

# City of Hercules

111 Civic Drive  
Hercules, CA 94547



## Meeting Agenda

Tuesday, December 10, 2019

5:30 PM

**SPECIAL MEETING AND SPECIAL CLOSED SESSION - 5:30 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](http://www.ci.hercules.ca.us)*

**I. SPECIAL MEETING AND SPECIAL CLOSED SESSION – 5:30 P.M. CALL TO ORDER - ROLL CALL**

**II. PUBLIC COMMUNICATIONS**

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

1. [19-808](#) **Commission Interviews**  
**Recommendation:** Conduct interviews of candidates which applied to be the Hercules representative on the Contra Costa Mosquito and Vector Control Board and if the City Council so desires make a recommendation to appoint a candidate to fill the vacant seat.

**Attachments:**     [Staff Report - Commission Interviews](#)

2. [19-821](#) **Board/Commission Appointment**  
**Recommendation:** Consider making an appointment to the Contra Costa Mosquito and Vector Control Board for the start of a new two (2) year term.

**Attachments:**     [Staff Report - Board/Commission Appointment](#)

**IV. CONVENE INTO CLOSED SESSION**

The Hercules City Council will meet in Closed Session regarding the following:

1. [19-814](#) 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. [19-815](#) 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. [19-816](#) 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

**V. REGULAR MEETING – 7:00 P.M. CALL TO ORDER - ROLL CALL**

**VI. REPORT ON ACTION TAKEN IN CLOSED SESSION**

**VII. PLEDGE OF ALLEGIANCE**

**VIII. MOMENT OF SILENCE**

**IX. CITY COUNCIL PRESENTATIONS**

1. [19-822](#) **Presentation to Outgoing Mayor Romero**
2. [19-823](#) **Remarks from Mayor Romero**

**X. CITY COUNCIL REORGANIZATION**

1. [19-813](#) **Selection of Mayor and Vice Mayor**  
**Recommendation:** City Council to nominate and appoint a Mayor and Vice Mayor for 2020.

**Attachments:**     [Staff Report - Selection of Mayor and Vice Mayor](#)  
                              [Attach 1 - Council Rules of Procedure - Amended by Res No. 18-017 041018](#)

2. [19-825](#) **Remarks from the Newly Appointed Mayor**

**XI. RECESS FOR REFRESHMENTS****XII. AGENDA ADDITIONS/DELETIONS****XIII. 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.

**XIV. PUBLIC HEARINGS****XV. CONSENT CALENDAR**

1. [19-810](#) **Meeting Minutes**  
**Recommendation:** Approve the regular City Council meeting minutes of November 12, 2019.

**Attachments:**     [Minutes - 111219 - Regular](#)

2.     [19-809](#)     **Annual Local Commission Appointment List**  
          **Recommendation:** Review and receive the Annual Local Commission Appointment List commonly referred to as the Maddy Act.  
  
          Attachments:     [Staff Report - Maddy Act 121019](#)  
                              [Attach 1 - 2020 Maddy Act - revised 11.14.19](#)
  
3.     [19-817](#)     **Second Reading and Adoption of Ordinance 525 Approving Amendment #3 to the 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:** Waive the second reading and adopt 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:     [Hilltown Staff Report for 2nd Reading for DOPA Amend 3](#)  
                              [Attachment 1-Ordinance 525 - Hilltown DOPA Amendment 3](#)  
                              [Attachment 2-Hill Town DAA #3 developer signed 11.5.19-Revised Mayor](#)  
                              [Attachment 3- Hyperlink to prior Hilltown report](#)
  
4.     [19-818](#)     **Second Reading and Adoption of Ordinance 526 Amending the Hercules Municipal Code Title 9 - Building Regulations, Chapters 1-18, Adopting by Reference the New California Code of Regulations Title 24, 2019 Edition of the California Building Standards Code incorporating amendments adopted by Contra Costa County and the Rodeo-Hercules Fire Protection District**  
          **Recommendation:** Waive the second reading and adopt an Ordinance repealing and replacing Hercules Municipal Code Title 9 - Building Regulations, Chapters 1-18 as stated therein.  
  
          Attachments:     [Staff Report - 2nd Reading of 2019 Building Codes](#)  
                              [Att 1 - Ordinance 526 - 2019 Building Codes](#)  
                              [Att 2 - Rodeo-Hercules Fire District Reso 2017-2 on Mitigation Rates](#)  
                              [Att 3 - Hyperlink to 11-12-19 Building Code Agenda Item](#)
  
5.     [19-820](#)     **Review Upcoming Council Agenda Items List**  
          **Recommendation:** Review, discuss and provide direction, if any.  
  
