

# City of Hercules

111 Civic Drive  
Hercules, CA 94547



## Meeting Agenda

Tuesday, February 12, 2019

**CLOSED SESSION - 6:30 PM**  
**REGULAR SESSION - 7:00 PM**

**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 – 6:30 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. [19-459](#) Pursuant to Government Code Section 54957(b)(1) PUBLIC EMPLOYMENT - Title: City Manager Contract

**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**

**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. [19-455](#) Willow Glen Apartments - Tax Equity and Fiscal Responsibility Act Hearing****Recommendations:**

1. Open, Conduct, and Close a public hearing, in accordance with the Tax Equity and Fiscal Responsibility Act (TEFRA), in consideration of the issuance of tax-exempt bond financing by the California Public Finance Authority to provide financing for the acquisition and rehabilitation of an 84-unit multifamily rental housing project located at 1231 Willow Ave, known as Willow Glen Apartments; and

2. Adopt the attached resolution authorizing the City to enter into the Joint Exercise of Powers Agreement to join the California Public Finance Authority ("CalPFA") as an additional member, and approving the issuance of bonds by the CalPFA in an amount not to exceed \$28,000,000, to provide financing to The Reliant Group, Inc. for the acquisition and rehabilitation of the Willow Glen Apartments.

**Attachments:**     [Staff Report - Willow Glen Bonds 02122019](#)  
[Attach 1 - Resolution - TEFRA Resolution - Willow Glen \(City of Hercules\) 190212a](#)  
[Attach 2 - Joint Exercise of Powers Agreement](#)  
[Attach 3 - Willow Glen Project Overview](#)

**XII. CONSENT CALENDAR****1. [19-454](#) Meeting Minutes**  
**Recommendation:** Approve the Regular Meeting Minutes of January 22, 2019.

**Attachments:**     [Minutes - 012219 - Regular](#)

**2. [19-458](#) Fill Vacancy on the Contra Costa County Library Commission and Re-appoint Commissioner Harris to the Finance Commission**  
**Recommendation:** Accept resignation of Brian Campbell-Miller from his seat on the Contra Costa County Library Commission and appoint Evangelia Ward-Jackson. Re-appoint Commissioner Harris to the Finance Commission.

**Attachments:**     [Staff Report - Appointment to CC Library Commission and Finance Commission](#)  
[Attach 1 - B.Campbell-Miller - Resignation from County Library Commission - 012219](#)  
[Attach 2 - E.Ward-Jackson - letter of interest - CC Library Commission - 012219](#)

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

1. [19-456](#) **Workshop on Hercules Transportation Impact Fee Nexus Study**  
**Recommendation:** Review draft report, receive report from staff and consultant, and provide direction to staff after discussing the outlined Nexus Program.

**Attachments:**     [Staff Report - Workshop on Draft Hercules Transportation Impact Fee Nexus Study](#)  
                          [Att1-Hercules Nexus Study Draft v 4.1](#)  
                          [Att2-Hercules Draft Cost Estimates v4](#)  
                          [Att3-Master Project List v3 reflecting 4-10-2018 CC](#)

2. [19-453](#) **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](#)

3. [19-457](#) **CalPERS Contract Amendment**  
**Recommendation:** Waive reading and adopt Ordinance authorizing an amendment to the contract between the City of Hercules and the Board of Administration of the California Public Employees' Retirement System to include provisions pursuant to Government Code 20516 "Cost Sharing" for Local Miscellaneous Members, Local Police Officers Association and eligible Non-Represented Employees of the City of Hercules in accordance with the previously approved Memorandum of Understanding with the Teamsters Local 315 and the Hercules Police Officers Association and through approval of Pay and Benefit Plans for Executive Level Employees, Mid-Management Employees and Non-Represented employees of the City of Hercules.

**Attachments:**     [Staff Report -CalPERS Contract Amendment](#)  
                          [Attach 1 - Ordinance - Amending CalPERS Contract](#)  
                          [Attach 2 - Amendment to CalPERS Contract](#)

**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 26, 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: February 7, 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.