

CORONAVIRUS (COVID-19) ADVISORY

IMPORTANT INSTRUCTIONS ON HOW TO PARTICPATE AND WATCH THE HERCULES CITY COUNCIL MEETING

On March 16, 2020, the Health Officer of Contra Costa County issued an Order through April 7, 2020 that directed that all individuals living in the county to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities and work for essential businesses and governmental services.

Under the Governor's Executive Order N-25-20, this meeting may utilize teleconferencing or other virtual meeting platforms. Pursuant to the Governor's Executive Order N-25-20, teleconferencing restrictions of the Brown Act have been suspended.

Beginning with the April 14, 2020 Hercules City Council meeting, the City Council will conduct its meeting utilizing ZOOM.

DUE TO THE SHELTER IN PLACE ORDERS AND PURSUANT TO EXECUTIVE ORDER N-25-20, direct public attendance or participation at council meetings has been suspended and the Council Chambers will be closed to the general public. Attendance at the meeting in the Council Chamber will be limited to the Mayor and essential City of Hercules staff which will be conducted under the mandated social distancing requirements. The remaining members of the City Council will participate virtually through the ZOOM application. Applicants, consultants, and others with matters before the Council will be allowed to participate via ZOOM but must make prior arrangements with the City Clerk.

How to watch the meeting from home:

1. Comcast Channel 28
2. Livestream online at <https://hercules.legistar.com/Calendar.aspx>

We are happy to accommodate written public comments. Public Comment will be accepted by email to lmartin@ci.hercules.ca.us during the meeting, prior to the close of public comment on an item and read into the record during public comment. Additional ways to provide your public comment is to mail your comment to City of Hercules, ATTN: City Clerk – Public Comment (Meeting Date), 111 Civic Drive, Hercules, CA 94547 via USPS in time to reach the City Clerk no later than 5:45 p.m. on the day of the meeting or by telephone by calling (510) 799-8215 no later than 5:45 p.m. on the meeting date. All comments received by the close of the public comment period will be available after the meeting as supplemental materials and will become part of the official meeting record. The City cannot guarantee that its network and/or the site will not be uninterrupted. To ensure that the City Council receives your comments, you are strongly encouraged to submit your comments in writing in advance of the meeting by 5:45 p.m. on the day of the Council meeting.

Individuals wishing to address the City Council are asked to provide the following information:

1. Subject Line to contain the words "PUBLIC COMMENTS"
2. (Optional) - Name, address and contact information of person providing comments.
3. General topic or agenda item you wish to comment on.

All public comments are allowed up to 3 minutes to relay their message or concern. All public comments are recorded and become part of the public record. A limit of 30 minutes will be devoted to taking public comment during the first public comment period on the agenda. If any speaker comments have not been read into the record at the conclusion of the initial 30 minute period, time will be reserved at the conclusion of the meeting to read the remaining comments.

City of Hercules

111 Civic Drive
Hercules, CA 94547



Meeting Agenda

Tuesday, July 14, 2020

6:30 PM

JOINT MEETING OF THE HERCULES CITY COUNCIL AND THE HERCULES PUBLIC FINANCING AUTHORITY

Virtual Meeting Via Zoom

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 – 6:30 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. [20-284](#) Pursuant to Government Code Section 54957.6 Conference With Labor Negotiators - City Negotiators: David Biggs, City Manager; Edwin Gato, Director of Finance; Lori Martin, Director of Administrative Services relative to the following employee groups:
 - a. Teamsters Local 315 Employee Organizations
 - b. Hercules Police Officers Association
 - c. City Manager Contract (City Negotiator - Mayor Esquivias)

IV. REGULAR AND JOINT 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

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed as follows:

Public comment will be accepted by email to Lori Martin at lmartin@ci.hercules.ca.us during the meeting, prior to the close of public comment on an item and will be read into the record during public comment. All comments received by the close of the public comment period will be available after the meeting as supplemental materials and will become part of the official meeting record. The City cannot guarantee that its network and/or the site will not be uninterrupted. To ensure that the City Council receives your comments, you are strongly encouraged to submit your comments in writing in advance of the meeting.

For additional alternatives to providing public comments please refer to the Notice of Important Instructions on how to Participate and Watch the Hercules City Council Meeting on the front page of the agenda.

Individuals wishing to address the City Council are asked to provide the following information: 1. Subject line to contain the words "PUBLIC COMMENTS". 2. Name, address and contact information of person providing comments. 3. General topic or agenda item you wish to comment on.

All public comments are allowed up to 3 minutes to relay their message or concern. 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. [20-282](#) **Continued Public Hearing on Approving Additions, Deletions and Adjustments to the Master Fee Schedule with Said Additions, Deletions and Adjustments to become effective July 15, 2020**
Recommendation: Open the continued public hearing, receive a staff report, take public testimony, close the public hearing and consider adopting a Resolution approving the Master Fee Schedule effective July 15, 2020.

Attachments: [Staff Report - Master Fee Schedule 071420](#)
 [Attach 1 - Supplemental Memo - Master Fee Schedule](#)
 [Attach 2 - Resolution Master Fee Schedule](#)
 [Attach 3 - FY 20-21 Master Fee Schedule CC 071420 rev with FY 19-20 Comparison](#)

2. [20-275](#) **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](#)
 [Attach 2 - Hercules Prelim - 071420](#)

3. [20-277](#) **First Reading and Introduction of an Ordinance Amending Chapter 13-34 "Sign Regulations" of the Hercules Municipal Code to Allow the City to Make the Regulations Content-Neutral and Consistent with Recent Court Rulings (Including U.S. Supreme Court *Reed v. Town of Gilbert*) as Well as Making Certain Minor Regulatory Changes for Consistency and Clarity**
Recommendation: Open the public hearing, receive a staff report, take public testimony, close the public hearing and consider waiving the first reading and approving the introduction of Ordinance 527.

Attachments: [Staff Report - Council Sign Ordinance Update](#)
[Attach 1 - September 10, 2019 Staff Report](#)
[Attach 2 - May 12, 2020 Staff Report](#)
[Attach 3 - June 1, 2020 Planning Commission Staff Report](#)
[Attach 4 - Planning Commission Resolution](#)
[Attach 5 - ZTA 20-01 - Sign Ordinance Update - Att 5- draft amendment - redline F](#)
[Attach 6 - ZTA 20-01 - Sign Ordinance Update - Att 6 - draft amendment - clean](#)

XII. CONSENT CALENDAR

1. [20-276](#) **Minutes**
 Recommendation: Approve the regular meeting minutes and special meeting minutes of June 23, 2020.

 Attachments: [Minutes - 062320 - Special](#)
 [Minutes - 062320 - Regular](#)

2. [20-278](#) **Sterling National Bank Equipment Lease Purchase Agreement**
 Recommendation: Eliminate the contingency related to the Sterling National Bank Equipment Lease Purchase Agreement as approved on June 23, 2020.

 Attachments: [Staff Report - Sterling ENGIE Financing Contingency 07142020](#)

3. [20-281](#) **Acceptance of the Refugio Valley Park Tennis Court Resurfacing Project**
 Recommendation: Adopt a Resolution accepting the Refugio Valley Park tennis court resurfacing project as complete for a total amount of \$162,300 and authorizing the filing of the Notice of Completion with the Contra Costa County Recorder's Office.

 Attachments: [Staff Report - Refugio Park Tennis Court Resurfacing Project Acceptance](#)
 [Attach 1 - Resolution - Tennis Court Resurfacing Project Acceptance](#)
 [Attach 2 - Notice of Completion - Tennis Court Resurfacing Project Acceptance](#)
 [Attach 3 - Exhibit Tennis Court Resurfacing Project Acceptance](#)

4. [20-283](#) **Side Letter with Hercules Police Officers Association**
 Recommendation: Approve a side letter with the Hercules Police Officers Association modifying the existing Memorandum of Understanding effective through June 30, 2021.

 Attachments: [Staff Report - POS Side Letter 07142020](#)
 [Attach 1 - POA Side Letter](#)

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [20-285](#) **Designation of Voting Delegate and Alternates for the League of California Cities Annual Conference and Business Meeting**
Recommendation: Designate voting delegate and alternates for the League of California Cities Annual Conference and Business Meeting to be held October 7-9 in Long Beach, CA.

Attachments: [Staff Report - LOCC Voting Delegate](#)
 [Attach 1 - Voting and Delegate Form and Instructions](#)

XIV. COMMISSION OF THE HERCULES PUBLIC FINANCING AUTHORITY

1. [20-280](#) **Resolution of the Commission of the Hercules Public Financing Authority Setting July 28, 2020 as a Regular Commission Meeting**
Recommendation:
 - 1) Adopt a Resolution establishing July 28, 2020 as a regular meeting of the Authority.
 - 2) Authorize the officers of the Authority to take all actions necessary to implement the purpose of such Resolution.

Attachments: [Staff Report - Approval of Regular Meeting Date - 071420](#)
 [Attach 1 - Resolution - Establishing Regular Meeting Date](#)

XV. 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.

XVI. 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.

XVII. ADJOURNMENT

The next Regular Meeting of the City Council will be held on Tuesday, July 28, 2020 at 7:00 p.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 e-notice from the City's homepage. Agendas and staff reports may also be obtained by contacting the Administrative Services Department at (510) 799-8215

(Posted: July 9, 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 July 14, 2020

TO: Members of the City Council

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

SUBJECT: Continued Public Hearing on Approving Additions, Deletions and Adjustments to the Master Fee Schedule with said Additions, Deletions and Adjustments become effective July 15, 2020

RECOMMENDED ACTION:

Open the Continued Public Hearing, Receive a Staff Report, Take Public Testimony, Close the Public Hearing, and Adopt the following resolution (Attachment 1):

A Resolution of the City Council of the City of Hercules Approving Additions, Deletions, and Adjustments to the Master Fee Schedule with said Additions, Deletions, and Adjustments to Become Effective July 15, 2020.

COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION:

The Finance Commission did a full review of the FY 2020-21 Proposed City's Master Fee Schedule update at their special meeting on June 18, 2020, and completed their review with no comments to forward to the City Council.

FISCAL IMPACT OF RECOMMENDATION:

The eligible fees in the Master Fee Schedule have been increased by the Consumer Price Index (CPI) of 3% and the staff review of all fees and charges to determine if they are up to date, current, at the appropriate level, competitive/fair/affordable, and provide a reasonable return to the City for the cost of providing services for which they are being charged. The projected increase in revenues from the new fees outlined in the Master Fee Schedule is included in the Proposed FY 20-21 Budget. The estimated increase in revenue is between \$50,000 to \$70,000 and depending upon the level of activity during the fiscal year.

DISCUSSION:

The public hearing was noticed in the local newspaper on May 29, 2020 for a public hearing on June 23, 2020, and the hearing was continued open to July 14, 2020. The purpose of the public hearing is to provide a formal opportunity for community input. The proposed FY 20-21 Master Fee Schedule

is available on-line on the City's website (www.ci.hercules.ca.us) and through the following link: <https://www.ci.hercules.ca.us/home/showdocument?id=12978>

The FY 20-21 Master Fee Schedule reflects new and proposed changes to existing fees in many City departments, including a 3% inflationary adjustment based on the CPI applicable to identified programs, with exceptions as follows:

- If the fee's legal basis provides limitations.

The February 2019 to February 2020 Bay Area Consumer Price Increase was 2.9%. For those fees for which a CPI based adjustment is recommended, that was rounded to 3% in Attachment 2. Such fees and charges have been determined to recover costs, but do not exceed, the City's costs for providing such services.

Given the delay, the effective date for the fee increases will be July 15, 2020, if approved on July 14th.

ATTACHMENTS:

1. Supplemental Memorandum
2. Resolution
3. FY 20-21 City of Hercules Master Fee Schedule



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

DATE: June 25, 2020

TO: City Council

FROM: Robert Reber, Community Development Director

CC: David Biggs, City Manager

SUBJECT: "MASTER FEE SCHEDULE" – Supplemental information
(Item continued from June 23, 2020, City Council Agenda)

Below are recommended corrections to properly reflect the 3.4% consumer price index adjustment to the Transportation Facilities Impact Fees to be assessed for new development beginning July 1, 2020.

	Fee amount as listed in proposed Master Fee Schedule Effective July 1, 2020	Corrected fee amount
Transportation Facilities Impact Fee		
Single Family (per dwelling unit)	\$ 5,347.00	\$ 5,529.00
Multi Family (per dwelling unit)	\$ 3,025.75	\$ 3,128.00
Commercial-Retail-Flex (per building square foot)	\$ 8.19	\$ 7.43
Office (per building square foot)	\$ 7.26	\$ 6.46
Industrial (per building square foot)	\$ 6.83	\$ 6.03
Hotel (per room)	\$ 2,030.26	\$ 2,030.26 (no change; correct as listed)

RESOLUTION NO. 20-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES APPROVING ADDITIONS, DELETIONS AND ADJUSTMENTS TO THE MASTER FEE SCHEDULE WITH SAID ADDITIONS, DELETIONS AND ADJUSTMENTS TO BECOME EFFECTIVE JULY 15, 2020

WHEREAS, annually staff conducts a review of all fees and charges to determine if they are up to date, current, at the appropriate level, competitive/fair/affordable and provide a reasonable return to the City for the cost of providing services for which they are being charged; and

WHEREAS, as part of the FY 2020-21 budget process, it is the recommendation of staff to add some new fees, delete some existing fees, and to make some adjustments to other existing fees on the City's comprehensive Master Fee Schedule; and

WHEREAS, these recommended fee additions, deletions and adjustments have been evaluated and reviewed by the affected departments; and

WHEREAS, staff is requesting approval of the additions, deletions and adjustments; and

WHEREAS, the City Council has held a Public Hearing to allow comment and input from the community on these recommended fee additions, deletions and adjustments.

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

1. The Council hereby approves additions, deletions and adjustments on the attached Master Fee Schedule, said additions/adjustments to be effective July 15, 2020 as noted on Attachment 2 – Master Fee Schedule.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the 14th day of July 2020, by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Roland Esquivias, Mayor

ATTEST:

Lori Martin
Administrative Services Director/City Clerk

MASTER FEE SCHEDULE

Effective July 15, 2020

City of Hercules

111 Civic Drive
Hercules, CA 94547



SUMMARY

All fees have been administratively revised for the Consumer Price Index (CPI) rate of 3% applicable to identified programs, exceptions apply as follows:

- If the fee's legal basis provides limitations.
- All fees in the Building Inspection Program remain unchanged. The fees are establish by the County and/or State.

Such fees and charges have been determined to recover, but do not exceed, the City's costs for providing such services.

CITY OF HERCULES MASTER FEE SCHEDULE

Effective 7/15/2020

FUND NUMBER	DEPT. NUMBER	ACCOUNT NUMBER	FEE	LEGAL AUTHORITY	FY 19-20 FEES	Proposed Fees FY 20-21
GENERAL CITY-WIDE FEES						
Various	Various	Various	Document Copies (Per page)	Reso 19-033	\$0.26	\$0.27
Various	Various	Various	Electronic Copies of Documents (CD, CD Sleeve, Mailer - Postage not included)	Reso 19-033	\$2.59	\$2.66
Various	Various	Various	Books, Manuals, Reports, Misc. (To be determined by City Clerk)	Reso 09-114	Actual cost + 10% admin fee	Actual cost + 10% admin fee
Various	Various	Various	Copies of the City Budget document (Each)	Reso 19-033	\$37.00	\$38.00
Various	Various	Various	Copies of the City Comprehensive Annual Financial Report (CAFR) (Each)	Reso 19-033	\$32.00	\$33.00
Various	Various	Various	Loans of Manuals, Reports, Books, Misc. (Refundable deposit)	Reso 19-033	\$58.00	\$60.00
Various	Various	Various	"Non-sufficient Funds" Check Charge	Reso 19-033	\$37.00	\$38.00
100	4625	395.00-00	Stop Payment & Check Reissuance Fee	Reso 19-033	\$36.00	\$37.00
Various	Various	Various	Research for Records (Per hour) (Residents - first 30 minutes no charge)	Reso 19-033	\$42.00	\$43.00
Various	Various	Various	Credit Card usage administrative fee	Reso 09-114	\$2.00 per \$100.00, or increment thereof, being charged on the credit card	\$2.00 per \$100.00, or increment thereof, being charged on the credit card
Various	Various	Various	Imaging Fee	Reso 09-114	5% of any City fee being charged except Parks & Recreation Fees	5% of any City fee being charged except Parks & Recreation Fees
Various	Various	Various	Heritage Memorial Plaque Program	Reso 19-033	\$517.00 to \$620.00	\$532.00 to \$638.00
Various	Various	Various	Technology Enhancement Fee	Reso 09-114	5% of any City fee being charged except Parks & Recreation Fees	5% of any City fee being charged except Parks & Recreation Fees
Various	Various	Various	Late Fee on Past Due Invoices (Per day after due date)		5.00	5.00
CITY CLERK OFFICE FEES						
100	4420	395.00-00	Agenda Subscription (Any meeting agendas - per year - per type)	Reso 19-033	\$59.00	\$61.00
100	4420	395.00-00	Municipal Code	Reso 19-033	\$119.00	\$123.00
100	4420	395.00-00	Municipal Code Supplement Service	Reso 19-033	\$59.00	\$61.00
100	4420	395.00-00	Title 10, Land Use (Zoning Code)	Reso 19-033	Actual cost + 20% admin fee	Actual cost + 20% admin fee
100	4420	395.00-00	General Plan	Reso 19-033	Actual cost + 20% admin fee	Actual cost + 20% admin fee
100	4420	395.00-00	Public Hearing Continuance	Reso 19-033	\$142.00	\$146.00
100	4420	395.00-00	Filing Fee, Notice of Intent to Circulate Initiative Petition	EC 9202 b	\$200	\$206.00
100	4420	395.00-00	Campaign Statements and Statements of Economic Interest (Per page)	GC 81008	\$0.10	\$0.11
100	4420	395.00-00	Retrieval of Campaign Documents Over 5 Years Old	GC 81008	\$5	\$5.00
HERCULEAN / PARK & RECREATION ACTIVITY GUIDE ADVERTISING FEES						
			Size of Ad:			
			Electronic:			
100	Various	Various	Inside - 1/8 Page - Color	Reso19-033	\$92.00	\$93.00
100	Various	Various	Inside - 1/4 Page - Color	Reso19-033	\$131.00	\$132.00
100	Various	Various	Inside - 1/2 Page - Color	Reso19-033	\$172.00	\$173.00
100	Various	Various	Inside - Full Page - Color	Reso19-033	\$315.00	\$316.00
100	Various	Various	Inside/Back Front Cover or Glossy - Full Page - Color	Reso19-033	\$342.00	\$343.00
100	Various	Various	Outside Back Cover - 1/2 Page - Color	Reso19-033	\$368.00	\$369.00
			Paper:			
100	Various	Various	Inside - 1/8 Page - Color	Reso19-033	\$184.00	\$185.00
100	Various	Various	Inside - 1/4 Page - Color	Reso19-033	\$263.00	\$264.00
100	Various	Various	Inside - 1/2 Page - Color	Reso19-033	\$342.00	\$343.00
100	Various	Various	Inside - Full Page - Color	Reso19-033	\$631.00	\$632.00
100	Various	Various	Inside/Back Front Cover or Glossy - Full Page - Color	Reso19-033	\$683.00	\$684.00
100	Various	Various	Outside Back Cover - 1/2 Page - Color	Reso19-033	\$736.00	\$737.00
100	Various	Various	Full Bleed for Full Page Ad-Inside or Glossy	Reso19-033	\$16.00	\$17.00
100	Various	Various	Subscription for Non-residents (Per year)	Reso19-033	\$19.00	\$20.00
CABLE TV PROGRAM FEES						
100	4423	395.00-00	DVD/Video Tape Duplication (Plus cost of DVD/tape) First Hour	Reso 19-033	\$59.00	\$61.00
100	4423	395.00-00	Additional Hour of Portion Thereof	Reso 19-033	\$59.00	\$61.00
100	4423	395.00-00	Audio Tape Duplication (Plus cost of tape) First Hour	Reso 19-033	\$30.00	\$31.00
100	4423	395.00-00	Additional Hour of Portion Thereof	Reso 19-033	\$11.00	\$11.00
100	4423	395.00-00	Deposit for Borrowed Tape (Refundable deposit)	Reso 19-033	\$18.00	\$19.00
POLICE DEPARTMENT FEES						
100	5160	361.02-00	Alarm Permit	Reso 19-033	\$41.00	\$42.00
100	5160	361.04-00	Booking Fee (Full recovery from arrestee)	Reso 19-033	\$181.00	\$186.00
100	5160	361.04-00	Jail Access Fee	Reso 19-033	\$357.00	\$368.00
100	5160	361.07-00	Applicant Fingerprints (Live Scan) (Fee does not include additional Dept. of Justice fees which vary depending on type of applicant.)	Reso 19-033	\$47.00	\$48.00
100	5160	361.07-00	Applicant Fingerprints (Ink) - Resident	Reso 19-033	\$16.00	\$16.00
100	5160	361.07-00	Applicant Fingerprints (Ink) - Non-Resident	Reso 19-033	\$21.00	\$22.00
100	5160	361.07-00	Each Additional Fingerprint Card	Reso 19-033	\$5.00	\$5.00
100	5160	361.07-00	Business License/Peddler Applicant Background Check	Reso 19-033	\$62.00	\$64.00
100	5160	361.01-00	Traffic Accident Reports (Per Page)	GC 6253(b)	\$0.25	\$0.26
100	5160	361.01-00	Other Reports (Per Page)	GC 6253(b)	\$0.25	\$0.26
100	5160	361.01-00	Concealed Weapons Permit (Initial permit) (Plus cost of materials (range rental & ID Card))	Reso 19-033	\$233.00	\$240.00
100	5160	361.01-00	Concealed Weapons Permit (Annual renewal)	Reso 19-033	\$233.00	\$240.00
100	5160	361.01-00	Photographs (Non-digital)	Reso 19-033	\$83.00	\$85.00
100	5160	361.01-00	Verification of Loss Statement	GC 6253(b)	\$80.00	\$82.00
100	5160	361.01-00	Clearance Letter	Reso 19-033	\$57.00	\$59.00
100	5160	361.08-00	Reserve Police Officers-Special Events (Overtime cost per officer, per event)	Reso 09-114	Actual cost + 20% admin fee	Actual cost + 20% admin fee
100	5160	361.02-00	Response to False Alarms-- In a calendar year: First three (3) calls are free Fourth call is \$150 Fifth call and higher is \$200 each occurrence	HMC 4-12.05	\$155.00 \$205.00	\$160.00 \$211.00
100	5160	361.03-00	DUI (Full cost recovery from arrestee)	Reso 19-033	\$801.00	\$825.00
100	5160	361.01-00	Bicycle License	Reso 19-033	\$26.00	\$27.00
100	5160	361.01-00	Bicycle License Transfer	Reso 19-033	\$26.00	\$27.00
100	5160	361.01-00	Alcoholic Beverage License	Reso 19-033	\$103.00	\$106.00
100	5160	361.01-00	Record Review	Reso 19-033	\$83.00	\$85.00

CITY OF HERCULES MASTER FEE SCHEDULE

Effective 7/15/2020

FUND NUMBER	DEPT. NUMBER	ACCOUNT NUMBER	FEE	LEGAL AUTHORITY	FY 19-20 FEES	Proposed Fees FY 20-21
100	5160	361.08-00	Civil Proceedings (\$275/hr. with 4 hour minimum)	Reso 19-033	\$284.00	\$293.00
100	5160	361.08-00	Subpoena Duces Tecum 1563 (b) (6) E.C.	Reso 19-033	\$16.00	\$16.00
100	5160	361.09-00	Vehicle Release - Ordinary Tow (No offense by driver)	Reso 19-033	\$103.00	\$106.00
100	5160	361.09-00	Vehicle Release - Penalty Tow	Reso 19-033	\$191.00	\$197.00
100	5160	361.09-01	Property From Towed Vehicle (Release)	Reso 19-033	\$62.00	\$64.00
100	5160	361.06-00	Property Preservation	Reso 19-033	\$124.00	\$128.00
100	5160	361.08-00	Curfew Violation Response	Reso 19-033	\$103.00	\$106.00
100	5160	361.12-00	Vehicle Inspection and Certification	Reso 19-033	\$21.00	\$22.00
100	5160	361.01-00	VIN Verification	Reso 19-033	\$41.00	\$42.00
100	5160	361.01-00	Taxi Permit	Reso 19-033	\$52.00	\$54.00
100	5160	361.01-00	Taxi Inspections (Annual per vehicle)	Reso 19-033	\$62.00	\$64.00
100	5160	361.01-00	Massage Permit Application	Reso 19-033	\$124.00	\$128.00
100	5160	361.01-00	Massage Permit Renewal	Reso 19-033	\$124.00	\$128.00
PARKING VIOLATION PENALTIES						
			State Mandated Parking Citation Surcharges that apply to each 'PARKING VIOLATION PENALTIES' line item below (Totaling \$12.50 between the 4 charge, with fees to be collected & distributed to the State by citation processing firm)			
			-Courthouse Construction Fund	GC76100 & Reso 17-003	\$2.50	\$2.50
			-Criminal Justice Facilities Construction Fund	GC76101 & Reso 17-003	\$2.50	\$2.50
			-State Courthouse Facilities Construction Fund	GC70372(b) & Reso 17-003	\$4.50	\$2.50
			-State Trial Court Fund	GC76000.3 & Reso 17-003	\$3.00	\$3.00
100	5160	361.11-00	Unlawful Parking /Trails & Paths (Posted)	HMC 3-4.804	\$45.00	\$45.00
100	5160	361.11-00	Stopping or Standing in Parkways	HMC 3-4.1002	\$45.00	\$45.00
100	5160	361.11-00	No Stopping / Parking Zones	HMC 3-4.1003	\$45.00	\$45.00
100	5160	361.11-00	Stopping or Parking Prohibited	HMC 3-4.1004	\$45.00	\$45.00
100	5160	361.11-00	Parked Over 72 Hours	HMC 3-4.1005	\$45.00	\$45.00
100	5160	361.11-00	Parked for Advertising	HMC 3-4.1006	\$45.00	\$45.00
100	5160	361.11-00	Parked on Street for Repairs	HMC 3-4.1007	\$45.00	\$45.00
100	5160	361.11-00	Washing or Polishing Vehicle on Street	HMC 3-4.1008	\$45.00	\$45.00
100	5160	361.11-00	Parking Adjacent to Schools	HMC 3-4.1009	\$45.00	\$45.00
100	5160	361.11-00	Parking on Narrow Streets	HMC 3-4.1010	\$45.00	\$45.00
100	5160	361.11-00	Wheels Not Turned to Curb	HMC 3-4.1011	\$45.00	\$45.00
100	5160	361.11-00	Parking by Peddlers and Vendors	HMC 3-4.1012	\$45.00	\$45.00
100	5160	361.11-00	Emergency Parking Signs	HMC 3-4.1013	\$45.00	\$45.00
100	5160	361.11-00	Warning Signs For Disabled Commercial Vehicles	HMC 3-4.1014	\$45.00	\$45.00
100	5160	361.11-00	Leaving Keys in Parked Vehicle	HMC 3-4.1015	\$45.00	\$45.00
100	5160	361.11-00	Consent of Adjacent Owner for Parking Certain Vehicle	HMC 3-4.1016	\$45.00	\$45.00
100	5160	361.11-00	Parking Permit for Special Occasion	HMC 3-4.1017	\$45.00	\$45.00
100	5160	361.11-00	Trailer Parked on Street Overnight	HMC 3-4.1018	\$45.00	\$45.00
100	5160	361.11-00	Parking Commercial Vehicle within City Limits	HMC 3-4.1019	\$550.00	\$550.00
100	5160	361.11-00	Time Limit Parking	HMC 3-4.1101	\$45.00	\$45.00
100	5160	361.11-00	Parallel Parking on One-Way Street	HMC 3-4.1102	\$45.00	\$45.00
100	5160	361.11-00	Parking on Unimproved Street	HMC 3-4.1103	\$45.00	\$45.00
100	5160	361.11-00	Diagonal Parking	HMC 3-4.1104	\$45.00	\$45.00
100	5160	361.11-00	Parking Space Markings	HMC 3-4.1105	\$45.00	\$45.00
100	5160	361.11-00	No Stopping Zones	HMC 3-4.1106	\$45.00	\$45.00
100	5160	361.11-00	Curb Markings	HMC 3-4.1202	\$45.00	\$45.00
100	5160	361.11-00	Red Zone	HMC 3-4.1202.1	\$45.00	\$45.00
100	5160	361.11-00	Yellow Zone	HMC 3-4.1202.2	\$45.00	\$45.00
100	5160	361.11-00	White Zone	HMC 3-4.1202.3	\$45.00	\$45.00
100	5160	361.11-00	Permission to Load/Unload	HMC 3-4.1203	\$45.00	\$45.00
100	5160	361.11-00	Standing in Commercial Loading Zones	HMC 3-4.1204	\$45.00	\$45.00
100	5160	361.11-00	Standing in Passenger Loading Zones	HMC 3-4.1205	\$45.00	\$45.00
100	5160	361.11-00	Standing in Alleys	HMC 3-4.1206	\$45.00	\$45.00
100	5160	361.11-00	Parking in Bus Zone	HMC 3-4.1207	\$45.00	\$45.00
100	5160	361.11-00	Violate Established Parking District Provisions - 1st Offense in 12 mos.	HMC 3-4.1712 & Resos 15-090 & 17-003	\$100.00	\$100.00
100	5160	361.11-00	Violate Established Parking District Provisions - 2nd Offense in 12 mos.	HMC 3-4.1712 & Resos 15-090 & 17-003	\$200.00	\$200.00
100	5160	361.11-00	Violate Established Parking District Provisions - 3rd+ Offenses in 12 mos.	HMC 3-4.1712 & Resos 15-090 & 17-003	\$500.00	\$500.00
100	5160	361.11-00	Parking in Blue Curb Markings-Disabled Only	CVC 214589(a)(5)	\$350.00	\$350.00
100	5160	361.11-00	Parking in Bus Loading Zone	CVC 22500(i)	\$270.00	\$270.00
100	5160	361.11-00	Blocking Wheelchair Access	CVC 22500(i)	\$350.00	\$350.00
100	5160	361.11-00	Blocking Disabled Parking	CVC 22507.8(b)	\$350.00	\$350.00
100	5160	361.11-00	Parking in Crosshatch area adjacent to Disabled Space	CVC 22507.8(c)	\$350.00	\$350.00
100	5160	361.11-00	Parking within 3 feet designated sidewalk access ramps	CVC 22522	\$350.00	\$350.00
PARKS AND RECREATION						
			GENERAL PARK AND RECREATION WIDE FEES			
100	55XX	395.XX-XX	Discount on programs/services/classes paid in full only on day of Recreation Expo	Reso 4-014	10%	10%
100	5512	364.41-00	Refunds/Cancellations/Transfers/ Service Charges When Initiated By The Participant for Classes and Programs Before First Class Begins	Reso19-033	\$10.00	\$11.00
100	5510	395.00-00	Signboard Fee - one location, 1 side of sign, for 7 days	Reso19-033	\$16/day per sign	\$17/day per sign
100	5510	395.00-00	Signboard Fee - all locations, 1 side of sign, for 7 days	Reso19-033	\$78.00	\$80.00
100	5510	395.00-00	CLSC Non-Profit Groups Banner locations per month for one banner	Reso 16-005	\$35.00	\$36.00
100	5510	395.00-00	State Approved Non-Profit Groups Banner locations 1st month	Reso 16-005	\$35.00	\$36.00
100	5510	395.00-00	Hercules Based Private Business/Company Banner location monthly fee	Reso 15-018	\$150 - \$500 Depending upon Location	\$150 - \$500 Depending upon Location
100	5510	395.00-00	Non Hercules Based Private Business/Company Banner location monthly fee	Reso 12-066	\$200 - \$600 Depending upon Location	\$200 - \$600 Depending upon Location
100	55XX	395.XX-XX	Recreation Program Shirt	Reso 16-005	\$5.00-\$20.00/shirt	\$5.00-\$20.00/shirt
			FACILITY RENTALS			
			All Facilities			
100	5512	364.41-00	Rental Cancellation Before Reserved Date	Reso 15-018	100% of Reservation Deposit	100% of Reservation Deposit

