

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, February 25, 2020

6:00 PM

CLOSED SESSION - 6:00 P.M.
REGULAR SESSION - 7:00 P.M.

Council Chambers

City Council

Mayor Roland Esquivias
Vice Mayor Chris Kelley
Council Member Dan Romero
Council Member Dion Bailey
Council Member Gerard Boulanger

David Biggs, City Manager
Patrick Tang, City Attorney
Lori Martin, City Clerk

To view webcast of meetings, live or on demand, go to the City's website at www.ci.hercules.ca.us

I. SPECIAL MEETING - CLOSED SESSION – 6:00 P.M. CALL TO ORDER - ROLL CALL

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

III. CONVENE INTO CLOSED SESSION

The Hercules City Council will meet in Closed Session regarding the following:

1. [20-169](#) Pursuant to Government Code Section 54956.9(a), Conference with Legal Counsel - Pending/Existing Litigation: Successor Agency to the Hercules Redevelopment Agency and City of Hercules v. California Department of Finance, et al, Sacramento Superior Court Case No. 34-2018-80003038
2. [20-170](#) Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9(d)(2): In one (1) matter: Hercules Development Partners, LP / Ledcor Corporation

IV. REGULAR MEETING – 7:00 P.M. CALL TO ORDER - ROLL CALL

V. REPORT ON ACTION TAKEN IN CLOSED SESSION

VI. PLEDGE OF ALLEGIANCE

VII. MOMENT OF SILENCE

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

IX. AGENDA ADDITIONS/DELETIONS

X. 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 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.

XI. PUBLIC HEARINGS

1. [20-173](#) **Mandatory Garbage/Solid Waste Disposal - Delinquent Accounts**
Recommendation: Conduct a Public Hearing and upon conclusion, consider adopting a Resolution confirming the report of delinquent accounts and placing liens on said properties and special assessments upon property taxes pursuant to City of Hercules Municipal Code Section 5-2.01 to 5-2.16, Mandatory Garbage/Solid Waste Disposal.

Attachments: [Staff Report - Garbage Liens](#)
 [Attach 1 - Resolution - Garbage Liens](#)
 [Hercules Prelim List - 021320](#)

XII. CONSENT CALENDAR

1. [20-171](#) **Meeting Minutes**
Recommendation: Approve the special closed session and regular meeting minutes of February 11, 2020.
2. [20-139](#) **Accept the FY 18-19 Annual Development Impact Fee Report**
Recommendation: Review, accept and file the annual development impact fee report for fiscal year end June 30, 2019.

Attachments: [Minutes - 021120 - Regular](#)

Attachments: [Staff Report - 2018-19 Annual Development Impact Fee](#)
 [Attach 1 - FY 18-19_DIF Report](#)

3. [20-174](#) **List of Projects for Fiscal Year 2020-21 Funded by SB 1: The Road Repair and Accountability Act of 2017**
Recommendation: Adopt a Resolution approving a list of projects for fiscal year 2020-21 funded by SB 1: the Road Repair and Accountability Act of 2017.

Attachments: [Staff Report - SB1 2020-21](#)
 [Attach 1 - SB1 2020-21 Reso - Exhibit 1](#)
 [Attach 2 - SB1 FY20.21 Road Maintenance Project - Tuquoise Drive Exhibit](#)
 [Attach 3 - Hercules Street Moratorium Map \(2.1.2020\)](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [20-177](#) **Discussion Regarding the Process for Becoming a Charter City for the Purpose of Increasing the Real Property Transfer Tax (RPTT)**
Recommendation: Review and discuss report, and provide direction, if any.

Attachments: [Staff Report - RPTT Charter City Discussion](#)
 [Attach 1 - PropTransfTaxRates](#)
 [Attach 2 - Chart General Law v-Charter Cities-07-26-11](#)
 [Attach 3 - Example of a City Charter Increasing RPTT Rates](#)

2. [20-172](#) **Fiscal Year 2019-20 Mid Year Budget Review and Miscellaneous Mid Year Budget Appropriations and Adjustments**
Recommendation: Receive a report on the fiscal year 2019-20 mid-year budget review and adopt a Resolution approving various mid year budget appropriations and adjustments.

Attachments: [Staff Report - FY 19-20 Mid-Year Budget Update](#)
 [Attach 1 - Resolution](#)
 [Attach 2 - Decision Package Status Update 02032020](#)
 [Attach 3 - Proposed Budget Amendment](#)
 [Attach 4 - General Fund Summary](#)
 [Attach 5 - Updated General Fund Budget Balancing Spreadsheet](#)
 [Attach 6 - FY 18-19 Available Fund Balance Calculation](#)

3. [20-176](#) **Professional Services Agreement with BKF in the Amount of \$148,111 for the Design of the 2021 Annual Street Repair Project and Appropriating \$148,111 in Gas Tax Funding to Fully Fund Said Agreement**
Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement with BKF for a not to exceed amount of \$148,111 for the design of the 2021 Street Repair Project and appropriating \$148,111 in Gas Tax to fully fund said agreement.

Attachments: [Staff Report - 2021 Street Rehab BKF Design Contract](#)
 [Attach 1 - Resolution - 2021 Street Rehab BKF Design Contract- Reso](#)
 [Attach 2A - 2017 Staff Report](#)
 [Attach 2B - 2017 Executed Reso](#)
 [Attach 2C - Location Map](#)
 [Attach 3 - BKF Engineers - Sycamore Willow Pavement Rehabilitation Project \(OBAG\) -...](#)
 [Attach 4 - Arterial Roadway Pavement Condition](#)

4. [20-141](#) **Operating Memorandum with Hercules Development Partners LP Regarding Bayfront Parking**
Recommendation: Approve an Operating Memorandum with Hercules Development Partners LP regarding Bayfront parking.

Attachments: [Staff Report - Cooperative Memorandum Bayfront 02282020](#)
 [Attach 1 - Operating Memorandum 02192020](#)
 [Attach 2 - Conceptual Memoradum of Understanding](#)

5. [20-175](#) **Accept the Investment Report for the Quarter Ending December 31, 2019**

Recommendation: Accept and file the Investment report for the quarter ending December 31, 2019.

Attachments: [Staff Report - Investment Quaterly Report 12-31-19](#)
[Attach 1 - Investment Report](#)

XIV. PUBLIC COMMUNICATIONS

This time is reserved for members of the public who were unavailable to attend the Public Communications period during Section X of the meeting, or were unable to speak due to lack of time. The public speaker requirements specified in Section X of this Agenda apply to this Section.

XV. CITY COUNCIL/CITY MANAGER/CITY ATTORNEY ANNOUNCEMENTS, COMMITTEE, SUB-COMMITTEE AND INTERGOVERNMENTAL COMMITTEE REPORTS 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 City Council discussion may be either (a) referred to staff or other resources for factual information or (b) placed on a future meeting agenda.

XVI. ADJOURNMENT

The next Regular Meeting of the City Council will be held on Tuesday, March 10, 2020 at 7:00p.m. in the Council Chambers.

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: February 20, 2020)

**THE HERCULES CITY COUNCIL ADHERES TO THE FOLLOWING POLICIES,
PROCEDURES AND REGULATIONS REGARDING CITY COUNCIL MEETINGS**

1. SPECIAL ACCOMODATIONS: In compliance with the Americans with Disabilities Act, if you require special accommodations to participate at a City Council 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 City Council otherwise may make comments during the Public Communication period of the meeting.

3. AGENDA POSTING: Agendas of regular City Council 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 City Council should complete the speaker form prior to the Council's consideration of the item on the agenda.

Anyone who wishes to address the Council on a topic that is not on the agenda and is relevant to the Council 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 City Council may not take action on items not listed on the agenda. The Council 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 Council or a member of the public prior to the time the City Council votes on the motion to adopt.

6. LEGAL CHALLENGES: If you challenge a decision of the City Council 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 City Council decisions shall be subject to the time limitations contained in Code of Civil Procedure Section 1094.6.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of February 25, 2020

TO: Members of the City Council

SUBMITTED BY: Lori Martin, Administrative Services Director/City Clerk

SUBJECT: Mandatory Garbage/Solid Waste Disposal – Delinquent Accounts

RECOMMENDED ACTION:

Conduct a Public Hearing and upon conclusion, consider adopting a Resolution confirming the report of delinquent accounts and placing liens on said properties and special assessments upon property taxes pursuant to City of Hercules Municipal Code Section 5-2.01 to 5-2.16, Mandatory Garbage/Solid Waste Disposal.

COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION:

There was no Commission or Subcommittee review of this item.

FISCAL IMPACT OF RECOMMENDATION:

In addition to the fees due Richmond Sanitary Service (the Collector), the City is authorized by the Code to establish reasonable administrative charges. In order to cover the costs incurred by the City through the lien process, a total administrative charge of \$30 per parcel is assessed. This charge is comparable to that charged by the other cities in West County and notice of this charge has been provided to the affected property owners. This fee will be used to cover the cost of staff's time and other costs associated with processing these delinquencies.

BACKGROUND:

Municipal Code Sections 5-2.01 to 5-2.16, Mandatory Garbage/Solid Waste Disposal, require all property owners of occupied premises in the City to subscribe to, and pay for, garbage collection service through Richmond Sanitary Service, the City's franchised refuse collector. Collection charges that are not paid for in a six-month period are subject to the notice and hearing process defined by the Code. This process ultimately results in an assessment lien against the property for which service was rendered to cover the delinquent garbage collection charges, penalties and City costs. The lien is placed on said property and the assessment is collected either through escrow when the property is sold or by the City with its regular property tax allocation from the County. The Collector, in turn, receives payment for the delinquent fees and charges from the City.

The procedure specified by the Code for the collection of these fees and charges is as follows:

1. The Collector sends notification to the affected property owners regarding the delinquency and the City lien process.
2. The Collector submits a delinquent accounts report to the City, Attachment 2.
3. An Administrative Hearing was held on February 6, 2020 on the delinquent accounts report.
4. Section 5-2.09 c of the Hercules Municipal Code requires the City to mail a notice of the public hearing date to the owners listed on the report not less than 10 days prior to the hearing. This notice was mailed to delinquent property owners on February 6, 2020.
5. The City Council confirms the delinquent accounts report and orders placement of liens on said properties and special assessment upon property taxes by resolution.
6. By August 10th of each year, the City Council approves the final assessment levy and the confirmed report is submitted to the County Auditor for inclusion on the property tax rolls.

DISCUSSION:

At the July 23, 2019 City Council meeting Council gave direction to staff to meet with Republic Services to discuss reducing the amount of times per year to conduct these public hearings from 3 times per year to 2 times per year. City staff met with representatives of Republic Services on August 13, 2019 and determined that the months of February and July would best meet the needs of both parties to get liens placed for delinquent accounts on the tax roll.

Richmond Sanitary Service has submitted a report listing all of the delinquent accounts subject to lien proceedings and has provided the required notice to property owners.

For the period December 2018 through December 2019, Richmond Sanitary Services Preliminary Lien List Report lists 218 accounts totaling \$73,533.33. The attached report shows the billing and service addresses of the subject property, the date that each account became at least six month delinquent, the amount due for the delinquent garbage collection service, the amount of administrative charges due to the City and the total amount due and to be liened against the property. Richmond Sanitary Service has confirmed that all required notices and billings have been mailed to this list of property owners.

At the administrative hearing, the Finance Director and/or designee is required by the Code to hear any objections or protests by property owners liable to be assessed for delinquent fees and administrative charges. The Finance Director may make revisions or corrections to the report as it deems just. Vacant premises or billing errors, which can be substantiated, are examples of circumstances which the Council might want to consider in the process of reviewing the report. The report must then be confirmed by resolution of the City Council.

A certified copy of the report will be filed with the County Recorder's Office for the placement of special liens against the respective parcels. Any payments made on these delinquencies after the date on the Preliminary Lien List and/or after the City Council public hearing, but prior to this filing date, will be deleted from the list and not filed with the County Recorder's Office.

ATTACHMENTS:

1. Resolution
2. Lien List

RESOLUTION NO. 20-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES CONFIRMING THE REPORT OF DELINQUENT ACCOUNTS AND PLACING LIENS ON SAID PROPERTIES AND SPECIAL ASSESSMENTS UPON PROPERTY TAXES PURSUANT TO CITY OF HERCULES MUNICIPAL CODE SECTION 5-2.01 TO 5-2.16, MANDATORY GARBAGE/SOLID WASTE DISPOSAL

WHEREAS, pursuant to Hercules Municipal Code Sections 5-2.01 to 5-2.16, subscription to, and payment for, waste collection service for all occupied properties in the City of Hercules is mandatory; and

WHEREAS, waste collection service has been provided by Richmond Sanitary Service to all delinquent properties described in the ‘Preliminary Lien List by Parcel Number report; and

WHEREAS, pursuant to the provisions of Section 5-2.01 to 5-2.16, each owner of said delinquent properties has been notified in writing of their obligation to subscribe to waste collection services and make payment for this service; and

WHEREAS, said property owners have failed to make payments for six months or more for waste collection services as required; and

WHEREAS, said property owners have been notified in writing of the commencement of lien proceedings; and

WHEREAS, the City has incurred collection and delinquency costs on the above described delinquent properties; and

WHEREAS, City staff has established an administrative charge of \$30 per parcel for processing the delinquent accounts and recording the assessment lien; and

WHEREAS, Republic Services has, on February 6, 2020, held a duly noticed administrative hearing and on February 25, 2020 the City Council held a duly noticed public hearing which afforded each identified delinquent property owner the right to protest the assessment lien for delinquent collection charges and administrative fees; and

WHEREAS, the City Council has revised and corrected the delinquent accounts report as it deems just.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hercules as follows:

1. That the City Council confirms the delinquent accounts report attached hereto and made a part hereof and hereby places a lien against said properties in the amounts described.

2. That the City Clerk is hereby directed to record a certified copy of the confirmed report with the Contra Costa County Recorder.
3. That the City Clerk is hereby directed to deliver a copy of the Resolution of Confirmation to the Finance Director who is authorized to cause the above amounts to be collected in the manner provided by law for the collection of special items.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the 25th day of February, 2020 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Roland Esquivias, Mayor

ATTEST:

Lori Martin, MMC
Administrative Services Director/City Clerk

Prog: BIDI556

Date: 2/12/20

Time: 8:34:20

PRELIMINARY LIEN LIST NO CONSO

Page: 1

User: JW60420

PRELIMINARY LIEN LISTS

HEARING DATES

10/2019 02/2020

LIDATION

Levy Code: HU

As Of 2/12/20

APN	Owners Name	Billing Address	Billing Address	Service Address	Service Thru	RSS Charges	City Charge	Total Due
3622720062		139 MIDSHIP DR	HERCULES CA 94547	139 MIDSHIP DR	19/05	314.12	30.00	344.12
3606410136		1104 TURQUOISE DR	HERCULES CA 94547	1104 TURQUOISE DR	19/09	343.49	30.00	373.49
3622720062		139 MIDSHIP DR	HERCULES CA 94547	139 MIDSHIP DR	19/11	317.83	30.00	347.83
3622720088		127 MIDSHIP DR	HERCULES CA 94547	127 MIDSHIP DR	19/10	135.23	30.00	165.23
3622910044		118 CORTES CT	HERCULES CA 94547	118 CORTES CT	19/08	322.36	30.00	352.36
3622930158		112 FARRAGUT ST	HERCULES CA 94547	112 FARRAGUT ST	19/09	324.91	30.00	354.91
3623200148		136 RALEIGH CT	HERCULES CA 94547	136 RALEIGH CT	19/09	798.04	30.00	828.04
3623300179		106 STANLEY CT	HERCULES CA 94547	106 STANLEY CT	19/08	115.36	30.00	145.36
3623400607		5613 HASKIN CT	RICHMOND CA 94806	196 BONAIRE AVE	19/06	304.19	30.00	334.19
3623400607		5613 HASKIN CT	RICHMOND CA 94806	196 BONAIRE AVE	19/12	401.7	30.00	431.70
3623500455		109 MONTEGO DR	HERCULES CA 94547	109 MONTEGO DR	19/07	318.01	30.00	348.01
3623820135		244 GRENADINE WAY	HERCULES CA 94547	244 GRENADINE WAY	19/12	316.85	30.00	346.85
3623910043		3217 DECKER LAKE DR	W VALLEY CITY UT 84119	187 CATALINA DR	19/10	333.92	30.00	363.92
3623930140		400 GRENADINE WAY	HERCULES CA 94547	400 GRENADINE WAY	19/05	314.11	30.00	344.11
3623930140		400 GRENADINE WAY	HERCULES CA 94547	400 GRENADINE WAY	19/11	317.83	30.00	347.83
3623940032		1511 SYCAMORE AVE	HERCULES CA 94547	202 CATALINA DR	19/11	316.73	30.00	346.73
3623940073		226 CATALINA DR	HERCULES CA 94547	226 CATALINA DR	19/07	319.8	30.00	349.80
3624200196		167 CAPRICE CIR	HERCULES CA 94547	167 CAPRICE CIR	19/07	563.82	30.00	593.82
3624300202		120 CAPRICE CIR	HERCULES CA 94547	120 CAPRICE CIR	19/06	316.38	30.00	346.38
3624300202		120 CAPRICE CIR	HERCULES CA 94547	120 CAPRICE CIR	19/12	317.96	30.00	347.96
4040910152		106 SKELLY CT	HERCULES CA 94547	106 SKELLY CT	19/09	871.54	30.00	901.54
4040910293		133 PEARCE	HERCULES CA 94547	133 PEARCE	19/06	558.12	30.00	588.12
4040910293		133 PEARCE	HERCULES CA 94547	133 PEARCE	19/12	560.64	30.00	590.64
4041100142		306 ATLAS 7	HERCULES CA 94547	306 ATLAS 7	19/07	319.8	30.00	349.80
4041100571		602 NIKE 1	HERCULES CA 94547	602 NIKE 1	19/08	322.36	30.00	352.36
4041100803		211 APOLLO 3	HERCULES CA 94547	211 APOLLO 3	19/10	293.89	30.00	323.89

4041300122		105 HERA 5	HERCULES CA 94547	105 HERA 5	19/12	292.03	30.00	322.03
4041300528		310 ATLAS 3	HERCULES CA 94547	310 ATLAS 3	19/08	181.46	30.00	211.46
4041400179		406 OLYMPUS 3	HERCULES CA 94547	406 OLYMPUS 3	19/10	154.52	30.00	184.52
4041500309		512 ATHENA 2	HERCULES CA 94547	512 ATHENA 2	19/12	292.03	30.00	322.03
4041700172		121 BAY ST	HERCULES CA 94547	121 BAY ST	19/06	348.95	30.00	378.95
4041700172		121 BAY ST	HERCULES CA 94547	121 BAY ST	19/12	310.13	30.00	340.13
4043510082		106 WEISS	HERCULES CA 94547	106 WEISS	19/05	315.88	30.00	345.88
4043510082		106 WEISS	HERCULES CA 94547	106 WEISS	19/11	318.02	30.00	348.02
4043510298		232 ONEIL CIR	HERCULES CA 94547	232 ONEIL CIR	19/06	349.92	30.00	379.92
4043510298		232 ONEIL CIR	HERCULES CA 94547	232 ONEIL CIR	19/12	323.65	30.00	353.65
4043510322		250 ONEIL CIR	HERCULES CA 94547	250 ONEIL CIR	19/09	362.46	30.00	392.46
4043510520		130 CARDOZA	HERCULES CA 94547	130 CARDOZA	19/09	346.21	30.00	376.21
4043510819		307 ONEIL CIR	HERCULES CA 94547	307 ONEIL CIR	19/07	319.8	30.00	349.80
4043511007		106 BRENNER	HERCULES CA 94547	106 BRENNER	19/07	567.43	30.00	597.43
4043511031		500 ALFRED NOBEL DR STE 250	HERCULES CA 94547	124 BRENNER	19/06	316.48	30.00	346.48
4043511031		500 ALFRED NOBEL DR STE 250	HERCULES CA 94547	124 BRENNER	19/12	317.98	30.00	347.98
4043511056		136 BRENNER	HERCULES CA 94547	136 BRENNER	19/07	307.46	30.00	337.46
4043600586		430 N WILDWOOD	HERCULES CA 94547	430 WILDWOOD N	19/05	314.11	30.00	344.11
4043600586		430 N WILDWOOD	HERCULES CA 94547	430 WILDWOOD N	19/11	317.83	30.00	347.83
4043800376		138 S WILDWOOD	HERCULES CA 94547	138 WILDWOOD S	19/05	293.02	30.00	323.02
4043900275		386 N WILDWOOD	HERCULES CA 94547	386 N WILDWOOD	19/05	112.37	30.00	142.37
4043900275		386 N WILDWOOD	HERCULES CA 94547	386 N WILDWOOD	19/11	263.41	30.00	293.41
4043900390		404 N WILDWOOD	HERCULES CA 94547	404 WILDWOOD N	19/06	345.05	30.00	375.05
4043900390		404 N WILDWOOD	HERCULES CA 94547	404 WILDWOOD N	19/12	358.21	30.00	388.21
4044000182		190 S WILDWOOD	HERCULES CA 94547	190 WILDWOOD S	19/07	356.87	30.00	386.87
4044000315		192 S WILDWOOD	HERCULES CA 94547	192 WILDWOOD S	19/10	330.79	30.00	360.79
4044000612		231 S WILDWOOD	HERCULES CA 94547	231 WILDWOOD S	19/08	289.79	30.00	319.79
4044100420		230 BEN LOMOND	HERCULES CA 94547	230 BEN LOMOND	19/12	396.56	30.00	426.56
4044100644		15 MISSION SPRINGS	HERCULES CA 94547	15 MISSION SPRINGS	19/08	203.81	30.00	233.81
4044100750		18 MISSION SPRINGS	HERCULES CA 94547	18 MISSION SPRINGS	19/05	313.84	30.00	343.84
4044100750		18 MISSION SPRINGS	HERCULES CA 94547	18 MISSION SPRINGS	19/11	317.81	30.00	347.81
4044200352		200 SCOTTS VALLEY	HERCULES CA 94547	200 SCOTTS VALLEY	19/08	322.1	30.00	352.10
4044200733		209 SCOTTS VALLEY	HERCULES CA 94547	209 SCOTTS VALLEY	19/08	349.99	30.00	379.99
4044400168		342 SHIPWATCH LN	HERCULES CA 94547	342 SHIPWATCH LN	19/11	292.03	30.00	322.03
4044400358		181 OVERLOOK TER	HERCULES CA 94547	181 OVERLOOK TER	19/09	526.21	30.00	556.21
4044400465		2303 CAMINO RAMON STE 204	SAN RAMON CA 94583	178 OVERLOOK TER	19/08	92.09	30.00	122.09
4044500132		157 OVERLOOK TER	HERCULES CA 94547	157 OVERLOOK TER	19/10	177.24	30.00	207.24

4044500363		109 LOOKOUT CT	HERCULES CA 94547	109 LOOKOUT CT	19/06	320.64	30.00	350.64
4044500363		109 LOOKOUT CT	HERCULES CA 94547	109 LOOKOUT CT	19/12	318.4	30.00	348.40
4044600080		136 CAMDEN LN	HERCULES CA 94547	136 CAMDEN LN	19/07	318.04	30.00	348.04
4044600320		112 KENSINGTON CIR	HERCULES CA 94547	112 KENSINGTON CIR	19/06	316.2	30.00	346.20
4044600320		112 KENSINGTON CIR	HERCULES CA 94547	112 KENSINGTON CIR	19/12	365.92	30.00	395.92
4044600338		106 KENSINGTON CIR	HERCULES CA 94547	106 KENSINGTON CIR	19/11	320.53	30.00	350.53
4044800102		1171 PROMENADE ST	HERCULES CA 94547	1171 PROMENADE ST	19/05	314.21	30.00	344.21
4044800102		1171 PROMENADE ST	HERCULES CA 94547	1171 PROMENADE ST	19/11	317.84	30.00	347.84
4044800219		1105 PROMENADE ST	HERCULES CA 94547	1105 PROMENADE ST	19/07	324.55	30.00	354.55
4044800607		1030 PARK ST	HERCULES CA 94547	1030 PARK ST	19/07	264.95	30.00	294.95
4044800987		1103 EARNEST AVE	HERCULES CA 94547	1103 EARNEST AVE	19/12	292.03	30.00	322.03
4044801019		1112 EARNEST AVE	HERCULES CA 94547	1112 EARNEST AVE	19/10	315.07	30.00	345.07
4044801209		2051 RAILROAD AVE	HERCULES CA 94547	2051 RAILROAD AVE	19/10	292.03	30.00	322.03
4045000256		100 SWEET GUM CT	HERCULES CA 94547	100 SWEET GUM CT	19/06	568.24	30.00	598.24
4045000256		100 SWEET GUM CT	HERCULES CA 94547	100 SWEET GUM CT	19/12	603.22	30.00	633.22
4045000520		112 CAMELIA CT	HERCULES CA 94547	112 CAMELIA CT	19/10	251.6	30.00	281.60
4045100320		118 CRABAPPLE CT	HERCULES CA 94547	118 CRABAPPLE CT	19/06	558.02	30.00	588.02
4045100320		118 CRABAPPLE CT	HERCULES CA 94547	118 CRABAPPLE CT	19/12	339.55	30.00	369.55
4045100437		190 STONE PINE CT	HERCULES CA 94547	190 STONE PINE CT	19/07	66.37	30.00	96.37
4045200336		109 MARITIME TER	HERCULES CA 94547	109 MARITIME TER	19/06	549.05	30.00	579.05
4045200336		109 MARITIME TER	HERCULES CA 94547	109 MARITIME TER	19/12	559.68	30.00	589.68
4045300128		124 WATERMARK TER	HERCULES CA 94547	124 WATERMARK TER	19/08	307.31	30.00	337.31
4045300193		166 WATERMARK TER	HERCULES CA 94547	166 WATERMARK TER	19/07	567.43	30.00	597.43
4045400019		1003 VICTORIA PARK	HERCULES CA 94547	1003 VICTORIA PARK	19/10	330.35	30.00	360.35
4045400092		1132 S SHELTER BAY	HERCULES CA 94547	1132 SHELTER BAY S	19/12	612.36	30.00	642.36
4045400373		100 NAUTICAL CV	HERCULES CA 94547	100 NAUTICAL CV	19/08	602.06	30.00	632.06
4045600303		441 JOAQUIN AVE	SAN LEANDRO CA 94577	190 TRESTLE CV	19/05	289	30.00	319.00
4045600303		441 JOAQUIN AVE	SAN LEANDRO CA 94577	190 TRESTLE CV	19/11	366.35	30.00	396.35
4045800226		1129 REGATTA PT	HERCULES CA 94547	1129 REGATTA PT	19/09	362.46	30.00	392.46
4045800341		1054 N SHELTER BAY	HERCULES CA 94547	1054 SHELTER BAY N	19/12	609.65	30.00	639.65
4045900299		1036 CREPE MYRTLE DR	HERCULES CA 94547	1036 CREPE MYRTLE DR	19/09	140.44	30.00	170.44
4045900364		1078 CREPE MYRTLE DR	HERCULES CA 94547	1078 CREPE MYRTLE DR	19/08	382.97	30.00	412.97
4045900539		1096 FLOWERING ASH DR	HERCULES CA 94547	1096 FLOWERING ASH DR	19/09	299.77	30.00	329.77
4045900893		181 COPPER BEECH GLN	HERCULES CA 94547	181 COPPER BEECH GLN	19/10	375.31	30.00	405.31
4046100022		1102 LANTERN BAY	HERCULES CA 94547	1102 LANTERN BAY	19/12	241.1	30.00	271.10
4046200491		151 DRIFTWOOD COVE	HERCULES CA 94547	151 DRIFTWOOD COVE	19/09	364.66	30.00	394.66
4046300556		288 TITAN WAY	HERCULES CA 94547	288 TITAN WAY	19/06	316.46	30.00	346.46

4046300556		288 TITAN WAY	HERCULES CA 94547	288 TITAN WAY	19/12	317.98	30.00	347.98
4046400141		100 HIDDEN CV	HERCULES CA 94547	100 HIDDEN CV	19/10	131.76	30.00	161.76
4046500692		1057 BAYWOOD LN	HERCULES CA 94547	1057 BAYWOOD LN	19/11	317.83	30.00	347.83
4046700086		1159 REGATTA POINT	HERCULES CA 94547	2174 RAILROAD AVE	19/10	694.3	30.00	724.30
4046700144		2210 RAILROAD AVE	HERCULES CA 94547	2210 RAILROAD AVE	19/10	315.07	30.00	345.07
4046900249		2042 LEWIS ST	HERCULES CA 94547	2042 LEWIS ST	19/06	322.09	30.00	352.09
4046900249		2042 LEWIS ST	HERCULES CA 94547	2042 LEWIS ST	19/12	318.61	30.00	348.61
4046901361		3198 S FRONT ST	HERCULES CA 94547	3198 FRONT S ST	19/09	356.46	30.00	386.46
4047000346		2033 DRAKE LN	HERCULES CA 94547	2033 DRAKE LN	19/07	320.6	30.00	350.60
4047000874		2099 DRAKE LN	HERCULES CA 94547	2099 DRAKE LN	19/12	590.53	30.00	620.53
4047000932		5524 HORIZON DR	SAN PABLO CA 94806	2063 DRAKE LN	19/12	187.27	30.00	217.27
4047200011		238 MALACHITE	HERCULES CA 94547	606 ALFRED NOBEL DR	19/09	673.98	30.00	703.98
4047500014		1796 YOSEMITE PL	HERCULES CA 94547	1796 YOSEMITE PL	19/10	287.81	30.00	317.81
4047600731		1974 TIOGA LOOP	HERCULES CA 94547	1974 TIOGA LOOP	19/11	315.19	30.00	345.19
4047600822		1938 TIOGA LOOP	HERCULES CA 94547	1938 TIOGA LOOP	19/12	85.89	30.00	115.89
4060500016		6 MANCHESTER	HERCULES CA 94547	6 MANCHESTER	19/09	324.98	30.00	354.98
4060500222		126 COVENTRY	HERCULES CA 94547	126 COVENTRY	19/05	172.29	30.00	202.29
4060500222		126 COVENTRY	HERCULES CA 94547	126 COVENTRY	19/11	161.58	30.00	191.58
4060610138		103 SHEFFIELD	HERCULES CA 94547	103 SHEFFIELD	19/07	332.65	30.00	362.65
4060610286		121 WORTHING	HERCULES CA 94547	121 WORTHING	19/12	167.7	30.00	197.70
4060620061		PO BOX 6087	SAN PABLO CA 94806	119 SHEFFIELD	19/12	304.88	30.00	334.88
4060620095		5745 AMEND RD	EL SOBRANTE CA 94803	112 WORTHING	19/11	205.67	30.00	235.67
4060620111		108 WORTHING	HERCULES CA 94547	108 WORTHING	19/10	292.03	30.00	322.03
4060820133		4235 KNOLLVIEW DR	DANVILLE CA 94506	133 BRIGHTON	19/08	380.12	30.00	410.12
4060920065		4235 KNOLLVIEW DR	DANVILLE CA 94506	259 DARTFORD	19/05	314.3	30.00	344.30
4060920065		4235 KNOLLVIEW DR	DANVILLE CA 94506	259 DARTFORD	19/11	364.66	30.00	394.66
4061030112		1248 CANTERBURY	HERCULES CA 94547	1248 CANTERBURY	19/11	264.76	30.00	294.76
4061030351		148 BEDFORD	HERCULES CA 94547	148 BEDFORD	19/11	301.2	30.00	331.20
4061100030		214 OXFORD	HERCULES CA 94547	214 OXFORD	19/07	319.8	30.00	349.80
4061210102		196 NEWBURY	HERCULES CA 94547	196 NEWBURY	19/06	317.88	30.00	347.88
4061210102		196 NEWBURY	HERCULES CA 94547	196 NEWBURY	19/12	345.76	30.00	375.76
4061210151		160 NEWBURY	HERCULES CA 94547	160 NEWBURY	19/11	135.56	30.00	165.56
4061300093		313 NEWBURY	HERCULES CA 94547	313 NEWBURY	19/05	296.92	30.00	326.92
4061300093		313 NEWBURY	HERCULES CA 94547	313 NEWBURY	19/11	316.02	30.00	346.02
4062130051		295 VIOLET RD	HERCULES CA 94547	295 VIOLET RD	19/09	346.21	30.00	376.21
4062130085		313 VIOLET RD	HERCULES CA 94547	313 VIOLET RD	19/12	200.39	30.00	230.39
4062210127		109 BELLFLOWER CT	HERCULES CA 94547	109 BELLFLOWER CT	19/07	319.8	30.00	349.80

