

6:00 p.m. - Closed Session
7:00 p.m. - Regular Meeting
Hercules City Council
September 13, 2011

Council Chambers
City Hall
111 Civic Drive
Hercules, CA 94547

CITY COUNCIL AGENDA

Cablecast live on Comcast Channel 28, AT&T Channel 99 and webcast live via the City's website at www.ci.hercules.ca.us

I. PUBLIC COMMUNICATION – CLOSED SESSION ITEMS

II. 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 PUBLIC EMPLOYEE APPOINTMENT - City Manager/Executive Director and City Attorney/Agency Counsel
2. Pursuant to Government Code Section 54956.9(b) CONFERENCE WITH LEGAL COUNSEL – SIGNIFICANT EXPOSURE TO LITIGATION - 2 cases - Teamsters Local 315 Grievance, dated June 30, 2011, Regarding Layoff of Recreation Supervisor: Teen and Youth Services and Potential Unfair Practice Charge by Teamsters 315 relating to Reorganization of Parks and Recreation Department
3. Pursuant to Government Code Section 54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATOR Regarding Assessor Parcel Numbers 4040100044, 4040100051, 4040100069, 4040200653, 4040200844, 4040200851, 4040200869, 4040300198, 4040300222, 4044900803, 4044901009, 4046700169, 4046700177, 4046700185. Property commonly known as Hercules Bayfront. The City's/Agency's Negotiators are Elizabeth Warmerdam, Interim City Manager/Executive Director, Charlie Long, Executive Project Manager, Intermodal Transit Center/Bayfront Project and Patrick Tang, City Attorney/Agency Counsel
4. Pursuant to Government Code Section 54956.9(b), CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION – One Case

III. ROLL CALL – CALL TO ORDER – REPORT ON ACTION TAKEN IN CLOSED SESSION

IV. PLEDGE OF ALLEGIANCE

V. MOMENT OF SILENCE

VI. CITY OF HERCULES INTRODUCTIONS/PRESENTATIONS

VII. AGENDA ADDITIONS/DELETIONS

VIII. 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.

IX. CITY COMMISSION AND AD HOC COMMITTEE REPORTS

X. 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 [December 14, 2010](#), [December 21, 2010](#) and [January 11, 2011](#)
2. Adopt A [Proclamation](#) Declaring October 2011 As Domestic Violence Awareness Month
3. Reject [Claim](#) Filed By Alisa Owens
4. Adopt A [Resolution](#) Authorizing The Interim City Manager To Execute An Agreement With Jarvis Faye Deporto And Gibson LLP To Provide Legal Services To The City Of Hercules
5. Adopt A [Resolution](#) Authorizing The Interim City Manager To Execute A Pass Through Agreement With West Contra Costa Transit Authority (WCCTA) To Serve As Conduit For \$1,251,116 Of Federal Transit Authority Grant Funds For The Intermodal Transit Center Project

XI. UNFINISHED BUSINESS

XII. PUBLIC HEARING

1. Adopt [Resolution](#) Accepting \$100,000 in Funding from the State of California COPS (Citizen Option for Public Safety) Program and to Appropriate All Existing and Anticipated Program Moneys Exclusively to Provide Frontline Law Enforcement Service

XIII. COMMUNICATIONS

XIV. CITY COUNCIL REPORTS AND RESOLUTIONS

1. Make Appointment To The Bayfront Negotiation Team

XV. CITY MANAGER REPORTS AND RESOLUTIONS

1. Receive Update On Sycamore North Project (Verbal)
2. Receive Update On Hercules Municipal Utility (Verbal)
3. Receive Report From Hercules Bayfront Task Force (Verbal)
4. Adopt A [Resolution](#) Authorizing The Interim City Manager To Execute An Agreement With Arthur J Gallagher & Co. To Provide Builders Risk Insurance For Sycamore North Development For An Amount Not To Exceed \$149,621
5. Adopt A [Resolution](#) Authorizing The Creation Of The Classification Of Recreation Coordinator-Senior Center, Part-Time (Annual Part-Time Salary Range Of \$29,009.06 To \$37,023.56) And Authorizing The Appropriation Of Funds In An Amount Not To Exceed \$48,000 From The Unreserved General Fund Balance For The Position For The Remainder Of Fiscal Year 2011-2012
6. Adopt A [Resolution](#) Amend Resolution 11-094, Rescinding all Health and Welfare Benefits for Members of the City Council, Clarifying The Termination Of State Of California Public Employees Retirement System (“CalPERS”) For Members Of The City Council
7. Consider [Approval](#) Of A Request From The Friends Of The Hercules Library, H.E.L.P., For A Waiver Of Fees For Use Of The Community /Swim Center For A Fundraising Event
8. Receive [Report](#) Regarding The Dissolution Of The Hercules Redevelopment Agency As Proposed In ABX1 26 And 27 And Consider 1) No Action at This Time or 2) Adopting An Ordinance Pursuant To Health And Safety Code Section 34193 To Elect And Implement Participation By The City Of Hercules And The Redevelopment Agency Of The City Of Hercules In The Voluntary Alternative Redevelopment Program Pursuant To Part 1.9 Of The California Community Redevelopment Law

XVI. PUBLIC COMMUNICATIONS

XVII. 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.

XVIII. INTERGOVERNMENTAL ISSUES

XIX. 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