

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, January 22, 2019

6:00 PM

CLOSED SESSION - 6:00 P.M.
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

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. [19-449](#) Pursuant to Government Code Section 54956.9 (d)(2), Conference with Legal Counsel - Potential Litigation - Exposure to litigation in one (1) case: Disputes regarding Taylor Morrison's share of costs for construction of a retention basin at Parcel C, and park fee credit use.
2. [19-450](#) Pursuant to Government Code Section 54956.9(a), Conference with Legal Counsel - Pending Litigation - Significant exposure to litigation in one (1) case regarding Due Diligence Review (DDR) determination from the California Department of Finance.

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. [19-445](#) Proclamation in Recognition of Reserve Police Officer Ed Dean on his Retirement

Attachments: [Proclamation](#)

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

XII. CONSENT CALENDAR

1. [19-438](#) **Meeting Minutes**
Recommendation: Approve the Regular Meeting Minutes of January 8, 2019.

Attachments: [Minutes - 010819 - Regular](#)

2. [19-444](#) **Annual Review of 1) Anti-Nepotism and Anti-Cronyism Ordinance; 2) Hercules Ethics Policy; 3) Council Rules of Procedure**
Recommendation: Receive report, discuss and provide direction, if any.

Attachments: [2019 Staff Report - nepotism ethics update council staff report 190122](#)

[Attach 1 - Nepotism Cronyism Ordinance](#)

[Attach 2 - Ethics Policy 13-051](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-437](#) **FY 2017/18 Comprehensive Annual Financial Reports**
Recommendation: Receive the FY 2017/18 Comprehensive Annual Financial Reports and Accept the Audited Statements.

Attachments: [Staff Report - Annual Audit SR 01222019 final](#)

[FY 2018 Hercules Annual Financial Report](#)

[FY 2018 Hercules GANN Limit Report](#)

[FY 2018 Hercules Measure B Report](#)

[FY 2018 Hercules Measure C Report](#)

[FY 2018 Hercules Public Financing Authority Report](#)

[FY 2018 Hercules Single Audit Report](#)

[FY 2018 Hercules Wasterwater Fund Report](#)

[FY 2018 Letter from CliftonLarsonAllen](#)

2. [19-436](#) **Approve a Professional Services Agreement with Urban Futures for Financial Advisory Services**
 Recommendation: Adopt a Resolution approving a Professional Services Agreement with Urban Futures for Financial Advisory Services.

 Attachments: [Staff Report - Financial Advisory Services 01222019](#)
 [Attach 1 - Resolution Urban Futures PSA](#)
 [Attach 2 - Professional Services Agreement Urban Futures](#)
 [Attach 3 -UFI Description](#)

3. [19-440](#) **Adoption of the January 2019 Sewer System Management Plan**
 Recommendation: Adopt a Resolution approving the January 2019 Sewer System Management Plan.

 Attachments: [Staff Report - Sanitary Sewer Management Plan](#)
 [Attach 1 - Resolution - Sanitary Sewer Management Plan](#)
 [Attach 2 - CityofHerculesSSMP 01.15.2019](#)

4. [19-442](#) **Agreement with West Yost for Engineering Services to Advance the Wastewater Program**
 Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement with West Yost in the not to exceed amount of \$153,039 for engineering services to advance the City's wastewater program.

 Attachments: [Staff Report - West Yost Contract 190122](#)
 [Attach 1 - Resolution - West Yost Contract 190122](#)
 [Attach 2 - West Yost PSA 190122](#)
 [Attach 2a - Exhibit A West Yost Wastewater Engineering Services Scope 01-16-19 v2](#)
 [Attach 2b - Exhibit B West Yost Wastewater Engineering Services budget submitted 01-16](#)
 [Attach 3 - Collection System Map](#)

5. [19-446](#) **Update on Contra Costa County Providing Cable Broadcasting Service through Contra Costa TV (CCTV)**
 Recommendation: Receive report.

 Attachments: [Staff Report - Cable Broadcasting Update](#)

6. [19-443](#) **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: [Supplemental Staff Report - Appeals Process](#)
 [Staff Report - CC Discussion on Appeal Process 1-8-2019 -jpt](#)
 [Attach 1 - September 25, 2018 CC Staff Report - Appeals Process](#)

7. [19-441](#) **City Street Sweeping Program Update**

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

Attachments: [Staff Report - Street Sweeping Program Update 2](#)
 [Attach 1 - Street Sweeping Map - January 2019](#)
 [Attach 2 - 17-041 - Clean Street - Street Sweeping Contract](#)

8. [19-448](#) **City Banner Program Update**

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

Attachments: [Staff Report - City Banner Program - FY1819 - 1-22-19](#)
 [Attach 1 - Banner Policy](#)
 [Attach 2 - Banner use 2017-18](#)

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, February 12, 2019 at 7:00 p.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: January 17, 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),

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.