CITY OF HERCULES MASTER FEE SCHEDULE

Effective 7/15/2020

FUND NUMBER	DEPT. NUMBER	ACCOUNT NUMBER	FEE	LEGAL AUTHORITY	FY 19-20 FEES	Proposed Fees FY 20-21
100	5512	364.41-00	Transfers/Service Charges When Initiated By The Participant for Facility Rentals Prior to Event Date	Reso 15-018	\$50.00	\$51.00
100	5512	364.41-00	Facility Rental Fee for Monday-Thursday Rentals	Reso 13-056	50% of Saturday Fees	50% of Saturday Fees
100	5512	364.41-00	Facility Rental for Friday & Sunday Rentals	Reso 13-056	75% of Saturday Fees	75% of Saturday Fees
100	5512	364.42-00	Insurance	Reso 11-079	Market Rate + \$10.00	Market Rate + \$11.00
100	5512	364.42-00	Selling Alcoholic Beverages (Terrorism insurance)	Reso 11-079	Market Rate + \$10.00	Market Rate + \$11.00
100	5512	364.45-00	Security Guards (Per hour - per guard)	Reso 16-005	Market Rate + \$10.00	Market Rate + \$11.00
			Council Chambers			
100	5512	364.41-00	Reservation Deposit (Refundable after rental)	Reso19-033	\$78.00	\$79.00
100	5512	364.41-00	Approved CLSC Groups M-Th outside of 6-9pm (Per hour)	Reso19-033	\$10.00	\$11.00
100	5512	364.41-00	Approved CLSC Groups F & Sunday (Per hour)	Reso19-033	\$26.00	\$27.00
100	5512	364.41-00	State Approved Nonprofit Groups (per hour)	Reso19-033	\$39.00	\$40.00
			Private-Commercial (Saturday rate);			
100	5512	364.41-00	Resident (Per Hour) Saturday Rate	Reso19-033	\$52.00	\$53.00
100	5512	364.41-00	Non-Resident (Per Hour) Saturday Rate	Reso19-033	\$62.00	\$63.00
			Holiday Rate			
100	5512	364.41-00	Resident (Per Hour)	Reso19-033	\$78.00	\$79.00
100	5512	364.41-00	Non-Resident (Per Hour)	Reso19-033	\$93.00	\$94.00
			Library Large Conference Room			
100	5512	364.41-00	Reservation Deposit (Refundable after rental)	Reso19-033	\$78.00	\$79.00
100	5512	364.41-00	Approved CLSC Groups M-Th outside of 6-9pm (Per Hour)	Reso19-033	\$10.00	\$11.00
100	5512	364.41-00	Approved CLSC Groups F & Sunday (Per hour)	Reso19-033	\$26.00	\$27.00
100	5512	364.41-00	State Approved Nonprofit Groups (per hour)	Reso19-033	\$39.00	\$40.00
			Private-Commercial (Saturday Rate);			
100	5512	364.41-00	Resident (Per Hour) Saturday Rate	Reso19-033	\$52.00	\$53.00
100	5512	364.41-00	Non-Resident (Per Hour) Saturday Rate	Reso19-033	\$62.00	\$63.00
			Holiday Rate			
100	5512	364.41-00	Resident (Per Hour)	Reso19-033	\$78.00	\$79.00
100	5512	364.41-00	Non-Resident (Per Hour)	Reso19-033	\$93.00	\$94.00
			Library Small Conference Room			
100	5512	364.41-00	Reservation Deposit (Refundable after rental)	Reso 19-033	\$78.00	\$79.00
100	5512	364.41-00	Approved CLSC Groups M-Th outside of 6-9pm (Per Hour)	Reso 19-033	\$10.00	\$11.00
100	5512	364.41-00	Approved CLSC Groups F & Sunday (Per hour)	Reso 19-033	\$13.00	\$14.00
100	5512	364.41-00	State Approved Nonprofit Groups (per hour)	Reso 19-033	\$20.00	\$21.00
			Private-Commercial (Saturday Rate);			
100	5512	364.41-00	Resident (Per Hour) Saturday Rate	Reso 19-033	\$26.00	\$27.00
100	5512	364.41-00	Non-Resident (Per Hour) Saturday Rate	Reso 19-033	\$47.00	\$68.00
			Holiday Rate			
100	5512	364.41-00	Resident (Per Hour)	Reso 19-033	\$41.00	\$42.00
100	5512	364.41-00	Non-Resident (Per Hour)	Reso 19-033	\$67.00	\$68.00
					\$0.00	
			Library Conference Rooms Equipment Rental			
100	5512	364.41-00	Overhead Projector	Reso 19-033	\$11.00	\$12.00
100	5512	364.41-00	Floor Stand Microphone	Reso 19-033	\$14.00	\$15.00
100	5512	364.41-00	Table Stand Microphone	Reso 19-033	\$17.00	\$18.00
100	5512	364.41-00	20" Television Monitor	Reso 19-033	\$23.00	\$24.00
100	5512	364.41-00	20" Television Monitor Cart	Reso 19-033	\$23.00	\$24.00
100	5512	364.41-00	Data Portable Projector & Portable Screen	Reso 19-033	\$28.00	\$29.00
100	5512	364.41-00	Lavaliere Microphone	Reso 19-033	\$28.00	\$29.00
100	5512	364.41-00	Ceiling Mounted Projector	Reso 19-033	\$39.00	\$40.00
100	5512	364.41-00	Video Conferencing System With ISDN Interface	Reso 19-033	\$175.00	\$176.00
			GUI VAN DOMSELAAR ROOM			
100	5512	364.41-00	Reservation Deposit (Refundable after rental)	Reso 19-033	\$78.00	\$79.00
100	5512	364.41-00	Approved CLSC Groups M-Th outside of 6-9pm (Per Hour)	Reso 19-033	\$10.00	\$11.00
100	5512	364.41-00	Approved CLSC Groups F & Sunday (Per hour)	Reso 19-033	\$31.00	\$32.00
100	5512	364.41-00	State Approved Nonprofit Groups (per hour)	Reso 19-033	\$47.00	\$48.00
			Private-Commercial (Saturday Rate);			
100	5512	364.41-00	Resident (Per Hour)	Reso 19-033	\$62.00	\$63.00
100	5512	364.41-00	Non-Resident (Per Hour) Saturday Rate	Reso 19-033	\$78.00	\$79.00
			Holiday Rate			
100	5512	364.41-00	Resident (Per Hour)	Reso 19-033	\$93.00	\$94.00
100	5512	364.41-00	Non-Resident (Per Hour)	Reso 19-033	\$119.00	\$120.00
			DYNAMITE ROOM			
			Reservation Deposit (Refundable after rental)	Reso 19-033	\$78.00	\$79.00
			Private-Commercial (Saturday Rate);			
100	5512	364.41-00	Resident (Per Hour) Saturday Rate	Reso 19-033	\$57.00	\$58.00
100	5512	364.41-00	Non-Resident (Per Hour) Saturday Rate	Reso 19-033	\$78.00	\$79.00
100	5512	364.41-00	Approved CLSC Groups M-Th outside of 6-9pm (Per Hour)	Reso 19-033	\$10.00	\$11.00
100	5512	364.41-00	Approved CLSC Groups F & Sunday (Per hour)	Reso 19-033	\$29.00	\$30.00
100	5512	364.41-00	State Approved Nonprofit Groups (per hour)	Reso 19-033	\$41.00	\$42.00
			Holiday Rate			
100	5512	364.41-00	Resident (Per Hour)	Reso 19-033	\$83.00	\$84.00
100	5512	364.41-00	Non-Resident (Per Hour)	Reso 19-033	\$116.00	\$117.00
			RESOURCE ROOM			
100	5512	364.41-00	Reservation Deposit (Refundable after rental)	Reso 19-033	\$78.00	\$79.00
100	5512	364.41-00	Private-Commercial (Saturday Rate)	Reso 13-056		
100	5512	364.41-00	Resident (Per Hour) Saturday Rate	Reso 19-033	\$57.00	\$58.00
100	5512	364.41-00	Non-Resident (Per Hour) Saturday Rate	Reso 19-033	\$78.00	\$79.00
100	5512	364.41-00	Approved CLSC Groups M-Th outside of 6-9pm (Per Hour)	Reso 19-033	\$10.00	\$11.00
100	5512	364.41-00	Approved CLSC Groups F & Sunday (Per hour)	Reso 19-033	\$29.00	\$30.00
100	5512	364.41-00	State Approved Nonprofit Groups (Per hour)	Reso 19-033	\$41.00	\$42.00
			Holiday Rate			
100	5512	364.41-00	Resident (Per Hour)	Reso 19-033	\$83.00	\$84.00
100	5512	364.41-00	Non-Resident (Per Hour)	Reso 19-033	\$116.00	\$117.00
			TEEN CENTER (THREE HOUR MINIMUM)			
100	5512	364.41-00	Reservation Deposit (Refundable after rental)	Reso 19-033	\$207.00	\$208.00
100	5512	364.41-00	Approved CLSC Groups M-Th outside of 6-9pm (Per Hour)	Reso 19-033	\$10.00	\$11.00

CITY OF HERCULES MASTER FEE SCHEDULE

Effective 7/15/2020

FUND NUMBER	DEPT. NUMBER	ACCOUNT NUMBER	FEE	LEGAL AUTHORITY	FY 19-20 FEES	Proposed Fees FY 20-21
100	5512	364.41-00	Approved CLSC Groups F & Sunday (Per Hour)	Reso 19-033	\$36.00	\$37.00
100	5512	364.41-00	State Approved Nonprofit Groups (per hour)	Reso 19-033	\$52.00	\$53.00
100	5512	364.41-00	Private-Commercial (Saturday Rate)	Reso 13-056		
100	5512	364.41-00	Resident (Per Hour) Saturday Rate	Reso 19-033	\$67.00	\$68.00
100	5512	364.41-00	Non-Resident (Per Hour) Saturday Rate	Reso 19-033	\$78.00	\$79.00
			Holiday Rate			
100	5512	364.41-00	Resident (Per Hour)	Reso 19-033	\$101.00	\$102.00
100	5512	364.41-00	Non-Resident (Per Hour)	Reso 19-033	\$116.00	\$117.00
			FOXBORO CENTER (THREE HOUR MINIMUM)			
100	5512	364.41-00	Reservation Deposit (Refundable after rental)	Reso 19-033	\$207.00	\$208.00
100	5512	364.41-00	Youth Event Reservation Deposit (Refundable after rental)	Reso 19-033	\$310.00	\$311.00
100	5512	364.41-00	Approved CLSC Groups M-Th outside of 6-9pm (Per Hour)	Reso 19-033	\$10.00	\$11.00
100	5512	364.41-00	Approved CLSC Groups F & Sunday (Per hour)	Reso 19-033	\$26.00	\$27.00
100	5512	364.41-00	State Approved Nonprofit Groups (per hour)	Reso 19-033	\$39.00	\$40.00
			Private-Commercial (Saturday Rate)			
100	5512	364.41-00	Resident (Per Hour) Saturday Rate	Reso 19-033	\$52.00	\$53.00
100	5512	364.41-00	Non-Resident (Per Hour) Saturday Rate	Reso 19-033	\$62.00	\$63.00
100	5512	364.41-00	Decoration/Cleanup Rate (1 Hour Maximum)	Reso 19-033	\$26.00	\$27.00
			Holiday Rate			
100	5512	364.41-00	Resident (Per Hour)	Reso 19-033	\$78.00	\$79.00
100	5512	364.41-00	Non-Resident (Per Hour)	Reso 19-033	\$93.00	\$94.00
100	5512	364.41-00	Decoration/Cleanup Rate (1 Hour Maximum)	Reso 19-033	\$39.00	\$40.00
			OHLONE CENTER (THREE HOUR MINIMUM)			
100	5512	364.41-00	Reservation Deposit (Refundable after rental)	Reso 19-033	\$207.00	\$208.00
100	5512	364.41-00	Youth Event Deposit (Refundable after rental)	Reso 19-033	\$310.00	\$311.00
100	5512	364.41-00	Approved CLSC Groups M-Th outside of 6-9pm (Per Hour)	Reso 19-033	\$10.00	\$11.00
100	5512	364.41-00	Approved CLSC Groups F & Sunday (Per hour)	Reso 19-033	\$39.00	\$40.00
100	5512	364.41-00	State Approved Nonprofit Groups (per hour)	Reso 19-033	\$59.00	\$60.00
			Private-Commercial (Saturday Rate)			
100	5512	364.41-00	Resident (Per Hour) Saturday Rate	Reso 19-033	\$78.00	\$79.00
100	5512	364.41-00	Non-Resident (Per Hour) Saturday Rate	Reso 19-033	\$88.00	\$89.00
100	5512	364.41-00	Decoration/Cleanup Rate (1 Hour Maximum)	Reso 19-033	\$39.00	\$40.00
			Holiday Rate			\$1.00
100	5512	364.41-00	Resident (Per Hour)	Reso 19-033	\$116.00	\$117.00
100	5512	364.41-00	Non-Resident (Per Hour)	Reso 19-033	\$132.00	\$133.00
100	5512	364.41-00	Decoration/Cleanup Rate (1 Hour Maximum)	Reso 19-033	\$59.00	\$60.00
			SENIOR CENTER (FIVE HOUR MINIMUM)			
100	5512	364.41-00	Reservation Deposit (Refundable after rental)	Reso 19-033	\$207.00	\$208.00
100	5512	364.41-00	Youth Event Reservation Deposit (Refundable after rental)	Reso 19-033	\$310.00	\$311.00
100	5512	364.41-00	Approved CLSC Groups M-Th outside of 6-9pm (Per Hour)	Reso 19-033	\$10.00	\$11.00
100	5512	364.41-00	Approved CLSC Groups F & Sunday (Per hour)	Reso 19-033	\$52.00	\$53.00
100	5512	364.41-00	State Approved Community and Civic Groups (Per hour)	Reso 19-033	\$78.00	\$79.00
			Private-Commercial (Saturday Rate)			
100	5512	364.41-00	Resident (Per Hour) Saturday Rate	Reso 19-033	\$103.00	\$104.00
100	5512	364.41-00	Non-Resident (Per Hour) Saturday Rate	Reso 19-033	\$124.00	\$125.00
100	5512	364.41-00	Decoration/Cleanup Rate (1 Hour Maximum)	Reso 19-033	\$52.00	\$53.00
			Fee Based Rental/Holiday			
100	5512	364.41-00	Resident (Per Hour)	Reso 19-033	\$155.00	\$156.00
100	5512	364.41-00	Non-Resident (Per Hour)	Reso 19-033	\$186.00	\$187.00
100	5512	364.41-00	Decoration/Cleanup Rate (2 Hour Maximum)	Reso 19-033	\$78.00	\$79.00
			COMMUNITY CENTER (5 HOUR MINIMUM)			
100	5512	364.41-00	Reservation Deposit (Refundable after rental)	Reso 19-033	\$517.00	\$518.00
100	5512	364.41-00	Youth Event Reservation Deposit (Refundable after rental)	Reso 19-033	\$620.00	\$621.00
100	5512	364.41-00	Community Center Non-Profit Deposit	Reso 19-033	\$207.00	\$208.00
100	5512	364.41-00	Approved CLSC Groups M-Th outside of 6-9pm (Per Hour)	Reso 19-033	\$11.00	\$12.00
			Approved CLSC Groups F & Sunday (Per hour)	Reso 19-033	\$84.00	\$85.00
100	5512	364.41-00	State Approved Nonprofit Groups (per hour)	Reso 19-033	\$127.00	\$128.00
100	5512	364.41-00	CLSC Non-Profit Recognition Special Rental Rate 1st 7 hours	Reso 19-033	\$657.00	\$658.00
			Private-Commercial (Saturday Rate)			
100	5512	364.41-00	Resident (Per Hour) Saturday Rate	Reso 19-033	\$165.00	\$166.00
100	5512	364.41-00	Non-Resident (Per Hour) Saturday Rate	Reso 19-033	\$202.00	\$203.00
100	5512	364.41-00	Decoration/Cleanup Rate (2 Hour Maximum)	Reso 19-033	\$82.00	\$83.00
100	5512	364.41-00	Round Tables (Each)	Reso 19-033	\$8.00	\$9.00
			Holiday Rate			
100	5512	364.41-00	Resident (Per Hour)	Reso 19-033	\$250.00	\$251.00
100	5512	364.41-00	Non-Resident (Per Hour)	Reso 19-033	\$309.00	\$310.00
100	5512	364.41-00	Decoration/Cleanup Rate (2 Hour Maximum)	Reso 19-033	\$123.00	\$124.00
			KITCHEN RENTAL			
			Private-Commercial (Saturday Rate)			
100	5512	364.41-00	Reservation Deposit (Refundable after rental)	Reso 19-033	\$78.00	\$79.00
100	5512	364.41-00	Resident (Per Hour)	Reso 19-033	\$31.00	\$32.00
100	5512	364.41-00	Non-Resident (Per Hour)	Reso 19-033	\$36.00	\$37.00
100	5512	364.41-00	Approved CLSC Groups M-Th outside of 6-9pm (Per Hour)	Reso 19-033	\$10.00	\$11.00
100	5512	364.41-00	Approved CLSC Groups F & Sunday (Per hour)	Reso 19-033	\$16.00	\$17.00
100	5512	364.41-00	State Approved Nonprofit Groups (per hour)	Reso 19-033	\$24.00	\$25.00
			Holiday Rate			
100	5512	364.41-00	Resident (Per Hour)	Reso 19-033	\$47.00	\$48.00
100	5512	364.41-00	Non-Resident (Per Hour)	Reso 19-033	\$57.00	\$58.00
			GYMNASIUM			
			Private - Commercial			
100	5512	364.41-00	Reservation Deposit (refundable after rental)	Reso 19-033	\$103.00	\$104.00
100	5512	364.41-00	Resident (per hour)	Reso 19-033	\$89.00	\$90.00
100	5512	364.41-00	Three or more days (Per hour)	Reso 19-033	\$63.00	\$64.00
100	5512	364.41-00	Non-resident (Per hour)	Reso 19-033	\$102.00	\$103.00
100	5512	364.41-00	Three or more days (Per hour)	Reso 19-033	\$80.00	\$81.00
100	5512	364.41-00	CLSC Community and Civic Groups (Per hour)	Reso 19-033	\$44.00	\$45.00
100	5512	364.41-00	CLSC Three or more days (Per hour)	Reso 19-033	\$31.00	\$32.00
100	5512	364.41-00	State Approved Nonprofit Groups (per hour)	Reso 19-033	\$43.00	\$44.00

CITY OF HERCULES MASTER FEE SCHEDULE

Effective 7/15/2020

FUND NUMBER	DEPT. NUMBER	ACCOUNT NUMBER	FEE	LEGAL AUTHORITY	FY 19-20 FEES	Proposed Fees FY 20-21
			COMMUNITY CENTER PRESS ROOM			
100	5512	364.41-00	Reservation Deposit (Refundable after rental)	Reso 19-033	\$78.00	\$79.00
			Private-Commercial (Saturday Rate)			
100	5512	364.41-00	Resident (Per Hour) Saturday Rate	Reso 19-033	\$31.00	\$32.00
100	5512	364.41-00	Non-Resident (Per Hour) Saturday Rate	Reso 19-033	\$47.00	\$48.00
100	5512	364.41-00	Approved CLSC Groups M-Th outside of 6-9pm (Per Hour)	Reso 19-033	\$10.00	\$11.00
100	5512	364.41-00	Approved CLSC Groups F & Sunday (Per hour)	Reso 19-033	\$16.00	\$17.00
100	5512	364.41-00	State Approved Nonprofit Groups (per hour)	Reso 19-033	\$26.00	\$27.00
			Holiday Rate			
100	5512	364.41-00	Resident (Per Hour)	Reso 19-033	\$47.00	\$48.00
100	5512	364.41-00	Non-Resident (Per Hour)	Reso 19-033	\$72.00	\$73.00
			PARK/PICNIC RENTALS			
100	5512	364.45-00	Damage Deposit for Permit for gathering of 50 or more people in a park (refundable after date of use)	Reso 19-033	\$103.00	\$104.00
100	5512	364.45-00	Park Permit for gathering of 50 or more people in a park Resident	Reso 19-033	\$114.00	\$115.00
100	5512	364.45-00	Park Permit for gathering of 50 or more people in a park Non-Resident	Reso 19-033	\$154.00	\$155.00
			PICNIC AREAS			
			Private - Commercial			
100	5512	364.45-00	Reservation Deposit Picnic Area Rental (Refundable after rental)	Reso 19-033	\$103.00	\$104.00
100	5512	364.41-00	Resident 9 hours	Reso 19-033	\$114.00	\$115.00
100	5512	364.41-00	Non-resident 9 hours	Reso 19-033	\$154.00	\$155.00
			State Approved Nonprofit Groups (per hour)			
100	5512	364.41-00	Reservation Deposit (Refundable after rental)	Reso 19-033	\$52.00	\$53.00
100	5512	364.41-00	Resident 9 hours	Reso 19-033	\$57.00	\$58.00
100	5512	364.41-00	Non-resident 9 hours	Reso 19-033	\$78.00	\$79.00
			REFUGIO VALLEY PARK GAZEBO			
100	5512	364.41-00	Reservation Deposit (Refundable after rental)	Reso 19-033	\$52.00	\$53.00
			Private - Commercial			
100	5512	364.41-00	Resident (Per Hour) Saturday Rate	Reso 19-033	\$114.00	\$115.00
100	5512	364.41-00	Non-Resident (Per Hour) Saturday Rate	Reso 19-033	\$154.00	\$155.00
100	5512	364.41-00	State Approved Nonprofit Groups (per hour)	Reso 19-033	\$57.00	\$58.00
100	5512	364.41-00	Electricity	Reso 19-033	\$32.00	\$33.00
			Fee Based Rental/Holiday:			
100	5512	364.41-00	Resident (per hour)	Reso 19-033	\$143.00	\$144.00
100	5512	364.41-00	Non-resident (Per hour)	Reso 19-033	\$169.00	\$170.00
			DUCK PARK GAZEBO			
100	5512	364.41-00	Reservation Deposit (Refundable after rental)	Reso 19-033	\$52.00	\$53.00
			Private - Commercial			
100	5512	364.41-00	Resident (Per Hour) Saturday Rate	Reso 19-033	\$55.00	\$56.00
100	5512	364.41-00	Non-Resident (Per Hour) Saturday Rate	Reso 19-033	\$64.00	\$65.00
100	5512	364.41-00	State Approved Nonprofit Groups (per hour)	Reso 19-033	\$28.00	\$29.00
100	5512	364.41-00	Electricity	Reso 19-033	\$17.00	\$18.00
			BOCCIE BALL COURTS			
100	5512	364.41-00	Equipment Deposit (Refundable)	Reso 19-033	\$21.00 per set	\$21.00 per set
100	5512	364.41-01	24 Hour Equipment Rental (Monday-Thursday)	Reso 19-033	\$5.00 per set	\$10.00 per set
100	5512	364.41-00	Weekend Equipment Rental (Thursday-Sunday)	Reso 19-033	\$10.00 per set	\$20.00 per set
100	5512	364.41-00	Resident Weekday Court Rental Fee	Reso 19-033	\$5.00	\$6.00
100	5512	364.41-00	Non-Resident Weekday Court Rental Fee	Reso 19-033	\$10.00	\$11.00
100	5512	364.41-00	Resident Weekend Court Rental Fee	Reso 19-033	\$5.00/hr./court	\$5.00/hr./court
100	5512	364.41-00	Non-Resident Weekend Court Rental Fee	Reso 19-033	\$10.00/hr./court	\$10.00/hr./court
100	5512	364.41-00	Community/Civic Tournament Play Fee	Reso 19-033	\$5.00/hr./court	\$5.00/hr./court
100	5512	364.41-00	Resident Tournament Play Fee	Reso 19-033	\$10.00/hr./court	\$10.00/hr./court
100	5512	364.41-00	Non-Resident Tournament Play Fee	Reso 19-033	\$15.00/hr./court	\$15.00/hr./court
			HORSE SHOE PITS			
100	5512	364.41-00	Equipment Deposit (Refundable)	Reso 19-033	20.00 per set	21.00 per set
100	5512	364.41-01	24 Hour Equipment Rental (Monday-Thursday)	Reso 19-033	\$5.00 per set	\$10.00 per set
100	5512	364.41-00	Weekend Equipment Rental (Thursday-Sunday)	Reso 19-033	\$10.00 per set	\$20.00 per set
100	5512	364.41-00	Resident Weekday Court Rental Fee	Reso 19-033	\$5.00	\$6.00
100	5512	364.41-00	Non-Resident Weekday Court Rental Fee	Reso 19-033	\$10.00	\$11.00
100	5512	364.41-00	Resident Weekend Court Rental Fee	Reso 19-033	\$5.00/hr./court	\$5.00/hr./court
100	5512	364.41-00	Non-Resident Weekend Court Rental Fee	Reso 19-033	\$10.00/hr./court	\$10.00/hr./court
100	5512	364.41-00	Community/Civic Tournament Play Fee	Reso 19-033	\$5.00/hr./court	\$5.00/hr./court
100	5512	364.41-00	Resident Tournament Play Fee	Reso 19-033	\$10.00/hr./court	\$10.00/hr./court
100	5512	364.41-00	Non-Resident Tournament Play Fee	Reso 19-033	\$15.00/hr./court	\$15.00/hr./court
			COMMUNITY EVENTS			
			Cultural Festival			
100	4012	367.05-00	Community and Civic Groups - Food/Craft/Game Booth (10 x 10 space)	Reso 19-033	\$105.00	\$106.00
100	4012	367.05-00	Community and Civic Groups - Food/Craft/Game Booth (10 x 20 space)	Reso 19-033	\$184.00	\$185.00
100	4012	367.05-00	Commercial - Food/Craft/Game Booth (10 x 10 space)	Reso 19-033	\$237.00	\$238.00
100	4012	367.05-00	Commercial - Food/Craft/Game Booth (10 x 20 space)	Reso 19-033	\$315.00	\$316.00
100	4012	367.05-00	Electric Hookup (2 Outlets)	Reso 19-033	\$37.00	\$38.00
100	4012	367.05-00	Electric Hookup (Additional)	Reso 19-033	\$16.00	\$17.00
100	4012	367.05-00	Booth rental 10x10 Private/Commercial	Reso 19-033	\$142.00	\$143.00
100	4012	367.05-00	Booth rental 10x20 Private/Commercial	Reso 19-033	\$221.00	\$222.00
100	4012	367.05-00	Booth rental 10x10 Non Profit	Reso 19-033	\$79.00	\$80.00
100	4012	367.05-00	Booth rental 10x20 Non Profit	Reso 19-033	\$136.00	\$137.00
100	4012	367.05-00	Health Permits	Reso 19-033	Market Rate + \$5.00	Market Rate + \$10.00
			SENIOR ACTIVITIES			
100	5524	364.39-00	Class Fee (Discounts for 5 or more) (Based on instructor's contract)	Reso 11-079	\$1.00 - \$200.00	\$1.00 - \$200.00
100	5524	364.39-00	Annual Membership Fee (Includes internet, printing, faxing and copying)	Reso 11-079	\$20.00	\$21.00
			CHILD CARE			
			Before/After School Child Care K-5TH Grades			

CITY OF HERCULES MASTER FEE SCHEDULE

Effective 7/15/2020

FUND NUMBER	DEPT. NUMBER	ACCOUNT NUMBER	FEE	LEGAL AUTHORITY	FY 19-20 FEES	Proposed Fees FY 20-21
			Fees are for 4 week sessions.			
			Before School (7:00 - 8:30 a.m.)			
100	55XX	364.32-00	Resident	Reso 16-005	\$193.00	\$199.00
100	55XX	364.32-00	Non-resident	Reso 16-005	\$242.00	\$249.00
			After School (1st-5th Grade Dismissal until 5:30 p.m.)			
100	55XX	364.32-00	Option 1 Resident	Reso 17-003	\$5.50	\$5.70
100	55XX	364.32-00	Option 1 Non-resident	Reso 17-003	\$6.05	\$6.25
100	55XX	364.32-00	Option 2 Resident	Reso 17-003	\$5.75	\$5.95
100	55XX	364.32-00	Option 2 Non-resident	Reso 17-003	\$6.30	\$6.50
100	55XX	364.32-00	Option 3 Resident	Reso 17-003	\$6.00	\$6.20
100	55XX	364.32-00	Option 3 Non-resident	Reso 17-003	\$6.60	\$6.80
100	55XX	364.32-00	Withdrawal Fee	Reso 17-003	\$75.00	\$78.00
			Other Fees:			
100	55XX	364.32-00	Late Payment Fee	Reso 09-114	\$30.00	\$35.00
100	55XX	364.32-00	2 or more late payments	Reso 09-114	\$35.00	\$40.00
100	55XX	364.32-00	Late Pickup Fee per minute	Reso 09-114	\$2.00	\$2.50
100	55XX	364.32-00	Program Change Fee -- First 2 program changes free Each subsequent change \$15.00	Reso 10-088	\$15.00	\$20.00
100	55XX	364.32-00	Late Registration Fee--after deadline but before service begins	Reso 10-088	\$15.00	\$15.00
100	55XX	364.32-00	Late Registration Fee--paid on day service begins	Reso 10-088	\$30.00	\$30.00
100	55XX	364.32-00	AM Drop-In -- One Day Only	Reso 11-079	\$15.00	\$16.00
100	55XX	364.32-00	Kinder PM Drop-In -- One Day Only	Reso 11-079	\$40.00	\$40.00
100	55XX	364.32-00	Grade 1st-8th PM Drop-In -- One Day Only	Reso 11-079	\$30.00	\$31.00
100	55XX	364.32-00	Multi-child discount* for families with two or more children enrolled in the program	Reso 14-014	5%	5%
100	55XX	364.32-00	Registration Fee	Reso 16-005	\$100.00	\$100.00
100	55XX	364.32-00	Registration Fee discount when registering for new school year prior to August 1st.	Reso 16-005	50%	50%
100	55XX	364.32-00	Sub Care Fee Hourly	Reso 10-088	\$9.47	\$9.47
100	55XX	364.32-00	Daily Rate for In-service Days	Reso 11-079	\$55.00	\$55.00
100	55XX	364.32-00	Deposit for In-service Day (Will be applied to Fall childcare fees when child attends)	Reso 14-014	\$30.00	\$30.00
			PRESCHOOL PROGRAMS			
			Pre-Kinders (per month / MWF 9:00am - Noon)			
100	5528	364.37-00	Resident	Reso 16-005	\$232.00	\$248.00
100	5528	364.37-00	Non-resident	Reso 16-005	\$290.00	\$305.00
			Little Learners (per month / TTH 9:00am - 11:30am)			
100	5528	364.37-00	Resident	Reso 16-005	\$155.00	\$159.00
100	5528	364.37-00	Non-resident	Reso 16-005	\$193.00	\$198.00
			Other Fees:			
			Little Learners (per month / M-Th 9am-11:30am)			
100	5528	364.37-00	Resident	Reso 16-005	\$310.00	\$319.00
100	5528	364.37-00	Non-resident	Reso 16-005	\$387.00	\$387.00
			Jr. Kinder (per month / M-F 9am-Noon)			
100	5528	364.37-00	Resident	Reso 16-005	\$386.00	\$395.00
100	5528	364.37-00	Non-resident	Reso 16-005	\$482.00	\$482.00
100	5528	364.37-00	Late Payment Fee	Reso 09-114	\$30.00	\$35.00
100	5528	364.37-00	2 or more late payments	Reso 09-114	\$35.00	\$40.00
100	5528	364.37-00	Late Pick Up Fee per minute	Reso 16-005	\$2.00	\$2.50
100	5528	364.37-00	Registration Fee	Reso 16-005	\$100.00	\$100.00
100	5528	364.37-00	Registration Fee discount when registering for new school year prior to August 1st.	Reso 16-005	50%	50%
			CAMPS for K-5th Graders			
			7:00am-5:30pm 5 days/week (includes entertainment and field trips)			
100	55XX	364.32-00	Resident	Reso19-033	\$244.00	\$249.00
100	55XX	364.32-00	Non-resident	Reso19-033	\$305.00	\$305.00
			8:00am-12:00pm 5 days/week			
100	55XX	364.32-00	Resident	Reso19-033	\$122.00	\$125.00
100	55XX	364.32-00	Non-resident	Reso19-033	\$153.00	\$155.00
			Daily Drop In Rate / day			
100	55XX	364.32-00	Resident	Reso19-033	\$52.00	\$59.00
100	55XX	364.32-00	Non-resident	Reso19-033	\$65.00	\$67.00
			OTHER FEES			
100	55XX	364.31-00	Deposit for the Week	Reso19-033	\$21.00	\$25.00
100	55XX	364.31-00	Sub Care Deposit for the week	Reso19-033	\$10.00	\$11.00
100	55XX	364.31-00	Multi-child discount* for families with two or more children enrolled in the program	Reso 14-014	5%	5%
100	55XX	364.31-00	Late payment Fee	Reso19-033	\$16.00	\$20.00
100	55XX	364.31-00	Late Registration Fee--after deadline but before service begins	Reso19-033	\$16.00	\$16.00
100	55XX	364.31-00	Late Registration Fee--paid on day service begins	Reso19-033	\$31.00	\$31.00
100	55XX	364.31-00	Late pickup Fee per minute	Reso19-033	\$2.00	\$2.50
			TEENS			
100	5540	364.64-00	Yearly Membership (TYC) (Includes T-shirt)	Reso 12-016	\$30.00 to \$50.00	\$30.00 to \$50.00
100	5540	364.64-00	Dances/Events	Reso 09-114	\$2.50 to \$20.00	\$2.50 to \$20.00
100	5540	364.64-00	Drop-in	Reso19-033	\$3.00 to \$6.00	\$3.00 to \$6.00
100	5540	364.64-00	Camps	Reso19-033	\$10.00 to \$200.00	\$10.00 to \$200.00
100	5540	364.64-00	Trips (Range)	Reso19-033	\$10.00 to \$200.00	\$10.00 to \$200.00
			Teen Camps 6th-9th Grades: 8:00am-5:00pm 5 days/ week			
100	5543	364.62-00	Resident	Reso19-033	227.00	\$229.00
100	5543	364.62-00	Non-resident	Reso19-033	259.00	\$259.00

CITY OF HERCULES MASTER FEE SCHEDULE

Effective 7/15/2020

FUND NUMBER	DEPT. NUMBER	ACCOUNT NUMBER	FEE	LEGAL AUTHORITY	FY 19-20 FEES	Proposed Fees FY 20-21
100	55XX	364.63-00	Deposit for week	Reso 19-033	25.00	\$25.00
100	55XX	364.63-00	Late payment fee per week	Reso 19-033	18.00	\$18.00
			Multi-child discount" for families with two or more children enrolled in the program		5%	5%
100	55XX	364.63-00	Late Registration Fee--after deadline but before service begins	Reso 19-033	18.00	\$18.00
100	55XX	364.63-00	Late Registration Fee--paid on day service begins	Reso 19-033	33.00	\$33.00
100	55XX	364.63-00	Late pickup Fee per minute	Reso 19-033	3.00	\$3.00
			Discount Passes for Drop-in			
			Youth 10 Tickets			
100	5540	364.64-00	Resident	Reso 09-114	\$20.00	\$20.00
100	5540	364.64-00	Non-resident	Reso 09-114	\$25.00	\$25.00
			Youth 25 Tickets			
100	5540	364.64-00	Resident	Reso 10-088	\$46.00	\$46.00
100	5540	364.64-00	Non-resident	Reso 10-088	\$60.00	\$60.00
			AQUATICS			
			PUBLIC SWIM			
			Children under 1 year are free			
			Adults (18 years and up)			
100	5536	364.61-00	Resident	Reso 11-079	\$6.00	\$6.00
100	5536	364.61-00	Non-resident	Reso 11-079	\$7.00	\$7.00
			Youth (1 to 17 years)			
100	5536	364.61-00	Resident	Reso 11-079	\$5.00	\$5.00
100	5536	364.61-00	Non-resident	Reso 11-079	\$6.00	\$6.00
			Seniors			
100	5536	364.61-00	Resident	Reso 11-079	\$5.00	\$5.00
100	5536	364.61-00	Non-resident	Reso 11-079	\$6.00	\$6.00
			LAP SWIM			
			Adults (18 years and up)			
100	5536	364.61-00	Resident	Reso 11-079	\$5.00	\$6.00
100	5536	364.61-00	Non-resident	Reso 11-079	\$6.00	\$7.00
			Youth (14 to 17 years)			
100	5536	364.61-00	Resident	Reso 11-079	\$4.00	\$5.00
100	5536	364.61-00	Non-resident	Reso 11-079	\$5.00	\$6.00
			Seniors			
100	5536	364.61-00	Resident	Reso 11-079	\$4.00	\$5.00
100	5536	364.61-00	Non-resident	Reso 11-079	\$5.00	\$6.00
			SEASON SWIM PASSES			
			Dynamite Pass (10 visits)			
			Adults (18 years and up)			
100	5536	364.61-00	Resident	Reso 19-033	\$42.00	\$45.00
100	5536	364.61-00	Non-resident	Reso 19-033	\$52.00	\$55.00
			Youth (1 to 17 years)			
100	5536	364.61-00	Resident	Reso 19-033	\$32.00	\$35.00
100	5536	364.61-00	Non-resident	Reso 19-033	\$42.00	\$45.00
			Frequent Swimmer Pass (25 visits)			
			Adults (18 years and up)			
100	5536	364.61-00	Resident	Reso 19-033	\$105.00	\$107.00
100	5536	364.61-00	Non-resident	Reso 19-033	\$130.00	\$132.00
			Youth (1 to 17 years)			
100	5536	364.61-00	Resident	Reso 19-033	\$78.00	\$79.00
100	5536	364.61-00	Non-resident	Reso 19-033	\$105.00	\$106.00
			SWIM LESSONS			
			Parent/Infant/Toddler Lessons (Eight 25 minute classes)			
100	5536	364.61-00	Resident	Reso 19-033	\$92.00	\$89.00
100	5536	364.61-00	Non-resident	Reso 19-033	\$98.00	\$99.00
			Group Lessons (Eight 25 minute classes)			
100	5536	364.61-00	Resident	Reso 19-033	\$89.00	\$89.00
100	5536	364.61-00	Non-resident	Reso 19-033	\$98.00	\$99.00
			Individual Lessons (Eight 25 minute classes)			
100	5536	364.61-00	Resident	Reso 19-033	\$189.00	\$194.00
100	5536	364.61-00	Non-resident	Reso 19-033	\$208.00	\$214.00
			Adult Lessons (Eight 25 minute classes)			
100	5536	364.61-00	Resident	Reso 19-033	\$103.00	\$109.00
100	5536	364.61-00	Non-resident	Reso 19-033	\$113.00	\$119.00
			Semi Private (Eight 25 minute classes)			
100	5536	364.61-00	Resident	Reso 19-033	\$134.00	\$135.00
100	5536	364.61-00	Non-resident	Reso 19-033	\$147.00	\$150.00
			Aquatic Certification Courses - these courses range in cost depending upon availability of instructors and length of required course. Some courses may utilize contract instructors who are required to set their own course fee. Non-resident fee will be +20% of Resident Fee.	Reso 16-005	\$50.00-\$300.00	\$50.00-\$300.00
100	5536	364.61-00	Resident	Reso 13-007		
100	5536	364.61-00	Non-resident	Reso 13-007		
100	5536	364.61-00	Drop-in	Reso 13-007		
			Water Polo (12/1hr Meetings)			
100	5536	364.61-00	Resident	Reso 19-033	\$186.00	\$186.00
100	5536	364.61-00	Non-resident	Reso 19-033	\$196.00	\$196.00
			Jr Guard			
100	5536	364.61-00	Resident	Reso 19-033	\$245.00	\$245.00
100	5536	364.61-00	Non-resident	Reso 19-033	\$285.00	\$285.00
			Youth Swim Team - Piranhas			
100	5536	364.62-00	One Child	Reso 19-033	\$395.00	\$395.00
100	5536	364.62-00	Two Children	Reso 19-033	\$680.00	\$695.00
100	5536	364.62-00	Three Children	Reso 19-033	\$936.00	\$945.00
100	5536	364.62-00	Four Children	Reso 19-033	\$1,178.00	\$1,145.00
100	5536	364.62-00	Five Children	Reso 19-033	\$1,254.00	\$1,295.00
			Hercules Masters Swim Club			

