

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Wednesday, January 10, 2018

7:00 PM

SPECIAL MEETING

COUNCIL CHAMBERS

Oversight Board

Dan Romero, Chair
Gerard Boulanger, Board Member
Jeff Brown, Board Member
Colin Coffey, Board Member
Vickie Gordon, Board Member
Chris Mount-Benites, Board Member

I. SPECIAL MEETING – 7:00 P.M. CALL TO ORDER - ROLL CALL**II. PLEDGE OF ALLEGIANCE****III. INTRODUCTIONS/PRESENTATIONS - NONE****IV. AGENDA ADDITIONS/DELETIONS****V. 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, the Board 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 Oversight Board 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 3 minutes to discuss their concerns. All public comments are recorded and become part of the public record. A limit of 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 30 minute period, time will be reserved at the conclusion of the meeting to take the remaining comments.

VI. PUBLIC HEARINGS - NONE**VII. CONSENT CALENDAR****1. Minutes**

Recommendation: Approve the minutes for the following meetings: a) April 30, 2013, b) July 16, 2013, c) October 24, 2013, d) February 24, 2014, e) April 15, 2014, f) September 24, 2014, g) September 21, 2015, h) December 7, 2015, i) December 15, 2015, j) January 25, 2016, and k) February 1, 2017.

Attachments: [Minutes - April 30 2013](#)
 [Minutes - July 16 2013](#)
 [Minutes - October 24, 2013](#)
 [Minutes - February 24 2014](#)
 [Minutes - April 15 2014](#)
 [Minutes - September 24 2014](#)
 [Minutes - September 21 2015](#)
 [Minutes - December 7 2015](#)
 [Minutes - December 15 2015](#)
 [Minutes - January 25 2016](#)
 [Minutes - February 1 2017](#)

VIII. DISCUSSION AND/OR ACTION ITEMS**1. Recognized Obligation Payment**

Recommendation: Adopt a Resolution approving the Recognized Obligation Payment Schedule for the period July 1, 2018 through June 30, 2019 (includes ROPS 18-19A and ROPS 18-19B).

Attachments: [Staff Report](#)
 [Resolution](#)
 [Exhibit A - ROP Summary](#)
 [Exhibit A - ROP Detail](#)
 [Exhibit A - ROP Cash Balances](#)
 [Exhibit A - Notes](#)

IX. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

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 Board discussion may be either (a) referred to staff or other resources for factual information or (b) placed on a future meeting agenda.

X. ADJOURNMENT

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at www.ci.hercules.ca.us and can receive e-mail notification of agenda and staff report postings by signing up to receive an enotice from the City's homepage. Agendas and staff reports may also be obtained by contacting the Administrative Services Department at (510) 799-8215

(Posted: January 4, 2018)

THE HERCULES RDA SUCCESSOR AGENCY OVERSIGHT BOARD ADHERES TO THE FOLLOWING POLICIES, PROCEDURES AND REGULATIONS REGARDING BOARD MEETINGS

1. SPECIAL ACCOMODATIONS: In compliance with the Americans with Disabilities Act, if you require special accommodations to participate at a meeting, please contact the City Clerk at 510-799-8215 at least 48 hours prior to the meeting.

2. AGENDA ITEMS: Persons wishing to add an item to an agenda must submit the final written documentation 12 calendar days prior to the meeting. The City retains the discretion whether to add items to the agenda. Persons wishing to address the Oversight Board otherwise may make comments during the Public Communication period of the meeting.

3. AGENDA POSTING: Agendas of regular Oversight Board meetings are posted at least 72 hours prior to the meeting at City Hall, the Hercules Swim Center, Ohlone Child Care Center, Hercules Post Office, and on the City's website (www.ci.hercules.ca.us),

4. PUBLIC COMMUNICATION: Persons who wish to address the Board should complete the speaker form prior to the Board's consideration of the item on the agenda.

Anyone who wishes to address the Board on a topic that is not on the agenda and is relevant to the Board should complete the speaker form prior to the start of the meeting. Speakers will be called upon during the Public Communication portion of the meeting. In accordance with the Brown Act, the Board may not take action on items not listed on the agenda. The Board may refer to staff any matters brought before them at this time and those matters may be placed on a future agenda.

In the interests of conducting an orderly and efficient meeting, speakers will be limited to three (3) minutes. Anyone may also submit written comments at any time before or during the meeting.

5. CONSENT CALENDAR: All matters listed under Consent Calendar are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Board or a member of the public prior to the time the Board votes on the motion to adopt.

6. LEGAL CHALLENGES: If you challenge a decision of the Oversight Board in court, you may be limited to raising only those issues you or someone else raised at the meeting or in written correspondence delivered at, or prior to, the meeting. Actions challenging Board decisions shall be subject to the time limitations contained in Code of Civil Procedure Section 1094.6.



Legislation Details (With Text)

File #: 17-526 **Version:** 1 **Name:**
Type: Consent **Status:** Agenda Ready
File created: 1/2/2018 **In control:** Oversight Board
On agenda: 1/10/2018 **Final action:**
Title: Minutes
Recommendation: Approve the minutes for the following meetings: a) April 30, 2013, b) July 16, 2013, c) October 24, 2013, d) February 24, 2014, e) April 15, 2014, f) September 24, 2014, g) September 21, 2015, h) December 7, 2015, i) December 15, 2015, j) January 25, 2016, and k) February 1, 2017.