4062410149		271 LILAC CIR	HERCULES CA 94547	271 LILAC CIR	19/06	316.48	30.00	346.48
4062410149		271 LILAC CIR	HERCULES CA 94547	271 LILAC CIR	19/12	317.98	30.00	347.98
4062410222		223 LILAC CIR	HERCULES CA 94547	223 LILAC CIR	19/08	322.36	30.00	352.36
4062440021		376 VIOLET RD	HERCULES CA 94547	376 VIOLET RD	19/07	301.88	30.00	331.88
4062450103		109 MARIGOLD DR	HERCULES CA 94547	109 MARIGOLD DR	19/05	289	30.00	319.00
4062450103		109 MARIGOLD DR	HERCULES CA 94547	109 MARIGOLD DR	19/11	315.19	30.00	345.19
4062610037		424 VIOLET RD	HERCULES CA 94547	424 VIOLET RD	19/10	315.23	30.00	345.23
4062610268		115 ORCHID CT	HERCULES CA 94547	115 ORCHID CT	19/07	319.75	30.00	349.75
4062920113		701 TURQUOISE DR	HERCULES CA 94547	172 DAISY CT	19/08	297.19	30.00	327.19
4063410155		187 MANZANITA PL	HERCULES CA 94547	187 MANZANITA PL	19/11	235.6	30.00	265.60
4063410320		214 MEADOWLARK WAY	HERCULES CA 94547	115 MANZANITA PL	19/12	339.16	30.00	369.16
4063510145		2132 LUPINE RD	HERCULES CA 94547	2132 LUPINE RD	19/05	322.21	30.00	352.21
4063510145		2132 LUPINE RD	HERCULES CA 94547	2132 LUPINE RD	19/11	265.32	30.00	295.32
4063620183		60 LAUREL LN	EL SOBRANTE CA 94803	145 LOCUST CT	19/06	305.51	30.00	335.51
4063620183		60 LAUREL LN	EL SOBRANTE CA 94803	145 LOCUST CT	19/12	316.79	30.00	346.79
4063620316		2249 LUPINE RD	HERCULES CA 94547	2249 LUPINE RD	19/07	319.8	30.00	349.80
4063620357		2269 LUPINE RD	HERCULES CA 94547	2269 LUPINE RD	19/05	323.7	30.00	353.70
4063620357		2269 LUPINE RD	HERCULES CA 94547	2269 LUPINE RD	19/11	318.85	30.00	348.85
4063710083		2325 REDWOOD RD	HERCULES CA 94547	2325 REDWOOD RD	19/09	290.87	30.00	320.87
4063820122		149 ELDERBERRY CT	HERCULES CA 94547	149 ELDERBERRY CT	19/10	314.7	30.00	344.70
4063830121		2184 REDWOOD RD	HERCULES CA 94547	2184 REDWOOD RD	19/06	558.01	30.00	588.01
4063830121		2184 REDWOOD RD	HERCULES CA 94547	2184 REDWOOD RD	19/12	560.63	30.00	590.63
4063910246		255 ELDERBERRY CT	HERCULES CA 94547	255 ELDERBERRY CT	19/07	121.13	30.00	151.13
4063920328		1704 FORT ORD CT	SUISUN CITY CA 94585	2124 REDWOOD RD	19/05	314.3	30.00	344.30
4063920328		1704 FORT ORD CT	SUISUN CITY CA 94585	2124 REDWOOD RD	19/11	317.86	30.00	347.86
4064330105		1919 REDWOOD RD	HERCULES CA 94547	1919 REDWOOD RD	19/07	319.8	30.00	349.80
4064340054		274 PEPPERWOOD ST	HERCULES CA 94547	274 PEPPERWOOD ST	19/11	562.16	30.00	592.16
4064340146		306 PEPPERWOOD ST	HERCULES CA 94547	306 PEPPERWOOD ST	19/10	147.65	30.00	177.65
4064410220		112 MESQUITE CT	HERCULES CA 94547	112 MESQUITE CT	19/05	319.8	30.00	349.80
4064410220		112 MESQUITE CT	HERCULES CA 94547	112 MESQUITE CT	19/11	318.26	30.00	348.26
4064410295		118 JUNIPER CT	HERCULES CA 94547	118 JUNIPER CT	19/10	304.88	30.00	334.88
4064610241		139 CHESTNUT DR	HERCULES CA 94547	139 CHESTNUT DR	19/09	90.58	30.00	120.58
4064710074		7 BASIN CT	HERCULES CA 94547	7 BASIN CT	19/07	374.35	30.00	404.35
4064810247		145 MESA CT	HERCULES CA 94547	145 MESA CT	19/10	531.22	30.00	561.22
4064810510		2 TARN CT	HERCULES CA 94547	2 TARN CT	19/08	274.73	30.00	304.73
4064810619		12 TARN CT	HERCULES CA 94547	12 TARN CT	19/08	378.72	30.00	408.72
4065020069		3 PLAYA CT	HERCULES CA 94547	3 PLAYA CT	19/05	310.78	30.00	340.78

4065020069		3 PLAYA CT	HERCULES CA 94547	3 PLAYA CT	19/11	317.5	30.00	347.50
4065020093		881 VALLEY RUN	HERCULES CA 94547	881 VALLEY RUN	19/09	299.77	30.00	329.77
4065400451		593 SILVER MAPLE DR	HERCULES CA 94547	593 SILVER MAPLE DR	19/08	365.39	30.00	395.39
4065500052		509 BLUE CYPRESS WAY	HERCULES CA 94547	509 BLUE CYPRESS WAY	19/10	352.03	30.00	382.03
4065500615		524 ROSEWOOD LN	HERCULES CA 94547	524 ROSEWOOD LN	19/08	322.36	30.00	352.36
4065500888		584 SILVER MAPLE DR	HERCULES CA 94547	584 SILVER MAPLE DR	19/05	154.88	30.00	184.88
4065500888		584 SILVER MAPLE DR	HERCULES CA 94547	584 SILVER MAPLE DR	19/11	317.83	30.00	347.83
4070200011		2 CRYSTAL CIR	HERCULES CA 94547	2 CRYSTAL CIR	19/08	336.2	30.00	366.20
4070200037		10 CRYSTAL CIR	HERCULES CA 94547	10 CRYSTAL CIR	19/06	329.88	30.00	359.88
4070200037		10 CRYSTAL CIR	HERCULES CA 94547	10 CRYSTAL CIR	19/12	354.61	30.00	384.61
4070200193		74 CRYSTAL CIR	HERCULES CA 94547	74 CRYSTAL CIR	19/12	316.51	30.00	346.51
4070300167		115 JASPER CT	HERCULES CA 94547	115 JASPER CT	19/05	104.25	30.00	134.25
4070300167		115 JASPER CT	HERCULES CA 94547	115 JASPER CT	19/11	350.1	30.00	380.10
4070420056		360 TURQUOISE DR	HERCULES CA 94547	360 TURQUOISE DR	19/10	314.7	30.00	344.70
4070540192		100 AMETHYST CT	HERCULES CA 94547	100 AMETHYST CT	19/07	402.96	30.00	432.96
4070720067		480 TURQUOISE DR	HERCULES CA 94547	480 TURQUOISE DR	19/08	295.39	30.00	325.39
4070910064		175 EMERALD WAY	HERCULES CA 94547	175 EMERALD WAY	19/10	514.92	30.00	544.92
4071020020		686 TURQUOISE DR	HERCULES CA 94547	686 TURQUOISE DR	19/07	219.46	30.00	249.46
4071020046		668 TURQUOISE DR	HERCULES CA 94547	668 TURQUOISE DR	19/08	322.38	30.00	352.38
4071610218		1517 PARTRIDGE DR	HERCULES CA 94547	1517 PARTRIDGE DR	19/12	328.67	30.00	358.67
4071620316		1789 PHEASANT DR	HERCULES CA 94547	1789 PHEASANT DR	19/06	312.35	30.00	342.35
4071620316		1789 PHEASANT DR	HERCULES CA 94547	1789 PHEASANT DR	19/12	317.53	30.00	347.53
4071720223		106 CRANE CT	HERCULES CA 94547	106 CRANE CT	19/08	322.36	30.00	352.36
4071800157		130 ORIOLE CT	HERCULES CA 94547	130 ORIOLE CT	19/07	325.54	30.00	355.54
4071800439		567 W 4TH ST APT 607	RENO NV 89503	245 ORIOLE CT	19/05	311.5	30.00	341.50
4071800439		567 W 4TH ST APT 607	RENO NV 89503	245 ORIOLE CT	19/11	317.56	30.00	347.56
4071910063		439 SPARROW DR	HERCULES CA 94547	439 SPARROW DR	19/08	791.78	30.00	821.78
4071920294		139 CARDINAL WAY	HERCULES CA 94547	139 CARDINAL WAY	19/09	324.91	30.00	354.91
4072030010		1532 PARTRIDGE DR	HERCULES CA 94547	1532 PARTRIDGE DR	19/06	557.68	30.00	587.68
4072030010		1532 PARTRIDGE DR	HERCULES CA 94547	1532 PARTRIDGE DR	19/12	560.6	30.00	590.60
4072030432		163 STARLING WAY	HERCULES CA 94547	163 STARLING WAY	19/05	314.11	30.00	344.11
4072030432		163 STARLING WAY	HERCULES CA 94547	163 STARLING WAY	19/11	317.83	30.00	347.83
4072320171		196 SPARROW DR	HERCULES CA 94547	196 SPARROW DR	19/08	65.59	30.00	95.59
4072410154		106 DOVE CT	HERCULES CA 94547	106 DOVE CT	19/09	572.86	30.00	602.86
4072420013		202 BOBOLINK WAY	HERCULES CA 94547	202 BOBOLINK WAY	19/07	339.12	30.00	369.12
4072620323		106 TANAGER WAY	HERCULES CA 94547	106 TANAGER WAY	19/05	314.08	30.00	344.08
4072620323		106 TANAGER WAY	HERCULES CA 94547	106 TANAGER WAY	19/11	387.77	30.00	417.77

4072810049		4790 SNOWY EGRET WAY	OAKLEY CA 94561	253 FALCON WAY	19/07	319.8	30.00	349.80
4072810056		259 FALCON WAY	HERCULES CA 94547	259 FALCON WAY	19/08	333.44	30.00	363.44
4072810080		277 FALCON WAY	HERCULES CA 94547	277 FALCON WAY	19/07	563.78	30.00	593.78
4072810247		343 FALCON WAY	HERCULES CA 94547	343 FALCON WAY	19/05	355.56	30.00	385.56
4072810247		343 FALCON WAY	HERCULES CA 94547	343 FALCON WAY	19/12	302.54	30.00	332.54
4073010045		457 FALCON WAY	HERCULES CA 94547	457 FALCON WAY	19/05	314.11	30.00	344.11
4073010045		457 FALCON WAY	HERCULES CA 94547	457 FALCON WAY	19/11	317.83	30.00	347.83
		218 Records				73,533.33	6,540.00	80,073.33



City of Hercules

111 Civic Drive
Hercules, CA 94547

Meeting Minutes

City Council

Mayor Roland Esquivias
Vice Mayor Chris Kelley
Council Member Dan Romero
Council Member Dion Bailey
Council Member Gerard Boulanger

David Biggs, City Manager
Patrick Tang, City Attorney
Lori Martin, City Clerk

Tuesday, February 11, 2020

6:00 PM

Council Chambers

CLOSED SESSION - 6:00 P.M.
REGULAR SESSION - 7:00 P.M.

I. SPECIAL MEETING - CLOSED SESSION – 6:00 P.M. CALL TO ORDER - ROLL CALL

Mayor Esquivias called the meeting to order at 6:00 p.m.

Present: 4 - Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member D. Romero, and
Council Member G. Boulanger

Absent: 1 - Council Member D. Bailey

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

None.

III. CONVENE INTO CLOSED SESSION

City Attorney Tang announced the items listed on the agenda to be discussed in closed session.

1. [20-144](#) Pursuant to Government Code Section 54956.9(a), Conference with Legal Counsel - Pending/Existing Litigation: Successor Agency to the Hercules Redevelopment Agency and City of Hercules v. California Department of Finance, et al, Sacramento Superior Court Case No. 34-2018-80003038
2. [20-145](#) Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9(d)(2): In one (1) matter: Hercules Development Partners, LP / Ledcor Corporation
3. [20-146](#) Conference with Legal Counsel - Existing Litigation Pursuant to Government Code Section 54956.9 (d) (1). Rodum, Eva v. City of Hercules, et al, Contra Costa Superior Court Case No. CIVMSC18-01148

4. [20-150](#) Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9 (d) (2): In one (1) matter - Claim of Marylyn and Manuel Judan, Claim No. GL-013278

IV. REGULAR MEETING – 7:00 P.M. CALL TO ORDER - ROLL CALL

Mayor Esquivias called the meeting to order at 7:02 p.m.

Present: 4 - Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member D. Romero, and Council Member G. Boulanger

Absent: 1 - Council Member D. Bailey

V. REPORT ON ACTION TAKEN IN CLOSED SESSION

City Attorney Tang identified the items discussed in closed session which were Items 1, 3 and 4 stating there were no final or reportable actions taken. City Attorney Tang stated that the City Council will reconvene closed session at the end of the regular session to discuss Item 2, Anticipated Litigation in one (1) matter: Hercules Development Partners, LP / Ledcor Corporation.

VI. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Esquivias.

VII. MOMENT OF SILENCE

Mayor Esquivias called for a moment of silence for those that have lost their lives from the Coronavirus.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

None.

IX. AGENDA ADDITIONS/DELETIONS

City Manager Biggs stated that there were no additions, deletions or supplemental documents handed out prior to the meeting.

X. PUBLIC COMMUNICATIONS

Public Speakers: Ben Steinbert; Anton Jungherr; Lynne Noone; James Araby.

XI. PUBLIC HEARINGS

None.

XII. CONSENT CALENDAR

Council Member Romero pulled Item 2 to ask a question. Staff addressed and answered the question and Item 2 was put back on the consent calendar.

MOTION: A motion was made by Vice Mayor Kelley, seconded by Council Member Boulanger, to adopt the Consent Calendar. The motion carried by the following vote:

Aye: 4 - Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member D. Romero, and Council Member G. Boulanger

Absent: 1 - Council Member D. Bailey

1. [20-147](#) **Meeting Minutes**
Recommendation: Approve the regular meeting minutes of January 28, 2020.
2. [20-148](#) **Approval of the Amended Encroachment Easement and Agreement for Block N of the Bayfront Project**
Recommendation: Adopt a Resolution approving the amended encroachment easement and agreement for Block N of the Bayfront project and authorizing the City Manager to execute said agreement on behalf of the City Council.
3. [20-149](#) **Notice of Intent to Vacate a Portion of "Excess" Right-of-Way along San Pablo Avenue abutting the Hilltown Project**
Recommendation: Adopt a Resolution declaring a notice of intent to vacate "excess" right-of-way along San Pablo abutting the Hilltown project site and setting a public hearing for March 24, 2020 utilizing the process outlined in the Streets and Highways Code Section 8300 et seq and Government Code Section 65402.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [20-140](#) **Professional Services Agreement with HDR in the amount of \$1.15M for the Design of the Regional Internodal Transit Center (RITC) and Appropriating \$500K in Measure J TLC Grant Funding to Fully Fund said Agreement**
Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement with HDR for a not to exceed amount of \$1.15M for the design of the Regional Internodal Transit Center (RITC) and appropriating \$500K in Measure J TLC grant funding received by the Contra Costa Transportation Authority to fully fund said agreement.

City Manager Biggs introduced the item and Public Works Director Roberts provided a staff report. City Council asked questions and

provided comments. Representatives of HDR introduced themselves and provided additional information. HDR Representatives in attendance were: Linda Rimbach, Project Manager; Chris Goepel, Rail Expert; Vikrant Sanghai, Principle.

MOTION: A motion was made by Council Member Romero, seconded by Vice Mayor Kelley, to adopt Resolution 20-008. The motion carried by the following vote:

Aye: 4 - Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member D. Romero, and Council Member G. Boulanger

Absent: 1 - Council Member D. Bailey

2. [20-143](#) **Update on Code Compliance Efforts**

Recommendation: Receive report, discuss, and provide direction, if any.

City Manager Biggs introduced the item and provided a staff report. City Council asked questions and provided comments. At the conclusion of the discussion City Manager Biggs stated that he would provide information during the budget process by way of a budget referral item for a part-time code enforcement officer.

XIV. PUBLIC COMMUNICATIONS

Public Speaker: Pil Orbison.

XV. CITY COUNCIL/CITY MANAGER/CITY ATTORNEY ANNOUNCEMENTS, COMMITTEE, SUB-COMMITTEE AND INTERGOVERNMENTAL COMMITTEE REPORTS AND FUTURE AGENDA ITEMS

City staff and Council Members reported on attendance at events and community and regional meetings. There were no future agenda items requested.

XVI. ADJOURNMENT

Mayor Esquivias recessed the meeting at 8:51 p.m. to reconvene into closed session.

Mayor Esquivias adjourned the meeting at 9:20 p.m.

Roland Esquivias, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of February 25, 2020

TO: Members of the City Council

SUBMITTED BY: David Biggs, City Manager
Edwin Gato, Director of Finance

SUBJECT: Accept the FY 18-19 Annual Development Impact Fee

RECOMMENDED ACTION:

Review, accept and file the Annual Development Impact Fee (DIF) and other compliance reports for fiscal year end June 30, 2019.

COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION:

This report was presented to the Finance Commission on February 19, 2020, special meeting.

FISCAL IMPACT OF RECOMMENDATION:

There is no fiscal impact associated with City Council reviewing, accepting, and filing the 2018-19 Development Impact Fee.

DISCUSSION:

California Government Code §§ 66000-66025 (the "Mitigation Fee Act") sets forth the legal requirements for enactment of a development impact fee program, the bulk of which was adopted as 1987's Assembly Bill (AB) 1600 and thus commonly referred to as "AB 1600 requirements". The AB 1600 requirements stipulate that fees imposed on new development have the proper nexus to any project on which they are imposed. In addition, AB 1600 requires that any local agency that imposes development impact fees prepare a report annually providing specific information about those fees as defined in Government Code Sections 66006(b) and 66001(d).

Government Code Section 66006(b) requires that for each separate account or fund, the local agency shall, within 180 days after the last day of each fiscal year, make available to the public the following information for the fiscal year:

- A brief description of the type of fee in the account or fund.
- The amount of the fee.
- The beginning and ending balance of the account or fund.
- The amount of the fees collected and interest earned.

- An identification of each public improvement on which fees were expended and the amount of expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
- An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement.
- A description of each inter-fund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an inter-fund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.
- The amount of refunds made due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of funds made due to administrative costs of refunding unexpended revenues exceeding the amount to be refunded.

Government Code Section 66001(d) requires that the local agency make all of the following findings every fifth year following the first deposit into the fund and every five years thereafter with respect to that portion of the fund remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the fee is to be put.
- Demonstrate a reasonable relationship between the fee and purpose for which it is charged.
- Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements.
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.

The 2018-19 Development Impact Fee Report includes both the annual and five year requirements for the City. The Government Code also requires this report be reviewed by the City at a regularly scheduled public meeting. This report will make the City up to date on its Mitigation Fee Act reporting requirements under State Law.

ATTACHMENTS:

1. 2018-19 Development Impact Fee Report



DEVELOPMENT IMPACT FEE REPORT

Fiscal Year Ended June 30, 2019

City of Hercules, California



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Hercules City Council



Mayor
Roland
Esquivias



Vice Mayor
Chris Kelley



Council Member
Dan Romero



Council Member
Dion Bailey



Council Member
Gerard
Boulanger

Executive Team as of June 30, 2019

David Biggs, City Manager

Patrick Tang, City Attorney

Lori Martin, City Clerk/Administrative Services Director

Mike Roberts, Public Works Director

William Imboden, Chief of Police

Edwin Gato, Finance Director

Holly Smyth, Planning Director

Christopher Roke, Parks & Recreation Director



Mission Statement

“Our mission is to lead our diverse community and enhance the quality of life in the City of Hercules, now and in the future. We do this by providing effective, efficient, responsive, and innovative services with integrity and a culture of transparency.”

VISION STATEMENT

The City of Hercules is a richly diverse community, serving as a major transportation hub and a prime destination for the Bay Area. It is built on a sound economic and physical infrastructure, and its residents enjoy public safety, security, well-maintained parks, streets and public facilities. We conduct our work in an atmosphere of trust and respect. We constantly look for better ways to deliver services and always strive for excellence.



CITY OF HERCULES

111 CIVIC DRIVE, HERCULES CA 94547

PHONE: (510) 799-8200

February 25, 2020

The Honorable Mayor, Members of the City Council and Citizens of Hercules
Hercules, California 94547

Dear Mayor, Members of the City Council and Citizens of Hercules:

In accordance with the provisions of the State of California and Government Code Section 66006 (b) and 66001 (d), as amended by Assembly Bill (AB) 518 and Senate Bill (SB) 1693, I hereby submit the Development Impact Fee (DIF) Report for the City of Hercules, California for the fiscal year ended June 30, 2019.

The prior fiscal year's data is for comparative purposes only. State law requires the City to prepare and make available to the public an annual report for each fund established to account for the fees within 180 days of the end of the fiscal year. The City Council must consider the DIF Report at a regularly scheduled public meeting, no less than fifteen days after the information is made available to the public.

Background

The fees are charged by local governmental agencies in connection with approval of development projects. The purpose of these fees is to defray all or a portion of the cost of public facilities related to the development project. The legal requirements for enactment of a DIF program are set forth in Government Code §§ 66000-66025 (the "Mitigation Fee Act"), the bulk of which was adopted as 1987's AB 1600 and thus commonly referred to as "AB 1600 requirements".

In Hercules, DIFs are collected at the time a building permit is issued for the purpose of mitigating the impacts caused by new development on the City's infrastructure. Fees are used to finance the acquisition, construction and improvement of public facilities needed as a result of this new development. A separate fund has been established to account for the impact of new development on each of the following types of public facilities: General Public Facilities, Police Facilities, Fire Facilities, Parks & Recreation, Traffic Facilities, and Sewer Facilities. This report

outlines the purpose for each of these fees. The City collects and retains all fees, except the STMP Traffic Impact and Fire Facilities fees, which the City remits to an agency trust (referred to as “pass-through: fees).

State law requires the City prepare and make available to the public the DIF Report within 180 days after the last day of each fiscal year. The City Council must review the annual report at a regularly scheduled public meeting not less than fifteen days after the information is made available to the public. This report was filed with the City Clerk’s office and available for public review on February 25, 2020.

Respectfully submitted,

David Biggs
City Manager

Introduction

LEGAL REQUIREMENTS FOR DEVELOPMENT IMPACT FEE REPORTING

A. CALIFORNIA GOVERNMENT CODE SECTION 66006 (b)

California Government Code Section 66006 (b) defines the specific reporting requirements for local agencies that impose AB 1600 DIFs on new development. Annually, for each separate fund established for the collection and expenditure of DIFs, the local agency shall, within 180 days after the last day of each fiscal year, make available to the public the information shown below for the most recent fiscal year. The applicable page numbers for the location where each item can be found in the report are provided for reference.

- A brief description of the type of fee in the account or fund. (Pages 4 to 5)
- The amount of the fee. (Page 5)
- The beginning and ending balance of the account or fund. (Page 7)
- The amount of the fees collected and interest earned. (Pages 7 to 13)
- An identification of each public improvement on which fees were expended and the amount of expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees. (Page 21)
- An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement. (Page 21)
- A description of each inter-fund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an inter-fund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan. (Pages 15 to 18)
- The amount of refunds made due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of funds made due to administrative costs of refunding unexpended revenues exceeding the amount to be refunded. (Page 18)

B. CALIFORNIA GOVERNMENT CODE SECTION 66001 (d)

California Government Code 66001 (d) requires the local agency make all of the following findings every fifth year with respect to that portion of the account remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the fee is to be put.
- Demonstrate a reasonable relationship between the fee and purpose for which it is charged.
- Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements.
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.

- In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

C. ADDITIONAL NOTES

The State of California Government Code Section 66002 states that local agencies that have developed a fee program may adopt a CIP indicating the approximate location, size and timing of projects, plus an estimate for the cost of all facilities or improvements to be financed by fees. A formal Capital Improvement Project (CIP) is recommended, at a minimum, as a five-year plan. The City annually produces a five-year CIP which helps to maintain and support the City's General Plan as well as identify situations where infrastructure is needed to accommodate the planned development.

The City's current, adopted FY 2019-20 – FY 2023-24 Major Capital Projects is included in the City's FY 19-20 Adopted Budget and can be found on the City's website at <https://www.ci.hercules.ca.us/government/finance/budgets>.

D. A REASONABLE RELATIONSHIP BETWEEN THE FEE AND THE PURPOSE FOR WHICH IT IS CHARGED

The initial City DIF Program was passed March 27th, 2001 and put into effect May 26, 2001 in Hercules since . Portions of the current DIF Program have been updated periodically as needed and include the following:

Fee Type	Nexus Study Dates	Effective Fee Date	City Council Reso Date	City Council Resolution
Park & Recreation Facilities	-2/21/2001 90%rollback	5/27/2001 Affirmed 11/7/2009 11/8/2012	3/27/2001 Affirmed 9/8/2009 11/8/2012	Reso 01-019 Reso 09-136 Reso 11-132
General Public Facilities	-2/21/2001 -7/14/2009 75%rollback	5/27/2001 11/7/2009 11/8/2012	3/27/2001 9/8/2009 11/8/2012	Reso 01-019 Reso 09-136 Reso 11-132
Police Facilities	-2/21/2001 -7/14/2009	5/27/2001 11/7/2009	3/27/2001 9/8/2009	Reso 01-019 Reso 09-136
Traffic Facilities	-2/21/2001 -7/14/2009 80%rollback -3/1/19 study	5/27/2001 11/7/2009 11/8/2012 7/1/2019 w/ annual CPI	3/27/2001 9/8/2009 11/8/2012 3/12/2019	Reso 01-019 Reso 09-136 Reso 11-132 Reso 19-011
Sewer Facilities	-7/14/2009	11/7/2009	9/8/2009	Reso 09-136
Fire Facilities (pass-thru)	-2/21/2001 -1/15/2009 RHFD DIF Study	5/27/2001 11/7/2009	3/27/2001 9/8/2009	CC#01-019 CC#09-136
STMP (pass-thru and Master Cooperative Agmt with WCCTAC)	-1997 -5/5/2006 -12/14/2018	6/22/2019 7/1/2019 w/ annual CPI	-6/27/2006 -4/23/2019 -3/12/2019	Ord 340 Ord 417 Ord 523 & Reso 19-011

- Public Benefit Fee was only adopted for the Bayfront Project tied to a Development Agreement that lists various capital projects, but does not classify as an Impact Fee under the Fee Mitigation Act.
- Community Development Tax was adopted by the voters on November 3, 1987 as a flat fee and is not classified as an Impact Fee.

Adjustments to the fees can be made annually in accord with the Engineering News Record Construction Cost Index as approved by the City Council. The DIF Program sets forth the relationship between contemplated future development, facilities needed to serve future development and the estimated costs of those improvements based on the current General Plan for build-out. Comprehensive updates to the program are completed on an as-needed basis to ensure the program continues to reflect the appropriate fees in relation to updated costs.

Many of the City's CIP projects are financed in part by the impact fees outlined in the DIF Program. The City's capital improvements provide infrastructure to the residents and businesses in Hercules in order to keep pace with ongoing development in, and adjacent to, the community. Estimated project costs, and the summary of fee apportionment to each development impact fee type, are detailed within the City's DIF Program.

E. FUNDING OF INFRASTRUCTURE

Capital Improvement Plan identifies all funding sources and amounts for individual projects through FY 2023-24. The CIP is updated annually to reflect the current infrastructure needs of the City. As a CIP project is identified, the project is evaluated to determine the portion of the project that will service existing residents and businesses versus new development. Once the determination of use is made, the percentage of use attributable to new development is then funded by the appropriate impact development fee based on the type of project. The percentage of use associated with existing residents or businesses are funded from other appropriate sources as identified on each individual project sheet in the CIP. All future planned infrastructure needs are outlined in the Capital Improvement Program. The funding and commencement dates for projects are adjusted, as needed, to reflect the needs of the community.

F. CURRENT MAJOR CIP PROJECTS

In the Fiscal Year 2018/19 Duck Pond Park, located on Sycamore Avenue near Willett Street, installed a half basketball court and a single architecturally enhanced building containing 2 separate ADA-compliant bathrooms to serve the increased needs at the local park using \$97,000 in Parks and Recreation Facilities fees.

DESCRIPTION OF DEVELOPMENT IMPACT FEES

General Public Facilities (aka General Government Facilities) – The City can use general government facilities fee revenues for constructing or purchasing buildings, equipment, and land that are part of the system of general government facilities serving new development. Specific facilities for which the City plans to use the fee revenues, as outlined in the 2009 Nexus, include a new City Hall and a new Corp Yard facility.

Police Facilities – Police facility needs through 2035 to be funded by this fee include: a waterfront police substation; an expansion of the existing station; an auditorium/ emergency operations center; equipment and additional patrol vehicles for ten new police officers; needed to serve new development.

Parks & Recreation – Assessed only on new residential development, the Parks & Recreation impacts fees are based on the costs to the City of providing new facilities defined in the 2001 Nexus study, including a 4,000-sq.-ft. teen center, a 4,240-sq.-ft. child care center, and a 10,000-sq.-ft. community cultural arts center, as well as acquiring 46.72 acres of land and improving 59.52 acres for neighborhood and community parks.

Transportation Facilities – The purpose of the transportation impact fee program is to fund improvements to the City's major roadway, bicycle, and pedestrian facilities needed to accommodate travel demand generated by new land development within the City over the next 22 years (through 2040). The Hercules transportation impact fee program will help meet the City's General Plan policies including maintenance of adequate levels of service and safety for roadway facilities and provision of pedestrian and bicycle infrastructure. New development in Hercules will increase the demand for all modes of travel (including walking, biking, transit, automobile and truck/goods movement) and thus the need for improvements to transportation facilities. The Hercules transportation impact fee program will help fund transportation facilities necessary to accommodate new residential and nonresidential development in Hercules, including specifically:

1. Signalize intersection of San Pablo Avenue & Tsushima Street;
2. Reconfigure Sycamore Avenue cross section from Willow Ave. to San Pablo Ave.;
3. San Pablo Avenue/John Muir Parkway to I-80 improvements;
4. Intersection improvements at Willow Avenue & Sycamore Avenue;
5. Add 3rd northbound through lane to San Pablo Avenue at Sycamore Avenue;
6. Install pedestrian-activated signal at Market Hall crosswalk;
7. Upgrade or add ADA curb ramps throughout the City;
8. Hercules Creekside Trail from Alfred Noble to Sycamore Avenue;
9. Multiuse path at Market Hall site;
10. Pedestrian connection along Palm Ave between Sycamore and Willow Ave.;
11. Bay Trail gap closure and lighting;
12. Expand bicycle network;
13. Add sidewalk along Willow Avenue to Hercules Transit Center;
14. Improve pedestrian connections to Hercules Transit Center – Sycamore Avenue to Willow Avenue;
15. Extend sidewalk connections to Rodeo;
16. Complete bicycle facilities between Mariner's Pointe and Hercules Transit Center;
17. Add lighting to Refugio Valley Trail;

18. Remove crosswalk at north leg of San Pablo Avenue & Sycamore Avenue;
19. Provide bus shelters along San Pablo Avenue;
20. Parking for Intermodal Transit Center; and
21. Complete Intermodal Transit Center/Rail Station.

Sewer Facilities – Because the existing sewage treatment plant, which the City of Hercules shares with the neighboring City of Pinole, was at capacity at the time the fee was established in 2009, the sewer facilities fee is based on establishing a connection to the West Contra Costa Waste Treatment Plant in order to serve new development and its consequent increased sewer demand.

PASS THROUGH FEES

The City collects these fees and remits to various governmental entities, organizations or trusts:

Fire Facilities (pass-thru) – To meet the demands of anticipated development identified in the 2009 Fire Facilities Impact Fee Update Study, the Rodeo–Hercules Fire District plans to acquire land (3.83 acres) and construct a new station, as well as purchase a breathing air compressor, a Type-1 engine and a Type-3 engine (each fully equipped), and a 100-ft. ladder truck with equipment.

STMP Traffic Impact (pass-thru) – The West Contra Costa Sub-regional Transportation Mitigation Program (STMP) is a regional development impact fee program covering the West Contra Costa transportation Advisory Committee (WCCTAC) planning area. The City collects the STMP fees and remits them to WCCTAC in accordance with a Master Cooperative Agreement. This Nexus fee study and regional project list was updated in 2019 with the new fees put in place effective July 1, 2019.

CURRENT FEE SCHEDULE – The DIF Program is reviewed annually in conjunction with the development of the CIP to ensure the DIF Program is accounting for all planned future development. The updated DIF Program information is then used to determine the amount of fees available for the funding of the proposed CIP projects.

