

City of Hercules

*111 Civic Drive
Hercules, CA 94547*



Meeting Agenda

Tuesday, January 28, 2020

6:00 PM

Special Closed Session - 6:00 p.m.

Regular Session - 7:00 p.m.

Council Chambers

City Council

*Mayor Roland Esquivias
Vice Mayor Chris Kelley
Council Member Dan Romero
Council Member Dion Bailey
Council Member Gerard Boulanger*

*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. [20-128](#) 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. [20-129](#) 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. [20-130](#) Proclamation - Special Recognition to Officer Jose Salala as the 2020 Police Officer of the Year

Attachments: [Proclamation - Police Officer of the Year](#)

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. [20-131](#) **Meeting Minutes**
 Recommendation: Approve the regular meeting minutes of January 14, 2020.

 Attachments: [Minutes - 011420 - Regular](#)

2. [20-132](#) **Investment Report for the Quarter Ending September 30, 2019**
 Recommendation: Accept the Investment Report for the quarter ending September 30, 2019.

 Attachments: [Staff Report - Investment Quaterly Report 9-30-19](#)
 [Attach 1 - Quarterly Investment Report 09302019](#)

3. [20-133](#) **Update Regarding the Following Matters:**
 1) Anti-Nepotism and Anti-Cronyism Ordinance;
 2) Hercules Ethics Policy
 Recommendation: Accept and file the report.

 Attachments: [Staff Report - 2020 nepotism ethics update council](#)
 [Attach 1 - Nepotism Cronyism Ordinance](#)
 [Attach 2 - Resolution No. 13-051-Ethics](#)

4. [20-134](#) **Authorize an Application Designating the Contra Costa Countywide Bicycle Advisory Committee as the Review Body for TDA Article 3 Pedestrian and Bicycle Funding in the City of Hercules**
 Recommendation: Adopt a Resolution authorizing application to the Metropolitan Transportation Commission for exemption from the local Bicycle Advisory Committee (BAC)/Bicycle and Pedestrian Advisory Committee (BPAC) Requirement and Designating the Contra Costa Countywide BAC as the review body for Transportation Development Act Article 3 Pedestrian and Bicycle Funding in the City of Hercules.

 Attachments: [Staff Report - CBAC for TDA Article 3](#)
 [Attach 1 - Resolution - CBAC for TDA Article 3](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [20-138](#) **FY 2018-19 Comprehensive Annual Financial Reports Auditor Presentation**

Recommendation: Receive a presentation from the Auditors on the Fiscal Year 2018-19 Comprehensive Annual Financial Reports (CAFR).

Attachments: [Staff Report - FY 18-19 Annual Audit](#)
 [Attach 1 - Staff Report 12-10-2019 - FY 18-19 Annual Audit](#)
 [Attach 2 - FY 18-19 City Annual Financial Report](#)
 [Attach 3 - City of Hercules 2019 GANN](#)
 [Attach 4 - FY 18-19 Governance Communication](#)
 [Attach 5 - PDF Signed Final Report Financial Statements - Hercules PFA](#)
 [Attach 6 - PDF Signed Final Report Financial Statements - Hercules Wastewater](#)
 [Attach 7 - PDF Signed AUP Report-City of Hercules Measure B](#)
 [Attach 8 - PDF Signed AUP Report-City of Hercules Measure C](#)

2. [20-142](#) **Update on Waterfront/Bayfront Parking Study and Future Steps**

Recommendation: Receive Report, Discuss, and Provide Feedback and Direction, if any.

Attachments: [Staff Report - Waterfront Parking Study Update 01282020](#)
 [Attach 1 - Staff Report - Bayfront Parking Study Update SR 07232019](#)
 [Attach 2 - July 23rd Meeting Minutes Excerpt Bayfront Parking Study 01152020](#)
 [Attach 3 - Hercules Parking Demand Memo FINAL DRAFT](#)

3. [20-135](#) **Professional Services Agreement with Bellecci & Associates in the Amount of \$74,200 for the Final Design of the Willow/Palm Sidewalk Project.**

Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement with Bellecci & Associates for a not to exceed amount of \$74,200 for the final design of the Willow/Palm Sidewalk project.

Attachments: [Staff Report - Willow Palm Final Design](#)
 [Attach 1 - Resolution - Willow Palm Final Design](#)
 [Attach 2 - Bellecci & Associates Signed - Palm-Willow Final Engineering Design - Contract](#)
 [Attach 3 - Bellecci & Associates Signed- Nepotism Ack Form](#)
 [Attach 4 - Willow Palm Final Design Exhibit](#)

4. [20-137](#) **2020 City Council Appointments on Regional Committees and Council Sub-Committees**
 Recommendation: Appointment of members of the City Council by the Mayor to both Regional Committees and Council Sub-committees.

 Attachments: [Staff Report - Appointments to Regional Committees](#)
 [Attach 1 - 2020 Proposed Draft of Regional Committee Appointments -draft](#)
5. [20-136](#) **Update on Monument or Gateway Sign**
 Recommendation: Receive report, discuss and provide direction, if any.

 Attachments: [Staff Report - Monument Sign](#)
 [Attach 1 - E-banner-Policy - Town of Windsor](#)
 [Attach 2 - Windsor E-Banner display application](#)
 [Attach 3 - Photo Collage - Windsor Gateway Sign](#)

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 11, 2020 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 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: January 23, 2020)

**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.