

**6:00 p.m. - Closed Session**  
**7:00 p.m. - Regular Meeting**  
Hercules City Council  
April 14, 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](http://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 Nos. C07-02881 and N09-0290)
2. Pursuant to Government Code Section 54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATOR Regarding Assessor Parcel Number 404-020-065. The City's/Agency's Negotiators are Nelson Oliva, City Manager/Executive Director and Alfred Cabral, City Attorney/Agency Counsel
3. Pursuant to Government Code Section 54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATOR Regarding Assessor Parcel Number 404-020-076. The Agency's Negotiators are Nelson Oliva, Executive Director and Alfred Cabral, Agency Counsel
4. Pursuant To Government Code Section 54957.6 CONFERENCE WITH LABOR NEGOTIATORS - City Negotiator: Nelson Oliva, City Manager Relative To Employee Organization Teamsters Local 315
5. Pursuant To Government Code Section 54957.6 CONFERENCE WITH LABOR NEGOTIATORS - City Negotiator: Nelson Oliva, City Manager Relative To Senior Management Employee Group
6. Pursuant To Government Code Section 54957.6 CONFERENCE WITH LABOR NEGOTIATORS - City Negotiator: Nelson Oliva, City Manager Relative To The Unrepresented Employee Group

**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**

**VI. AGENDA ADDITIONS/DELETIONS**

**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 [January 13, 2009](#) and [January 27, 2009](#).
2. Adopt a [Resolution](#) Authorizing the Expenditure of An Amount Not To Exceed \$131,300 for the Replacement and Upgrade of Computers

3. Adopt A [Resolution](#) Declaring Certain Computer Property and Electronics As Surplus And Authorizing The Proper Disposal of Said Property
4. Adopt A [Resolution](#) Authorizing The City Manager To Execute A Temporary Permit To Enter And Use Property With The County Of Contra Costa For The Turquoise Communication Site
5. Adopt A [Resolution](#) Authorizing The Appropriation And Expenditure Of An Amount Not To Exceed \$35,000.00 For The Installation Of Two Replacement Pumps At The Industrial Lift Station
6. Adopt A [Resolution](#) Authorizing The City Manager To Submit An Application For Grant Funds For The NOAA Coastal and Marine Habitat Restoration Project Grants Under The American Recovery And Reinvestment Act For The Chelsea Wetlands Restoration Project
7. Adopt A [Resolution](#) Authorizing The Appropriation And Expenditure Of An Amount Not To Exceed \$60,000 From The Unexpended Balance Of The Police Development Impact Fees Fund To Purchase And Install Property Room And Firearms Secure Facilities Hardware
8. Adopt A [Resolution](#) Authorizing The Submittal Of A Grant Application To The United States Department Of Justice, Office Of Community Oriented Policing (COPS) For A Direct Award Of \$888,534 Under The COPS Hiring Recovery Program (CHRP) To Pay The Salary And Benefits For Two New Police Officers For The First Three Years Of Their Employment
9. Adopt A [Resolution](#) Authorizing The Submittal Of A Grant Application To The United States Department Of Justice, Bureau Of Justice Assistance (BJA), Office Of Justice Programs For A Direct Award Of \$23,203 Under The Edward Byrne Justice Assistance Grant (JAG) To Fund Neighborhood Watch, Citizens Police Academy, And Related Programs
10. Adopt A [Resolution](#) Authorizing The City Manager To Execute A Certificate Of Acceptance Of A Grant Deed For Parcels A, B, And C Of Tract 8407
11. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With Urban Logic Consultants To Provide Engineering And Technical Services For The City Of Hercules Proposed Sewer Force Main Alignment For An Amount Not To Exceed \$206,800
12. Adopt [Resolutions](#) Authorizing The City Manager To Execute Memorandum Of Understandings And Employment Agreements As Follows:

Authorizing The City Manager To Execute A Memorandum Of Understanding With Teamsters Local 315 Representing Regular Part-Time Employees

Authorizing The City Manager To Execute A Memorandum Of Understanding With Teamsters Local 315 Representing Regular Full-Time Employees

Authorizing The City Manager To Execute A Memorandum Of Understanding With Teamsters Local 315 Representing Regular Full-Time Mid-Manager Employees

Authorizing The City Manager To Execute An Employment Agreement With Full-Time Senior Managers

Authorizing The City Manager To Execute An Employment Agreement With Full-Time Unrepresented Employees

