I. PUBLIC COMMUNICATION – CLOSED SESSION ITEMS

There was no Public Communication received.

II. CITY COUNCIL CLOSED SESSION

The Hercules City Council met in Closed Session regarding the following:

1. Pursuant to Government Code Section 54956.9(b), CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION – Parcel C, (APN #404-020-076-0)

2. Pursuant to Government Code Section 54956.9(a) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – The City of Hercules vs American Stores Properties Inc. (Contra Costa Superior Court Case No. MSC11-02361)

3. Pursuant to Government Code Section 54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATOR - The Property Subject To Negotiation Is Generally Described As Parcel C, Assessor’s Parcel Number 404-020-076-0. Negotiators are Steven Duran, City Manager, Patrick Tang, City Attorney and David Sanson, Civic Property Group.

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

Mayor Delgado called the meeting to order at approximately 7:05 PM.

Patrick Tang, City Attorney, stated that there was no reportable action taken in Closed Session.

Council Members Present: Delgado, de Vera, Kelly, McCoy and Romero

Council Members Absent: None

Staff Present: Duran, Jimenez, Mastay, Mathews, Reber and Tang
IV. PLEDGE OF ALLEGIANCE

Council, staff and the audience pledged allegiance to the flag.

V. MOMENT OF SILENCE

A moment of silence was held in memory of Jose Bibal, Planning Commissioner and for the Bibal family.

VI. CITY OF HERCULES PRESENTATIONS/INTRODUCTIONS

1. Receive Presentation From Catherine Lew, Lew Edwards Group, Regarding Process And Procedures For Placing A Measure On The Ballot

Agenda Item XIII.1 was moved to this point in the agenda for presentation only. Action items related to this presentation will be placed on the February 12, 2013 agenda.

2. Receive Presentation Regarding The West Contra Costa Unified School District’s Application To The State Board Of Education For A Waiver Of The Statutory Bonding Capacity

Received report and or/comments from the following:

Charles Ramsey, WCCUSD Board Member
Madeline Kroninberg, WCCUSD Board President
Dave Olson, Managing Director, KNN Public Finance
Jeff Baratta, Managing Director, Piper Jaffray & Co.
Bruce Harter, WCCUSD Superintendent

VII. AGENDA ADDITIONS/DELETIONS

There were no Agenda Additions or Deletions.

VIII. PUBLIC COMMUNICATIONS

Received comments from the following:

Jo Ellen Marcotte, President, Hercules Library Foundation – library fundraising efforts.
Manny de Vera, Hercules Resident – Martin Luther King Jr. Celebration
Phil Simmons, Hercules Resident – Ferry Funding
Jeff Wisniewski, Hercules Resident – General Plan Update and Development
Giorgio Cosentino, Hercules Resident – Support for Hercules Middle High School Principal
IX. CONSENT CALENDAR

1. Approve City Council Meeting Minutes of January 8, 2013

2. Approve A Proclamation Recognizing January 21, 2013 As The National Holiday Marking The Anniversary Of Dr. Martin Luther King Jr.’s Birth And Appreciation For The Role He Played In Shaping Human Rights For All Americans Across The Nation

3. Confirm And Approve A 12-Month, 3-Step Application Of The HMU E-1 Residential Rate On The Promenade Subdivision Residents Beginning With January 2013 Usage.

4. Adopt A Resolution Authorizing The City Manager To Execute Amendment No. 2 To An Existing Agreement With Stevenson, Porto & Pierce, Inc. To Continue To Provide Project Management And Planning Services For The Update Of The City’s General Plan Housing Element And To Increase Total Compensation By $7,500.00 By Authorizing An Appropriation Of The Same Amount From The Unappropriated Fund Balance Of The General Fund For A Total Contract Amount Not To Exceed $103,475.00

Item 2 - Mayor Delgado provided the proclamation for the record.

Item 4 – Robert Reber, Planning Manager, provided the report.

MOTION: Kelly/McCoy to adopt the Consent Calendar items 1, 2 and item 4 amended to delete reference to the Hercules Redevelopment Agency in the Contract. The motion was adopted by unanimous voice vote.

Item 3 - Council Member Kelly and City Attorney Tang recused themselves from discussion and/or action on this item due to a potential conflict as ratepayers.

Bob Streich, Contract HMU General Manager, provided the report.

Received comment from Mr. Simmons regarding his opposition to the item.

MOTION: McCoy/Romero to adopt Consent Calendar item 3 as submitted. The motion was adopted by the following vote:

   AYES:   Delgado, deVera, McCoy, Romero
   NOES:   None
   ABSENT: None
   ABSTAIN: None

Council Member Kelly and City Attorney Tang return to the dais.
X. **UNFINISHED BUSINESS**

There was no Unfinished Business.

XI. **PUBLIC HEARINGS**

1. Receive and Consider The Following:
   a. An Application Submitted by Richmond Sanitary Services for A Residential and Commercial Base Year Rate Adjustment for Franchised Solid Waste Collection (Garbage), and
   b. The Associated Consultant Study of Said Application and Requested Rate Change.

