



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

Council Chambers
City Hall
111 Civic Drive
Hercules, CA 94547

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY 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 54956.9(c), CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION – Four Cases
2. 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 Steven Duran, City Manager/Executive Director, Charlie Long, Executive Project Manager, Intermodal Transit Center/Bayfront Project and Patrick Tang, City Attorney/Agency Counsel

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 March 29, 2011 And April 12, 2011
2. Authorize The Cancellation Of The Regular City Council Meeting Scheduled For Tuesday, December 27, 2011
3. Adopt A Resolution Accepting The Sycamore Avenue Utility Relocation Project - Phase 2, Project No. 2010-10 As Complete, And Filing Of The Notice Of Completion With The Contra Costa County Recorder's Office

XI. PUBLIC HEARING

1. Conduct A Public Hearing And Have/Waive The First Reading Of An Ordinance Of The City Council Of The City Of Hercules Amending Section 2-1.03, Chapter 1 Of Title 2 Of The Hercules Municipal Code Regarding The Salary Of City Council Members
2. Conduct A Public Hearing And Consider The Following Approvals Relative To The Hercules Bayfront Project:

- a. Adopt A Resolution Adopting CEQA Findings And Statement Of Overriding Considerations, And Mitigation Monitoring And Reporting Program (MMRP) For The Bayfront Project
- b. Have/Waive The First Reading Of An Ordinance Approving Zoning Text Amendment 09-03 (Amendment To The Hercules Waterfront District Master Plan)
- c. Adopt A Resolution Approving Vesting Tentative Map No. 9290 **(This item will be continued to a Special Meeting scheduled for December 20, 2011.)**
- d. Adopt A Resolution Approving General Plan Amendment 09-02
- f. Have/Waive The First Reading Of An Ordinance Approving Zoning Designation Change 09-01
- g. Adopt An Urgency Ordinance Approving Vesting Development Agreement No. 09-01 **(This item will be continued to a Special Meeting scheduled for December 20, 2011.)**
- h. Adopt An Urgency Ordinance Authorizing The Implementation Of A Development Agreement No. 11-01. **(This item will be continued to a Special Meeting scheduled for December 20, 2011.)**

XII. CITY MANAGER/EXECUTIVE DIRECTOR REPORTS AND RESOLUTIONS

- 1. Adopt a Resolution Authorizing the Appropriation and Expenditure of an Amount not to exceed \$283,819.50 to Fund Existing Lighting and Landscaping Contracts for the Remainder of Fiscal Year 2011-12.
- 2. Adopt A Resolution Rescinding City Resolution No. 07-175 And Redevelopment Agency Resolution No. 07-067; Authorizing The Investment Of City Of Hercules And Hercules Redevelopment Agency Monies In The Local Agency Investment Fund (LAIF) And Authorizing City And Agency Officers And Their Successors In Office To Order Deposits Or Withdrawals Of City And Agency Monies To/From Said Fund
- 3. Receive A Report On The Status Of The Hercules Redevelopment Agency (HRDA) And City Finances And Discuss Issues Related To The HRDA And Its Impact On City Finances

XIII. PUBLIC COMMUNICATIONS

XIV. 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.

XV. CITY COUNCIL PRESENTATION

1. Presentation Of Proclamation To Outgoing Mayor Myrna de Vera Acknowledging And Commending Her Dedication To The Hercules Community
2. Remarks From Mayor Myrna de Vera

XVI. CITY COUNCIL REORGANIZATION

1. Receive And Consider Staff Recommendation On Interim Appointment Process for Selection and Nomination of the Mayor and Vice Mayor for the 2012 Calendar Year
2. Council Reorganization - Election Of Mayor And Vice Mayor
3. Remarks From The Newly Elected Mayor

XVII. ADJOURN TO A RECEPTION FOR THE OUTGOING MAYOR AND NEWLY APPOINTED MAYOR AND VICE MAYOR

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