CITY OF HERCULES MASTER FEE SCHEDULE

Effective 7/15/2020

FUND NUMBER	DEPT. NUMBER	ACCOUNT NUMBER	FEE	LEGAL AUTHORITY	FY 19-20 FEES	Proposed Fees FY 20-21
100	5536	364.62-00	Drop In	Reso 16-005	\$10.00-\$15.00	\$10.00-\$15.00
100	5536	364.62-00	Hercules Masters Swim Club (4 weeks)	Reso 16-005	\$95.00	\$95.00
			East Bay Silver Dolphins Monthly Dues			
100	5536	364.62-00	Pre-Team (Limit 3 months)	Reso 19-033	\$84.00	\$83.00
100	5536	364.62-00	Team	Reso 19-033	\$89.00-\$113.00	\$89.00-\$113.00
100	5536	364.62-00	Seasonal	Reso 19-033	\$313.00	\$305.00
			Public Swim Pool Parties			
100	5536	364.61-00	Deposit (Refundable)	Reso 19-033	\$75.00	\$75.00
100	5536	364.61-00	Reservation Fee (includes 10 guests, 2 patio tables, and 1 reserve space for duration of public swim on a Saturday)	Reso 19-033	\$190.00	\$195.00
			Pool Rentals			
100	5536	364.61-00	Deposit (Refundable)	Reso 19-033	\$360.00	\$365.00
100	5536	364.61-00	Insurance Fee	Reso 16-005	Market Rate + \$10.00	Market Rate + \$15.00
100	5536	364.61-00	Decorating/Cleaning Time Per Hour (Maximum 2 Hours)	Reso 16-005		
			1 - 50 persons			
100	5536	364.61-00	Residents (Per hour)	Reso 19-033	\$182.00	\$183.00
100	5536	364.61-00	Non-resident (Per hour)	Reso 19-033	\$193.00	\$193.00
			51 - 100 persons			
100	5536	364.61-00	Residents (Per hour)	Reso 19-033	\$211.00	\$215.00
100	5536	364.61-00	Non-resident (Per hour)	Reso 19-033	\$221.00	\$225.00
			101 - 150 persons			
100	5536	364.61-00	Residents (Per hour)	Reso 19-033	\$239.00	\$240.00
100	5536	364.61-00	Non-resident (Per hour)	Reso 19-033	\$250.00	\$250.00
			Nonprofit Group Pool Rentals			
100	5536	364.61-00	State Approved Nonprofit Groups/hour/for every 2 lifeguards	Reso 19-033	\$95.00	\$99.00
			ATHLETIC FACILITIES			
			Field Reservations (Per Hour)			
			Hanna Ball field or Soccer Field, Ohlone, and Woodfield Ball fields			
100	5538	364.44-00	Bases Rentals/Deposit \$25.00	Reso 19-033	\$16.00	\$17.00
100	5538	364.44-00	Resident	Reso 19-033	\$9.00	\$10.00
100	5538	364.44-00	Non-resident	Reso 19-033	\$19.00	\$20.00
100	5538	364.44-00	Youth Sport Associations	Reso 19-033	\$7.00	\$8.00
100	5538	364.44-00	State Approved Nonprofit Groups	Reso 19-033	\$5.00	\$6.00
			Tennis Courts (Per hour) (Regular play per court)			
100	5538	364.41-00	Lights per hour	Reso 19-033	\$5.00	\$5.00
			Weekdays 7 AM to 4 PM			
100	5538	364.44-00	Resident	Reso 19-033	\$7.00	\$7.00
100	5538	364.44-00	Non-resident	Reso 19-033	\$8.00	\$8.00
			Weekday evenings 4 PM to 10 PM			
100	5538	364.44-00	Resident	Reso 19-033	\$7.00	\$7.00
100	5538	364.44-00	Non-resident	Reso 19-033	\$8.00	\$8.00
			Weekends and Holidays			
100	5538	364.44-00	Resident	Reso 19-033	\$10.00	\$10.00
100	5538	364.44-00	Non-resident	Reso 19-033	\$11.00	\$11.00
100	5538	364.44-00	State Approved Nonprofit Groups	Reso 19-033	\$4.00	\$4.00
			Tennis Courts Tournaments (Per hour)			
100	5538	364.44-00	Community/Civic	Reso 19-033	\$10.00	\$11.00
100	5538	364.44-00	Resident	Reso 19-033	\$19.00	\$20.00
100	5538	364.44-00	Non-resident	Reso 19-033	\$21.00	\$25.00
			Gym Activities			
			Adult Drop-In			
100	5538	364.44-00	Resident	Reso 19-033	\$5.00	\$6.00
100	5538	364.44-00	Non-resident	Reso 19-033	\$6.00	\$7.00
			Youth Drop-In			
100	5538	364.44-00	Resident	Reso 19-033	\$4.00	\$4.00
100	5538	364.44-00	Non-resident	Reso 19-033	\$5.00	\$5.00
			Senior Drop-In			
100	5538	364.44-00	Resident	Reso 19-033	\$4.00	\$4.00
100	5538	364.44-00	Non-resident	Reso 19-033	\$5.00	\$5.00
			Morning Basketball/Volleyball			
			Adults only			
100	5538	364.44-00	Resident	Reso 19-033	\$5.00	\$6.00
100	5538	364.44-00	Non-resident	Reso 19-033	\$6.00	\$7.00
			Discount Adult Open Gym Passes			
			10 Tickets			
100	5538	364.44-00	Resident	Reso 19-033	\$41.00	\$43.00
100	5538	364.44-00	Non-resident	Reso 19-033	\$52.00	\$53.00
			25 Tickets			
100	5538	364.44-00	Resident	Reso 19-033	\$103.00	\$104.00
100	5538	364.44-00	Non-resident	Reso 19-033	\$129.00	\$130.00
			Seniors 10 Tickets			
100	5538	364.44-00	Resident	Reso 19-033	\$31.00	\$31.00
100	5538	364.44-00	Non-resident	Reso 19-033	\$41.00	\$41.00
			Seniors 25 Tickets			
100	5538	364.44-00	Resident	Reso 19-033	\$78.00	\$78.00
100	5538	364.44-00	Non-resident	Reso 19-033	\$103.00	\$103.00
			Youth 10 Tickets			
100	5538	364.44-00	Resident	Reso 19-033	\$31.00	\$32.00
100	5538	364.44-00	Non-resident	Reso 19-033	\$41.00	\$42.00
			Youth 25 Tickets			
100	5538	364.44-00	Resident	Reso 19-033	\$78.00	\$78.00
100	5538	364.44-00	Non-resident	Reso 19-033	\$103.00	\$103.00
			ADULT SPORTS			
			Coed Adult Softball			
100	5538	364.44-00	Team	Reso 19-033	\$620.00	\$620.00
			Men's Softball			
100	5538	364.44-00	Team	Reso 19-033	\$620.00	\$620.00
			Adult Volleyball			

CITY OF HERCULES MASTER FEE SCHEDULE

Effective 7/15/2020

FUND NUMBER	DEPT. NUMBER	ACCOUNT NUMBER	FEE	LEGAL AUTHORITY	FY 19-20 FEES	Proposed Fees FY 20-21
100	5538	364.44-00	Resident Team	Reso 19-033	\$259.00	\$259.00
100	5538	364.44-00	Non-resident Team	Reso 19-033	\$284.00	\$284.00
			Hercules/Pinole Adult Softball (fall)			
100	5538	364.44-00	Team	Reso 19-033	\$672.00	\$672.00
			Adult Flag Football			
100	5538	364.44-00	Team	Reso 19-033	\$646.00	\$646.00
			Adult Basketball			
100	5538	364.44-00	Team	Reso 19-033	\$672.00	\$672.00
100	5538	364.44-00	Game Forfeit Fee	Reso 19-033	\$53.00	\$55.00
			Young Adult 5 on 5 Basketball (Ages 16-19)			
100	5538	364.44-00	Team	Reso 19-033	\$569.00	\$569.00
			Adult Basketball Tournament (3 on 3)			
100	5538	364.44-00	Resident Team	Reso 19-033	\$181.00	\$181.00
100	5538	364.44-00	Non-resident Team	Reso 19-033	\$207.00	\$207.00
			Golf League			
100	5538	364.44-00	Resident Team	Reso 19-033	\$243.00	\$243.00
100	5538	364.44-00	Non-resident Team	Reso 19-033	\$254.00	\$263.00
			YOUTH SPORTS			
			Youth Basketball Sports Camp/Clinic			
100	5538	364.44-00	Resident	Reso 19-033	\$83.00 - \$207.00	\$83.00 - \$207.00
100	5538	364.44-00	Non-resident	Reso 19-033	\$83.00 - \$207.00	\$83.00 - \$207.00
			Youth Basketball League			
100	5538	364.44-00	Resident Team	Reso 19-033	\$155.00	\$160.00
100	5538	364.44-00	Non-resident Team	Reso 19-033	\$186.00	\$190.00
100	5538	364.44-00	Volunteer Coaches for leagues	Fee waiver for 1 league		
			Table Tennis 16 years and up			
100	5538	364.44-00	Monthly Fee - Resident	Reso 19-033	\$25.00	\$25.00
100	5538	364.44-00	Monthly Fee - Non-resident	Reso 19-033	\$32.00	\$32.00
			ENGINEERING DIVISION			
100	5435	332.01-00	Final subdivision map filing	Reso 19-033	\$1,788.00	\$1,788.00
100	5435	332.01-00	Plus per lot	Reso 19-033	\$71.00	\$71.00
100	5435	332.01-00	Final subdivision parcel map filing	Reso 19-033	\$1,788.00	\$1,788.00
100	5435	332.01-00	Plus per lot	Reso 19-033	\$71.00	\$71.00
100	5435	332.01-00	Final subdivision lot line adjustment	Reso 19-033	\$1,788.00	\$1,788.00
100	5435	332.01-00	Plus per lot	Reso 19-033	\$71.00	\$71.00
100	5435	332.01-00	Subdivision certificate of correction	Reso 19-033	\$893.00	\$893.00
100	5435	332.01-00	Plus per lot	Reso 19-033	\$71.00	\$71.00
100	5435	332.01-00	Subdivision - county computer mapping fee (Fee per lot)	Reso 19-033	\$71.00	\$71.00
100	5435	332.02-00	Improvements (Plan check & inspect) (As % of actual value of improvements)	Reso 19-033	6.4% or Actual Cost + 20% Admin	6.4% or Actual Cost + 20% Admin
100	5435	332.02-00	Other Improvements (Streets, sewers, signs, etc.) (As % of actual value of improvements)	Reso 19-033	6.4% or Actual Cost + 20% Admin	6.4% or Actual Cost + 20% Admin
100	5435	332.02-00	Grading - permit fee	Reso 19-033	6.4% or Actual Cost + 20% Admin	6.4% or Actual Cost + 20% Admin
100	5435	332.02-00	Grading - transfer fee	Reso 10-088	\$59.00	\$59.00
100	5435	332.02-00	Grading - Amendment fee	Reso 19-033	Actual cost + 20% admin fee	Actual cost + 20% admin fee
100	5435	332.02-00	Grading - Penalty fee	Reso 19-033	\$239.00	\$239.00
100	5435	332.02-00	Grading - Penalty fee one acre or more	Reso 19-033	\$4,764.00	\$4,764.00
100	5435	332.02-00	Grading - Erosion control fee (As % of actual value of grading)	Reso 19-033	6.4% or Actual Cost + 20%	6.4% or Actual Cost + 20%
100	5435	332.02-00	Grading - Street vacations (As % of actual value of grading)	Reso 19-033	6.4% or Actual Cost + 20%	6.4% or Actual Cost + 20%
100	5435	332.03-00	Encroachment - residential private drive/walkway	Reso 19-033	36.00 plus \$500 bond	36.00 plus \$500 bond
100	5435	332.03-00	Encroachment - residential construction	Reso 19-033	\$310.00	\$310.00
100	5435	332.03-00	Encroachment - non-residential under \$850	Reso 19-033	\$1,012.00	\$1,012.00
100	5435	332.03-00	Encroachment - non-residential over \$850	Reso 19-033	Actual cost + 20% admin fee	Actual cost + 20% admin fee
100	5435	332.03-00	Encroachment - Illegal under \$500	Reso 19-033	\$597.00	\$597.00
100	5435	332.03-00	Encroachment - Illegal over \$500	Reso 19-033	Actual cost + 20% admin fee	Actual cost + 20% admin fee
100	5435	332.03-00	Utility encroachment - Processing Fee, Plan Review, Construction Inspection	Reso 15-093	Actual Cost + 20% admin fee	Actual Cost + 20% admin fee
100	5435	332.15-00	Engineering Advisory Services (Per hour)	Reso 19-033	\$227.00	\$227.00
100	5435	332.15-00	One-Use Wide Load Permit	Reso 19-033	\$16.00	\$16.00
100	5435	332.15-00	Duplication of Public Records Request	Reso 19-033	\$26.00	\$26.00
100	5435	332.15-00	House Moving permit (Computed at cost)	Reso 19-033	Actual cost + 20% admin fee	Actual cost + 20% admin fee
100	5435	332.15-00	Mature Tree Removal	Reso 19-033	\$105.00	\$105.00
			Assessment Apportionment Fee (fund-assessment dist)			
381	0000	363.01-00	Four or fewer lots (Including \$40 recording fee)	Reso 19-033	\$1,120.00	\$1,120.00
381	0000	363.01-00	Plus per lot	Reso 19-033	\$32.00	\$32.00
381	0000	363.01-00	Five or more lots (Including \$40 recording fee)	Reso 19-033	\$2,189.00	\$2,189.00
381	0000	363.01-00	Plus per lot	Reso 19-033	\$32.00	\$32.00
			Assessment District segregation 2-25 lots			
381	0000	363.01-00	Assessment District segregation 2-25 lots Map Fee	Reso 19-033	\$2,382.00	\$2,382.00
381	0000	363.01-00	Plus per lot	Reso 19-033	\$84.00	\$84.00
			Assessment District segregation 26-50 lots			
381	0000	363.01-00	Assessment District segregation 26-50 lots Map Fee	Reso 19-033	\$2,976.00	\$2,976.00
381	0000	363.01-00	Plus per lot	Reso 19-033	\$71.00	\$71.00
			Assessment District segregation 51-100 lots			
381	0000	363.01-00	Assessment District segregation 51-100 lots Map Fee	Reso 19-033	\$3,576.00	\$3,576.00
381	0000	363.01-00	Plus per lot	Reso 19-033	\$59.00	\$59.00
			Assessment District segregation 101-200 lots			
381	0000	363.01-00	Assessment District segregation 101-200 lots Map Fee	Reso 19-033	\$4,166.00	\$4,166.00
381	0000	363.01-00	Plus per lot	Reso 19-033	\$54.00	\$54.00
			Assessment District segregation >200 lots			
381	0000	363.01-00	Assessment District segregation >200 lots Map Fee	Reso 19-033	\$4,764.00	\$4,764.00

CITY OF HERCULES MASTER FEE SCHEDULE

Effective 7/15/2020

FUND NUMBER	DEPT. NUMBER	ACCOUNT NUMBER	FEE	LEGAL AUTHORITY	FY 19-20 FEES	Proposed Fees FY 20-21
381	0000	363.01-00	Plus per lot	Reso 19-033	\$48.00	\$48.00
			Sewer service charge			
420	0000	368.03-00	Residential	HMC 5-4.16	\$625.80	\$625.80
420	0000	368.03-00	Apartment Units	HMC 5-4.16	\$427.20	\$427.20
420	0000	368.03-00	Non-residential (Per Hundred Cubit Foot)	HMC 5-4.16	\$3.87	\$3.87
420	0000	368.05-00	Non-residential Wastewater Contribution Permit Application	Reso 19-033	\$1,190.00	\$1,190.00
420	0000	368.05-00	Annual renewal	Reso 19-033	\$597.00	\$597.00
420	0000	368.09-00	Sewer connections (If not paid through assessment dist.)	Reso 19-033	\$4,764.00	\$4,764.00
420	0000		Hotel Sewer Connection Fees			\$1,966.00
420	0000	368.09-00	Public/Private Pool sewer connection (As % of building permit fee)	Reso 09-114	10%	\$0.10
420	0000	368-11-00	Sewer Lateral Inspection	Reso 19-033	\$129.00	\$129.00
PLANNING DIVISION [Note: The City of Hercules adopted the Contra Costa County Conservation & Development Dept. Fee Schedule]						
Staff Services						
100	5235	362.04-00	Planning Staff Counter Service, first 15 minutes	Reso 12-066	No Charge	No Charge
100	5235	362.04-00	Planning Staff Service, above item minimum or after first 15 minutes (per staff hour)	Reso 12-066	\$100/hr.	\$100/hr.
100	5235	362.04-00	Planning Staff Service Pre-Submittal Review	Reso 12-066	\$500.00 Deposit and Actual + 20%	\$500.00 Deposit and Actual + 20%
100	5235	362.04-00	Time Extension (Administrative)	Reso 19-033	\$207.00	\$214.00
100	5235	362.04-00	Time Extension (Legislative, where not otherwise specified)	Reso 19-033	\$620.00	\$641.00
100	5235	362.04-00	Administrative Staff Appeal	Reso 19-033	\$207.00	\$214.00
100	5235	362.04-00	Appeal Administrative Decision (Planning Commission hearing)	Reso 12-066	50% of Initial Fee	50% of Initial Fee
100	5235	362.04-00	Appeal Planning Commission Decision (City Council hearing)	Reso 12-066	25% of Initial Fee	25% of Initial Fee
Use Permits						
100	5235	362.05-01	Temporary Use Permit (TUP)	Reso 19-033	\$414.00	\$428.00
100	5235	362.05-01	Administrative/Minor Use Permit	Reso 19-033	\$414.00	\$428.00
100	5235	362.05-01	Renewal of Administrative/Minor Use Permit	Reso 19-033	\$103.00	\$107.00
100	5235	362.05-01	Home - Based Occupation Permit	Reso 19-033	\$259.00	\$268.00
100	5235	362.05-01	Conditional Use Permit (Legislative)	Reso 12-066	\$2,000.00 Deposit and Actual + 20%	\$2,500.00 Deposit and Actual + 20%
100	5235	362.05-01	Any Special Use Permit for Wireless Facilities (as outlined in Title 10 Chapter 16 of Hercules Municipal Code)	Reso 15-060	\$10,000.00 Deposit and Actual + 20%	\$10,000.00 Deposit and Actual + 20%
100	5235	362.05-01	Combined Live/Work License, Parking Determination & Sign Permit (Per application)	Reso 19-033	\$620.00	\$641.00
Design						
100	5235	362.05-02	Design Review, Administrative, Single Family, Addition, Ground Floor	Reso 19-033	\$414.00	\$428.00
100	5235	362.05-02	Design Review, Legislative, Single Family, Addition, not Ground Floor	Reso 12-066	\$2,500.00 Deposit and Actual + 20%	\$2,500.00 Deposit and Actual + 20%
100	5235	362.05-02	Design Review, Legislative, Single Family, New Construction	Reso 14-014	\$6,000 Minimum Deposit plus Multi-Family: \$195 per unit Commercial Office, Industrial; \$.20 sq. ft. time & materials	\$6,000 Minimum Deposit plus: Multi-Family: \$195 per unit Commercial/Office/Industrial: \$0.20 sq. ft. and Actual +20%
100	5235	362.05-02	Design Review, Administrative, Signage	Reso 19-033	\$206.80	\$213.00
100	5235	362.05-02	Design Review, Administrative, not otherwise specified	Reso 12-066	\$5,000.00 Deposit and Actual + 20%	\$2,500.00 Deposit and Actual + 20%
100	5235	362.05-02	Design Review, Legislative, not otherwise specified	Reso 12-066	\$10,000.00 Deposit and Actual + 20%	\$10,000.00 Deposit and Actual + 20%
Subdivision						
100	5235	362.05-03	Subdivision Map, Submission (Per application)	Reso 12-066	\$2,000.00 Deposit and Actual + 20%	\$3,000.00 Deposit and Actual + 20%
100	5235	362.05-03	Parcel Map, Submission (Per application)	Reso 12-066	\$2,000.00 Deposit and Actual + 20%	\$3,000.00 Deposit and Actual + 20%
100	5235	362.05-03	Lot Line Adjustment, Submission (Per application)	Reso 12-066	\$2,000.00 Deposit and Actual + 20%	\$3,000.00 Deposit and Actual + 20%
100	5235	362.05-03	Lot Merger, Submission (Per application)	Reso 12-066	\$2,000.00 Deposit and Actual + 20%	\$3,000.00 Deposit and Actual + 20%
100	5235		Final Map	Reso 12-066	\$2,000.00 Deposit and Actual + 20%	\$3,000.00 Deposit and Actual + 20%
100	5235		Extension of Tentative Map	Reso 12-066	\$2,000.00 Deposit and Actual + 20%	\$3,000.00 Deposit and Actual + 20%
100	5235		Certificate of Compliance	Reso 12-066	\$500.00 Deposit and Actual + 20%	\$500.00 Deposit and Actual + 20%
Zoning/Variance						
100	5235	362.06-01	Variance from Development Standards (Legislative)	Reso 12-066	\$2,500.00 Deposit and Actual + 20%	\$2,500.00 Deposit and Actual + 20%
100	5235	362.06-01	Variance from Development Standards (Administrative - Single Family Residential)	Reso 19-033	\$393.00	\$426.00
100	5235	362.06-01	Zoning Designation Change	Reso 12-066	\$2,500.00 Deposit and Actual + 20%	\$2,500.00 Deposit and Actual + 20%
100	5235	362.06-01	Zoning Text Amendment	Reso 12-066	\$2,500.00 Deposit and Actual + 20%	\$2,500.00 Deposit and Actual + 20%
Planning						
100	5235	362.06-02	Planned Development Plan (PDP)	Reso 12-066	\$10,000.00 Deposit and Actual + 20%	\$10,000.00 Deposit and Actual + 20%
100	5235	362.06-04	General Plan Amendment	Reso 12-066	\$10,000.00 Deposit and Actual + 20%	\$10,000.00 Deposit and Actual + 20%
100	5235	362.06-02	Development Agreement	Reso 12-066	\$10,000.00 Deposit and Actual + 20%	\$10,000.00 Deposit and Actual + 20%
100	5235	362.06-02	Specific Plan Original	Reso 12-066	\$10,000.00 Deposit and Actual + 20%	\$10,000.00 Deposit and Actual + 20%
100	5235	362.06-02	Specific Plan Amendment	Reso 12-066	\$10,000.00 Deposit and Actual + 20%	\$10,000.00 Deposit and Actual + 20%
Environmental Review						
100	5235	362.06-03	Environmental Impact Report	Reso 12-066	\$50,000.00 Deposit and Actual + 20%	\$50,000.00 Deposit and Actual + 20%

CITY OF HERCULES MASTER FEE SCHEDULE

Effective 7/15/2020

FUND NUMBER	DEPT. NUMBER	ACCOUNT NUMBER	FEE	LEGAL AUTHORITY	FY 19-20 FEES	Proposed Fees FY 20-21
100	5235	362.06-03	Initial Study/ Negative Declaration	Reso 13-056	\$10,000.00 Deposit and Actual + 20%	\$10,000.00 Deposit and Actual + 20%
100	5235	362.06-03	Mitigation Monitoring Program	Reso 12-066	\$5,000.00 Deposit and Actual + 20%	\$5,000.00 Deposit and Actual + 20%
100	5235	362.06-03	County Clerk Filing	Reso 12-066	\$375.00 City Admin Fee + Pass through of fee(s) set by County	\$375.00 City Admin Fee + Pass through of fee(s) set by County
100	5235	362.06-03	DF&G - Neg. Dec.; Mitigate Neg. Dec.; EIR; Certify Regulatory Program	Reso 12-066	Pass through of fees set by Dept. of Fish & Game	Pass through of fees set by Dept. of Fish & Game
CODE ENFORCEMENT						
			<u>Service Fees</u>			
100	5238		Code Enforcement - General Enforcement Fee	Reso 17-003	Cost + 20% Administrative Fee	
100	5238		Re-inspection for Hearing	Reso 19-033	\$103.00	\$107.00
100	5238		Request for Extension of Time	Reso 19-033	\$78.00	\$81.00
100	5238		Posting or Service of Notices	Reso 19-033	\$78.00	\$81.00
100	5238		Inspection Warrant	Reso 19-033	\$259.00	\$268.00
100	5238		Hearing before Hearing Officer	Reso 19-033	\$207.00	\$214.00
100	5238		Appeal to City Council	Reso 19-033	\$207.00	\$214.00
100	5238		Request for Entry	Reso 19-033	\$155.00	\$160.00
			<u>Administrative Fees</u>			
100	5238		Administrative Citation -Each Infraction -1st offense in 12 months	HMC1-4.01& 1.402 & Reso 17-003	\$100.00	\$100.00
100	5238		Administrative Citation -Each Infraction -2nd offense in 12 months	HMC1-4.01& 1.402 & Reso 17-003	\$200.00	\$200.00
100	5238		Administrative Citation -Each Infraction -3rd offense in 12 months	HMC1-4.01& 1.402 & Reso 17-003	\$500.00	\$500.00
100	5238		Abatement Warrant	Reso 19-033	\$259.00	\$268.00
100	5238		Lien and Special Assessment	Reso 19-033	\$259.00	\$268.00
100	5238		Recording of Certificate of Nuisance	Reso 19-033	\$259.00	\$268.00
100	5238		Release of Recordation	Reso 19-033	\$129.00	\$133.00
100	5238		Collection	Reso 19-033	\$284.00	\$294.00
			<u>Actual Abatement Costs</u>			
100	5238		Clean-up (Actual cost plus applicable fees from schedule)	Reso 10-088	Cost + 20% Admin Fee	Cost + 20% Admin Fee
100	5238		Dumping (Actual cost plus applicable fees from schedule)	Reso 10-088	Cost + 20% Admin Fee	Cost + 20% Admin Fee
100	5238		Building Secured by City (Actual cost plus applicable fees from schedule)	Reso 10-088	Cost	Cost
100	5238		Permit to Secure Building by Owner	Reso 10-088	Calculated based on valuation	Calculated based on valuation
100	5238		Release of Non-Storm Water Discharges into City Storm Water System	Reso 19-033	\$155.00	\$160.00
100	5238		City Clean-Up of Non-Storm Water Discharges	Reso 10-088	Cost + 20% Administrative Fee	Cost + 20% Administrative Fee
			<u>Vehicle Abatement Fees</u>			
100	5238		Vehicle Abatement Warrant	Reso 19-033	\$259.00	\$268.00
100	5238		Vehicle Release Fee	Reso 19-033	\$155.00	\$160.00
100	5238		First Vehicle Found on Private Property Abandoned, Wrecked, Dismantled or Unregistered, and Declared a Public Nuisance	Reso 19-033	\$233.00	\$241.00
100	5238		Each Additional Vehicle Found on Private Property Abandoned, Wrecked, Dismantled or Unregistered, and Declared a Public Nuisance	Reso 19-033	\$103.00	\$107.00
100	5238		Appeal to City Council	Reso 19-033	\$207.00	\$214.00
COMMUNITY DEVELOPMENT DEPARTMENT						
			<u>Development Impact Fees</u>			
			Single Family (Per dwelling unit)			
247	5238	362.50-00	Park and Recreation Facilities	Reso 19-033	\$1,525.00	\$1,577.00
			Public Benefit for the Bayfront Project only ⁵	Resos 11-132 & 17-002	\$4,000.00	\$4,000.00
241	5238	362.50-00	General Public Facilities	Reso 19-033	\$741.00	\$766.00
244	5238	362.50-00	Police Facilities	Reso 19-033	\$1,312.00	\$1,357.00
246	5238	362.50-00	Fire Facilities	Reso 19-018	\$1,344.00	\$1,774.00
261	5238	362.50-00	Transportation Facilities Fee	Reso 19-033	\$5,346.75	\$5,347.00
420	0000	368.10-00	Sewer Facilities ⁶	Reso 19-033	\$4,186.00	\$4,328.00
242	5238	362.45-00	Community Development Tax (Approved by Voters)	Reso 87-58	\$1,500.00	\$1,500.00
264	5238	362.55-00	West County Sub-regional Transportation Mitigation Fee ¹	Reso 19-011	\$5,439.00	\$5,744.00
			Multi Family (Per dwelling unit)			
247	5238	362.50-00	Park and Recreation Facilities	Reso 19-033	\$925.00	\$956.00
			Public Benefit for the Bayfront Project only ⁵	Resos 11-132 & 17-002	\$2,350.00	\$2,350.00
241	5238	362.50-00	General Public Facilities	Reso 19-033	\$463.00	\$479.00
244	5238	362.50-00	Police Facilities	Reso 19-033	\$819.00	\$847.00
264	5238	362.55-00	West County Sub-regional Transportation Mitigation Fee ¹	Reso 19-011	\$2,679.00	\$2,829.00
246	5238	362.50-00	Fire Facilities (MF - Apartment)	Reso 19-018	\$828.80	\$1,094.02
246	5238	362.50-00	Fire Facilities (MF - Accessory Dwelling Units)	Reso 19-018	\$625.00	\$829.00
261	5238	362.50-00	Transportation Facilities Fee	Reso 19-011	\$3,024.75	\$3,025.75
420	0000	368.10-00	Sewer Facilities ⁶	Reso 19-033	\$4,186.00	\$4,328.00
242	5238	362.45-00	Community Development Tax (Approved by Voters)	Reso 87-58	\$1,500.00	\$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	\$0.20
247	5238	362.50-00	Park and Recreation Facilities	Reso 09-114	N/A	N/A
241	5238	362.50-00	General Public Facilities	Reso 19-033	\$0.59	\$0.61
244	5238	362.50-00	Police Facilities	Reso 19-033	\$0.26	\$0.27
246	5238	362.50-00	Fire Facilities	Reso 19-018	\$0.672	\$0.89
261	5238	362.50-00	Transportation Facilities Fee ⁴	Reso 19-011	\$7.19	\$8.19
420	0000	368.10-00	Sewer Facilities ⁶	Reso 19-033	\$0.56	\$0.58
264	5238	362.55-00	West County Sub-regional Transportation Mitigation Fee ¹	Reso 19-017	\$6.59	\$6.96
			Office (Per building square foot)			
247	5238	362.50-00	Park and Recreation Facilities	Reso 09-114	N/A	N/A
			Public Benefit for the Bayfront Project only ⁵	Resos 11-132 & 17-002	\$0.20	\$0.20
241	5238	362.50-00	General Public Facilities	Reso 19-033	\$0.25	\$0.26

CITY OF HERCULES MASTER FEE SCHEDULE

Effective 7/15/2020

FUND NUMBER	DEPT. NUMBER	ACCOUNT NUMBER	FEE	LEGAL AUTHORITY	FY 19-20 FEES	Proposed Fees FY 20-21
244	5238	362.50-00	Police Facilities	Reso 19-033	\$0.44	\$0.45
246	5238	362.50-00	Fire Facilities	Reso 19-018	\$0.904	\$1.19
261	5238	362.50-00	Transportation Facilities Fee	Reso 19-011	\$6.26	\$7.26
420	0000	368.10-00	Sewer Facilities ⁵	Reso 19-033	\$1.12	\$1.15
264	5238	362.55-00	West County Sub-regional Transportation Mitigation Fee ¹	Reso 19-017	\$8.72	\$9.21
			Industrial (Per building square foot)			
247	5238	362.50-00	Park and Recreation Facilities	Reso 09-114	N/A	N/A
241	5238	362.50-00	General Public Facilities	Reso 19-033	\$0.42	\$0.44
244	5238	362.50-00	Police Facilities	Reso 19-033	\$0.19	\$0.20
246	5238	362.50-00	Fire Facilities	Reso 19-018	\$0.384	\$0.51
261	5238	362.50-00	Transportation Facilities Fee	Reso 19-011	\$5.83	\$6.83
420	0000	368.10-00	Sewer Facilities ⁵	Reso 19-033	\$1.12	\$1.15
264	5238	362.55-00	West County Sub-regional Transportation Mitigation Fee ¹	Reso 19-017	\$5.56	\$5.87
			Hotel (Per room) ⁷			
247	5238	362.50-00	Park and Recreation Facilities	Reso 09-114	N/A	N/A
			Public Benefit for the Bayfront Project only ⁵	Resos 11-132 & 17-002	\$20.00	\$20.00
241	5238	362.50-00	General Public Facilities	Reso 19-033	\$24.30	\$25.13
244	5238	362.50-00	Police Facilities	Reso 19-033	\$26.88	\$27.80
246	5238	362.50-00	Fire Facilities	Reso 19-018	\$101	\$107.00
261	5238	362.50-00	Transportation Facilities Fee	Reso 19-011	\$1,963.50	\$2,030.26
420	0000	000-03-68	Hotel Sewer Facility Fee		\$3,481.00	\$3,676.00
264	5238	362.55-00	West County Sub-regional Transportation Mitigation Fee ¹	Reso 19-017		
			Other Community Development Fees			
			Other Sub-regional Transportation Mitigation (STMP) Fees:		\$1,469.00	\$1,551.00
264	5238	362.55-00	Senior Housing (Per dwelling unit) ¹	Reso 19-017	\$0.76	\$0.80
264	5238	362.55-00	Hospital (Per building square foot) ¹	Reso 10-088	\$7,350.00	\$7,762.00
264	5238	362.55-00	Other buildings not listed (Per AM peak hour trips generated) ¹	Reso 19-017		
			Other City Transportation Facilities Fee	Reso 19-017	\$32.83	\$33.95
264	5238	362.55-00	Fast Food (per sq. ft.)	Reso 19-011	\$5,758.50	\$5,954.29
			Fuel Station (pe pump)	Reso 19-011	\$10 per each \$100,000 of building valuation	\$10 per each \$100,000 of building valuation
100	5238	331.12-00	SMIP Fee Residential	Reso 14-014	\$10 per each \$100,000 of building valuation	\$10 per each \$100,000 of building valuation
100	5238	331.12-00	SMIP Fee Commercial	Reso 14-014		
			Green Building Fee Schedule: ³		\$1.00	\$1.00
100	5328		\$1.00 - \$25,000.00 Permit Valuation		\$2.00	\$2.00
100	5328		\$25,001.00 - \$50,000.00 Permit Valuation		\$3.00	\$3.00
100	5328		\$50,001.00 - \$75,000.00 Permit Valuation		\$4.00	\$4.00
100	5328		\$75,001.00 - \$100,000.00 Permit Valuation		Add \$1.00	Add \$1.01
100	5328		Every \$25,000.00 or fraction thereof above \$100,000.00		\$69.00	\$71.00
100	5238	331.05-00	Demo inspection Review	Reso 10-088	25% of Building Fee	25% of Building Fee
100	5238	331.10-00	Filing Fee	Reso 09-114		
			¹ STMP fees are collected by the City and remitted to WCCTAC in accordance with Master Coop Agreement.			
			² SMIP fees are collected by the City and remitted to State of California			
			³ GBF fees are collected by the City and remitted to State of California			
			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.			
AFFORDABLE HOUSING PROGRAM						
640	6000	395.00-00	Affordable Housing In-Lieu Fee	RDA Reso 09-114	Per Code	Per Code
640	6000	395.00-00	Annual Compliance/Monitoring Fee	Reso 19-033	\$30.00	\$31.00
640	6000	395.00-00	Code Compliance Inspection	Reso 19-033	\$149.00	\$154.00
640	6000	369.07-01	Credit	Reso 19-033	\$30.00	\$31.00
640	6000	395.00-00	Default Monitoring	RDA Reso 09-114	Actual cost + 20% admin fee	Actual cost + 20% admin fee
640	6000	395.00-00	Foreclosure (Fee charged by 3rd party service provider)	RDA Reso 09-114	Actual cost + 20% admin fee	Actual cost + 20% admin fee
640	6000	369.07-93	Homebuyer Education	Reso 19-033	\$32.00	\$33.00
640	6000	395.00-00	Loan Documents Preparation Fee	Reso 19-033	\$298.00	\$308.00
640	6000	395.00-00	Notary (First signature)	Reso 19-033	\$11.00	\$11.00
640	6000	395.00-00	Each additional signature	Reso 19-033	\$6.00	\$6.00
640	6000	395.00-00	Pay-Off Demand	Reso 19-033	\$60.00	\$62.00
640	6000	395.00-00	Rehab Work Write-up/Inspection Fee	Reso 19-033	\$89.00	\$92.00
640	6000	395.00-00	Reconveyance	Reso 19-033	\$149.00	\$154.00
640	6000	395.00-00	Recording Fee (Fee paid to County Recorder)	RDA Reso 09-114	Actual cost + 20% admin fee	Actual cost + 20% admin fee
640	6000	395.00-00	Resale Restriction Calculation	Reso 19-033	\$60.00	\$62.00
640	6000	395.00-00	Subordination	Reso 19-033	\$149.00	\$154.00
640	6000	395.00-00	Wiring Fee	Reso 19-033	\$22.00	\$23.00
BUSINESS DEVELOPMENT PROGRAM						
601	0000	395.00-00	Application Packaging Fee	Reso 19-033	\$62.00	\$64.00
601	0000	395.00-00	Default Monitoring	RDA Reso 09-114	Actual cost + 20% admin fee	Actual cost + 20% admin fee
601	0000	395.00-00	Foreclosure (Fee charged by 3rd party service provider)	RDA Reso 09-114	Actual cost + 20% admin fee	Actual cost + 20% admin fee
601	0000	395.00-00	Loan Documents Preparation Fee	Reso 19-033	\$310.00	\$321.00
601	0000	395.00-00	Notary (First signature)	Reso 19-033	\$10.00	\$10.00
601	0000	395.00-00	Each additional signature	Reso 19-033	\$6.00	\$6.00
601	0000	395.00-00	Pay-Off Demand	Reso 19-033	\$62.00	\$64.00
601	0000	395.00-00	Reconveyance	Reso 19-033	\$155.00	\$160.00
601	0000	395.00-00	Recording Fee (Fee paid to County Recorder)	RDA Reso 09-114	Actual cost + 20% admin fee	Actual cost + 20% admin fee

