

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, February 11, 2020

6:00 PM

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. [20-144](#) 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. [20-145](#) 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
3. [20-146](#) Conference with Legal Counsel - Existing Litigation Pursuant to Government Code Section 54956.9 (d) (1). Rodum, Eva v. City of Hercules, et al, Contra Costa Superior Court Case No. CIVMSC18-01148
4. [20-150](#) Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9 (d) (2): In one (1) matter - Claim of Marylyn and Manuel Judan, Claim No. GL-013278

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. [20-147](#) **Meeting Minutes**
 Recommendation: Approve the regular meeting minutes of January 28, 2020.

 Attachments: [Minutes - 012820 - Regular](#)

2. [20-148](#) **Approval of the Amended Encroachment Easement and Agreement for Block N of the Bayfront Project**
 Recommendation: Adopt a Resolution approving the amended encroachment easement and agreement for Block N of the Bayfront project and authorizing the City Manager to execute said agreement on behalf of the City Council.

 Attachments: [Staff Report - Amended Block N Easement Agreement](#)
 [Attach 1 - Resolution - Block N - Amended Easement Agreement](#)
 [Attach 2 - Block N - Amended Overhead Encroachment Easement](#)
 [Attach 2a - Block N - Amended Encroachment - plat](#)
 [Attach 3 - Block N - Recorded Encroachment Easement and Agreement](#)
 [Attach 3a - Block N - Recorded Encroachment - plat](#)

3. [20-149](#) **Notice of Intent to Vacate a Portion of "Excess" Right-of-Way along San Pablo Avenue abutting the Hilltown Project**
 Recommendation: Adopt a Resolution declaring a notice of intent to vacate "excess" right-of-way along San Pablo abutting the Hilltown project site and setting a public hearing for March 24, 2020 utilizing the process outlined in the Streets and Highways Code Section 8300 et seq and Government Code Section 65402.

Attachments: [Staff Report - Hilltown Street Vacations Notice of Intent](#)
[Attach 1 - Resolution - Notice to Vacate - Hilltown](#)
[Hilltown ROW Vacation - Exhibit A - Legal Description](#)
[Hilltown ROW Vacation - Exhibit B - Plats](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [20-140](#) **Professional Services Agreement with HDR in the amount of \$1.15M for the Design of the Regional Internodal Transit Center (RITC) and Appropriating \$500K in Measure J TLC Grant Funding to Fully Fund said Agreement**
Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement with HDR for a not to exceed amount of \$1.15M for the design of the Regional Internodal Transit Center (RITC) and appropriating \$500K in Measure J TLC grant funding received by the Contra Costa Transportation Authority to fully fund said agreement.

Attachments: [Staff Report - 2020 HDR RITC Base Contract](#)
[Attach 1 - Resolution - 2020 RITC Base Contract](#)
[Attach 2 - Contract - HDR - RITC Final Design - Final Version](#)
[Attach 3 - HDR - Ordinance 486 Contractor Acknowledgment Form](#)
[Attach 4 - Exhibit - Hercules RITC Plaza Rendering](#)

2. [20-143](#) **Update on Code Compliance Efforts**
Recommendation: Receive report, discuss, and provide direction, if any.

Attachments: [Staff Report - Code Compliance Update 02112020](#)
[Attach 1 - April 14 2015 Staff Report](#)
[Attach 2 - Staff Report - Code Compliance Update 10102017](#)
[Attach 3 - Code Compliance Report 3rd quarter 2019](#)
[Attach 4 - 4th Quarter 2019 Report](#)

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 25, 2020 at 7:00 p.m. in the Council Chambers.

Agendas are posted in accordance with Government Code Section 54954.2(a) and 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: February 6, 2020)

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),

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.