

**6:00 p.m. - Closed Session**  
**7:00 p.m. - Regular Meeting**  
Hercules City Council  
June 23, 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(b) CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION - One Case
2. Pursuant to Government Code Section 54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATORS Regarding Assessor Parcel Numbers 358-030-024, 358-030-027 and 358-030-026. 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 NEGOTIATORS Regarding Assessor Parcel Number 404-182-008. The City's/Agency's Negotiators are Nelson Oliva, City Manager/Executive Director and Alfred Cabral, City Attorney/Agency Counsel
4. Pursuant to Government Code Section 54957(e) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - City Manager

### **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 Presentation From Jeff Bennett, City Representative To The Contra Costa County Mosquito And Vector Control Board.

### **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. Adopt A [Resolution](#) Authorizing The City Manager To Execute Amendments To Existing Annual Professional Services And Maintenance Agreements For Fiscal Year 2009-10 For An Amount Not To Exceed \$3,460,277
2. Adopt A [Resolution](#) Accepting The Engineer's Report And Declaring The City Council's Intention To Levy And Collect Assessments For Fiscal Year 2009-2010 Within The City Of Hercules Landscaping And Street Lighting Assessment District No. 83-2
3. Adopt A [Resolution](#) Accepting The Engineer's Report And Declaring The City Council's Intention To Levy And Collect Assessments For Fiscal Year 2009-2010 Within Bayside Landscape And Lighting Assessment District No. 2005-1

4. Adopt A [Resolution](#) Accepting The Engineer's Report And Declaring The City Council's Intention To Levy And Collect Assessments For Fiscal Year 2009-2010 Within Baywood Landscape And Lighting Assessment District No. 2004-1
5. Adopt A [Resolution](#) Accepting The Engineer's Report And Declaring The City Council's Intention To Levy And Collect Assessments For Fiscal Year 2009-2010 Within Hercules Village Landscape And Lighting Assessment District No. 2002-2
6. Adopt A [Resolution](#) Accepting The Engineer's Report And Declaring The City Council's Intention To Levy And Collect Assessments For Fiscal Year 2009-2010 Within Victoria By The Bay Landscape And Lighting Assessment District No. 2002-1
7. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With Solar City/Bay Alarm For An Amount Not To Exceed \$12,000 To Provide Replacement Solar Panels And CCTV Surveillance System At Hanna Ranch Child Care
8. Adopt A [Resolution](#) Supporting High Occupancy Toll ("HOT") Lanes And AB 744 (Torrico), And Directing Staff To Forward The Resolution To The West Contra Costa Transportation Advisory Committee ("WCCTAC") For Use In Lobbying State Legislators
9. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With Pipenology, Inc. For An Amount Not To Exceed \$74,800 To Provide The Sewer Lining Project At Newbury, Project No. 2009-02
10. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With Reddick Professional Services For An Amount Not To Exceed \$166,000 To Provide Electrical Engineering Services To The Hercules Municipal Utility
11. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With D.R. Lemings Construction For An Amount Not To Exceed \$285,980 For The Santa Fe Avenue Force Main Replacement Project No. 2009-03

**X. UNFINISHED BUSINESS**

**XI. PUBLIC HEARING**

1. Have/Waive The [First Reading](#) Of An Ordinance Amending Section 2-1.03(a) Of The Hercules Municipal Code Regarding The Salary Of Council Members

**XII. COMMUNICATIONS**

**XIII. COUNCIL REPORTS AND RESOLUTIONS**

**XIV. CITY MANAGER REPORTS AND RESOLUTIONS**

1. Receive [Update](#) On Lease Revenue Bond Financing

**XV. PUBLIC COMMUNICATIONS**

**XVI. INTERGOVERNMENTAL ISSUES**

**XVII. ADJOURNMENT**

Redevelopment Agency Meeting  
City of Hercules  
June 23, 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 Amendments To Existing Annual Professional Services And Maintenance Agreements For FY 2009-10 For An Amount Not To Exceed \$3,460,277
2. [Receive](#) And File Update On Lease Revenue Bond Financing
3. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Agreement With HDR Engineering, Inc. In An Amount Not To Exceed \$720,000 For Design And Engineering Of Transit Loop Drive And Bridge, And The Temporary Parking Lot On Block K
4. Adopt A [Resolution](#) Ratifying A License Agreement, Dated June 10, 2009, Between The Redevelopment Agency Of The City Of Hercules And Hercules Bayfront LLC
5. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Agreement With Jensen – Van Lienden Associates, Inc., To Provide Engineering Services For Palm Center Project For An Amount Not To Exceed \$8,300.00

### **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