CITY OF HERCULES MASTER FEE SCHEDULE

Effective 7/15/2020

FUND NUMBER	DEPT. NUMBER	ACCOUNT NUMBER	FEE	LEGAL AUTHORITY	FY 19-20 FEES	Proposed Fees FY 20-21
601	0000	395.00-00	Subordination	RDA Reso 09-114	Actual cost + 20% admin fee	Actual cost + 20% admin fee
601	0000	395.00-00	Title Insurance	RDA Reso 09-114	Actual cost + 20% admin fee	Actual cost + 20% admin fee
601	0000	395.00-00	Wiring Fee	RDA Reso 09-114	Actual cost + 20% admin fee	Actual cost + 20% admin fee
601	0000	395.00-00	Late Fee (Per day after due date)	Reso 19-033	\$5.00	\$5.00
BUSINESS LICENSE FEES						
			Retail, Wholesale, Service, and Manufacturer			
			Based On Average Monthly Gross Receipts (Annual Fee)			
100	0000	316.00-00	Disability Access and Education Fee (30% to be paid to Division of the State Architect)	GCS 4467 & Reso 17-003	Division of the State Architect mandated \$1.00 Fee.	
100	0000	316.00-00	Zero to \$1,000	HMC 8-6.1-6	\$42.00	\$43.00
100	0000	316.00-00	1,000.01 to 1,500	HMC 8-6.1-6	\$52.00	\$54.00
100	0000	316.00-00	1,500.01 to 2,000	HMC 8-6.1-6	\$62.00	\$64.00
100	0000	316.00-00	2,000.01 to 3,000	HMC 8-6.1-6	\$82.00	\$84.00
100	0000	316.00-00	3,000.01 to 4,000	HMC 8-6.1-6	\$103.00	\$106.00
100	0000	316.00-00	4,000.01 to 5,000	HMC 8-6.1-6	\$123.00	\$127.00
100	0000	316.00-00	5,000.01 to 6,000	HMC 8-6.1-6	\$143.00	\$147.00
100	0000	316.00-00	6,000.01 to 8,000	HMC 8-6.1-6	\$164.00	\$169.00
100	0000	316.00-00	8,000.01 to 10,000	HMC 8-6.1-6	\$184.00	\$190.00
100	0000	316.00-00	10,000.01 to 12,000	HMC 8-6.1-6	\$204.00	\$210.00
100	0000	316.00-00	12,000.01 to 14,000	HMC 8-6.1-6	\$225.00	\$232.00
100	0000	316.00-00	14,000.01 to 16,000	HMC 8-6.1-6	\$245.00	\$252.00
100	0000	316.00-00	16,000.01 to 18,000	HMC 8-6.1-6	\$265.00	\$273.00
100	0000	316.00-00	18,000.01 to 20,000	HMC 8-6.1-6	\$286.00	\$295.00
100	0000	316.00-00	20,000.01 to 25,000	HMC 8-6.1-6	\$326.00	\$336.00
100	0000	316.00-00	25,000.01 to 30,000	HMC 8-6.1-6	\$367.00	\$378.00
100	0000	316.00-00	30,000.01 to 35,000	HMC 8-6.1-6	\$408.00	\$420.00
100	0000	316.00-00	35,000.01 to 40,000	HMC 8-6.1-6	\$448.00	\$461.00
100	0000	316.00-00	40,000.01 to 45,000	HMC 8-6.1-6	\$489.00	\$504.00
100	0000	316.00-00	45,000.01 to 50,000	HMC 8-6.1-6	\$530.00	\$546.00
100	0000	316.00-00	50,000.01 to 60,000	HMC 8-6.1-6	\$571.00	\$588.00
100	0000	316.00-00	60,000.01 to 70,000	HMC 8-6.1-6	\$611.00	\$629.00
100	0000	316.00-00	70,000.01 to 80,000	HMC 8-6.1-6	\$652.00	\$672.00
100	0000	316.00-00	80,000.01 to 90,000	HMC 8-6.1-6	\$693.00	\$714.00
100	0000	316.00-00	90,000.01 to 100,000	HMC 8-6.1-6	\$733.00	\$755.00
100	0000	316.00-00	100,000.01 to 130,000	HMC 8-6.1-6	\$815.00	\$839.00
100	0000	316.00-00	130,000.01 to 160,000	HMC 8-6.1-6	\$896.00	\$923.00
100	0000	316.00-00	160,000.01 to 200,000	HMC 8-6.1-6	\$1,018.00	\$1,049.00
100	0000	316.00-00	200,000.01 to 350,000	HMC 8-6.1-6	\$1,221.00	\$1,258.00
100	0000	316.00-00	350,000.01 to 500,000	HMC 8-6.1-6	\$1,425.00	\$1,468.00
100	0000	316.00-00	500,000.01 to 650,000	HMC 8-6.1-6	\$1,730.00	\$1,782.00
100	0000	316.00-00	650,000.01 to 800,000	HMC 8-6.1-6	\$2,035.00	\$2,096.00
100	0000	316.00-00	800,000.01 to 1,000,000	HMC 8-6.1-6	\$2,442.00	\$2,515.00
100	0000	316.00-00	1,000,000.01 to 2,000,000 (Base Fee + \$1.00 per \$1,000 in excess of \$1M up to \$2M)	HMC 8-6.1-6	\$2,442.00	\$2,515.00
100	0000	316.00-00	2,000,000.01 to 4,000,000 (Base Fee + \$.80 per \$1,000 in excess of \$2M up to \$4M)	HMC 8-6.1-6	\$3,459.00	\$3,563.00
100	0000	316.00-00	4,000,000.01 to 7,000,000 (Base Fee + \$.60 per \$1,000 in excess of \$4M up to \$7M)	HMC 8-6.1-6	\$5,086.00	\$5,239.00
100	0000	316.00-00	7,000,000.01 to 10,000,000 (Base Fee + \$.40 per \$1,000 in excess of \$7M up to \$10M)	HMC 8-6.1-6	\$6,917.00	\$7,125.00
100	0000	316.00-00	Over 10,000,000 (Base Fee + \$.20 per \$1,000 in excess of \$10M with no cap)	HMC 8-6.1-6	\$8,137.00	\$8,381.00
			Contractor and Subcontractor			\$0.00
			Based On Average Monthly Gross Receipts (Quarterly Fee)			\$0.00
100	0000	316.00-00	Zero to \$4,000 (Average monthly gross receipts) (Times 2, 3, or 4 if paying for 1/2, 3/4, or full year)	HMC 8-6.1-6	\$26.00	\$27.00
100	0000	316.00-00	4,000.01 to 5,000	HMC 8-6.1-6	\$32.00	\$33.00
100	0000	316.00-00	5,000.01 to 6,000	HMC 8-6.1-6	\$37.00	\$38.00
100	0000	316.00-00	6,000.01 to 8,000	HMC 8-6.1-6	\$42.00	\$43.00
100	0000	316.00-00	8,000.01 to 10,000	HMC 8-6.1-6	\$47.00	\$48.00
100	0000	316.00-00	10,000.01 to 12,000	HMC 8-6.1-6	\$52.00	\$54.00
100	0000	316.00-00	12,000.01 to 14,000	HMC 8-6.1-6	\$57.00	\$59.00
100	0000	316.00-00	14,000.01 to 16,000	HMC 8-6.1-6	\$62.00	\$64.00
100	0000	316.00-00	16,000.01 to 18,000	HMC 8-6.1-6	\$67.00	\$69.00
100	0000	316.00-00	18,000.01 to 20,000	HMC 8-6.1-6	\$72.00	\$74.00
100	0000	316.00-00	20,000.01 to 25,000	HMC 8-6.1-6	\$82.00	\$84.00
100	0000	316.00-00	25,000.01 to 30,000	HMC 8-6.1-6	\$93.00	\$96.00
100	0000	316.00-00	30,000.01 to 35,000	HMC 8-6.1-6	\$103.00	\$106.00
100	0000	316.00-00	35,000.01 to 40,000	HMC 8-6.1-6	\$113.00	\$116.00
100	0000	316.00-00	40,000.01 to 45,000	HMC 8-6.1-6	\$133.00	\$137.00
100	0000	316.00-00	45,000.01 to 50,000	HMC 8-6.1-6	\$133.00	\$137.00
100	0000	316.00-00	50,000.01 to 60,000	HMC 8-6.1-6	\$143.00	\$147.00
100	0000	316.00-00	60,000.01 to 70,000	HMC 8-6.1-6	\$154.00	\$159.00
100	0000	316.00-00	70,000.01 to 80,000	HMC 8-6.1-6	\$164.00	\$169.00
100	0000	316.00-00	80,000.01 to 90,000	HMC 8-6.1-6	\$174.00	\$179.00
100	0000	316.00-00	90,000.01 to 100,000	HMC 8-6.1-6	\$184.00	\$190.00
100	0000	316.00-00	100,000.01 to 130,000	HMC 8-6.1-6	\$204.00	\$210.00
100	0000	316.00-00	130,000.01 to 160,000	HMC 8-6.1-6	\$225.00	\$232.00
100	0000	316.00-00	160,000.01 to 200,000	HMC 8-6.1-6	\$255.00	\$263.00
100	0000	316.00-00	200,000.01 to 350,000	HMC 8-6.1-6	\$306.00	\$315.00
100	0000	316.00-00	350,000.01 to 500,000	HMC 8-6.1-6	\$357.00	\$368.00
100	0000	316.00-00	500,000.01 to 650,000	HMC 8-6.1-6	\$433.00	\$446.00
100	0000	316.00-00	650,000.01 to 800,000	HMC 8-6.1-6	\$510.00	\$525.00
100	0000	316.00-00	800,000.01 to 1,000,000	HMC 8-6.1-6	\$611.00	\$629.00
100	0000	316.00-00	1,000,000.01 to 2,000,000 (Base Fee + \$.25 per \$1,000 in excess of \$1M up to \$2M)	HMC 8-6.1-6	\$611.00	\$629.00
100	0000	316.00-00	2,000,000.01 to 4,000,000 (Base Fee + \$.20 per \$1,000 in excess of \$2M up to \$4M)	HMC 8-6.1-6	\$865.00	\$891.00

CITY OF HERCULES MASTER FEE SCHEDULE

Effective 7/15/2020

FUND NUMBER	DEPT. NUMBER	ACCOUNT NUMBER	FEE	LEGAL AUTHORITY	FY 19-20 FEES	Proposed Fees FY 20-21
100	0000	316.00-00	4,000,000.01 to 7,000,000 (Base Fee + \$.15 per \$1,000 in excess of \$4M up to \$7M)	HMC 8-6.1-6	\$1,272.00	\$1,310.00
100	0000	316.00-00	7,000,000.01 to 10,000,000 (Base Fee + \$.10 per \$1,000 in excess of \$7M up to \$10M)	HMC 8-6.1-6	\$1,730.00	\$1,782.00
100	0000	316.00-00	Over 10,000,000 (Base Fee + \$.05 per \$1,000 in excess of \$10M with no cap)	HMC 8-6.1-6	\$2,035.00	\$2,096.00
			Miscellaneous Business Fees			\$0.00
			(Fees Based On Various Frequencies Or Units)			\$0.00
100	0000	316.00-00	Billiard or Pool Halls and Card Rooms (Per year per table in addition to Gross Receipts Tax).	HMC 8-6.1-6	\$21.00	\$22.00
100	0000	316.00-00	Boxing and wrestling matches (Per exhibition).	HMC 8-6.1-6	\$103.00	\$106.00
100	0000	316.00-00	Carnivals (Per week).	HMC 8-6.1-6	\$510.00	\$525.00
100	0000	316.00-00	Circuses (Per day).	HMC 8-6.1-6	\$103.00	\$106.00
100	0000	316.00-00	Coin operated amusement devices (Per year per device).	HMC 8-6.1-6	\$204.00	\$210.00
100	0000	316.00-00	Dances at which admission is charged (Each date).	HMC 8-6.1-6	\$52.00	\$54.00
100	0000	316.00-00	Farmers Market (Per year)	HMC 8-6.1-6	\$16.00	\$16.00
100	0000	316.00-00	Merry-go-rounds (Per day).	HMC 8-6.1-6	\$11.00	\$11.00
100	0000	316.00-00	Portable skating rinks (Per quarter).	HMC 8-6.1-6	\$103.00	\$106.00
100	0000	316.00-00	Peddling or soliciting (Per quarter).	HMC 8-6.1-6	\$52.00	\$54.00
100	0000	316.00-00	Professional Persons, i.e. Accountant, Chiropractor, Dentist, Engineer, Lawyer, Optometrist, Osteopath, Physician, Surgeon, Veterinarian, Mortician, etc. (Per each professional per year).	HMC 8-6.1-6	\$164.00	\$169.00
100	0000	316.00-00	Selling bankrupt, depreciated or damaged stock of goods, when the same are presented as being sold for less than in the usual course of business (Per quarter).	HMC 8-6.1-6	\$408.00	\$420.00
100	0000	316.00-00	Traveling exhibitions e.g. telescopes, microscopes, lung testers, ball and knife or ring throwing or any similar exhibitions for which no other rate is fixed herein (Per week).	HMC 8-6.1-6	\$103.00	\$106.00
100	0000	316.00-00	Traveling, advertising and sales promotional enterprises, whether operating directly or under the sponsorship of a local organization, where any remuneration is received by such enterprise for its activity within the City (Per quarter).	HMC 8-6.1-6	\$103.00	\$106.00
			Traveling theatrical promoters or enterprises, whether operating directly or under sponsorship of a local organization for theatrical performances in the City, at which admission is charged.			\$0.00
100	0000	316.00-00	(Per day for first three days).	HMC 8-6.1-6	\$21.00	\$22.00
100	0000	316.00-00	(Per day thereafter).	HMC 8-6.1-6	\$13.00	\$13.00
100	0000	316.00-00	Trucks using City streets for the transportation of goods, wares, and merchandise, except as are exempted from the payment of municipal license fees by state or federal law, and except when such trucks are used in connection with businesses already paying a license fee under this Chapter, and except those who are under the Highway Carriers Uniform Business License Tax pursuant to Paragraph 4306 of the Public Utilities Code (Per year per truck).	HMC 8-6.1-6	\$103.00	\$106.00
100	0000	316.00-00	Vending Machines (Per year per machine).	HMC 8-6.1-6	\$42.00	\$43.00



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of July 14, 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. 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 June 18, 2020.
4. The City Council confirms the delinquent accounts report and orders placement of liens on said properties and special assessment upon property taxes by resolution.
5. 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 January 2020 through April, 2020, Richmond Sanitary Services Preliminary Lien List Report lists 101 accounts totaling \$33,252.83. The attached report shows the billing and service addresses of the subject property, the date that each account became at least six months 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.

The Finance Director may make revisions or corrections to the report as deemed just. Vacant premises or billing errors, which can be substantiated, are examples of circumstances 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, 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 14th day of July, 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: BIDIV556

Date: 6/04/20

Time: 8:23:57

PRELIMINARY LIEN LIST NO CONSOLIDATION

PRELIMINARY LIEN LISTS

HEARING DATES

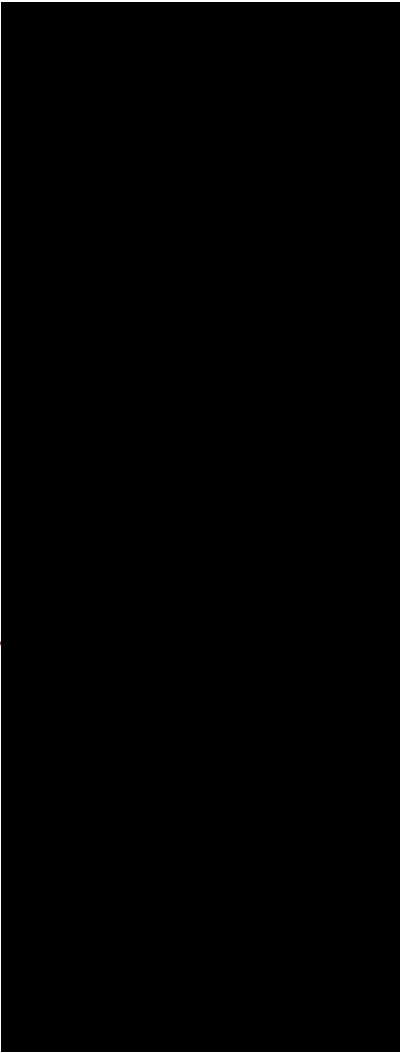
06/2020

Page: 1

User: JW60420

Levy Code: HU

As Of 6/04/20

Owners Name	Billing Address	Service Address	Service Thru	RSS Charges	City Charge	Total Due
	109 MONTEGO DR HERCULES CA 94547	109 MONTEGO DR	20/01	318.49	30.00	348.49
	226 CATALINA DR HERCULES CA 94547	226 CATALINA DR	20/01	318.67	30.00	348.67
	167 CAPRICE CIR HERCULES CA 94547	167 CAPRICE CIR	20/01	561.84	30.00	591.84
	306 ATLAS 7 HERCULES CA 94547	306 ATLAS 7	20/01	318.67	30.00	348.67
	2434 ACTON ST BERKELEY CA 94702	115 BAY ST	20/01	300.94	30.00	330.94
	307 ONEIL CIR HERCULES CA 94547	307 ONEIL CIR	20/01	318.67	30.00	348.67
	136 BRENNER HERCULES CA 94547	136 BRENNER	20/01	316.73	30.00	346.73
	136 CAMDEN LN HERCULES CA 94547	136 CAMDEN LN	20/01	318.49	30.00	348.49
	1105 PROMENADE ST HERCULES CA 94547	1105 PROMENADE ST	20/01	276.15	30.00	306.15
	166 WATERMARK TER HERCULES CA 94547	166 WATERMARK TER	20/01	562.24	30.00	592.24
	127 SPINNAKER CV HERCULES CA 94547	127 SPINNAKER CV	20701	110.10	30.00	140.10

Prog: BIDIV556

Date: 6/04/20

Time: 8:23:57

PRELIMINARY LIEN LIST NO CONSOLIDATION

PRELIMINARY LIEN LISTS

HEARING DATES

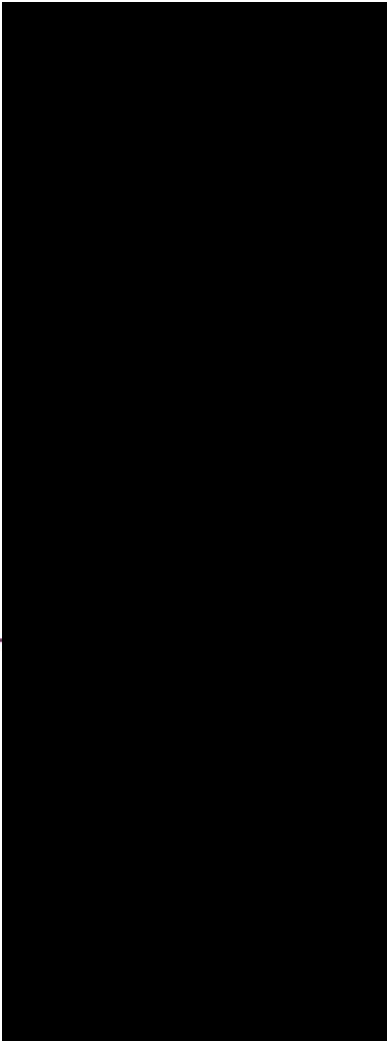
06/2020

Page: 2

User: JW60420

Levy Code: HU

As Of 6/04/20

Owners Name	Billing Address	Service Address	Service Thru	RSS Charges	City Charge	Total Due
	38 AMARYLLIS CT SOUTH SAN FRANCISCO CA 94080	1012 SALT SPRAY TER	20/01	390.42	30.00	420.42
	2033 DRAKE LN HERCULES CA 94547	2033 DRAKE LN	20/01	318.77	30.00	348.77
	103 SHEFFIELD HERCULES CA 94547	103 SHEFFIELD	20/01	319.38	30.00	349.38
	1284 CANTERBURY HERCULES CA 94547	1284 CANTERBURY	20/01	213.18	30.00	243.18
	1266 CANTERBURY HERCULES CA 94547	1266 CANTERBURY	20/01	173.68	30.00	203.68
	214 OXFORD HERCULES CA 94547	214 OXFORD	20/01	360.13	30.00	390.13
	145 OXFORD HERCULES CA 94547	145 OXFORD	20/01	300.96	30.00	330.96
	109 BELLFLOWER CT HERCULES CA 94547	109 BELLFLOWER CT	20/01	318.67	30.00	348.67
	376 VIOLET RD HERCULES CA 94547	376 VIOLET RD	20/01	316.79	30.00	346.79
	115 ORCHID CT HERCULES CA 94547	115 ORCHID CT	20/01	318.65	30.00	348.65
	2249 LUPINE RD HERCULES CA 94547	2249 LUPINE RD	20/01	318.67	30.00	348.67

Prog: BIDI556

Date: 6/04/20

Time: 8:23:57

PRELIMINARY LIEN LIST NO CONSOLIDATION

PRELIMINARY LIEN LISTS

HEARING DATES

06/2020

Page: 3

User: JW60420

Levy Code: HU

As Of 6/04/20

Owners Name	Billing Address	Service Address	Service Thru	RSS Charges	City Charge	Total Due
	2304 REDWOOD RD HERCULES CA 94547	2304 REDWOOD RD	20/01	329.10	30.00	359.10
	255 ELDERBERRY CT HERCULES CA 94547	255 ELDERBERRY CT	20/01	318.67	30.00	348.67
	1919 REDWOOD RD HERCULES CA 94547	1919 REDWOOD RD	20/01	318.67	30.00	348.67
	7 BASIN CT HERCULES CA 94547	7 BASIN CT	20/01	292.03	30.00	322.03
	127 AMETHYST CT HERCULES CA 94547	127 AMETHYST CT	20/01	319.90	30.00	349.90
	100 AMETHYST CT HERCULES CA 94547	100 AMETHYST CT	20/01	310.72	30.00	340.72
	130 ORIOLE CT HERCULES CA 94547	130 ORIOLE CT	20/01	319.75	30.00	349.75
	1969 PHEASANT DR HERCULES CA 94547	1969 PHEASANT DR	20/01	314.41	30.00	344.41
	142 SPARROW DR HERCULES CA 94547	142 SPARROW DR	20/01	214.09	30.00	244.09
	202 BOBOLINK WAY HERCULES CA 94547	202 BOBOLINK WAY	20/01	182.98	30.00	212.98
	4790 SNOWY EGRET WAY OAKLEY CA 94561	253 FALCON WAY	20/01	355.62	30.00	385.62

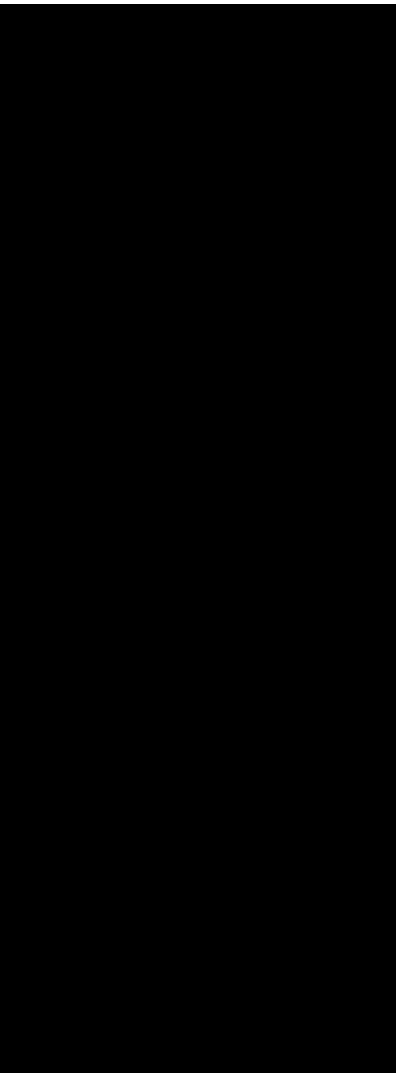
Prog: BIDIV556
Date: 6/04/20
Time: 8:23:57
PRELIMINARY LIEN LIST NO CONSOLIDATION

PRELIMINARY LIEN LISTS
HEARING DATES
06/2020

Page: 4
User: JW60420

Levy Code: HU

As Of 6/04/20

Owners Name	Billing Address	Service Address	Service Thru	RSS Charges	City Charge	Total Due
	277 FALCON WAY HERCULES CA 94547	277 FALCON WAY	20/01	561.84	30.00	591.84
	2268 PHEASANT DR HERCULES CA 94547	2268 PHEASANT DR	20/02	288.97	30.00	318.97
	106 STANLEY CT HERCULES CA 94547	106 STANLEY CT	20/02	224.10	30.00	254.10
	127 STANLEY CT HERCULES CA 94547	127 STANLEY CT	20/02	120.71	30.00	150.71
	602 NIKE 1 HERCULES CA 94547	602 NIKE 1	20/02	356.28	30.00	386.28
	231 S WILDWOOD HERCULES CA 94547	231 WILDWOOD S	20/02	315.50	30.00	345.50
	200 SCOTTS VALLEY HERCULES CA 94547	200 SCOTTS VALLEY	20/02	318.90	30.00	348.90
	209 SCOTTS VALLEY HERCULES CA 94547	209 SCOTTS VALLEY	20/02	358.49	30.00	388.49
	1030 CRAFTSMAN DR HERCULES CA 94547	1030 CRAFTSMAN DR	20/02	174.29	30.00	204.29
	100 NAUTICAL CV HERCULES CA 94547	100 NAUTICAL CV	20/02	568.94	30.00	598.94
	1078 CREPE MYRTLE DR HERCULES CA 94547	1078 CREPE MYRTLE DR	20/02	331.33	30.00	361.33

Prog: BIDIV556

Date: 6/04/20

Time: 8:23:57

PRELIMINARY LIEN LIST NO CONSOLIDATION

PRELIMINARY LIEN LISTS

HEARING DATES

06/2020

Page: 5

User: JW60420

Levy Code: HU

As Of 6/04/20

Owners Name	Billing Address	Service Address	Service Thru	RSS Charges	City Charge	Total Due
	1090 BAYWOOD LN HERCULES CA 94547	1090 BAYWOOD LN	20/02	292.03	30.00	322.03
	4235 KNOLLVIEW DR DANVILLE CA 94506	133 BRIGHTON	20/02	304.88	30.00	334.88
	1331 STOCKTON ST SAN FRANCISCO CA 94133	166 NEWBURY	20/02	292.03	30.00	322.03
	223 LILAC CIR HERCULES CA 94547	223 LILAC CIR	20/02	318.92	30.00	348.92
	2 TARN CT HERCULES CA 94547	2 TARN CT	20/02	271.81	30.00	301.81
	12 TARN CT HERCULES CA 94547	12 TARN CT	20/02	438.31	30.00	468.31
	351 AGUILAR PL PITTSBURG CA 94565	6 HILL CT	20/02	292.03	30.00	322.03
	593 SILVER MAPLE DR HERCULES CA 94547	593 SILVER MAPLE DR	20/02	305.53	30.00	335.53
	524 ROSEWOOD LN HERCULES CA 94547	524 ROSEWOOD LN	20/02	318.92	30.00	348.92
	2 CRYSTAL CIR HERCULES CA 94547	2 CRYSTAL CIR	20/02	323.28	30.00	353.28
	480 TURQUOISE DR HERCULES CA 94547	480 TURQUOISE DR	20/02	256.70	30.00	286.70

Prog: BIDI556

Date: 6/04/20

Time: 8:23:57

PRELIMINARY LIEN LIST NO CONSOLIDATION

PRELIMINARY LIEN LISTS

HEARING DATES

06/2020

Page: 6

User: JW60420

Levy Code: HU

As Of 6/04/20

Owners Name	Billing Address	Service Address	Service Thru	RSS Charges	City Charge	Total Due
	668 TURQUOISE DR HERCULES CA 94547	668 TURQUOISE DR	20/02	318.92	30.00	348.92
	761 TURQUOISE DR HERCULES CA 94547	761 TURQUOISE DR	20/02	292.03	30.00	322.03
	1563 SWALLOW WAY HERCULES CA 94547	1563 SWALLOW WAY	20/02	261.73	30.00	291.73
	1714 PHEASANT DR HERCULES CA 94547	1714 PHEASANT DR	20/02	143.12	30.00	173.12
	106 CRANE CT HERCULES CA 94547	106 CRANE CT	20/02	318.92	30.00	348.92
	439 SPARROW DR HERCULES CA 94547	439 SPARROW DR	20/02	783.34	30.00	813.34
	196 SPARROW DR HERCULES CA 94547	196 SPARROW DR	20/02	260.93	30.00	290.93
	1853 TIOGA PASS WAY ANTIOCH CA 94531	121 MEADOWLARK WAY	20/02	227.82	30.00	257.82
	259 FALCON WAY HERCULES CA 94547	259 FALCON WAY	20/02	319.45	30.00	349.45
	1104 TURQUOISE DR HERCULES CA 94547	1104 TURQUOISE DR	20/03	327.17	30.00	357.17
	136 RALEIGH CT HERCULES CA 94547	136 RALEIGH CT	20/03	795.91	30.00	825.91

Prog: BIDIV556

Date: 6/04/20

Time: 8:23:57

PRELIMINARY LIEN LIST NO CONSOLIDATION

PRELIMINARY LIEN LISTS

HEARING DATES

06/2020

Page: 7

User: JW60420

Levy Code: HU

As Of 6/04/20

Owners Name	Billing Address	Service Address	Service Thru	RSS Charges	City Charge	Total Due
	106 SKELLY CT HERCULES CA 94547	106 SKELLY CT	20/03	731.15	30.00	761.15
	102 ZEPHYR 6 HERCULES CA 94547	102 ZEPHYR 6	20/03	345.80	30.00	375.80
	402 OLYMPUS 6 HERCULES CA 94547	402 OLYMPUS 6	20/03	324.56	30.00	354.56
	130 BAY ST HERCULES CA 94547	130 BAY ST	20/03	198.49	30.00	228.49
	250 ONEIL CIR HERCULES CA 94547	250 ONEIL CIR	20/03	297.50	30.00	327.50
	130 CARDOZA HERCULES CA 94547	130 CARDOZA	20/03	315.38	30.00	345.38
	154 BRENNER HERCULES CA 94547	154 BRENNER	20/03	322.03	30.00	352.03
	181 OVERLOOK TER HERCULES CA 94547	181 OVERLOOK TER	20/03	525.95	30.00	555.95
	1129 REGATTA PT HERCULES CA 94547	1129 REGATTA PT	20/03	297.50	30.00	327.50
	1036 LANTERN BAY HERCULES CA 94547	1036 LANTERN BAY	20/03	323.52	30.00	353.52
	6 MANCHESTER HERCULES CA 94547	6 MANCHESTER	20/03	337.52	30.00	367.52

Prog: BIDIV556

Date: 6/04/20

Time: 8:23:57

PRELIMINARY LIEN LIST NO CONSOLIDATION

PRELIMINARY LIEN LISTS

HEARING DATES

06/2020

Page: 8

User: JW60420

Levy Code: HU

As Of 6/04/20

Owners Name	Billing Address	Service Address	Service Thru	RSS Charges	City Charge	Total Due
	295 VIOLET RD HERCULES CA 94547	295 VIOLET RD	20/03	315.38	30.00	345.38
	397 VIOLET RD HERCULES CA 94547	397 VIOLET RD	20/03	322.03	30.00	352.03
	100 BUTTERCUP CT HERCULES CA 94547	100 BUTTERCUP CT	20/03	339.48	30.00	369.48
	2325 REDWOOD RD HERCULES CA 94547	2325 REDWOOD RD	20/03	290.87	30.00	320.87
	881 VALLEY RUN HERCULES CA 94547	881 VALLEY RUN	20/03	187.56	30.00	217.56
	2068 PHEASANT DR HERCULES CA 94547	2068 PHEASANT DR	20/03	70.63	30.00	100.63
	139 CARDINAL WAY HERCULES CA 94547	139 CARDINAL WAY	20/03	324.67	30.00	354.67
	106 DOVE CT HERCULES CA 94547	106 DOVE CT	20/03	572.59	30.00	602.59
	3217 DECKER LAKE DR WEST VALLEY CITY UT 84119	187 CATALINA DR	20/04	319.51	30.00	349.51
	192 S WILDWOOD HERCULES CA 94547	192 WILDWOOD S	20/04	353.47	30.00	383.47
	106 CRESTRIDGE CT HERCULES CA 94547	106 CRESTRIDGE CT	20/04	76.01	30.00	106.01

Prog: BIDIV556
Date: 6/04/20
Time: 8:23:57
PRELIMINARY LIEN LIST NO CONSOLIDATION

PRELIMINARY LIEN LISTS
HEARING DATES
06/2020

Page: 9
User: JW60420

Levy Code: HU

As Of 6/04/20

Owners Name	Billing Address	Service Address	Service Thru	RSS Charges	City Charge	Total Due
	1112 EARNEST AVE HERCULES CA 94547	1112 EARNEST AVE	20/04	325.46	30.00	355.46
	2051 RAILROAD AVE HERCULES CA 94547	2051 RAILROAD AVE	20/04	323.04	30.00	353.04
	106 TRESTLE CV HERCULES CA 94547	106 TRESTLE CV	20/04	326.75	30.00	356.75
	181 COPPER BEECH GLN HERCULES CA 94547	181 COPPER BEECH GLN	20/04	299.33	30.00	329.33
	100 HIDDEN CV HERCULES CA 94547	100 HIDDEN CV	20/04	326.44	30.00	356.44
	108 WORTHING HERCULES CA 94547	108 WORTHING	20/04	323.04	30.00	353.04
	424 VIOLET RD HERCULES CA 94547	424 VIOLET RD	20/04	325.46	30.00	355.46
	160 POPPY DR HERCULES CA 94547	160 POPPY DR	20/04	443.24	30.00	473.24
	149 ELDERBERRY CT HERCULES CA 94547	149 ELDERBERRY CT	20/04	325.42	30.00	355.42
	118 JUNIPER CT HERCULES CA 94547	118 JUNIPER CT	20/04	377.21	30.00	407.21
	145 MESA CT HERCULES CA 94547	145 MESA CT	20/04	592.75	30.00	622.75

Prog: BIDIV556
Date: 6/04/20
Time: 8:23:57
PRELIMINARY LIEN LIST NO CONSOLIDATION

PRELIMINARY LIEN LISTS
HEARING DATES
06/2020

Page: 10
User: JW60420

Levy Code: HU

As Of 6/04/20

Owners Name	Billing Address	Service Address	Service Thru	RSS Charges	City Charge	Total Due
	PO BOX 21625 EL SOBRANTE CA 94820	10 PEAK CT	20/04	318.31	30.00	348.31
	360 TURQUOISE DR HERCULES CA 94547	360 TURQUOISE DR	20/04	325.42	30.00	355.42
CONTROL TOTALS . . .		101 Records		33,252.83	3,030.00	36,282.83



REPORT TO CITY COUNCIL

DATE: July 14, 2020

TO: Mayor Esquivias and Members of the City Council

SUBMITTED BY: Patrick Tang, City Attorney
Robert Reber, Community Development Director

SUBJECT: Draft Zone Text Amendment #20-01—Updates to Sign Regulations following the decision in *Reed v. Town of Gilbert*

RECOMMENDED ACTION:

Open the public hearing, receive staff report, take public testimony, close the public hearing and consider waiving the first reading and approving introduction of the draft zone text amendments to the City's sign regulations.

