

6:00 p.m. - Closed Session
7:00 p.m. - Regular Meeting
Hercules City Council
September 9, 2008

Council Chambers
City Hall
111 Civic Drive
Hercules, CA 94547

CITY COUNCIL AGENDA

Cablecast live on Channel 28 and webcast live via the City's website at www.ci.hercules.ca.us

"Where flowers bloom so does hope." Lady Bird Johnson

I. JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION

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

1. Pursuant to Government Code Section 54956.9(a) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Hercules LLC vs The City of Hercules and Redevelopment Agency of the City of Hercules (Contra Costa Superior Court Case No. C07-02881)
2. Pursuant to Government Code Section 54956.9(b) CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION - One Case
3. Pursuant to Government Code Section 54957(e) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE - One Item

II. ROLL CALL – CALL TO ORDER - REPORT ON ACTION TAKEN IN CLOSED SESSION

III. PLEDGE OF ALLEGIANCE

IV. MOMENT OF SILENCE

V. CITY OF HERCULES INTRODUCTIONS/PRESENTATIONS

1. Presentation Of A Proclamation To Sandy Warren, Executive Director Meals on Wheels - Senior Outreach Services Declaring September 21 – 27, 2008 Falls Prevention Awareness Week
2. Receive Presentation From Lesa R. McIntosh, President, East Bay Municipal Utility District, Regarding Water Shortage

VI. AGENDA ADDITIONS/DELETIONS

All writings or documents provided to a majority of the City Council regarding any item on this agenda are available for public inspection at the Reception Desk at City Hall, 111 Civic Drive during normal business hours.

VII. 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 three (3) minutes to discuss their concerns. All public comments are recorded and become part of the public record. A limit of thirty (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 thirty-minute period, time will be reserved at the conclusion of the meeting to take the remaining comments.

VIII. CITY COUNCIL/CITY MANAGER ANNOUNCEMENTS AND CITY COUNCIL COMMITTEE, SUB-COMMITTEE AND INTERGOVERNMENTAL COMMITTEE REPORTS

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.

IX. CONSENT CALENDAR

The Consent Calendar consists of items that are considered to be routine and are recommended for approval. These items may be acted upon and approved by one motion of the City Council. However, individual items may be removed from the Consent Calendar, for discussion, by individual Council Members wishing to consider the matter separately.

1. Approve City Council Meeting Minutes Of [May 13, 2008](#), [May 27, 2008](#), [June 10, 2008](#), [June 24, 2008](#), [July 8, 2008](#) And [July 22, 2008](#).
2. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With Chelsea Colliver To Provide Swim Coach Services For FY 2008-09 For An Amount Not To Exceed \$13,200
3. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With Jodi Tamosunas To Provide Swim Coach Services For FY 2008-09 For An Amount Not To Exceed \$19,200
4. Adopt [Resolution](#) Authorizing Appropriation And Expenditure Of An Amount Not To Exceed \$7,000 From The Community Development Fund To Pay The Second Year Assessment For Participation In The East Bay Regional Communication System

5. Adopt A [Resolution](#) Of The City Council Of The City Of Hercules Endorsing East Bay Regional Park District's Proposed Extension Of Regional Open Space, Wildlife, Shoreline And Parks Bond
6. Adopt A [Proclamation](#) Recognizing And Congratulating Eden Housing On Its 40th Year Providing Housing Opportunities For Disadvantaged Communities
7. Adopt A [Resolution](#) Authorizing The City Manager/Executive Director To Execute An Amendment To An Existing Agreement With Engeo Inc. Increasing The Compensation For An Amount Not To Exceed \$170,000 To Provide Additional Geotechnical Engineering Consultation Services For The Sycamore Downtown Street Development
8. Adopt A [Resolution](#) Authorizing The City Manager To Approve An Additional Payment Of \$4,440.00 To Fernandez Commercial Cleaning & General Services From The Fiscal Year 07/08 Budget And Approve An Increase To Four (4) New Contracts To Reflect \$7,926.00 For Fiscal Year Budget 08-09
9. Adopt A [Resolution](#) Authorizing An Additional Appropriation Of An Amount Not To Exceed \$500,000 To The City Of Hercules First Time Homebuyer Purchase Assistance Program For Fiscal Year 2008-2009
10. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Amendment To An Existing Agreement With Ghilotti Brothers For The John Muir Parkway Phase I Project Increasing Compensation By An Amount Not To Exceed \$180,000.
11. Adopt A [Resolution](#) Authorizing A Budget Appropriation From The Unappropriated Housing Fund Balance For An Amount Not To Exceed \$1,649,681.95 To Fund Existing Loans And Expenditures Under The City Of Hercules Homeownership Retention And Loss Mitigation Program For FY 2007-2008
12. Adopt A [Resolution](#) Authorizing The Expenditure Of An Amount Not To Exceed \$30,000 For The Purchase And Installation Of New Play Structure At Lupine Child Care
13. Receive Library Commission Meeting Minutes Of [February 21, 2008](#), [March 20, 2008](#), [April 17, 2008](#) And [May 15, 2008](#)
14. Adopt A [Resolution](#) Declaring A City Fleet Vehicle As Surplus Property And Authorizing Disposal By Auction
15. Adopt A [Resolution](#) Authorizing The City Manager/Executive Director To Execute An Amendment To An Existing Agreement With Stevenson, Porto & Pierce Inc. To Provide Project Management And Planning Services For The Bayfront And New Town Center Projects For An Amount Not To Exceed \$40,000