COMMUNITY DEVELOPMENT DEPARTMENT		
FEE	LEGAL AUTHORITY	FY 19-20 FEES
Single Family (Per dwelling unit)		
Park and Recreation Facilities	Reso 19-033	\$1,525.00
Public Benefit for the Bayfront Project only ⁵	Resos 11-132 & 17-002	\$4,000.00
General Public Facilities	Reso 19-033	\$741.00
Police Facilities	Reso 19-033	\$1,312.00
Fire Facilities (pass-thru)	Reso 19-018	\$1,344.00
Transportation Facilities Fee	Reso 19-033	\$5,346.75
Sewer Facilities ⁶	Reso 19-033	\$4,186.00
Community Development Tax (Approved by Voters)	Reso 87-58	\$1,500.00
West County Sub-regional Transportation Mitigation Fee ¹ (pass-thru)	Reso 19-011	\$5,439.00
COMMUNITY DEVELOPMENT DEPARTMENT (cont.)		
FEE	LEGAL AUTHORITY	FY 19-20 FEES
Multi Family (Per dwelling unit)		
Park and Recreation Facilities	Reso 19-033	\$925.00
Public Benefit for the Bayfront Project only ⁵	Resos 11-132 & 17-002	\$2,350.00
General Public Facilities	Reso 19-033	\$463.00
Police Facilities	Reso 19-033	\$819.00
West County Sub-regional Transportation Mitigation Fee ¹ (pass-thru)	Reso 19-011	\$2,679.00
Fire Facilities (pass-thru) (MF - Apartment)	Reso 19-018	\$828.80
Fire Facilities (pass-thru) (MF - Accessory Dwelling Units)	Reso 19-018	\$625.00
Transportation Facilities Fee	Reso 19-011	\$3,024.75

Sewer Facilities ⁶	Reso 19-033	\$4,186.00
Community Development Tax (Approved by Voters)	Reso 87-58	\$1,500.00
Retail - Flex (Per building square foot)	Reso 17-002	
Public Benefit for the Bayfront Project only ⁵	Resos 11-132 & 17-002	\$0.20
Park and Recreation Facilities	Reso 09-114	N/A
General Public Facilities	Reso 19-033	\$0.59
Police Facilities	Reso 19-033	\$0.26
Fire Facilities (pass-thru)	Reso 19-018	\$0.672
Transportation Facilities Fee ⁴	Reso 19-011	\$7.19
Sewer Facilities ⁶	Reso 19-033	\$0.56
West County Sub-regional Transportation Mitigation Fee ¹ (pass-thru)	Reso 19-017	\$6.59
Office (Per building square foot)		
Park and Recreation Facilities	Reso 09-114	N/A
Public Benefit for the Bayfront Project only ⁵	Resos 11-132 & 17-002	\$0.20
General Public Facilities	Reso 19-033	\$0.25
Police Facilities	Reso 19-033	\$0.44
Fire Facilities (pass-thru)	Reso 19-018	\$0.904
Transportation Facilities Fee	Reso 19-011	\$6.26
Sewer Facilities ⁶	Reso 19-033	\$1.12
West County Sub-regional Transportation Mitigation Fee ¹ (pass-thru)	Reso 19-017	\$8.72
Industrial (Per building square foot)		
Park and Recreation Facilities	Reso 09-114	N/A
General Public Facilities	Reso 19-033	\$0.42
Police Facilities	Reso 19-033	\$0.19
Fire Facilities (pass-thru)	Reso 19-018	\$0.384
Transportation Facilities Fee	Reso 19-011	\$5.83
Sewer Facilities ⁶	Reso 19-033	\$1.12
West County Sub-regional Transportation Mitigation Fee ¹ (pass-thru)	Reso 19-017	\$5.56
Hotel (Per room) ⁷		

Park and Recreation Facilities	Reso 09-114	N/A
Public Benefit for the Bayfront Project only ⁵	Resos 11-132 & 17-002	\$20.00
General Public Facilities	Reso 19-033	\$24.30
Police Facilities	Reso 19-033	\$26.88
Fire Facilities (pass-thru)	Reso 19-018	\$101.00
Transportation Facilities Fee	Reso 19-011	\$1,963.50
West County Sub-regional Transportation Mitigation Fee ¹ (pass-thru)	Reso 19-017	\$3,481.00
Other Community Development Fees		
<u>COMMUNITY DEVELOPMENT DEPARTMENT (cont.)</u>		
FEE	LEGAL AUTHORITY	FY 19-20 FEES
Other Sub-regional Transportation Mitigation (STMP) Fees:		
Senior Housing (Per dwelling unit) ¹	Reso 19-017	\$1,469.00
Storage Facility (Per building square foot) ¹	Reso 19-017	\$0.76
Church (Per building square foot) ¹	Reso 10-088	Removed Category
Hospital (Per building square foot) ¹	Reso 10-088	Removed Category
Other buildings not listed (Per AM peak hour trips generated) ¹	Reso 19-017	\$7,350.00
Other City Transportation Facilities Fee	Reso 19-017	
Fast Food (per sq. ft.)	Reso 19-011	\$32.83
Fuel Station (pe pump)	Reso 19-011	\$5,758.50
¹ STMP fees are collected by the City and remitted to WCCTAC in accordance with Master Coop Agreement.		
⁴ City Transportation fees for fast food & fuel listed below & uses with much different traffic volumes can be evaluated for higher or lower fee in accordance with the Nexus study consistent with Mitigation Fee Act.		
⁵ Public Benefit fees only paid by Bayfront development with locked fees per DA.		
⁶ Sewer Facility fees are separate from and do not include sewer service charges or sewer connection fees.		
⁷ Not including Sewer facilities fees, which is based on building square footage.		

Financial Summary Report

Statement of Revenues, Expenditures and Changes in Fund Balance For the Year Ended June 30, 2019

Development Impact Fees

	General Public Facilities	Police Facilities	Park & Recreation	Traffic Facilities	Sewer Facilities
REVENUES					
Fees	56,587	49,955	895	188,529	142,384
Interest	3,143	5,366	3,232	7,110	-
Other Revenues	-	-	-	-	-
Total Revenues	59,730	55,321	4,127	195,639	142,384
EXPENDITURES					
	32,187	-	93,874	268	142,384
REVENUES OVER (UNDER) EXPENDITURES	27,543	55,321	(89,747)	195,371	-
Fund Balance, Beginning of Year	152,074	329,017	258,499	608,227	-
Fund Balance, End of Year	179,617	384,338	168,752	803,598	-

GENERAL PUBLIC FACILITIES

Statement of Revenues, Expenditures and Changes in Fund Balance For the Year Ended June 30, 2019

	<u>FY 2014-15</u>	<u>FY 2015-16</u>	<u>FY 2016-17</u>	<u>FY 2017-18</u>	<u>FY 2018-19</u>
REVENUES					
Fees	30,831	-	12,637	42,034	56,587
Interest	202	288	352	1,093	3,143
Other Revenues	-	489	-	-	-
Total Revenues	<u>31,033</u>	<u>777</u>	<u>12,989</u>	<u>43,127</u>	<u>59,730</u>
EXPENDITURES	<u>61,150</u>	<u>21,494</u>	<u>24,753</u>	<u>4,282</u>	<u>32,187</u>
REVENUES OVER (UNDER) EXPENDITURES	(30,117)	(20,717)	(11,764)	38,845	27,543
Fund Balance, Beginning of Year	<u>248,850</u>	<u>218,684</u>	<u>124,993</u>	<u>113,229</u>	<u>152,074</u>
Fund Balance, End of Year	<u>218,733</u>	<u>197,967</u>	<u>113,229</u>	<u>152,074</u>	<u>179,617</u>

Five-Year Revenue Test Using First in First Out Method ⁽¹⁾

Revenue Available:					
Current Fiscal Year	31,033	777	12,989	43,127	59,730
Prior Fiscal Year (2-yr Old Funds)	187,700	31,033	777	12,989	43,127
Prior Fiscal Year (3-yr Old Funds)		166,157	31,033	777	12,989
Prior Fiscal Year (4-yr Old Funds)			68,430	31,033	777
Prior Fiscal Year (5-yr Old Funds)				64,148	31,033
In Excess of Five Prior Fiscal Years					31,961
	<u>218,733</u>	<u>197,967</u>	<u>113,229</u>	<u>152,074</u>	<u>179,617</u>

Note:

(1) In using the revenue and expenditure reports to report fees that have been held past the fifth year of first deposit, the total revenues received over the five-year period must be subtracted from the ending fund balance. Any fund balance in excess of the prior five years' revenue must have findings reported in accordance with Government Code 66001 (d).

POLICE FACILITIES

Statement of Revenues, Expenditures and Changes in Fund Balance For the Year Ended June 30, 2019

	<u>FY 2014-15</u>	<u>FY 2015-16</u>	<u>FY 2016-17</u>	<u>FY 2017-18</u>	<u>FY 2018-19</u>
REVENUES					
Fees	54,567	-	78,201	74,394	49,955
Interest	201	197	542	1,937	5,366
Other Revenues	-	-	-	-	-
Total Revenues	<u>54,768</u>	<u>197</u>	<u>78,743</u>	<u>76,331</u>	<u>55,321</u>
EXPENDITURES	<u>-</u>	<u>-</u>	<u>126</u>	<u>-</u>	<u>-</u>
REVENUES OVER (UNDER) EXPENDITURES	54,768	197	78,617	76,331	55,321
Fund Balance, Beginning of Year	119,104	173,872	174,069	252,686	329,017
Fund Balance, End of Year	<u>173,872</u>	<u>174,069</u>	<u>252,686</u>	<u>329,017</u>	<u>384,338</u>

Five-Year Revenue Test Using First in First Out Method ⁽¹⁾

Revenue Available:					
Current Fiscal Year	54,768	197	78,743	76,331	55,321
Prior Fiscal Year (2-yr Old Funds)	119,104	54,768	197	78,743	76,331
Prior Fiscal Year (3-yr Old Funds)		119,104	54,768	197	78,743
Prior Fiscal Year (4-yr Old Funds)			118,978	54,768	197
Prior Fiscal Year (5-yr Old Funds)				118,978	54,768
In Excess of Five Prior Fiscal Years					118,978
	<u>173,872</u>	<u>174,069</u>	<u>252,686</u>	<u>329,017</u>	<u>384,338</u>

Note:

(1) In using the revenue and expenditure reports to report fees that have been held past the fifth year of first deposit, the total revenues received over the five-year period must be subtracted from the ending fund balance. Any fund balance in excess of the prior five years' revenue must have findings reported in accordance with Government Code 66001 (d).

PARKS & RECREATION

Statement of Revenues, Expenditures and Changes in Fund Balance For the Year Ended June 30, 2019

	<u>FY 2014-15</u>	<u>FY 2015-16</u>	<u>FY 2016-17</u>	<u>FY 2017-18</u>	<u>FY 2018-19</u>
REVENUES					
Fees	65,229	-	895	895	895
Interest	940	1,176	911	2,621	3,232
Other Revenues	-	-	-	-	-
Total Revenues	<u>66,169</u>	<u>1,176</u>	<u>1,806</u>	<u>3,516</u>	<u>4,127</u>
EXPENDITURES	<u>-</u>	<u>144,718</u>	<u>212,520</u>	<u>-</u>	<u>93,874</u>
REVENUES OVER (UNDER) EXPENDITURES	66,169	(143,542)	(210,714)	3,516	(89,747)
Fund Balance, Beginning of Year	4,874,233	4,935,660	4,788,000	4,577,286	4,580,802
Adjusted to exclude Redevelopment Loan	(4,322,303)	(4,322,303)	(4,322,303)	(4,322,303)	(4,322,303)
Fund Balance, Beginning of Year	<u>551,930</u>	<u>613,357</u>	<u>465,697</u>	<u>254,983</u>	<u>258,499</u>
Fund Balance, End of Year	<u>618,099</u>	<u>469,815</u>	<u>254,983</u>	<u>258,499</u>	<u>168,752</u>
Five-Year Revenue Test Using First in First Out Method ⁽¹⁾					
Revenue Available:					
Current Fiscal Year	66,169	-	895	895	895
Prior Fiscal Year (2-yr Old Funds)	551,930	469,815	254,088	895	895
Prior Fiscal Year (3-yr Old Funds)				256,709	166,962
Prior Fiscal Year (4-yr Old Funds)					
Prior Fiscal Year (5-yr Old Funds)					
In Excess of Five Prior Fiscal Years	<u>618,099</u>	<u>469,815</u>	<u>254,983</u>	<u>258,499</u>	<u>168,752</u>

Note:

(1) In using the revenue and expenditure reports to report fees that have been held past the fifth year of first deposit, the total revenues received over the five-year period must be subtracted from the ending fund balance. Any fund balance in excess of the prior five years' revenue must have findings reported in accordance with Government Code 66001 (d).

TRAFFIC FACILITIES

Statement of Revenues, Expenditures and Changes in Fund Balance For the Year Ended June 30, 2019

	<u>FY 2014-15</u>	<u>FY 2015-16</u>	<u>FY 2016-17</u>	<u>FY 2017-18</u>	<u>FY 2018-19</u>
REVENUES					
Fees	42,226	-	60,505	57,559	188,529
Interest	372	615	461	1,623	7,110
Other Revenues	-	-	-	-	-
Total Revenues	<u>42,598</u>	<u>615</u>	<u>60,966</u>	<u>59,182</u>	<u>195,639</u>
EXPENDITURES	<u>79,502</u>	<u>301,404</u>	<u>792</u>	<u>-</u>	<u>268</u>
REVENUES OVER (UNDER) EXPENDITURES	(36,904)	(300,789)	60,174	59,182	195,371
Fund Balance, Beginning of Year	<u>826,564</u>	<u>789,660</u>	<u>488,871</u>	<u>549,045</u>	<u>608,227</u>
Fund Balance, End of Year	<u>789,660</u>	<u>488,871</u>	<u>549,045</u>	<u>608,227</u>	<u>803,598</u>

Five-Year Revenue Test Using First in First Out Method ⁽¹⁾

Revenue Available:					
Current Fiscal Year	42,598	615	60,966	59,182	195,639
Prior Fiscal Year (2-yr Old Funds)	747,062	42,598	615	60,966	59,182
Prior Fiscal Year (3-yr Old Funds)		445,658	42,598	615	60,966
Prior Fiscal Year (4-yr Old Funds)			444,866	42,598	615
Prior Fiscal Year (5-yr Old Funds)				444,866	42,598
In Excess of Five Prior Fiscal Years					444,866
	<u>789,660</u>	<u>488,871</u>	<u>549,045</u>	<u>608,227</u>	<u>803,866</u>

Note:

(1) In using the revenue and expenditure reports to report fees that have been held past the fifth year of first deposit, the total revenues received over the five-year period must be subtracted from the ending fund balance. Any fund balance in excess of the prior five years' revenue must have findings reported in accordance with Government Code 66001 (d).

SEWER FACILITIES

Statement of Revenues, Expenditures and Changes in Fund Balance For the Year Ended June 30, 2019

	<u>FY 2014-15</u>	<u>FY 2015-16</u>	<u>FY 2016-17</u>	<u>FY 2017-18</u>	<u>FY 2018-19</u>
REVENUES					
Fees	174,064		72,441	238,832	142,384
Interest					
Other Revenues					
Total Revenues	<u>174,064</u>	<u>-</u>	<u>72,441</u>	<u>238,832</u>	<u>142,384</u>
EXPENDITURES	<u>174,064</u>	<u>-</u>	<u>72,441</u>	<u>238,832</u>	<u>142,384</u>
REVENUES OVER (UNDER) EXPENDITURES	-	-	-	-	-
Fund Balance, Beginning of Year	-	-	-	-	-
Fund Balance, End of Year	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

Five-Year Revenue Test Using First in First Out Method ⁽¹⁾

Revenue Available:

Current Fiscal Year
Prior Fiscal Year (2-yr Old Funds)
Prior Fiscal Year (3-yr Old Funds)
Prior Fiscal Year (4-yr Old Funds)
Prior Fiscal Year (5-yr Old Funds)
In Excess of Five Prior Fiscal Years

<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
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Note:

(1) In using the revenue and expenditure reports to report fees that have been held past the fifth year of first deposit, the total revenues received over the five-year period must be subtracted from the ending fund balance. Any fund balance in excess of the prior five years' revenue must have findings reported in accordance with Government Code 66001 (d).

DEFERRALS, CREDITS & WAIVERS SUMMARY

Fiscal Year Ended, June 30, 2019

This supplemental report section contains information regarding deferred, credits and waivers of PFF fees. Under the City's administrative guidelines for the PFF programs, the City has a fee deferrals, credits and waivers. Total balance as of June 30, 2019 was \$3,560,622. See table below:

		<u>Waivers</u>		<u>Credits</u>			<u>Deferrals</u>	
Fund	Fund Description	<u>Ledcor</u>		<u>Taylor Morrison</u>			<u>Safeway</u>	Total
		FY 2017-18	FY 2018-19	FY 2016-17	FY 2017-18	FY 2018-19	FY 2018-19	
241	General Public Facilities	\$77,056	\$103,936	\$30,114	\$1,424			\$212,530
244	Police Facilities	136,224	183,744					319,968
246	Fire Facilities							-
247	Parks & Recreation	153,940	207,640	87,025	79,650	\$45,725		573,980
261	Traffic Facilities	103,716	139,896				\$396,605	640,217
264	STMP Traffic Impact Fee							-
420	Sewer Facilities	696,256	939,136	170,439	8,096			1,813,927
		\$1,167,192	\$1,574,352	\$287,578	\$89,170	\$45,725	\$396,605	\$3,560,622

Ledcor

FY 2017-18 - Block N The Exchange at Bayfront

FY 2018-19 - Blocks Q&R - The Grand at Bayfront

Taylor Morrison

Muir Pointe



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of February 25, 2020

TO: Members of the City Council

SUBMITTED BY: Michael Roberts, Public Works Director/City Engineer

SUBJECT: List of Projects for Fiscal Year 2020-21 Funded by SB 1: the Road Repair and Accountability Act of 2017

RECOMMENDED ACTION:

Adopt a resolution adopting a list of projects for Fiscal Year 2020-21 funded by SB 1: the Road Repair and Accountability Act of 2017.

FISCAL IMPACT OF RECOMMENDATION:

It is projected the City will receive \$495K in SB 1 funding in FY 2020-21, for a total of \$1.162M in Gas Tax revenues. The City will also be receiving approximately \$470K in Measure J funding, for a grand total of \$1.632M in dedicated annual street funding next fiscal year.

Of this funding, approximately \$1M is available for the 2020 Annual Street Rehabilitation Project, which is proposed to be the sole project on Hercules' SB1 list and includes the \$495K in SB 1 funding. This project consists of rehabilitating Turquoise Drive from Cinnabar Way to Obsidian Way and is estimated to cost \$950K. It may also include other minor street repairs, such as filling potholes. The California Transportation Commission (CTC) requires the approved list be submitted to them by May 1, but is being brought before Council at this time since the design is beginning. The project is scheduled for construction this summer and the list can be modified in the future if needed.

DISCUSSION:

Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017, was passed by the Legislature and signed into law by the Governor in April 2017 in order to address transportation funding shortfalls statewide.

SB 1 includes accountability and transparency provisions to ensure interested residents are aware of the projects proposed for funding in Hercules. Specifically, the City is required under the Act to approve a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1. In addition to the project name, the project list must include a description and the location of each proposed street, a proposed schedule for the project's completion, and the estimated useful life of the improvement.

It is therefore proposed the 2020 Annual Street Rehabilitation Project be listed as the sole project on Hercules' SB 1 project list for FY 2020-21 and include the following project information:

Project Title: 2020 Annual Street Rehabilitation Project

Project Description: Edge grind, recycle in place, asphalt overlay.

Project Locations: Turquoise Drive from Cinnabar Way to Obsidian Way.

Project Duration: Summer 2020

Useful Life: 20 years

This segment of Turquoise Drive has risen to the top of the repair list because the street is failing, with sections of asphalt breaking apart and coming out of the street; on a long downhill where the street is wide, there are adjacent homes and automobiles have a propensity to speed; it is on one of the busier residential streets being part of the Pheasant-Turquoise loop; and is on a route to school, with nearby Ohlone Elementary School at the bottom of the hill. The attached Street Moratorium Map illustrates street improvements that have been completed over the last 4 years and efforts to ensure geographic equity as well.

ATTACHMENTS:

1. Resolution
2. Street Maintenance Location Map
3. Street Moratorium Map

<i>Financial Impact</i>		
Description: \$495,000 in SB1 funding for Fiscal Year 2020-21.		
Funding Source:		
Gas Tax Fund		\$495,000
Fund No. 262-0000-313-09-00		
Budget Recap:		
Total Estimated cost:	\$495,000	New Revenue: \$495,000
Amount Budgeted:	\$0	Lost Revenue: \$
New funding required:	\$	New Personnel: \$
Council Policy Change:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES ADOPTING A LIST OF PROJECTS FOR
FISCAL YEAR 2020-21 FUNDED BY
SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive an estimated \$495,300 in RMRA funding in Fiscal Year 2019-20 from SB 1; and

WHEREAS, this is the fourth year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has undergone a robust public process to ensure public input into our community's transportation priorities/the project list; and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City rehabilitate Turquoise Drive in the City this year and complete similar projects into the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in an "At Risk" condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a "Good" condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Hercules, State of California, as follows:

1. The foregoing recitals are true and correct.
2. The following list of proposed projects will be funded in-part or solely with fiscal year 2020-21 Road Maintenance and Rehabilitation Account revenues:

Project Title: 2020 Annual Street Rehabilitation Project

Project Description: Edge grind, recycle in place, asphalt overlay.

Project Locations: Turquoise Drive from Cinnabar Way to Obsidian Way.

Project Duration: Summer 2020

Useful Life: 20 years

PASSED AND ADOPTED by the City Council of the City of Hercules, State of California this 25th day of February, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

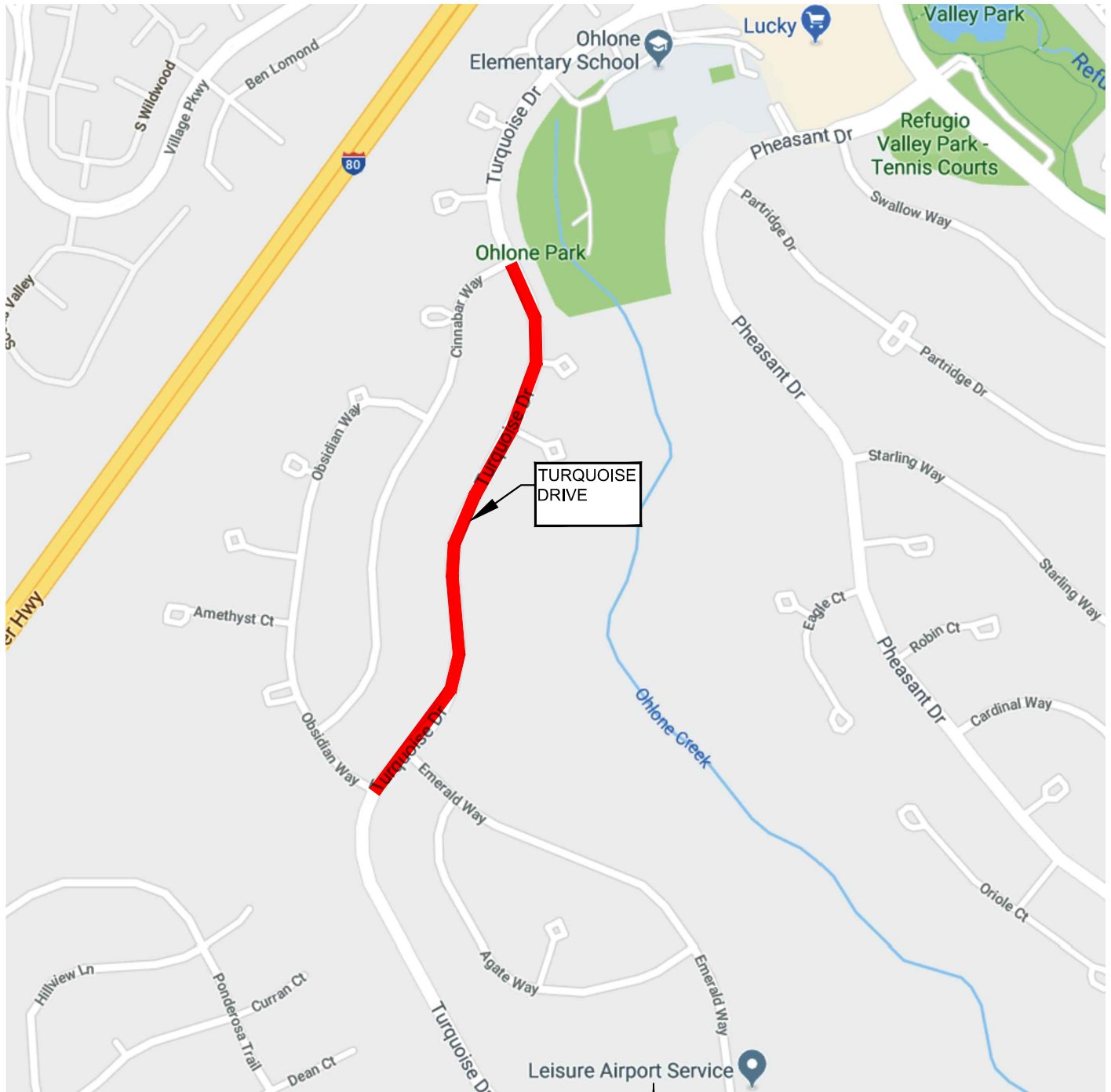
Roland Esquivias, Mayor

ATTEST:

Lori Martin, MMC

Administrative Services Director/City Clerk

CITY OF HERCULES
2020 PAVEMENT REPAIR PROJECT
LOCATION MAP
TURQUOISE DRIVE

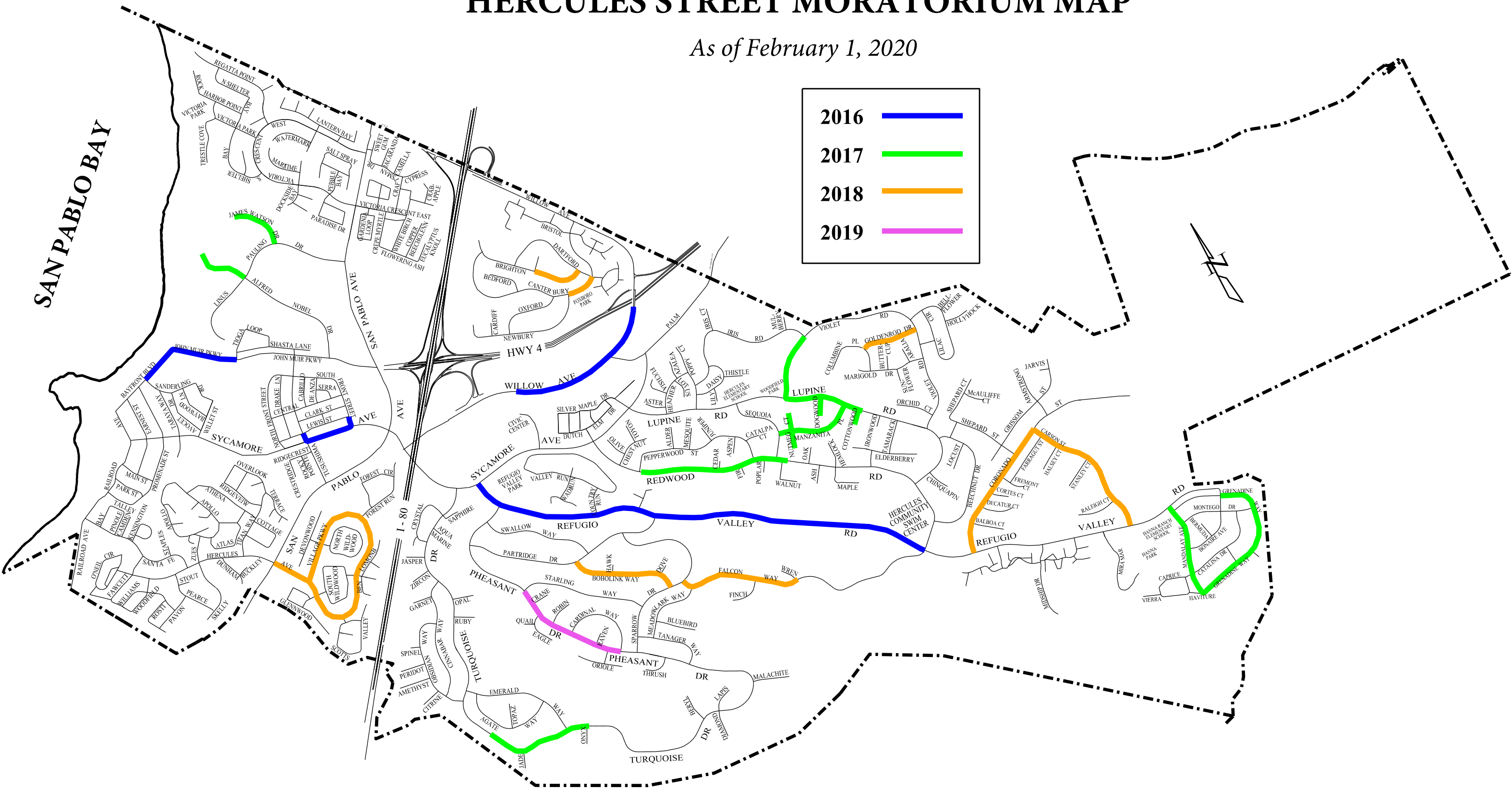


LOCATION MAP:
NTS

Project Limit: Turquoise Drive from Cinnabar Way to Obsidian Way

HERCULES STREET MORATORIUM MAP

As of February 1, 2020





REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of February 25, 2020

TO: Mayor Esquivias and Members of the City Council

SUBMITTED BY: J. Patrick Tang, City Attorney
David Biggs, City Manager

SUBJECT: Process for Becoming a Charter City for the Purpose of Increasing the Real Property Transfer Tax (RPTT)

RECOMMENDED ACTION:

Receive report, discuss, and provide direction, if any.

COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION:

There was no commission or subcommittee review of this item.

FISCAL IMPACT: There is no direct cost associated with the preparation of this report. Future steps of considering a ballot measure, including possible polling, preparing a proposed charter, undertaking the process to place the measure on the ballot, and conducting an election, would all incur costs. The exact amount of the impact would depend on what type of community engagement the Council would want. Any process would involve staff and city attorney time. If a ballot measure were approved by the voters, Hercules would see an increase in RPTT revenue. The amount of increase would depend upon the RPTT rate set by the City; various estimates are provided in the Revenue Rate Comparison Table, see page 4. However, it is uncertain whether voters would approve an increased RPTT.

BACKGROUND: At its January 14, 2020 regular meeting, the City Council directed the city attorney and staff to prepare a report for Council information regarding the process for becoming a charter city, for the limited purpose of setting real property transfer tax (RPTT) rates beyond the rate set by state law for general law cities.

DISCUSSION: Cities in California are organized as either general law cities or charter cities. The City of Hercules is a general law city. Cities are general law cities by default, but may go through a process to

become charter cities. A general law city has the authority to exercise its police powers to act locally, but its acts must be consistent with all general laws adopted by the State Legislature. This is why general law cities are “locked in” to receiving a real property transfer tax (RPTT) rate of \$0.55 per \$1,000 as set by the state. In contrast, a charter city may use its “home rule” authority to adopt local laws regarding “municipal affairs” that vary from state laws, so that a charter city has more control over local affairs than a general law city. A significant authority possessed by charter cities is the authority, with voter approval, to impose a higher RPTT rate. Charter law cities are not subject to state law regarding RPTT because the setting of RPTT rates is deemed a municipal affair. As a result, charter cities may impose RPTT at a rate higher than the maximum statutory rate otherwise received by general law cities. A list of all California general law and charter cities, along with their respective RPTT rates, is provided as Attachment 1.

There are other reasons why a general law city may seek to become a charter city other than to set RPTT rates, including but not limited to changing the number of elected officials, establishing district elections, and providing for a strong mayor form of government (see Attachment 2), but given Council’s direction to limit the discussion to becoming a charter city for the sole purpose of adjusting RPTT rates, other reasons for becoming a charter city are not discussed in this report. An example of the type of limiting language that can be included in a charter to restrict the scope of local authority to setting the RPTT rate is provided below:

“The City may exercise the powers of a charter city to generate revenue by imposing a tax on the conveyance of real property, based upon the price paid for the real property (“real property transfer tax”). Any real property transfer tax imposed by the City shall be in addition to any similar tax authorized by the general laws of the State of California. Except as provided in this Charter, the powers of the City shall otherwise be constrained by, subject to, and governed by the general laws of the State as now and hereafter existing relating to cities organized under such general laws.”

It should be noted that, while other governance changes may not be in consideration as part of the approval of an initial charter, charter city status does expand the possible universe of both council and voter-initiated changes to governance and other matters via the electoral process that may otherwise not be possible as a General Law City. However, once a charter is adopted by the voters, it can only be changed by an affirmative vote of a majority of the electorate. And, once a RPTT rate has been approved by the voters, as a general tax it cannot be changed without receiving the affirmative vote of a majority of the electorate. In other words, the Council could not change the charter without voter approval, nor could the Council change the RPTT rate without voter approval.

What is RPTT? The real property transfer tax (RPTT) applies to transactions involving the sale and purchase of all improved property with homes or commercial structures, and all unimproved land with no structures. The tax is paid when ownership transfers from the seller of the property to the purchaser of the property. Generally, the tax can be paid by either the seller or the purchaser, or the tax can be shared between the seller and the purchaser. It is a one-time expense related to the transfer of ownership, and is unrelated to the annual payment of property taxes. Currently under the California Revenue and Taxation Code, property in general law cities when it is sold is assessed a county transfer tax of \$1.10 for every \$1,000 of the real estate’s sales price. Counties then split that tax with the cities, so that the city where

the sale took place receives \$0.55 for every \$1,000 of sale price. Hercules thus currently receives an RPTT of the maximum allowed for general law cities of \$0.55 per \$1,000 of value.

Recently a number of general law cities have utilized the legal process to become charter cities for the limited purpose of setting RPTT rates beyond the baseline rate of \$0.55 per \$1,000 established for general law cities.¹ Under State law and the California Constitution, cities cannot impose, increase or extend any tax unless the tax is approved by the voters. Accordingly, a measure to become a charter city, and an increase to the RPTT, would require voter approval by a simple majority of the electorate.

How much does the property buyer pay? Property owners/sellers in general law cities in California pay a RPTT of \$1.10 per thousand dollars of sales price or \$275 on a \$250,000 property sale; by way of example, that means \$550 on a \$500,000 property sale; \$825 on a \$750,000 property sale, and; \$1,100 on a \$1,000,000 property sale. The RPTT amounts above are split between the county and the city, so that the city receives half. Should the City become a Charter City and enact a higher RPTT, the full \$1.10 per thousand provided for under State law would go to the County, and the City rate authorized under the Charter would be in addition to the base \$1.10 per thousand that the County would receive. The local increase to the RPTT is essentially a local tax measure; unlike the property tax where the City gets back less than 4 cents per dollar, all of the additional RPTT amount would flow to the City, with none of it going to the State and the County receiving only the statutory allocation of \$1.10 per \$1,000.

