

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, February 25, 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. [20-169](#) 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. [20-170](#) 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

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. [20-173](#) **Mandatory Garbage/Solid Waste Disposal - Delinquent Accounts**
Recommendation: Conduct a Public Hearing and upon conclusion, consider adopting a Resolution confirming the report of delinquent accounts and placing liens on said properties and special assessments upon property taxes pursuant to City of Hercules Municipal Code Section 5-2.01 to 5-2.16, Mandatory Garbage/Solid Waste Disposal.

Attachments: [Staff Report - Garbage Liens](#)
 [Attach 1 - Resolution - Garbage Liens](#)
 [Hercules Prelim List - 021320](#)

XII. CONSENT CALENDAR

1. [20-171](#) **Meeting Minutes**
Recommendation: Approve the special closed session and regular meeting minutes of February 11, 2020.
2. [20-139](#) **Accept the FY 18-19 Annual Development Impact Fee Report**
Recommendation: Review, accept and file the annual development impact fee report for fiscal year end June 30, 2019.

Attachments: [Minutes - 021120 - Regular](#)

Attachments: [Staff Report - 2018-19 Annual Development Impact Fee](#)
 [Attach 1 - FY 18-19_DIF Report](#)

3. [20-174](#) **List of Projects for Fiscal Year 2020-21 Funded by SB 1: The Road Repair and Accountability Act of 2017**
Recommendation: Adopt a Resolution approving a list of projects for fiscal year 2020-21 funded by SB 1: the Road Repair and Accountability Act of 2017.

Attachments: [Staff Report - SB1 2020-21](#)
 [Attach 1 - SB1 2020-21 Reso - Exhibit 1](#)
 [Attach 2 - SB1 FY20.21 Road Maintenance Project - Tuquoise Drive Exhibit](#)
 [Attach 3 - Hercules Street Moratorium Map \(2.1.2020\)](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [20-177](#) **Discussion Regarding the Process for Becoming a Charter City for the Purpose of Increasing the Real Property Transfer Tax (RPTT)**
Recommendation: Review and discuss report, and provide direction, if any.

Attachments: [Staff Report - RPTT Charter City Discussion](#)
 [Attach 1 - PropTransfTaxRates](#)
 [Attach 2 - Chart General Law v-Charter Cities-07-26-11](#)
 [Attach 3 - Example of a City Charter Increasing RPTT Rates](#)

2. [20-172](#) **Fiscal Year 2019-20 Mid Year Budget Review and Miscellaneous Mid Year Budget Appropriations and Adjustments**
Recommendation: Receive a report on the fiscal year 2019-20 mid-year budget review and adopt a Resolution approving various mid year budget appropriations and adjustments.

Attachments: [Staff Report - FY 19-20 Mid-Year Budget Update](#)
 [Attach 1 - Resolution](#)
 [Attach 2 - Decision Package Status Update 02032020](#)
 [Attach 3 - Proposed Budget Amendment](#)
 [Attach 4 - General Fund Summary](#)
 [Attach 5 - Updated General Fund Budget Balancing Spreadsheet](#)
 [Attach 6 - FY 18-19 Available Fund Balance Calculation](#)

3. [20-176](#) **Professional Services Agreement with BKF in the Amount of \$148,111 for the Design of the 2021 Annual Street Repair Project and Appropriating \$148,111 in Gas Tax Funding to Fully Fund Said Agreement**
Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement with BKF for a not to exceed amount of \$148,111 for the design of the 2021 Street Repair Project and appropriating \$148,111 in Gas Tax to fully fund said agreement.

Attachments: [Staff Report - 2021 Street Rehab BKF Design Contract](#)
 [Attach 1 - Resolution - 2021 Street Rehab BKF Design Contract- Reso](#)
 [Attach 2A - 2017 Staff Report](#)
 [Attach 2B - 2017 Executed Reso](#)
 [Attach 2C - Location Map](#)
 [Attach 3 - BKF Engineers - Sycamore Willow Pavement Rehabilitation Project \(OBAG\) -...](#)
 [Attach 4 - Arterial Roadway Pavement Condition](#)

4. [20-141](#) **Operating Memorandum with Hercules Development Partners LP Regarding Bayfront Parking**
Recommendation: Approve an Operating Memorandum with Hercules Development Partners LP regarding Bayfront parking.

Attachments: [Staff Report - Cooperative Memorandum Bayfront 02282020](#)
 [Attach 1 - Operating Memorandum 02192020](#)
 [Attach 2 - Conceptual Memoradum of Understanding](#)

5. [20-175](#) **Accept the Investment Report for the Quarter Ending December 31, 2019**

Recommendation: Accept and file the Investment report for the quarter ending December 31, 2019.

Attachments: [Staff Report - Investment Quaterly Report 12-31-19](#)
 [Attach 1 - Investment 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, March 10, 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: February 20, 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.