FISCAL IMPACT OF RECOMMENDATION:

There are no direct fiscal impacts associated with this item.

BACKGROUND:

As originally reported to the City Council on September 10, 2019, the United States Supreme Court's ruling in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), requires the City to modify existing sign regulations (a detailed case background and analysis was provided in the report to Council; see Attachment 1). Council directed staff to return to Council with draft amendments to the City's existing Sign Ordinance for Council's consideration. The Council requested that staff make the minimum changes necessary to comply with the legal requirements of the *Reed* decision.

The Council reviewed a proposed draft of changes to the City's sign regulations at the May 12, 2020, regular council meeting (See Attachment 2). Upon review and after discussion of the item, the Council directed staff to present the proposed changes to the Planning Commission for review and consideration, pursuant to the process denoted in the City's Zoning Regulations.¹

The proposed changes were presented to the Planning Commission for review and comment at their regular meeting of June 1, 2020 (See Attachment 3). The Commission voted unanimously to

¹ The Sign Ordinance is part of the City's zoning regulations (Municipal Code Chapter 13-34). Any amendments to the zoning regulations require Planning Commission review and recommendation, before final review and adoption by the City Council (Hercules Municipal Code Section 13-52.200).

recommend that the City Council adopt the proposed sign regulations, with the following additional amendments and clarifications included:

- Revise proposed Sec. 13-34.100.5.B to read, “Create a right to substitute an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.”
- To Sec. 13-34.400, “Signs Subject to Review,” add canopy signs, with signage not to exceed 25% of the canopy face.
- Regarding portable signs, change Sec. 13-34.700.3, “Prohibited Signs,” from “...except where specifically authorized in the Municipal Code” to “...except where specifically authorized as allowable off-site directional signs (see Sec. 13-34.500.3, “Signs Not Requiring a Permit).”

DISCUSSION:

In light of uncertainty as to the scope of the *Reed* decision and some inconsistency in subsequent court rulings, arguably the best course for cities is to err on the side of allowing for less restrictive, rather than more restrictive, sign regulations until the courts provide more specific guidance. Cities can still legally regulate signs, provided their regulations avoid making distinctions based on content or subject matter. Revisions to sign codes should ensure the codes are “content neutral” by:

- 1) Eliminating separate rules for categories of signs defined by the content or subject matter of their message. This means avoiding rules that have different size, height, or duration requirements for “political” or “directional” or “real estate” signs, etc.
- 2) Reviewing “exceptions” to regulations to make sure they are not content based, and eliminating such exceptions even if they seem innocuous (e.g., exceptions for historical markers, for example).
- 3) Adopting content neutral, “time, place, and manner” (TPM) regulations. Such TPM regulations can legally distinguish between for example, lighted and unlighted signs, signs with fixed and changing electronic messages, signs on public and private property, on-premise and off-premise signs, and signs on commercial and residential property.

The Planning Commission’s Resolution recommending adoption of the proposed changes is provided as Attachment 4. A draft Ordinance that includes the recommended changes from staff and the Planning Commission is attached for the Council’s review and consideration, with Attachment 5 being the redlined version, and Attachment 6 being the clean version. The draft makes: 1) the minimal changes necessary to conform with the *Reed* decision’s requirements; 2) other non-substantive clarifications to eliminate inconsistencies within the existing code; and 3) incorporates the Planning Commission’s minor changes and clarifications, which staff believes are consistent with Council’s prior direction.

Staff is offering the proposed draft updates with the caveat that there is still lingering confusion over what the *Reed* decision requires that may not be clarified until the courts rule on specific challenges

to various post-*Reed* ordinances. This may necessitate additional amendments to the Sign Ordinance as the courts continue to address sign code challenges.

CONCLUSION:

Drafting legally defensible sign regulations has become increasingly difficult following *Reed v. Town of Gilbert* and its progeny. While the courts continue to grapple with challenges to sign regulations after *Reed*, staff recommends that in the meantime, the City adopt the proposed Sign Ordinance amendments to remove provisions that on their face are probably not sufficiently content neutral under the *Reed* standard.

ATTACHMENTS:

1. September 10, 2019, Report to City Council: Sign Ordinance Update
2. May 12, 2020 Report to Council including Draft Legislation
3. June 1, 2020 Staff Report to Planning Commission
4. Planning Commission Resolution
5. Draft Ordinance with proposed changes to Sign Ordinance (Municipal Code Chapter 13-34 — redlined with changes shown)
6. Draft Ordinance with proposed changes to Sign Ordinance (Municipal Code Chapter 13-34) — clean with changes incorporated



REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of September 10, 2019

TO: Mayor Romero and Members of the City Council

SUBMITTED BY: Patrick Tang, City Attorney
Holly Smyth, Planning Director

SUBJECT: Status of City of Hercules Sign Regulations following the decision in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015)

RECOMMENDED ACTION: Receive report, discuss, and provide direction.

FISCAL IMPACT OF RECOMMENDATION:

There are no immediate fiscal impacts associated with this item.

DISCUSSION:

The dust is still settling from the United States Supreme Court's 2015 ruling in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015). In the *Reed* case, the court ruled that regulations categorizing signs based on the type of information they convey and then applying different standards to each category are content-based regulations of speech and are not allowed under the First Amendment to the United States Constitution. The *Reed* decision impacts most every sign ordinance in the U.S. Almost all sign codes contain content-based exemptions from permit requirements for house nameplates, real estate signs, political and/or election signs, garage sale signs, etc., and then regulate them differently. The *Reed* ruling's impact is far reaching for cities across the country, because the court articulated an unforgiving standard for assessing the content neutrality of restrictions that impact speech rights under a city's sign ordinance.

Case Background. The Town of Gilbert, Arizona, enacted a sign ordinance that included definitions for temporary directional signs, ideological signs, and political signs. Based on the type of sign, it then limited how long the sign could be posted; temporary directional signs could be posted no sooner than 12 hours before an event and for one hour after the event, but ideological or political signs could be posted for much longer.

Each week, a church in town used temporary directional signs to guide parishioners to the church. The signs were in place longer than allowed by the town's ordinance, and the town issued citations for the violations. The church sued the town, arguing that the shortened time frame for temporary directional signs versus the longer time frame for ideological and other

signs was a “content-based” restriction on speech that is prohibited by the First Amendment to the U.S. Constitution. The town countered that the shorter time frame for temporary directional signs was not content-based because any person or entity utilizing temporary directional signs had to follow the same restrictions, not just churches, so the regulation did not discriminate based on viewpoint.

The Court held that the ordinance’s varying durations for posting based on the type of sign was content-based because a city employee had to read the sign to determine if it was a political or ideological sign or a temporary directional sign, in order to enforce the ordinance. When a restriction on speech is content-based (as opposed to a reasonable time, place, or manner restriction) it will be upheld only if a city can show that the restriction meets “strict scrutiny”. For a regulation to be found valid under the strict scrutiny test, the burden is on the City to demonstrate both 1) that the regulation is designed to achieve a compelling governmental interest, and 2) that the regulation is narrowly tailored to achieve that interest. Few, if any, regulations survive application of the strict scrutiny test.¹

The *Reed* Court invalidated the town’s ordinance because it did not meet the strict scrutiny test; the town did not prove that the content-based distinctions in the ordinance were narrowly tailored to achieve the town’s interests of aesthetics and traffic safety.

It is clear that after *Reed* sign regulations must strive for as much content neutrality as possible and that signs should not be regulated based on the content of the message or the speaker. Practically, this means that any ordinance provision that requires a city employee to read the content of a sign before taking action will be subjected to strict scrutiny by a court.

Reed leaves Unanswered Questions. As discussed in the section below, treatment of the onsite/offsite and commercial/noncommercial distinctions remains uncertain post-*Reed*. *Reed* also failed to provide answers to a number of practical considerations, such as how to provide for the public’s desire for more signage during election campaigns in a wholly content-neutral manner.

Inconsistency in Decisions Since *Reed*. There has been inconsistency in court rulings post-*Reed*. The United States Ninth Circuit has held that regulations on the height and size of signs were content-neutral. See *Herson v. City of Richmond*, 631 Fed. Appx. 472, 473 (9th Cir. 2016). The Ninth Circuit has also upheld a city’s right to prohibit billboards based on an off-site vs. onsite distinction. (See *Contest Promotions, LLC v. City & Cty. of S.F.*, No. 17-15909.13, 14 (9th Cir. Aug. 16, 2017). Two rulings involving the regulation of noncommercial speech for on- and off-premise signs appear to be inconsistent, as one court held that the distinction for on- and off-premise signs is not a content-based regulation, but rather a location-based regulation (*Reagan National Advertising of Austin, Inc. v. City of Austin*, 2019 WL 1375574 at *8), while another court held that the distinction of noncommercial speech for on- and off-premise signs is indeed a content-based regulation subject to strict scrutiny because a sign could be regulated differently due to its contents being on- or off-premise. *Reagan National Advertising of Austin, Inc. v. City*

¹ “Strict scrutiny, like a Civil War stomach wound, is generally fatal.” *The New York Times*, “Court’s Free-Speech Expansion Has Far-Reaching Consequences” (Aug. 17, 2015).

of *Cedar Park*, 2019 WL 1375574 at *8. An Illinois district court has declared a village’s ban on painted wall signs to be content-neutral (*Peterson v. Village of Downers Grove*, 150 F. Supp.3d 910, 933 (N.D. Ill. 2015), yet a Louisiana district court has held that a design review process for a mural permit is a content-based regulation of speech because the design contents needed to be approved by city officials. *Morris v. City of New Orleans*, 350 F.Supp.3d 554, 556-557 (E.D. La. 2018). Finally, a district court in California has held that language allowing additional signs (regardless of content) during election season was unconstitutional. *RICARDOPACHECO.COM et al. v. City of Baldwin Park*, No. 2:16-cv- 09167-CAS(GJSx), 2017 WL 2962772 (C.D. Cal. July 10, 2017).

In light of the uncertainties and inconsistent rulings in the wake of the *Reed* decision, arguably the best course for cities is to err on the side of allowing for less restrictive, rather than more restrictive, sign regulations until the courts provide more guidance on the above questions. Cities can still legally regulate signs, provided their regulations do not make any distinctions based on content or subject matter. Revisions to sign codes should ensure the codes are “content neutral” by:

- 1) Eliminating any separate rules for categories of signs that are defined by the content or subject matter of their message. This means avoiding rules that have different size, height, or duration requirements for “political” or “directional” or “real estate” signs, etc.
- 2) Reviewing “exceptions” to regulations to make sure they are not content based, and eliminating such exceptions even if they seem innocuous (e.g., exceptions for historical markers, address signs, etc.)
- 3) Adopting content neutral, “time place and manner” (TPM) regulations. Such TPM regulations can legally distinguish between for example, lighted and unlighted signs, signs with fixed and changing electronic messages, signs on public and private property, on-premise and off-premise signs, and signs on commercial and residential property.

CONCLUSION:

Defending reasonable sign regulations from First Amendment challenges has become increasingly difficult following *Reed v. Town of Gilbert* and its progeny. While the courts continue to grapple with challenges to sign regulations after *Reed*, it is recommended that in the meantime, staff with assistance from the city attorney review the City’s current sign ordinance provisions for content neutrality, and draft amendments to the City’s current sign ordinance only to the extent necessary to remove or revise provisions that are not sufficiently content neutral.



REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of May 12, 2020

TO: Mayor Esquivias and Members of the City Council

SUBMITTED BY: Patrick Tang, City Attorney
Robert Reber, Interim Community Development Director

SUBJECT: Status of City of Hercules Sign Regulations following the decision in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015)

RECOMMENDED ACTION: Receive report, discuss, and provide direction. If the recommended changes are acceptable to the Council, direct staff to schedule required Planning Commission review and consideration of proposed changes.

FISCAL IMPACT OF RECOMMENDATION:

There are no immediate fiscal impacts associated with this item.

BACKGROUND:

It was previously reported to the City Council by way of a staff report dated September 10, 2019, that the United States Supreme Court's ruling in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015) necessitated some updates to the city's existing sign regulations. In the *Reed* case, the court ruled that regulations categorizing signs based on the type of information they convey and then applying different standards to each category are content-based regulations of speech and are subject to strict scrutiny under the First Amendment to the United States Constitution. The *Reed* decision impacts most every local sign ordinance in the U.S. Almost all sign codes contain content-based exemptions from permit requirements for house nameplates, real estate signs, political and/or election signs, garage sale signs, etc., and then regulate them differently. The *Reed* ruling's impact is far reaching for cities across the country, because the court articulated an unforgiving standard for assessing the content neutrality of restrictions that impact speech rights under a city's sign ordinance.

After the September 10, 2019 presentation and discussion by the Council, staff was directed to return to Council with draft amendments to the City's existing Sign Ordinance for Council's consideration. Staff was directed to make the minimum changes necessary to comply with the legal requirements of the *Reed* decision. This report and update is responsive to Council's direction. A detailed case background and analysis was provided in the September 10, 2019 report to Council, which is provided as Attachment 1 to this revised report.

DISCUSSION:

In light of the uncertainties and inconsistent rulings in the wake of the *Reed* decision discussed in the prior report, arguably the best course for cities is to err on the side of allowing for less restrictive, rather than more restrictive, sign regulations until the courts provide more specific guidance. Cities can still legally regulate signs, provided their regulations avoid making distinctions based on content or subject matter. Revisions to sign codes should ensure the codes are “content neutral” by:

- 1) Eliminating any separate rules for categories of signs that are defined by the content or subject matter of their message. This means avoiding rules that have different size, height, or duration requirements for “political” or “directional” or “real estate” signs, etc.
- 2) Reviewing “exceptions” to regulations to make sure they are not content based, and eliminating such exceptions even if they seem innocuous (e.g., exceptions for historical markers, for example).
- 3) Adopting content neutral, “time place and manner” (TPM) regulations. Such TPM regulations can legally distinguish between for example, lighted and unlighted signs, signs with fixed and changing electronic messages, signs on public and private property, on-premise and off-premise signs, and signs on commercial and residential property.

Council directed staff to return with proposed changes to the City’s existing Sign Ordinance that address the issues raised by the *Reed* decision. A draft Ordinance is attached for the Council’s review and consideration, with Attachment 2 being the redlined version, and Attachment 3 being the clean version. The draft makes: 1) the minimal changes necessary to conform with the *Reed* decision’s requirements, and 2) other non-substantive clarifications to eliminate inconsistencies within the existing code. The Sign Ordinance is part of the City’s zoning regulations. It should be noted that any amendments to the zoning regulations require Planning Commission review and recommendation, before final review and adoption by the City Council (Hercules Municipal Code Section 13-52.200).

Staff is offering the proposed draft updates with the caveat that there is still lingering confusion over what the *Reed* decision requires that may not be clarified until the courts rule on specific challenges to various post-*Reed* ordinances. This may necessitate additional amendments to the Sign Ordinance as the courts continue to address sign code challenges.

CONCLUSION:

Defending reasonable sign regulations from First Amendment challenges has become increasingly difficult following *Reed v. Town of Gilbert* and its progeny. While the courts continue to grapple with challenges to sign regulations after *Reed*, it is recommended that in the meantime, the Council consider forwarding the proposed Sign Ordinance amendments to the Planning Commission for their initial review pursuant to HMC 13-52.200, in order to revise provisions that are not sufficiently content neutral.

ATTACHMENTS:

1. September 10, 2019, Report to City Council: Sign Ordinance Update

2. Draft Ordinance with proposed changes to Sign Ordinance (Municipal Code Chapter 13-34, “Sign Regulations”) –redlined with changes shown
3. Draft Ordinance to Proposed changes to Sign Ordinance (Municipal Code Chapter 13-34, “Sign Regulations”) – clean with changes incorporated



PLANNING COMMISSION STAFF REPORT

DATE: June 1, 2020

TO: Members of the Planning Commission

SUBMITTED BY: Patrick Tang, City Attorney
Robert Reber, Interim Community Development Director

SUBJECT: Draft Zone Text Amendment #20-01—Updates to Sign Regulations following the decision in *Reed v. Town of Gilbert*

RECOMMENDED ACTION:

Adopt Resolution #20-02 recommending that City Council adopt proposed amendments to the City's existing Sign Ordinance.

FISCAL IMPACT OF RECOMMENDATION:

There are no direct fiscal impacts associated with this item.

BACKGROUND:

As City staff reported to the City Council on September 10, 2019, the United States Supreme Court's ruling in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), necessitated some updates to the City's existing sign regulations (a detailed case background and analysis was provided in the September 10, 2019 report to Council; see Attachment 1). In the *Reed* case, the court ruled that regulations categorizing signs based on the type of information they convey and then applying different standards to each category are content-based regulations of speech and are subject to strict scrutiny under the First Amendment to the United States Constitution. The *Reed* decision impacts most every local sign ordinance in the U.S., as almost all sign codes contain content-based exemptions from permit requirements for house name plates, real estate signs, political and/or election signs, garage sale signs, etc., and then regulate them differently. The *Reed* ruling's impact is far reaching for cities across the country, because the court articulated an unforgiving standard for assessing the content neutrality of restrictions that impact speech rights under a city's sign ordinance.

After the September 10, 2019 presentation and discussion, Council directed staff to return to Council with draft amendments to the City's existing Sign Ordinance for Council's consideration. Staff was directed to make the minimum changes necessary to comply with the legal requirements of the *Reed* decision. At the May 12, 2020, Council meeting, the Council reviewed staff's recommended changes and directed staff to bring the proposed changes to the Planning Commission for review and consideration.

DISCUSSION:

In light of the uncertainties and inconsistent rulings in the wake of the *Reed* decision discussed in the September 10 report (see Attachment 1), arguably the best course for cities is to err on the side of allowing for less restrictive, rather than more restrictive, sign regulations until the courts provide more specific guidance. Cities can still legally regulate signs, provided their regulations avoid making distinctions based on content or subject matter. Revisions to sign codes should ensure the codes are “content neutral” by:

- 1) Eliminating any separate rules for categories of signs that are defined by the content or subject matter of their message. This means avoiding rules that have different size, height, or duration requirements for “political” or “directional” or “real estate” signs, etc.
- 2) Reviewing “exceptions” to regulations to make sure they are not content based, and eliminating such exceptions even if they seem innocuous (e.g., exceptions for historical markers, for example).
- 3) Adopting content neutral, “time, place, and manner” (TPM) regulations. Such TPM regulations can legally distinguish between for example, lighted and unlighted signs, signs with fixed and changing electronic messages, signs on public and private property, on-premise and off-premise signs, and signs on commercial and residential property.

A draft Ordinance is attached for the Commission’s review and consideration, with Attachment 2 being the redlined version, and Attachment 3 being the clean version. The draft makes: 1) the minimal changes necessary to conform with the *Reed* decision’s requirements, and 2) other non-substantive clarifications to eliminate inconsistencies within the existing code. The Sign Ordinance is part of the City’s zoning regulations (Municipal Code Chapter 13-34). Any amendments to the zoning regulations require Planning Commission review and recommendation, before final review and adoption by the City Council (Hercules Municipal Code Section 13-52.200).

Staff is offering the proposed draft updates with the caveat that there is still lingering confusion over what the *Reed* decision requires that may not be clarified until the courts rule on specific challenges to various post-*Reed* ordinances. This may necessitate additional amendments to the Sign Ordinance as the courts continue to address sign code challenges.

CONCLUSION:

Defending reasonable sign regulations from First Amendment challenges has become increasingly difficult following *Reed v. Town of Gilbert* and its progeny. While the courts continue to grapple with challenges to sign regulations after *Reed*, staff recommends that in the meantime, the City adopt the proposed Sign Ordinance amendments to remove provisions that are not sufficiently content neutral.

ATTACHMENTS:

1. September 10, 2019, Report to City Council: Sign Ordinance Update
2. Resolution #20-02
 - Exhibit A: Draft Ordinance with proposed changes to Sign Ordinance (Municipal Code Chapter 13-34 — redlined with changes shown

- Exhibit B: Draft Ordinance with proposed changes to Sign Ordinance (Municipal Code Chapter 13-34) — clean with changes incorporated

**PLANNING COMMISSION RESOLUTION NO. 20-02
ZONING TEXT AMENDMENT #20-01
SIGN ORDINANCE ADMENDMENTS**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONING TEXT AMENDMENT #20-01 TO REVISE CHAPTER 34 OF THE CITY'S ZONING ORDINANCE, "SIGN REGULATIONS," FOR CONTENT NEUTRALITY AND INTERNAL CONSISTENCY.

WHEREAS, on September 10, 2019, staff reported to the City Council that the United States Supreme Court's ruling in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015) necessitated updates to the city's existing sign regulations to ensure content neutrality, including eliminating any separate rules for categories of signs that are defined by the content or subject matter of their message and adopting content neutral "time-place-and-manner" regulations; and

WHEREAS, after the September 10, 2019 staff presentation, Council directed staff to return to Council with draft amendments to the City's existing Sign Ordinance for Council's consideration; and

WHEREAS, on May 12, 2020, City Council received staff's report and draft recommendations to revise the sign regulations for content neutrality and other changes for internal consistency, and directed staff to present the draft amendments to the Planning Commission for its consideration and recommendation (as required by the Hercules Municipal Code, Section 13-52-200); and

WHEREAS, Section 52.400 of the City of Hercules Zoning Ordinance allows for amendments of the Zoning Ordinance whenever the City Council determines that the proposed amendment is: consistent with the General Plan; would not be detrimental to the health, safety, welfare, and public interest of the City; and is internally consistent and does not conflict with the purposes, regulations, and required findings of the Zoning Ordinance; and

WHEREAS, on June 1, 2020, the Planning Commission held a duly noticed public hearing to consider these amendments and did hear and use its independent judgment to consider all said reports, recommendations, and testimony hereinabove set forth.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF HERCULES DOES HEREBY RESOLVE AS FOLLOWS:

After due study, deliberation, and public hearing for the proposed Zoning Text Amendment #20-01, in accordance with Section 52.400 of the Zoning Ordinance of the Hercules Municipal Code, the Planning Commission finds that ZTA #20-01 is consistent with the General Plan, would not be detrimental to the health, safety, welfare, and public interest of the City, and is internally consistent and does not conflict with the purposes, regulations, and required findings of the Zoning Ordinance.

SECTION 1. ENVIRONMENTAL FINDING

Compliance with California Environmental Quality Act (“CEQA”): The Planning Commission finds that the Zoning Ordinance amendments are Categorically Exempt from CEQA pursuant to Section 15061(b)(3) (the “general rule exemption”) as it can be seen with certainty that there is no possibility the project will have a significant effect on the environment and thus is not subject to CEQA.

SECTION 2. AMENDMENTS

The Planning Commission recommends that the City Council amend the Hercules Municipal Code and its Zoning Ordinance by modifying Chapter 34, Sign Regulations, of the Hercules Zoning Ordinance as noted by the additions and deletions shown in Exhibit A hereto, with the following additional changes:

- Revise proposed Sec. 13-34.100.5.B to read as, “Create a right to substitute an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.”
- To Sec. 13-34.400, “Signs Subject to Review,” add canopy signs, with signage not to exceed 25% of the canopy face.
- Regarding portable signs, change Sec. 13-34.700.3, “Prohibited Signs,” from “...except where specifically authorized in the Municipal Code” to “...except where specifically authorized as allowable off-site directional signs (see Sec. 13-34.500.3, “Signs Not Requiring a Permit).”

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF HERCULES on this 1st day of June 2020, by the following votes:

AYES: Morrison, Rubio, Sacramento, Tolley, Galieva

NOES:

ABSENT:

ABSTAIN:

Irina Galieva, Chairperson

ATTEST:

Robert Reber, Interim Community Development Director

Exhibit A: Draft Zoning Text Amendment 20-01 revising Municipal Code, Chapter 13-34, Sign Regulations Draft 200504 (redlined changes shown)

Exhibit B: Draft Zoning Text Amendment 20-01 revising Municipal Code, Chapter 13-34, Sign Regulations Draft 200504 (changes incorporated)

REDLINE

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERCULES APPROVING REVISIONS TO CHAPTER 34 OF THE CITY'S ZONING ORDINANCE, "SIGN REGULATIONS," FOR CONTENT NEUTRALITY AND INTERNAL CONSISTENCY.

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

WHEREAS, on September 10, 2019, staff reported to the City Council that the United States Supreme Court's ruling in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015) necessitated updates to the city's existing sign regulations to ensure content neutrality, including eliminating any separate rules for categories of signs that are defined by the content or subject matter of their message and adopting content neutral "time-place-and-manner" regulations; and

Formatted: Font: (Default) Arial, 12 pt

WHEREAS, after the September 10, 2019 staff presentation, Council directed staff to return to Council with draft amendments to the City's existing Sign Ordinance for Council's consideration; and

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial, 12 pt

WHEREAS, on May 12, 2020, Council received staff's report and draft recommendations to revise the sign regulations for content neutrality and other changes for internal consistency, and directed staff to present the draft amendments to the Planning Commission for its consideration and recommendation (as required by the Hercules Municipal Code, Section 13-52-200); and

Formatted: Font: (Default) Arial, 12 pt

WHEREAS, Section 52.400 of the City of Hercules Zoning Ordinance allows for amendments of the Zoning Ordinance whenever the City Council determines that the proposed amendment is: consistent with the General Plan; would not be detrimental to the health, safety, welfare, and public interest of the City; and is internally consistent and does not conflict with the purposes, regulations, and required findings of the Zoning Ordinance; and

WHEREAS, on June 1, 2020, the Planning Commission held a duly noticed public hearing to consider these amendments and did hear and use its independent judgment to consider all said reports, recommendations, and testimony hereinabove set forth; and

Formatted: Indent: First line: 0", Tab stops: 0", Left + 0.5", Left

WHEREAS, At their regular meeting of June 1, 2020, the Planning Commission voted unanimously to recommend that the City Council adopt the proposed changes to sign regulations, with the following additional amendments:

Formatted: Font: Bold

Formatted: Justified, Indent: First line: 0.5"

- Revise proposed Sec. 13-34.100.5.B to read, "Create a right to substitute an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message."
- To Sec. 13-34.400, "Signs Subject to Review," add canopy signs, with signage not to exceed 25% of the canopy face.
- Regarding portable signs, change Sec. 13-34.700.3, "Prohibited Signs," from "...except where specifically authorized in the Municipal Code" to "...except where specifically authorized as allowable off-site directional signs (see Sec. 13-34.500.3, "Signs Not Requiring a Permit)."; and

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial, 12 pt

WHEREAS, the City Council finds and determines that the proposed amendments by staff and the Planning Commission are consistent with Council direction, and comport with the requirements of Hercules Municipal Code, Section 13-52-200 for amending the Zoning Regulations; and

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: Bold

Formatted: Indent: Left: 0"

WHEREAS, the City Council finds and determines that the proposed amendments are categorically exempt from CEQA pursuant to section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the amendments will not have a significant effect on the environment. The City Council also further determines that the proposed amendments are categorically exempt from CEQA pursuant to section 15303(a) of the CEQA Guidelines.

Formatted: Indent: Left: 0.25"

Formatted: Justified

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERCULES DOES HEREBY ORDAIN AS FOLLOWS:

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Section 1. The Hercules Zoning Regulations are hereby amended as follows:

Formatted: Font: (Default) Arial, English (United States)

Chapter 13-34. Sign Regulations

Prior legislation: Ord. 423.

Sec. 13-34.100 Purpose and Applicability.

The purpose of this Chapter is to:

1. Provide for the orderly construction, location, placement, size and maintenance of signs, outdoor advertising structures, and displays of any character, and to safeguard the general public from the hazards caused by dangerously and improperly located and maintained signs.

2. Promote and protect the public health, safety and welfare by regulating outdoor signs of all types. The specific goals are to protect property values, enhance and protect the physical appearance of the community, to reduce sign or advertising distractions and obstructions, and to ensure that new signs are compatible in design and scale with their surroundings.

3. Administrative Interpretations. All interpretations of this Chapter are to be exercised in light of the message neutrality and message substitution policies. Where a particular type of sign is proposed, and the type is neither expressly allowed nor prohibited by this Chapter, or whenever a sign does not qualify as a "structure" as defined in the Building Code as adopted by the City of Hercules, then the Planning Commission or Director, as applicable, shall approve, conditionally approve, or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this Chapter.

4. Message Neutrality. It is the City's policy and intent to regulate signs in a manner consistent with the U.S. and California constitutions, which is content neutral as to non-commercial speech and does not favor commercial speech over non-commercial speech.

5. Message Substitution. Subject to the property owner's consent, a non-commercial message of any category or content may be substituted, in whole or in part, for any allowed commercial message or any non-commercial message, provided that the sign structure or mounting device is legal, without consideration of message content. Such substitution of message may be made without additional approval or permitting. The purpose of this provision is to prevent favoring commercial speech over non-commercial speech, or favoring any particular non-commercial message over any other non-commercial message. Message substitution is a continuing right which may be exercised any number of times. This provision does not:

A. Create a right to increase the total amount of sign area on site.

Formatted: Indent: Left: 0.13"

Formatted: Indent: Left: 0.13"

Formatted: Indent: Left: 0.13"

Formatted: Indent: Left: 0.13"

B. Create a right to substitute an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.

C. Affect the requirement that a sign structure or mounting device must be properly permitted.

D. Authorize changing the physical method of image presentation (such as digital, LED, or neon) display without a permit.

Except as otherwise provided in this Chapter, it is unlawful for any person to construct, erect, enlarge, alter, or relocate within the city any sign as defined in this Chapter, without first obtaining a sign permit for a sign or planned sign program, subject to design review approval, and a building permit. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.100.]

Formatted: Indent: Left: 0.13"

Sec. 13-34.101 General Provisions.

[Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.101.]

Sec. 13-34.102 Director Approval Required.

The Director of Community Development is authorized to approve, conditionally approve, or deny sign permits and sign programs, except where Planning Commission action is required, or when a referral to the Planning Commission is made in accordance with applicable sections of the Zoning Ordinance. Any application for a sign permit or sign program approval requiring action by the Director shall be acted upon within 30 days of submittal. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.102.]

Sec. 13-34.103 Planning Commission Approval Required.

The Planning Commission shall hold a public hearing as specified in the Zoning Ordinance, review the application based on the criteria of this Chapter, and take action under the following circumstances:

1. The sign(s) does not conform to an established design policy adopted by the Planning Commission and/or City Council in accordance with this Section.
2. The sign is a freeway-oriented, freestanding pylon sign.
3. The approval of master sign programs or sign variances. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.103.]

Sec. 13-34.200 Legal Conforming Signs.

Any sign that legally exists as of the effective date of the ordinance codified in this Section shall be considered a legal conforming sign.

1. Any legal conforming sign may be altered ~~to reflect a change in use or occupancy advertised on the sign;~~ provided, that sign has the same fixtures, similar materials, similar colors, and similarly styled lettering and provided the sign face is not enlarged as determined by the Community Development Director.

2. New signage may be proposed for a site that contains legal conforming signage; provided, that all new signage is in compliance with this Chapter. The Planning Commission may approve waivers to signage for a site that contains legal conforming signage, if such waivers are consistent with this Chapter. Such waivers may be made only if the signage plan for the entire site furthers the purpose of this Chapter by reducing visual clutter or otherwise improves the aesthetic appearance of the signage on the site by bringing the overall site into closer compliance with the requirements of this Chapter. A legally installed sign which does not comply with this Chapter may continue to be used and ordinary maintenance and repairs may be made to the legally conforming sign provided the structure is not moved, enlarged, or structurally altered. A legal conforming sign may not be replaced with one which is nonconforming. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.200.]

Sec. 13-34.204 Termination of Business/Removal of Sign.

Any sign face that identifies or advertises a business must be removed within 30 days after the termination of that business from that site. After a period of 90 days of the termination of the business if the sign is not reused by another business occupying the same site, all mountings, brackets, poles, sign faces and other signage material must be removed. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.204.]

Sec. 13-34.205 Notice, Removal, Liens, and Sinking Fund.

1. Notice and Removal. The Chief Building Official shall remove or cause to be removed any abandoned, dangerous, defective, illegal, prohibited, not maintained, or nonconforming sign subject to removal under the provisions of this Chapter, which has not been removed within the time period specified in this Chapter, or any other sign maintained in violation of the provisions of this Chapter. The Chief Building Official shall prepare a notice which shall describe the sign and specify the violation involved and shall state that if the sign is not removed or the violation is not corrected within 30 days, the sign shall be removed in accordance with the provisions of this Section.

For signs described under provisions of this Chapter, the notice shall be mailed or given to the occupant of the property or other employee or, the owner of the sign, or representative upon which the sign is located. If known, the notice may also be mailed or delivered to the owner of the sign and the occupant of the property.

2. Emergency Removal. Notwithstanding the above provisions of this Section, in cases of emergency, the Chief Building Official may cause the immediate removal of a hazardous, dangerous or defective sign, without notice.

3. Cost of Lien. Any sign removed by the Chief Building Official pursuant to the provisions of this Section shall become the property of the City of Hercules, and may be disposed of in any manner deemed appropriate by the City. The cost of removal of the sign shall be considered a debt to the City by the owner of the sign and owner of the property, and may be recovered by the City by a lien against the property or any other remedy prescribed by law.

4. Sinking Fund. The project sponsor of a proposed sign shall be required to provide proof of the establishment of a sinking fund to cover the cost of removing the sign if it is abandoned. The word "abandoned" shall mean a sign that has not been operational for a consecutive 90-day period, except where nonoperation is the result of maintenance or renovation activity pursuant to valid city permits. The sinking fund shall be established within a 2-year period, at a financial institution approved by the City's Finance Department. The sinking fund payment shall be determined by the Finance Director and shall be adequate to defray expenses associated with the removal of the sign. The minimum amount for a sinking fund for any type of sign shall be \$300.00. The maximum amount for a sinking fund for a sign shall be \$3,000. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.205.]

Sec. 13-34.206 Liability for Damages.

The provisions of this Chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person erecting or owning any sign, for personal injury or property damage resulting from the placement of such sign, or resulting from the negligence or willful acts of such person, its agents, employees, or workmen, in the construction, maintenance, repair, or removal of any sign erected in accordance with a permit issued under this Chapter; nor shall it be construed as imposing upon the City or its officers or employees any responsibility or liability by reason of the approval of any signs, materials, or devices under the provisions of this Chapter. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.206.]

Sec. 13-34.207 Enforcement.

1. Permit Revocation. The Planning Commission is authorized and empowered to revoke any sign permit issued by the Community Development Director upon failure of the holder thereof to comply with any provisions of this Chapter. The City Council is authorized and empowered to revoke any sign permit issued by the Planning Commission upon failure of the holder thereof to comply with any provisions of this Chapter.

2. Public Nuisance. In the event any person should erect, alter, relocate or maintain a sign in violation of the provisions of this Chapter, the same is declared a public nuisance and, in addition to any other remedies available, including but not limited to administrative citations and civil penalties, the City Attorney is authorized to bring and prosecute an action in a court of competent jurisdiction to enjoin such person from continuing such violation. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.207.]

Sec. 13-34.208 Calculation of Size of Sign, Sign Area and Height.

