

6:00 p.m. - Closed Session
7:00 p.m. - Regular Meeting
Hercules City Council
January 27, 2009

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

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 54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATOR Regarding Assessor Parcel Number 406-522-005. The City's/Agency's Negotiators are Nelson Oliva, City Manager/Executive Director and Alfred Cabral, City Attorney/Agency Counsel

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. Introduction Of Hercules Teen Youth Council
2. Receive Presentation From Irene Lalonde, Contra Costa County Grand Jury Member
3. Recognition Of One Warm Coat Drive Participants

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. Reject [Claim](#) Filed By Tony Wong
2. Adopt A [Resolution](#) Authorizing The City Manager To Execute A Site Lease Agreement And A Memorandum Of Lease With AT&T For The Location of a Cell Site On Refugio Valley At Falcon Way
3. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With Auerbach-Glasow-French to Provide Architectural Lighting Design And Consulting Services For Sycamore Downtown Street Development For An Amount Not To Exceed \$62,000
4. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With Carlson, Barbee & Gibson, Inc. To Provide Design Services For The Widening And Relocation Of Willow Avenue Between Palm And Sycamore Avenues For An Amount Not To Exceed \$315,215

5. Adopt A [Resolution](#) (1) Consenting To A Joint Public Hearing With The Hercules Redevelopment Agency To Consider The Proposed 2009 Amendments To The Existing Amended And Restated Redevelopment Plan For The Merged Project Areas And Related Environmental Impact Report And (2) Acknowledging That The Preliminary Report And Proposed Updated 2009 Redevelopment Plan Have Been Transmitted To Affected Taxing Entities For Comment At Least 120 Days Prior To The Joint Public Hearing
6. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With DBH Resources Inc To Provide Risk Management And Quality Control Services Relative To The Administration Of The Owner Controlled Insurance Program For Sycamore Downtown Street Development An Amount Not To Exceed \$10,250
7. Adopt A [Resolution](#) Authorizing The City Manager To Apply For Local Grant Funds And Execute A Master Contract From The East Bay Regional Park District Under Measure WW Park Bond Extension
8. Adopt A [Resolution](#) Authorizing The City Manager To Execute Amendments To Existing Agreements With RBF Consulting For An Amount Not To Exceed \$16,100 And Fehr And Peers Transportation Consultants For An Amount Not To Exceed \$22,000 To Provide Additional Environmental And Traffic Modeling Services Required For Preparation Of The New Town Center EIR
9. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With Oliver And Company To Provide Construction Manager At-Risk Services For The Construction Of The Sycamore Downtown Street Development For An Amount Not To Exceed \$4,050,756
10. Adopt A [Resolution](#) Authorizing The Appropriation Of \$150,000 From The Sewer Fund For Phase II Of The Environmental And Engineering Studies Being Performed To The Pinole/Hercules Wastewater Treatment Plant And Authorizing The City Manager To Disperse Funds Subject To The Joint Powers Authority's (JPA) Recommendation

X. UNFINISHED BUSINESS

XI. PUBLIC HEARING

1. Have/Waive The [First Reading](#) Of An Ordinance Of The City Council Of The City Of Hercules Repealing Ordinance No. 369 And Ordinance No. 406; Amending Title 2. Administration, Chapter 2 Boards And Commissions Of The Hercules Municipal Code To Include Article 5 Community And Library Services Commission, Section 2-2.501 And Section 2.2.509

XII. COMMUNICATIONS

XIII. COUNCIL REPORTS AND RESOLUTIONS

1. Conduct [Discussion](#) And Consideration Of Selection Of Community Member To Be Honored By Contra Costa College During The Women's History Month Celebration

XIV. CITY MANAGER REPORTS AND RESOLUTIONS

XV. PUBLIC COMMUNICATIONS

XVI. INTERGOVERNMENTAL ISSUES

XVII. ADJOURNMENT

Redevelopment Agency Meeting
City of Hercules
January 27, 2009
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 An Agreement With Auerbach-Glasow-French to Provide Architectural Lighting Design And Consulting Services For Sycamore Downtown Street Development For An Amount Not To Exceed \$62,000
2. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Agreement With DBH Resources Inc To Provide Risk Management And Quality Control Services Relative To The Administration Of The Owner Controlled Insurance Program For Sycamore Downtown Street Development An Amount Not To Exceed \$10,250
3. Adopt A [Resolution](#) Authorizing The Appropriation And Expenditure Of An Amount Not To Exceed \$2,042 From To Provide For A Six Month Membership To The East Bay Economic Development Alliance
4. Adopt A [Resolution](#) Authorizing The Executive Director To Apply For Local Grant Funds And Execute A Master Contract From The East Bay Regional Park District Under Measure WW Park Bond Extension
5. Adopt A [Resolution](#) Authorizing The Executive Director To Execute Amendments To Existing Agreements With RBF Consulting For An Amount Not To Exceed \$16,100 And Fehr And Peers Transportation Consultants For An Amount Not To Exceed \$22,000 To Provide Additional Environmental And Traffic Modeling Services Required For Preparation Of The New Town Center EIR
6. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Agreement With Oliver And Company To Provide Construction Manager At-Risk Services For The Construction Of The Sycamore Downtown Street Development For An Amount Not To Exceed \$4,050,756

7. Adopt A [Resolution](#) (1) Consenting To A Joint Public Hearing With The Hercules City Council To Consider The Proposed 2009 Amendments To The Existing Amended And Restated Redevelopment Plan For The Merged Project Areas And Related Environmental Impact Report And (2) Acknowledging That The Preliminary Report And Proposed Updated 2009 Redevelopment Plan Have Been Transmitted To Affected Taxing Entities For Comment At Least 120 Days Prior To The Joint Public Hearing
8. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Agreement With Wagstaff And Associates To Provide Environmental Analysis And Preparation Of Appropriate Environmental Documentation For John Muir Parkway Phase 2, The John Muir Parkway Culvert, And The Bayfront Bridge
9. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Agreement With Economics Research Associates To Provide Services For Market and Feasibility Analysis of the Sycamore Crossing Project For An Amount Not To Exceed \$34,000

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