X. UNFINISHED BUSINESS

XI. PUBLIC HEARING

1. Have/Waive The First Reading Of An Ordinance Approving The Sale Of Real Property By The Redevelopment Agency Of The City Of Hercules To The City Of Hercules. Said Property Is Located At 203 To 295 Linus Pauling Drive, Hercules California. Currently Developed As A 98,847 Square Foot Facility, Along With Proper Parking Facilities And Associated Improvements **(Staff will be requesting that this item be continued to a date yet to be determined.)**
2. Have/Waive The First Reading Of An Ordinance Approving The Sub-Lease Of Real Property By The Redevelopment Agency Of The City Of Hercules To The Powder Keg Pub, Inc. A California Corporation Of Commercial Property Located At 2132 Railroad Avenue, Hercules, California. Currently Developed As A Commercial Location Of Approximately 1,600 Square Feet. **(Staff will be requesting that this item be continued to a date yet to be determined.)**
3. Have/Waive The First Reading Of An Ordinance Approving The Sub-Lease Of Real Property By The Redevelopment Agency Of The City Of Hercules To Steve Buchanan, Elizabeth Parson, Mark Buchl DBA As Hercules Fitness Of Commercial Property Located At 600 Alfred Nobel Drive, Hercules, California. Currently Developed As A Commercial Location Of Approximately 11,089 Square Feet. **(Staff will be requesting that this item be continued to a date yet to be determined.)**
4. Have/Waive The First Reading Of An Ordinance Approving The Lease Of Real Property By The City Of Hercules To Bio-Rad Laboratories, Inc. A Delaware Corporation Of Commercial Property Located At 203 To 295 Linus Pauling Drive, Hercules, California. Currently Developed As A 98,847 Square Foot Facility, Along With Proper Parking Facilities And Associated Improvements. **(Staff will be requesting that this item be continued to a date yet to be determined.)**
5. Have/Waive First Reading Of An Ordinance Amending Title 3 (Public Safety), Chapter 4 (Traffic) Of The Hercules Municipal Code, With Amendments To Article 1 (Definitions) And The Addition Of Article 17 (Parking Authority) And Article 18 (Residential Parking Permit Areas) **(Staff will be requesting that this item be continued to a date yet to be determined.)**
6. Have/Waive The [First Reading](#) Of An Ordinance Approving A Development And Owner Participation Agreement Between The City Of Hercules, Hercules Redevelopment Agency And Santa Clara Valley Housing Group, Inc. For The Hilltown Redevelopment Project **(This Item Was Continued From The July 22, 2008 Meeting.)**
7. [Consideration Of An Appeal](#) Of The Planning Commission's Decision Denying Conditional Use Permit No. 08-02, A Request To Construct Tenant Improvements For A

2,059 Square Foot Restaurant Located At 1991 Railroad Avenue In The Historic Overlay District.

8. Adopt An [Urgency Ordinance](#) Adding Chapter 4-17 To The Hercules Municipal Code Establishing Procedures For Imposing Fines Pursuant To California Civil Code Section 2929.3 On Legal Owners Of Foreclosed Properties For Failure To Maintain Such Properties.

XII. COMMUNICATIONS

XIII. COUNCIL REPORTS AND RESOLUTIONS

1. Receive Report, Conduct Discussion And Provide Direction To Staff With Respect To Filling The Vacancy On The Community Services Commission

XIV. CITY MANAGER REPORTS AND RESOLUTIONS

1. [Receive And File](#) The Annual Report Of The Affordable Housing Department For Fiscal Year 2007-2008
2. Adopt A [Resolution](#) Of The City Council Of The City Of Hercules Opposing Fiscally Irresponsible State Budget Decisions That Would “Borrow” Local Government, Redevelopment And Transportation Funds

XV. PUBLIC COMMUNICATIONS

XVI. INTERGOVERNMENTAL ISSUES

XVII. ADJOURNMENT

Redevelopment Agency Meeting
City of Hercules
September 9, 2008
Immediately Following the Regular
City Council Meeting