1. Within or on Structures. When the graphic representation of the sign occurs on a sign board, the size of the sign shall be calculated by the square footage of the sign board. For illuminated signs, all portions of the sign which are illuminated shall be included in the square footage. In other cases where lettering is attached to a structure and no sign board is utilized, the square footage of the sign shall be calculated by drawing a rectangle around all portions of the lettering; the square footage of the sign shall be the area of the rectangle.

2. The sign area of wall-mounted and freestanding pylon and ground-mounted monument type signs shall be calculated as follows:

A. The area of a wall sign comprised of individual channel-type letters, numerals, symbols, or other similar components painted on or attached flat against the wall of a building, where such individual components are without integrated background definitions and are not within a circumscribed frame area, the total area of the sign shall be measured by the area enclosed by 4 vertical and horizontal straight lines containing each word or symbol.

Formatted: Indent: Left: 0.52"

B. Where a freestanding, monument, or pylon-supported sign has 2 faces, the area of both faces shall be included in determining the area of the sign. Sign height shall be measured as the vertical distance from grade adjacent to the sign footing, to the top of the sign, including the support structure and any design elements.

3. The regulations and limitations of this Section are intended to be maximum dimensions permitted. The Community Development Director or Planning Commission may require a sign or sign program be reduced to less than the maximum area or height allowable if such a requirement is found to be necessary to comply with the purposes of this Chapter. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.208.]

Formatted: Indent: Left: 0.13"

Sec. 13-34.300 District Sign Regulations.

The following subsections set forth sign regulations according to zoning district classifications. Signage within a specific zoning district shall conform to the sign requirements for that zoning district. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.300.]

Sec. 13-34.301 Residential District Sign Regulations.

The maximum area, height and location of signs allowed in residential districts and for residential uses shall be as follows:

~~1. One nameplate not to exceed 2 square feet in area indicating the name of the occupant of a single-family dwelling. The nameplate shall be located not closer than 10 feet to any property line, and shall not exceed 6 feet in height.~~

~~2. One nameplate not to exceed 1 square foot in area pertaining to a home occupation. Such nameplate shall be nonilluminated and shall be located flat against the wall of the dwelling.~~

1. Single-family dwellings may have one sign not to exceed 2 square feet in area located not closer than 10 feet to any property line, and not exceeding 6 feet in height.

2. In addition to the above, single-family homes with a permitted home-based occupation may also have one sign not to exceed 1 square foot in area. Such sign shall be non-illuminated and shall be located flat against the wall of the dwelling.

3. One identification sign pertaining to a multifamily dwelling with an area not to exceed 2 square feet for each dwelling unit or 20 square feet, whichever is less. The sign shall be located on the site of the multifamily dwelling, shall not be located in or face into any interior side yard or any rear yard, and if attached to a building shall not project more than 6 inches into a required front yard or a required side yard adjoining a street. A detached sign located not closer than 5 feet to any portion of a building, or to any property line adjoining a street, shall be located not closer than 20 feet to any other property line and shall not exceed 4 feet in height.

4. Identification signs pertaining to a conditional use with an aggregate area not to exceed 1 square foot for each 8 feet of frontage of the site. Such signs shall be located on the site of the conditional use, shall not be located in or face into any interior side yard or any rear yard, and if attached to a building shall not project more than 6 inches into a required front yard or a required side yard adjoining a street. Detached signs located in any front yard or any side yard adjoining a street shall be located not closer than 5 feet to any portion of a building, and shall not exceed 6 feet in height.

5. No sign attached to a building shall project above the eave line or parapet line. No sign shall have any moving parts or be constructed of any reflective material. No illuminated sign shall be directly lighted, or flash on or off, but may be indirectly lighted or may have semi-direct or diffused lighting. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.301.]

Sec. 13-34.302 Nonresidential Districts Sign Regulations.

The nonresidential zoning districts include the following:

1. All commercial districts including the general commercial, community commercial, recreational commercial, and the commercial public mixed-use district.
2. All industrial districts including the planned commercial industrial mixed-use district and the planned office/research and development district.

A. All nonresidential zoning district signs are required to be calculated with the following formula, unless stated otherwise.

Formatted: Indent: Left: 0.52"

B. Wall-mounted signs: 1 square foot of sign face for every lineal foot of storefront space leased, owned or rented by the business tenant.

C. Ground-mounted monument sign: 1 square foot of sign face for every 4 lineal feet of street frontage. Maximum height: 6 feet.

3. The commercial-residential and the industrial-residential mixed-use districts shall comply with the following:

Formatted: Indent: Left: 0.13"

~~A. Live Work-Restricted Use Signs. Only nonilluminated blade, awning, canopy or wall-mounted signs are permitted. One square foot for every 10 lineal feet of building storefront space leased, owned or rented by the business tenant.~~

Formatted: Indent: Left: 0.52"

~~B. Live Work-Limited Use Signs. Only nonilluminated blade, awning, canopy or wall-mounted signs are permitted. One square foot of sign for every 8 lineal feet of building storefront space leased, owned or rented by the business tenant.~~

~~C. Live Work-Open Use Signs. Only nonilluminated blade, awning, canopy or wall-mounted signs are permitted. One square foot of sign for every 6 lineal feet of building storefront space leased, owned or rented by the business tenant.~~

Commented [RR1]: These live-work distinctions are essentially moot ever since Ordinance 494, which replaced the Historic Town Center Sub-District Plan regulations for three types of Railroad Avenue live-work units with the single live-work classification of the Waterfront District Master Plan.

D. Mixed-Use Signs. Only nonilluminated blade, awning, canopy or wall-mounted signs are permitted. One square foot of sign for every 5 lineal feet of building storefront space leased, owned or rented by the business tenant.

4. Only businesses within the boundaries of the property shall be permitted to advertise on any freestanding pylon, ground-mounted monument or wall-mounted sign.

Formatted: Indent: Left: 0.13"

5. No sign attached to a building shall project above the eave line or parapet line. No illuminated sign shall be directly lighted, or flash on or off, but may be indirectly lighted or may have semi-direct or diffused lighting. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.302.]

Sec. 13-34.400 Signs Subject to Review.

The following signs, as defined, require review by the Community Development Director in accordance with the provisions of this Chapter. Signs associated with projects subject to design review permits shall be reviewed as part of that process; however, such signs also require a sign permit from the Community Development Director. The Community Development Director may not waive any provisions of this Chapter. Signs proposed for properties within the Central Hercules Plan shall be subject to the provisions of the Central Hercules Plan Regulating Code, as well as the provisions of this Chapter.

1. Permits for signs subject to review under Sections [13-34.301](#) and [13-34.302](#) shall be acted upon within 30 days of the submission of a complete sign permit application. Applications for sign permits must contain a scale drawing indicating the dimensions, materials, coloring, graphic content, lighting source, mounting hardware and site location. In addition, such application shall include photographs of signs found on properties located on each side of the structure.

2. The Community Development Director may approve, deny or approve with conditions any permit application for signs under Sections [13-34.301](#) and [13-34.302](#).

3. All reviewing authorities shall review all signs and their locations within a site and placement on a structure in accordance with Section [13-34.302](#).

4. Except as allowed through an approved master sign program, no individual sign shall exceed 100 square feet in sign area, except for signs on structures greater than 30,000 square feet which may not exceed 250 square feet in sign area.

5. Awning ~~and Canopy~~ Signs. An awning ~~or canopy sign~~ is a covering ~~(which is (or appears to be) often made of cloth or canvas, but that may be made of other materials such as metal or wood)~~ that is either permanently attached to a building or can be raised or retracted or fixed to a position against the building when not in use. ~~Awnings on structures in the Central Hercules Plan shall be reviewed in accordance with all provisions of the Central Hercules Plan Regulating Code.~~ The sign face of an awning ~~or canopy~~ sign may not exceed 25 percent of the area of the plane of the awning ~~or canopy~~ on which the sign face appears. No material or signage may hang from an awning.

Commented [RR2]: The awning regulations as written here are sufficient and appropriate for all areas.

~~6. Marquee Signs. A marquee is a sign used for the advertisement of a movie or theatrical event. Marquee signs are permitted for theaters only and must be wall signs, subject to the requirements for wall signs.~~

Commented [RR3]: Recommend deleting this clause because requires making a content/use-based determination, but also recommend adding marquee sign as a type of sign covered under the wall sign section (see below).

7. Monument Sign. A monument sign is mounted directly on the ground. Except as allowed through an approved master sign program, the size of the face of a monument sign shall not exceed 32 square feet, the maximum height of the sign shall not exceed 6 feet, and only 1 monument sign per 600 feet of lot frontage is permitted.

8. Freestanding Pylon Sign. A freestanding pylon sign is a sign attached to columns erected directly into the ground. Only 1 freestanding pylon sign per 1,000 feet of lot frontage is permitted. The height of a pylon sign is measured from the top of the sign to the ground.

A. New freestanding pylon signs are prohibited to be constructed in the City of Hercules except where all of the following conditions are met:

Formatted: Indent: Left: 0.52"

1) The property on which the pylon sign is to be constructed must be zoned as General Commercial (CG).

Formatted: Indent: Left: 0.85"

2) The pylon sign must be constructed on-site and within 100 feet of the Interstate 80 right-of-way or easement.

3) The pylon sign must be approved as part of a master sign program and shall be subject to environmental review under the California Environmental Quality Act.

B. The pylon sign must be for on-site commercial developments intended to serve a market area that extends beyond the City limits of Hercules (as determined by the Planning Commission).

Formatted: Indent: Left: 0.52"

1) The sign shall be supported by a minimum of 2 enclosed supports, located at or near the exterior edge of the sign face, or constructed as a monolith (with no open area between the message area and the ground upon which the sign is located). Signs supported by a single pole shall not be permitted.

Formatted: Indent: Left: 0.85"

2) At signs which contain open area below the message area (i.e., between the supports), the height of the open area shall be at least equal to the height of the message area.

3) The colors and/or materials of the sign and the supporting structure shall be compatible with the exterior of the shopping center or buildings for which the sign provides

identification. The design of the freestanding sign should reflect the architectural design of the buildings within the shopping center.

4) The sign may identify the shopping center or businesses (where a single business is not part of a larger center or development) and the name of the shopping center or business shall be prominently displayed in the sign message area. Individual tenants/owners may be identified on the sign, providing the name of the center shall be clearly legible to the "target" audience, as determined by the Planning Commission. The freestanding pylon sign shall be limited to a maximum of 3 on-site tenants.

5) Where the center/business adjoins a public street, the sign and the supporting structure shall be located no less than a distance equal to the maximum sign height from the nearest edge of the public street sidewalk (or curb, if there is no sidewalk), and the sign and supporting structure shall be located no closer than 10 feet from any other property line at the perimeter of the center/business site. This distance shall be measured from the closest point on the property line to the portion of the sign or sign structure that is closest to the property line.

6) The maximum height of the sign shall not exceed 90 feet.

7) Notwithstanding subsection (13) of this Section, pylon signs may include a digital display, so long as such digital display occupies no more than 25 square feet on each sign face.

8) As of the effective date of the ordinance codified in this Chapter, a legally installed freestanding pylon sign may continue to be used and ordinary maintenance and repairs may be made to the legally conforming sign provided the structure is not moved, enlarged, or structurally altered. Existing freestanding pylon signs will not be permitted to be enlarged, expanded or allowed any additional sign panels to be constructed within their existing sign area. Existing sign panels on legally constructed and permitted freestanding pylon signs are permitted to be replaced when new businesses replace 1 or more of the existing on-site businesses shown on existing sign panels.

9. Projecting Signs/Blade Signs. A projecting or blade sign is one which is attached to a wall at an angle. Where a projecting sign projects over a sidewalk, it must clear the ground by at least 8 feet. Any use which contains a projecting sign may not contain a freestanding pylon sign. Projecting signs may not be placed above the first story of a structure unless it is advertising a use that occurs above the first floor. In cases where a projecting sign occurs above the first story of a structure, it may not be placed higher than the midpoint of the second story.

Formatted: Indent: Left: 0.13"

10. Subdivision Sales Signs, On-Site. On-site subdivision sales signs shall comply with the following regulations:

- A. A maximum of 2 advertising signs, with a maximum area of 24 square feet and a maximum height of 6 feet for each sign; or
- B. A maximum of 4 directional signs, with a maximum area of 16 square feet and a maximum height of 6 feet for each sign; or
- C. One sign for each model in the project, with a maximum area of 8 square feet and a maximum height of 4 feet for each sign.

Formatted: Indent: Left: 0.52"

11. Subdivision Sales Signs, Off-Site. Off-site subdivision sales signs shall comply with the following regulations:

Formatted: Indent: Left: 0.13"

- A. The maximum number of signs shall be 4 per project.
- B. The maximum height shall be 6 feet.
- C. Setbacks shall be provided as follows: 15 feet from property line, 300 feet from other authorized off-site subdivision sales signs, and 100 feet from occupied residential structures.
- D. All sign bases and support structures shall be boxed or enclosed in a decorative base.

Formatted: Indent: Left: 0.52"

12. Wall Signs ([including Marquee Signs](#)). A wall sign is one which is applied, painted or affixed flush to the exterior of a structure. No wall sign shall protrude beyond the roof line or cornice structure of a building, and shall not cover windows, doors or architectural detailing of the building to which it is affixed.

Formatted: Indent: Left: 0.13"

13. Changeable Copy Signs. Changeable copy signs are prohibited except as approved through a master sign program.

14. Directory Signs. A directory sign is one which advertises more than 1 use or establishment. A directory sign may be mounted to the ground, 1 or more poles, walls, or may project from a wall at an angle. A directory sign may advertise or identify only uses which exist within the same lot or uses which exist in any group of structures which share a common point of access from the public way. Only 1 directory sign per 500 feet of lot frontage is permitted. Directory signs are permitted only in subsection (14)(A), (B) or (C) of this Section:

- A. Community commercial zoning district along Sycamore Avenue.

Formatted: Indent: Left: 0.52"

B. General commercial zoning district along San Pablo Avenue.

C. General commercial zoning district along Willow Avenue.

15. Gasoline Sales Canopy Signs. Except as allowed through an approved master sign program, gas station canopy signs shall not extend beyond the edges of the canopy and shall comply with 1 of the 2 following alternative provisions:

A. No sign shall exceed 15 percent of the square footage of the side of the canopy upon which it is located. No side shall contain more than 1 sign.

B. The total area of signs on a gas station canopy shall not exceed 9 percent of the total square footage of all sides of the canopy. No canopy shall have more than 2 signs located on it. Both signs may be located on the same side of the canopy.

16. Master Sign Programs.

A. General Requirements. A master sign program is required when a sign(s) is requested for:

- 1) A building or grouping of buildings which contains 6 or more business or office uses; or
- 2) Community uses that request more than 2 identification signs. No permit shall be issued for an individual sign requiring a permit on a site with 6 or more existing or proposed business spaces unless, and until, a master sign program for the property on which the sign will be erected has been approved by the Design Review Committee.

B. Required Information. A master sign program shall contain the following information:

- 1) An accurate plot plan of the lot, at such a scale as the Planning Division may require.
- 2) Location of buildings, parking lots, driveways and landscaped areas on the lot.
- 3) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot included in the plan.
- 4) An accurate indication of the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not.
- 5) Color scheme.
- 6) Lettering or graphic style.

Formatted: Indent: Left: 0.13"

Formatted: Indent: Left: 0.52"

Formatted: Indent: Left: 0.13"

Formatted: Indent: Left: 0.52"

Formatted: Indent: Left: 0.85"

Formatted: Indent: Left: 0.52"

Formatted: Indent: Left: 0.85"

7) Materials.

8) Sign dimensions.

9) Provisions for leasing information.

C. Window Signs. A master sign program including window signs shall indicate the areas of the windows to be covered by window signs and the general type of the window signs permitted (e.g., paper affixed to window, painted, neon, etched on glass). (See Section [13-34.500](#)(10) for permitted coverage.)

Formatted: Indent: Left: 0.52"

D. Freestanding Pylon Signs. The master sign program shall address shared or common usage of freestanding pylon signs.

E. Other Provisions. Master sign programs may contain regulations as the Design Review Committee may reasonably determine are necessary to assure the program's compliance with the requirements of this Chapter.

F. Procedures. A master sign program ~~shall be a condition of approval of any planned development, design review, use permit or other application required by the City,~~ and shall be processed prior to installation of any signs. Any sign which conforms to an approved sign program may be approved by the Director of Community Development. Approval of a master sign program does not waive the permit requirements for individual signs.

Commented [RR4]: Recommend deleting this provision as it is not consistent with 16.A above, which defines when master sign programs are required.

G. Amendment. A master sign program may be amended by filing a new master sign program that substantially conforms to requirements of this Chapter.

H. Binding Effect. After approval of a master sign program, no signs shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same ways as any provision in this Chapter. The master sign program shall be attached to the lease agreements for all leaseable space within the project. In case of any conflict between the provisions of such a plan with any other provisions herein, the provisions of the master sign program shall control. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; Ord. 503 § 1(B) (Exh. B), 2017; ZO § 34.400.]

Sec. 13-34.500 Signs Not Requiring a Permit.

The following signs are permitted as indicated in the following subsections, and require no permit.

Formatted: Indent: Left: 0.13"

1. Bulletin Boards. One bulletin board not to exceed 20 square feet in area shall be permitted, serving to identify and announce on-site services and activities. The bulletin board shall be located on the site of the community facility or institution, shall be located not closer than 5 feet to any portion of a building, shall be located not closer than 10 feet to any property line adjoining a street, shall be located not closer than 20 feet to any other property line and shall not exceed 6 feet in height.

~~2. On-Site Real Estate Sign. An on-site real estate sign is a temporary sign advertising the lease or sale of land, space or structure. This type of sign is generally mounted to post structure embedded in the ground with signage attached. Onsite residential signage may not exceed 6 square feet for the primary sign and up to an additional 4 square feet for add-on placards. For all other types of land uses and vacant land, the sign may not exceed 24 square feet. These types of real estate signs shall not be located on City of Hercules rights-of-way, landscaped medians or parkways. On-site real estate signs must be removed within 10 days of the sale or lease of the property.~~

On-Site ~~Real Estate~~ Temporary Commercial Sign. An on-site ~~real estate~~ temporary commercial sign is a temporary sign ~~allowed for up to 30 consecutive days and~~ advertising the lease or sale of land, space or structure. This type of sign is generally mounted to a post structure embedded in the ground with signage attached. On-site ~~temporary~~ residential ~~temporary~~ signage may not exceed 6 square feet for the primary sign and up to an additional 4 square feet for add-on placards. For all other types of land uses and vacant land, the On-Site Temporary Commercial sign may not exceed 24 square feet. These types of ~~real estate~~ signs shall not be located on City of Hercules rights-of-way, landscaped medians or parkways. ~~On-site real estate signs must be removed within 10 days of the sale or lease of the property.~~

3. Off-Site ~~Residential Real Estate Open House/~~Directional Signs. An off-site ~~residential real estate~~ directional sign is a temporary, portable off-site sign ~~within any residential zone~~ intended to provide directional assistance ~~for an "open house"~~ and shall be:

A. "A-frame" in design. "Stick signs" are strictly prohibited.

B. Allowed only for ~~residential real estate located~~ locations within the City of Hercules.

C. Limited to a maximum total of 5 temporary double-sided off-site ~~residential real estate~~ directional signs per ~~property~~ destination provided motorist visibility is not obstructed. To prevent motorist visibility from being obstructed, and no more than 4 double-sided directional signs for different ~~properties~~ destinations shall be at a single intersection.

Formatted: Indent: Left: 0.52"

D. Limited to a maximum of 30 inches in height and 6.25 square feet in sign face area as measured on 1 side.

E. Signs may be placed on private property only after first obtaining permission from the property owner.

F. Signs may be placed in the public right-of-way only ~~when immediately adjacent to property lines~~ in such a manner that does not interfere with ADA accessibility or interrupt flow of vehicle or pedestrian traffic nor obstruct vehicular visibility. However, signage is prohibited in the center divider, any landscaped center-median, and/or traffic islands of public streets, bicycle paths or public walking trails. Additionally, signs shall not be placed on fences, utility poles or walls, or attached to traffic lights or light standards.

G. Signs may be displayed sunrise to sunset on the day of the ~~open house or on broker's touring day(s)~~ event.

H. Violations. All signs in violation are subject to seizure by the City of Hercules. (Note: These signs will be removed and stored at the City of Hercules Corporation Yard for a maximum of 10 days. After 10 days, the City will dispose of the sign if not claimed. Signs may be retrieved by contacting the Public Works Department and waiving the fine for the first violation, paying \$25.00 for the second violation and paying \$50.00 for each violation thereafter for retrieval fee per sign.)

I. No balloons or attachments are permitted on ~~the A-frame real estate open house~~ Off-Site directional signs.

4. ~~Contractor~~ Temporary Construction Signs. A ~~contractor's sign is a~~ temporary sign erected is allowed during the construction phase of a project only, not to exceed 40 square feet in area and 10 feet in height, 24 square feet. Such sign must be removed upon the issuance of a certificate of occupancy, where one is required. ~~Contractor-Temporary construction~~ signs may also be used during home improvement or renovation projects that are not subject to a certificate of occupancy, but must be removed after the work has been completed.

5. Signs for ~~Garage or Yard Sales~~ Events on Private Property. ~~Placement of Lawn, yard or garage sale signs~~ is prohibited on any state or city public property or right-of-way, or on utility poles. No sign for an event on private property garage or yard sales shall be posted more than 24 hours before and after the event. On-site signs for events on private property ~~Garage or yard sale signs~~ are limited to a maximum of 4 square feet.

Formatted: Indent: Left: 0.13"

6. ~~Special Events or Notice~~ Temporary Signs on Nonresidential Property. Temporary signs include but are not limited to those for ~~Special~~ special, promotional, or seasonal events ~~or notice signs are~~. Examples of temporary signs, ~~such as include but are not limited to~~ banners, pennants, wind socks, posters, or flags, ~~displayed on a nonresidential property for decorative or festive purposes to announce festivals, elections, or special events~~. Such signs may not interfere with pedestrian or vehicular traffic. Temporary signs shall not exceed ~~32-36~~ square feet ~~total~~, nor exceed 40 percent of the length of the building elevation on which they are displayed. No more than two temporary signs may be displayed at any one time. Temporary signs shall only be affixed to a building or fence, and shall not be placed on or above a roof. No individual building occupant may utilize the provisions of this Section for more than 30 days within a calendar year. Prior to displaying any ~~special event or notice temporary~~ sign or signs, the building occupant shall submit written notification to the Community Development Director of the installation and removal dates.

7. Special Signs ~~and Noncommercial Holiday Decorations~~. Noncommercial holiday decorations, ~~s~~Signs on products or product containers, public information and safety signs, ~~historic markers~~, and signs required by local, State or Federal law, ~~and noncommercial messages placed on lawful signs~~ shall be exempt from the regulations of this Chapter.

~~8. Temporary Signs for Special Events. Temporary signs and banners for promotional or seasonal events of civic, charitable, educational, religious, or service organizations are allowed when displayed on the location of the subject activity. They shall be placed no sooner than 14 days prior to the event and removed no later than 7 days after the event.~~

Commented [RR5]: Deleted as covered by the proposed revisions to Section 13-34.500.6 above.

9. Warning Signs. "No trespassing," "no dumping," or other warning signs are allowed that do not exceed 4 square feet per sign.

10. Window Signs. Window signs are allowed; provided, that they are placed on the inside of the window, and occupy no more than 25 percent of the glassed area of all windows, and ~~is~~ are at least 3 feet from the window frame of an exterior window and the majority of the interior is visible from the outside of the building.

11. Household Signs. Signs that display street numbers, last names and personal names given to residential structures shall not require a permit. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; Ord. 497 § 2, 2016; ZO § 34.500.]

Sec. 13-34.600 Specific Regulations for Temporary and Miscellaneous Signs.

The following section establishes regulations for the maximum number, location, maximum area, maximum height and/or special regulations for all signs of a temporary nature that are allowed in the City of Hercules.

1. Banners:

A. Temporary (for a period of not more than 30 days per calendar year) promotional banners may be placed on any business a total of 30 days per calendar year. The maximum size of all banners on site shall not exceed 36 square feet combined. The length of the banner may not exceed 40 percent of the length of the building elevation on which it is displayed. No more than 2 banners may be used for any promotion. A banner shall only be affixed to a building, and shall not be placed on or above a roof.

Formatted: Indent: Left: 0.52"

Commented [RR6]: Deleted as covered by the proposed revisions to Section 13-34.500.6 above.

2. Permanent and Seasonal Decorations. Permanent and seasonal ornaments of a decorative nature shall comply with the following regulations:

Formatted: Indent: Left: 0.13"

A. The number of decorations allowed shall be determined at the time of sign permit issuance.

Formatted: Indent: Left: 0.52"

B. The decoration shall contain no commercial copy (e.g., business name, product, etc.).

3. Construction Signs. One "under construction" sign is allowed per construction site. The sign shall not exceed 40 square feet in area and 10 feet in height. The sign may identify the project developer, project participants, and/or future occupants.

Formatted: Indent: Left: 0.13"

Commented [RR7]: Recommend deleting as covered by the proposed revisions to Section 13-34.500.4 above, "Temporary Construction Signs."

4. On-Site Directional Signs. Where appurtenant to a permitted or conditionally permitted use, on-site directional signs may be placed subject to the following regulations:

A. Maximum area of a directional sign shall be 4 square feet.

Formatted: Indent: Left: 0.52"

B. Maximum height shall be 5 feet.

C. Directional signs shall have no commercial message or copy.

5. Inflatable Signs. Inflatable balloons, objects or signs are not permitted to be displayed on any commercial or industrial or mixed-use zoned building. Temporary seasonal businesses, such as Christmas tree lots, may display an inflatable object associated with the holiday except for 4 a combined period per calendar year not to exceed 30 days. Amusement parks and amusement destinations may be permitted to display temporary inflatable balloon objects that do not exceed the height of the project building(s) for a period of not more than 30 days per calendar year. Amusement

Formatted: Indent: Left: 0.13"

~~parks and amusement destinations may display on a temporary basis 2 inflatable signs or characters, a maximum of 15 feet tall at each major entry to the facility. For the purposes of this subsection, a major entry is an entry from a public road providing direct public access to the site.~~ All inflatables shall be affixed to the ground, and shall not be attached to, or displayed on or above any structure.

6. ~~Political Campaign Signs~~Temporary Non-commercial signage. ~~Political campaign~~ Temporary non-commercial signs are allowed to be displayed only on prescribed public locations identified and adopted through legislation by the City Council. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.600.]

Sec. 13-34.700 Prohibited Signs.

The following signs are prohibited by this Section:

1. Abandoned signs. Any sign which is unused for more than 90 consecutive days shall be deemed abandoned and shall be removed. Individual tenant signs in multi-tenant shopping centers may remain unused for a longer period provided all advertising copy is removed and a blank sign face is maintained. For the purposes of this Section, "unused" shall mean the absence of copy or advertising message, or a sign which is advertising a business or activity no longer located at the subject site.
2. Signs that simulate, by virtue of size, shape, color, lettering, or design, a traffic sign or signal, or signs with characters or graphics that interfere with, mislead, or confuse the pedestrian or motorist are prohibited.
3. Portable signs, sandwich board, "A-frame," or movable freestanding signs, including signs placed on parked vehicles or trailers, except where specifically authorized in the Municipal Code as allowable off-site directional signs (see Sec. 13-34.500.3, "Signs Not Requiring a Permit").
4. Any sign erected in or extending into the public right-of-way, except signs in the commercial, industrial, planned office/research and development zoning districts, and properties in the Central Hercules Plan where mixed commercial-residential land uses are developed and improved, and where the applicant has received an encroachment permit from the Public Works Department, and publicly owned signs for directional purposes.
5. Any roof-mounted sign that projects above the roof or parapet of a building is prohibited. The Planning Commission shall be authorized to grant approval where the sign is designed as part of the building's architecture, such as a blade sign on a theater facade or a sign integrated into a raised building's parapet.

~~6. Any structure that advertises an off-site business or activity, product, or service (such as a billboard) is prohibited with the exception of off-site residential subdivision advertising signs that comply with the regulations established by this Section.~~

7. Animated signs that use blinking lights, audible sounds, human or animal generated movements.
This restriction does not apply to electronic message signs and time and temperature signs.

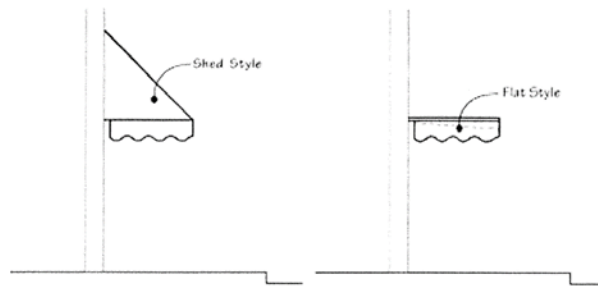
8. Banners, streamers and pennants are prohibited except where specifically authorized by this Chapter.

~~9. Inflatable balloons, objects or signs are not permitted to be displayed on any commercial or industrial or mixed-use zoned building except where specifically authorized by this Chapter. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.700.]~~

Commented [RR8]: Recommend deleting as duplicative of Sec. 13-34.600.5 above.

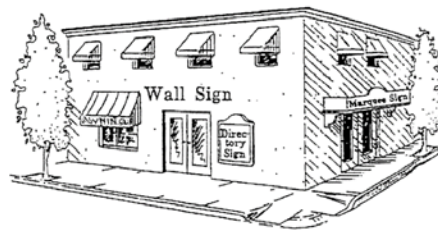
Sec. 13-34.800 Examples of Signs—Permitted and Prohibited. EXAMPLES OF SIGN TYPES

AWNING SIGNS

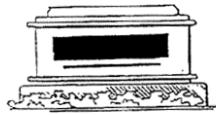


Permitted Signs

WALL SIGN



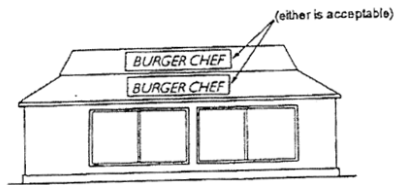
Permitted Signs



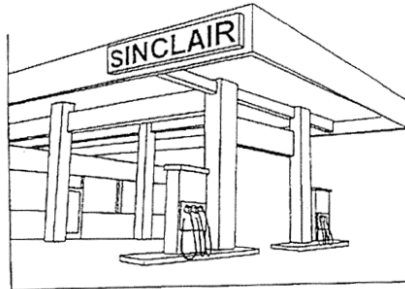
**GROUND-MOUNTED
MONUMENT
SIGN**



ENTRY SIGN



**MANSARD/PARAPET
SIGN**



**SERVICE STATION
CANOPY SIGN**

Permitted Signs



PROJECTING SIGN



SUSPENDED SIGN



Permitted Signs WINDOW SIGN



MULTI-TENANT/MONUMENT



FOR SALE BY OWNER SIGNS

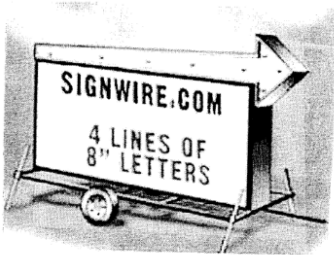
Prohibited Signs



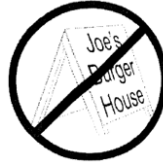
ANY ON-SITE OR OFF-SITE
TEMPORARY OR PERMANENT
SIGNS ON UNREGISTERED
OR INOPERABLE VEHICLES
USED AS BUSINESS SIGNS



PORTABLE A-FRAME/
SANDWICH BOARD



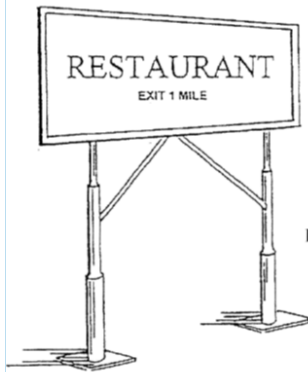
PORTABLE - ROADSIDE/SIDEWALK SIGNS



Portable Sidewalk
Sign

Commented [RR9]: Recommend revising image or adding footnote that portable sidewalk/A-frame signs are allowed so long as conform to "off-site directional signs" (Sec. 13-34.500.3)

OFF-PREMISES FREESTANDING
(BILLBOARD) SIGN

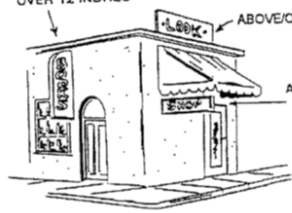


BILLBOARD SIGN



ABOVE/ON ROOF SIGN

ANY SIGN PROJECTING OUT
OVER 12 INCHES

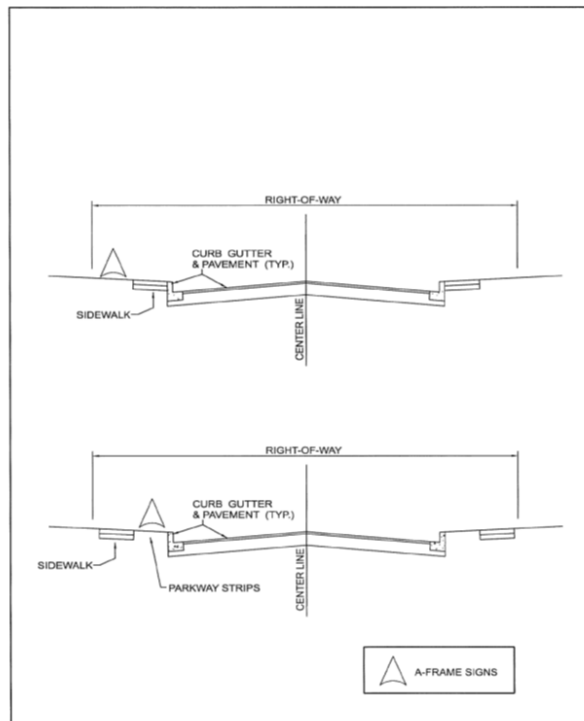


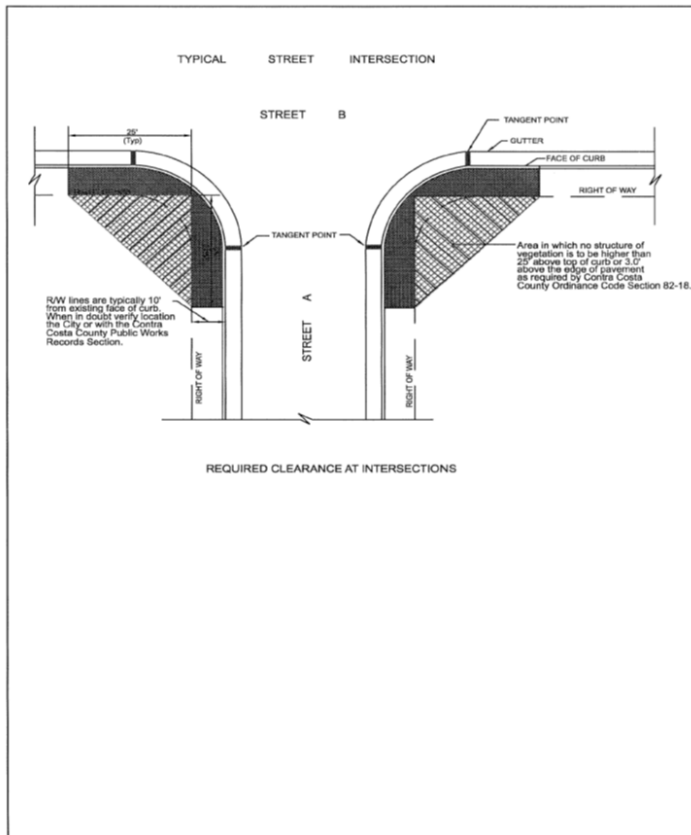
ABOVE/ON ROOF SIGN

ANY SIGN HANGING BELOW
BOTTOM OF CANOPY

Commented [RR10]: Recommend replacing "Any sign projecting out over 12 inches" with note that any sign or awning that projects over public right of way requires an encroachment easement.

REQUIRED CLEARANCE AT INTERSECTIONS





[Ord. 515 § 2, 2018; ZO § 34.800.]

SECTION 2 – CEQA.

The adoption of Zone Text Amendment #ZTA 19-01 is categorically exempt from the California Environmental Quality Act ("CEQA") [State CEQA Guidelines Section 15061(b)(3)].

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be deleted.

SECTION 4. Effective Date and Publication.