          Attachments:     [Staff Report - Qrtly Review Agenda Pending Items 12102019](#)  
                              [Attach 1 - Agenda List of Pending Items](#)

6. [19-827](#) **2020 Minimum Wage Increase and Amended Part-Time Salary Schedule**  
**Recommendation:** Adopt a Resolution approving the 2020 Part-time Salary Schedule to ensure compliance with the California minimum wage increase as governed by State law.
- Attachments:**     [Staff Report - 2020 Part-time Salary Schedule](#)  
                              [Attach 1 - Resolution](#)  
                              [Attach 2 - Exh A - part-time proposed salary schedule 2020](#)
7. [19-828](#) **FY 2019-20 First Quarter Budget Report**  
**Recommendation:** Receive the report on the FY 2019-20 first quarter budget report.
- Attachments:**     [Staff Report - FY 19-20 First Quarter Revenue and Expenditure Report](#)  
                              [Attach 1 - General Fund Revenue Report through September 30, 2019](#)  
                              [Attach 2 - General Fund Expenditure Report through September 30, 2019](#)  
                              [Attach 3 - All Funds Revenues and Expenditures life-to-date budget to actual comparison](#)
8. [19-829](#) **Acceptance of Offers of Dedication for Streets and Easements Including the Public Improvements for Tract 9362 - Victoria Crescent/Alexandria Residential Subdivision**  
**Recommendation:** Adopt a Resolution accepting the offers of dedication for streets and easements including the public improvements for Tract 9362 - Victoria Crescent/Alexandria Residential Subdivision.
- Attachments:**     [Staff Report - Acceptance of Dedications Tract 9362](#)  
                              [Attach 1A - Resolution - Acceptance of Dedications Tract 9362](#)  
                              [Attach 1B - Final Subdivision Map 9362](#)
9. [19-830](#) **Approval of a Sewer Easement from the Coventry Homeowners Association**  
**Recommendation:** Adopt a Resolution approving a sewer easement from the Coventry Homeowners Association for an agreed upon amount of \$3,000 and authorizing the City Manager to sign the Grant of Easement on behalf of the City Council.
- Attachments:**     [Staff Report - Coventry Easement](#)  
                              [Attach 1A - Resolution - Coventry Easement](#)  
                              [Attach 1B - ENCROACHMENT EASEMENT AND AGREEMENT-sewer pipeline- Coventry H](#)  
                              [Attach 1C - Coventry Sewer Easement](#)  
                              [Attach 2 - Sewer Force Main Realignment](#)  
                              [Attach 3 - Coventry Easement Compensation Acceptance](#)

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

1. [19-826](#) **FY 2018-19 Comprehensive Annual Financial Reports**  
**Recommendation:** Receive the Fiscal Year 2018-19 Comprehensive Annual Financial Reports ("CAFR") and accept the audited statements.  
  
**Attachments:**     [Staff Report - FY 18-19 Annual Audit](#)  
                              [Attachment 1 - FY 18-19 City Annual Financial Report](#)  
                              [Attachment 2 - City of Hercules 2019 GANN report](#)  
                              [Attachment 3 - FY 18-19 Governance Communication](#)
  
2. [19-811](#) **City Council Regular Meeting Dates for the 2020 Calendar Year**  
**Recommendation:** Review the schedule of City Council regular meeting dates in 2020 and consider canceling one or more regular meetings in August and the November 24th and December 22nd regular meetings.  
  
**Attachments:**     [Staff Report - Meeting Schedule 2020](#)  
                              [Attach 1 - 2020 Meeting Calendar - Draft](#)
  
3. [19-812](#) **2020 Council Appointments on Regional Committees and Council Subcommittees**  
**Recommendation:** Express interest and availability for the 2020 Council Appointments on Regional Committees and Council Subcommittees to be made by the Mayor at the January 14, 2020 City Council meeting.  
  
**Attachments:**     [Staff Report - Council Appointments to Regional Committees](#)  
                              [Attach 1 - 2019 CC Appointed Reps - Approved 01.08.19](#)

**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, January 14, 2020 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](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: 12/5/19)

**THE HERCULES CITY COUNCIL ADHERES TO THE FOLLOWING POLICIES, PROCEDURES AND REGULATIONS REGARDING CITY COUNCIL MEETINGS**

1. SPECIAL ACCOMMODATIONS: 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.