Council Chambers
City Hall
111 Civic Drive
Hercules, CA. 94547

REDEVELOPMENT AGENCY MEETING

I. CALL TO ORDER--ROLL CALL

II. AGENDA ADDITIONS/DELETIONS

III. PUBLIC COMMUNICATIONS

IV. CONSENT CALENDAR

1. Approve Redevelopment Agency Meeting Minutes of [May 13, 2008](#), [May 27, 2008](#), [June 24, 2008](#), [July 8, 2008](#) and [July 22, 2008](#)
2. Adopt A [Resolution](#) Authorizing The City Manager/Executive Director To Execute An Amendment To An Existing Agreement With Engeo Inc. Increasing The Compensation For An Amount Not To Exceed \$170,000 To Provide Additional Geotechnical Engineering Consultation Services For The Sycamore Downtown Street Development
3. Adopt a [Resolution](#) Authorizing the City Manager to Approve an Additional Payment of \$4,440.00 To Fernandez Commercial Cleaning & General Services from the Fiscal Year 07/08 Budget and Approve An Increase To Four (4) New Contracts To Reflect \$7,926.00 For Fiscal Year Budget 08-09
4. Adopt A [Resolution](#) Authorizing An Additional Appropriation Of An Amount Not To Exceed \$500,000 To The City Of Hercules First Time Homebuyer Purchase Assistance Program For Fiscal Year 2008-2009
5. Adopt A [Resolution](#) Authorizing A Budget Appropriation From The Unappropriated Housing Fund Balance For An Amount Not To Exceed \$1,649,681.95 To Fund Existing Loans And Expenditures Under The City Of Hercules Homeownership Retention And Loss Mitigation Program For FY 2007-2008
6. Adopt A [Resolution](#) Authorizing The Expenditure Of An Amount Not To Exceed \$30,000 For The Purchase And Installation Of New Play Structure At Lupine Child Care

7. Adopt a [Resolution](#) Authorizing the Executive Director to Execute a Consultant Services Agreement with Watry Design, Inc. for Parking Design and Feasibility in the Bayfront Area Adjacent to the Intermodal Transit Center
8. Adopt A [Resolution](#) Authorizing The Executive Director To Execute A Development And Owner Participation Agreement With Santa Clara Valley Housing Group, Inc., Regarding Development Of The 44 Acre Hilltown Site
9. Adopt A [Resolution](#) Authorizing The City Manager/Executive Director To Execute An Amendment To An Existing Agreement With Stevenson, Porto & Pierce Inc. To Provide Project Management And Planning Services For The Bayfront and New Town Center Projects For An Amount Not to Exceed \$40,000

V. PUBLIC HEARINGS

VI. EXECUTIVE DIRECTOR REPORTS AND RESOLUTIONS

VII. ADJOURNMENT

THE HERCULES CITY COUNCIL AND THE REDEVELOPMENT AGENCY ADHERE TO THE FOLLOWING POLICIES, PROCEDURES AND REGULATIONS REGARDING CITY COUNCIL MEETINGS:

1. In compliance with the Americans with Disabilities Act, if you require special accommodations to participate in a City Council or Redevelopment Agency meeting, please contact the City Clerk at 510-799-8215 at least 48 hours prior to the meeting.
2. If you challenge a decision of the City Council or Redevelopment Agency in court, you may be limited to raising only those issues you or someone else raised at the Council Meeting or in written correspondence delivered at, or prior to, the Council Meeting. Actions challenging City Council or Redevelopment Agency decisions shall be subject to the time limitations contained in Code of Civil Procedure Section 1094.6.
3. Persons wishing to add an item to an agenda must submit the final written documentation 12 calendar days prior to the City Council or Redevelopment Agency Meeting.
4. In order to ensure the efficient conduct of City Council/Redevelopment Agency meetings, and to provide opportunities for all interested persons to speak and be heard, the City Council will adhere to the following meeting procedures:

Public Comment Period

- Persons wishing to speak must complete and submit a speaker's card.
- The City Council will listen with respect and an open mind.
- Council responses to speakers will be as follows:
 - 1) Short answers by Council or staff as appropriate; or
 - 2) Item is directed to staff for later action/ follow-up; or
 - 3) Item is placed on a future agenda
- Conversation between the public and staff or the City Council will not be allowed.
- A three-minute time limit per speaker will be enforced when there are numerous speakers addressing a single agenda item.

Process for Addressing Agenda Items Before the City Council

- Mayor reads the agenda item
- Staff presents their report
- Council questions staff
- Public comments are heard
- Council discusses item
- A motion is made
- Final Council discussion
- Council votes or provides direction to staff