Authorizing The Appropriation Of \$146,640 From The Unappropriated Fund Balance Of Various Funding Accounts To Be Distributed To The Appropriate Salary And Benefit Accounts For Regular Full-Time, Full-Time Mid-Managers And Part-Time Bargaining Units

Resolution Authorizing The Appropriation Of \$6,677 From The Unappropriated Fund Balance Of Various Funding Accounts To Be Distributed To The Appropriate Salary And Benefit Accounts For Senior Managers And Unrepresented Group

## **X. UNFINISHED BUSINESS**

1. Have/Waive The Second Reading And Adopt An Ordinance Of The City Council Of The City Of Hercules Modifying The Development And Owner Participation Agreement Entered January 11, 2001 (“DOPA”) Between The City Of Hercules (“City”), The Redevelopment Agency Of The City Of Hercules (“Agency”) And Hercules LLC, A California Limited Liability Company (“Hercules LLC”)  
[Report](#)   [Ordinance](#)

## **XI. PUBLIC HEARING**

## **XII. COMMUNICATIONS**

## **XIII. COUNCIL REPORTS AND RESOLUTIONS**

1. Conduct Discussion and Make Appointments to the West Contra Costa Unified School District Bond Oversight Committee

## **XIV. CITY MANAGER REPORTS AND RESOLUTIONS**

1. Adopt A [Resolution](#) Authorizing City Manager/Executive Director To Approve All Related Expenditures And Appropriate An Additional \$400,000.00 From The Un-appropriated Fund Balance Of The General Fund (\$100,000) And P&R DIF Fund (\$150,000) And Redevelopment Bond Issue 2005 (\$150,000) For A Total Amount Not To Exceed \$400,000.00 For Emergency Repairs to The Swim Center Facilities Maintenance Projects
2. Receive Request And Provide Direction To Staff Regarding Funding Request From The Hercules Sister City Association [Resolution 81-24](#) [Funding Request](#)

**XV. PUBLIC COMMUNICATIONS**

**XVI. INTERGOVERNMENTAL ISSUES**

**XVII. ADJOURNMENT**

Redevelopment Agency Meeting  
City of Hercules  
April 14, 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. Approve Redevelopment Agency Meeting Minutes of [January 13, 2009](#) and [January 27, 2009](#)
2. Adopt A Resolution [Authorizing](#) The Executive Director To Execute An Agreement With Alliant Insurance Services, Inc. For Purchase Of Builders Risk Insurance For The Sycamore Downtown Street Development For An Amount Not To Exceed \$305,684
3. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Amendment To An Existing Agreement With Wetlands And Water Resources, Inc. To Provide Consulting Services For The Completion Of The NOAA Coastal And Marine Habitat Restoration Grant For An Amount Not To Exceed \$4,000
4. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Agreement With Bruce Carone Grading And Paving, Inc. For The Construction Of A Level Pad At The Footprint Of The Bayfront Bridge Site For An Amount Not To Exceed \$15,000; Authorizing The Appropriation of An Additional Amount Not to Exceed \$115,500 From The Unappropriated Fund Balance Of The Redevelopment Agency Operating Fund To Cover All Expenses Related To The Construction Of The Bayfront Bridge
5. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Agreement With Arthur J. Gallagher & Company Insurance Brokers Of CA Inc. For Purchase Of An Owner Controlled Insurance Program (OCIP) For The Sycamore Downtown Street Development For An Amount Not To Exceed \$757,259
6. Adopt a [Resolution](#) Authorizing the Executive Director to Execute a Consultant Services Agreement With Wagstaff and Associates for Preparation of an

Environmental Impact Report (EIR) Under the California Environmental Quality Act (CEQA) for the Hercules Bayfront Project at the Waterfront

7. Adopt A [Resolution](#) Authorizing City Manager/Executive Director To Approve All Related Expenditures And Appropriate An Additional \$400,000.00 From The Un-appropriated Fund Balance Of The General Fund (\$100,000) And P&R DIF Fund (\$150,000) And Redevelopment Bond Issue 2005 (\$150,000) For A Total Amount Not To Exceed \$400,000.00 For Emergency Repairs to The Swim Center Facilities Maintenance Projects
8. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Agreement With West Environmental Services And Technology Inc. To Provide Consulting Services Regarding The Clean Up Of The Corporation Yard For An Amount Not To Exceed \$29,800

**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