

# City of Hercules

111 Civic Drive  
Hercules, CA 94547



## Meeting Agenda

Tuesday, September 24, 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](http://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. [19-721](#) Pursuant to Government Code Section 54957(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: City Attorney
2. [19-724](#) 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. [19-725](#) Pursuant to Government Code Section 54956.9 (d)(1), Conference with Legal Counsel - Pending/Existing Litigation - Taylor Morrison of California, LLC, entitled *Taylor Morrison of California, LLC v. City of Hercules*, Superior Court for the County of Contra Costa, Case No. C19-00366.

**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. [19-723](#) Proclamation Recognizing Dr. Phillip A. Howard, Founder and Senior Pastor of Valley Bible Church and Caroline Howard for 48 Years of Leadership to the People of Valley Bible Church and the Hercules Community

**Attachments:** [Proclamation - Dr. Phillip A. Howard - Valley Bible Church](#)

**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. [19-720](#) **Meeting Minutes**  
**Recommendation:** Approve the regular meeting minutes of September 10, 2019.

**Attachments:** [Minutes - 091019 - Regular](#)

2. [19-729](#) **Second Reading and Adoption of an Ordinance Approving Re-Zone #17-02 for the Sycamore Crossing Project (Assessor Parcel Numbers 404-020-094-3 and 404-020-095-00)**  
**Recommendation:** Waive the second reading and adopt Ordinance 524 with modified diagram and findings with facts, changing the zoning district for the westerly portion of the Sycamore Crossing site, revising the zoning district designation from General Commercial (CG) to Planned Commercial Residential (PC-R) zoning for the approved hotel and multi-family residential parcels, and changing the open space area that traverses the site to Public/Quasi-Public-Open Space (P/QP-O).

**Attachments:** [Attach 1 - Sycamore Crossing - CC Ordinance 524 - RZ - 2nd Reading](#)  
[Attach 2 - Sycamore Crossing - CC 2019-09-10 - Staff Report](#)  
[Staff Report - Sycamore Crossing - CC Ordinance 524 - RZ - 2nd Reading](#)

## XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-726](#) **Memorandum of Understanding with Hercules Bayfront for Expanded Use of an Existing Public Access Easement to Facilitate Interim Bus Service to the Waterfront.**  
**Recommendation:** Adopt a Resolution Approving a Memorandum of Understanding (MOU) with Hercules Bayfront for Expanded Use of an Existing Public Access Easement to Facilitate Interim Bus Service to the Waterfront.

**Attachments:**     [Staff Report - MOU with Cury for Interim Transit 09242019](#)  
[Attach 1 - Resolution Hercules Bayfront MOU](#)  
[Attach 2 - Bayfront Transit Loop MOU - signed](#)

2.     [19-727](#)     **Streetlight Purchase for Landscaping and Lighting Citywide District 83-2 Zone 1 "Hercules by the Bay" and Zone 7 "The Heights"**

**Recommendation:** Adopt a Resolution authorizing the City Manager to sole source purchase 160 streetlights from Holophane in the amount of \$317,578 including sales tax.

**Attachments:**     [Staff Report - 2019 Streetlight 2nd Purchase](#)  
[Attach 1 - Resolution - streetlight purchase](#)  
[Attach 2 - City of Hercules Zone 1 & 7 PH2 Quote 19-11327-6.pdf 8.12.19](#)  
[Attach 3 - Streetlight Specs](#)  
[Attach 4 - Street Light Replacement Maps - Zone 1 & Zone 7](#)  
[Attach 5 - Sole Source 2019 Streetlight 2nd Purchase](#)

3.     [19-731](#)     **2019 Streetlight Replacement Project Construction Contract with NEMA Construction**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with NEMA Construction for the 2019 Streetlight Replacement Project in the amount of \$168,400 and up to a 5% contingency of \$8,420 for a not to exceed amount of \$176,820 to replace a total of 160 streetlights in Landscaping & Lighting District (LLAD ) No. 83-2 Zones 1 "Hercules By The Bay" and Zone 7 "Heights".

**Attachments:**     [Staff Report - 2019 Streetlight Replacement Contract](#)  
[Attach 1 - Resolution - 2019 Streetlight Replacement Project](#)

4.     [19-728](#)     **Engie Service Company's Feasibility Assessment for Energy Conservation Facilities and Associated Program Development Agreement**

**Recommendation:** Receive report from staff and presentation on the feasibility assessment findings from Engie, discuss, provide direction to staff if any, approve Program Development Agreement if desired by adopting a Reolution Approving a Program Development Agreement with Engie.

**Attachments:**     [Staff Report - Engie 924919 dcb comments](#)  
[Attach 1 - Resolution - Engie PSA](#)  
[Attach 2 - PDA for Hercules 20190917 Revised Scope v1](#)  
[Attach 3 - ENGIE Hercules City Council Preso 2019-09-09 v2 DRAFT](#)  
[Attach 4 - ENGIE Resumes For Hercules v3](#)

5. [19-730](#) **Approve a Debt Issuance and Management Policy in Accordance with Senate Bill 1029**  
**Recommendation:** Adopt a Resolution approving the Debt Issuance and Management Policy.
- Attachments:** [Staff Report - Debt Issuance and Management Policy - 092419](#)  
[Attach 1 - Resolution](#)  
[Attach 2 - Debt Issuance and Management Policy](#)  
[Attach 3 - Disclosure Procedures](#)
6. [19-722](#) **Update on Parking Considerations & Issues**  
**Recommendation:** Receive report, discuss, and provide direction, if any.
- Attachments:** [Staff Report - Parking Updates 09242019](#)
7. [19-719](#) **League of California Cities Resolutions**  
**Recommendation:** Discuss and consider two (2) Resolutions introduced by the League of California Cities and determine a City position that the voting delegate can represent at the Annual Business Meeting.
- Attachments:** [Staff Report - LCC Resolutions 092419](#)  
[Attach 1 - 2019 Annual Conference Resolutions Packet](#)

#### 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, October 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](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: September 19, 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.