19-414](#) **Meeting Minutes**  
**Recommendation:** Approve the Regular City Council Meeting Minutes of December 11, 2018.

**Attachments:**     [Minutes - 121118 - Regular](#)

2. [19-417](#) **Acceptance of the 2018 Pavement Maintenance Project**  
**Recommendation:** Adopt a Resolution accepting the 2018 Pavement Maintenance project contract with Telfer Pavement Technologies as complete for a total amount of \$971,071 and authorizing the filing of the Notice of Completion with the Contra Costa County Recorder's Office.

**Attachments:**     [Staff Report - 2018 Street Resurfacing Acceptance](#)  
                          [Attach 1 - Resolution - 2018 Street Resurfacing Acceptance](#)  
                          [Attach 2 - Street Repair Contract Notice of Completion](#)  
                          [Attach 3 - Map - 2018 Pavement Maintenance Project - Location Map](#)

3. [19-420](#) **Second Reading and Adoption of Ordinance No. 516 Approving an Amendment to 2008 Hilltown Development and Owner Participation Agreement (“Development Agreement”) with Santa Clara Valley Housing Group (SCVHG) to Extend Key Performance Dates by Four Months**  
**Recommendation:** Waive the Second Reading and Adopt Ordinance 516 of the City Council of the City of Hercules approving amendments to the Hilltown Development Agreement to extend key performance dates.

- Attachments:**     [Staff Report - Hilltown Development Agreement Amendment 01082019](#)  
[Attach 1 - Ordinance 516 - Hilltown DOPA Amend No 2](#)  
[Attach 2 - Development Agreement Amendment No. 2 -181115-jpt-hs](#)  
[Attach 3 - December 11 Staff Report 12112018 w Dev Letter](#)  
[Attach 4 - PC Reso 18-18 - Draft DA Amend No 2](#)

### XIII. DISCUSSION AND/OR ACTION ITEMS

1.     [18-407](#)     **Developer Update on Bayfront Project Implementation**  
**Recommendation:** Receive Presentation.

**Attachments:**     [Staff Report - Bayfront Development Update 01082019](#)

2.     [19-423](#)     **Professional Services Agreement with Carollo in the Amount of \$787,313 for the Design of the Sewer Main Replacement from Duck Pond Park to the Waste Water Treatment Plant**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an agreement with Carollo for a not to exceed amount of \$787,313 for the design of the Sewer Main Replacement Project - Duck Pond Park to the Waste Water Treatment Plant.

**Attachments:**     [Staff Report - Carollo Sewer Trunk Design](#)  
[Attach 1 - Resolution - Carollo Sewer Trunk Design](#)  
[Attach 2 - Agreement - PSA Carollo Sewer Trunk Design - Signed 010219](#)  
[Attach 2a - HerculesSycamoreAveTrunkSewerSOW\\_20190102](#)  
[Attach 2b - Hercules Trunk Sewer Budget 20190102](#)  
[Attach 2c - Resumes](#)  
[Attach 3 - Project Fact Sheet - Sycamore Ave Sewer](#)  
[Attach 4 - Carollo Anti-Nepotism\\_Signed](#)

3.     [19-415](#)     **Solid Waste Collection Franchise Agreement - Recommendation to Adjust Republic Services Rate +5.41% for 2019**  
**Recommendation:** Adopt a Resolution approving Republic Services' requested base year rate adjustment of +5.41% effective January 1, 2019 per the recommended order issued by the Public Works Director.

**Attachments:**     [Staff Report - Solid Waste Rate Adjustment](#)  
[Attach 1 - Solid Waste Rate Adjustment Reso](#)  
[Attach 2 - Republic Final Base Year Rate Request](#)  
[Attach 3 - PWD Report on 2019 Rate Increase Request](#)  
[Attach 4 - Republic Franchise Agreement](#)

4. [19-422](#) **Recognized Obligation Payment Schedule for the Period of July 1, 2019 through June 30, 2020**  
**Recommendation:** Adopt a Resolution approving the Recognized Obligation Payment Schedule for the period of July 1, 2019 through June 30, 2020 (ROPS 19-20A and ROPS 19-20B).  
**Attachments:** [Staff Report - ROPS 19-20-12.21.18 - Final](#)  
[Attach 1 - Resolution - ROPS 19 - 20 Successor Agency ROPS](#)  
[Attach 2 - Exh A Hercules ROPS 19-20 as of 12.21.18](#)
5. [18-378](#) **Review of City's Appeal Policy Related to Planning Decisions**  
**Recommendation:** Confirm the three policy directions related to Council appeals process and consider directing staff to prepare a Zoning Ordinance Amendment if desired.  
**Attachments:** [Staff Report - CC Discussion on Appeal Process 1-8-2019 -jpt](#)  
[Attach 1 - September 25, 2018 CC Staff Report - Appeals Process](#)
6. [19-418](#) **2019 Council Appointments on Regional Committees and Council Subcommittees**  
**Recommendation:** Appointment of members of the City Council by the Mayor to both Regional Committees and Council Subcommittees.  
**Attachments:** [Staff Report - Appointments to Regional Committees](#)  
[Attach 1 - 2018 CC Appointed Reps - Draft 01.08.19](#)
7. [18-405](#) **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](#)

#### **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, January 22, 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](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: January 3, 2019)

### **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.