Formatted: Font: (Default) Arial

Formatted: Justified

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

a. This Ordinance shall be published in accordance with applicable law, by one or more of the following methods:

1. Posting the entire Ordinance in at least three (3) public places in the City of Hercules, within fifteen (15) days after its passage and adoption; or

2. Publishing the entire Ordinance at least once in the West County Times, a newspaper of general circulation published in the County of Contra Costa and circulated in the City of Hercules, within fifteen (15) days after its passage and adoption; or

3. Publishing a summary of the Ordinance in the West County Times and posting a certified copy of the entire Ordinance in the office of the City Clerk at least five (5) days prior to the passage and adoption, and a second time within fifteen (15) days after its passage and adoption, along with the names of those City Councilmembers voting for and against the Ordinance.

b. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the Hercules City Council on the 14th day of July, 2020, and was passed and adopted at a regular meeting of the Hercules City Council on the ____ day of ____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Roland Esquivias, Mayor

Lori Martin, Administrative Services Director &
City Clerk

Formatted: Justified

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial, 11.5 pt, Bold

Formatted: Font: (Default) Arial, 11.5 pt

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial, 11.5 pt

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial, 11.5 pt, Bold

Formatted: Font: (Default) Arial, Bold

Formatted: Font: (Default) Arial, 11.5 pt, Bold

Formatted: Font: (Default) Arial, Bold

Formatted: Font: (Default) Arial, 11.5 pt, Bold

Formatted: Font: (Default) Arial, Bold

Formatted: Font: (Default) Arial, 11.5 pt, Bold

Formatted: Font: (Default) Arial, 11.5 pt

Formatted: Font: (Default) Arial, 11.5 pt

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERCULES APPROVING REVISIONS TO CHAPTER 34 OF THE CITY’S ZONING ORDINANCE, “SIGN REGULATIONS,” FOR CONTENT NEUTRALITY AND INTERNAL CONSISTENCY.

WHEREAS, on September 10, 2019, staff reported to the City Council that the United States Supreme Court’s ruling in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015) necessitated updates to the city’s existing sign regulations to ensure content neutrality, including eliminating any separate rules for categories of signs that are defined by the content or subject matter of their message and adopting content neutral “time–place–and–manner” regulations; and

WHEREAS, after the September 10, 2019 staff presentation, Council directed staff to return to Council with draft amendments to the City’s existing Sign Ordinance for Council’s consideration; and

WHEREAS, on May 12, 2020, Council received staff’s report and draft recommendations to revise the sign regulations for content neutrality and other changes for internal consistency, and directed staff to present the draft amendments to the Planning Commission for its consideration and recommendation (as required by the Hercules Municipal Code, Section 13-52-200); and

WHEREAS, Section 52.400 of the City of Hercules Zoning Ordinance allows for amendments of the Zoning Ordinance whenever the City Council determines that the proposed amendment is: consistent with the General Plan; would not be detrimental to the health, safety, welfare, and public interest of the City; and is internally consistent and does not conflict with the purposes, regulations, and required findings of the Zoning Ordinance; and

WHEREAS, on June 1, 2020, the Planning Commission held a duly noticed public hearing to consider these amendments and did hear and use its independent judgment to consider all said reports, recommendations, and testimony hereinabove set forth; and

WHEREAS, At their regular meeting of June 1, 2020, the Planning Commission voted unanimously to recommend that the City Council adopt the proposed changes to sign regulations, with the following additional amendments:

- Revise proposed Sec. 13-34.100.5.B to read, “Create a right to substitute an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.”
- To Sec. 13-34.400, “Signs Subject to Review,” add canopy signs, with signage not to exceed 25% of the canopy face.
- Regarding portable signs, change Sec. 13-34.700.3, “Prohibited Signs,” from “...except where specifically authorized in the Municipal Code” to “...except where specifically authorized as allowable off-site directional signs (see Sec. 13-34.500.3, “Signs Not Requiring a Permit).”; and

WHEREAS, the City Council finds and determines that the proposed amendments by staff and the Planning Commission are consistent with Council direction, and comport with the requirements of Hercules Municipal Code, Section 13-52-200 for amending the Zoning Regulations; and

WHEREAS, the City Council finds and determines that the proposed amendments are categorically exempt from CEQA pursuant to section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the amendments will not have a significant effect on the environment. The City Council also further determines that the proposed amendments are categorically exempt from CEQA pursuant to section 15303(a) of the CEQA Guidelines.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERCULES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1.

Section 13-34 “Sign Regulations” of the Hercules Municipal Code is hereby amended as follows:

Chapter 13-34. Sign Regulations

Prior legislation: Ord. 423.

Sec. 13-34.100 Purpose and Applicability.

The purpose of this Chapter is to:

1. Provide for the orderly construction, location, placement, size and maintenance of signs, outdoor advertising structures, and displays of any character, and to safeguard the general public from the hazards caused by dangerously and improperly located and maintained signs.
2. Promote and protect the public health, safety and welfare by regulating outdoor signs of all types. The specific goals are to protect property values, enhance and protect the physical appearance of the community, to reduce sign or advertising distractions and obstructions, and to ensure that new signs are compatible in design and scale with their surroundings.
3. Administrative Interpretations. All interpretations of this Chapter are to be exercised in light of the message neutrality and message substitution policies. Where a particular type of sign is proposed, and the type is neither expressly allowed nor prohibited by this Chapter, or whenever a sign does not qualify as a “structure” as defined in the Building Code as adopted by the City of Hercules, then the Planning Commission or Director, as applicable, shall approve, conditionally approve, or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this Chapter.
4. Message Neutrality. It is the City’s policy and intent to regulate signs in a manner consistent with the U.S. and California constitutions, which is content neutral as to non-commercial speech and does not favor commercial speech over non-commercial speech.
5. Message Substitution. Subject to the property owner’s consent, a non-commercial message of any category or content may be substituted, in whole or in part, for any allowed commercial message or any non-commercial message, provided that the sign structure or mounting device is legal, without consideration of message content. Such substitution of message may be made without additional approval or permitting. The purpose of this provision is to prevent favoring commercial speech over non-commercial speech, or favoring any particular non-commercial message over any other non-commercial message, Message substitution is a continuing right which may be exercised any number of times. This provision does not:
 - A. Create a right to increase the total amount of sign area on site.

- B. Create a right to substitute an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.
- C. Affect the requirement that a sign structure or mounting device must be properly permitted.
- D. Authorize changing the physical method of image presentation (such as digital, LED, or neon) display without a permit.

Except as otherwise provided in this Chapter, it is unlawful for any person to construct, erect, enlarge, alter, or relocate within the city any sign as defined in this Chapter, without first obtaining a sign permit for a sign or planned sign program, subject to design review approval, and a building permit. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.100.]

Sec. 13-34.101 General Provisions.

[Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.101.]

Sec. 13-34.102 Director Approval Required.

The Director of Community Development is authorized to approve, conditionally approve, or deny sign permits and sign programs, except where Planning Commission action is required, or when a referral to the Planning Commission is made in accordance with applicable sections of the Zoning Ordinance. Any application for a sign permit or sign program approval requiring action by the Director shall be acted upon within 30 days of submittal. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.102.]

Sec. 13-34.103 Planning Commission Approval Required.

The Planning Commission shall hold a public hearing as specified in the Zoning Ordinance, review the application based on the criteria of this Chapter, and take action under the following circumstances:

1. The sign(s) does not conform to an established design policy adopted by the Planning Commission and/or City Council in accordance with this Section.
2. The sign is a freeway-oriented, freestanding pylon sign.
3. The approval of master sign programs or sign variances. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.103.]

Sec. 13-34.200 Legal Conforming Signs.

Any sign that legally exists as of the effective date of the ordinance codified in this Section shall be considered a legal conforming sign.

1. Any legal conforming sign may be altered provided that sign has the same fixtures, similar materials, similar colors, and similarly styled lettering and provided the sign face is not enlarged as determined by the Community Development Director.

2. New signage may be proposed for a site that contains legal conforming signage; provided, that all new signage is in compliance with this Chapter. The Planning Commission may approve waivers to signage for a site that contains legal conforming signage, if such waivers are consistent with this Chapter. Such waivers may be made only if the signage plan for the entire site furthers the purpose of this Chapter by reducing visual clutter or otherwise improves the aesthetic appearance of the signage on the site by bringing the overall site into closer compliance with the requirements of this Chapter. A legally installed sign which does not comply with this Chapter may continue to be used and ordinary maintenance and repairs may be made to the legally conforming sign provided the structure is not moved, enlarged, or structurally altered. A legal conforming sign may not be replaced with one which is nonconforming. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.200.]

Sec. 13-34.204 Termination of Business/Removal of Sign.

Any sign face that identifies or advertises a business must be removed within 30 days after the termination of that business from that site. After a period of 90 days of the termination of the business if the sign is not reused by another business occupying the same site, all mountings, brackets, poles, sign faces and other signage material must be removed. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.204.]

Sec. 13-34.205 Notice, Removal, Liens, and Sinking Fund.

1. Notice and Removal. The Chief Building Official shall remove or cause to be removed any abandoned, dangerous, defective, illegal, prohibited, not maintained, or nonconforming sign subject to removal under the provisions of this Chapter, which has not been removed within the time period specified in this Chapter, or any other sign maintained in violation of the provisions of this Chapter. The Chief Building Official shall prepare a notice which shall describe the sign and specify the violation involved and shall state that if the sign is not removed or the violation is not corrected within 30 days, the sign shall be removed in accordance with the provisions of this Section.

For signs described under provisions of this Chapter, the notice shall be mailed or given to the occupant of the property or other employee or, the owner of the sign, or representative upon which the sign is located. If known, the notice may also be mailed or delivered to the owner of the sign and the occupant of the property.

2. Emergency Removal. Notwithstanding the above provisions of this Section, in cases of emergency, the Chief Building Official may cause the immediate removal of a hazardous, dangerous or defective sign, without notice.

3. Cost of Lien. Any sign removed by the Chief Building Official pursuant to the provisions of this Section shall become the property of the City of Hercules, and may be disposed of in any manner deemed appropriate by the City. The cost of removal of the sign shall be considered a debt to the City by the owner of the sign and owner of the property, and may be recovered by the City by a lien against the property or any other remedy prescribed by law.

4. Sinking Fund. The project sponsor of a proposed sign shall be required to provide proof of the establishment of a sinking fund to cover the cost of removing the sign if it is abandoned. The word "abandoned" shall mean a sign that has not been operational for a consecutive 90-day period, except where nonoperation is the result of maintenance or renovation activity pursuant to valid city permits. The sinking fund shall be established within a 2-year period, at a financial institution approved by the City's Finance Department. The sinking fund payment shall be determined by the Finance Director and shall be adequate to defray expenses associated with the removal of the sign. The minimum amount for a sinking fund for any type of sign shall be \$300.00. The maximum amount for a sinking fund for a sign shall be \$3,000. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.205.]

Sec. 13-34.206 Liability for Damages.

The provisions of this Chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person erecting or owning any sign, for personal injury or property damage resulting from the placement of such sign, or resulting from the negligence or willful acts of such person, its agents, employees, or workmen, in the construction, maintenance, repair, or removal of any sign erected in accordance with a permit issued under this Chapter; nor shall it be construed as imposing upon the City or its officers or employees any responsibility or liability by reason of the approval of any signs, materials, or devices under the provisions of this Chapter. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.206.]

Sec. 13-34.207 Enforcement.

1. Permit Revocation. The Planning Commission is authorized and empowered to revoke any sign permit issued by the Community Development Director upon failure of the holder thereof to comply with any provisions of this Chapter. The City Council is authorized and empowered to revoke any sign permit issued by the Planning Commission upon failure of the holder thereof to comply with any provisions of this Chapter.

2. Public Nuisance. In the event any person should erect, alter, relocate or maintain a sign in violation of the provisions of this Chapter, the same is declared a public nuisance and, in addition to any other remedies available, including but not limited to administrative citations and civil penalties, the City Attorney is authorized to bring and prosecute an action in a court of competent jurisdiction to enjoin such person from continuing such violation. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.207.]

Sec. 13-34.208 Calculation of Size of Sign, Sign Area and Height.

1. Within or on Structures. When the graphic representation of the sign occurs on a sign board, the size of the sign shall be calculated by the square footage of the sign board. For illuminated signs, all portions of the sign which are illuminated shall be included in the square footage. In other cases where lettering is attached to a structure and no sign board is utilized, the square footage of the sign shall be calculated by drawing a rectangle around all portions of the lettering; the square footage of the sign shall be the area of the rectangle.

2. The sign area of wall-mounted and freestanding pylon and ground-mounted monument type signs shall be calculated as follows:

A. The area of a wall sign comprised of individual channel-type letters, numerals, symbols, or other similar components painted on or attached flat against the wall of a building, where such individual components are without integrated background definitions and are not within a circumscribed frame area, the total area of the sign shall be measured by the area enclosed by 4 vertical and horizontal straight lines containing each word or symbol.

B. Where a freestanding, monument, or pylon-supported sign has 2 faces, the area of both faces shall be included in determining the area of the sign. Sign height shall be measured as the vertical distance from grade adjacent to the sign footing, to the top of the sign, including the support structure and any design elements.

3. The regulations and limitations of this Section are intended to be maximum dimensions permitted. The Community Development Director or Planning Commission may require a sign or sign program be reduced to less than the maximum area or height allowable if such a requirement is found to be necessary to comply with the purposes of this Chapter. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.208.]

Sec. 13-34.300 District Sign Regulations.

The following subsections set forth sign regulations according to zoning district classifications. Signage within a specific zoning district shall conform to the sign requirements for that zoning district. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.300.]

Sec. 13-34.301 Residential District Sign Regulations.

The maximum area, height and location of signs allowed in residential districts and for residential uses shall be as follows:

1. Single-family dwellings may have one sign not to exceed 2 square feet in area located not closer than 10 feet to any property line, and not exceeding 6 feet in height.
2. In addition to the above, single-family homes with a permitted home-based occupation may also have one sign not to exceed 1 square foot in area. Such sign shall be non-illuminated and shall be located flat against the wall of the dwelling.
3. One identification sign pertaining to a multifamily dwelling with an area not to exceed 2 square feet for each dwelling unit or 20 square feet, whichever is less. The sign shall be located on the site of the multifamily dwelling, shall not be located in or face into any interior side yard or any rear yard, and if attached to a building shall not project more than 6 inches into a required front yard or a required side yard adjoining a street. A detached sign located not closer than 5 feet to any portion of a building, or to any property line adjoining a street, shall be located not closer than 20 feet to any other property line and shall not exceed 4 feet in height.
3. Identification signs pertaining to a conditional use with an aggregate area not to exceed 1 square foot for each 8 feet of frontage of the site. Such signs shall be located on the site of the conditional use, shall not be located in or face into any interior side yard or any rear yard, and if attached to a building shall not project more than 6 inches into a required front yard or a required side yard adjoining a street. Detached signs located in any front yard or any side yard adjoining a street shall be located not closer than 5 feet to any portion of a building, and shall not exceed 6 feet in height.
4. No sign attached to a building shall project above the eave line or parapet line. No sign shall have any moving parts or be constructed of any reflective material. No illuminated sign shall be directly lighted, or flash on or off, but may be indirectly lighted or may have semi-direct or diffused lighting. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.301.]

Sec. 13-34.302 Nonresidential Districts Sign Regulations.

The nonresidential zoning districts include the following:

1. All commercial districts including the general commercial, community commercial, recreational commercial, and the commercial public mixed-use district.
2. All industrial districts including the planned commercial industrial mixed-use district and the planned office/research and development district.

A. All nonresidential zoning district signs are required to be calculated with the following formula, unless stated otherwise.

B. Wall-mounted signs: 1 square foot of sign face for every lineal foot of storefront space leased, owned or rented by the business tenant.

C. Ground-mounted monument sign: 1 square foot of sign face for every 4 lineal feet of street frontage. Maximum height: 6 feet.

3. The commercial-residential and the industrial-residential mixed-use districts shall comply with the following:

D. Mixed-Use Signs. Only non-illuminated blade, awning, canopy or wall-mounted signs are permitted. One square foot of sign for every 5 lineal feet of building storefront space leased, owned or rented by the business tenant.

4. Only businesses within the boundaries of the property shall be permitted to advertise on any freestanding pylon, ground-mounted monument or wall-mounted sign.

5. No sign attached to a building shall project above the eave line or parapet line. No illuminated sign shall be directly lighted, or flash on or off, but may be indirectly lighted or may have semi-direct or diffused lighting. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.302.]

Sec. 13-34.400 Signs Subject to Review.

The following signs, as defined, require review by the Community Development Director in accordance with the provisions of this Chapter. Signs associated with projects subject to design review permits shall be reviewed as part of that process; however, such signs also require a sign permit from the Community Development Director. The Community Development Director may not waive any provisions of this Chapter. Signs proposed for properties within the Central Hercules Plan shall be subject to the provisions of the Central Hercules Plan Regulating Code, as well as the provisions of this Chapter.

1. Permits for signs subject to review under Sections 13-34.301 and 13-34.302 shall be acted upon within 30 days of the submission of a complete sign permit application. Applications for sign permits must contain a scale drawing indicating the dimensions, materials, coloring, graphic content, lighting source, mounting hardware and site location. In addition, such application shall include photographs of signs found on properties located on each side of the structure.

2. The Community Development Director may approve, deny or approve with conditions any permit application for signs under Sections 13-34.301 and 13-34.302.

3. All reviewing authorities shall review all signs and their locations within a site and placement on a structure in accordance with Section 13-34.302.

4. Except as allowed through an approved master sign program, no individual sign shall exceed 100 square feet in sign area, except for signs on structures greater than 30,000 square feet which may not exceed 250 square feet in sign area.

5. Awning and Canopy Signs. An awning or canopy is a covering (often made of cloth or canvas, but that may be made of other materials such as metal or wood) that is either permanently attached to a building or can be raised or retracted or fixed to a position against the building when not in use. The sign face of an awning or canopy sign may not exceed 25 percent of the area of the plane of the awning or canopy on which the sign face appears. No material or signage may hang from an awning.

6. Monument Sign. A monument sign is mounted directly on the ground. Except as allowed through an approved master sign program, the size of the face of a monument sign shall not exceed 32 square feet, the maximum height of the sign shall not exceed 6 feet, and only 1 monument sign per 600 feet of lot frontage is permitted.

7. Freestanding Pylon Sign. A freestanding pylon sign is a sign attached to columns erected directly into the ground. Only 1 freestanding pylon sign per 1,000 feet of lot frontage is permitted. The height of a pylon sign is measured from the top of the sign to the ground.

A. New freestanding pylon signs are prohibited to be constructed in the City of Hercules except where all of the following conditions are met:

1) The property on which the pylon sign is to be constructed must be zoned as General Commercial (CG).

2) The pylon sign must be constructed on-site and within 100 feet of the Interstate 80 right-of-way or easement.

3) The pylon sign must be approved as part of a master sign program and shall be subject to environmental review under the California Environmental Quality Act.

B. The pylon sign must be for on-site commercial developments intended to serve a market area that extends beyond the City limits of Hercules (as determined by the Planning Commission).

- 1) The sign shall be supported by a minimum of 2 enclosed supports, located at or near the exterior edge of the sign face, or constructed as a monolith (with no open area between the message area and the ground upon which the sign is located). Signs supported by a single pole shall not be permitted.
- 2) At signs which contain open area below the message area (i.e., between the supports), the height of the open area shall be at least equal to the height of the message area.
- 3) The colors and/or materials of the sign and the supporting structure shall be compatible with the exterior of the shopping center or buildings for which the sign provides identification. The design of the freestanding sign should reflect the architectural design of the buildings within the shopping center.
- 4) The sign may identify the shopping center or businesses (where a single business is not part of a larger center or development) and the name of the shopping center or business shall be prominently displayed in the sign message area. Individual tenants/owners may be identified on the sign, providing the name of the center shall be clearly legible to the "target" audience, as determined by the Planning Commission. The freestanding pylon sign shall be limited to a maximum of 3 on-site tenants.
- 5) Where the center/business adjoins a public street, the sign and the supporting structure shall be located no less than a distance equal to the maximum sign height from the nearest edge of the public street sidewalk (or curb, if there is no sidewalk), and the sign and supporting structure shall be located no closer than 10 feet from any other property line at the perimeter of the center/business site. This distance shall be measured from the closest point on the property line to the portion of the sign or sign structure that is closest to the property line.
- 6) The maximum height of the sign shall not exceed 90 feet.
- 7) Notwithstanding subsection (13) of this Section, pylon signs may include a digital display, so long as such digital display occupies no more than 25 square feet on each sign face.
- 8) As of the effective date of the ordinance codified in this Chapter, a legally installed freestanding pylon sign may continue to be used and ordinary maintenance and repairs may be made to the legally conforming sign provided the structure is not moved, enlarged, or structurally altered. Existing freestanding pylon signs will not be permitted to be enlarged, expanded or allowed any additional sign panels to be constructed within their existing sign

area. Existing sign panels on legally constructed and permitted freestanding pylon signs are permitted to be replaced when new businesses replace 1 or more of the existing on-site businesses shown on existing sign panels.

8. Projecting Signs/Blade Signs. A projecting or blade sign is one which is attached to a wall at an angle. Where a projecting sign projects over a sidewalk, it must clear the ground by at least 8 feet. Any use which contains a projecting sign may not contain a freestanding pylon sign. Projecting signs may not be placed above the first story of a structure unless it is advertising a use that occurs above the first floor. In cases where a projecting sign occurs above the first story of a structure, it may not be placed higher than the midpoint of the second story.

9. Subdivision Sales Signs, On-Site. On-site subdivision sales signs shall comply with the following regulations:

- A. A maximum of 2 advertising signs, with a maximum area of 24 square feet and a maximum height of 6 feet for each sign; or
- B. A maximum of 4 directional signs, with a maximum area of 16 square feet and a maximum height of 6 feet for each sign; or
- C. One sign for each model in the project, with a maximum area of 8 square feet and a maximum height of 4 feet for each sign.

10. Subdivision Sales Signs, Off-Site. Off-site subdivision sales signs shall comply with the following regulations:

- A. The maximum number of signs shall be 4 per project.
- B. The maximum height shall be 6 feet.
- C. Setbacks shall be provided as follows: 15 feet from property line, 300 feet from other authorized off-site subdivision sales signs, and 100 feet from occupied residential structures.
- D. All sign bases and support structures shall be boxed or enclosed in a decorative base.

11. Wall Signs (including Marquee Signs). A wall sign is one which is applied, painted or affixed flush to the exterior of a structure. No wall sign shall protrude beyond the roof line or cornice structure of a building, and shall not cover windows, doors or architectural detailing of the building to which it is affixed.

12. Changeable Copy Signs. Changeable copy signs are prohibited except as approved through a master sign program.

13. Directory Signs. A directory sign is one which advertises more than 1 use or establishment. A directory sign may be mounted to the ground, 1 or more poles, walls, or may project from a wall at an angle. A directory sign may advertise or identify only uses which exist within the same lot or uses which exist in any group of structures which share a common point of access from the public way. Only 1 directory sign per 500 feet of lot frontage is permitted. Directory signs are permitted only in subsection (14)(A), (B) or (C) of this Section:

A. Community commercial zoning district along Sycamore Avenue.

B. General commercial zoning district along San Pablo Avenue.

C. General commercial zoning district along Willow Avenue.

14. Gasoline Sales Canopy Signs. Except as allowed through an approved master sign program, gas station canopy signs shall not extend beyond the edges of the canopy and shall comply with 1 of the 2 following alternative provisions:

A. No sign shall exceed 15 percent of the square footage of the side of the canopy upon which it is located. No side shall contain more than 1 sign.

B. The total area of signs on a gas station canopy shall not exceed 9 percent of the total square footage of all sides of the canopy. No canopy shall have more than 2 signs located on it. Both signs may be located on the same side of the canopy.

15. Master Sign Programs.

A. General Requirements. A master sign program is required when a sign(s) is requested for:

1) A building or grouping of buildings which contains 6 or more business or office uses; or

2) Community uses that request more than 2 identification signs. No permit shall be issued for an individual sign requiring a permit on a site with 6 or more existing or proposed business spaces unless, and until, a master sign program for the property on which the sign will be erected has been approved by the Design Review Committee.

B. Required Information. A master sign program shall contain the following information:

- 1) An accurate plot plan of the lot, at such a scale as the Planning Division may require.
- 2) Location of buildings, parking lots, driveways and landscaped areas on the lot.
- 3) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot included in the plan.
- 4) An accurate indication of the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not.
- 5) Color scheme.
- 6) Lettering or graphic style.
- 7) Materials.
- 8) Sign dimensions.

C. Window Signs. A master sign program including window signs shall indicate the areas of the windows to be covered by window signs and the general type of the window signs permitted (e.g., paper affixed to window, painted, neon, etched on glass). (See Section 13-34.500(10) for permitted coverage.)

D. Freestanding Pylon Signs. The master sign program shall address shared or common usage of freestanding pylon signs.

E. Other Provisions. Master sign programs may contain regulations as the Design Review Committee may reasonably determine are necessary to assure the program's compliance with the requirements of this Chapter.

F. Procedures. A master sign program shall be processed prior to installation of any signs. Any sign which conforms to an approved sign program may be approved by the Director of Community Development. Approval of a master sign program does not waive the permit requirements for individual signs.

G. Amendment. A master sign program may be amended by filing a new master sign program that substantially conforms to requirements of this Chapter.

H. Binding Effect. After approval of a master sign program, no signs shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in

the same ways as any provision in this Chapter. The master sign program shall be attached to the lease agreements for all leaseable space within the project. In case of any conflict between the provisions of such a plan with any other provisions herein, the provisions of the master sign program shall control. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; Ord. 503 § 1(B) (Exh. B), 2017; ZO § 34.400.]

Sec. 13-34.500 Signs Not Requiring a Permit.

The following signs are permitted as indicated in the following subsections, and require no permit.

1. Bulletin Boards. One bulletin board not to exceed 20 square feet in area shall be permitted, serving to identify and announce on-site services and activities. The bulletin board shall be located on the site of the community facility or institution, shall be located not closer than 5 feet to any portion of a building, shall be located not closer than 10 feet to any property line adjoining a street, shall be located not closer than 20 feet to any other property line and shall not exceed 6 feet in height.

2. On-Site Temporary Commercial Sign. An on-site temporary commercial sign is a temporary sign allowed for up to 30 consecutive days and generally mounted to a post structure embedded in the ground with signage attached. On-site temporary residential signage may not exceed 6 square feet for the primary sign and up to an additional 4 square feet for add-on placards. For all other types of land uses and vacant land, the On-Site Temporary Commercial sign may not exceed 24 square feet. These types of signs shall not be located on City of Hercules rights-of-way, landscaped medians or parkways.

3. Off-Site Directional Signs. An off-site directional sign is a temporary, portable off-site sign intended to provide directional assistance and shall be:

A. "A-frame" in design. "Stick signs" are strictly prohibited.

B. Allowed only for locations within the City of Hercules.

C. Limited to a maximum total of 5 temporary double-sided off-site directional signs per destination provided motorist visibility is not obstructed. To prevent motorist visibility from being obstructed, no more than 4 double-sided directional signs for different destinations shall be at a single intersection.

D. Limited to a maximum of 30 inches in height and 6.25 square feet in sign face area as measured on 1 side.

E. Signs may be placed on private property only after first obtaining permission from the property owner.

F. Signs may be placed in the public right-of-way only in such a manner that does not interfere with ADA accessibility or interrupt flow of vehicle or pedestrian traffic nor obstruct vehicular visibility. However, signage is prohibited in the center divider, any landscaped center-median, and/or traffic islands of public streets, bicycle paths or public walking trails. Additionally, signs shall not be placed on fences, utility poles or walls, or attached to traffic lights or light standards.

G. Signs may be displayed sunrise to sunset on the day of the event.

H. Violations. All signs in violation are subject to seizure by the City of Hercules. (Note: These signs will be removed and stored at the City of Hercules Corporation Yard for a maximum of 10 days. After 10 days, the City will dispose of the sign if not claimed. Signs may be retrieved by contacting the Public Works Department and waiving the fine for the first violation, paying \$25.00 for the second violation and paying \$50.00 for each violation thereafter for retrieval fee per sign.)

I. No balloons or attachments are permitted on Off-Site directional signs.

4. Temporary Construction Signs. A temporary sign is allowed during the construction phase of a project only, not to exceed 40 square feet in area and 10 feet in height.. Such sign must be removed upon the issuance of a certificate of occupancy, where one is required. Temporary construction signs may also be used during home improvement or renovation projects that are not subject to a certificate of occupancy, but must be removed after the work has been completed.

5. Signs for Events on Private Property. Placement of signs is prohibited on any state or city public property or right-of-way, or on utility poles. No sign for an event on private property shall be posted more than 24 hours before and after the event. On-site signs for events on private property are limited to a maximum of 4 square feet.

6. Temporary Signs on Nonresidential Property. Temporary signs include but are not limited to those for special, promotional, or seasonal events. Examples of temporary signs include but are not limited to banners, pennants, wind socks, posters, or flags . Such signs may not interfere with pedestrian or vehicular traffic. Temporary signs shall not exceed 36 square feet total, nor exceed 40 percent of the length of the building elevation on which they are displayed. No more than two temporary signs may be displayed at any one time. Temporary signs shall only be affixed to a building or fence, and shall not be placed on or above a roof. No individual building occupant may utilize the provisions of this Section for more than 30 days within a calendar year. Prior to displaying any temporary sign or signs, the building occupant shall submit written notification to the Community Development Director of the installation and removal dates.

7. Special Signs. . Signs on products or product containers, public information and safety signs,, and signs required by local, State or Federal law, shall be exempt from the regulations of this Chapter.

9. Warning Signs. “No trespassing,” “no dumping,” or other warning signs are allowed that do not exceed 4 square feet per sign.

10. Window Signs. Window signs are allowed; provided, that they are placed on the inside of the window, and occupy no more than 25 percent of the glassed area of all windows, and are at least 3 feet from the window frame of an exterior window and the majority of the interior is visible from the outside of the building.

11. Household Signs. Signs that display street numbers, last names and personal names given to residential structures shall not require a permit. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; Ord. 497 § 2, 2016; ZO § 34.500.]

Sec. 13-34.600 Specific Regulations for Temporary and Miscellaneous Signs.

The following section establishes regulations for the maximum number, location, maximum area, maximum height and/or special regulations for all signs of a temporary nature that are allowed in the City of Hercules.

4. On-Site Directional Signs. Where appurtenant to a permitted or conditionally permitted use, on-site directional signs may be placed subject to the following regulations:

A. Maximum area of a directional sign shall be 4 square feet.

B. Maximum height shall be 5 feet.

C. Directional signs shall have no commercial message or copy.

5. Inflatable Signs. Inflatable balloons, objects or signs are not permitted to be displayed on any commercial or industrial or mixed-use zoned building except for a combined period per calendar year not to exceed 30 days. . All inflatables shall be affixed to the ground, and shall not be attached to, or displayed on or above any structure.

6. Temporary Non-commercial signage. Temporary non-commercial signs are allowed to be displayed only on prescribed public locations identified and adopted through legislation by the City Council. [Ord. 515 § 2, 2018; Ord. 510 § 2, 2018; ZO § 34.600.]

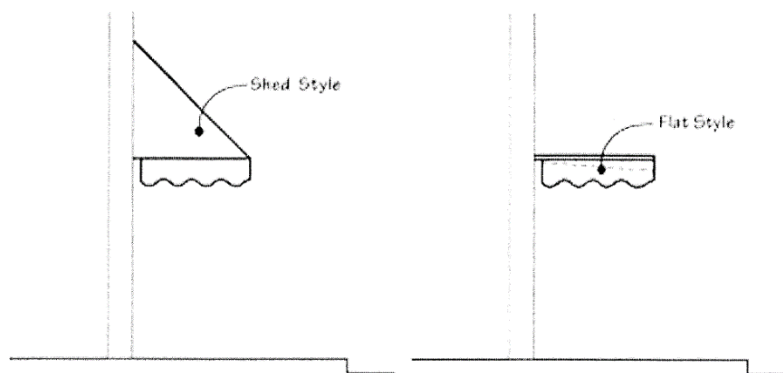
Sec. 13-34.700 Prohibited Signs.

The following signs are prohibited by this Section:

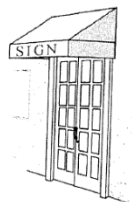
1. Abandoned signs. Any sign which is unused for more than 90 consecutive days shall be deemed abandoned and shall be removed. Individual tenant signs in multi-tenant shopping centers may remain unused for a longer period provided all advertising copy is removed and a blank sign face is maintained. For the purposes of this Section, "unused" shall mean the absence of copy or advertising message, or a sign which is advertising a business or activity no longer located at the subject site.
2. Signs that simulate, by virtue of size, shape, color, lettering, or design, a traffic sign or signal, or signs with characters or graphics that interfere with, mislead, or confuse the pedestrian or motorist are prohibited.
3. Portable signs, sandwich board, "A-frame," or movable freestanding signs, including signs placed on parked vehicles or trailers, except where specifically authorized as allowable off-site directional signs (see Sec. 13-34.500.3, "Signs Not Requiring a Permit").
4. Any sign erected in or extending into the public right-of-way, except signs in the commercial, industrial, planned office/research and development zoning districts, and properties in the Central Hercules Plan where mixed commercial-residential land uses are developed and improved, and where the applicant has received an encroachment permit from the Public Works Department, and publicly owned signs for directional purposes.
5. Any roof-mounted sign that projects above the roof or parapet of a building is prohibited. The Planning Commission shall be authorized to grant approval where the sign is designed as part of the building's architecture, such as a blade sign on a theater facade or a sign integrated into a raised building's parapet.
7. Animated signs that use blinking lights, audible sounds, human or animal generated movements. This restriction does not apply to electronic message signs and time and temperature signs.
8. Banners, streamers and pennants are prohibited except where specifically authorized by this Chapter.

