

6:00 p.m. - Closed Session
7:00 p.m. - Regular Meeting
Hercules City Council
November 18, 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

Inspirational Message: "As long as you can see each day as a chance for something new to happen, something you never experienced before, you will stay young." Sadie Delany

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 54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATOR Regarding Assessor Parcel Number 404-040-062-6. The City's Negotiators are Nelson Oliva, City Manager/Executive Director and Alfred Cabral, City Attorney/Agency Counsel
3. Pursuant to Government Code Section 54956.9(b) CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION - Two Cases

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. Receive Third Quarter Report From Joe Stewart, Chief Executive Officer of Doctors Medical Center

VI. AGENDA ADDITIONS/DELETIONS

VII. PUBLIC COMMUNICATIONS

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.

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. Adopt A [Resolution](#) Authorizing The Appropriation And Expenditure Of An Amount Not To Exceed \$48,500 For The Scanning And Archiving Of Building Department Address Files And Building/Public Works Plans And Maps For Permanent Retention
2. Adopt a [Resolution](#) Adopting the State of California Environmental Quality Act (CEQA) Guidelines by Reference and Rescinding City of Hercules CEQA Guidelines
3. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Amendment To An Existing Agreement With Ghilotti Brothers, Inc. For The Street Maintenance Repair Project No. 2008-03, Increasing The Scope of Work and Contract Amount By \$148,000
4. Adopt A [Resolution](#) Authorizing The Appropriation And Expenditure Of \$11,104 From the Golf Tournament Fundraiser Proceeds To The Hercules Titans Boosters
5. Adopt A [Resolution](#) Authorizing The Retention Of Various Vendors And Contractors To Provide Specialized Services For The Police/Public Works Relocation Project

6. Adopt A [Resolution](#) Declaring Certain Computer and Electronic Equipment As Surplus And Authorize The Proper Disposal Thereof
7. Adopt A [Resolution](#) Authorizing The Appropriation And Expenditure Of An Amount Not To Exceed \$8,600 For The Conversion Of City Council/Redevelopment Agency And City Commission Meeting Video Tapes (VHS) To Digital Video Disk (DVD) For Permanent Retention

X. UNFINISHED BUSINESS

XI. PUBLIC HEARING

1. Have/Waive The [First Reading](#) Of An Ordinance Adding Section 6-1.34 To Chapter 1, Title 6 Of The Hercules Municipal Code, Implementing The Provisions Of The Digital Infrastructure And Video Competition Act Of 2006, Codified In California Public Utilities Code Section 5800 Et Seq

XII. COMMUNICATIONS

XIII. COUNCIL REPORTS AND RESOLUTIONS

1. [Receive Report](#), Conduct Discussion And Provide Direction To Staff With Respect To
1) Implementation Of New Procedures For Appointments To The Various Commissions, Boards And Committees And 2) Consideration Of Merging the Community Services and Library Commissions

XIV. CITY MANAGER REPORTS AND RESOLUTIONS

XV. PUBLIC COMMUNICATIONS

XVI. INTERGOVERNMENTAL ISSUES

XVII. ADJOURNMENT

Redevelopment Agency Meeting
City of Hercules
November 18, 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. Adopt A [Resolution](#) Authorizing The Executive Director To Execute Amendment No. 1 To The Existing Agreement With Obrestad Landscaping General Contractor For The Installation Of Ninety-Four (94) New Wooden Mail Box Frames For An Amount Not To Exceed \$61,960 And Authorizing The Purchase Of An Additional 140 Mail Boxes For An Amount Not To Exceed \$11,178 For A Total Appropriation Not To Exceed \$73,138 To Complete Phase IV Of The City Of Hercules Secure Mail Box Replacement Program
2. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Amendment To An Existing Agreement With Morgan, Miller, And Blair For An Amount Not To Exceed \$50,000 To Provide Review And Possible Revision Of Various Environmental Documents Related To The Waterfront/Intermodal Transit Station Project
3. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Amendment to an Existing Agreement With George Szabo & Associates For An Amount Not To Exceed \$95,000 For The Period From November 1, 2008 To October 31, 2009 To Provide Waterfront Town Planner/Urban Design Consultant Services And For Site Planning And Design Of The Intermodal Transit Center
4. Adopt A [Resolution](#) Authorizing The Appropriation And Expenditure Of An Amount Not To Exceed \$8,600 For The Conversion Of City Council/Redevelopment Agency And City Commission Meeting Video Tapes (VHS) To Digital Video Disk (DVD) For Permanent Retention

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