The table below shows the RPTT paid under the General Law city provisions now in effect, and four additional illustrations on what a possible Charter City rate would impose. As you can see, under the charter city examples, the amount that goes to the County remains the same, regardless of the RPTT rate set by the City:

TAX RATE COMPARISON TABLE

	Gen. Law RPTT \$1.10/1,000	Charter RPTT \$4/1,000	Charter RPTT \$8/1,000	Charter RPTT \$12/1,000	Charter RPTT \$16/1,000
Property Sale Price	City/County	City/County	City/County	City/County	City/County
\$250,000	137.50/137.50	1,000/275	2,000/275	3,000/275	4,000/275
\$500,000	275/275	2,000/550	4,000/550	6,000/550	8,000/550
\$750,000	412.50/412.50	3,000/825	6,000/825	9,000/825	12,000/825
\$1,000,000	550/550	4,000/1,100	8,000/1,100	12,000/1,100	16,000/1,100

¹ Six cities attempted to increase their RPTT rates at the 2018 general election. Voters in five of the six cities approved the RPTT increases. Two of the cities, El Cerrito and Union City, were general law cities that sought to become charter cities for that limited purpose; El Cerrito voters approved becoming a charter city and increasing their RPTT to \$12.00 per thousand, while Union City voters did not approve a similar measure. Emeryville became a charter city to increase RPTT rates in 2014.

By way of comparison, a Hercules resident who buys a \$25,000 automobile in Contra Costa County pays \$2,187.50 in sales tax, based on the current 8.75% tax rate, of which the City receives \$375.00. **How much additional revenue would the city receive if the city adopted an increase to the RPTT?** The amount of additional revenue would depend on what RPTT rate was selected. Below is a chart showing the annual revenue that would be received using the average annual RPTT amounts received by Hercules for Fiscal Years 2014-2019 (\$115,248), and based on a range of RPTT rates:

REVENUE RATE COMPARISON TABLE

\$0.55/1,000		\$4/1,000		\$8/1,000		\$12/1,000		\$16/1000	
City	County	City	County	City	County	City	County	City	County
\$115K	\$115K	\$838K	\$230K	\$1.6M	\$230K	\$2.5M	\$230K	\$3.3M	\$230K

What is the process for becoming a charter city?

Becoming a charter city requires approval by a simple majority of voters. Prior to approving submission of the charter to the voters, the City Council must hold at least two public hearings on the proposal of the charter and the content of the charter, and notice of those hearings must be published at least twenty one (21) calendar days before the date of each hearing. The second public hearing must be held at least thirty (30) days after the first hearing, and at least one of the hearings must be held outside of normal business hours. The City Council may not vote on submission of the charter to the voters until twenty one (21) days after the second public hearing. A charter proposal can only be voted on at a regular general election, absent a declaration of a fiscal emergency. In order for the City Council to place a charter measure on the ballot for November 3, 2020, the City would need to hold the first formal public hearing on a proposed charter at the first meeting in May 2020.

An increased RPTT is not itself established by the charter. Rather, the RPTT would be established by a separate ordinance submitted simultaneously to the voters. The ordinance would include the RPTT rate along with other administrative rules. Since the draft charter would prohibit the City from exercising any of the powers of a charter city except for the enactment of an increased RPTT, becoming a charter city and the transfer tax are inextricably linked.

It is common for cities looking to adopt a charter to launch a community engagement process to inform the public about what becoming a charter city would entail and receive feedback prior to placing a charter measure on the ballot. Because becoming a charter city is a complicated issue that can easily cause confusion, it is strongly recommended that if the Council decided to try and become a charter city that communications professionals be retained to help explain to the public what becoming a charter city entails.

If the Council wished to explore this further, it would want to make some preliminary decisions about the RPTT, such as the proposed rate, before beginning the community engagement process. In addition, the need to renew the expiring existing Utility Users base rate and override by no later than 2024 or 2025, should be considered. These and other factors could also be assessed by undertaking polling to determine

the voter's reactions to a number of possible options. This would normally be one of the first steps before deciding to place a matter on the ballot. The City last undertook polling in 2015 prior to opting to place a measure on the ballot to renew the sales tax override, and the measure was crafted based on the information garnered from professional polling.

Ultimately, the Council would have the ability to make changes and adjustments prior to submitting the measure to the voters, based on feedback received during the engagement process and upon further review.

Possible options for community engagement could include all or some of the following:

- Conduct polling to gauge community interest before placing the measure on the ballot. This could include both scientific and unscientific polling; or
- Appoint a community committee to make recommendations regarding the draft charter and RPTT;
- Conduct official town hall meetings to provide information about the charter and RPTT to the community, as well as allow an opportunity for the public to ask questions and the Council to receive feedback;
- Mail information including FAQs to residents about becoming a charter city.

The above list of community engagement options is non-exhaustive and is intended only as an example of possible types of outreach. The more extensive the outreach, the more community feedback can be expected, but there would be a greater increase in staff time and costs to implement.

SUMMARY CONCLUSION: Becoming a charter city is an option that a number of general law cities have pursued, for varying reasons. Most recently, cities that have placed charter city measures on the ballot have done so primarily to allow local control over the setting of RPTT rates, and have opted to expressly exclude additional powers that are otherwise available to charter cities.

ATTACHMENTS:

1. RPTT Rates Statewide
2. League of California Cities Summary

California City Documentary and Property Transfer Tax Rates

	Governance: General Law or Chartered	Per \$1000 Property Value City Rate	Rev & Tax Code Sec 11911-11929 County Rate	Per \$1000 Property Value Total
ALAMEDA COUNTY			\$ 1.10	\$ 1.10
ALAMEDA	Chartered	\$ 12.00	\$ 1.10	\$ 13.10
ALBANY	Chartered	\$ 11.50	\$ 1.10	\$ 12.60
BERKELEY	Chartered	1.5% for up to \$1.5M value 2.5% properties over \$2.5M	\$ 1.10 \$ 1.10	\$ 16.10 \$ 26.10
DUBLIN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
EMERYVILLE	Chartered	\$ 12.00	\$ 1.10	\$ 13.10
FREMONT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HAYWARD	Chartered	\$ 8.50	\$ 1.10	\$ 9.60
LIVERMORE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NEWARK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
OAKLAND	Chartered	1% up to \$300k 1.5% \$300k-\$2M 1.75% \$2M-\$5M 2.5% over \$5M	\$ 1.10 \$ 1.10 \$ 1.10 \$ 1.10	\$ 11.10 \$ 16.10 \$ 18.60 \$ 26.10
PIEDMONT	Chartered	\$ 13.00	\$ 1.10	\$ 14.10
PLEASANTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN LEANDRO	Chartered	\$ 6.00	\$ 1.10	\$ 7.10
UNION CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ALPINE COUNTY			\$ 1.10	\$ 1.10
AMADOR COUNTY			\$ 1.10	\$ 1.10
AMADOR	General Law	\$ 0.55	\$ 0.55	\$ 1.10
IONE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
JACKSON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PLYMOUTH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SUTTER CREEK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BUTE COUNTY			\$ 1.10	\$ 1.10
BIGGS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CHICO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
GRIDLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
OROVILLE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PARADISE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CALAVERAS COUNTY			\$ 1.10	\$ 1.10
ANGELS CAMP	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COLUSA COUNTY			\$ 1.10	\$ 1.10
COLUSA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WILLIAMS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CONTRA COSTA COUNTY			\$ 1.10	\$ 1.10
ANTIOCH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BRENTWOOD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CLAYTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CONCORD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DANVILLE	General Law	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance:	Per \$1000	Rev&Tax Code	Per \$1000
	General Law or Chartered	PropertyValue City Rate	Sec 11911-11929 County Rate	PropertyValue Total
EL CERRITO	Chartered	\$ 12.00	\$ 1.10	\$ 13.10
HERCULES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAFAYETTE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MARTINEZ	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MORAGA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
OAKLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ORINDA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PINOLE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PITTSBURG	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PLEASANT HILL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RICHMOND	Chartered	0.7% under \$1M	\$ 1.10	\$ 8.10
		1.25% \$1M-\$3M	\$ 1.10	\$ 13.60
		2.5% \$3M-\$10M	\$ 1.10	\$ 26.10
		3% over \$10m	\$ 1.10	\$ 31.10
SAN PABLO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN RAMON	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
WALNUT CREEK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DEL NORTE COUNTY			\$ 1.10	\$ 1.10
CRESCENT CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
EL DORADO COUNTY			\$ 1.10	\$ 1.10
PLACERVILLE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SOUTH LAKE TAHOE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FRESNO COUNTY			\$ 1.10	\$ 1.10
CLOVIS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COALINGA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FIREBAUGH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FOWLER	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FRESNO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
HURON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
KERMAN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
KINGSBURG	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
MENDOTA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ORANGE COVE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PARLIER	General Law	\$ 0.55	\$ 0.55	\$ 1.10
REEDLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANGER	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN JOAQUIN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SELMA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GLENN COUNTY			\$ 1.10	\$ 1.10
ORLAND	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WILLOWS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HUMBOLDT COUNTY			\$ 1.10	\$ 1.10
ARCATA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BLUE LAKE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
EUREKA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance:	Per \$1000	Rev&Tax Code	Per \$1000
	General Law or Chartered	PropertyValue City Rate	Sec 11911-11929 County Rate	PropertyValue Total
FERNDALE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FORTUNA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
RIO DELL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TRINIDAD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
IMPERIAL COUNTY			\$ 1.10	\$ 1.10
BRAWLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CALEXICO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CALIPATRIA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
EL CENTRO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
HOLTVILLE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
IMPERIAL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WESTMORLAND	General Law	\$ 0.55	\$ 0.55	\$ 1.10
INYO COUNTY			\$ 1.10	\$ 1.10
BISHOP	General Law	\$ 0.55	\$ 0.55	\$ 1.10
KERN COUNTY			\$ 1.10	\$ 1.10
ARVIN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BAKERSFIELD	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
CALIFORNIA CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DELANO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MARICOPA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MCFARLAND	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RIDGECREST	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SHAFTER	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
TAFT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TEHACHAPI	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WASCO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
KINGS COUNTY			\$ 1.10	\$ 1.10
AVENAL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CORCORAN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HANFORD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LEMOORE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
LAKE COUNTY			\$ 1.10	\$ 1.10
CLEARLAKE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAKEPORT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LASSEN COUNTY			\$ 1.10	\$ 1.10
SUSANVILLE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOS ANGELES COUNTY			\$ 1.10	\$ 1.10
AGOURA HILLS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ALHAMBRA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
ARCADIA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
ARTESIA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
AVALON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
AZUSA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BALDWIN PARK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BELL	Chartered	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance:	Per \$1000	Rev&Tax Code	Per \$1000
	General Law	PropertyValue	Sec 11911-11929	PropertyValue
	or Chartered	City Rate	County Rate	Total
BELLFLOWER	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BELL GARDENS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BEVERLY HILLS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BRADBURY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BURBANK	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
CALABASAS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CARSON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CERRITOS	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
CLAREMONT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COMMERCE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COMPTON	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
COVINA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CUDAHY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CULVER CITY	Chartered	\$ 4.50	\$ 1.10	\$ 5.60
DIAMOND BAR	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DOWNEY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
DUARTE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
EL MONTE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
EL SEGUNDO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GARDENA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GLENDALE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
GLENDORA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HAWAIIAN GARDENS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HAWTHORNE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HERMOSA BEACH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HIDDEN HILLS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HUNTINGTON PARK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
INDUSTRY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
INGLEWOOD	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
IRWINDALE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
LA CANADA FLINTRIDGE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LA HABRA HEIGHTS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAKEWOOD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LA MIRADA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LANCASTER	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
LA PUENTE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LA VERNE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAWNDALE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOMITA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LONG BEACH	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
LOS ANGELES	Chartered	\$ 4.50	\$ 1.10	\$ 5.60
LYNWOOD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MALIBU	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MANHATTAN BEACH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MAYWOOD	General Law	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance:	Per \$1000	Rev&Tax Code	Per \$1000
	General Law	PropertyValue	Sec 11911-11929	PropertyValue
	or Chartered	City Rate	County Rate	Total
MONROVIA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MONTEBELLO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MONTEREY PARK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NORWALK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PALMDALE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PALOS VERDES ESTATES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PARAMOUNT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PASADENA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PICO RIVERA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
POMONA	Chartered	\$ 2.20	\$ 1.10	\$ 3.30
RANCHO PALOS VERDES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
REDONDO BEACH	Chartered	\$ 2.20	\$ 1.10	\$ 3.30
ROLLING HILLS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ROLLING HILLS ESTATES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ROSEMEAD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN DIMAS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN FERNANDO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN GABRIEL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN MARINO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANTA CLARITA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANTA FE SPRINGS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANTA MONICA	Chartered	\$ 3.00	\$ 1.10	\$ 4.10
SIERRA MADRE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SIGNAL HILL	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SOUTH EL MONTE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SOUTH GATE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SOUTH PASADENA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TEMPLE CITY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
TORRANCE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
VERNON	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
WALNUT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WEST COVINA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WEST HOLLYWOOD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WESTLAKE VILLAGE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WHITTIER	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
MADERA COUNTY			\$ 1.10	\$ 1.10
CHOWCHILLA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MADERA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MARIN COUNTY			\$ 1.10	\$ 1.10
BELVEDERE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CORTE MADERA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FAIRFAX	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LARKSPUR	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MILL VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NOVATO	General Law	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance:	Per \$1000	Rev & Tax Code	Per \$1000
	General Law	Property Value	Sec 11911-11929	Property Value
	or Chartered	City Rate	County Rate	Total
ROSS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN ANSELMO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN RAFAEL	Chartered	\$ 2.00	\$ 1.10	\$ 3.10
SAUSALITO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TIBURON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MARIPOSA COUNTY			\$ 1.10	\$ 1.10
MENDOCINO COUNTY			\$ 1.10	\$ 1.10
FORT BRAGG	General Law	\$ 0.55	\$ 0.55	\$ 1.10
POINT ARENA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
UKIAH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WILLITS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MERCED COUNTY			\$ 1.10	\$ 1.10
ATWATER	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DOS PALOS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GUSTINE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LIVINGSTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOS BANOS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MERCED	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
MODOC COUNTY			\$ 1.10	\$ 1.10
ALTURAS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MONO COUNTY			\$ 1.10	\$ 1.10
MAMMOTH LAKES	General Law	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance:	Per \$1000	Rev & Tax Code	Per \$1000
	General Law	Property Value	Sec 11911-11929	Property Value
	or Chartered	City Rate	County Rate	Total
MONTEREY COUNTY			\$ 1.10	\$ 1.10
CARMEL-BY-THE-SEA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DEL REY OAKS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GONZALES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GREENFIELD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
KING CITY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
MARINA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
MONTEREY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PACIFIC GROVE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SALINAS	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SAND CITY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SEASIDE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SOLEDAD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NAPA COUNTY			\$ 1.10	\$ 1.10
AMERICAN CANYON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CALISTOGA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NAPA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SAINT HELENA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
YOUNTVILLE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NEVADA COUNTY			\$ 1.10	\$ 1.10
GRASS VALLEY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
NEVADA CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TRUCKEE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
ORANGE COUNTY			\$ 1.10	\$ 1.10
ALISO VIEJO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ANAHEIM	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
BREA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BUENA PARK	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
COSTA MESA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CYPRESS	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
DANA POINT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FOUNTAIN VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FULLERTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GARDEN GROVE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HUNTINGTON BEACH	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
IRVINE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
LAGUNA BEACH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAGUNA HILLS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAGUNA NIGUEL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LA HABRA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAKE FOREST	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LA PALMA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOS ALAMITOS	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
MISSION VIEJO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NEWPORT BEACH	Chartered	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance:	Per \$1000	Rev & Tax Code	Per \$1000
	General Law or Chartered	Property Value City Rate	Sec 11911-11929 County Rate	Property Value Total
ORANGE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PLACENTIA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
RANCHO SANTA MARGARITA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN CLEMENTE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN JUAN CAPISTRANO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANTA ANA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SEAL BEACH	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
STANTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TUSTIN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
VILLA PARK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WESTMINSTER	General Law	\$ 0.55	\$ 0.55	\$ 1.10
YORBA LINDA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PLACER COUNTY			\$ 1.10	\$ 1.10
AUBURN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COLFAX	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LINCOLN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOOMIS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ROCKLIN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ROSEVILLE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PLUMAS COUNTY			\$ 1.10	\$ 1.10
PORTOLA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RIVERSIDE COUNTY			\$ 1.10	\$ 1.10
BANNING	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BEAUMONT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BLYTHE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CALIMESA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CANYON LAKE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CATHEDRAL CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COACHELLA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CORONA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DESERT HOT SPRINGS	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
EASTVALE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HEMET	General Law	\$ 0.55	\$ 0.55	\$ 1.10
INDIAN WELLS	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
INDIO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
JURUPA VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAKE ELSINORE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LA QUINTA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
MENIFEE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MORENO VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MURRIETA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NORCO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PALM DESERT	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PALM SPRINGS	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PERRIS	General Law	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance:	Per \$1000	Rev & Tax Code	Per \$1000
	General Law	Property Value	Sec 11911-11929	Property Value
	or Chartered	City Rate	County Rate	Total
RANCHO MIRAGE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
RIVERSIDE	Chartered	\$ 1.10	\$ 1.10	\$ 2.20
SAN JACINTO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TEMECULA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WILDOMAR	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SACRAMENTO COUNTY			\$ 1.10	\$ 1.10
CITRUS HEIGHTS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ELK GROVE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FOLSOM	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
GALT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ISLETON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RANCHO CORDOVA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SACRAMENTO	Chartered	\$ 2.75	\$ 1.10	\$ 3.85
SAN BENITO COUNTY			\$ 1.10	\$ 1.10
HOLLISTER	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN JUAN BAUTISTA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN BERNARDINO COUNTY			\$ 1.10	\$ 1.10
ADELANTO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
APPLE VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BARSTOW	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BIG BEAR LAKE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
CHINO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CHINO HILLS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COLTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FONTANA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GRAND TERRACE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HESPERIA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HIGHLAND	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOMA LINDA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
MONTCLAIR	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NEEDLES	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
ONTARIO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RANCHO CUCAMONGA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
REDLANDS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RIALTO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN BERNARDINO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
TWENTYNINE PALMS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LAGUNA WOODS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
UPLAND	General Law	\$ 0.55	\$ 0.55	\$ 1.10
VICTORVILLE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
YUCAIPA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
YUCCA VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN DIEGO COUNTY			\$ 1.10	\$ 1.10
CARLSBAD	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
CHULA VISTA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance:	Per \$1000	Rev & Tax Code	Per \$1000
	General Law	Property Value	Sec 11911-11929	Property Value
	or Chartered	City Rate	County Rate	Total
CORONADO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DEL MAR	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
EL CAJON	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
ENCINITAS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ESCONDIDO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
IMPERIAL BEACH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LA MESA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LEMON GROVE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
NATIONAL CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
OCEANSIDE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
POWAY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN DIEGO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SAN MARCOS	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SANTEE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SOLANA BEACH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
VISTA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance: General Law or Chartered	Per \$1000 Property Value City Rate	Rev & Tax Code Sec 11911-11929 County Rate	Per \$1000 Property Value Total
SAN FRANCISCO COUNTY				
SAN FRANCISCO	Chartered	Over \$100,000 AV => 0.5%, Over \$250,000 AV => 0.68% Over \$1 million AV => 0.75%, Over \$5 million AV => 2.25% Over \$10 million AV => 2.75%, over \$25 million => 3.00% Discounts for certain solar & seismic improvements.		
SAN JOAQUIN COUNTY			\$ 1.10	\$ 1.10
ESCALON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LATHROP	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LODI	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MANTECA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RIPON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
STOCKTON	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
TRACY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN LUIS OBISPO COUNTY			\$ 1.10	\$ 1.10
ARROYO GRANDE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ATASCADERO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
EL PASO DE ROBLES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GROVER BEACH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MORRO BAY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PISMO BEACH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN LUIS OBISPO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SAN MATEO COUNTY			\$ 1.10	\$ 1.10
ATHERTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BELMONT	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BRISBANE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
BURLINGAME	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COLMA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DALY CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
EAST PALO ALTO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FOSTER CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HALF MOON BAY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HILLSBOROUGH	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MENLO PARK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MILLBRAE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PACIFICA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PORTOLA VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
REDWOOD CITY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SAN BRUNO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN CARLOS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SAN MATEO	Chartered	0.5% of value	\$ 1.10	\$ 6.10
SOUTH SAN FRANCISCO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WOODSIDE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANTA BARBARA COUNTY			\$ 1.10	\$ 1.10
BUELLTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CARPINTERIA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GOLETA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GUADALUPE	General Law	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance:	Per \$1000	Rev & Tax Code	Per \$1000
	General Law	Property Value	Sec 11911-11929	Property Value
	or Chartered	City Rate	County Rate	Total
LOMPOC	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANTA BARBARA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SANTA MARIA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SOLVANG	Chartered	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance:	Per \$1000	Rev&Tax Code	Per \$1000
	General Law	PropertyValue	Sec 11911-11929	PropertyValue
	or Chartered	City Rate	County Rate	Total
SANTA CLARA COUNTY			\$ 1.10	\$ 1.10
CAMPBELL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
CUPERTINO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
GILROY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
LOS ALTOS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOS ALTOS HILLS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LOS GATOS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MILPITAS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MONTE SERENO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MORGAN HILL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MOUNTAIN VIEW	Chartered	\$ 3.30	\$ 1.10	\$ 4.40
PALO ALTO	Chartered	\$ 3.30	\$ 1.10	\$ 4.40
SAN JOSE	Chartered	\$ 3.30	\$ 1.10	\$ 4.40
SANTA CLARA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SARATOGA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SUNNYVALE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SANTA CRUZ COUNTY			\$ 1.10	\$ 1.10
CAPITOLA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANTA CRUZ	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SCOTTS VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WATSONVILLE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SHASTA COUNTY			\$ 1.10	\$ 1.10
ANDERSON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
REDDING	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SHASTA LAKE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SIERRA COUNTY			\$ 1.10	\$ 1.10
LOYALTON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SISKIYOU COUNTY			\$ 1.10	\$ 1.10
DORRIS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DUNSMUIR	General Law	\$ 0.55	\$ 0.55	\$ 1.10
ETNA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FORT JONES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MONTAGUE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MOUNT SHASTA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TULELAKE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WEED	General Law	\$ 0.55	\$ 0.55	\$ 1.10
YREKA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SOLANO COUNTY			\$ 1.10	\$ 1.10
BENICIA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
DIXON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FAIRFIELD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RIO VISTA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SUISUN CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
VACAVILLE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
VALLEJO	Chartered	\$ 3.30	\$ 1.10	\$ 4.40

California City Documentary and Property Transfer Tax Rates

	Governance: General Law or Chartered	Per \$1000 PropertyValue City Rate	Rev&Tax Code Sec 11911-11929 County Rate	Per \$1000 PropertyValue Total
SONOMA COUNTY			\$ 1.10	\$ 1.10
CLOVERDALE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
COTATI	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HEALDSBURG	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PETALUMA	Chartered	\$ 2.00	\$ 1.10	\$ 3.10
ROHNERT PARK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SANTA ROSA	Chartered	\$ 2.00	\$ 1.10	\$ 3.10
SEBASTOPOL	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SONOMA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WINDSOR	General Law	\$ 0.55	\$ 0.55	\$ 1.10
STANISLAUS COUNTY			\$ 1.10	\$ 1.10
CERES	General Law	\$ 0.55	\$ 0.55	\$ 1.10
HUGHSON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MODESTO	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
NEWMAN	General Law	\$ 0.55	\$ 0.55	\$ 1.10
OAKDALE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
PATTERSON	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RIVERBANK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TURLOCK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WATERFORD	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SUTTER COUNTY			\$ 1.10	\$ 1.10
LIVE OAK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
YUBA CITY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TEHAMA COUNTY			\$ 1.10	\$ 1.10
CORNING	General Law	\$ 0.55	\$ 0.55	\$ 1.10
RED BLUFF	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TEHAMA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
TRINITY COUNTY			\$ 1.10	\$ 1.10
TULARE COUNTY			\$ 1.10	\$ 1.10
DINUBA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
EXETER	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
FARMERSVILLE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
LINDSAY	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
PORTERVILLE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
TULARE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
VISALIA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
WOODLAKE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
TUOLUMNE COUNTY			\$ 1.10	\$ 1.10
SONORA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
VENTURA COUNTY			\$ 1.10	\$ 1.10
CAMARILLO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
FILLMORE	General Law	\$ 0.55	\$ 0.55	\$ 1.10
MOORPARK	General Law	\$ 0.55	\$ 0.55	\$ 1.10
OJAI	General Law	\$ 0.55	\$ 0.55	\$ 1.10
OXNARD	General Law	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance:	Per \$1000	Rev & Tax Code	Per \$1000
	General Law	Property Value	Sec 11911-11929	Property Value
	or Chartered	City Rate	County Rate	Total
PORT HUENEME	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SAN BUENAVENTURA	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
SANTA PAULA	General Law	\$ 0.55	\$ 0.55	\$ 1.10
SIMI VALLEY	General Law	\$ 0.55	\$ 0.55	\$ 1.10
THOUSAND OAKS	General Law	\$ 0.55	\$ 0.55	\$ 1.10

California City Documentary and Property Transfer Tax Rates

	Governance:	Per \$1000	Rev & Tax Code	Per \$1000
	General Law	Property Value	Sec 11911-11929	Property Value
	or Chartered	City Rate	County Rate	Total
YOLO COUNTY			\$ 1.10	\$ 1.10
DAVIS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WEST SACRAMENTO	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WINTERS	General Law	\$ 0.55	\$ 0.55	\$ 1.10
WOODLAND	General Law	\$ 0.55	\$ 0.55	\$ 1.10
YUBA COUNTY			\$ 1.10	\$ 1.10
MARYSVILLE	Chartered	\$ 0.55	\$ 0.55	\$ 1.10
WHEATLAND	General Law	\$ 0.55	\$ 0.55	\$ 1.10

Source: CaliforniaCityFinance.com

General Law City v. Charter City

Characteristic	General Law City	Charter City
Ability to Govern Municipal Affairs	Bound by the state's general law, regardless of whether the subject concerns a municipal affair.	Has supreme authority over "municipal affairs." Cal. Const. art. XI, § 5(b).
Form of Government	State law describes the city's form of government. For example, Government Code section 36501 authorizes general law cities be governed by a city council of five members, a city clerk, a city treasurer, a police chief, a fire chief and any subordinate officers or employees as required by law. City electors may adopt ordinance which provides for a different number of council members. Cal. Gov't section 34871. The Government Code also authorizes the "city manager" form of government. Cal. Gov't Code § 34851.	Charter can provide for any form of government including the "strong mayor," and "city manager" forms. See Cal. Const. art. XI, § 5(b); Cal. Gov't Code § 34450 <i>et seq.</i>
Elections Generally	Municipal elections conducted in accordance with the California Elections Code. Cal. Elec. Code §§ 10101 <i>et seq.</i>	Not bound by the California Elections Code. May establish own election dates, rules, and procedures. See Cal. Const. art. XI, § 5(b); Cal. Elec. Code §§ 10101 <i>et seq.</i>
Methods of Elections	Generally holds at-large elections whereby voters vote for any candidate on the ballot. Cities may also choose to elect the city council "by" or "from" districts, so long as the election system has been established by ordinance and approved by the voters. Cal. Gov't Code § 34871. Mayor may be elected by the city council or by vote of the people. Cal. Gov't Code §§ 34902.	May establish procedures for selecting officers. May hold at-large or district elections. See Cal. Const. art. XI, § 5(b).
City Council Member Qualifications	<p>Minimum qualifications are:</p> <ol style="list-style-type: none"> 1. United States citizen 2. At least 18 years old 3. Registered voter 4. Resident of the city at least 15 days prior to the election and throughout his or her term 5. If elected by or from a district, be a resident of the geographical area comprising the district from which he or she is elected. <p>Cal. Elec. Code § 321; Cal. Gov't Code §§ 34882, 36502; 87 Cal. Op. Att'y Gen. 30 (2004).</p>	Can establish own criteria for city office provided it does not violate the U.S. Constitution. Cal. Const. art. XI, § 5(b), 82 Cal. Op. Att'y Gen. 6, 8 (1999).

Characteristic	General Law City	Charter City
Public Funds for Candidate in Municipal Elections	No public officer shall expend and no candidate shall accept public money for the purpose of seeking elected office. Cal. Gov't Code § 85300.	Public financing of election campaigns is lawful. <i>Johnson v. Bradley</i> , 4 Cal. 4th 389 (1992).
Term Limits	May provide for term limits. Cal. Gov't Code § 36502(b).	May provide for term limits. Cal. Const. art. XI, § 5(b); Cal Gov't Code Section 36502 (b).
Vacancies and Termination of Office	An office becomes vacant in several instances including death, resignation, removal for failure to perform official duties, electorate irregularities, absence from meetings without permission, and upon non-residency. Cal. Gov't Code §§ 1770, 36502, 36513.	May establish criteria for vacating and terminating city offices so long as it does not violate the state and federal constitutions. Cal. Const. art. XI, § 5(b).
Council Member Compensation and Expense Reimbursement	Salary-ceiling is set by city population and salary increases set by state law except for compensation established by city electors. See Cal. Gov't Code § 36516. If a city provides any type of compensation or payment of expenses to council members, then all council members are required to have two hours of ethics training. See Cal. Gov't Code §§ 53234 - 53235.	May establish council members' salaries. See Cal. Const. art. XI, § 5(b). If a city provides any type of compensation or payment of expenses to council members, then all council members are required to have two hours of ethics training. See Cal. Gov't Code §§ 53234 - 53235.
Legislative Authority	Ordinances may not be passed within five days of introduction unless they are urgency ordinances. Cal. Gov't Code § 36934. Ordinances may only be passed at a regular meeting, and must be read in full at time of introduction and passage except when, after reading the title, further reading is waived. Cal. Gov't Code § 36934.	May establish procedures for enacting local ordinances. <i>Brougher v. Bd. of Public Works</i> , 205 Cal. 426 (1928).
Resolutions	May establish rules regarding the procedures for adopting, amending or repealing resolutions.	May establish procedures for adopting, amending or repealing resolutions. <i>Brougher v. Bd. of Public Works</i> , 205 Cal. 426 (1928).
Quorum and Voting Requirements	A majority of the city council constitutes a quorum for transaction of business. Cal. Gov't Code § 36810. All ordinances, resolutions, and orders for the payment of money require a recorded majority vote of the total membership of the city council. Cal. Gov't Code § 36936. Specific legislation requires supermajority votes for certain actions.	May establish own procedures and quorum requirements. However, certain legislation requiring supermajority votes is applicable to charter cities. For example, see California Code of Civil Procedure section 1245.240 requiring a vote of two-thirds of all the members of the governing body unless a greater vote is required by charter.

Characteristic	General Law City	Charter City
Rules Governing Procedure and Decorum	<p>Ralph Brown Act is applicable. Cal. Gov't Code §§ 54951, 54953(a).</p> <p>Conflict of interest laws are applicable. See Cal. Gov't Code § 87300 <i>et seq.</i></p>	<p>Ralph Brown Act is applicable. Cal. Gov't Code §§ 54951, 54953(a).</p> <p>Conflict of interest laws are applicable. See Cal. Gov't Code § 87300 <i>et seq.</i></p> <p>May provide provisions related to ethics, conflicts, campaign financing and incompatibility of office.</p>
Personnel Matters	<p>May establish standards, requirements and procedures for hiring personnel consistent with Government Code requirements.</p> <p>May have "civil service" system, which includes comprehensive procedures for recruitment, hiring, testing and promotion. See Cal. Gov't Code § 45000 <i>et seq.</i></p> <p>Meyers-Milias-Brown Act applies. Cal. Gov't Code § 3500.</p> <p>Cannot require employees be residents of the city, but can require them to reside within a reasonable and specific distance of their place of employment. Cal. Const. art. XI, § 10(b).</p>	<p>May establish standards, requirements, and procedures, including compensation, terms and conditions of employment for personnel. See Cal. Const. art. XI, § 5(b).</p> <p>Procedures set forth in Meyers-Milias-Brown Act (Cal. Gov't Code § 3500) apply, but note, "[T]here is a clear distinction between the <i>substance</i> of a public employee labor issue and the <i>procedure</i> by which it is resolved. Thus there is no question that 'salaries of local employees of a charter city constitute municipal affairs and are not subject to general laws.'" <i>Voters for Responsible Retirement v. Board of Supervisors</i>, 8 Cal.4th 765, 781 (1994).</p> <p>Cannot require employees be residents of the city, but can require them to reside within a reasonable and specific distance of their place of employment. Cal. Const. art. XI, section 10(b).</p>
Contracting Services	<p>Authority to enter into contracts to carry out necessary functions, including those expressly granted and those implied by necessity. See Cal. Gov't Code § 37103; <i>Carruth v. City of Madera</i>, 233 Cal. App. 2d 688 (1965).</p>	<p>Full authority to contract consistent with charter.</p> <p>May transfer some of its functions to the county including tax collection, assessment collection and sale of property for non-payment of taxes and assessments. Cal. Gov't Code §§ 51330, 51334, 51335.</p>

Characteristic	General Law City	Charter City
Public Contracts	<p>Competitive bidding required for public works contracts over \$5,000. Cal. Pub. Cont. Code § 20162. Such contracts must be awarded to the lowest responsible bidder. Pub. Cont. Code § 20162. If city elects subject itself to uniform construction accounting procedures, less formal procedures may be available for contracts less than \$100,000. See Cal. Pub. Cont. Code §§ 22000, 22032.</p> <p>Contracts for professional services such as private architectural, landscape architectural, engineering, environmental, land surveying, or construction management firms need not be competitively bid, but must be awarded on basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of services. Cal. Gov't Code § 4526.</p>	<p>Not required to comply with bidding statutes provided the city charter or a city ordinance exempts the city from such statutes, and the subject matter of the bid constitutes a municipal affair. Pub. Cont. Code § 1100.7; see <i>R & A Vending Services, Inc. v. City of Los Angeles</i>, 172 Cal. App. 3d 1188 (1985); <i>Howard Contracting, Inc. v. G.A. MacDonald Constr. Co.</i>, 71 Cal. App. 4th 38 (1998).</p>
Payment of Prevailing Wages	<p>In general, prevailing wages must be paid on public works projects over \$1,000. Cal. Lab. Code § 1771. Higher thresholds apply (\$15,000 or \$25,000) if the public entity has adopted a special labor compliance program. See Cal. Labor Code § 1771.5(a)-(c).</p>	<p>Historically, charter cities have not been bound by state law prevailing-wage requirements so long as the project is a municipal affair, and not one funded by state or federal grants. <i>Vial v. City of San Diego</i>, 122 Cal. App. 3d 346, 348 (1981). However, there is a growing trend on the part of the courts and the Legislature to expand the applicability of prevailing wages to charter cities under an analysis that argues that the payment of prevailing wages is a matter of statewide concern. The California Supreme Court currently has before them a case that will provide the opportunity to decide whether prevailing wage is a municipal affair or whether it has become a matter of statewide concern.</p>

Characteristic	General Law City	Charter City
Finance and Taxing Power	<p>May impose the same kinds of taxes and assessment as charter cities. See Cal. Gov't Code § 37100.5.</p> <p>Imposition of taxes and assessments subject to Proposition 218. Cal. Const. art. XIII C.</p> <p>Examples of common forms used in assessment district financing include:</p> <ul style="list-style-type: none"> • Improvement Act of 1911. Cal. Sts. & High. Code § 22500 <i>et seq.</i> • Municipal Improvement Act of 1913. See Cal. Sts. & High. Code §§ 10000 <i>et seq.</i> • Improvement Bond Act of 1915. Cal. Sts. & High. Code §§ 8500 <i>et seq.</i> • Landscaping and Lighting Act of 1972. Cal. Sts. & High. Code §§ 22500 <i>et seq.</i> • Benefit Assessment Act of 1982. Cal. Gov't Code §§ 54703 <i>et seq.</i> <p>May impose business license taxes for regulatory purposes, revenue purposes, or both. See Cal. Gov't Code § 37101.</p> <p>May not impose real property transfer tax. See Cal. Const. art. XIII A, § 4; Cal. Gov't Code § 53725; <i>but see</i> authority to impose documentary transfer taxes under certain circumstances. Cal. Rev. & Tax. Code § 11911(a), (c).</p>	<p>Have the power to tax.</p> <p>Have broader assessment powers than a general law city, as well as taxation power as determined on a case-by case basis.</p> <p>Imposition of taxes and assessments subject to Proposition 218, Cal. Const. art. XIII C, § 2, and own charter limitations</p> <p>May proceed under a general assessment law, or enact local assessment laws and then elect to proceed under the local law. See <i>J.W. Jones Companies v. City of San Diego</i>, 157 Cal. App. 3d 745 (1984).</p> <p>May impose business license taxes for any purpose unless limited by state or federal constitutions, or city charter. See Cal. Const. art. XI, § 5.</p> <p>May impose real property transfer tax; does not violate either Cal. Const art. XIII A or California Government Code section 53725. See <i>Cohn v. City of Oakland</i>, 223 Cal. App. 3d 261 (1990); <i>Fielder v. City of Los Angeles</i>, 14 Cal. App. 4th 137 (1993).</p>
Streets & Sidewalks	State has preempted entire field of traffic control. Cal. Veh. Code § 21.	State has preempted entire field of traffic control. Cal. Veh. Code § 21.
Penalties & Cost Recovery	May impose fines, penalties and forfeitures, with a fine not exceeding \$1,000. Cal. Gov't Code § 36901.	May enact ordinances providing for various penalties so long as such penalties do not exceed any maximum limits set by the charter. <i>County of Los Angeles v. City of Los Angeles</i> , 219 Cal. App. 2d 838, 844 (1963).

