



MEMORANDUM

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DATE: January 14, 2011

TO: Vice Mayor Joanne Ward and City Council Members  
City Employees  
Members of the public

FROM: Fred Deltorchio, Interim City Manager

SUBJECT: Interim City Manager's Weekly Report

**Overview of Report:** The following topics are included in this week's update:

Citizens Finance Advisory Ad Hoc Committee Notice	1
Financial Audit	1
Red Barn Update	2
Council Vacancy, Recall Procedures	2
Interim City Manager Agreement, Baywood Meeting	3
Sycamore Crossing, Bayfront, ITC	3
Duck Pond Park, Parcel C	3
Selective Traffic Enforcement, Watch Log	3
Police Department Cases of Interest	4

**Citizens Finance Advisory Ad Hoc Committee:** On January 11, the Hercules City Council directed staff to establish a Citizens Finance Advisory Ad Hoc Committee to assist the City Council in addressing the financial challenges faced by the City and Agency. We are now accepting applications for the Committee, which will be composed of five members. Interested individuals can access the application and supplemental questionnaire on our [website](#) and at City Hall. All applications must be submitted by Friday, January 21.

**Financial Audit:** This week, the City Council's approved moving forward with negotiations with Municipal Resources Group. Finance Director Liz Warmerdam and I began discussions with them on Wednesday, January 12. We plan to have a proposal to

the Council by the January 25 meeting and the first phase of the audit to be completed by February 22, 2011. Mrs. Warmerdam has also made her [PowerPoint presentation from the City Council meeting](#) available for review.

**Red Barn:** As discussed on Tuesday night, the City is withholding all payments to Red Barn pending the City's comprehensive financial review and an internal audit currently being conducted by Red Barn.

**Council Vacancy:** On Tuesday, Mayor Ed Balico resigned from his post on the Hercules City Council. The Mayor's resignation creates a vacancy on the City Council that can be filled through an appointment by the City Council or by a special election.

Since the Hercules Municipal Code does not contain an ordinance that regulates how vacancies are filled, California state law applies. According to state law, the City Council has 60 days to either fill the vacancy by appointment or call a special election.

In addition to having the option whether to make an appointment or hold an election, the Council can determine whether they would like to conduct a recruitment or to bring forward names for consideration. This item will be on the agenda for discussion at the next regularly scheduled City Council meeting on Tuesday, January 25, 2011. More information on the specifics of required timeline for calling a special election is available on [our website](#).

Also, since Mr. Balico was holding the Mayor's position, a new Mayor and possibly a new Vice Mayor will need to be selected or confirmed. Under the Council's rules of procedure, the Vice Mayor serves as the Mayor until the Council makes a formal selection.

**Recall Procedures:** At the City Council meeting of January 11, 2011, Vice Mayor Ward and Council Member Kuehne were served with Notices of Intent to Recall, essentially an attempt to remove them from office prior to the expiration of their terms. The Vice Mayor and Council Member, if they so choose, may file an answer to the grounds for recall as stated in the notice within seven days of receipt of the Notice of Intent, in this case January 18. Once this seven day period has expired, the proponents of the recall, must submit within ten days, January 28, to the City Clerk, who serves as the election official, the form of the recall petition to be used for the solicitation of registered voter signatures to insure it meets the requirement of the Secretary of State. The petition format must include the grounds for recall and the answer submitted by the officials being recalled. Upon receipt of the recall petition format, the City Clerk/Election Official must notify the proponents within ten days of the findings. If the petition is found to be sufficient, proponents have 120 days from the time they are notified by the City Clerk's office to secure the signatures of approximately 2,500 registered voters supporting a recall election. The petitions are then submitted to the City Clerk/Election Official in

order to examine the validity of the signatures. If found to be sufficient, a certificate of sufficiency must be presented to the City Council, at a subsequent meeting, the Council shall call an election to be held in the City of Hercules.

**Interim City Manager's Agreement:** I have directed staff to post my contract with the City as the Interim City Manager on the City website as soon as the final copy is processed by our City Clerk. This is expected to occur next week.

**Baywood HOA:** A meeting has been scheduled for Saturday, Jan. 15, 2011, 10:00 a.m. to 12 noon in City Council Chambers to discuss the formation of a homeowners association for the 76-unit Baywood subdivision.

**Sycamore Crossing:** This week, the City received 3 responses from the Requests for Qualifications for a development-related company and possible purchase of this 17 acre site. City staff will be reviewing and making a recommendation to the City Council in the coming weeks.

**Bayfront:** Draft EIR is scheduled to be released next week on either January 19 or 20. We are finalizing the comment period timeline. The Interim City Manager has contacted Anderson Pacific and is attempting to resume negotiations on this project.

**Intermodal Transit Center:** A Staff report to the Planning Commission is being drafted which will cover the EIR including impacts of the proposed project, mitigation measures, design review analysis of the proposed train station's architecture, and recommendation to the Council that the draft EIR be certified.

**Duck Pond Park:** The project continues but the weather conditions have lead to more delays. All of the concrete works has been completed and a portion of the asphalt work has been completed (mainly the parking lot). Phase II of the park has begun and we are hopeful that both phases of the park can be completed in the next month or so.

**Parcel C:** I have given the go ahead to our Senior Project Manager to work with 2 companies on a deal that would allow the city to possible receive some revenues for temporary storage and off haul of soil on parcel C.

**Selective Traffic Enforcement:** The monthly target violation set by the traffic officer is cell phone and texting while driving. The supervisors were requested to document the results.

**Watch Log:** Police IT staff developed a Watch Commander Log that will be more informative and will coincide with the log sent to the city web site as well as The

Hercules Patch. The Watch Commander will begin using this log immediately and will report any recommended changes to the IT staff.

### **Fleeing from a Police Officer**

On January 8 at 11:31 p.m. a Hercules Officer attempted to stop a vehicle for traffic violations on Willow at SR4. The 95 Nissan Maxima did not yield and continued onto WB I-80 at speeds of 100 mph. Due to the high speeds, officers terminated the pursuit. Richmond P.D. advised that the suspect vehicle had crashed on 23<sup>rd</sup> at Visalia, Richmond. A neighbor notified the police that a subject had attempted to enter his house so he hit him with a bat. Donald Patterson of Richmond was subsequently arrested and turned over to the Hercules Officers. After being medically cleared, Patterson was transported to the Main Detention Facility in Martinez.

### **Attempted Residential Burglary**

On January 12, at 11:01 a.m. a resident called due to suspicious subjects at his front door. A male subject knocked on the resident's door and asked for a person by name. The 22 year resident said that person did not live there. The subjects left and the resident followed seeing a burgundy Buick parked nearby. A second subject was seen standing behind a hedge at the neighbor's house. Both subjects fled the area in the Buick and were stopped by Hercules officers on Refugio Valley Road near the high school. An investigation revealed that Jeffery Jefferson and Nicholas Cole both of Vallejo were prowling the residence in attempt to commit a burglary. Both were arrested for prowling, attempted burglary, conspiracy, and possessing burglary tools. The subjects were booked in to the Main Detention Facility in Martinez.

### **Files Deleted from City Server**

On Friday January 7<sup>th</sup>, an employee of the City of Hercules discovered that several non-confidential files were deleted from the city's main computer server. The Hercules Police Department has opened an investigation regarding the deleted files, is conducting interviews with city personnel, and having a forensic examination of the City's computer system conducted. Any person who knowingly deletes data from a governmental agency computer network is in violation of California Penal Code section 502(c)(4), which is a felony.