Sponsors:

Indexes:

Code sections:

Attachments: [Minutes - April 30 2013](#)
[Minutes - July 16 2013](#)
[Minutes - October 24, 2013](#)
[Minutes - February 24 2014](#)
[Minutes - April 15 2014](#)
[Minutes - September 24 2014](#)
[Minutes - September 21 2015](#)
[Minutes - December 7 2015](#)
[Minutes - December 15 2015](#)
[Minutes - January 25 2016](#)
[Minutes - February 1 2017](#)

Date	Ver.	Action By	Action	Result
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Minutes

Recommendation: Approve the minutes for the following meetings: a) April 30, 2013, b) July 16, 2013, c) October 24, 2013, d) February 24, 2014, e) April 15, 2014, f) September 24, 2014, g) September 21, 2015, h) December 7, 2015, i) December 15, 2015, j) January 25, 2016, and k) February 1, 2017.

**HERCULES RDA SUCCESSOR AGENCY
OVERSIGHT BOARD MINUTES
April 30, 2013**

I. PUBLIC COMMUNICATION – CLOSED SESSION ITEMS – 6:30 P.M.

There was no Public Communications.

II. CLOSED SESSION

1. Pursuant to Government Code Section 54956.9(a) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – Ambac Insurance Corporation vs The City of Hercules and Redevelopment Agency of the City of Hercules (Contra Costa Superior Court Case No. N12-0182)

Action: There was no reportable action:

2. Pursuant to Government Code Section 54956.9(b), CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION – Two Cases
 - a. Denova Homes
 - b. Oliver and Co.

Action: Item was not discussed.

3. Pursuant to Government Code Section 54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Regarding Assessor’s Parcel Numbers 404-020-057-0 and 404-020-058-8, Generally Described As Sycamore Crossing. The City’s Negotiators are Steven Duran, City Manager and Patrick Tang, City Attorney and David Zylstra, Property Development Centers LLC. Under Negotiation Will Be Price And Terms.

Action: There was no reportable action.

4. 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. City negotiators are Steven Duran, City Manager, Patrick Tang, City Attorney. Under Discussion Will Be Price And Terms. Other party to be determined.

Action: There was no reportable action.

III. ROLL CALL – CALL TO ORDER – 7:06 P.M.

Members Present:

Sheri Gamba, West Contra Costa Unified School District

Richard Mitchell, Hercules Planning Commissioner

Robert Reber, Hercules Staff

Dan Romero, Hercules Mayor and Council Member

Vickie Gordon, Contra Costa Community College District

Members Absent:

Ted Radke, East Bay Regional Parks District

Larry Tong, Alternate, East Bay Regional Parks District (Alternate)

William Wilkins, Hercules Council Member

IV. PLEDGE OF ALLEGIANCE

V. INTRODUCTIONS/PRESENTATIONS - NONE

VI. AGENDA ADDITIONS/DELETIONS - NONE

VII. PUBLIC COMMUNICATIONS - NONE

VIII. CONSENT CALENDAR

1. Approve February 21, 2013 and March 14, 2013 Meeting Minutes.

Action: Moved, seconded (Gordon/Reber) and carried unanimously by the members present to approve the minutes.

IX. DISCUSSION AND ADMINISTRATIVE ITEMS - NONE

X. REPORTS AND RESOLUTIONS

1. Adopt A Resolution Approving The April 23, 2013 Action Of The Hercules City Council As Successor Agency To The Hercules Redevelopment Agency For Non-Housing Assets Authorizing The City Manager/Executive Director To Finalize And Execute The First Amendment To An Agreement For Purchase And Sale With Property Development Centers, LLC For The Site Located At The Southwest Corner Of Sycamore And San Pablo Avenues (APN: 404-020-057 And APN: 404-020-058), Commonly Referred To As "Sycamore Crossing"

Action: Moved, seconded (Gamba/Gordon) and carried unanimously by the members present to adopt Resolution No. 13-004.

XI. FUTURE AGENDA ITEM REFERRALS - NONE

XII. OVERSIGHT BOARD AND STAFF ANNOUNCEMENTS - NONE

XIII. ADJOURNMENT

The meeting adjourned at 7:17 p.m.

Dan Romero, Chair

ATTEST:

Lori Martin, Clerk of the Board

**HERCULES RDA SUCCESSOR AGENCY
OVERSIGHT BOARD MINUTES
Tuesday, July 16, 2013**

I. PUBLIC COMMUNICATION – CLOSED SESSION - NONE

II. ROLL CALL – CALL TO ORDER - 7:00 P.M.

Members Present:

Vickie Gordon, Contra Costa Community College District

Robert Reber, Hercules Staff

Dan Romero, Hercules Council Member

William Wilkins, Hercules Resident

Members Absent:

Sheri Gamba, West Contra Costa Unified School District

Richard Mitchell, Hercules Planning Commissioner

Ted Radke, East Bay Regional Parks District

Larry Tong, Alternate, East Bay Regional Parks District

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC COMMUNICATIONS - NONE

V. CONSENT CALENDAR - NONE

VI. DISCUSSION AND ADMINISTRATIVE ITEMS - NONE

VII. REPORTS AND RESOLUTIONS

1. Adopt a Resolution approving the action of the City of Hercules as Successor Agency to the Hercules Redevelopment Agency authorizing the City Manager/Executive Director to finalize and execute the Second Amendment to Agreement for Purchase and Sale with Property Development Centers LLC, a Delaware limited liability company for the site at the southwest corner of Sycamore Avenue and San Pablo Avenue (APN: 404-020-057 and APN: 404-020-058), commonly referred to as “Sycamore Crossing” (Site)

Action: Moved, seconded (Reber/Gordon) and carried unanimously by members present to adopt Resolution No. 13-005.

