

6:30 p.m. - Closed Session
7:00 p.m. - Regular Meeting
Hercules City Council
November 24, 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

Council Member Ward will be participating via teleconferencing from:

**LaGuardia Airport Hotel
100-15 Ditmars Blvd.
East Elmhurst, New York 11369**

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

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 Fil-Ams Of Hercules Regarding New Years Eve Fundraising Event

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)

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.

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 [October 13, 2009](#) and [October 27, 2009](#)
2. Adopt A [Resolution](#) Declaring City Fleet Vehicle As Surplus Property And Authorizing Disposal By Auction
3. Adopt A [Resolution](#) Authorizing The Development Of A Veterans' Tribute For The City Of Hercules By The Hercules Redevelopment Agency
4. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With BKF For An Amount Not To Exceed \$63,000.00 From The Unappropriated Sanitary Sewer Fund Balance, For The Preparation Of The Design For The Sanitary Sewer Improvements To Allow For The Abandonment Of The Bayfront Sewer Lift Station
5. Adopt A [Resolution](#) Authorizing The Carryover Of 2008-2009 Fiscal Year Operating, Program, Contractual And Project Balances In The Amount Of \$1,136,970.92 To The 2009-2010 Fiscal Year To Allow For Completion Of Projects
6. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With DR Lemings Construction For An Amount Not To Exceed \$190,000 To Provide For The Sycamore Avenue Utility Relocation Project – Phase I, Project No. 2009-04
7. Adopt A [Resolution](#) Adopting And Authorizing Staff To Implement A Hercules Municipal Utility Identity Theft Prevention Program In Compliance With Part 681 Of Title 16 Of The Code Of Federal Regulations Implementing Sections 114 And 315 Of The Fair And Accurate Credit Transactions Act Of 2003 As Required By The Federal Trade Commission

8. Adopt A [Resolution](#) Authorizing The City Manager To Execute Agreements With H & R Plumbing For An Amount Not To Exceed \$20,000 And SFE Global For An Amount Not To Exceed \$93,500; And Authorizing An Additional Appropriation In The Amount Of \$100,000 To Provide For Potential Sewer Line Replacement For A Total Project Amount Of \$213,500 For The Sanitary Sewer Master Plan (SSMP) Capital Improvement Projects
9. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Amendment To An Existing Professional Services Agreement With West Contra Costa Unified School District To Provide Assistant Principal Services At Hercules Middle/High School For School Year 2009-10
10. Adopt A [Resolution](#) Authorizing The City Manager To Execute An Agreement With West Contra Costa Unified School District To Provide For An Instrumental Music Instructor For Hercules Elementary Schools For School Year 2009-10
11. Reject [Claim](#) Filed By Jeannette Armstrong On Behalf Of Minor Child

X. UNFINISHED BUSINESS

1. Have/Waive The [Second Reading](#) And Adopt An Ordinance Adopting By Reference A Model Water Efficient Landscape Ordinance Per California Assembly Bill No. 1881

XI. PUBLIC HEARING

XII. COMMUNICATIONS

XIII. COUNCIL REPORTS AND RESOLUTIONS

XIV. CITY MANAGER REPORTS AND RESOLUTIONS

XV. PUBLIC COMMUNICATIONS

XVI. INTERGOVERNMENTAL ISSUES

XVII. ADJOURNMENT

Redevelopment Agency Meeting
City of Hercules
November 24, 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 [October 13, 2009](#) And [October 27, 2009](#)
2. Adopt A Resolution [Authorizing](#) The Development Of A Veterans' Tribute For The City Of Hercules By The Hercules Redevelopment Agency
3. Adopt A Resolution [Authorizing](#) The Carryover Of 2008-2009 Fiscal Year Operating, Program, Contractual And Project Balances In The Amount Of \$1,136,970.92 To The 2009-2010 Fiscal Year To Allow For Completion Of Projects
4. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Agreement With BKF, For An Amount Not To Exceed \$85,000 From The Unappropriated Redevelopment Agency Fund Balance To Prepare The Design Of The John Muir Parkway Project - Phase II
5. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Amendment To The Existing Agreement With Morgan Miller Blair In An Amount Not To Exceed \$150,000 For Continued Review Of The Intermodal Transit Center Environmental Documents, The Hercules Bayfront Environmental Documents, And Processing The Applications For Both Projects Through Public Hearings
6. Adopt A [Resolution](#) Authorizing The Executive Director To Execute An Agreement With Opticos Design, Inc. To Provide Services Related To The New Town Center Market Town Design; Authorizing The Appropriation And Expenditure Of An Amount Not To Exceed \$51,660 From The Unappropriated Redevelopment Agency Fund Balance With Full Reimbursement From The New Town Center Project Fund and Authorizing The Executive Director To Execute A Reimbursement Agreement With The Red Barn Company

7. Adopt A Resolution Authorizing The Executive Director To Execute An Asset and Property Management Agreement with Main Street Property Services, Inc. (**The staff report for this item was unavailable at time of agenda posting. The entire report with attachments will be distributed on Monday, November 23, 2009.**)

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