Characteristic	General Law City	Charter City
Public Utilities/Franchises	<p>May establish, purchase, and operate public works to furnish its inhabitants with electric power. See Cal. Const. art. XI, § 9(a); Cal. Gov't Code § 39732; Cal. Pub. Util. Code § 10002.</p> <p>May grant franchises to persons or corporations seeking to furnish light, water, power, heat, transportation or communication services in the city to allow use of city streets for such purposes. The grant of franchises can be done through a bidding process, under the Broughton Act, Cal. Pub. Util. Code §§ 6001-6092, or without a bidding process under the Franchise Act of 1937, Cal. Pub. Util. Code §§ 6201-6302.</p>	<p>May establish, purchase, and operate public works to furnish its inhabitants with electric power. See Cal. Const. art. XI, § 9(a); <i>Cal. Apartment Ass'n v. City of Stockton</i>, 80 Cal. App. 4th 699 (2000).</p> <p>May establish conditions and regulations on the granting of franchises to use city streets to persons or corporations seeking to furnish light, water, power, heat, transportation or communication services in the city.</p> <p>Franchise Act of 1937 is not applicable if charter provides. Cal. Pub. Util. Code § 6205.</p>
Zoning	<p>Zoning ordinances must be consistent with general plan. Cal. Gov't Code § 65860.</p>	<p>Zoning ordinances are not required to be consistent with general plan unless the city has adopted a consistency requirement by charter or ordinance. Cal. Gov't. Code § 65803.</p>



CITY OF EMERYVILLE CHARTER

ARTICLE I. NAME AND BOUNDARIES

SECTION 100. NAME AND BOUNDARIES

The municipal corporation now existing and known as the City of Emeryville, hereafter referred to as "the City", shall remain and continue to be a municipal body corporate and politic, as at present, in name, in fact, and in law.

ARTICLE II. POWERS OF CITY

SECTION 200. EXERCISE OF CONSTITUTIONAL POWER OF TAXATION

The City of Emeryville adopts this Charter to exercise all constitutional powers conferred on cities under Article XI Sections 7 and 5 of the California Constitution solely with respect to the powers over municipal affairs in relation to municipal revenues including taxation and assessment, and a system for the imposition, levy and collection of a tax on the conveyance of real property based on the value of the real property in addition to the amount authorized by California Revenue and Taxation Code Section 11911.

SECTION 201. SUBJECT TO GENERAL LAWS

Except as provided in this Charter with respect to the power of the City over municipal affairs in relation to municipal revenues including taxation and assessment, the power to the City shall otherwise be constrained by, subject to, and governed by the general laws of the State as now and hereafter existing relating to cities organized under said general laws.

SECTION 202. SEVERABILITY

If any provision of this Charter is found by a court of competent jurisdiction to be invalid, the remaining provisions of the Charter shall remain in full force and effect.

ARTICLE III. SUCCESSION

SECTION 300. RIGHTS AND LIABILITIES

The City shall remain vested with and continue to have, hold , and enjoy all property, rights of property, and rights of action of ever nature and description now pertaining to this municipality, and is hereby declared to be the successor of same. It shall be subject to all the obligations, contracts, liabilities, debt, and duties that now exist against or with the City.

SECTION 301. ORDINANCES, CODES, AND OTHER REGULATIONS

All ordinances, codes, resolutions, regulations, rules, and portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, shall continue in force until repealed, amended, changed, or superseded in the manner provided by this Charter and any other applicable laws.

SECTION 302. PENDING ACTIONS AND PROCEEDINGS

No action or proceeding, civil or criminal, pending at the time this Charter takes effect, brought by or against the City or any officer, office, or department thereof, shall be affected or abated by the adoption of this Charter, or by anything herein contained.

ARTICLE IV. FORM OF GOVERNMENT

SECTION 400. FORM OF GOVERNMENT

The form of government shall be that commonly known as the Council-Manager form of government. The City Council, consisting of five councilmembers elected at large for four year staggered terms, in the manner in effect when this Charter was adopted, shall establish the policy of the City and the City Manager shall carry out that policy.



STAFF REPORT TO THE CITY COUNCIL

DATE: Meeting of February 25, 2020

TO: Members of the City Council

SUBMITTED BY: David Biggs, City Manager
Edwin Gato, Director of Finance

SUBJECT: FY 2019-20 Mid-Year Budget Review and Miscellaneous Mid-Year
Budget Appropriations and Adjustments

RECOMMENDED ACTION:

Receive a report on the FY 2019-20 mid-year budget review and adopt a resolution approving various mid-year budget appropriations and adjustments.

FINANCE COMMISSION AND RECOMMENDATION:

The mid-year review was presented to the Finance Commission on their special meeting on February 19, 2020. Any Commission comments will be provided to the City Council at the meeting.

FISCAL IMPACT OF RECOMMENDATION:

The following table summarizes the impact to the General Fund and other funds based on what is known at Mid-Year. It is important to point out these amounts are estimates only, the economic picture is subject to change.

	Proposed Budget Adjustments
<u>General Fund Impact</u>	
Adjustment to the Beginning Available Fund Balance	\$ 1,088,593
General Tax Revenue (UUT)	\$ (200,000)
Program Revenues (Police & Community Development)	\$ 11,000
City Council (Lobbyist)	\$ (50,000)
Police (Training, Overhire and Recruitment Incentive)	\$ (175,000)
Communnity Development (Intern)	\$ (15,000)
Total, General Fund Impact	<u>\$ 659,593</u>
<u>Other Funds</u>	
Asset Forfeiture Fund #101	\$ (15,000)
2002-2 Hercules Village LLAD #222	\$ (40,000)
Total, Other Funds	<u>\$ (55,000)</u>
Total, Citywide	<u>\$ 604,593</u>

BACKGROUND:

This report updates the Fiscal Year 2019-20 financial projections for the General Fund and proposes current year budget amendments for various City funds to reflect and respond to the City's current financial condition. Also, this report provides the City Council with updates on the financial status of the City's funds by comparing budget projections for revenues and expenditures to actual receipts and expenses as of December 31, 2019.

The discussion below is presented in the following sections:

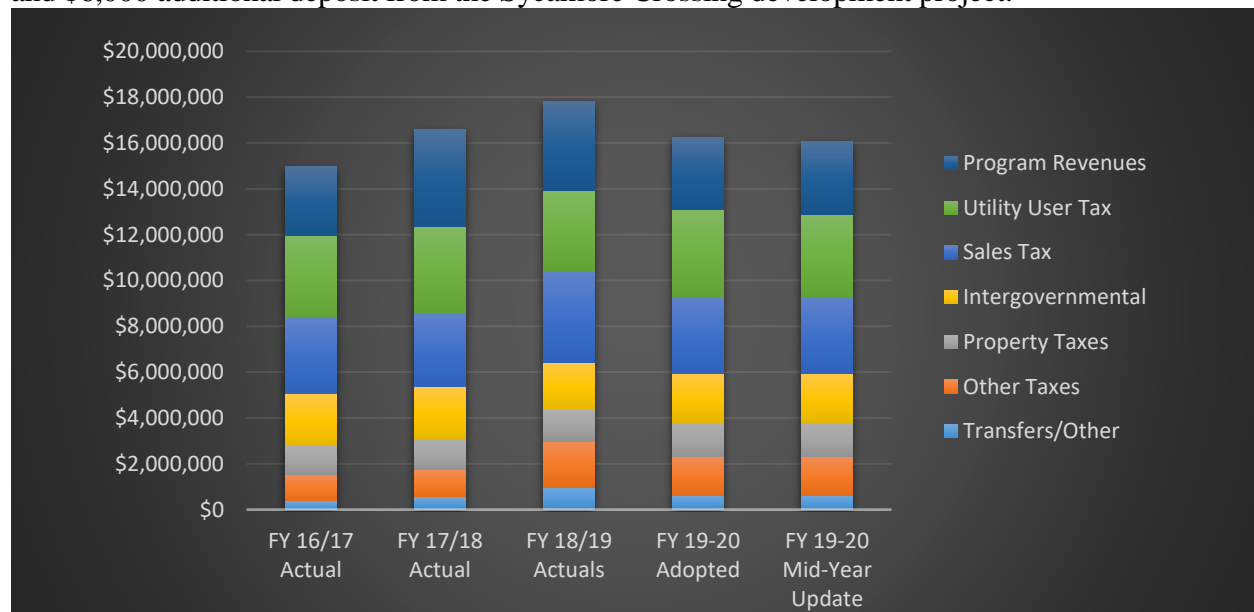
- General Fund Revenues
- General Fund Expenditures
- General Fund Annual Activity
- Non-General Fund Programs

DISCUSSION:

The City Council adopted the FY 2019-20 budget on June 25, 2019. Since adoption, the budget has been selectively amended for specific programs, primarily for capital project activity. At this time, staff recommends approving changes and amendments to the FY 2019-20 Budget based upon year-to-date activity and updated revenue projections.

General Fund Revenues

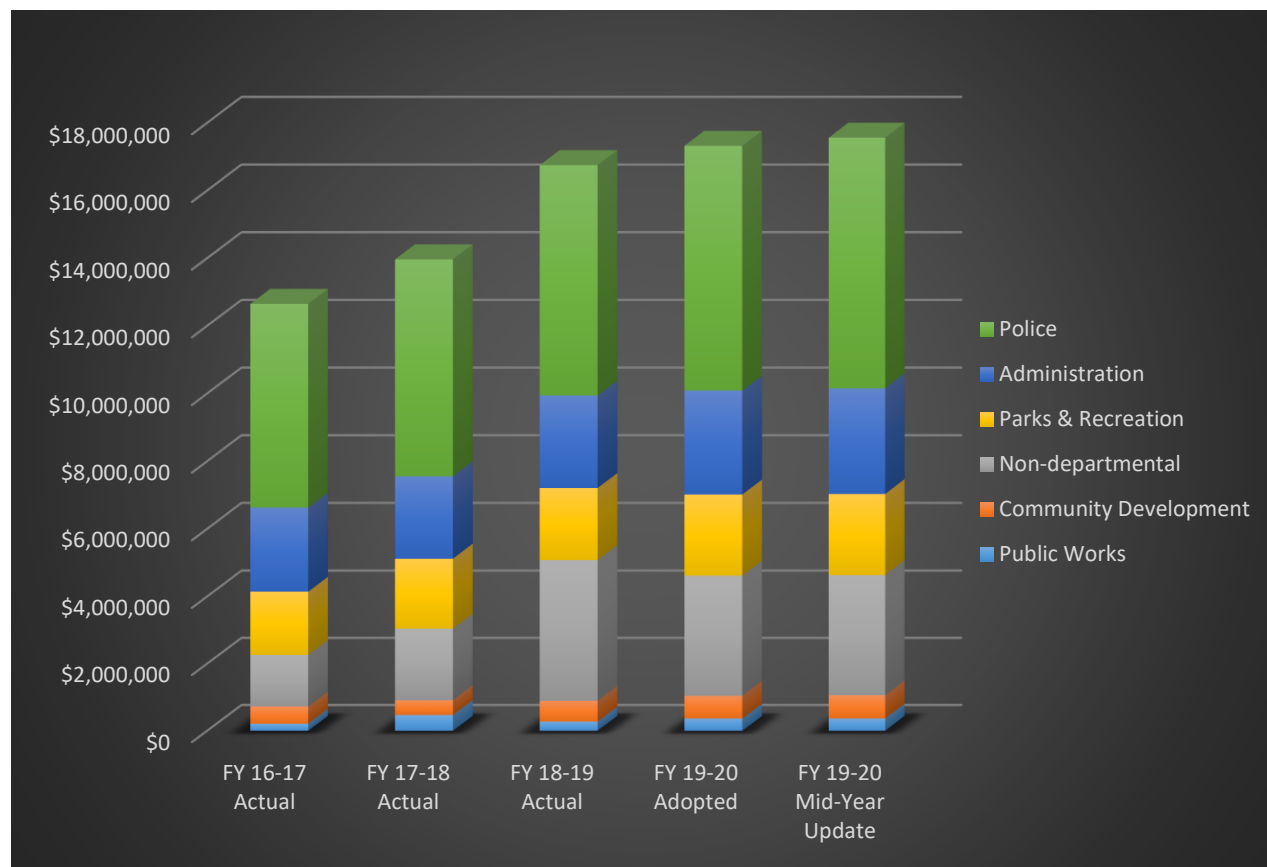
As of December 31, 2019, the General Fund revenues were \$6 million or 37% of the FY 2019-20 budget. Revenues from business licenses, franchise fees, vehicle license fees, and other taxes are received either bi-annually or towards the end of the fiscal year, which accounts for why revenues are below 50% at mid-year. As shown in the following graph and as detailed in Exhibit 3, General Fund revenues in FY 2019-20 are projected to decrease slightly by \$189,000 and updated to \$16 million in total by the end of the fiscal year. The decrease is due primarily to Utility User's Tax (UUT) revenue by \$200,000 as a result of the update on Wireless Telecom's respective allocations of the major providers of their bundled packages, which consist of voice, text, and data. These updated allocations have shifted a more significant percentage towards text and data, which is not taxable under the UUT. This is offset with additional revenue from Police Officers Standards and Training (POST) for \$5,000 and \$6,000 additional deposit from the Sycamore Crossing development project.



The chart above summarizes the General Fund major revenue categories. The City derives a significant portion of its General Fund revenues from economically sensitive sources such as property taxes, sales taxes (1% Bradley-Burns), utility users' taxes, and vehicle license fees. If one or more of these key revenue sources deviate significantly from projections, funding for future programs and services could be affected. Although a significant portion of this revenue comes from program revenues, this program revenues are applied toward a specific fee program and can only be used for this program.

General Fund Expenditures

A summary and year-to-date status of General Fund expenditures are presented in Attachment 4 and as shown in the following graph. Operating expenses in total, both by category and by department, are on target or below approximately 50% of the annual budget through the six-month December fiscal period.



Typically, the mid-year budget review and adjustments recommended are to make corrections to adopted budget and to address required modifications. New initiatives or programs are not often contemplated.

Operating expenditure budget amendments are proposed to reflect the following adjustments consistent with the above:

- City Council - \$50,000
Budget increase is proposed to fund lobbyist contract to assist the City in the effort to resolve former Redevelopment Agency dissolution issues.

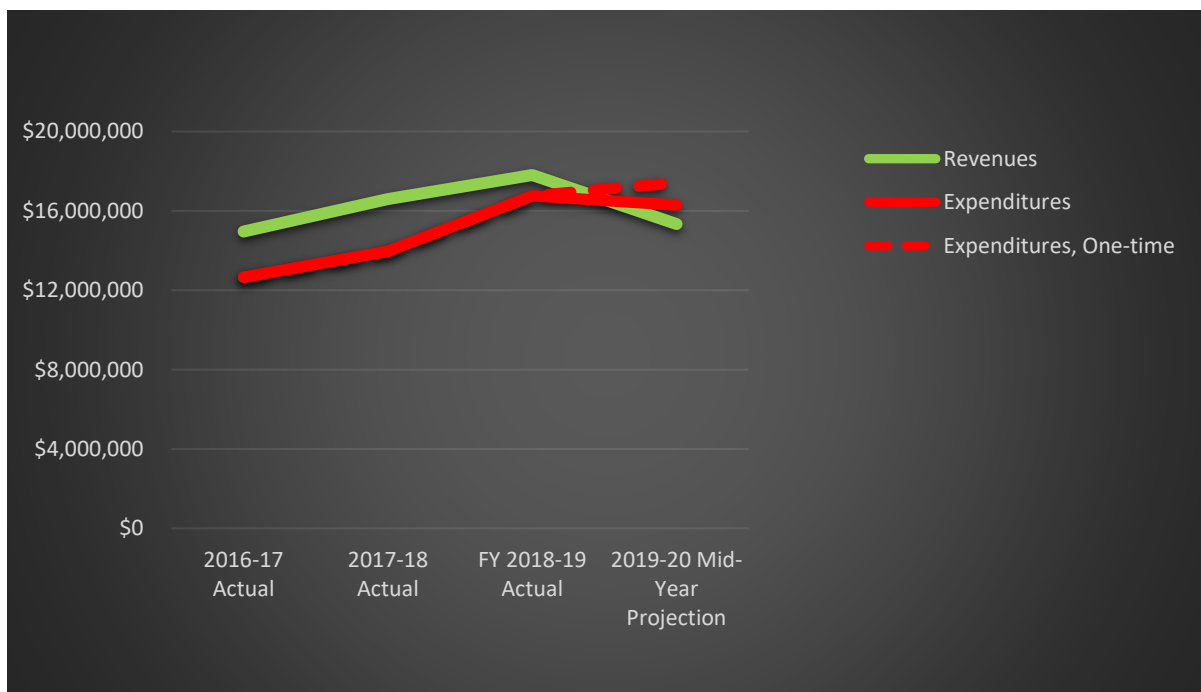
- Community Development - \$15,000
Budget correction to reflect the salary increase for the internship program. This was inadvertently omitted during the adoption of the FY 19-20 Budget.
- Police - \$5,000
To increase the training budget funded by POST reimbursements (\$5,000)

This year, there are two additional changes proposed in the Police Department budget to address greater number upcoming retirements than previously anticipated and difficulties in recruiting to fill vacancies, which we see as perhaps increasing as many agencies are now offering recruitment bonuses which may lure our officers away.

- Police - \$170,000
Budget increase is proposed to fund the police over hire program (\$130,000) which is currently for 2 officers to be a total of 6 over hires and a pilot recruitment incentive program (\$40,000) which is in formulation.

General Fund Annual Activity

The proposed FY 2019-20 budget amendments, as shown in Attachment 4, will decrease General Fund revenue by approximately \$189,000, and will increase operating expenditures by \$240,000. The following graph depicts General Fund revenue and expenditure trends, including updated FY 2019-20 revenue and expenditure projections. FY 19-20 is projected to end the year with a deficit. However, there is sufficient money in the General Fund balance from prior year to close the gap this year.



Non-General Fund Programs

These funds are driven by grants or other specific funding sources and are used for specific purposes, such as transportation, gas tax, Measure C “Street Fund,” etc. Such funding sources are restricted in nature, which requires revenues and expenditures to be tracked differently from the City’s primary operating fund, the General Fund. There is sufficient funding for the completion of current projects or programs, and also to fund the proposed mid-year adjustments as outlined in attachment 2.

BUDGET APPROPRIATIONS

Staff is recommending that the Council adopt the following FY19-20 budget amendments in attachment 3.

ATTACHMENTS:

1. Budget Resolution
2. Decision Package Status Update
3. Proposed Budget Amendment
4. General Fund Summary
5. Updated General Fund Budget Balancing Spreadsheet
6. FY 18-19 Available Fund Balance Calculation

Description: FY 2019-20 mid-year budget review and forecast and appropriation requests

Funding Source: General Fund

Budget Recap:

Total Estimated cost:	\$454,930	New Revenue:	\$1,259,523
Amount Budgeted:	\$	Lost Revenue:	\$200,000
New funding required:	\$	New Personnel:	\$
Council Policy Change:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

RESOLUTION NO. 20-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES APPROVING
FY 2019-20 BUDGET APPROPRIATIONS AND ADJUSTMENTS**

WHEREAS, the City Council has adopted the FY 2019-20 Budget on June 25, 2019 representing the financial plan for conducting the affairs of the City of Hercules; and

WHEREAS, the recommended appropriations and adjustments have been evaluated and reviewed by the City Manager and Finance Director; and

WHEREAS, the detailed budget amendment proposal attached hereto is hereby incorporated by reference; and

WHEREAS, staff is requesting approval for FY 2019-20 budget appropriations and adjustments, wherein the total revenues will be increased by \$1,059,523 and expenditures will be increased by \$454,930.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hercules as follows:

1. The Council hereby approves FY 2019-20 Budget appropriations and adjustments as set forth in the attachment to this resolution, incorporated by reference herein.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the twenty-fifth day of February, 2020, by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Roland Esquivias, Mayor

ATTEST:

Lori Martin
Administrative Services Director/City Clerk

Decision Package Status Update

FY 2019/20

Draft Update

February 13, 2020

Decision Package/ Budget Referral	Amount Appropriated	Status
Prior Year		
Designation for Reusable Bags (remaining)	\$13,930	Additional bags were received in June, 2019, at a cost of \$6,057.
DP 16-1 Records Management	50,000	Off-site records storage contract in place and older records now housed off-site. This cost is an annual operating cost which is built into the base budget. While a new records management system may be desirable, this has been deferred.
18-10 Implement Citywide Cash Receipt System & Naviline "Click2Gov" [One-Time]	50,000	Combined with 18-12 below. The training component has been implemented. A new check scanner system has been implemented and other enhancements are being reevaluated as a result.
18-12 Naviline Financial System Enhancement [One-Time]	0	See 18-10 above.
ADP 17-1 Hazard Mitigation Plan Update	40,000	Underway and initial community outreach completed. Hazards Mitigation Plan to be an annex to County Plan.
ADP 18-6 Purchase & Install New Aerator Fountains in Refugio Lake (to be funded from Citywide LLAD)	50,000	To be implemented with 18-7 below.
18-7 Dredge Refugio Lake (to be funded from Citywide LLAD)	200,000	Conceptual design and permit applications completed. Permit applications submitted to State & Regional Agencies in early June, 2019. Awaiting permit conditions.
19-4 Comprehensive Class and Comp Study Implementation (Classification Component)	60,000	Study draft completed. All hands employee meeting held in January 2020. Implementation planned in 2019/20.
19-15 Update of Personnel Rules	30,000	Special Counsel development of draft personnel rules completed. Internal review underway.
19-12 Hannah Ranch Kidz Center Improvements	75,000	Completed.
BR 19-2 Mod. of Teen Center	25,000	Improvements identified: Whiteboard wall; Replace electronics (TV's, Video Game consoles, Sound System, etc); Add Arcade style video games; Replace tables and chairs; Update other furniture; Replace blinds; Sensory Mats; and, Misc. equipment and games. Will be implemented/acquired before June 30, 2020.
BR- 19-14 Resurface Tennis Court	140,000	Bid specs being prepared; to be out to bid 1 st quarter 2020.
Decision Packages		
20-1 Police Department Over Hire	65,000	On-going.
20-2 Golf Club Fund	10,000	Movie nights produced in Summer 2019.
20-3 Employee Labor Agreements [On-going \$223,023; One-Time \$288,680]	502,000	Complete; new 2 year POA MOU and Pay Plans for all but Teamster approved July 23, 2019. Teamsters 2019/20 MOUs approved September 10, 2019.

20-4 AED's for Childcare & Recreation Facilities	15,000	Complete
20-5 Community Center Patio Upgrade		Shifted to DIF funds.
20-6 Pool Cover Reel	8,000	Complete
20-11 Police Support Specialist (P/T)	34,000	PT position filled
20-12 Traffic Enforcement Motorcycle	40,000	Per BR 20-1, funded from Vehicle Replacement Fund. Motorcycle acquired and in use.
20-13 Police Executime Advanced Scheduling Module	23,910	Module has been purchased, and in the implementing and programming phase.
20-14 Police Administrative Commander	13,841	Position filled.
Alternate Decision Packages		
General Fund Balance Decision Packages		
GFDP 20-2 Reserve For Restricted Planning Funds (Increase)	125,826	Complete, designation increased.
GFDP 20-3 OPEB Trust Contribution	100,000	Complete, contribution made.
GFDP 20-4 Pension IRS Section 115 Trust	250,000	Complete, contribution made.
GFDP 19-5 Addition to Fiscal Neutrality Reserve	236,867	Complete, transfer made.
Budget Referrals		
BR 20-1 Motorcycle Acquisition		See DP 20-12 above.

City of Hercules
FY 19-20 Mid-Year Budget Review
Proposed Budget Amendments

GENERAL FUND	Revenues/ Transfers In	Expenditures/ Transfers Out	Add(Draw) on Reserves
Beginning Available Fund Balance Adjustments			
Adjusting beginning available fund balance based on fiscal year end 2018-19 audit results.	1,248,523		1,248,523
Correction: Reusable bags		(5,070)	5,070
Correction: Add carryover - BR 19-2 Teen Center Improvements. This was inadvertently omitted during the adoption of FY 19-20 Budget.		25,000	(25,000)
Correction: Add carryover - BR 19-14 Resurface Tennis Court. This was inadvertently omitted during the adoption of FY 19-20 Budget.		140,000	(140,000)
General Tax Revenue			
Adjustment to the Utility User's Tax estimated revenue	(200,000)		(200,000)
Program Revenues			
Police			
Anticipated reimbursement from the State from Police Officer Standards and Trainings (P.O.S.T.) for the Team Building Workshop conducted in October	5,000		5,000
Community Development			
Increase deposit from Sycamore Crossing	6,000		6,000
Expenditures			
City Council			
To increase professional services for lobbyist contract on former Redevelopment issues with the Department of Finance (DOF)		50,000	(50,000)
Police			
To increase expenditure on training budget funded by reimbursement from POST		5,000	(5,000)
To increase salary expenditures for Police overhire program		130,000	(130,000)
To increase expenditures for the Recruitment Incentive Program		40,000	(40,000)
Community Development			
Correction: To increase Salary for the internship program. This was inadvertently omitted during the adoption of FY 19-20 Budget		15,000	(15,000)
Total, General Fund	1,059,523	399,930	659,593
Other Funds			
Asset Forfeiture Fund #101			
To increase the Asset Forfeiture program expenditures		15,000	(15,000)
Landscape & Lighting Assessment District 2002-2 Hercules Village #222			
To increase contractual services for tree trimming		20,000	(20,000)
To increase repair for staircase railing		20,000	(20,000)
Total, Other Funds	-	55,000	(55,000)
Total, All Funds	1,059,523	454,930	604,593



2019-20 Mid-Year Budget Update

General Fund - Budget Summary

	FY 17-18	FY 18-19	FY 19-20	FY 19-20 Activities thru 12/31/2019		FY 19-20	
	Actuals	Actuals	Adopted Budget	6-Months Actuals	% Used	Mid-Year Update	Proposed Adjustments
Beginning Available Balance			\$ 1,268,975			\$ 2,357,568	\$ 1,088,593
Revenues							
Taxes							
Utility User Tax	3,783,731	3,502,264	3,768,772	1,509,005	40%	3,568,772	(200,000)
Sales Tax	3,206,095	3,988,702	3,177,149	1,555,854	49%	3,177,149	-
Property Taxes	1,324,553	1,378,523	1,470,000	779,699	53%	1,470,000	-
Franchise Fees	862,946	852,751	845,401	199,884	24%	845,401	-
Business Licenses	187,710	194,711	200,000	62,960	31%	200,000	-
Transfer Tax	123,134	132,950	123,000	85,995	70%	123,000	-
Transient Occupancy Tax	9,651	6,385	9,500	1,273	13%	9,500	-
Former RDA (Pass through/Admin)		819,188		232,856		-	-
Intergovernmental	2,314,222	2,074,598	2,135,545	30,026	1%	2,135,545	-
Fines & Forfeitures	48,579	50,058	35,000	20,632	59%	35,000	-
Program Revenues							
Community Development	1,058,212	778,907	228,341	161,901	71%	228,341	-
Parks and Recreation	1,740,774	1,731,065	1,709,879	784,803	46%	1,709,879	-
Police	424,703	582,861	513,898	88,391	17%	513,898	-
Public Works	40,463	(809)	46,255	8,558	19%	46,255	-
Other	556,503	15,700	9,687	4,015	41%	9,687	-
Use of Money & Property	405,093	687,466	335,000	110,787	33%	335,000	-
Miscellaneous	404,587	768,242	656,949	275,560	42%	656,949	-
Transfers In	100,000	243,334	265,766	132,883	50%	265,766	-
	<u>16,590,956</u>	<u>17,806,896</u>	<u>15,530,142</u>	<u>6,045,082</u>	<u>39%</u>	<u>15,330,142</u>	<u>(200,000)</u>
Expenditures							
Police	6,414,593	6,806,894	7,233,907	3,719,138	51%	7,363,907	130,000
Public Works	473,545	279,152	369,584	183,321	50%	369,584	-
Community Development	438,620	616,900	677,339	265,417	39%	692,339	15,000
Parks and Recreation	2,076,523	2,128,108	2,397,150	1,181,092	49%	2,397,150	-
City Council	211,301	318,091	333,602	179,528	54%	333,602	-
City Manager	269,758	326,051	382,458	209,446	55%	382,458	-
Legal	400,574	394,865	360,000	148,634	41%	360,000	-
Administrative Services	671,372	711,409	849,482	344,419	41%	849,482	-
Finance	879,733	985,522	1,093,697	497,783	46%	1,093,697	-
Workers Comp/General Liability	699,134	1,152,866	1,048,073	936,593	89%	1,048,073	-
Non-Department	1,363,516	1,606,402	1,179,678	163,125	14%	1,179,678	-
Transfers Out	71,387	1,428,920	233,099	116,550	50%	233,099	-
	<u>13,970,056</u>	<u>16,755,180</u>	<u>16,158,069</u>	<u>7,945,046</u>	<u>49%</u>	<u>16,303,069</u>	<u>145,000</u>
Net Annual Activity							
Baseline Operations	<u>\$ 2,620,900</u>	<u>1,051,716</u>	<u>\$ (627,927)</u>			<u>\$ (972,927)</u>	<u>\$ (345,000)</u>
One-time Revenues: Successor Agency Administration			135,000			135,000	-
One-time Revenues: RPTTF City Pass-Through			389,000			389,000	-
One-time Revenues: Sales Tax			200,000			200,000	-
One-time Revenues: Developer Deposit and POST reimbursements						11,000	11,000
One-time: City Manager Contract			(44,000)			(44,000)	-
One-time: File Server with Drives (Paid for by Peg Fees)			(9,300)			(9,300)	-
One-time: Police Recruitment Bonus						(45,000)	(45,000)
One-time: Lobbyist Contract						(50,000)	(50,000)
Increase Fiscal neutrality reserve			(236,867)			(236,867)	-
OPEB Trust Contribution			(100,000)			(100,000)	-
Pension Contribution (Section 115 Trust)			(250,000)			(250,000)	-
Other One-time Decision Packages			(528,711)			(528,711)	-
Ending Available Balance			<u>\$ 196,170</u>			<u>\$ 855,763</u>	<u>\$ 648,593</u>
Operating Reserve:							
Beginning Balance						\$ 3,883,282	
Current Year Contribution						236,867	
Ending Balance						<u>\$ 4,120,149</u>	
% of Projected Operating Expenditures						<u>25%</u>	