VIII. FUTURE AGENDA ITEM REFERRALS - NONE

IX. OVERSIGHT BOARD AND STAFF ANNOUNCEMENTS – NONE

X. ADJOURNMENT

The meeting adjourned at 7:18 p.m.

Dan Romero, Chair

ATTEST:

Lori Martin, Clerk of the Board

**HERCULES RDA SUCCESSOR AGENCY
OVERSIGHT BOARD MINUTES
Thursday, October 24, 2013**

I. ROLL CALL – CALL TO ORDER – 6:00 P.M.

Members Present:

Vickie Gordon, Contra Costa Community College District
Richard Mitchell, Hercules Planning Commissioner
Jeff Brown, Hercules Staff
Dan Romero, Hercules Council Member
William Wilkins, Hercules Resident
Larry Tong, Alternate, East Bay Regional Parks District

Members Absent:

Sheri Gamba, West Contra Costa Unified School District

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMUNICATIONS – NONE

IV. CONSENT CALENDAR

1. Approve Oversight Meeting Minutes of July 16 and September 11, 2013
Action: Moved, seconded (Tong/Mitchell) and carried to approve the September 11, 2013 minutes. The July 16, 2013 are to be carried over to the next meeting.
AYES: Mitchell, Tong, Wilkins, Romero
NOES: None
ABSTAIN: Brown, Gordon
ABSENT: Gamba

V. DISCUSSION AND/OR ACTION ITEMS

1. Adopt a Resolution approving the Successor Agency's action of October 8, 2013 and authorizing the Successor Agency Executive Director to finalize and execute the Amended and Restated Purchase and Sale Agreement with Property Development Centers LLC, a Delaware limited liability company, for the Agency owned site (APN# 404-020-057 and APN# 404-020-058) at the southwest corner of Sycamore Avenue and San Pablo Avenue, commonly referred to as "Sycamore Crossing" to be more particularly described in the PSA, and to sell the Site for an amount of approximately \$10 per square foot as defined in the PSA, but not less than \$5,000,000, in accordance with the provisions of the PSA
Action: Moved, seconded (Tong/Wilkins) and carried unanimously by members present to adopt Resolution No. 13-008.

VI. FUTURE AGENDA ITEM REFERRALS - NONE

VII. OVERSIGHT BOARD AND STAFF ANNOUNCEMENTS - NONE

VIII. ADJOURNMENT

The meeting adjourned at 6:33 p.m.

Dan Romero, Chair

ATTEST:

Lori Martin, Clerk of the Board

**HERCULES RDA SUCCESSOR AGENCY
OVERSIGHT BOARD MINUTES
Monday, February 24, 2014**

I. ROLL CALL – CALL TO ORDER – 6:30 P.M.

Members Present:

Jeff Brown, Hercules Staff

John Delgado, Resident of Hercules

Sheri Gamba, West Contra Costa Unified School District

Vickie Gordon, Contra Costa Community College District

Richard Mitchell, Hercules Planning Commissioner

Dan Romero, Hercules Council Member

Larry Tong, Alternate, East Bay Regional Parks District

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMUNICATIONS - NONE

IV. CONSENT CALENDAR - NONE

V. DISCUSSION AND/OR ACTION ITEMS

1. Adopt a Resolution approving the Recognized Obligation Payment Schedule for the period July 1, 2014 through December 31, 2014 (ROPS 14-15A)

Action: Moved, seconded (Gamba/Gordon) and carried unanimously to adopt Resolution No. 14-001.

VI. FUTURE AGENDA ITEM REFERRALS - NONE

VII. OVERSIGHT BOARD AND STAFF ANNOUNCEMENTS

Chair Romero introduced new member John Delgado.

VIII. ADJOURNMENT

The meeting adjourned at 6:35 p.m.

Dan Romero, Chair

ATTEST:

Lori Martin, Clerk of the Board

**HERCULES RDA SUCCESSOR AGENCY
OVERSIGHT BOARD MINUTES
Tuesday, April 15, 2014**

I. ROLL CALL – CALL TO ORDER - 6:30 P.M.

Members Present:

Jeff Brown, Hercules Staff

John Delgado, Hercules Resident

Vickie Gordon, Contra Costa Community College District

Dan Romero, Hercules Council Member

Members Absent:

Sheri Gamba, West Contra Costa Unified School District

Richard Mitchell, Hercules Planning Commissioner

Ted Radke, East Bay Regional Parks District

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMUNICATIONS - NONE

IV. DISCUSSION AND/OR ACTION ITEMS

1. Adopt a Resolution of the Oversight Board authorizing the City Manager on behalf of the City of Hercules acting as the Successor Agency to the Hercules Redevelopment Agency (“Seller”) to enter into a first amendment of the “Amended and Restated Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions” with Property Development Centers LLC (“PDC” or “Buyer”)

Action: Moved, seconded (Brown/Gordon) and carried unanimously to adopt Resolution No. 14-002.

VI. FUTURE AGENDA ITEM REFERRALS - NONE

VII. OVERSIGHT BOARD AND STAFF ANNOUNCEMENTS - NONE

VIII. ADJOURNMENT

The meeting adjourned at 6:38 p.m.

