

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, November 12, 2019

6:00 PM

SPECIAL 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. [19-794](#) 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
2. [19-795](#) 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.
3. [19-796](#) 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

1. [19-800](#) **Proclamation: Expressing Special Recognition to Eagle Scout Nicolas Fay**

Attachments: [PROCLAMATION - Fay Nicholas Atwood DRAFT 11-06-2019](#)

2. [19-791](#) **Proclamation: Recognition of Volunteers**

Attachments: [Proclamation - Volunteer Appreciation Day](#)

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. [19-790](#) **Amendment #3 to 2008 Hilltown Development and Owner Participation Agreement ("Development Agreement") with Santa Clara Valley Housing Group (SCVHG) to Extend Key Performance Dates and Correct Reference to Affordable Housing**
Recommendation: Receive staff report, open, conduct and close the public hearing and take the following action:
 - a. Waive the first reading and introduce an Ordinance of the City Council of the City of Hercules approving amendments to the Hilltown Development Agreement to extend key performance dates and to correct reference to affordable housing.

Attachments: [Staff Report - Hilltown DA Amendment 3 11122019](#)
 [Attach 1 - City Council Ordinance Amend Hilltown DA #3](#)
 [Attach 2 - Development Agreement Amendment #3](#)
 [Attach 3- PC Reso 19-11 recommending Hilltown Amendment 3](#)

2. [19-801](#) **Ordinance to Amend Hercules Municipal Code Title 9, Chapters 1-18, Adopting by Reference the New California Code of Regulations Title 24, 2019 Edition of the California Building Standards Code with Amendments Developed by Contra Costa County and the Rodeo-Hercules Fire Protection District**
Recommendation: Convene a public hearing, take testimony, waive the first reading, and introduce an Ordinance repealing and replacing Building code Regulations of the existing Hercules Municipal Code Title 9, Building Regulations.

Attachments: [Staff Report on 2019 Building Code Ordinance](#)
 [Attach 1 - Building Code 2019 Ordinance](#)
 [Attach 2 - Contra Costa County Ordinance No. 2019-31 - Building Code Adoption](#)
 [Attach 3 - Contra Costa County Ord. No. 2019-31 - Findings ISO Building Code Adoption](#)
 [Attach 4 - RHFD Ord. No. 2019-01 - Fire Code Adoption](#)
 [Attach 5 - RHFD - 2019 Fire Code Adoption - Findings](#)

XII. CONSENT CALENDAR

1. [19-797](#) **Meeting Minutes**
 Recommendation: Approve the regular meeting minutes of October 22, 2019 and the special meeting minutes of November 5, 2019.

Attachments: [Minutes - 102219 - Regular](#)
 [Minutes - 110519 - Special](#)

2. [19-793](#) **Acceptance of the 2019 Pavement Maintenance Project**
 Recommendation: Adopt a Resolution accepting the 2019 Pavement Maintenance Project contract with MCK as complete for a total amount of \$601,590 and authorizing the filing of the Notice of Completion with the Contra Costa County Recorder's Office.

Attachments: [Staff Report - 2019 Pavement Maintenance Acceptance](#)
 [Attach 1 - Resolution - 2019 Pavement Maintenance Acceptance](#)
 [Attach 2 - NOC - 2019 Pavement Maintenance Acceptance](#)
 [Attach 3 - Location Map - 2019 Pavement Maintenance Acceptance](#)

3. [19-792](#) **Acceptance of the Hercules Avenue Traffic Calming Project**
 Construction contract with the Chrisp Company
 Recommendation: Adopt a Resolution accepting the Hercules Avenue Traffic Calming Project construction contract with the Chrisp Company as complete for a total amount of \$85,655 and authorizing the filing of the Notice of Completion with the Contra Costa County Recorder's Office.

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

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-775](#) **Approval of City of Hercules Assessment District No. 2005-1 (John Muir Parkway) Limited Obligation Improvement Bonds Refinancing and Related Actions**

Recommendation:

1. Adopt a Resolution of the City Council of the City of Hercules declaring its intention to levy reassessments and to issue refunding bonds; and
2. Adopt a Resolution of the City Council of the City of Hercules authorizing the issuance of refunding bonds and approving and authorizing related documents and actions; and
3. Adopt a Resolution of the City Council of the City of Hercules adopting a reassessment report, confirming and ordering the reassessment by summary proceedings, and authorizing and directing related actions.

Attachments:[Staff Report - AD 2005-1 Refunding](#)[Attachment 1 - Good Faith Estimates](#)[Attachment 2 - Resolution Declaring its Intention to Levy Reassessments and to Issue Refun](#)[Attachment 3 - Resolution Authorizing the Issuance of Refunding Bonds and Approving and /](#)[Attachment 4 - Resolution Adopting a Reassessment Report, Confirming and Ordering the R](#)[Attachment 5 - Fiscal Agent Agreement](#)[Attachment 6 - Escrow Agreement](#)[Attachment 7 - Placement Agent Agreement](#)[Attachment 8 - Purchaser's Term Sheet](#)[Attachment 9 - Reassessment Engineer's Report](#)

2. [19-798](#) **Consider Adoption of a City Flag Policy**

Recommendation: Receive report, discuss and provide direction, if any.**Attachments:**[Staff Report - Hercules Flag Policy SR 11122019](#)[Attach 1 - City of Hercules Flag Policy dcb](#)

3. [19-799](#) **Commission Appointments**

Recommendation: Consider making appointments to Hercules Boards and Commissions for the start of new two (2) year terms beginning in January and making appointments to certain seats with unexpired terms.**Attachments:**[Staff Report - Commission Appointments](#)**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, December 10, 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: November 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),

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.