

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, May 28, 2019

6:00 PM

Closed Session - 6:00 P.M.

Regular Session - 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. [19-602](#) Pursuant to Government Code Section 54957.6 Conference With Labor Negotiators - City Negotiators: David Biggs, City Manager; Edwin Gato, 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. [19-603](#) Pursuant to Government Code Section 54956.9(a), Conference with Legal Counsel - Pending/Existing Litigation: Successor Agency to the Hercules Redevelopment Agency and City of Hercules v. California Department of Finance, et al, Sacramento Superior Court Case No. 34-2018-80003038
3. [19-610](#) Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9(d)(2): In one (1) matter: Hercules Development Partners, LP / Ledcor Corporation

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

XII. CONSENT CALENDAR

1. [19-601](#) **Meeting Minutes**
 Recommendation: Approve the Regular Meeting Minutes of May 14, 2019.

 Attachments: [Minutes - 051419 - Regular](#)

2. [19-593](#) **City Council Salary Schedule**
 Recommendation: Adopt a Resolution approving a Council Member Salary Schedule.

 Attachments: [Staff Report - Council Member Salary Schedule](#)
 [Attach 1 - Resolution - City Council Salary Schedule](#)
 [Attach 2 - Salary Schedule - Council Members](#)

3. [19-599](#) **Acceptance of the Duck Pond Park Improvement Project, Appropriating \$3,119 in Parks and Recreation Development Impact Fee Funds to Fully Fund the Project and Authorizing the Filing of the Notice of Completion**
 Recommendation: Adopt a Resolution accepting the Duck Pond Park Improvement Project construction contract with HM Construction as complete for a total amount of \$153,462, appropriating \$3,119 in Parks and Recreation Development Impact Fee funds to fully fund the project and authorize the filing of the Notice of Completion with the Contra Costa County Recorder's Office.

 Attachments: [Staff Report - Duck Pond Park Improvements Acceptance](#)
 [Attach 1 - Resolution - Duck Pond Park Acceptance](#)
 [Attach 2 - Duck Pond Park Notice of Completion](#)

4. [19-609](#) **Letter Recognizing June as Gay Pride Month**
Recommendation: Receive letter recognizing June 2019 as Gay Pride Month.

Attachments: [Staff Report - Gay Pride Letter 05282019](#)
 [Attach 1 - Gay Pride Letter 05282019](#)

5. [19-605](#) **Approval of Northern Waterfront Economic Development Initiative Memorandum of Understanding among the County of Contra Costa, the City of Antioch, the City of Concord, the City of Pittsburg, the City of Hercules, the City of Martinez, the City of Brentwood, and the City of Oakley**
Recommendation: Approve and Authorize the City Manager to Execute the Northern Waterfront Economic Development Initiative Memorandum of Understanding with non-substantive changes as approved by the City Attorney.

Attachments: [Staff Report - NWI MOU 05282019](#)
 [Attach 1 - NWEDI MOU](#)
 [Attach 2 - NWEDI Strategic Action Plan approved 1-22-19](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-607](#) **Introduction of FY 2019-20 City of Hercules Budget Plan Including the First Year of the Five Year 2019-2024 Capital Improvement Budget**
Recommendation: Receive an Introduction on the Proposed FY 2019-20 Budget Including the First Year of the Five Year 2019-2024 Capital Improvement Budget.

Attachments: [Staff Report - Budget Intro - 5-28-2019](#)
 [Attach 1 - FY 19-20 Proposed Budget Revised 5-23-2019](#)

2. [19-606](#) **Award a Construction Contract to Chrisp Company for the Hercules Avenue Traffic Calming Project**
Recommendation: Adopt a Resolution authorizing the City Manager to execute a construction contract with Chrisp Company in the amount of \$83,030 for the Hercules Avenue Traffic Calming Project.

Attachments: [Staff Report - Hercules Av Traffic Calming Award](#)
 [Attach 1 - Hercules Av Traffic Calming Award Resolution](#)
 [Attach 2 - Hercules Av Final Design](#)
 [Attach 3 - October 2018 Staff Report](#)

3. [19-600](#) **Nonprofit Group Designations & Renewals**

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

Attachments: [Staff Report - Nonprofits - 190528](#)
 [Attach 1 - 2019 Nonprofit Recognition packet 10-31-18](#)
 [Attach 2 - Checklist Form 2020](#)

4. [19-611](#) **City Banner Program**

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

Attachments: [Staff Report - City Banner Program - FY1819 - 5-28-19](#)
 [Attach 1 - Banner Policy](#)
 [Attach 2 - Banner use - 2017-18-19 - as of 5-8-19](#)

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, June 11, 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: May 23, 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.