Dan Romero, Chair

ATTEST:

Lori Martin, Clerk of the Board

**HERCULES RDA SUCCESSOR AGENCY
OVERSIGHT BOARD MINUTES
Wednesday, September 24, 2014**

I. ROLL CALL – CALL TO ORDER – 6:30 P.M.

Members Present:

Jeff Brown, Hercules Staff

John Delgado Hercules Resident

Vickie Gordon, Contra Costa Community College District

Dan Romero, Hercules Mayor

Larry Tong, East Bay Regional Parks District (Alternate)

Members Absent:

Sheri Gamba, West Contra Costa Unified School District

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMUNICATIONS - NONE

IV. CONSENT CALENDAR - NONE

V. DISCUSSION AND/OR ACTION ITEMS

1. Adopt a Resolution approving the Recognized Obligation Payment Schedule for the period January 1, 2015 through June 30, 2015 (ROPS 14-15B)

Action: Moved, seconded and carried unanimously by members present to adopt Resolution No. 14-003.

VI. FUTURE AGENDA ITEM REFERRALS - NONE

VII. OVERSIGHT BOARD AND STAFF ANNOUNCEMENTS - NONE

VIII. ADJOURNMENT

The meeting adjourned upon conclusion of business.

Dan Romero, Chair

ATTEST:

Lori Martin, Clerk of the Board

**HERCULES RDA SUCCESSOR AGENCY
OVERSIGHT BOARD MINUTES
Monday, September 21, 2015**

I. ROLL CALL – CALL TO ORDER – 6:00 P.M.

Members Present:

Jeff Brown, Hercules Staff
Sheri Gamba, West Contra Costa Unified School District
Bill Kelly, Hercules Resident
Dan Romero, Hercules Mayor

Members Absent:

Larry Tong, East Bay Regional Parks District (Alternate)
Vickie Gordon, Contra Costa Community College District

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMUNICATIONS - NONE

IV. CONSENT CALENDAR - NONE

V. DISCUSSION AND/OR ACTION ITEMS

1. Adopt a Resolution approving the Recognized Obligation Payment Schedule for the period January 1, 2016 through June 30, 2016 (ROPS 15-16B)
Action: Moved, seconded and carried unanimously by members present to adopt Resolution No. 15-002.

VI. FUTURE AGENDA ITEM REFERRALS - NONE

VII. OVERSIGHT BOARD AND STAFF ANNOUNCEMENTS – NONE

VIII. ADJOURNMENT

The meeting adjourned upon conclusion of business.

Dan Romero, Chair

ATTEST:

Lori Martin, Clerk of the Board

**HERCULES RDA SUCCESSOR AGENCY
OVERSIGHT BOARD MINUTES
Monday, December 7, 2015**

I. ROLL CALL – CALL TO ORDER - 6:30 P.M.

Members Present:

Jeff Brown, Hercules Staff

Bill Kelly, Hercules Resident

Dan Romero, Hercules Council Mayor

Larry Tong, East Bay Regional Parks District (Alternate)

Members Absent:

Sheri Gamba, West Contra Costa Unified School District

Vickie Gordon, Contra Costa Community College District

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMUNICATIONS - NONE

IV. CONSENT CALENDAR

V. PUBLIC COMMENT SESSION

1. Receive public comment on the Due Diligence Review of the Non-Housing Funds

Action: No members of the public spoke on this matter.

2. Receive public comment on the Due Diligence Review of the Housing Funds

Action: No members of the public spoke on this matter.

VI. DISCUSSION AND/OR ACTION ITEMS

1. Adopt a Resolution approving the Long Range Property Management Plan in accordance with the requirement of Health and Safety Code Section 34191.5.

Action: Moved, seconded (Romero/Kelly) and carried unanimously by members present to adopt Resolution No. 15-003.

VII. FUTURE AGENDA ITEM REFERRALS - NONE

VIII. OVERSIGHT BOARD AND STAFF ANNOUNCEMENTS - NONE

IX. ADJOURNMENT

The meeting adjourned at 6:38 p.m.

Dan Romero, Chair

ATTEST:

Lori Martin, Clerk of the Board

**HERCULES RDA SUCCESSOR AGENCY
OVERSIGHT BOARD MINUTES
Tuesday, December 15, 2015**

I. ROLL CALL – CALL TO ORDER – 6:30 P.M.

Members Present:

Jeff Brown, Hercules Staff

Bill Kelly, Hercules Resident

Dan Romero, Hercules Mayor

Larry Tong, East Bay Regional Parks District (Alternate)

Members Absent:

Sheri Gamba, West Contra Costa Unified School District

Vickie Gordon, Contra Costa Community College District

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMUNICATIONS - NONE

IV. CONSENT CALENDAR - NONE

V. DISCUSSION AND/OR ACTION ITEMS

1. Adopt the following:

- a. Adopt a Resolution approving the amount of cash and cash equivalents in the Low and Moderate Income Housing Fund that are available for disbursement to local taxing agencies.

Action: Moved, seconded (Romero/Kelly) and carried unanimously to adopt Resolution No. 15-004.

- b. Adopt a Resolution approving the amount of cash and cash equivalents in All Funds Other Than the Low and Moderate Income Housing Fund that are available for disbursement to local taxing agencies.

Action: Moved, seconded (Romero/Brown) and carried unanimously to adopt Resolution No. 15-005.

VI. FUTURE AGENDA ITEM REFERRALS - NONE

VII. OVERSIGHT BOARD AND STAFF ANNOUNCEMENTS – NONE

VIII. ADJOURNMENT

The meeting adjourned at 6:50 p.m.