Mr. Duran and William Schoen, Principal, R3 Consulting, provided the report.

PUBLIC HEARING OPENED

Received comment from Sean Moberg, General Manager, Richmond Sanitary Services.

PUBLIC HEARING CLOSED

It was the consensus of Council to direct staff to continue negotiations and return with a firm recommendation for the February 12, 2013 meeting.

2. Adopt A Resolution Amending the City Wide Master Fee Schedule, approving Additions, Deletions And Adjustments To The City’s Parks & Recreation Department Fees, Police Department Fees, General City-Wide Fees, and Business License Fees Said Additions, Deletions And Adjustments To Become Effective March 1, 2013 for the City’s Parks & Recreation Department Fees and Police Department Fees and January 1, 2013 for the Business License Fees.

Pedro Jimenez, Parks and Recreation Director, Bill Goswick, Hercules Police Chief and Nickie Mastay, Finance Director provided the report.

PUBLIC HEARING OPENED

There was no public comment received.

PUBLIC HEARING CLOSED

MOTION: de Vera/Romero to adopt the resolution amending the City Wide Master Fee Schedule. The motion was adopted by unanimous voice vote.
XII. COMMUNICATIONS

There were no Communications.

XIII. COUNCIL REPORTS AND RESOLUTIONS


This item was continued to the February 12, 2013 meeting.

2. Conduct Discussion And Provide Direction To Staff Regarding The Reactivation Of The Education Commission And Authorize Recruitment For All Vacancies And Expiring Terms On The Various City Commissions And Committees

Doreen Mathews, Administrative Services Director/City Clerk, provided the report.

MOTION: McCoy/de Vera authorizing staff to conduct recruitment for all vacancies and expiring terms for the period of January 28, 2013 through February 21, 2013. The motion was adopted by unanimous voice vote.

It was the consensus of Council to refer the issue of the Education Commission to the members of the City Council Education Subcommittee with a recommendation to be made to the entire City Council.

A brief break was taken at approximately 10:45 p.m. with the entire Council and staff reconvening at approximately 10:53 p.m.

XIV. CITY MANAGER REPORTS AND RESOLUTIONS

1. Adopt A Resolution Adopting Complete Streets Policy, Which Meets Metropolitan Transportation Commission Requirements, Which Must Be Adopted Prior To January 31, 2013 In Order To Be Eligible For One Bay Area Grant Funds, Of Which An Estimated $45.2 Million Will Be Available To Contra Costa County Agencies Through Fiscal Year 2015-2016.

Mr. Reber provided the report.

MOTION: Kelly/Romero to adopt the resolution as presented. The motion was adopted by unanimous voice vote.

2. Adopt A Resolution Authorizing The City Manager To Execute An Agreement With East Bay Municipal Utility District For Engineering, Design, Pipeline Materials, And
Inspection For The Applicant-Installed Extension Of Water And Fire Service Lines Within The John Muir Parkway Extension And Authorizing The Expenditure Of An Amount Not To Exceed $271,761.00 For Said Services

William Silva, d’Oro Construction, provided the report.

MOTION: Kelly/Delgado to adopt the resolution as presented. The motion was adopted by unanimous voice vote.

3. Adopt A Resolution Authorizing The City Manager To Execute An Amendment To The Existing Agreement With Oliver And Company To Provide Site Security And Other General Conditions For The Sycamore North Project For An Amount Of Approximately $15,000 Per Month For The Period July 1, 2012 Through February 28, 2013, Not To Exceed $120,000 For This Eight Month Period.

Mr. Duran provided the report.

MOTION: de Vera/Kelly to adopt the resolution as presented. The motion was adopted by unanimous voice vote.

4. Conduct Discussion And Direct Staff Regarding Revenue Generation Ideas

Due to the late hour, this item was continued to the next meeting.

XV. PUBLIC COMMUNICATIONS

There were no Public Communications.

XVI. CITY COUNCIL/CITY MANAGER ANNOUNCEMENTS AND CITY COUNCIL COMMITTEE, SUB-COMMITTEE AND INTERGOVERNMENTAL COMMITTEE REPORTS

It was the consensus of a majority of the Council to call a Special Meeting for Tuesday, January 29, 2013, 6:00 p.m. with the agenda to include the following items:

1. Public Communication
2. January 8, 2013 Agenda Item XIV.4 - Revenue Generation Ideas
3. Amendment to the MOU for the Unrepresented/Confidential Employee Group
4. City Council/City Manager Announcements and Reports

XVII. INTERGOVERNMENTAL ISSUES

There were no Intergovernmental Issues.
XVIII. ADJOURNMENT

Mayor Delgado adjourned the meeting at approximately 11:30 p.m.

______________________________________________
John Delgado, Mayor

ATTEST:

______________________________________________
Doreen Mathews, City Clerk