Sec. 13-34.800 Examples of Signs—Permitted and Prohibited.
EXAMPLES OF SIGN TYPES

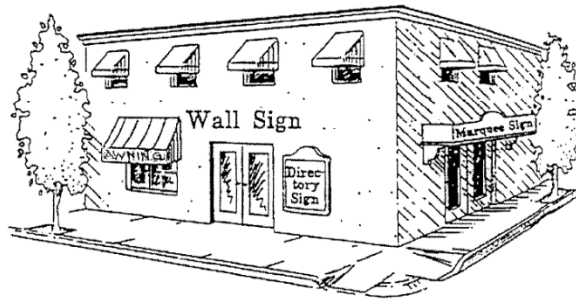
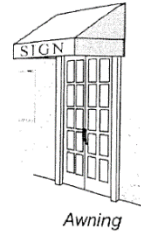
**AWNING
SIGNS**



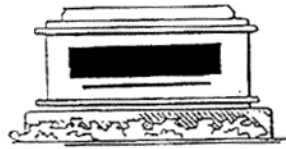
Permitted Signs



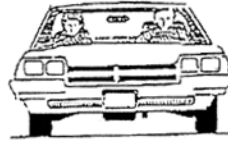
WALL SIGN



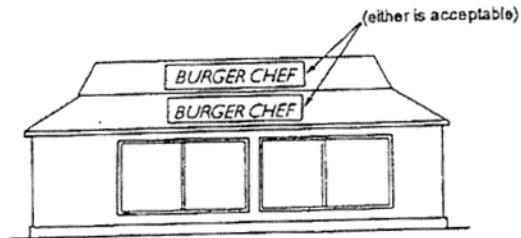
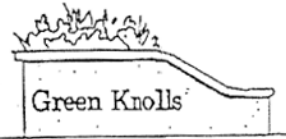
Permitted Signs



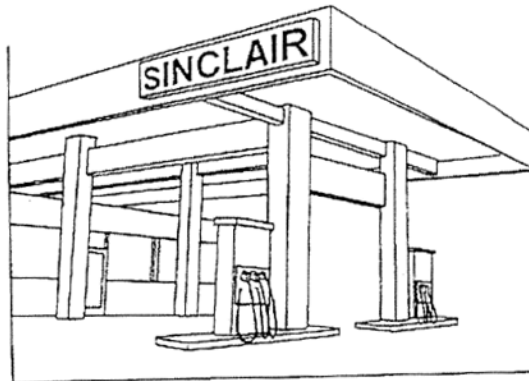
**GROUND-MOUNTED
MONUMENT
SIGN**



ENTRY SIGN



**MANSARD/PARAPET
SIGN**



**SERVICE STATION
CANOPY SIGN**

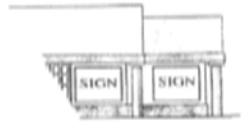
Permitted Signs



PROJECTING SIGN

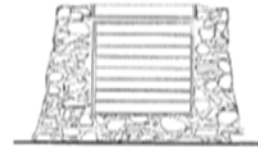


SUSPENDED SIGN



Permitted Signs

WINDOW SIGN



MULTI-TENANT/MONUMENT



FOR SALE BY OWNER SIGNS

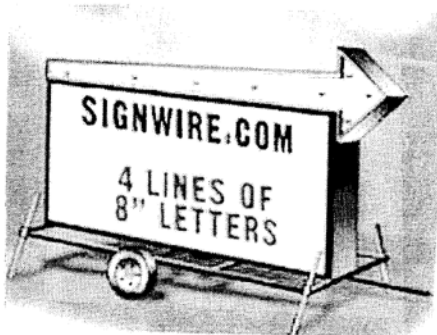
Prohibited Signs



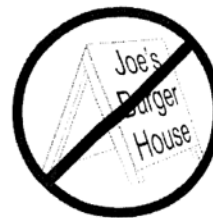
ANY ON-SITE OR OFF-SITE
TEMPORARY OR PERMANENT
SIGNS ON UNREGISTERED
OR INOPERABLE VEHICLES
USED AS BUSINESS SIGNS



PORTABLE A-FRAME/
SANDWICH BOARD

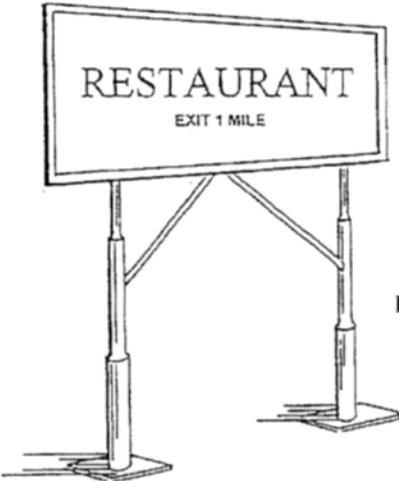


PORTABLE - ROADSIDE/SIDEWALK SIGNS



Portable Sidewalk
Sign

OFF-PREMISES FREESTANDING
(BILLBOARD) SIGN



BILLBOARD SIGN



ABOVE/ON ROOF SIGN

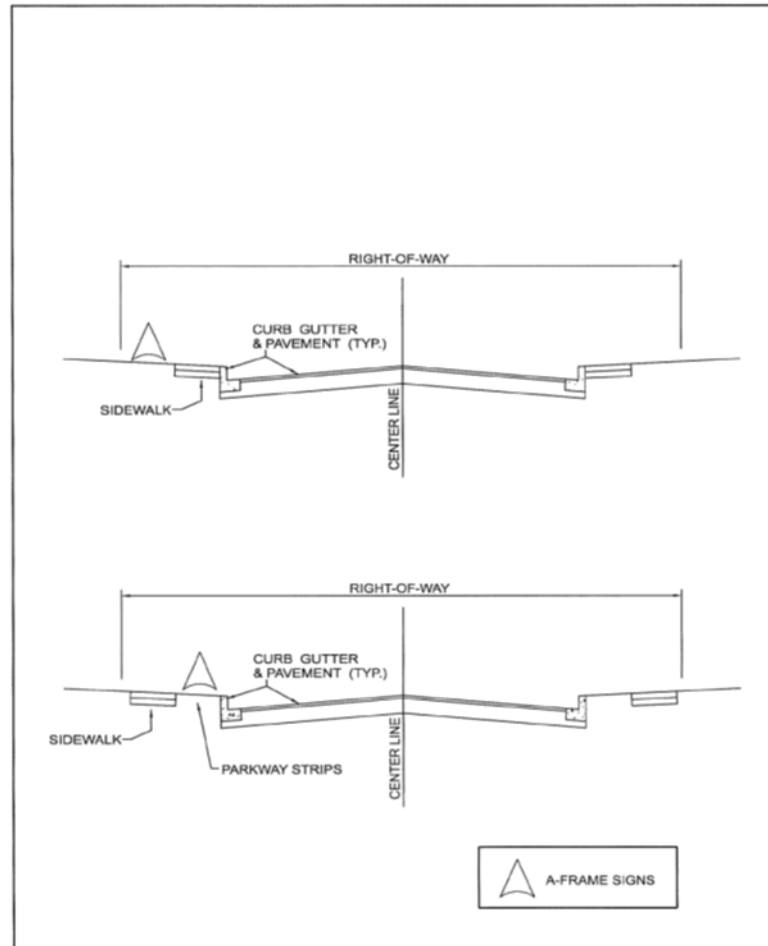
ANY SIGN PROJECTING OUT
OVER 12 INCHES

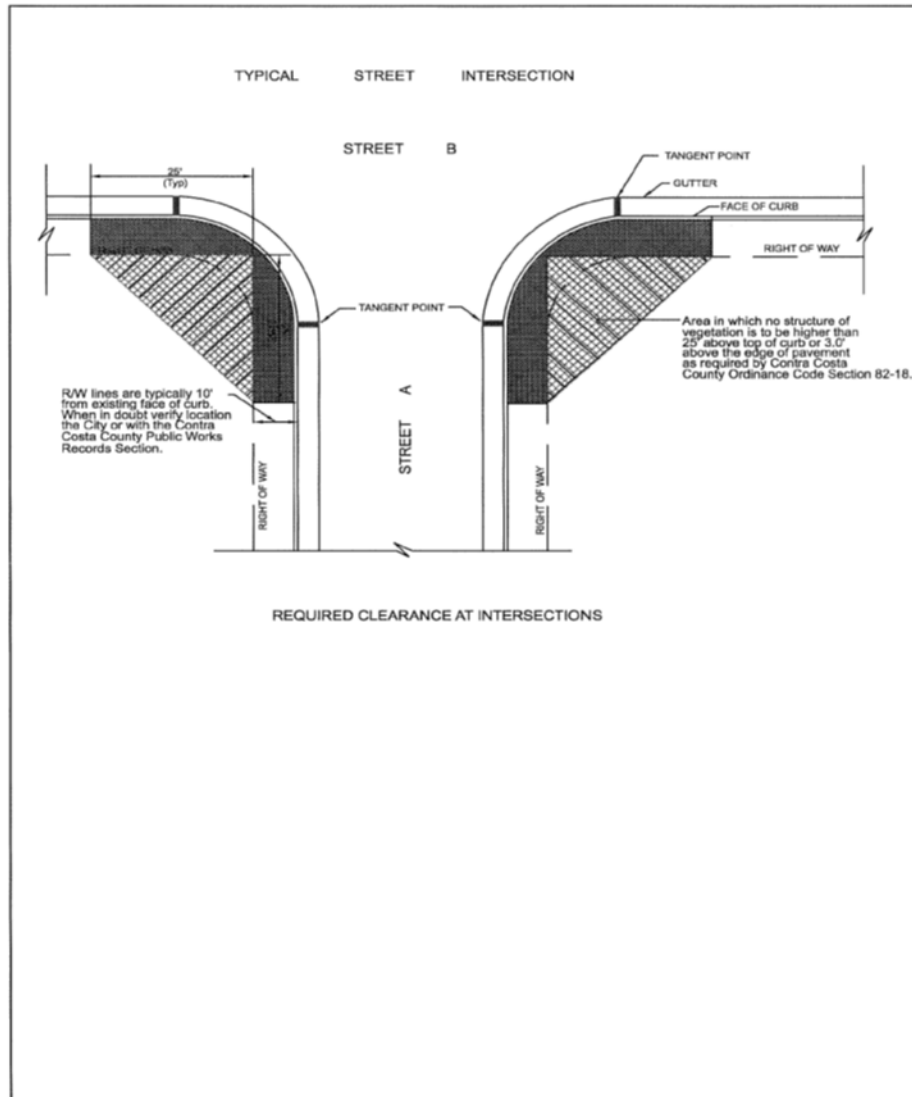


ABOVE/ON ROOF SIGN

ANY SIGN HANGING BELOW
BOTTOM OF CANOPY

REQUIRED CLEARANCE AT INTERSECTIONS





[Ord. 515 § 2, 2018; ZO § 34.800.]

SECTION 2. CEQA.

The adoption Zone Text Amendment #ZTA 19-01 is categorically exempt from the California Environmental Quality Act ("CEQA") [State CEQA Guidelines Section 15061(b)(3)].

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be deleted.

SECTION 4. Effective Date and Publication.

a. This Ordinance shall be published in accordance with applicable law, by one or more of the following methods:

1. Posting the entire Ordinance in at least three (3) public places in the City of Hercules, within fifteen (15) days after its passage and adoption; or

2. Publishing the entire Ordinance at least once in the West County Times, a newspaper of general circulation published in the County of Contra Costa and circulated in the City of Hercules, within fifteen (15) days after its passage and adoption; or

3. Publishing a summary of the Ordinance in the West County Times and posting a certified copy of the entire Ordinance in the office of the City Clerk at least five (5) days prior to the passage and adoption, and a second time within fifteen (15) days after its passage and adoption, along with the names of those City Councilmembers voting for and against the Ordinance.

b. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the Hercules City Council on the 14th day of July, 2020, and was passed and adopted at a regular meeting of the Hercules City Council on the ____ day of ____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Roland Esquivias, Mayor

Lori Martin, Administrative Services Director &
City Clerk



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, June 23, 2020

5:30 PM

Council Chambers

SPECIAL MEETING - 5:30 P.M.

I. SPECIAL MEETING – 5:30 P.M. CALL TO ORDER - ROLL CALL

Mayor Esquivias called the meeting to order at 5:32 p.m.

Present: 5 - Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member D. Bailey, Council Member D. Romero, and Council Member G. Boulanger

II. PUBLIC COMMUNICATION

None.

III. CONVENE INTO CLOSED SESSION

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

Mayor Esquivias recessed the meeting at 5:35 p.m.

Mayor Esquivias reconvened the meeting at 6:49 p.m.

City Attorney Tang reported out from closed session stating that no final or reportable actions were taken in closed session, however direction was provided to the City Manager.

1. [20-267](#) Pursuant to Government Code Section 54957.6 Conference With Labor Negotiators - City Negotiators: David Biggs, City Manager; Edwin Gato, Director of Finance; Lori Martin, Director of Administrative Services relative to the following employee groups:
 - a. Teamsters Local 315 Employee Organizations
 - b. Hercules Police Officers Association
 - c. Hercules Senior Manager Employee Group
 - d. Confidential Unrepresented Employee Group
 - e. Mid Management Employee Group
 - f. City Manager Contract

IV. CONSENT CALENDAR

Council Member Boulanger made a request to pull Items 2, 4, 5, 6 and 8. Items 2, 4, 5 and 8 were placed back on the consent calendar after staff addressed and answered questions asked by City Council Members.

MOTION: A motion was made by Council Member Romero, seconded by Vice Mayor Kelley, to adopt Items 1, 2, 3, 4, 5, 7 and 8. The motion carried by the following vote:

Aye: 5 - Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member D. Bailey, Council Member D. Romero, and Council Member G. Boulanger

IV. CONSENT CALENDAR

MOTION: A motion was made by Council Member Romero, seconded by Council Member Boulanger, to amend and approve Item 6 by approving the scheduled 3% COLA and deferring the 3% retention payment from August 2020 to August 2021 . The motion carried by the following vote:

Aye: 5 - Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member D. Bailey, Council Member D. Romero, and Council Member G. Boulanger

1. [20-264](#) **Minutes**

Recommendation: Approve the regular meeting minutes of May 12, 2020, May 26, 2020 and June 9, 2020 and approve the special closed session minutes of May 19, 2020 and June 2, 2020.

Approved.
2. [20-260](#) **Acceptance of Offers of Dedication for Sierra Park and Shasta Park for Tract 9375 - Muir Pointe Residential Subdivision**

Recommendation: Adopt a Resolution accepting the offers of dedication for Sierra Park and Shasta Park for Tract 9375 - Muir Pointe Residential Subdivision.

Approved.

3. [20-261](#) **City of Hercules Investment Policy**
Recommendation: Approve the City of Hercules Investment Policy.
Approved.
4. [20-265](#) **Review Upcoming Council Agenda Items List**
Recommendation: Recieve report, discuss, and provide direction, if any.
Approved.
5. [20-266](#) **Personnel Rules and Regulations Update 2020**
Recommendation: Adopt a Resolution amending the City's Personnel Rules and Regulations.
Approved.
6. [20-270](#) **Approve Amendments to the Non-Represented Pay Plans**
Recommendation: Adopt a Resolution approving amendments to the Non-Represented Pay and Benefit Plans for FY 20-21 to defer COLA and retention payments scheduled for July and August 2020 to July and August 2021.

This item was pulled and voted on separate from the consent calendar.
7. [20-271](#) **Emergency Declaration Extension**
Recommendation: Adopt a Resolution extending the Declaration of Local Emergency by 60 days to September 9, 2020.
Approved.
8. [20-272](#) **Approval of the Final Map, Associated Easement and Maintenance Agreements, and Subdivision Improvement Agreement for the Bayfront Development Subdivision No. 9532 Lands of Hercules Land Partners LP Otherwise Known as the Blocks M-P, O & L**
Recommendation: Adopt a Resolution approving the final map, associated easement and maintenance agreements, and subdivision improvement agreement for the Bayfront Development Subdivision 9532 Lands of Hercules Land Partners LP otherwise known as Blocks M-P, O & L.
Approved.

V. ADJOURNMENT

Mayor Esquivias adjourned the special meeting at 7:07 p.m.

Roland Esquivias, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk



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, June 23, 2020

7:00 PM

Council Chambers

REGULAR MEETING - 7:00 P.M.

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

Mayor Esquivias called the meeting to order at 7:07 p.m.

Present: 5 - Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member D. Bailey, Council Member D. Romero, and Council Member G. Boulanger

II. REPORT ON ACTION TAKEN IN CLOSED SESSION

City Attorney Tang stated that he reported out from closed session during the special meeting held at 5:30 p.m.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Esquivias.

IV. MOMENT OF SILENCE

Mayor Esquivias called for a moment of silence for Federal Security Officer, Patrick Underwood who was shot and killed in Oakland while guarding the Federal building.

V. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

None.

VI. AGENDA ADDITIONS/DELETIONS

City Manager Biggs stated that there were no additions or deletions to the agenda. City Manager Biggs identified the supplemental documents provided prior to the meeting and available to the public on the City website.

VII. PUBLIC COMMUNICATIONS

City Clerk Martin read public comments into the record. Public comments were received from:

Josh Broward; Nancy Arms; Susan Keeffe; Sarah Creeley; Cedrick Gousse; Sylvia Villa Serrano; Jamela Smith; Cameron Folds; Renell Farley; Tiffany Grimsley; Rich Marta; Pil Orbison.

VIII. PUBLIC HEARINGS

By consensus, City Council re-ordered the public hearing agenda items to take Items 3 and 4 first, followed by Items 1 and 2.

1. [20-273](#) **Continued Public Hearing on Proposed FY 2020-21 City of Hercules Budget Plan Including the First Year of the Five Year 2020-2025 Capital Improvement Budget**

Recommendation: Open the continued public hearing, receive a staff report, take public testimony, close the public hearing, and adopt the following Resolutions:

a. Resolution approving the FY 2020-21 City of Hercules budget plan which includes the first year of the five year (2020-2025) capital improvement budget and making certain designations and fund balance adjustments, approving 22 annual contracts for services in a total amount of \$3,473,640.

b. Resolution approving the FY 2020-21 Hercules Public Financing Authority budget plan consisting of debt service in the amount of \$2,210,586.

c. Resolution establishing the appropriations limit for the FY 2020-21 in accordance with Proposition 111 and Article XIII B.

Mayor Esquivias opened the continued public hearing at 9:41 p.m.

City Clerk Martin read public comments into the record. Public comments were received from the following members of the public: Josh and Sarah Broward; Hercules Library Foundation; Alex Walker-Griffin; Myrna Godinez; Estrela DePaz; Paul Freese; Teresa Kearns.

City Manager Biggs provided an update on the budget since the last meeting. City Council asked questions and provided comments. City Council and staff went through an exercise of populating various options into the budget balancing spreadsheet.

Mayor Esquivias closed the public hearing at 11:34 p.m.

MOTION: A motion was made by Vice Mayor Kelley, seconded by Council Member Bailey to adopt Resolution 20-045 with the incorporation of the changes made to the budget balancing spreadsheet.

Aye: 5 - Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member D. Bailey, Council Member D. Romero, and Council Member G. Boulanger

MOTION: A motion was made by Council Member Romero and seconded by Vice Mayor Kelley to adopt Resolution 20-046, Hercules Public Financing Authority budget plan for FY 2020-21.

Aye: 5 - Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member D. Bailey, Council Member D. Romero, and Council Member G. Boulanger

MOTION: A motion was made by Vice Mayor Kelley and seconded by Council Member Romero to adopt Resolution 20-047 establishing the appropriations limit for FY 2020-21.

Aye: 5 - Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member D. Bailey, Council Member D. Romero, and Council Member G. Boulanger

2. [20-274](#) **Public Hearing on Approving Additions, Deletions and Adjustments to the Master Fee Schedule with Said Additions, Deletions and Adjustments to become effective July 1, 2020**
Recommendation: Open the public hearing, receive a staff report, take public testimony, close the public hearing and consider adopting a Resolution approving the Master Fee Schedule effective July 1, 2020.
Mayor Esquivias continued this item to the August 11, 2020 City Council meeting due to the time being after 11:00 p.m. The Council Rules of Procedure prohibit the opening of new items after 11:00 p.m.
3. [20-268](#) **Continued Public Hearing - Resolution Adopting Required Findings and Approving a Multi-Year Energy Service Contract for Energy Related Services and Improvements to City Facilities with Engie Services U.S.**
Recommendation: Receive a report from staff and presentation from ENGIE, discuss and consider an Engineering Services Contract with ENGIE for a \$2.9M base option to install solar arrays, LED lighting on City-owned facilities and streetlights, and retrocommissioning the Library HVAC or alternatively \$3.9M for Option A to include replacing the City Hall HVAC System.
City Manager Biggs introduced the item. Ms. Kelly Fergusson and other Engie representatives provided additional information and an update since the last meeting.
Mayor Esquivias opened the continued public hearing at 7:43 p.m. City

Council asked questions and provided comments. Mayor Esquivias closed the public hearing 9:14 p.m. with no comments offered from the public.

Motion by Council Member Romero, seconded by Council Member Boulanger to adopt Resolution 20-048 with Option A contingent upon the City being able to secure the financing. The motion passed by the following vote:

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

Nay: 1 - Council Member D. Bailey

4. [20-269](#)

Continued Public Hearing - Adopt Required Findings and Approve a Finance Agreement and Related Loan Documents with Sterling National Bank to Fund Energy Related Improvements and Services at City of Hercules Facilities for an Estimated Amount of Between \$3,000,000 and \$4,000,000

Recommendation: Adopt a Resolution making certain findings and approve related loan documents with Sterling National Bank to fund energy related improvements and services at City facilities for an estimated cost of \$3,166,466 to \$4,209,354 with the final amount to be financed dependent on the scope of energy conservation improvements to city facilities.

Mayor Esquivias opened the continued public hearing at 9:19 p.m.

City Manager Biggs introduced the item and gave a brief update. City Manager Biggs made a suggestion to continue the Public Hearing open to August 11, 2020.

City Council asked questions and provided comments. City Manager Biggs offered a suggestion that if City Council is inclined to approve the financing to make the approval contingent upon Sterling Bank being agreeable to extending the escrow close date to August 14, 2020. If Sterling Bank is not agreeable to this amendment, the City Council could consider alternate financing proposals at the August 11, 2020 City Council meeting.

Mayor Esquivias continued the public hearing to the August 11, 2020 City Council meeting at 9:27 p.m.

Mayor Esquivias called for a short recess at 9:30 p.m.

Mayor Esquivias reconvened the meeting at 9:40 p.m.

MOTION: A motion was made by Council Member Romero, seconded by Council Member Boulanger, to adopt Resolution 20-049 with Option A contingent upon Sterling Bank extending the closing date until August 14, 2020. 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

Nay: 1 - Council Member D. Bailey

IX. CONSENT CALENDAR

None.

X. DISCUSSION AND/OR ACTION ITEMS

None.

XI. PUBLIC COMMUNICATIONS

City Clerk Martin read a public comment received from Tamara Nubin into the record.

XII. 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. A request was made by Council Member Bailey to add the Police Chief Imboden's statement which went out on social media to be added to the City website as well. There was a consensus of City Council supporting this request. Council Member Romero reminded everyone that there is a household hazardous waste collection event on Saturday, June 27th from 8:00 a.m. to 1:00 p.m. at the Hercules Corp Yard.

Future Agenda Items:

Mayor Esquivias and Council Member Bailey requested an item on an upcoming agenda regarding police policies related to use of force. By consensus of City Council, it was agreed to have a special meeting to discuss this topic.

By consensus of City Council it was agreed that a town hall community workshop hosted by the Police Chief and City Manager to discuss police policies related to use of force should occur prior to the special Council meeting.

XIII. ADJOURNMENT

Mayor Esquivias adjourned the meeting at 12:05 a.m.

Roland Esquivias, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of July 14, 2020

TO: Members of the City Council

SUBMITTED BY: David Biggs, City Manager
Michael Roberts, Public Works Director
Edwin Gato, Finance Director

SUBJECT: Sterling National Bank Equipment Lease Purchase Agreement

RECOMMENDED ACTION: Eliminate the Contingency related to the Sterling National Bank Equipment Lease Purchase Agreement as approved on June 23, 2020.

FISCAL IMPACT OF RECOMMENDATION: None as a result of this action.

DISCUSSION: On June 23, 2020, The City Council approved an Energy Services Contract with ENGIE for \$3.9 million to install Solar Arrays, LED lighting on City-Owned Facilities and Streetlights, and Retro-Commissioning the Library HVAC, and the replacement of the City Hall HVAC System. A companion item, an Equipment Lease Purchase Agreement with Sterling National Bank for financing in an amount not to exceed \$4,209,354 was also conditionally approved. The financing was conditioned on the City receiving favorable proposals for the refinance of existing Library Bonds which was pending at that time and concerns that incurring additional debt may impact that refinancing.

The City received bank proposals for the Library Bond refinancing on July 1st, 2020, which included the banks having been advised of the ENGIE project and related financing. The Library Bond refinancing team has evaluated the Library Refinance proposals and the best terms have been submitted, coincidentally, by Sterling National Bank. On June 28, 2020, staff plans to recommend to the City Council proceeding with the refinancing with Sterling and that refinance will close on August 6th if approved.

As such, the contingency related to the Equipment Lease Purchase Agreement is no longer needed and the ENGIE project and financing can proceed.

ATTACHMENTS:

None.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of July 14, 2020

TO: Members of the City Council

SUBMITTED BY: Michael Roberts, Public Works Director/City Engineer
Christopher Roke, Parks & Recreation Director

SUBJECT: Acceptance of the Refugio Valley Park Tennis Court Resurfacing Project

RECOMMENDED ACTION:

Adopt a resolution accepting the Refugio Valley Park Tennis Court Resurfacing Project as complete for a total amount of \$162,300 and authorizing the filing of the Notice of Completion with the Contra Costa County Recorder's Office.

FISCAL IMPACT OF RECOMMENDATION:

The project was completed by Vintage Contractors for their bid amount of \$162,300, no contingency funding was needed. Final expenditures are as follows:

Final Expenditures:

General Fund (Budget Referral #19-14)	\$140,000
Lighting and Landscaping District 83-2 Citywide Zone 10	<u>\$22,300</u>
Final Total Construction Contract	\$162,300

DISCUSSION:

Vintage Contractors began resurfacing the four tennis courts in Refugio Park in May and diligently persecuted the work to completion. The work included replacing the net posts, center anchors, and nets for all four courts. The work was completed in accordance with the contract specifications and to the satisfaction of staff.

The tennis courts in Refugio Park are heavily used by the public and a very popular amenity. Given the wear and tear on this facility, the project provided a much-needed upgrade that will serve the community for many years to come.

ATTACHMENTS:

1. Resolution
2. Notice of Completion
3. Exhibit

Financial Impact

Description: Expenditure amount not to exceed \$162,300.

Funding Source:

General Fund	\$140,000
L&LAD 83-2 Zone 10	<u>\$22,300</u>
Total Expenditures	\$162,300

Budget Recap:

Total Estimated cost:	\$140,000	New Revenue:	\$
Amount Budgeted:	\$22,300	Lost Revenue:	\$
New funding required:		New Personnel:	\$
Council Policy Change:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES ACCEPTING THE REFUGIO VALLEY PARK TENNIS COURT RESURFACING PROJECT AS COMPLETE FOR A TOTAL AMOUNT OF \$162,300 AND AUTHORIZING THE FILING OF THE NOTICE OF COMPLETION WITH THE CONTRA COSTA COUNTY RECORDER'S OFFICE

WHEREAS, the Refugio Valley Park Tennis Court Resurfacing Project was awarded to Vintage Contractors on April 14, 2020; and

WHEREAS, this project resurfaced the four tennis courts in Refugio Park and included replacing the net posts, center anchors, and nets; and

WHEREAS, Vintage Contractors diligently persecuted the work to completion; and

WHEREAS, the work was completed in accordance with the plans and specifications and to the satisfaction of the City Engineer; and

WHEREAS, this project was completed for \$162,300 and is fully funded in the adopted Budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hercules that the City Council hereby accepts the Refugio Valley Park Tennis Court Resurfacing Project as complete for a total amount of \$162,300 and authorizes the filing of the Notice of Completion with the Contra Costa County Recorder's Office.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the 14th day of July, 2020 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Roland Esquivias, Mayor

ATTEST:

Lori Martin, MMC, City Clerk

Recording Requested By:

When Recorded Mail To:

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

NOTICE OF COMPLETION

Civil Code §§ 8182, 8184, 9204, and 9208

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the Owner or agent of the Owner of the Project described below.
2. Owner's full name is CITY OF HERCULES.
3. Owner's address is 111 CIVIC DRIVE, HERCULES, CA 94547.
4. The nature of Owner's interest in the Project is:
X Fee ownership Lessee Other: _____
5. Construction work on the Project performed on Owner's behalf is generally described as follows: REFUGIO PARK TENNIS COURT RESURFACING PROJECT
6. The name of the original Contractor for the Project is:
Vintage Contractors, Inc.
2369 OCEAN AV., SUITE 200, SAN FRANCISCO, CA 94127.
7. The Project was completed on: JULY 14, 2020.
8. The Project is located at: 1515 Refugio Valley Road, Hercules, CA 94547.

Verification: In signing this document, I, the undersigned, declare under penalty of perjury under the laws of the State of California that I have read this notice, and I know and understand the contents of this notice, and that the facts stated in this notice are true and correct.

Date and Place

Signature of Person Signing on Behalf of Owner

MIKE ROBERTS,
PUBLIC WORKS DIRECTOR/CITY ENGINEER
Print Name and Title

REFUGIO PARK TENNIS COURT RESURFACING PROJECT EXHIBIT



Figure 1 Resurfaced Tennis Courts



Figure 2 New Tennis Court Hardware



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of July 14, 2020

TO: Members of the City Council

SUBMITTED BY: David Biggs, City Manager
Lori Martin, Director of Administrative Services/City Clerk

SUBJECT: Side Letter with Hercules Police Officers Association

RECOMMENDED ACTION: Approve a Side Letter with the Hercules Police Officers Association modifying the existing Memorandum of Understanding effective through June 30, 2021.

FISCAL IMPACT OF RECOMMENDATION: Deferral of the contractually obligated one-time 3% retention payment for 2020 to 2021 reduces required expenditures in FY 2020-21 by \$67,000.

DISCUSSION: A two-year Memorandum of Understanding with the Hercules Police Officers Association was approved for the period of July 1, 2019, to June 30, 2021, by resolution No. 19-048. One of the provisions in the second year of this two year labor agreement was the provision of a one-time 3% retention payment to be made in August 2020. The City recently requested that the POA consider modifications to the existing MOU as a means to assist the City in navigating the difficult financial times being caused by the COVID-19 Pandemic and the recessionary economy.

The Hercules POA has agreed to defer the 3% one-time payment to August 2021 and both sides have agreed to re-opening language should circumstances change and these provisions have been incorporated into the subject side letter.

ATTACHMENTS:

1. Side Letter

Financial Impact

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"/>		

SIDE LETTER

Modifying the Memorandum of Understanding for

Police Officers' Association of the City of Hercules

Effective July 1, 2019 through June 30, 2021

Per Resolution No. 19-048

The Hercules Police Officers Association and the City of Hercules desire to modify provisions of the existing Memorandum of Understanding and agree to do so as follow:

ARTICLE X - COMPENSATION - The one-time, non-recurring, non-pensionable retention payment of three percent (3%) to be paid by supplemental check in the second pay period of August 2020 is deferred to the second pay period of August 2021. Members who retire prior to August, 2021, and who otherwise would have been eligible for the August 2020 payment shall receive the payment in August 2021, on the same basis as active members.

ARTICLE XX – DURATION – The Duration clause is modified to provide that there shall be one (1) reopener available to each party during the remaining term of the MOU to discuss economic issues and the parties agree to meet and confer within 30 (thirty) days of either party making a request to do so.

All other terms and conditions of the existing MOU shall remain in full force and effect until the expiration date of June 30, 2021.

FOR THE POLICE OFFICERS ASSOCIATION:

HOA President

Date

HOA Vice-President

Date

FOR THE CITY:

David Biggs
City Manager

Date



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of July 14, 2020

TO: Members of the City Council

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

SUBJECT: Designation of Voting Delegate and Alternates for the League of California Cities Annual Conference and Business Meeting

RECOMMENDED ACTION:

Designate a voting delegate and alternates for the League of California Cities Annual Conference and Business Meeting to be held October 7 – 9 in Long Beach, CA.

COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION:

There was no commission or subcommittee review on this item.

FISCAL IMPACT OF RECOMMENDATION:

The cost for one City delegate to attend the League Annual Conference is included in the proposed FY 2020/21 annual budget. The conference registration opens the end of July and while the cost was not available at the time this report was written it is estimated to be approximately \$550 for the early bird rate and \$325 for a one (1) day registration.

DISCUSSION:

The League of California Cities bylaws outline the procedures regarding the designation of delegates and alternates by the City Council.

The League's 2020 Annual Conference is scheduled for October 7th – 9th in Long Beach, CA at the Long Beach Convention Center. An important part of the Annual Conference is the Annual Business meeting at which the League membership considers and takes action on resolutions that establish League policy. The annual business meeting is held on Friday October 9th at 12:30 p.m.

In order to vote at the Annual Business Meeting, the City Council must formally designate a voting delegate and up to two alternates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

The voting delegate and alternates must be registered to attend the conference. In order to cast a vote, at least one must be present at the business meeting and in possession of a voting card. Voting delegates and alternates should pick up their conference badges before signing in and picking up the voting card at the voting delegates desk. This will enable the delegate and alternates to receive the special stamp on their badges that will admit them into the voting area during the business meeting.

At the business meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with the special stamp on their name badge identifying them as a voting delegate or alternate.

The voting card may be transferred between the voting delegate and alternates only. Transferring voting cards to non-designated individuals is not allowed. If the voting delegate and alternates are unable to attend the business meeting, they may **not** transfer the voting card to another city official.

ATTACHMENTS:

1. LOCC Memo and Voting Procedures/Delegate Form

Council Action Advised by August 31, 2020

June 30, 2020

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference & Expo – October 7 – 9, 2020**

The League's 2020 Annual Conference & Expo is scheduled for October 7 – 9. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, October 9. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Wednesday, September 30. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting. These procedures assume that the conference will be held in-person at the Long Beach Convention Center as planned. Should COVID-19 conditions and restrictions prohibit the League from holding an in-person conference, new procedures will be provided.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open by the end of July at www.cacities.org. In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the

special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

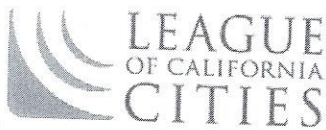
The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, October 7, 8:00 a.m. – 6:00 p.m.; Thursday, October 8, 7:00 a.m. – 4:00 p.m.; and Friday, October 9, 7:30 a.m.–11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Wednesday, September 30. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



CITY: _____

**2020 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Wednesday, September 30, 2020. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____

Email: _____

Mayor or City Clerk _____
(circle one) (signature)

Date: _____ Phone: _____

Please complete and return by Wednesday, September 30, 2020

League of California Cities
ATTN: Darla Yacub
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: dyacub@cacities.org
(916) 658-8254



Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



**STAFF REPORT TO THE COMMISSION OF THE
HERCULES PUBLIC FINANCING AUTHORITY**

DATE: Special Meeting of July 14, 2020

TO: Members of the Authority

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

SUBJECT: Resolution of the Commission of the Hercules Public Financing Authority
Setting July 28, 2020 as a Regular Commission Meeting

RECOMMENDED ACTION:

- 1) Adopt the attached Resolution establishing July 28, 2020 as a regular meeting of the Authority.
- 2) Authorize the officers of the Authority to take all actions necessary to implement the purpose of such Resolution.

FISCAL IMPACT OF RECOMMENDATION:

There is no fiscal impact to the Authority associated with the proposed establishment of regular meeting dates.

DISCUSSION:

Section 6592.1 was added to the California Government Code requiring that “A resolution authorizing bonds or any issuance of bonds or accepting the benefit of any bonds or the proceeds of bonds shall be adopted by an authority only during a regular meeting held pursuant to Section 54954.” This provision applies to joint exercise of powers authorities such as the Hercules Public Financing Authority (the “Authority”).

On July 28, 2020, the Commission expects to consider the issuance of Lease Revenue Refunding Bonds to refund the outstanding Hercules Public Financing Authority Lease Revenue Bonds, Series 2003B. Pursuant to Section 3.04(b) of the Joint Exercise of Powers Agreement dated as of July 24, 2001 by and between the City of Hercules and the Hercules Redevelopment Agency, the Commission may, by resolution, fix the time and place of regular meetings of the Commission. To implement Section 6592.1, the Commission may provide that the Commission will hold a regular meeting on

July 28, 2020 concurrently with the regular City Council meeting scheduled for that date, and thus meet the requirements of Section 6592.1 of the California Government Code.

ATTACHMENTS:

1. Resolution

RESOLUTION NO. 20-01

**RESOLUTION OF THE HERCULES PUBLIC FINANCING
AUTHORITY ESTABLISHING THE REGULAR MEETINGS
OF THE COMMISSION OF THE HERCULES PUBLIC
FINANCING AUTHORITY**

WHEREAS, Section 3.04(b) of that certain Joint Exercise of Powers Agreement, dated as of June 24, 2001 (the “Agreement”), by and between the City of Hercules and the Hercules Redevelopment Agency, pursuant to which the Hercules Public Financing Authority (the “Authority”) is organized, provides that the times of regular meetings of the Authority shall be fixed by resolution of the Commission.

NOW THEREFORE, the Commission of the Hercules Public Financing Authority hereby finds, determines, declares and resolves as follows:

1. Pursuant to Section 3.04(b) of the Agreement, the Commission hereby determines that a regular meeting of the Commission of the Authority shall be held on July 28, 2020 at 7:00 p.m. If determined to be appropriate, the Commission or any Officer thereof may provide for the adjournment or continuance of such regular meeting to a date and time certain.

2. This resolution shall take effect immediately.

ADOPTED this 14th day of July, 2020.

President of the Hercules Public
Financing Authority and the
Board of Commissioners thereof

ATTEST:

Secretary of the Hercules Public
Financing Authority and the
Board of Commissioners thereof

(SEAL)

STATE OF CALIFORNIA)
CITY OF HERCULES) ss
COUNTY OF CONTRA COSTA)

I, Lori Martin, Secretary of the Hercules Public Financing Authority, DO HEREBY CERTIFY that the foregoing Resolution being No. 20-01, was adopted at a regular Commission Meeting on July 14, 2020, of said Authority by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Secretary