Dan Romero, Chair

ATTEST:

Lori Martin, Clerk of the Board

**HERCULES RDA SUCCESSOR AGENCY
OVERSIGHT BOARD MINUTES
Monday, January 25, 2016**

I. ROLL CALL – CALL TO ORDER – 6:00 P.M.

Members Present:

Jeff Brown, Hercules Staff
Bill Kelly, Hercules Resident
Dan Romero, Hercules Mayor
Sheri Gamba, West Contra Costa Unified School District
Vickie Gordon, Contra Costa Community College District

Members Absent:

Larry Tong, East Bay Regional Parks District (Alternate)

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMUNICATIONS - NONE

IV. CONSENT CALENDAR - NONE

V. DISCUSSION AND/OR ACTION ITEMS

1. Adopt a Resolution approving the Recognized Obligation Payment Schedule for the period July 1, 2016 through June 30, 2017 (ROPS 16-17A and ROPS 16-17B)
Action: Moved, seconded (Romero/Kelly) and carried unanimously by members present to adopt Resolution No. 16-001.

VI. FUTURE AGENDA ITEM REFERRALS - NONE

VII. OVERSIGHT BOARD AND STAFF ANNOUNCEMENTS - NONE

VIII. ADJOURNMENT

The meeting adjourned at 6:09 p.m.

Dan Romero, Chair

ATTEST:

Lori Martin, Clerk of the Board

**HERCULES RDA SUCCESSOR AGENCY
OVERSIGHT BOARD MINUTES
Wednesday, February 1, 2017**

I. ROLL CALL – CALL TO ORDER – 3:00 P.M.

Members Present:

Jeff Brown, Hercules Staff
Gerard Boulanger, Hercules Resident
Dan Romero, Hercules Mayor
Vickie Gordon, Contra Costa Community District

Members Absent:

Sheri Gamba, West Contra Costa Unified School District

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMUNICATIONS - NONE

IV. CONSENT CALENDAR - NONE

V. DISCUSSION AND/OR ACTION ITEMS

1. Adopt a Resolution approving the Recognized Obligation Payment Schedule for the period July 1, 2017 through June 30, 2018 (ROPS 17-18A and ROPS 17-18B)

Action: Moved, seconded (Brown/Gordon) and carried unanimously by members present to adopt Resolution No. 17-001.

VI. FUTURE AGENDA ITEM REFERRALS - NONE

VII. OVERSIGHT BOARD AND STAFF ANNOUNCEMENTS - NONE

VIII. ADJOURNMENT

The meeting adjourned at 3:13 p.m.

Dan Romero, Chair

ATTEST:

Lori Martin, Clerk of the Board



Legislation Details (With Text)

File #: 17-527 **Version:** 1 **Name:**

Type: Discussion/Action Item **Status:** Agenda Ready

File created: 1/2/2018 **In control:** Oversight Board

On agenda: 1/10/2018 **Final action:**

Title: Recognized Obligation Payment
Recommendation: Adopt a Resolution approving the Recognized Obligation Payment Schedule for the period July 1, 2018 through June 30, 2019 (includes ROPS 18-19A and ROPS 18-19B).

Sponsors:

Indexes:

Code sections:

Attachments: [Staff Report](#)
[Resolution](#)
[Exhibit A - ROP Summary](#)
[Exhibit A - ROP Detail](#)
[Exhibit A - ROP Cash Balances](#)
[Exhibit A - Notes](#)

Date	Ver.	Action By	Action	Result
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Recognized Obligation Payment

Recommendation: Adopt a Resolution approving the Recognized Obligation Payment Schedule for the period July 1, 2018 through June 30, 2019 (includes ROPS 18-19A and ROPS 18-19B).

**STAFF REPORT TO THE OVERSIGHT BOARD FOR THE CITY OF HERCULES AS
SUCCESSOR AGENCY TO THE HERCULES REDEVELOPMENT AGENCY**

DATE: January 10, 2018

TO: Oversight Board for the City of Hercules as Successor Agency to the
Hercules Redevelopment Agency

SUBMITTED BY: David Biggs, City Manager
Annie To, Director of Finance

SUBJECT: Recognized Obligation Payment Schedule for the period of July 1, 2018
through June 30, 2019 (ROPS 18-19A and ROPS 18-19B)

RECOMMENDED ACTION:

Adopt a Resolution approving the Recognized Obligation Payment Schedule for the period July 1, 2018 through June 30, 2019 (ROPS 18-19A and ROPS 18-19B).

DISCUSSION:

ABx1 26 (Section 34177) requires that Successor Agencies must, amongst other things, prepare a Recognized Obligation Payment Schedule (ROPS) for each upcoming six-month period. A ROPS is the document that sets forth the minimum payment amounts and due dates of payments required by enforceable obligations. Enforceable obligations are defined in Section 34171(d) of ABx1 26 and include the payment of bonds and loans, payments required by the federal government, judgments or settlements, any legally binding agreement or contract, and contracts or agreements necessary for the administration or operation of the successor agency.

Health & Safety Code section 34177(m) (1) requires successor agencies to submit the ROPS electronically and in a manner prescribed by the State of California Department of Finance. The Successor Agencies must continue to submit the Excel ROPS and Oversight Board resolution via e-mail to the County-Auditor Controller and the State Controller's Office.