FY 19/20 BUDGET BALANCING SPREADSHEET			
Mid-Year Update			
	TOTAL	ON-GOING	ONE-TIME
Estimated Beginning Working Cash July 1, 2019 General Fund and Fiscal Neutrality Fund			
General Fund Working Cash	3,273,949		
Fiscal Neutrality Fund Working Cash	3,797,650		
Estimated Beginning Working Cash July 1, 2019 General Fund and Fiscal Neutrality	7,071,599		
Reserve for Economic Uncertainty in 25% target	(3,797,650)		
Reserve for Earthquake Insurance Deductible	(500,000)		
Reserve for Capital Projects	(450,000)		
Reserve for Planning	(699,174)		
Reserve for Building	(21,800)		
Reserve for Reusable Bags (remaining)	(19,000)		
Reserve for PEG Fees	(70,000)		
Carryover prior year decision packages:			
DP #16-1: Record Management	(50,000)		
DP #18-10: Implement a Citywide Cash Receipt System and Training	(25,000)		
DP #18-12: Naviline Financial System Upgrade	(40,000)		
DP #19-4: Comprehensive Class & Comp Study Implementation	(60,000)		
DP #19-14: Update of Personnel Rules	(30,000)		
DP #17-1: Hazard Mitigation Plan and Climate Adaptation Strategy	(40,000)		
Estimated Beginning Available Working Cash July 1, 2019, as adopted	1,268,975		1,268,975
<u>Mid-Year Update/ Adjustments:</u>			
FY 18-19 Annual Operating Results	1,248,523		1,248,523
Correction to add carryovers:			
Reserve for Reusable Bags (remaining)	5,070		5,070
BR 19-2 Teen Center Improvements	(25,000)		(25,000)
BR 19-14 Resurface Tennis Court	(140,000)		(140,000)
Estimated Beginning Available Working Cash July 1, 2019 after Addendums and Corrections	2,357,568	-	2,357,568
Add: Revenue After Addendums and Corrections	16,099,842		
On-Going		15,385,142	
One-Time: Sales Tax			200,000
One-Time: RPTTF City Pass-Through			389,000
One-Time: Successor Agency Administration			135,000
One-Time: Safeway (One Quarter Sales Tax)	65,000	65,000	
Increase in Master Fee Schedule	80,000	80,000	
<u>Mid-Year Update/ Adjustments</u>			
Adjust UUT Revenue based on updated projections	(200,000)	(200,000)	
Adjust for additional revenue from Police Officer Standards and Training	5,000		5,000
Adjust for additional revenue from Sycamore Crossing	6,000		6,000
Subtract: Expense After Addendums and Corrections	(15,864,500)		
On-Going		(15,864,500)	
One-time: City Manager Contract	(44,000)		(44,000)
One-time: File Server with Drives (Paid for by PEG Fees)	(9,300)		(9,300)
PEG Fee Revenue	9,300		
One-time: Increase on Insurance Premium Rate	(20,000)	(20,000)	
<u>Mid-Year Update/ Adjustments</u>			
Adjust City Council for Lobbyist (DOF issue with Former RDA)	(50,000)		(50,000)
Adjust Police budget for training, overhire program & recruitment bonus	(175,000)	(130,000)	(45,000)
Adjust for Community Development Intern	(15,000)	(15,000)	
Surplus/(Deficit)	(112,658)	(699,358)	586,700
Subtotal: Estimated Available Working Cash Before Decision Packages June 30, 2020	2,244,910	(699,358)	2,944,268
Recommended Decision Packages			
1. DP #20-1: Police Department Over Hire	65,000		65,000
2. DP #20-2: Golf Club Fund	10,000		10,000
Revenue Increase	(10,000)		(10,000)
3. DP #20-3: Employee Labor Agreements	511,703	223,023	288,680
4. DP #20-4: AED's for Childcare Sites & Recreation Facilities	15,000		15,000
5. DP #20-5: Upgrade Patio at Community Center (Recommended Parks DIF)	-		
6. DP #20-6: Pool Cover Reel	8,000		8,000
7. DP #20-7: Secure Filing Cabinets for Human Resources	5,000		5,000
8. DP #20-8: Replace Chairs in City Hall Conference Room (Not Recommended)	-		
9. DP #20-9: Police Department Cell Phones (Recommended Asset Forfeiture)	-		
10. DP #20-10: Star Chase	-		
11. DP #20-11: Police Support Specialist (Recommneded as P/T)	34,000	34,000	
12. DP #20-12: Traffic Enforcement Motorcycle	40,000		40,000
13. DP #20-13: Police Executime Advanced Scheduling Module	23,910	2,705	21,205
14. DP #20-14: Police Administrative Commander	13,841	13,841	
General Fund Balance Decision Packages			
1. GFDP #20-1: Capital Projects Fund	-		
2. GFDP #20-2: Reserve for Restricted Planning Funds	125,826		125,826
3. GFDP #20-3: OPEB Trust Contribution	100,000		100,000
4. GFDP #20-4: Pension IRS Section 115 Trust	250,000		250,000
5. GFDP #20-5: Contribution to Fiscal Neutrality	236,867		236,867
Total: Decision Packages	1,429,147	273,569	1,155,578
Budget Referrals			
1. BR #20-1: Motorcycle Acquisition	(40,000)		(40,000)
Total: Budget Referrals	(40,000)	-	(40,000)
Surplus/(Deficit) After Decision Packages/Budget Referrals	855,763	(972,927)	1,828,690
Estimated Available Working Cash After Decision Packages/Budget Referrals June 30, 2020	855,763	(972,927)	1,828,690



2019-20 Mid-Year Budget Update

General Fund FY 18-19 Available Balance

	<u>Adopted</u>	<u>Change</u>	<u>Mid-Year Projected</u>
Beginning fund balance, as reported in CAFR	\$ 44,315,832	\$ -	\$ 44,315,832
Annual operating results	(1,893,535)	2,945,251	1,051,716
Non-spendable (Due from Private Purpose Trust Fund)	(27,787,637)	-	(27,787,637)
Increase contribution to OPEB and Pension Section 115 Trust	(1,649,896)	-	(1,649,896)
Exclude Current Year Assets other than cash	(1,917,962)	(1,118,065)	(3,036,027)
Negative Cash	(3,852,977)	(578,663)	(4,431,640)
Reserve for Economic Uncertainty in 25% target	(3,883,282)	-	(3,883,282)
Reserve for Earthquake Insurance Deductible	(500,000)	-	(500,000)
Reserve for Capital Projects	(450,000)	-	(450,000)
Reserve for Planning	(699,174)	-	(699,174)
Reserve for Building	(21,800)	-	(21,800)
Reserve for Reusable Bags (remaining)	(19,000)	5,070	(13,930)
Reserve for PEG Fees	(70,000)	-	(70,000)
Designations for Prior Year Decision Packages Carryover	(245,000)	-	(245,000)
Mid-Year Adjustment/Correction:			
BR 19-2 Teen Center Improvements		(25,000)	(25,000)
BR 19-14 Resurface Tennis Court		(140,000)	(140,000)
Other reserve changes (encumbrances, prepaid)	(56,594)	-	(56,594)
Ending available cash balance	<u>\$ 1,268,975</u>	<u>\$ 1,088,593</u>	<u>\$ 2,357,568</u>



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of February 25, 2020

TO: The Mayor and Members of the City Council

SUBMITTED BY: Michael Roberts, Public Works Director/City Engineer

SUBJECT: Professional Services Agreement with BKF in the amount of \$148,111 for the Design of the 2021 Annual Street Repair Project and Appropriating \$148,111 in Gas Tax Funding to Fully Fund said Agreement

RECOMMENDED ACTION:

Adopt a resolution authorizing the City Manager to execute an Agreement with BKF for a not to exceed amount of \$148,111 for the design of the 2021 Street Repair Project and appropriating \$148,111 in Gas Tax to fully fund said Agreement.

COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION:

There was no commission or subcommittee review of this item.

FISCAL IMPACT OF RECOMMENDATION:

Back in 2017 the City applied for and received a \$492K One Bay Area Grant (OBAG) to rehabilitate (1) Sycamore Avenue from Civic to Palm; and (2) Willow Avenue from the SR-4 Overcrossing to Mariners Point (Attachment 2). Since the funding was not made available until Summer 2021 and the project is estimated to cost a total of \$900K to complete, it is proposed the grant be supplemented with Gas Tax/Measure J funding and the project be packaged as the 2021 Street Repair Project.

The OBAG grant is federally funded and has many associated requirements, including Caltrans oversight. Given the length of this process, the Metropolitan Transportation Commission (MTC) is requiring an early start on the design, with the first milestone being a completed field review by June 30, 2020. It is therefore recommended an appropriation be made so the design can begin this fiscal year versus next year as originally planned. There is sufficient fund balance in the Gas Tax Fund for the appropriation.

DISCUSSION:

Only non-residential streets on the federal functional classification system maps are eligible for federally funded grants. Eligible streets within Hercules are illustrated in Attachment 4, along with the general pavement condition as determined from the 2017 Pavement Management Report. The 2021 Annual Street Repair Project will complete 2 of the 3 remaining arterial sections in "Poor" condition, with the remaining section being Willow from Sycamore Avenue to the Hercules Transit Center. While this is very positive news overall, a new Pavement Management Report is underway

and given streets deteriorates over time, other arterials may be falling into the “Poor” category. Once the Pavement Management Report currently underway is completed, it will be presented to Council.

BKF was selected from the City’s pre-qualified list because of their extensive experience and proven track record with federally-funded projects and navigating through the Caltrans oversight process. BKF’s proposal has two major components: \$89,873 for design, which is under 10% of the estimated construction cost; and \$53,250 to shepherd the project through the Caltrans Local Assistance review and approval process, which is extremely lengthy and resource intensive. The optional services for \$4,988 to provide engineering support during construction is also recommended for a total contract amount of \$148,111.

Dayne Johnson, the BKF project manager, and Jason White, their Vice President, will be in attendance tonight and can respond to any specific questions you may have. BKF’s proposal, draft schedule, rate structure and staff resumes are included with the Agreement (Attachment 3).

ATTACHMENTS:

1. Resolution
2. 2017 Staff Report including Executed Resolution & Location Map
3. Consultant Agreement including Scope, Budget & Staffing
4. Arterials Pavement Condition Exhibit

Financial Impact

Description: Expenditure amount not to exceed \$148,123.

Funding Source: Gas Tax

Budget Recap:

Total Estimated cost:	\$148,111	New Revenue:	\$
Amount Budgeted:	\$0	Lost Revenue:	\$
New funding required:	\$148,111	New Personnel:	\$
Council Policy Change:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

RESOLUTION NO. 20-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BKF
FOR A NOT TO EXCEED AMOUNT OF \$148,111 FOR THE DESIGN OF THE 2021
STREET REPAIR PROJECT AND APPROPRIATING \$148,111 IN GAS TAX TO
FULLY FUND SAID AGREEMENT**

WHEREAS, the 2021 Annual Street Repair Project has received a \$492K One Bay Area Grant (OBAG); and

WHEREAS, given the grant is federally funded and administered by Caltrans, MTC is requiring design begin this fiscal year versus FY 20-21 as originally anticipated in the City's 5-Year Capital Improvement Program; and

WHEREAS, there is sufficient funding in the Gas Tax fund for the appropriation; and

WHEREAS, BKF is on the City's prequalified vendor list and has extensive experience and a proven track record on federally-funded projects and navigating through the Caltrans review and approval process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hercules that the City Council hereby authorizes the City Manager to execute an Agreement with BKF for a not to exceed amount of \$148,111 for the design of the 2021 Street Repair Project and appropriating \$148,111 in Gas Tax to fully fund said Agreement.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the twenty-fifth day of February, 2020 by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Roland Esquivias, Mayor

ATTEST:

Lori Martin, MMC
Administrative Services Director/City Clerk



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 8, 2017

TO: Members of the City Council

SUBMITTED BY: Mike Roberts, Public Works Director/City Engineer

SUBJECT: Resolution of Local Support for the Sycamore/Willow Pavement Rehabilitation Project

RECOMMENDED ACTION:

Adopt a resolution of local support authorizing the filing of an application for funding assigned to MTC and committing any necessary matching funds and stating assurance to complete the project.

FISCAL IMPACT OF RECOMMENDATION:

The adoption of a resolution of project support is a requirement in order for the City to be eligible to receive \$492,000 in OBAG2 grant funds under the "Local Streets and Roads Preservation" (LSRP) program, which is being allocated to the City as part of CCTA's "Coordinated Call for Projects" grant program. The grant requires a 20% match, or \$123,000. The grant funding will become available in 2020-2021 and sufficient Gas Tax/Measure J funds will be set aside as the matching share.

DISCUSSION:

In September of 2016 CCTA initiated a "Coordinated Call for Projects" inviting local jurisdictions to submit applications for the purpose of securing grant funding for transportation related improvements. As part of this call for projects, the City of Hercules submitted a grant application under the "Local Streets and Roads Preservation" (LSRP) program. Funds for LSRP are being allocated by MTC as part of the One Bay Area Grant 2 (OBAG2) program, which includes State and Federal funding. The receipt of State and Federal funds under OBAG2 triggers a number of procedural requirements, one of those requirements being the need for a local jurisdiction receiving funds to adopt a Resolution of Local Support.

Under the OBAG2 program, a total of \$28.45 million in LSRP funds has been made available Bay Area wide by MTC. In 2016 it was decided by the CCTA Board that jurisdictions in Contra Costa County would receive LSRP funding on a formula basis, as opposed to a competitive basis, utilizing a formula based on a combination of a jurisdiction's population. Using this formula approach, the

City of Hercules' share of the available Countywide LSRP funds is \$492,000. LSRP funding requires a minimum 20% local match or \$123,000. Sufficient funding in Gas Tax & Measure J Funds are available to fund the matching share.

LSRP funds are required to be used for road maintenance and rehabilitation on arterials, not new construction or on local streets. The City of Hercules in its LSRP funding application is proposing to resurface approximately 5200 lineal feet of Sycamore Avenue from just east of Civic Drive to the Palm/Willow intersection, as well as resurfacing 960 lineal feet of Willow Avenue from north of the SR4/Willow off ramp to Mariners Point (Exhibit 1). These segments of Sycamore and Willow Avenues qualify under the established LSRP criteria. A map is attached depicting the specific locations of the proposed resurfacings to both Sycamore and Willow Avenues (see Exhibit 1).

ATTACHMENTS:

1. Resolution of Local Support
2. Map depicting the location of proposed road resurfacing

RESOLUTION NO. 17-064

A RESOLUTION OF LOCAL SUPPORT AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDING ASSIGNED TO MTC AND COMMITTING ANY NECESSARY MATCHING FUNDS AND STATING ASSURANCE TO COMPLETE THE PROJECT

WHEREAS, the City of Hercules (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$492,000 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the pavement rehabilitation of approximately 5200 lineal feet of Sycamore Avenue and approximately 960 lineal feet of Willow Avenue (herein referred to as PROJECT) for the Local Streets and Roads Preservation (LSRP) Program (herein referred to as PROGRAM); and

WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the FEDERAL TRANSPORTATION ACT) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to the FEDERAL TRANSPORTATION ACT, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- that the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
- that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- that APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

WHEREAS, APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

NOW, THEREFORE, BE IT RESOLVED that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding; and be it further

RESOLVED that APPLICANT will provide any required matching funds; and be it further

RESOLVED that APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and be it further

RESOLVED that APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquiries or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and be it further

RESOLVED that PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and be it further

RESOLVED that APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and be it further

RESOLVED that PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and be it further

RESOLVED that, in the case of a transit project, APPLICANT agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised; and be it further

RESOLVED that, in the case of a highway project, APPLICANT agrees to comply with the requirements of MTC's Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104; and be it further

RESOLVED that, in the case of an RTIP project, PROJECT is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and be it further

RESOLVED that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and be it further

RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and be it further

RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and be it further

RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED that APPLICANT authorizes its Executive Director, General Manager, City Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and be it further

RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming.

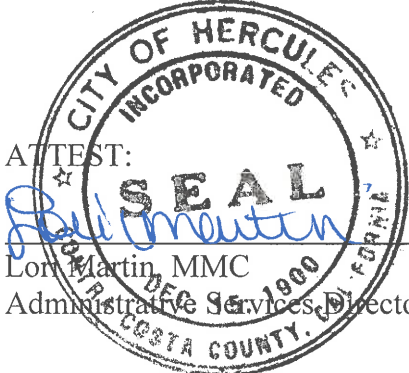
The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the eighth day of August, 2017, by the following vote of the Council:

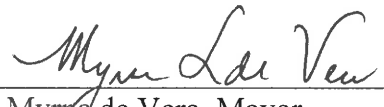
AYES: Council Members: Boulanger, Esquivias, Romero, Vice Mayor Kelley, Mayor de Vera

NOES: None.

ABSTAIN: None.

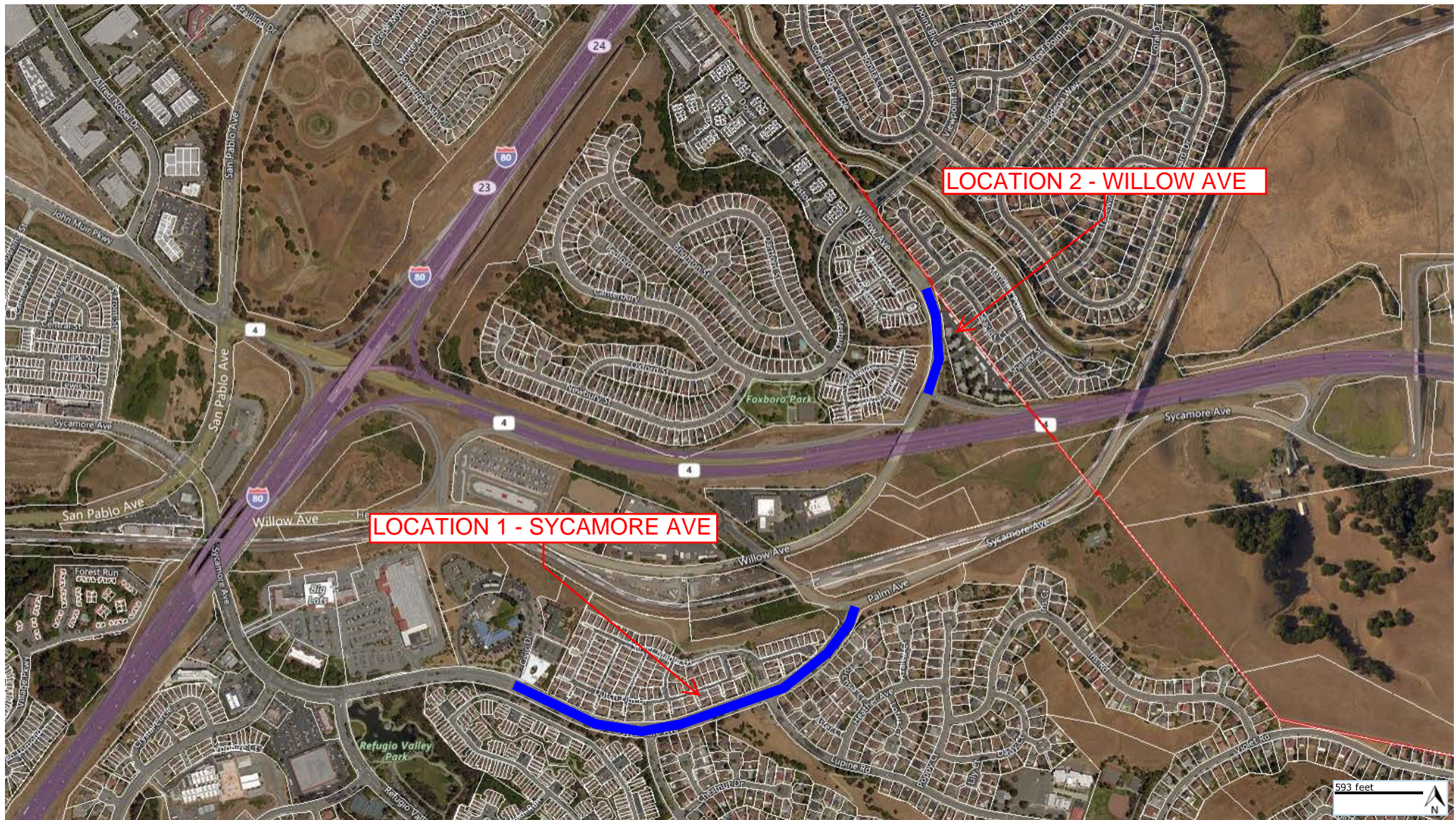
ABSENT: None.

ATTEST:

Lori Martin, MMC
Administrative Services Director/City Clerk


Myrna de Vera, Mayor

Sycamore/Willow Pavement Rehabilitation Project Location Map

Exhibit 1



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**CITY OF HERCULES
PROFESSIONAL SERVICES AGREEMENT**

This Agreement ("**Agreement**") for professional services is made on February 26, 2020, between the City of Hercules, a California municipality ("**City**"), and BKF Engineers, a California Corporation ("**Consultant**").

1. Scope of Services. Consultant will provide to City the professional services described in the Scope of Services, attached as **Attachment A** and incorporated in this Agreement (the "**Services**"). Only the City Council or the City Manager may authorize any change or addition to the Scope of Services specified in Attachment A.

2. Term. This Agreement will become effective on February 26, 2020 ("**Effective Date**"), and will terminate upon the full and satisfactory completion of the Services or as otherwise specified in Attachment A, unless terminated sooner in accordance with Section 10 of this Agreement. Time is of the essence with respect to all provisions of this Agreement that specify a time for performance.

3. Compensation. For the full and satisfactory completion of the Services, City will pay Consultant in an amount not to exceed **ONE HUNDRED FORTY EIGHT THOUSAND ONE HUNDRED ELEVEN DOLLARS (\$148,111)**, without prior written authorization by City, pursuant to the terms set forth in **Attachment A** on Payment, which is attached to and incorporated in this Agreement. Consultant's compensation is intended to encompass all costs required for performing the Services, including overhead and indirect costs. Except as expressly provided in Attachment A, Consultant will not be entitled to reimbursement for expenses it incurs to provide the Services.

3.1 Payment. City will pay Consultant for Services satisfactorily provided during each calendar month within 30 days following City receipt and approval of a detailed invoice. The invoice must include, at a minimum: a description of the specific Services provided; the name of the individual providing the Services; the date(s) upon which the Services were provided; the time spent providing the Services; the amount due for the Services; and the basis for calculating the amount due.

3.2 Additional Services. If the City requests related services beyond the Scope of Services described in Attachment A, the Consultant will provide City a written estimate for the additional services ("**Additional Services**"). Consultant will not provide Additional Services until Consultant has received written authorization from the City to perform the Additional Services. Consultant will not be entitled to payment for Additional Services performed without City's prior written authorization or for costs to correct Consultant's errors or omissions.

4. Independent Contractor. The Parties agree that Consultant will act as an independent contractor under this Agreement and will have control of its work and the manner in which the Services are performed. Consultant is not an employee of City and is not entitled to participate in any health, retirement, or similar employee benefits from the City.

5. Consultant's Warranties.

5.1 Consultant warrants that all Services provided under this Agreement will be performed in accordance with generally accepted professional practices and standards for Consultant's profession in the Bay Area.

5.2 Consultant warrants that all Services provided under this Agreement will be performed in accordance with applicable federal, state, and local laws and regulations, including, but not limited to, conflict of interest laws and City ordinances and policies.

5.3 Consultant warrants that Consultant has no present interest which would conflict in any manner with the performance of Services on the City's behalf.

5.4 Consultant warrants that it will comply with the City's Nepotism and Cronyism Policy.

6. Notice. Any notice, billing, or payment required by this Agreement must be made in writing, and sent to the other Party by personal delivery, U.S. Mail, a reliable overnight delivery service, or by email as a PDF (or comparable) file. Notice is effective upon delivery unless otherwise specified. Notice for each Party will be given as follows:

City:

City of Hercules
111 Civic Drive
Hercules, CA 94547
(510) 799-8200
Attn: City Clerk

Copy to: Mike Roberts
Email: MikeRoberts@ci.hercules.ca.us

Consultant:

BKF Engineers
1646 N. California Blvd., Suite 400
Walnut Creek, CA 94596
Phone: (925) 940 - 2200
Attn: Jason White
jwhite@bkf.com

Copy to: Dayne Johnson
Email: djohnson@bkf.com

7. Indemnity. Subsection 7.1 is not applicable to this Agreement if Consultant's Services are "design professional" services as that term is used and defined in Civil Code section 2782.8. Subsection 7.2 is applicable to this Agreement if Consultant's Services are "design professional" services as used and defined in Civil Code section 2782.8.

7.1 To the full extent permitted by law, Consultant will indemnify, defend with counsel acceptable to City, and hold harmless City, its governing body, officers, agents, employees, and volunteers (collectively, "**City Indemnitees**") from and against any and all liability, demands, loss, damage, claims, settlements, expenses, and costs (including, without limitation, attorney fees, expert witness fees, and costs and fees of litigation) (collectively, "**Liability**") of every nature arising out of or in connection with Consultant's acts or omissions with respect to this Agreement, except such Liability caused by the active negligence, sole negligence, or willful misconduct of any of the City Indemnitees. This indemnification obligation is not limited by any limitation on the amount or type of damages or compensation payable under Workers' Compensation or other employee benefit acts, or by insurance coverage limits, and will survive the expiration or early termination of this Agreement. This Subsection 7.1 does not apply if the Services to be provided

under this Agreement are design professional services provided by a licensed architect, landscape architect, professional engineer, or professional land surveyor.

7.2 To the full extent permitted by law, Consultant will indemnify, defend, and hold harmless City, its City Council, officials, officers, agents, employees, and volunteers from and against any and all liability, loss, damage, claims, expenses and costs (including, without limitation, attorney fees and costs and fees of litigation) (collectively, “**Liability**”) of every nature which arises out of, pertains to, or relates to the negligence, recklessness, or willful misconduct of Consultant in the performance of this Agreement, except such Liability caused by the active negligence, sole negligence or willful misconduct of City. This indemnification obligation is not limited by any limitation on the amount or type of damages or compensation payable under Workers’ Compensation or other employee benefit acts, or by insurance coverage limits, and will survive the expiration or early termination of this Agreement. This Subsection 7.2 is applicable if the Services to be provided under this Agreement are design professional services provided by a licensed architect, landscape architect, professional engineer, or professional land surveyor.

8. Insurance. Before providing any Services under this Agreement, Consultant is required to procure and provide proof of the insurance coverage required by this Section in the form of certificates and endorsements. Each certificate of insurance must state that the coverage afforded by the policy or policies will not be reduced, cancelled or allowed to expire without at least 30 days written notice to City, unless due to nonpayment of premiums, in which case at least 10 days written notice will be made to City. The required insurance must cover the activities of Consultant and its employees or subcontractors relating to or arising from the performance of the Services, and must remain in full force and effect at all times during the term of the Agreement. All required insurance must be issued by an insurer licensed to do business in the State of California, and each such insurer must have an A.M. Best financial strength rating of “A” or better and a financial size rating of “VIII” or better. If Consultant fails to provide any of the required coverage, City may, at its sole discretion, purchase such coverage at Consultant’s expense and deduct the cost from payments due to Consultant.

8.1 The following insurance policies and limits are required for this Agreement:

8.1.1 Commercial General Liability Insurance (“CGL”). CGL insurance issued on an occurrence basis, including coverage of liability arising from Consultant’s acts or omissions in the performance of Services under this Agreement, with limits of at least \$1,000,000.00 per occurrence.

8.1.2 Automotive. Commercial automotive liability coverage for owned, non-owned and hired vehicles must provide coverage of at least \$1,000,000.00 combined single limit per accident for bodily injury, death, or property damage.

8.1.3 Workers’ Compensation Insurance and Employer’s Liability. The policy must comply with the requirements of the California Workers’ Compensation Insurance and Safety Act, with limits of at least \$1,000,000.00. If Consultant is self-insured, Consultant must provide its duly authorized Certificate of Permission to Self-Insure.

8.1.4 Professional Liability. This insurance must insure against Consultant's errors and omissions in the provision of Services under this Agreement, in an amount no less than \$1,000,000.00 combined single limit.

8.2 Subrogation Waiver. Each required policy must include an endorsement that the insurer agrees to waive any right of subrogation it may have against City or the City's insurers.

8.3 The CGL policy and the automotive liability policy must include the following endorsements:

(1) The City, including its Council, officials, officers, employees, agents, volunteers and consultants (collectively, "**Additional Insured**") must be named as an additional insured for all liability arising out of the operations by or on behalf of the named insured, and the policy must protect the Additional Insured against any and all liability for personal injury, death or property damage or destruction arising directly or indirectly in the performance of the Agreement.

(2) The inclusion of more than one insured will not operate to impair the rights of one insured against another, and the coverages afforded will apply as though separate policies have been issued to each insured.

(3) The insurance provided is primary and no insurance held or owned by City will be called upon to contribute to a loss.

(4) Any umbrella or excess insurance must contain or be endorsed to contain a provision that such coverage will also apply on a primary or non-contributory basis for the benefit of City before the City's own insurance or self-insurance will be called upon to protect it as a named insured.

9. Dispute Resolution. In the event that any dispute arises between the Parties in relation to this Agreement, the Parties agree to meet face to face as soon as possible to engage in a good faith effort to resolve the matter informally. In the event that any dispute arises between the Parties in relation to this Agreement, and the dispute is not resolved by informal discussions, the Parties agree to submit the dispute to mediation.

9.1 Either Party may give written notice to the other Party of a request to submit a dispute to mediation, and a mediation session must take place within 60 days after the date that such notice is given, or sooner if reasonably practicable. The Parties will jointly appoint a mutually acceptable mediator. The Parties further agree to share equally the costs of the mediation, except costs incurred by each Party for representation by legal counsel.

9.2 Good faith participation in mediation pursuant to this Section is a condition precedent to either Party commencing litigation in relation to the dispute.

10. Early Termination.

10.1 Termination for Convenience. City may terminate this Agreement for convenience by giving 10 calendar days written notice to Consultant. In the event City elects to terminate the Agreement without cause, it will pay Consultant for Services satisfactorily provided up to that date.

10.2 Termination for Cause. If either Party breaches this Agreement by failing to timely or satisfactorily perform any of its obligations or otherwise violates the terms of this Agreement, the other Party may terminate this Agreement by giving written notice five calendar days prior to the effective date of termination, specifying the reason and the effective date of the termination. Consultant will be entitled to payment for all Services satisfactorily provided up to the effective date of termination, except that the City may deduct from that payment the amount of costs the City incurred, if any, because of Consultant's breach of the Agreement.

11. Work Product. City will be the sole owner of all rights to any work product in any form which has been prepared by Consultant on City's behalf pursuant to this Agreement, unless otherwise specified in writing by the Parties.

12. Records. Unless otherwise specified in Attachment A, Consultant will maintain records related to this Agreement for a period of four years from expiration or termination of this Agreement, including records of the Services performed, on a daily basis if necessary. Consultant's accounting systems will conform to generally accepted accounting principles, and all records will provide a breakdown of total costs charged under this Agreement, including properly executed payrolls, time records, invoices, and vouchers. Consultant will permit City to inspect and examine Consultant's books, records, accounts, and any and all data relevant to this Agreement at any reasonable time.

13. General Provisions.

13.1 Assignment and Successors. Consultant may not assign its rights or obligations under this Agreement, in part or in whole, without City's written consent. This Agreement is binding on Consultant's and City's lawful heirs, successors, and permitted assigns.

13.2 Third Party Beneficiaries. There are no intended third-party beneficiaries to this Agreement.

13.3 Nondiscrimination. Consultant will not discriminate in the employment of persons under this Agreement because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, disability, or other prohibited basis. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated by this reference.

13.4 Choice of Law and Venue. This Agreement will be governed by California law, and venue will be in the Superior Court of Contra Costa County, and no other place.

13.5 Integration. This Agreement and the documents incorporated in this Agreement constitute the final, complete, and exclusive terms of the agreement between the City and the Consultant.

13.6 Severability. If any provision of this Agreement is determined to be illegal, invalid, or unenforceable, in part or in whole, the remaining provisions of the Agreement will remain in full force and effect.

13.7 Amendment. No amendment or modification of this Agreement will be binding unless it is in a writing duly authorized and signed by the Parties to this Agreement.

13.8 Provisions Deemed Inserted. Every provision of law required to be inserted in this Agreement will be deemed to be inserted, and this Agreement will be construed and enforced as though included. If it is discovered that through mistake or otherwise that any required provision is not inserted, or not correctly inserted, this Agreement will be amended to make the insertion or correction.

13.9 Precedence. If any provision in any document attached to or incorporated in this Agreement conflicts with or is inconsistent with the provisions set forth in the body of this Agreement, the provisions set forth in the body of this Agreement will control over any such conflicting or inconsistent provisions.

13.10 Waiver. No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement will be effective unless it is in writing and signed by the Party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy will be deemed a waiver of any other breach, failure, right, or remedy, whether or not similar, nor will any waiver constitute a continuing waiver unless the writing so specifies.

13.11 Force Majeure. If either Party is delayed or hindered in or prevented from the performance of any act required under this Agreement because of strikes, lockouts, inability to procure labor or materials, failure of power, riots, insurrection, war, fire or other casualty, or other reason beyond the reasonable control of the Party delayed, excluding financial inability ("**Force Majeure Event**"), performance of that act will be excused for the period during which the Force Majeure Event prevents such performance, and the period for that performance will be extended for an equivalent period. Delays or failures to perform resulting from lack of funds will not be Force Majeure Events.

13.12 Headings. The headings in this Agreement are included for convenience only and will not affect the construction or interpretation of any provision in this Agreement or any of the rights or obligations of the Parties to this Agreement.

13.13 Execution in Counterparts. This Agreement may be executed in any number of counterparts, each of which will be an original, but all of which together will constitute one instrument.

