

**6:00 p.m. - Closed Session**  
**7:00 p.m. - Regular Meeting**  
Hercules City Council  
September 22, 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)*

**Council Member Ed Balico will be participating via teleconferencing from the Steigenberger Hotel De Saxe, Neumarket 9, Dresden - Phone # +49-351-43860.**

### **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 54957(b) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE - One Item
2. Pursuant To Government Code Section 54956.9(a) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Robert Andrews vs City of Hercules et al (Contra Costa County Superior Court Action #MSC08-02976)

### **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 Commending And Expressing Special Recognition To Officer Dwayne Collard Of The Hercules Police Department For His Selection As The 2009/2010 Police Officer Of The Year
2. Presentation Of A Proclamation Congratulating Semik And Laurie Oungouljian On Receiving The California Apartment Association's New Development Of The Year Award For Sycamore Hills By The Bay
3. Presentation Of A Proclamation Declaring October 2009 As National Code Compliance Month

4. Receive Presentation From Sister City Delegation
5. Receive Presentation From Principal Zakrevsky, Hercules Middle/High School

## **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 [September 8, 2009](#)
2. Adopt A [Resolution](#) Authorizing The Appropriation and Expenditure Of An Amount Not To Exceed \$10,000 For The Purchase Of A 10x10 Pop-Up Display from The Exhibit Company
3. Receive And File A [Report](#) Regarding The City Submittal Of A TIGER Discretionary Grant Application In The Amount Of \$6,000,000 For Components Of The Intermodal Transit Center Passenger Rail Facilities On September 15, 2009

4. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With The West Contra Costa Unified School District To Provide One School Resource Officer At Hercules Middle High School For Fiscal Years 2009-2010, 2010-2011 and 2011-2012 For An Amount Of \$160,000 Per Year
5. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With AMG Engineering For The Repair Of The Bayside Lift Station Of An Amount Not To Exceed \$28,000
6. Adopt A [Resolution](#) Authorizing The City Manager To Execute All Master Agreements, Program Supplemental Agreements And Any Amendments Thereto With the California Department of Transportation For The Hercules Pavement Rehabilitation Of San Pablo Avenue, Federal Aid Project No. ESPL 5117(008)
7. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With Bruce Carone Grading And Paving For A Guardrail Replacement For An Amount Not To Exceed \$15,360
8. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With Pump Repair Service For Repairs To The Lupine Slide Well Pumps For An Amount Not To Exceed \$17,528
9. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With Riley's Striping For An Amount Not To Exceed \$10,822 To Provide For The Sycamore Avenue Restriping From Refugio Valley Road To Redwood Road Project No. 2009-05
10. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With East Bay Municipal Utilities District (EBMUD) To Collect The Water Portion Of The Utility Users Tax For An Amount Not To Exceed \$56,680
11. Adopt A [Resolution](#) Authorizing the City Manager, As The City's Plan Administrator, To Execute A Trust Agreement For The City's Participation In The Public Agency Retirement Services (PARS) Post-Retirement Health Care Plan Trust
12. Adopt A [Resolution](#) Authorizing The Amendment Of Existing Organizational Structure For The Classification Of Journeyman-Electric Utility Line Working Supervisor In The Hercules Municipal Utility Department And Office Assistant II In The Parks And Recreation Department
13. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With West Environmental Services And Technology To Provide Construction Documents Regarding The Clean Up Of The Corporation Yard For An Amount Not To Exceed \$41,700

14. Adopt a [Resolution](#) Authorizing The City Manager To Execute An Agreement With A-Plus Tree Service To Provide Tree Removal Services At Duck Pond Park For An Amount Not To Exceed \$18,000

## **X. UNFINISHED BUSINESS**

1. Have/Waive The [Second Reading](#) And Adopt An Ordinance Approving Zone Text Amendment No. 09-02, “Waterfront District Master Plan”, “Historic Town Center Sub-District Plan-Phases I And II,” To Allow Previously-Prohibited Public And Civic Uses, Office And Professional Uses, And Commercial/Service/Retail Uses In The “Railroad Avenue Live-Work Units” Located On The West Side Of Railroad Avenue Between Sycamore Avenue And Bayfront Boulevard
2. Have/Waive the [Second Reading](#) And Adopt An Ordinance Authorizing An Amendment To The Contract Between the City Council of the City of Hercules and the Board of Administration of the California Public Employees’ Retirement System

## **XI. PUBLIC HEARING**

## **XII. COMMUNICATIONS**

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

1. Conduct Discussion And Select [Voting Delegate](#) For The National League Of Cities Annual Business Meeting In San Antonio, Texas, November 14, 2009.

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

1. Adopt A [Resolution](#) Authorizing the City Manager To Transfer Park & Recreation Development Impact Fee Funds In an Amount Not to Exceed \$100,000 From FY 2010-2011 Budget Concept of the Capital Improvement Program to Capital Expenditure for Current FY 2009-2010 To Renovate and Augment The Picnic Area At Ohlone Park

## **XV. PUBLIC COMMUNICATIONS**

## **XVI. INTERGOVERNMENTAL ISSUES**

## **XVII. ADJOURNMENT**

Redevelopment Agency Meeting  
City of Hercules  
September 22, 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 [September 8, 2009](#)
2. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Agreement With East Bay Municipal Utilities District (EBMUD) To Collect The Water Portion Of The Utility Users Tax For An Amount Not To Exceed \$56,680
3. Adopt A [Resolution](#) Authorizing An Additional Allocation Of An Amount Not To Exceed \$11,700 For The Provision Of Maintenance Services By Fernandez Commercial Cleaning Services To The New BART Parking Facility For Fiscal Year 2009-2010 For A Total Contract Amount Of \$41,600
4. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Agreement With Carlile Macy And Associates To Provide Landscape Architecture And Creek Permitting Services For The Sycamore Crossing Project For An Amount Not To Exceed \$230,875
5. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Agreement With Giacalone Design Services, Inc. For The Design And Coordination Of Trenching And Utility Services For The Sycamore Downtown Street Development For An Amount Not To Exceed \$10,536
6. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Agreement With HDR Engineering, Inc. For An Amount Not To Exceed \$192,500 To Provide A “Senior Project Manager – Intermodal Transit Center” From October 1, 2009 To June 30, 2010 To Perform Project Work At 32 Hours Per Week
7. Adopt A [Resolution](#) Authorizing The Executive Director To Execute Amendment No. 2 To An Existing Agreement With Opticos Design, Inc. To Provide Additional Design

And Architecture Services For The Sycamore Crossing Project For An Amount Not To Exceed \$62,000

8. Adopt A [Resolution](#) Authorizing The Executive Director To Execute A Project Labor Agreement For The Hercules Sycamore Downtown Northside Mixed Use Development

**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