The ROPS template (excel workbook) used for ROPS 18-19 combined ROPS 18-19A and ROPS 18-19B and includes the following worksheets in the excel workbook:

- 1. Recognized Obligation Payment Schedule Summary**
- 2. Recognized Obligation Payment Schedule – ROPS Detail**
- 3. Recognized Obligation Payment Schedule – Report of Cash Balances** - This worksheet includes a section for ROPS 18-19A (July 1, 2018 through December 31, 2018) and a section for ROPS 18-19B (January 1, 2019 through June 30, 2019).
- 4. Recognized Obligation Payment Schedule – Notes**

Highlights for ROPS 18-19

Included on the ROPS 18-19 is the Summary worksheet which includes ROPS 18-19A and ROPS 18-19B.

ROPS 18-19A

Non-Administrative Costs	\$8,737,623
<u>Administrative Costs</u>	<u>\$ 180,000</u>
Total ROPS 18-19A	\$8,917,623

Details of the amounts for ROPS 18-19A are shown on the ROPS Detail worksheet.

ROPS 18-19B

Non-Administrative Costs	\$3,636,424
<u>Administrative Costs</u>	<u>\$ 180,000</u>
Total ROPS 18-19A	\$3,816,424

Details of the amounts for ROPS 18-19B are also shown on the ROPS Detail worksheet.

The only significant change to the ROPS for this period is the addition of an amount owed to BART under the three party agreement between the Redevelopment Agency, BART and WestCat for operation of the Hercules Transit Center. A new three-party agreement approved in October, 2017, for the prior expired agreement substituted the City in for the Redevelopment Agency. A reconciliation of the finances for the Hercules Transit Center was done as part of that agreement through June 30, 2017, with \$307,812.70 being owed to BART by the Redevelopment Agency from the operating income less expenses.

On the ROPS 18-19 Report of Cash Balance worksheet, the Redevelopment Property Tax Trust Fund (RPTTF) money received for ROPS 15-16 (July 1, 2015 through June 30, 2016) is \$6,079,481

The Recognized Obligation Payment Schedule (ROPS) are posted on the City of Hercules website.

ATTACHMENTS:

1. Resolution (which includes Exhibit A Recognized Obligation Payment Schedule July 1, 2018 through June 30, 2019).

RESOLUTION NO. 18-

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE CITY OF HERCULES AS SUCCESSOR AGENCY TO THE HERCULES REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD JULY 1, 2018 THROUGH JUNE 30, 2019 (INCLUDES ROPS 18-19A AND ROPS 18-19B)

WHEREAS, on December 29, 2011, the California Supreme Court issued its final decision in the litigation of *California Redevelopment Association v. Matosantos*, upholding Assembly Bill x1 26 (codified as Health and Safety Code 34161-34191) (“ABx1 26”) and invalidating Assembly Bill x1 27 (the legislation that would have permitted redevelopment agencies to continue operation if their sponsoring jurisdiction agreed to make certain payments for the benefit of schools and special districts); and as a result, all California redevelopment agencies were dissolved, effective February 1, 2012; and

WHEREAS, pursuant to Health and Safety Code 34173(d), on January 10, 2012 by Resolution No 12-005, the Council of the City of Hercules elected to become the Successor Agency to the Hercules Redevelopment Agency (“Agency”) (Non housing); and

WHEREAS, California Health and Safety Code section 34179 requires that each Successor Agency have an Oversight Board; and

WHEREAS, Section 34177 requires each Successor Agency to prepare a draft Recognized Obligation Payment Schedule (ROPS) and section 34180 requires the Oversight Board to approve same; and

WHEREAS, Section 34177 provides that each ROPS shall be forward looking to the next six months; and

WHEREAS, on June 27, 2012 AB 1484 was approved by the Governor of California and AB 1484 (Section 34177) (m) states that the Recognized Obligation Payment Schedule shall be submitted by the successor agency, after approval by the oversight board to the State of California Department of Finance.

NOW, THEREFORE, THE OVERSIGHT BOARD FOR THE CITY OF HERCULES AS SUCCESSOR AGENCY TO THE HERCULES REDEVELOPMENT AGENCY HERBY ESOLVES:

- (1) Approval of the ROPS for the period July 1, 2017 through June 30, 2018 (ROPS 17-18) attached hereto as Exhibit A.
- (2) Successor Agency staff is directed to provide a copy of this Resolution along with the approved draft ROPS to the County Auditor Controller, the State Controller’s Office and the State Department of Finance.

The foregoing Resolution was duly and regularly adopted by the Oversight Board for the City of Hercules as Successor Agency to the Hercules Redevelopment Agency at its meeting held on the 10th day of January, 2018 by the following:

AYES:

NOES:

ABSENT:

Dan Romero, Chair
Hercules Oversight Board

ATTEST:

Lori Martin, City Clerk

Recognized Obligation Payment Schedule (ROPS 18-19) - Summary

Filed for the July 1, 2018 through June 30, 2019 Period

Successor Agency:	Hercules
County:	Contra Costa

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)		18-19A Total (July - December)	18-19B Total (January - June)	ROPS 18-19 Total
A	Enforceable Obligations Funded as Follows (B+C+D):	\$ -	\$ -	\$ -
B	Bond Proceeds	-	-	-
C	Reserve Balance	-	-	-
D	Other Funds	-	-	-
E	Redevelopment Property Tax Trust Fund (RPTTF) (F+G):	\$ 8,917,623	\$ 3,816,424	\$ 12,734,047
F	RPTTF	8,737,623	3,636,424	12,374,047
G	Administrative RPTTF	180,000	180,000	360,000
H	Current Period Enforceable Obligations (A+E):	\$ 8,917,623	\$ 3,816,424	\$ 12,734,047

Certification of Oversight Board Chairman:
Pursuant to Section 34177 (o) of the Health and Safety code, I hereby
certify that the above is a true and accurate Recognized Obligation
Payment Schedule for the above named successor agency.