13.14 Authorization. Each individual signing below warrants that he or she is authorized to do so by the Party that he or she represents, and that this Agreement is legally binding on that Party. If Consultant is a corporation, signatures from two officers of the corporation are required pursuant to California Corporation Code section 313.

[Signature page follows.]

The Parties agree to this Agreement as witnessed by the signatures below:

CITY:

Approved as to form:

s/ _____

s/ _____

David Biggs, City Manager

Patrick Tang, City Attorney

Date: _____

Date: _____

Attest:

s/ _____

Name/Title

Date: _____

CONSULTANT: BKF Engineers

Business Name

s/ _____

Name/Title

Date: _____

s/ _____

Name/Title

Date: _____

Attachments:

Attachment A: Scope of Services & Payment



Attachment A Scope of Service & Payment

February 18, 2020

Michael Roberts, PE
Public Works Director/City Engineer
City of Hercules
111 Civic Drive
Hercules, CA 94519
Transmitted Via Email

SUBJECT: City of Hercules Sycamore/Willow Pavement Rehabilitation Project (STP PROJECT ID. CC-170043)

Dear Mr. Roberts:

BKF Engineers (BKF) is pleased to submit this proposal for the City of Hercules Sycamore/Willow Pavement Rehabilitation Project (STP PROJECT ID. CC-170043). Our team has the experience to support the City's pavement rehabilitation goals.

Over the last seven years, we have supported the Cities of Richmond, El Cerrito, Albany, Hercules, Sausalito, and Mill Valley in their annual pavement rehabilitation programs. BKF works to find creative solutions using a range of treatments that varies from mill and overlay, cold-in-place recycling, and full depth reclamation. **Our experience providing efficient solutions for these municipalities allowed us to understand how we can implement lessons learned and apply them to the City of Hercules Sycamore/Willow Pavement Rehabilitation Project.**

BKF will provide the City with overall project management and design services, and preparation of construction plans. In addition, we will aid the City in procuring the OBAG grant funding through the CALTRANS Local Assistance program. We will work with the City to provide for a cost effective pavement rehabilitation project **to minimize cost and impact to the community.**

We look forward in working with City staff on this important project to continue to improve the pavement conditions throughout the City.

METHODOLOGY & WORK PLAN

BKF will complete the following scope of services for the project. We have prepared a concise scope that emphasizes key components of our approach to analyze the existing conditions and develop the design. Our team recognizes that it may be necessary to alter the scope as the project progresses and would be happy to work with you and other stakeholders as necessary to adapt our services ensuring the successful completion of the project. Our proposed design schedule and estimated level of effort are included.

TASK 1: PRELIMINARY INVESTIGATION

Objective: In this initial phase of work, BKF will investigate the extent and perform field studies necessary to understand the existing conditions. Our approach will minimize unnecessary labor and expense. The data collected will help our team define site constraints, confirm budget, and establish the scope of work necessary to repair the streets identified.

- 1.1 Kickoff Meeting:** BKF will meet with the City to discuss project parameters and to review strategies to identify the priority streets and/or proposed improvement projects.
- 1.2 Collect Record Data, Studies, and Information:** BKF will collect all record documents, studies, pavement condition index, and reports from the City. We will also acquire information from public utility companies

who possess infrastructure in the project area as well as their current and future CIP projects.

- 1.3 Field Review Pavement and Sidewalk Conditions:** BKF will visit the streets designated for repair to document areas of distress, damage to curbs and gutters, conflicts with accessibility, and locations of existing utilities. We will compile both a photographic log and field notes of the investigation. BKF will record type, location, size, and severity of distress using GPS equipment for integration into the base mapping. We will specifically review the following:
- a. Unique site elements
 - b. Maintenance issues
 - c. Drainage patterns and infrastructure
 - d. Potential Accessibility Upgrades

BKF will review the pavement condition survey (P-TAP 20 Report) as provided by the city. We will identify predominant types and severity of pavement distress and compare to the field investigation.

- 1.4 Base Mapping:** BKF will compile base mapping for streets to receive improvements using the City and County's GIS information and aerial photogrammetry. We will use a map program to compile a base map for use in the design documents. If warranted BKF can provide topographic field survey as an optional service.
- 1.5 Utility Locating and Potholing.** BKF will retain a contractor to locate existing utilities by potholing identifying potential utility conflicts. We will submit a plan and application for permit. Our field engineer will supervise the potholing contractor and record the results. We estimate that there will be ten (10) potholes necessary. All potholes will be backfilled with a controlled low strength material. We will also note the section thickness and record the results for use in the pavement rehabilitation studies.
- 1.6 Right of Way Analysis.** To accommodate the improvements within Caltrans Right of Way, the project may require temporary construction easements. BKF will identify the Caltrans ROW through existing base maps from Caltrans.
- 1.7 Storm Drain System and Existing Hydrology Patterns:** Using information from GIS, USGS, and field review, BKF will establish general drainage patterns for each street in the project area. We will conduct interviews with City maintenance staff to determine locations of potential problems. If a rainfall event is available, we will be able to analyze surface runoff patterns and record via videography.

TASK 2: PRELIMINARY ENGINEERING (35% PS&E)

Objective: Based on the repair strategy, BKF will refine the design to confirm the estimated cost of improvement. In addition, the team will work with Local Assistance to ensure the Request for Authorization occurs in a timely manner to assure OBAG funds are obligated within timeframes established by MTC.

- 21 Project Report:** BKF will document our findings and recommendations in a report format that will serve as the basis of design. This report will include:
- a. Executive Summary - Summary of existing surface conditions including updated PCI, horizontal and vertical grades.
 - b. Summary of storm drain runoff patterns.
 - c. List of potential project risks including permit conditions, public utility relocations, or private property coordination necessary to complete the work
 - d. Recommendations for pavement restoration including projected design life if we offer deviations from the proposed plan
- 22 Coordinate with Public Utilities in Project Area:** BKF will meet with public utility companies to introduce the project and discuss potential impacts to utility infrastructure. We will provide both written notice and hold a meeting at the City offices describing the proposed construction schedule and moratorium on future work once the paving is complete.

23 Construction Documents: BKF will prepare Plans, Specifications, and Estimate to the 35% level of completion including:

- a. Title Sheet
- b. Roadway Rehabilitation Plan and Profile
- c. Sign and Striping Plans
- d. Construction Details
- e. Construction Staging and Phasing Plans
- f. Erosion and Sedimentation Control Plans
- g. Project Specifications
- h. Bid Schedule and Cost Estimate

24 Cost Analysis: BKF will refine our estimate confirming that the scope of work for the pavement rehabilitation is within budget. Should the scope exceed the budget, we will include value-engineering strategies in our analysis, which may include alternative rehabilitation strategies or delaying repairs to certain streets.

25 Local Assistance Coordination and Permitting

A. CEQA/NEPA Categorical Exclusion Documentation – BKF will prepare the following documents to support the finding by Local Assistance of a Categorical Exclusion.

- i. **Transportation.** BKF will prepare a technical memorandum assessing transportation impacts due to road modifications as well as those during construction of the project. To support the finding of Categorical Exclusion, the memorandum will include recommendations for hours of work, staging areas, and traffic control elements.
- ii. **Air Quality Analysis.** BKF will prepare an Air Quality Analysis to address local and regional impacts on sensitive land uses. The analysis will be prepared in accordance with the Caltrans Transportation Project Level Carbon Monoxide (CO) Protocol, the EPA's fugitive dust conformity rule, and the Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines. The air quality analysis will document whether the proposed project is included in the latest Statewide Transportation Plan (STP), Federal Transportation Improvement Program (FTIP), and Federal Statewide Transportation Improvement Program (FSTIP) for preliminary engineering/environmental documentation. The air quality analysis will make a final determination whether the build alternatives will conform to applicable state and federal air quality plans. The proposed project's short-term construction and long-term operational impact on global warming and climate change will be discussed. In addition to the air quality analysis, BKF will prepare the "Conformity Analysis Documentation for Project-Level Conformity Determinations in Metropolitan Nonattainment/ Maintenance Areas" required for NEPA delegation. This document will be utilized by Caltrans to process the conformity documentation.
- iii. **Hazardous Waste Memorandum.** BKF will prepare a hazardous waste technical memorandum based on the results of the field exploration as well as discussion with Kinder Morgan for work near the pipeline.
- iv. **Water Quality** – BKF will complete this memorandum to document the necessary sedimentation control measures to be used during construction.
- v. **Floodplain (Location Hydraulic Study and Summary Encroachment Report)** – If necessary, BKF will complete this memorandum to document if the project is within a floodplain.
- vi. **Visual Resources-** If necessary, BKF will complete this memorandum to characterize visual and scenic resources in the study area, assess potential impacts from the proposed project, and identify avoidance, minimization, and/or mitigation measures to reduce the Project's impacts on scenic resources.
- vii. **Cultural Resources** – As the project most likely will not disturb more than 3 feet in depth a Cultural Study may not be necessary.
- viii. **Equipment Staging** – BKF will complete this memorandum to document the requirements that will be in place regarding the construction staging for the project.

- ix. **Biological Resources.** Based on the project's location within a built urban environment, the occurrence of special-status species is highly unlikely. Tree removal and impacts to nesting birds are not anticipated as the improvements are within gutter to gutter. The fee for this task assumes that the project will not involve any potential impacts to federally listed species and thus will not require the preparation of a Biological Assessment (BA) in accordance with Caltrans guidelines.
- x. **Right of Way/Utility Certification.** BKF will complete Local Assistance Form 13-B "Right of Way Certification" for the project documenting that the City has right of way/utility clearances to construct the project.

TASK 3: CONSTRUCTION DOCUMENTS (65%, 95% PS&E AND FINAL)

Objective: Based on staff, utility, and public comments, BKF will prepare documents for submittal to the Office of Local Assistance and CCTA for review of conformance to the Grant Funding Obligations as well as to take the project to bid for construction

- 3.1 Construction Documents:** BKF will update the Plans, Specifications, and Estimate prepared in Task 2.3 to the 65% level of design.
- 3.2 95% Plans, Specifications, and Estimate:** BKF will update the Plans, Specifications, and Estimate prepared in Task 2.3 to the 95% level of design to be used as the initial submittal to the governing agencies.
- 3.3 Final Plans, Specifications, and Estimate:** The team will meet with the City to review any additional comments. We will update the plans previously prepared to the final level of completion. BKF will provide electronic (CAD and PDF) and hardcopies (Mylar, bond, and/ or velum) of all documents as requested by the City. When approved, we will upload an electronic version of the document for use during bidding.
- 3.4 Local Assistance Coordination.** Working as an extension of the City, BKF will work with Caltrans, FHWA and MTC to meet the requirements for obligating federal funds programmed to the project. As needed, BKF shall facilitate Caltrans' approvals of documents needed for the obligation of Federal funds. Such documents include, but are not limited to CEQA/NEPA environmental document, right of way and utility certification, plans, specifications and estimates.
 - A. Request for Authorization to Construct:** BKF will assist in preparing the authorization (E-76) request submittal in accordance with the most recent requirements, per the Caltrans Local Assistance Procedures Manual. The submittal will include the Request for Authorization (Ch. 3), PS&E Certification and Checklist (Ch. 12), Field Review Form, DBE Goal, if necessary, and related requirements. Following submittal of the package, BKF will coordinate with Caltrans Local Assistance staff to facilitate FHWA's issuance of the E-76. Scope assumes federal funds are applied only to the construction phase of the project. Below is our approach to key elements of the Request for Authorization to Construct.
 - i. Finance Letter 3-O The Finance Letter is an integral component for the Request for Authorization for the federal E-76. Since the project has a myriad of Federal and local fund sources, BKF will utilize a strategy that optimizes the use of the fund sources and addresses match requirements of the federal grant while optimizing City's resources. As part of this task, BKF will confer with Caltrans to determine whether it is in City's interest to designate the federal funds as lump sum or pro-rata
 - ii. DBE Goal, if necessary.
 - iii. ROW Certification 13-A If needed, BKF will support the team in working with Caltrans to ensure consensus on the type of certification and the content of the certification
 - B. Award Package:** BKF shall assist City in complying with pre-construction contract award and post-construction contract award federal requirements. Consultant will prepare the Award Package in accordance with the most recent requirements, per the Caltrans Local Assistance Procedures Manual Chapter 15 and facilitating approval of the package with Caltrans and FHWA. Scope will include preparation and submittal of invoices to Caltrans for federal reimbursement with coordination with City staff. Scope assumes City will prepare the Finance Letter with support from BKF.

TASK 4: BIDDING SUPPORT

- 4.1 BKF will assist during the bidding phase by assisting in outreach, attending the pre bid meeting, responding to contractor requests for information, and preparing bid addenda as necessary. This will include creating a conformed plans and specifications for the contractor's use.
- 4.2 Caltrans Award Package and Close Out: BKF will work with Caltrans local assistance to complete the award package and close out documentation prior to and after construction.
 - **Optional Service: Construction Support**
 - During construction, BKF will support the City and construction manager providing the following:
 - review of submittals,
 - review requests for information, and
 - review of the site on up to two (2) occasions.

TASK 5: PROJECT MANAGEMENT

- 5.1 **General Project Management:** BKF will manage the design team as well as track progress, schedule, and budget. BKF will be responsible for documenting all design decisions and keeping an official record of the project. BKF will submit monthly progress reports identifying tasks completed, budget status, and issues status.
- 5.2 **Quality Assurance:** A senior member of BKF's team, independent of the project, will perform a quality control review of the team's documents prior to submittal. There is NO cost for this task.
- 5.3 **Meetings:** BKF will attend up to ten (10) meetings with City staff to coordinate the design. We assume that there will be a weekly conference call to provide update and feedback on the project task items.

ASSUMPTIONS

In preparing our scope of work, our team made the following assumptions:

1. The City will pay all permit fees of environmental regulatory agencies.
2. The City will either self-perform or retain a construction manager/ inspector.
3. The City will provide contact information for neighborhood councils and stakeholders. The City will provide logistical support for meeting locations if necessary.
4. Our proposal excludes a field evaluation of buried archeological remains.
5. We assume that a built environment cultural resource will not be found within the project area and that a Historical Resources Evaluation Report (HRER) will not be necessary.
6. This project will not affect or alter wetlands.
7. This project does not include pavement cores to determine an R-value for the underlying soils.
8. This project does not include a full survey crew to provide field topographic survey.
9. This project does not include construction design support.

SCHEDULE

See attached schedule **"Exhibit A"**. BKF will be able to meet the designated schedule to obtain E76 approval for construction unless unforeseen conditions arise. If conditions arise to decrease the project schedule BKF will promptly inform the City of Hercules as to the potential scheduling impacts.

COMPENSATION

See attached fee schedule **"Exhibit B"**. BKF proposes to provide the services on a time and materials, not to exceed basis, billed monthly. Our professional services rate schedule is attached.

SERVICES AND STANDARD OF CARE

BKF Engineers' services are limited to those expressly set forth in the scope. We understand that BKF will have no other obligations or responsibilities for the project except as provided in this proposal letter, or as otherwise agreed to in writing. BKF will provide the scope of services consistent with, and limited to, the standard of care applicable to such services.

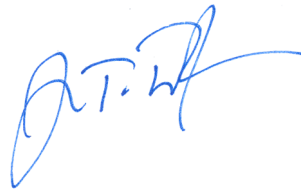
Thank you for the opportunity to present this proposal. We look forward to assisting in developing this project. Please contact me at 925.940.2208 if you have any questions regarding our scope of services.

Sincerely,

BKF Engineers



Dayne Johnson, PE, LEED AP
Associate/Project Manager



Jason T. White, PE, LEED AP, QSD/P
Vice President



DAYNE JOHNSON, PE, LEED AP

CIVIL PROJECT MANAGER

Mr. Johnson has more than 22 years of experience in the civil, construction, and telecommunication industries. His project experience includes the design of utilities, roadways, campuses, and commercial facilities. Working closely with transit, bicycle, and community groups, he builds a consensus-based approach to implement the stakeholders' needs and desires, as well as each agency's goals. From the engineering perspective, Mr. Johnson identifies issues early in the design effort to ensure that these objectives can become reality without physical constraints becoming pitfalls.

SELECT PROJECT EXPERIENCE

EDUCATION

B.S., Civil Engineering,
University of California,
Davis

REGISTRATION

Professional Civil Engineer
CA No. 61408

AFFILIATIONS

LEED Accredited
Professional

U.S. Green Building
Council

American Society of Civil
Engineers

TOTAL YEARS EXPERIENCE

22 years, 15 with firm

Sausalito Street Rehabilitation 2015 &
2016-2019
Sausalito

Mill Valley 2017 Street/Sewer
Rehabilitation
Sausalito

Mill Valley 2015 Street/Sewer
Rehabilitation
Mill Valley

Mill Valley 2014 Street/Sewer
Rehabilitation
Mill Valley

Rodeo Avenue Pavement Rehabilitation
Sausalito

Sir Francis Drake Boulevard Corridor
Rehabilitation
San Rafael

Arlington Blvd Safety Improvements
El Cerrito

Barrett Avenue Bicycle Lane
Richmond

Benicia-Columbus Parkway/Rose Drive
Benicia

Brentwood Streetscape Improvement
Brentwood

Central Avenue & Liberty Streetscape
Improvements
El Cerrito

Carlos Bee Boulevard Realignment
Hayward

Contra Costa Boulevard Corridor
Improvement
Pleasant Hill

Cutting Boulevard Class III Bicycle
Lanes
Richmond

Downtown Livermore Pedestrian
Transit Connection
Livermore

Eucalyptus Road and Main Street
American Canyon

Farm Bureau Road Complete Streets
Plan
Concord

Kay Road Extension
Richmond

Fairmont Avenue Streetscape
El Cerrito

Macdonald Avenue Streetscape
Richmond

Miller Avenue Streetscape Plan
Mill Valley

Nevin Avenue Streetscape
Improvements
Richmond

Ohlone Greenway and Arlington Blvd
Safety Improvements Projects
El Cerrito

Parnassus Streetscape
University of California
San Francisco

Pine & Second Street Intersection
Improvements
Brentwood

Railroad/Sunset Avenue Safety
Improvements
Suisun City



JASON WHITE, PE, QSD/P/ LEED AP

CIVIL PROJECT MANAGER/VICE PRESIDENT

Mr. White is skilled in designing, managing, and peer reviewing private and public engineering projects varying from small site, transportation, public works, and residential projects to large master planned mixed-use developments. He has successfully managed large private and municipal projects, including coordinating extensively with stakeholders (contractors, subconsultants, and local, state, and federal agencies). Mr. White's 23 years' experience in various capacities facilitates his ability to provide valuable insight from a project's initial conception, feasibility, and entitlement processing stages through construction completion.

SELECT PROJECT EXPERIENCE

EDUCATION

B.S., Civil Engineering,
University of California, Los
Angeles (UCLA)

REGISTRATION

Professional Civil Engineer
CA No. 62281

Qualified SWPPP

Developer and Practitioner
(QSD/P), No. 20316

AFFILIATIONS

LEED Accredited
Professional

U.S. Green Building
Council

American Society of
Civil Engineers

TOTAL YEARS EXPERIENCE

23 years, 7 with firm

Albany 2014 Pavement Rehabilitation
Project
Albany

San Pablo Avenue Complete Streets
San Pablo

Contra Costa Boulevard Corridor
Improvements
Pleasant Hill

Richmond Nevin Avenue Pedestrian
Improvements
Richmond

Albany San Pablo/Buchanan
Pedestrian Safety Project
Albany

Marin Avenue Bikeway &
Undergrounding Utilities
Albany

Albany 2014 Pavement
Rehabilitation Project
Albany

Cutting/Carlson Intersection
Richmond

South Richmond Transportation
Connectivity Plan
Richmond

San Pablo Avenue - Streets/Pedestrian
Connectivity
San Pablo

Rumrill Boulevard Complete Streets
San Pablo

Hesperian Boulevard Improvements
San Lorenzo

Refugio Valley Road Reconstruction
Hercules

Arlington/Brewster PS&E
El Cerrito

Downtown Walnut Creek Sidewalk
Walnut Creek

Castro Valley Streetscape
Castro Valley

Central Avenue and Liberty Streetscape
Improvements
El Cerrito

Safe Routes to School
Richmond

Path to Transit - Hercules
Hercules

Nevin Avenue Pedestrian Improvement
Richmond

Sir Francis Drake Boulevard
Marin

Hillside Avenue Street Improvements
Walnut Creek

San Juan Avenue Street Improvements
Walnut Creek

Walnut Creek North Downtown
Specific Plan
Walnut Creek

Parnassus Avenue Streetscape Plan
San Francisco

**BKF ENGINEERS
PROFESSIONAL SERVICES RATE SCHEDULE**

JANUARY 1, 2020 – DECEMBER 31, 2020

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>
PROJECT MANAGEMENT	
Principal/Vice President	\$251.00
Senior Associate/Vice President	\$225.00
Associate	\$219.00
Senior Project Manager Senior Technical Manager	\$214.00
Project Manager Technical Manager	\$209.00
Engineering Manager Surveying Manager Planning Manager	\$193.00
TECHNICAL STAFF	
Senior Project Engineer Senior Project Surveyor Senior Project Planner	\$179.00
Project Engineer Project Surveyor Project Planner	\$157.00
Design Engineer Staff Surveyor Staff Planner	\$137.00
BIM Specialist I, II, III	\$137.00 - \$157.00 - \$179.00
Technician I, II, III, IV	\$130.00 - \$139.00 - \$152.00 - \$164.00
Drafter I, II, III, IV	\$102.00 - \$112.00 - \$121.00 - \$135.00
FIELD SURVEYING	
Survey Party Chief	\$179.00
Instrumentman	\$154.00
Survey Chainman	\$116.00
Utility Locator I, II, III, IV	\$93.00 - \$132.00 - \$158.00 - \$180.00
Apprentice I, II, III, IV	\$71.00 - \$95.00 - \$105.00 - \$111.00
CONSTRUCTION ADMINISTRATION	
Senior Consultant	\$234.00
Senior Construction Administrator	\$203.00
Resident Engineer	\$151.00
Field Engineer I, II, III	\$137.00 - \$157.00 - \$179.00
ASSISTANTS	
Project Assistant	\$84.00
Engineering Assistant Surveying Assistant Planning Assistant	\$82.00
Clerical Administrative Assistant	\$70.00

Expert witness rates are available upon request.

Subject to the terms of a services agreement:

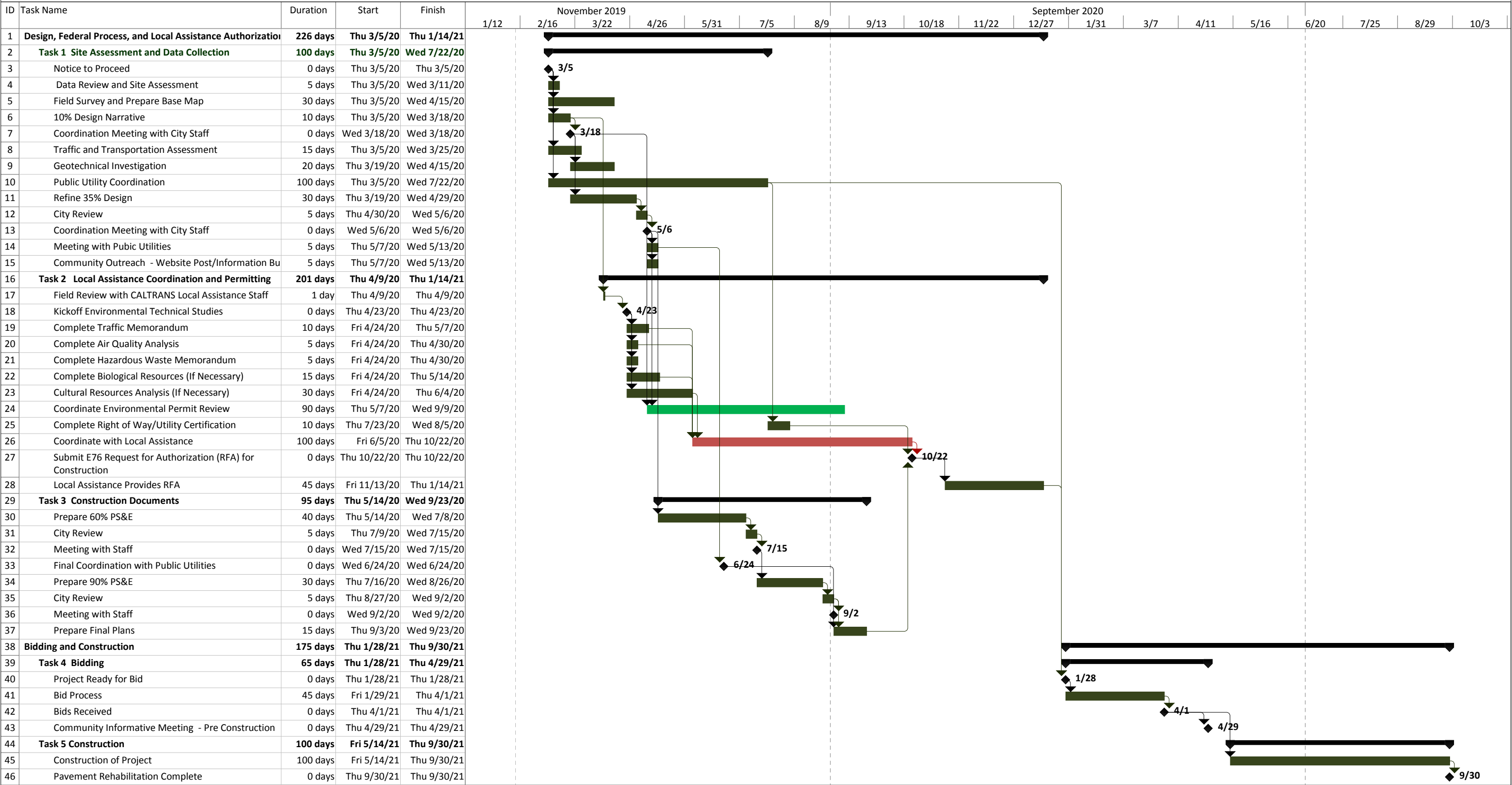
- Charges for outside services, equipment, materials, and facilities not furnished directly by BKF Engineers will be billed as reimbursable expenses at cost plus 10%. Such charges may include, but shall not be limited to: printing and reproduction services; shipping, delivery, and courier charges; subconsultant fees and expenses; agency fees; insurance; transportation on public carriers; meals and lodging; and consumable materials.
- Allowable mileage will be charged at the prevailing IRS rate per mile.
- Monthly invoices are due within 30 days from invoice date. Interest will be charged at 1.5% per month on past due accounts.

EXHIBIT A

City of Hercules Sycamore/Willow Pavement Rehabilitation Project (STP PROJECT ID. CC-170043)

Thu 2/13/20

Project Schedule

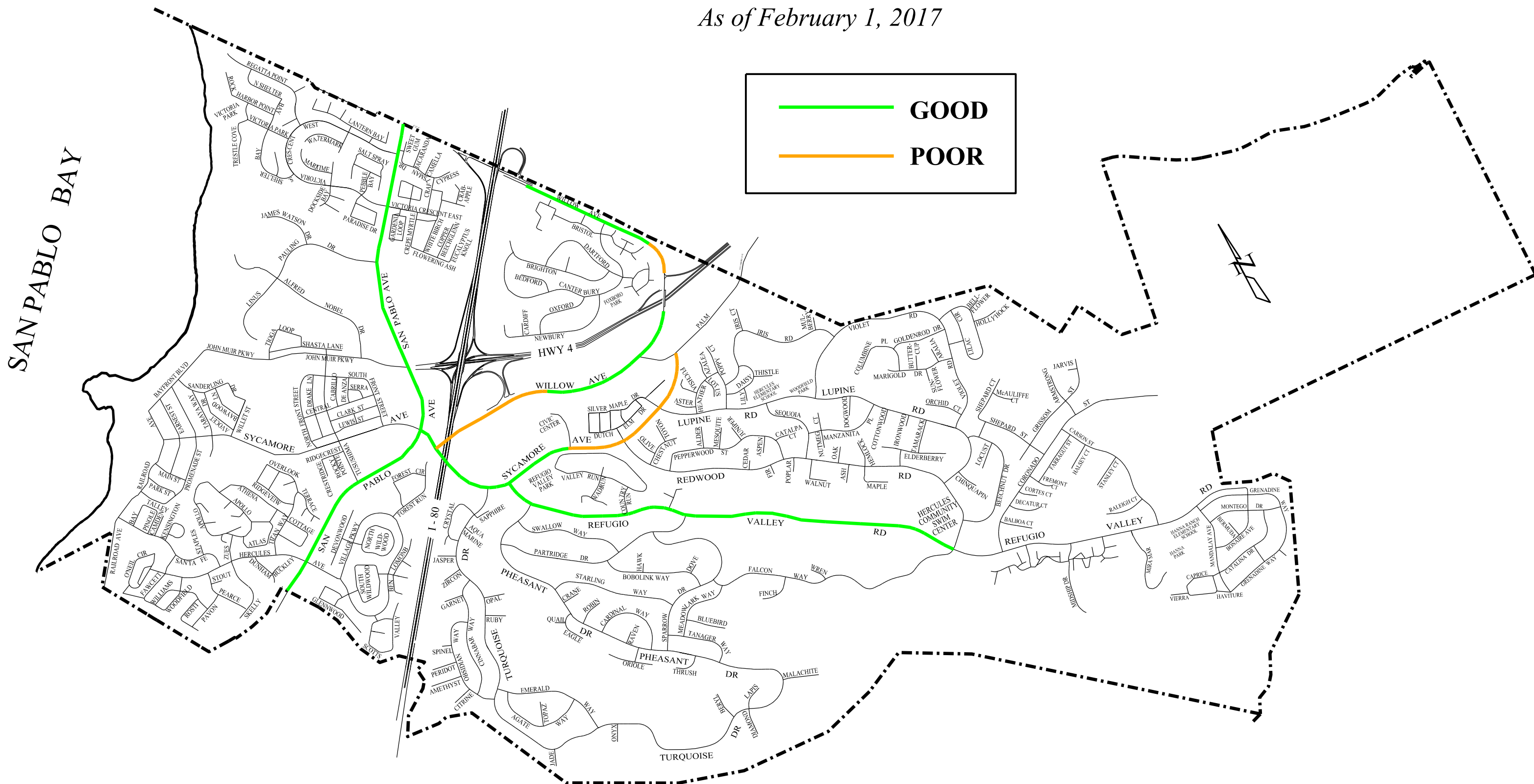


Task		Rolled Up Milestone	◇	Project Summary		Inactive Summary		Manual Summary		Deadline	↓
Milestone	◆	Rolled Up Progress	—	Group By Summary		Manual Task		Start-only	[
Summary	➤	Split	Inactive Task		Duration-only		Finish-only]		
Rolled Up Task		External Tasks		Inactive Milestone	◇	Manual Summary Rollup		Progress			

EXHIBIT B		BKF Engineers						Total BKF Hours	BKF Fee		
		Project Manager - Engineer									
		Principal	Associate/ Project Manager	Senior Project Engineer/Surveyor	Project Engineer/Surveyor	Design Engineer/Surveyor	Field Crew				
City of Hercules Sycamore Ave/Willow Rd Pavement Rehabilitation Project Fee Proposal		2/18/2020	Published Billing Rates	\$251	\$219	\$168	\$157	\$137	\$296		
Task 1 Preliminary Investigation											
a	Data Collection and Field Review		4	4				8	\$1,548		
b	Base Mapping		4	4		24		32	\$4,836		
c	Geotechnical Evaluation Review		2	2				4	\$774		
d	Hydrology Evaluation Review		2	2				4	\$774		
e	Caltrans Encroachment and Traffic Engineering Division engagement		6	6				12	\$2,322		
Task 1 Preliminary Investigation Subtotal:		0	18	18	0	24	0	60	\$10,254		
Task 2 Preliminary Engineering 35% Plans											
a	Project Report		4					4	\$876		
b	Coordinate with Public Utilities		4	8		20		32	\$4,960		
c	Prepare Preliminary 35% Engineering Plans, Specifications, and Estimate	1	4	24	10	40		79	\$12,209		
d	Caltrans Local Assistance and Environmental Studies (CEQA Class 1 CatEX/Nepa)		30	40		24		94	\$16,578		
e	Caltrans Request for Authorization documentation		30	30		24		84	\$14,898		
Task 2 Preliminary Engineering 35% Plans Subtotal:		1	72	102	10	108	0	293	\$49,521		
Task 3 Final Construction Engineering											
a	Prepare Final Engineering Plans, Specifications and Estimate										
	65% Submittal	2	16	16	40	10		84	\$14,344		
	95% Submittal	2	10	16	36	10		74	\$12,402		
	Final Submittal	2	4	8	24	10		48	\$7,860		
c	Caltrans Encroachment Permit Application		10		24			34	\$5,958		
d	Caltrans Request for Authorization to Proceed with Construction (E76 Authorization)		10		24			34	\$5,958		
e	City Council Approval Meeting		2					2	\$438		
Task 3 Final Construction Engineering Subtotal:		6	52	40	148	30	0	276	\$46,960		
Task 4 Bidding Support											
a	Bidding Support - RFI Responses		4	8				12	\$2,220		
b	Bid Evaluation		2	2				4	\$774		
c	Conform Construction Plan Set		2	4		4		10	\$1,658		
d	Caltrans Construction Award Package and Closeout		16	24				40	\$7,536		
Task 4 Bidding Support Subtotal:		0	24	38	0	4	0	66	\$12,188		
Task 5 Project Management											
a	General Management		24					24	\$5,256		
b	QA/QC							0	\$0		
c	Meetings		24	16				40	\$7,944		
Task 5 Project Management Subtotal:		0	48	16	0	0	0	64	\$13,200		
Subtotal Labor:		7	214	214	158	166	0	759	\$132,123		
Reimbursable Expenses											
Printing, Postage, and Travel		\$1,000									
Potholing Contractor		\$10,000									
Subtotal Reimbursable Expenses		\$11,000							\$11,000		
Total Labor Plus Reimbursable Expenses									\$143,123		
OPTIONAL SERVICES											
Construction Design Support											
	Review of Submittals			4	8			12	\$1,928		
	Review of Request for Information			5	8			13	\$2,096		
	Site Review			2	4			6	\$964		
Construction Design Support Subtotal:		0	0	11	20	0	0	31	\$4,988		
COST BREAKDOWN											
(A) Cost for CALTRANS Local Assistance Process to obligate OBAG grant funding									\$53,250		
(B) Cost for BKF Design and Project Management Services									\$89,873		
Total Labor Plus Reimbursable Expenses									\$143,123		
Total Optional Services									\$4,988		
Total Plus Optional Services									\$148,111		

ARTERIAL ROADWAY PAVEMENT CONDITION

As of February 1, 2017





STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of February 25, 2020

TO: Members of the City Council

SUBMITTED BY: David Biggs, City Manager

SUBJECT: Operating Memorandum with Hercules Development Partners LP regarding Bayfront Parking

RECOMMENDED ACTION: Approve an Operating Memorandum (Attachment 1) with Hercules Development Partners LP regarding Bayfront Parking.