Name	Title
/s/	
Signature	Date

Hercules Recognized Obligation Payment Schedule (ROPS 18-19) - ROPS Detail																						
July 1, 2018 through June 30, 2019																						
(Report Amounts in Whole Dollars)																						
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
Item #	Project Name/Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	ROPS 18-19 Total	18-19A (July - December)					18-19A Total	18-19B (January - June)					18-19B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
								\$ 300,579,909		\$ 12,734,047	\$ -	\$ -	\$ -	\$ 8,737,623	\$ 180,000	\$ 8,917,623	\$ -	\$ -	\$ -	\$ 3,636,424	\$ 180,000	\$ 3,816,424
1	2005 Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	8/5/2005	8/5/2036	Bank of New York	Bonds issued to fund non-housing	All	52,456,890	N	\$ 3,945,178				3,109,827		\$ 3,109,827				835,351		\$ 835,351
2	2007 Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	12/20/2007	12/20/2044	Bank of New York	Bonds issued to fund non-housing projects	All	87,354,567	N	\$ 2,609,830				1,442,615		\$ 1,442,615				1,167,215		\$ 1,167,215
3	2007 Tax Allocation Bonds Housing(A)	Bonds Issued On or Before 12/31/10	7/26/2007	7/26/2034	Bank of New York	Affordable Housing Bonds	All	15,937,503	N	\$ 1,004,192				705,521		\$ 705,521				298,671		\$ 298,671
4	2007 Tax Allocation Bonds Housing(B)	Bonds Issued On or Before 12/31/10	7/26/2007	7/26/2034	Bank of New York	Affordable Housing Bonds	All	12,219,781	N	\$ 741,918				552,231		\$ 552,231				189,687		\$ 189,687
5	Catellus/Hercules LLC	OPA/DDA/Construction	1/1/2009	2/15/2044	Catellus	Settlement Agreement	All	71,220,374	N	\$ 2,069,815				989,315		\$ 989,315				1,080,500		\$ 1,080,500
6	AMBAC Settlement	Litigation	3/23/2012	12/31/2099	AMBAC	Settlement Obligation	All		N	\$ -						\$ -						\$ -
7	OPA (Owner Participation Agreement)	OPA/DDA/Construction	1/1/2001	12/31/2017	Pro Media	Tax Increment Reimbursement	All		N													
8	OPA (Owner Participation Agreement)	OPA/DDA/Construction	1/1/1987	1/1/2016	Bio Rad	Tax Increment Reimbursement	All		N													
9	OPA (Owner Participation Agreement)	OPA/DDA/Construction	1/1/1987	1/1/2016	East Group	Tax Increment Reimbursement	All		N													
10	OPA (Owner Participation Agreement)	OPA/DDA/Construction	11/15/1996	11/15/2041	Hercules Senior Housing/Bridge	OPA for Senior Housing	All	130,000	N	\$ 130,000				65,000		\$ 65,000				65,000		\$ 65,000
11	Lewis Development Agreement	OPA/DDA/Construction	11/14/2003	12/31/2035	Contra Costa County	Assessment District Matures 2035	All		N													
12	Lease of Commercial Space	Business Incentive Agreements	4/5/2002	7/1/2017	Emmerich	Rent for commercial space	All	1,421,208	N	\$ 1,421,208				1,421,208		\$ 1,421,208						\$ -
13	Lease of Commercial Space	Business Incentive Agreements	10/1/2007	9/20/2012	Montoya	Rent for commercial space	All	26,352	N	\$ 26,352				26,352		\$ 26,352						\$ -
14	City Loan entered into on 3/8/11	City/County Loans On or Before 6/27/11	3/8/2011	3/31/2013	City loan entered into on 3/8/11	Construction costs for Sycamore North	All		N													
15	Separation Agreement	Miscellaneous	12/1/2010	7/1/2011	Separation Agreement	NONE	All		N													
16	Co-operation Agreement: Loan Repayment Agreement for Cash Advances	City/County Loans On or Before 6/27/11	2/9/1983	12/31/2099	City of Hercules	Hercules Resolution 83-18 dated 02/09/1983	All	50,496,029	N													
17	BART Park-n-Ride Lot	Miscellaneous	11/1/2010	6/30/2013	See Attached Spreadsheet	NONE	All		N													
20	Bank and Trustee Fees	Fees	8/1/2005	12/31/2044	Various	Bank and trustee fees for Redevelopment bond and bank accounts	All	13,750	N	\$ 13,750				13,750		\$ 13,750						\$ -
21	SERAF	SERAF/ERAF	7/1/2009	6/30/2011	State of California	NONE	All	6,020,951	N	\$ -						\$ -						\$ -
22	Administrative Costs	Admin Costs	7/1/2010	6/30/2099	Various	NONE	All	1,925,670	N	\$ 360,000					180,000	\$ 180,000					180,000	\$ 180,000
24	Property Taxes	Property Maintenance	7/1/2012	6/30/2099	Contra Costa County	Property taxes for agency owned properties Sycamore Crossing	All		N													
25	2005 Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	8/5/2005	8/5/2036	AMBAC Surety Bond	Bonds issued to fund non-housing projects	All	43,676	N	\$ 43,676				43,676		\$ 43,676						\$ -
26	2007 Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	12/20/2007	12/20/2044	AMBAC Surety Bond	Bonds issued to fund non-housing projects	All	60,315	N	\$ 60,315				60,315		\$ 60,315						\$ -
27	2007 Tax Allocation Bonds Housing (A)	Bonds Issued On or Before 12/31/10	7/26/2007	7/26/2034	Assured Guaranty	Affordable Housing Bonds	All	520,288	N	\$ -						\$ -						\$ -
28	2007 Tax Allocation Bonds Housing (B)	Bonds Issued On or Before 12/31/10	7/26/2007	7/26/2034	Assured Guaranty	Affordable Housing Bonds	All	368,544	N	\$ -						\$ -						\$ -
29	Review of RDA performed by State Controllers Office	Miscellaneous	8/1/2011	8/1/2099	State Controllers Office	Review of RDA Gov. Code Sec 12464(a)	All	56,198	N													
30	WestCat-Hercules Transit Center	Property Maintenance	10/10/2017	10/10/2027	BART	Maintenance Reimbursement Transit Center	All	307,813	N	\$ 307,813				307,813		\$ 307,813						\$ -
31									N	\$ -						\$ -						\$ -
32									N	\$ -						\$ -						\$ -
33									N	\$ -						\$ -						\$ -
34									N	\$ -						\$ -						\$ -
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68									N	\$ -						\$ -						\$ -
69	File:ROPS 18-19 FINAL 12-21-17								N	\$ -						\$ -						\$ -

Hercules Recognized Obligation Payment Schedule (ROPS 18-19) - Report of Cash Balances
July 1, 2015 through June 30, 2016
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see [\[INSERT URL LINK TO CASH BALANCE TIPS SHEET \]](#)

A	B	C	D	E	F	G	H	I
	Cash Balance Information for ROPS 15-16 Actuals (07/01/15 - 06/30/16)	Fund Sources						Comments
		Bond Proceeds		Reserve Balance		Other	RPTTF	
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin	
1	Beginning Available Cash Balance (Actual 07/01/15)	1,753,734				(2,250,985)		
2	Revenue/Income (Actual 06/30/16) RPTTF amounts should tie to the ROPS 15-16 total distribution from the County Auditor-Controller during June 2015 and January 2016.	73					6,079,481	
3	Expenditures for ROPS 15-16 Enforceable Obligations (Actual 06/30/16)						6,079,481	
4	Retention of Available Cash Balance (Actual 06/30/16) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)							
5	ROPS 15-16 RPTTF Balances Remaining	No entry required						
6	Ending Actual Available Cash Balance (06/30/16) C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ 1,753,807	\$ -	\$ -	\$ -	\$ (2,250,985)	\$ -	

Hercules Recognized Obligation Payment Schedule (ROPS 18-19) - Notes July 1, 2018 through June 30, 2019	
Item #	Notes/Comments
1	Comprised of principal \$2,220,000 and interest \$889,827; interest \$835,351.
2	Comprised of principal \$270,000 and interest \$1,172,615; interest \$1,167,215
3	Comprised of principal \$395,000 and interest \$310,521; interest \$298,671.
4	Comprised of principal \$355,000 and interest \$197,231; interest \$189,687.
5	
6	
7	Owner Participation agreement-Promedia. This is a senior obligation listed on the official statements of the Agencies 2005 and 2007 bonds. This is an enforceable obligation.
8	Owner Participation Agreement-BioRad. This is a senior obligation listed on the official statements of the Agencies 2005 and 2007 Bonds. This is an enforceable obligation.
9	Owner participation Agreement-EastGroup (Easthill). This is a senior obligation listed on the officail statements of the Agencies 2005 and 2007 bonds. This is an enforceable obligation.
10	
11	Lewis Development Agreement. Since the property is owned by the Agency the payment of special taxes and assessments is an enforceable obligation.
12	
13	
14	City loan entered into on 3/8/11. The loan document states the source of funds are from Development Impact Fees. These sources are highly restricted and are only to be used for their intended purposes. This is an enforceable obligation.
15	
16	Co-Operation Agreement: Repayment agreement for Cash Advances. Resolution 83-18 adopted February 9, 1983 within 2 yrs of creation of the Redevelopment Agency. Per HSC 34171(d)(2) this is an enforceable obligation. Total Obligation is \$50,496,029.
17	
18	
20	
21	
22	
29	Review of RDA performed by State Controllers Office. August 2011 the State Controllers Office performed an on site Review of the Former Redevelopment Agency.
	The following taxing entities have subordinated their payments for 8 fiscal years (FY2010/11 through FY2017/18). This is an estimate of what is owed to the taxing entities based on what was owed for FY2010/11.
	1003 Contra Costa County General \$1,134,385
	1206 Library \$122,582
	2505 Contra Costa Flood Control \$26,148
	2530 Flood Control Zone Z8 \$2,976
	2531 Flood Control Zone Z8A \$4,814
	2825 Contra Costa Water Agency \$5,144
	3011 Rodeo-Hercules Fire District \$1,081,824
	3301 Mosquito Abatement \$22,481
	3525 West Contra Costa Hospital \$220,465
	4001 East Bay Municipal Utility District \$206,549
	4009 Bay Area Rapid Transt District \$91,058
	4010 Bay Area Air Quality Management District \$26,542
	4026 East Bay Regional Parks \$441,866
	4211 Hercules \$695,490
	6901 Contra Costa County Superintendent of Schools \$199,096
	6999 K-12 ERAF \$2,033,742
	7701 West Contra Costa Unified School District \$4,475,124
	7901 Communit Collee District \$665,939
	7999 Community College ERAF \$302,684