FISCAL IMPACT OF RECOMMENDATION: None as result of this action. Future implementation of elements of the Operating memorandum may have costs associated with those actions and would be governed by the terms of the Operating Memorandum.

DISCUSSION: The development of the Hercules Bayfront is guided by the Hercules Waterfront Master Plan and the terms of a Development Agreement between the City and the developer Hercules Development Partners LP. The Bayfront is currently under construction with Phase 1 – the Exchange to be completed in April, 2020, and with Phase 2 – the Grand under construction. The third phase on three blocks, the Warehouse and the Annex, were approved by the City Council on July 23, 2019, and construction drawings have been submitted to the County for plan check.

With the approval of each phase to date language has been included in the approvals in regard to parking for each phase and the requirement under the Master Plan and the Development Agreement regarding the future formation of a joint public/private Parking District. On a parallel path, the City and Developer have been working on a Parking Demand and Supply analysis to determine how much parking may be needed to serve the entire Bayfront, public and private development, using shared parking as the basis to ensure enough parking is provided and that it used efficiently as possible. That Demand and Supply Analysis has been completed, and it shows, based on the assumptions articulated, that at a peak period, demand would exceed supply by 40 spaces. While this is a dynamic model, it does establish a possible scenario around which the parking program for the area can be shaped.

At the time of the approvals appeal for Phase 3, City staff and the developer had agreed to a Conceptual Memorandum of Understanding regarding Bayfront Parking (Attachment 2). This Conceptual MOU was signed by the developer and was presented to the City Council as a way to bridge concerns regarding parking and the desire to allow Phase 3 to proceed while the final form and nature of the Parking District were still in development. The City Council was not comfortable with all of the terms of the Conceptual MOU, and while they did approve the project on appeal, they did

not approve the Conceptual MOU, and instead imposed a parking related condition of approval on Phase 3 in the form of 11(f) which requires a future approval of an Implementation Agreement regarding parking, prior to issuance of building permits for Phase 3. The Council also requested that the staff and the developer continue to work towards the resolution of parking related issues.

Ultimately, the developer objected to the inclusion of Condition 11(f), and has filed a challenge to that condition. However, since that time, staff and the developer have continued to explore means to resolve the issue and to allow Phase 3 to proceed while having an agreeable framework to address parking.

This effort has resulted in the attached Operating Memorandum which incorporates most elements of the previous Conceptual MOU. In addition, it does provide the City with access to an additional 40 spaces to meet the projected peak period parking demand. The transformation of the Conceptual MOU into an Operating Memorandum is in recognition that the Development Agreement specifically provides for the use of an Operating memorandum as a means to address areas which require clarification in regard to the implementation of the Development Agreement.

Should the City Council approve the Operating Memorandum as presented, it acknowledges that this approval is deemed to satisfy Condition 11(f). Once again, the Operating Memorandum provides a framework to implement the concepts of shared parking and the parking district, in whatever final form that takes, consistent with the Master Plan and Development Agreement. Those implementation steps will likely take some additional time, and this recommended Operating Memorandum will allow Phase 3 to proceed without all the details finalized, while still maintaining a fixed date by which the Implementation actions must be completed.

ATTACHMENTS:

1. Operating Memorandum
2. Conceptual MOU from July 23, 2019

<i>Financial Impact</i>			
Description:			
Funding Source:			
Budget Recap:			
Total Estimated cost:	\$	New Revenue:	\$
Amount Budgeted:	\$	Lost Revenue:	\$
New funding required:	\$	New Personnel:	\$
Council Policy Change: Yes <input type="checkbox"/> No <input type="checkbox"/>			

OPERATING MEMORANDUM

Adopted Pursuant to Section 11.3 of the Implementing Development Agreement for the
Hercules Bayfront Project Recorded June 15, 2012

Bayfront Parking

This operating memorandum (the “Operating Memorandum”) is entered into pursuant to Section 11.3 of that certain Implementing Development Agreement dated March 14, 2012, and recorded in the Official Records of Contra Costa County on June 15, 2012 as Doc-2012-0142855-00 (the “Agreement”).

Section 11.3 of the Agreement provides for the use of operating memoranda to document minor changes, adjustments or clarifications to further the intended purposes of the Agreement, without an amendment to the Agreement.

All initially capitalized terms used herein shall have the definitions given to them in the Agreement, unless otherwise expressly provided herein.

The City and Owner refine and clarify the Agreement as follows:

Parking Agreement

The Parties agree that this Operating Memorandum constitutes an Implementation Agreement as contemplated by, and fully and finally satisfies the terms of, Condition 11(f) to the City Council’s July 23, 2019 Resolution No. 19-044.

The City and Owner agree to enter into a Bayfront parking operations agreement (the “Parking Operations Agreement”) with the goal of completing the Parking Operations Agreement by December 31, 2020, and in any event before train or ferry service become fully operational, that will govern

publicly-available parking serving the ITC Project, including the “Shared Private Parking,” (as defined in Section 7 below), on the terms and conditions described below. The Parking Operations Agreement shall become effective upon the earlier of train or ferry service becoming fully operational at the ITC Project; however, the Parking Operations Agreement, or elements thereof, may become effective sooner upon mutual agreement between City and Owner. The Parking Operations Agreement shall be recorded and shall be an obligation of any successors or assigns to the Owner, and shall include the following terms:

1. The City and Owner shall form a parking association or district (the “Parking Entity”) to establish and enforce the rules and manage the operations of the publicly-available parking serving the ITC Project, including Shared Private Parking, but will not have the authority to impose taxes and thus shall not be considered a taxing entity. The Parking Entity shall be managed by a supervisory board (the “Board”) comprised of Owner and City appointees.
2. The Board will establish rules and set rates and hours for on-street public parking, off-street public parking, and Shared Private Parking within the Bayfront Master Plan. Notwithstanding the foregoing, the hours the Shared Private Parking shall be available to the public will be Monday through Friday (excluding holidays) from 7:30 AM to 6:00 PM and at no other time.
3. The City will enforce public on-street and public off-street parking and the Owner will enforce Shared Private Parking, each at their sole cost and expense.
4. Parking policies may include:
 - 4.1. Demand-based pricing (“performance-based parking management”).
 - 4.2. Time limits
 - 4.3. Residential permits
5. The Board will adopt a budget for administration/operation of the Parking Entity on an annual basis and a year-end reconciliation of actual revenues and expenses will be performed. Owner and the

City agree that each Party shall pay for its proportionate share of the administrative/operational expenses of the Parking Entity.

6. Revenues from private parking (including Shared Private Parking) would be retained by Owner and revenues from the public parking would be retained by the Parking Entity. Certain revenues collected from Shared Private Parking spaces may be collected by the Parking Entity, depending upon operational considerations including customer convenience (such as a community distribution kiosk), but such revenues would be paid by the Parking Entity to Owner.
7. Owner agrees to share a total of 10% of its private parking spaces (exclusively in Blocks E, G, J, K, L, M, N, O, P, Q and R) in the Project, on a block-by block basis, for public use subject to the time limits in Section 2 and other operational considerations, once rail service becomes operational at the ITC Project (the “10% Shared Parking”). It is anticipated that at full-build-out this will equal 176 spaces.

In addition to the 10% Shared Parking, Owner agrees to share 40 additional parking spaces for shared public-private use (the “40 Shared Parking Spaces,”) once both rail and ferry service become fully operational at the ITC Project. The 40 Shared Parking Spaces shall be as designated by the Owner in consultation with the City, with the intent that they too will be equally distributed among the participating Blocks, and shall also be subject to the time limitations provided for in Section 2 above.

“Shared Private Parking” shall mean: (i) the 10% Shared Parking once rail or ferry service is operational, and (ii) the 10% Shared Parking and the 40 Shared Parking Spaces once both rail and ferry services are operational.

8. If actual parking demand is different than projected in the demand analysis prepared by CDM Smith dated October 14, 2019 (the “Demand Analysis”), Shared Private Parking supply could flex higher or

lower subject to a cap and a floor, pursuant to a process to be delineated in the Parking Operations Agreement.

9. Owner agrees that the City may provide public on-street parking around Block K, and Owner will not exercise its right to purchase the land under the former second crossing of Refugio Creek, provided such wrap around street can also be utilized for EVA purposes for the Project.
10. The ability of users to determine the location of public parking and Shared Private Parking in the Bayfront Master Plan area will be greatly simplified by use of common software and smartphone apps that map available parking supply by location and allow/promote daily parking reservations, as managed by the Association.
11. Parking wayfinding and directional signage will be consistent throughout the Bayfront Master Plan area, clearly signaling the location and entrances of public parking and Shared Private Parking locations.
12. City staff and Owner will explore the feasibility of options for connecting the below grade garages on the Owner owned Block G and the City owned Block I, where the ITC Project will be built, which create efficiency by the possible elimination of ramping the garage under the ITC Project.
13. Other City options to accommodate parking demand at even higher levels than projected by the Demand Analysis include shuttling from the Hercules Transit Center, and/or building a second level of parking below the ITC for a total of 158 spaces. Owner shall have no obligation whatsoever with respect to these options.
14. City and Owner agree that additional terms as may be necessary to incorporate into the Parking Operations Agreement shall be guided by and consistent with the Waterfront District Master Plan and the requirements of the Agreement.

Miscellaneous

Pursuant to Section 11.3 of the Agreement, this Operating Memorandum will be attached as an addendum to and made part of the Agreement.

The Agreement remains unmodified and in full force and effect, except as refined in this Operating Memorandum.

This Operating Memorandum is for the sole benefit of the parties hereto and their respective successors and assigns (to the extent permitted by the Agreement), and no third party beneficiaries are intended or created hereby.

As a condition of entering into this Operating Memorandum, Owner agrees to withdraw its October 21, 2019 “Notice of Default under Implementing Development Agreement and Notice of Mitigation Fee Act Protest.”

This Operating Memorandum may be executed in multiple counterpart copies, any one of which when duly executed, with all formalities hereof, shall be fully binding and effective as the original of this Operating Memorandum.

Each of the undersigned hereby executes this Operating Memorandum to evidence their respective agreement to the above terms of this Operating Memorandum, effective as of the date set forth below.

Operating Memorandum Effective Date: _____, ____

“CITY”

City of Hercules

David Biggs

City Manager

“OWNER”

Hercules Development Partners LP

Pat Patterson, COO, Development

Approved as to form:

By: _____

City Attorney

074889\11465808v1

DRAFT 2/18/20

Conceptual Memorandum of Understanding

Bayfront Parking

City of Hercules (City) and Hercules Development Partners LP (Developer)

Over the past six months City staff and Developer have met regularly to address requirements in the Waterfront District Master Plan and under the Implementing Development Agreement regarding Bayfront parking and the anticipated Bayfront parking district.

The meetings have been collaborative and productive and are moving towards the development of a mutually agreeable implementation agreement regarding Bayfront parking. This Conceptual Memorandum of Understanding represents the framework which the negotiating principals agree shall form the basis for the development of an implementation agreement ("Implementation Agreement").

The City's parking consultant, CDM Smith, prepared a parking Demand Analysis dated February 26, 2019 that predicted a parking shortfall of approximately 140 spaces for a limited peak demand period at final build-out under the premise that the City builds a one level subterranean parking garage on Block I (93 spaces), that rail and ferry service are fully operational at the Intermodal Transit Center, and that 95,000 square feet of retail and all residential development (1526 units) had been completed and occupied per the Hercules Bayfront Master Plan.

The Demand Analysis also incorporated the Developer's proposal to share 10% of its private residential parking, for an additional 176 spaces. The Demand Analysis further identifies that if the Developer agrees to allow street parking on the loop road around block K (providing approximately 100 on-street parking spaces) that the 140-space peak supply gap would be reduced to only 40 spaces.

The Demand Analysis did not consider certain factors that would reduce parking demand like ride sharing services such as Uber and Lyft when accounting for visits to the Bayfront. It also did not consider pedestrian visits from the surrounding neighborhoods and area office workers, or other trends which will impact parking demand, such as autonomous vehicles. It also assumed that 40% of the retail space that is built by the Developer is occupied by sit-down restaurants, which increase the length of time retail visitors occupy available parking.


City staff and Developer tentatively agree on the following provisions for implementing the Bayfront Parking District:

- A supervisory board comprised of Developer and public appointees would establish and enforce the rules and manage the operations of the parking district.
- The board would establish rules and set rates for on-street public parking, off-street public parking, and shared private parking to be further defined in the Implementation Agreement
- The City will enforce public on-street and public off-street parking and the Developer/Owner will enforce shared private parking.
- Parking policies may include:
 - Demand based pricing ("performance-based parking management").

- Time limits
- Residential permits
- The board will adopt a budget for administration/operation of the parking district on an annual basis and a year-end reconciliation of actual revenues and expenses will be performed. Developer and City agree that each party shall pay for its proportionate share of the administrative/operational expenses of the District. The Developer's non-shared private parking would bear some portion of the parking districts expenses to the extent those spaces benefit from parking district programs such as a common validation system.
- Generally, revenues from private parking would be retained by the Developer and revenues from the public parking would be retained by the District. Revenues collected from shared private parking spaces could be collected by the District depending upon operational considerations including customer convenience.
- Developer agrees to share 10% of its private parking (excluding blocks ABC&D) for public use, subject to time, other operational considerations and the trigger for the commencement, all to be further defined by the Implementation Agreement.
- If actual district demand is different than projected, shared private parking supply could flex higher or lower, subject to a cap and a floor.
- Developer agrees to on-street parking around block K and will not exercise its right to purchase the land under the former second crossing of Refugio Creek, provided such wrap around street may also be utilized for EVA purposes.
- The ability of users to determine the location of available district parking will be greatly simplified by use of common software and smartphone apps that map available parking supply by location and allow/promote daily parking reservations.
- Parking wayfinding and directional signage will be consistent throughout the district clearly signaling the location and entrances of publicly available off-street parking locations.
- City staff and Developer will explore options for connecting the below grade garages on the Developer owned Block G and the City owned block I, where the ITC will be built, which create efficiency by the possible elimination of ramping the garage under the ITC.
- Other City options to accommodate parking demand at even higher levels than projected by the Demand Analysis include shuttling from the Hercules Transit Center, and/or building a second level of parking below the ITC for a total of 158 spaces.

Both parties agree that many details still need to be worked out, and that not all elements needed to be incorporated into an Implementation Agreement have been addressed or resolved, but both sides agree that the Bayfront Parking District will be implemented consistent with Waterfront District Master Plan and per the requirements of the Implementing Development Agreement as refined by the conditions of approval for each project phase. The terms of this Memorandum of Understanding are not binding upon the parties until they are incorporated into an executed Implementation Agreement.

David Biggs
City



Pat Patterson, COO-Development
Hercules Development Partners LP



STAFF REPORT TO THE CITY COUNCIL

DATE: Meeting of February 25, 2020

TO: Members of the City Council

SUBMITTED BY: David Biggs, City Manager
Edwin Gato, Director of Finance

SUBJECT: Accept the Investment Report for the Quarter Ending December 31, 2019

RECOMMENDED ACTION:

Accept the Investment Report for the Quarter Ending December 31, 2019.

COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION:

This report was presented to the Finance Commission on February 19, 2020, special meeting.

FISCAL IMPACT OF RECOMMENDATION:

This is an information report with no fiscal impact.

DISCUSSION:

This report presents the City's investment portfolio for the quarter ending December 31, 2019. It has been prepared to comply with regulations contained in California Government Code Section 53646 and City's Investment Policy. The report includes all cash and investments managed by the City. It also includes City-related investments held by bond trustees for debt service obligations as well as money held in the irrevocable trust with PARS for pension and other post-employment benefits (OPEB). The report provides information on the investment type, issuer, maturity date, cost, and current market value for each security.

The City utilizes the Local Agency Investment Fund (LAIF) as a money market fund administered by the State Treasurer. LAIF has many governmental agency participants and holds securities through its administrator. LAIF provides local agencies a way to invest cash held in treasury pool that may be withdrawn as needed on a same-day basis to meet the agency's cash flow needs while realizing interest generated by the Pooled Money Investment Account (PMIA). Moreover, the Investments held by Bond Trustees are administered in accordance with individual bond indentures.

As of December 31, 2019, the overall pooled investment portfolio average yield (before adjustments for changes in market value) was 1.66%, which is higher than the rate for two-year U.S. Treasury Note at 1.58% and just under the LAIF average monthly rate of 2.29%.

On December 31, 2019, the market value of the pooled portfolio was \$2,366 better than the book value. As the City does not intend to sell its pooled investment portfolio securities prior to maturity, this will have no effect on yield.

Investment Type	Market Value	Amount Over/(Under) Cost	Average Length of Duration	Average Yield
Cash on Hand and on Deposit	\$7,278,743	-	1	0.00%
Local Agency Investment Fund (LAIF)	37,854,040	\$2,537	1	2.29%
Irrevocable Trust (Pension)	1,713,801	-	1	1.27%
Irrevocable Trust (OPEB)	2,549,825	-	1	1.27%
Investments with Bond Trustees	25,104,283	-	1	1.81%
Total Portfolio	\$74,500,692	\$2,537	1	1.66%

The 50.81% of the total Investment Portfolio was deposited with LAIF as of December 31, 2019. LAIF has 68.28% of its investments in U.S. Treasuries and agency notes, 17.49% in CDs and bank notes, and 14.23% in other types of investments. Additional economic summaries and specific information related to each of the investment advisors and LAIF are included in the Investment Portfolio Summary Report included in Exhibit 1.

The City invests its idle cash from all operating funds on a pooled basis to maximize returns. Earnings are allocated to each fund based on the average cash balance. Total investment income for the City as of December 31, 2019 was \$663,940. The timing of revenue collections, such as property tax, business licenses, and franchise tax, affects the quarterly investment income during the year. There is adequate cash to meet expected obligations over the next six months.

Governmental Accounting Standards Board (GASB) Statement 40 requires the City to recognize the fair market value of its investments at the end of each fiscal year. The market values of investments included in this report are obtained from the State Controller's office for LAIF and from the City's registered investment managers and bond trustees for all other investments. These market valuations are subject to daily changes. The difference between market value and historical costs, known as Unrealized Investment Gains and Losses, are temporary in nature and are not cash related transactions. Since it is the City's general intention to hold its investments until maturity, when they would be redeemed at par value, any unrealized gain or loss is only reported at the end of the fiscal year in the City's Comprehensive Annual Financial Report.

Of the total cash and investments reported above, only the portions held in the City's General Fund (approximately \$8.3 million, or 11%) and Internal Service Funds (approximately \$2.4 million, or 3%) are unrestricted, although a portion of these amounts may be committed for existing obligations or designated for specific purposes. The remaining \$63.6 million, or 85%, of the City's cash and investments are restricted for specific uses, in accordance with federal, state or local agency rules and regulations.

ATTACHMENTS:

1. Quarterly Investment Report



Investment Report

For Quarter Ended December 31, 2019

City of Hercules, California





CITY OF HERCULES
FINANCE DEPARTMENT
111 CIVIC DRIVE
HERCULES, CALIFORNIA 94547-1771
PHONE: 510-799-8200

February 25, 2019

Honorable Mayor and City Council:

I verify that this investment portfolio conforms with all state laws and City's investment policy. The City's expenditures requirements for the next months are covered by anticipated revenues from City operations and liquidity from cash on deposit.

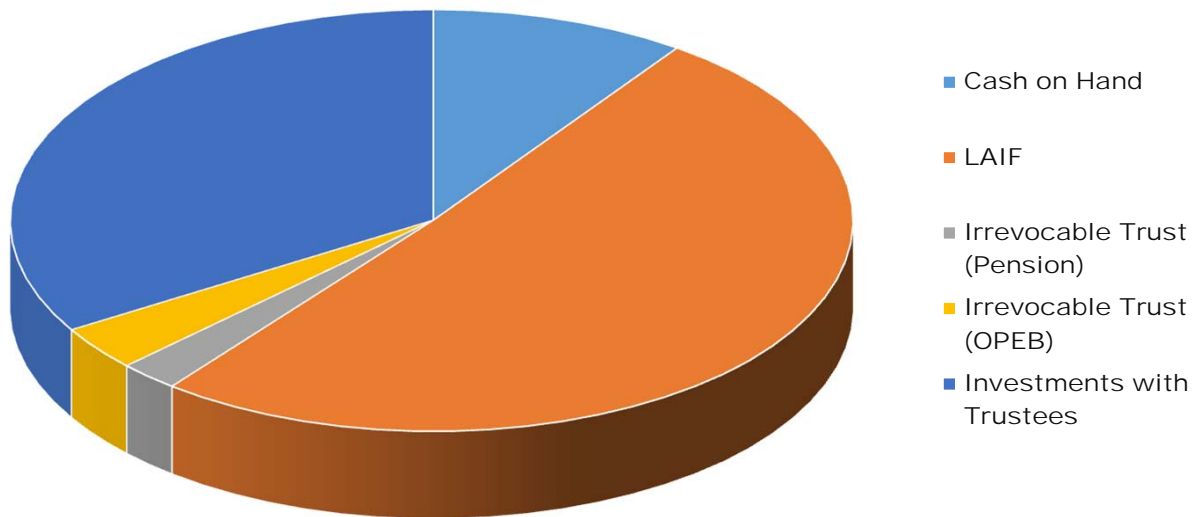
Sincerely,



Edwin Gato
Finance Director/City Treasurer

City of Hercules, California
Investment Portfolio Summary Report
For the Quarter Ended December 31, 2019

Investments by Type



	<u>Book Value</u>	<u>% of Total</u>	<u>Average Duration in Days</u>	<u>Average Yield</u>	<u>Market Value</u>
Cash on Hand	\$2,255				\$2,255
Cash on Deposit	7,276,488		1	1.54%	7,276,488
Total Cash on Hand	7,278,743	9.77%	1	1.54%	7,278,743
Local Agency Investment Fund (LAIF)	37,851,504	50.81%	1	2.29%	37,853,869
Irrevocable Trust (Pension)	1,713,801	2.30%	1	1.27%	1,713,801
Irrevocable Trust (OPEB)	2,549,825	3.42%	1	1.27%	2,549,825
Investments with Bond Trustees	25,104,283	33.70%	1	1.81%	25,104,283
Total Portfolio	\$74,498,156	100.00%	1	1.73%	\$74,500,521

Amount over (under) Market Value vs. Book Value \$2,365
% of Portfolio 0.0032%

	<u>General Fund</u>	<u>All Other Funds</u>
FY 18-19 Investment Earnings	298,626	1,059,511
FY 19-20 Fiscal Year to Date Investment Earnings	134,368	529,571

Note: Yield shown does not account for change in market value of investments.

I verify that this investment portfolio is in conformity with all state laws and the City's investment policy, which will be reviewed annually by the City Council of the City of Hercules.

Edwin Gato, Finance Director

City of Hercules
Detail for Investment Portfolio Summary Report
For the Quarter Ended December 31, 2019

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY	(DAYS) REMAINING LIFE	PAR VALUE	MARKET VALUE
CASH ON HAND									
PETTY CASH	2,255.00							2,255.00	2,255.00
CASH IN BANK									
MECHANICS BANK - GENERAL CHECKING	4,152,995.38							4,152,995.38	4,152,995.38
MECHANICS BANK - HERCULES RDA	116,050.76							116,050.76	116,050.76
MECHANICS BANK - PD ASSET SEIZURE	369,593.91							369,593.91	369,593.91
CalTRUST	19,788.71	1.5400%		10/1/2019	12/31/2019	91	92	19,788.71	19,788.71
WELLS FARGO (ESCROW ACCOUNT)	2,618,059.73	1.5400%						2,618,059.73	2,618,059.73
TOTAL AND AVERAGES	7,276,488.49	1.5400%	1.5400%			91	92	7,276,488.49	7,276,488.49
LOCAL AGENCY INVESTMENT FUND (LAIF)									
LAIF	37,851,503.59	2.2900%	2.2900%	10/1/2019	12/31/2019	91	92	37,851,503.59	37,853,869.34
IRREVOCABLE TRUST (PENSION/OPEB)									
US BANK MUTUAL (PARS-OPEB)	2,549,825.33	1.2700%	1.2700%	10/1/2019	12/31/2019	91	92	2,549,825.33	2,549,825.33
US BANK MUTUAL (PARS-PENSION)	1,713,801.28	1.2700%	1.2700%	10/1/2019	12/31/2019	91	92	1,713,801.28	1,713,801.28
TOTAL AND AVERAGES	4,263,626.61	1.2700%	1.2700%			91	92	4,263,626.61	4,263,626.61
INVESTMENTS WITH BOND TRUSTEES									
GE CAPITAL CORPORATION	54,434.21	3.0278%	3.0278%	10/1/2019	12/31/2019	91	92	54,434.21	54,434.21
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES PFA SER 03B RESERVE FD)	197.66	1.7000%	1.7000%	10/1/2019	12/31/2019	91	92	197.66	197.66
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES PFA SER 03B PRINCIPAL ACCT)	-							-	-
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES PFA SER 03B REV FD)	1,338.94	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	1,338.94	1,338.94
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES J MUJR PKWY 05 1 REDEMP PR)	727.30	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	727.30	727.30
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES J MUJR PKWY 05 1 RES FD)	314.05	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	314.05	314.05
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES RDA SER 05 07 REVENUE FUND)	9,073.23	1.8400%	1.8400%	10/1/2019	12/31/2019	91	92	9,073.23	9,073.23
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES RDA SER 05 RESERVE FD)	2,799,163.60	1.8400%	1.8400%	10/1/2019	12/31/2019	91	92	2,799,163.60	2,799,163.60
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES 2007A REVENUE FD)	1,407.39	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	1,407.39	1,407.39
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES 2007B REVENUE FD)	1,095.84	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	1,095.84	1,095.84
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES 2007B RESERVE A C)	1,078,604.58	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	1,078,604.58	1,078,604.58
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES 2007B PROJECT FD ACCOUNT)	51,920.88	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	51,920.88	51,920.88

City of Hercules
Detail for Investment Portfolio Summary Report
For the Quarter Ended December 31, 2019

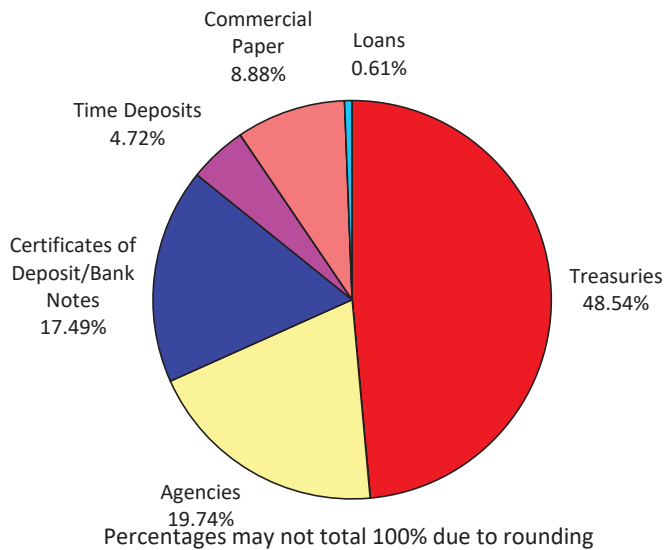
DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY	(DAYS) REMAINING LIFE	PAR VALUE	MARKET VALUE
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES 2007A RESERVE A C)	1,224,202.58	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	1,224,202.58	1,224,202.58
THE BANK OF NEW YORK (BNY) JM COI FUND	16,550.00	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	16,550.00	16,550.00
THE BANK OF NEW YORK (BNY) JM RESERVE FUND	55,797.47	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	55,797.47	55,797.47
THE BANK OF NEW YORK (BNY) JM REDEMPTION FUND	1,000.00	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	1,000.00	1,000.00
THE BANK OF NEW YORK (BNY) JM REFDG FUND	3,125,312.31	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	3,125,312.31	3,125,312.31
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES RDA 2007A PROJ REIMB ACCT)	608,412.93	1.8400%	1.8400%	10/1/2019	12/31/2019	91	92	608,412.93	608,412.93
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES RDA 2007A RESERVE ACCT)	3,794,704.72	1.8400%	1.8400%	10/1/2019	12/31/2019	91	92	3,794,704.72	3,794,704.72
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES PFA 2010 ACQ CONST FUND)	52.77	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	52.77	52.77
THE BANK OF NEW YORK WWPT REVENUE BONDS THE BANK OF NEW YORK WWPT BOND SERVICE BOND	767,251.91	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	767,251.91	767,251.91
	3.43	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	3.43	3.43
THE BANK OF NEW YORK WWPT ACQUISITION COSTS	6,369,238.93	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	6,369,238.93	6,369,238.93
THE BANK OF NEW YORK WWPT ACQUISITION COSTS	227,521.45	1.7100%	1.7100%	10/1/2019	12/31/2019	91	92	227,521.45	227,521.45
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES PFA REV REFUNDING BONDS ELECTRIC SYSTEM PROJECT SERIES 2010 FR)	1,646,507.86	2.1700%	2.1700%	10/1/2019	12/31/2019	91	92	1,646,507.86	1,646,507.86
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES PFA REV REFUNDING BONDS ELECTRIC SYSTEM PROJECT SERIES 2010 FR)	1,447,084.89	2.1700%	2.1700%	10/1/2019	12/31/2019	91	92	1,447,084.89	1,447,084.89
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES PFA 09 REVENUE FUND)	275,548.79	1.4800%	1.4800%	10/1/2019	12/31/2019	91	92	275,548.79	275,548.79
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES PFA 09 DEBT SERV PRIN ACCT)	260,675.96	1.8400%	1.8400%	10/1/2019	12/31/2019	91	92	260,675.96	260,675.96
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES PFA 09 DEBT SERV INT ACCT)	365,424.00	1.8400%	1.8400%	10/1/2019	12/31/2019	91	92	365,424.00	365,424.00
THE BANK OF NEW YORK (BNY) MELLON TRUST (HERCULES PFA 09 RESERVE FD)	920,715.00	1.8400%	1.8400%	10/1/2019	12/31/2019	91	92	920,715.00	920,715.00
TOTAL AND AVERAGES	25,104,282.68	1.8103%	1.8103%			91	92	25,104,282.68	25,104,282.68
TOTAL INVESTMENT REPORT	74,498,156.37	1.7276%	1.7276%			91	92	74,498,156.37	74,500,522.12



PMIA/LAIF Performance Report as of 02/12/2020



Pooled Money Investment Account Portfolio Composition ⁽¹⁾ 01/31/20 \$100.6 billion



PMIA Average Monthly Effective Yields ⁽¹⁾

Jan 2020	1.967
Dec 2019	2.043
Nov 2019	2.103

LAIF Quarterly Performance Quarter Ended 12/31/19

Apportionment Rate ⁽²⁾ :	2.29
Earnings Ratio ⁽²⁾ :	0.0000625008577897
Fair Value Factor ⁽¹⁾ :	1.001770298
Daily ⁽¹⁾ :	2.02%
Quarter to Date ⁽¹⁾ :	2.11%
Average Life ⁽¹⁾ :	226

PMIA Daily Rates ⁽¹⁾

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
01/13/20	1.98	1.99	220
01/14/20	1.97	1.99	221
01/15/20	1.96	1.99	228
01/16/20	1.95	1.99	226
01/17/20	1.95	1.99	224
01/18/20	1.95	1.98	224
01/19/20	1.95	1.98	224
01/20/20	1.95	1.98	224
01/21/20	1.95	1.98	219
01/22/20	1.95	1.98	218
01/23/20	1.94	1.98	216
01/24/20	1.94	1.98	218
01/25/20	1.94	1.97	218
01/26/20	1.94	1.97	218
01/27/20	1.94	1.97	216
01/28/20	1.94	1.97	215
01/29/20	1.94	1.97	216
01/30/20	1.93	1.97	215
01/31/20	1.93	1.97	215
02/01/20	1.93	1.97	215
02/02/20	1.93	1.96	215
02/03/20	1.92	1.96	213
02/04/20	1.92	1.96	211
02/05/20	1.92	1.96	212
02/06/20	1.92	1.96	211
02/07/20	1.92	1.96	210
02/08/20	1.92	1.96	210
02/09/20	1.92	1.96	210
02/10/20	1.92	1.96	209
02/11/20	1.92	1.96	208
02/12/20	1.92	1.95	206

*Daily yield does not reflect capital gains or losses

[View Prior Month Daily Rates](#)

Notes: The apportionment rate includes interest earned on the CalPERS Supplemental Pension Payment pursuant to Government Code 20825 (c)(1) and interest earned on the Wildfire Fund loan pursuant to Public Utility Code 3288 (a).

Source:

(1) State of California, Office of the Treasurer

(2) State of California, Office of the Controller