



MEMORANDUM

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DATE: August 25, 2011

TO: Mayor Myrna de Vera and City Council Members  
City Employees  
Members of the Public

FROM: Liz Warmerdam, Interim City Manager  
*Special Thanks to Anton Jungherr and Lori Chinn for Assisting with this report.*

SUBJECT: Interim City Manager's Weekly Report

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

General-Changes in Schedule -----	1
Finance -----	1
Legislative Efforts -----	2
Planning Projects and Redevelopment-----	2
Bayfront Project -----	2
Sycamore North -----	2
West Contra Costa Unified School District -----	2
Grand Jury Reports -----	2
City Attorney & City Manager Selection Process-----	3
Building and Maintenance -----	3
Police Report -----	4

**GENERAL – CHANGES IN SCHEDULE**

Please remember that as of July 1, 2011, City Hall will be closed every Friday due to budget cuts. Additionally, the Parks and Recreation Department will be closed every day from 12:00 p.m. until 1:00 p.m. for lunch due to staff reductions.

**FINANCE**

As many of you know, last week the City received a letter from the State Controller's Office notifying us of their intention to conduct an audit of the City. They will begin on September 6, 2011 and will be in Hercules for approximately 10 weeks and will focus their efforts on

Fiscal Year 2009-10. As Mayor DeVera indicated in her announcement, we hope the Controller's findings will shed light on our financial situation and allow us to move forward in a more positive direction.

### **LEGISLATIVE EFFORTS**

The Mayor and I will be meeting with State Senator Mark DeSaulnier's office this Friday, August 25, 2011 to discuss how his office can help the City with the State Supplemental Educational Revenue Augmentation Fund (SERAF) relief. As many of you know, the Redevelopment Agency did not make its FY 2009-10 and 2010-11 SERAF payments and as a result is under the "death penalty" which means it cannot enter into any contracts including restructuring debt.

Additionally, I met with State Legislator Susan Bonilla's Chief of Staff last week to discuss the same matter. All of our legislators have been supportive of our efforts. If we can translate that into action, we will be one step closer to ensuring our fiscal health.

### **PLANNING, PROJECTS AND REDEVELOPMENT**

**Bayfront Project:** Last Friday, August 19, 2011, I personally delivered a check for \$32,500 to Wagstaff and Associates in return for the Administrative Draft of the Final Environmental Impact Report (EIR). Our Planning Department is working through the document in conjunction with Hercules Bayfront LLC (i.e. Anderson Pacific) and hope to have the document before the Planning Commission in late September, 2011. If we meet that target, the matter should be heard at the City Council's meeting on October 11, 2011.

**Sycamore North:** At the last City Council meeting on August 23, 2011, the City Council adopted a resolution that marks a turning point in the Project. That resolution essentially establishes the Sycamore North Project as conceived as a "failed project" and lays the foundation for hopefully moving in a different direction. The City Council continues to seek additional legal advice to be sure any decisions that are made are done so with a full understanding of the legal consequences.

David Baum, Interim Finance Director and I will be travelling to Sacramento in the next few weeks to determine if we can restructure the California Housing Finance Agency (CalHFA) loan associated with the Project. The first of two loans was due this month. The City submitted a request for a 3-5 year extension last month which will be discussed.

### **WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT**

The West Contra Costa Unified School District is planning a ground breaking ceremony for the new Ohlone School. It is tentatively planned for September 20, 2011, time to be determined.

### **GRAND JURY REPORTS**

All four Grand Jury reports have been completed and submitted to the Contra Costa County Civil Grand Jury. These reports we responded to with the assistance of the Citizens Legal Issue Ad Hoc Committee. They include and are attached as follows:

Grand Jury Report 1103	<a href="#">City Vehicle Maintenance and Usage</a> <a href="#">City's Response</a>
Grand Jury Report 1104	<a href="#">Elected Board Membership</a> <a href="#">City's Response</a>
Grand Jury Report 1105	<a href="#">Ethics and Transparency Issues in Contra Costa County</a> <a href="#">City's Response</a>
Grand Jury Report 1110	<a href="#">Hercules in Transition</a> <a href="#">City's Response</a>

On August 17, 2011, the City responded to an additional request for information related to purchasing policies and practices (contracting with outside vendors for goods and services). The Grand Jury is gathering the information for all cities in the County not just Hercules.

**CITY ATTORNEY and CITY MANAGER SELECTION PROCESS**

The City Council has selected Mr. Patrick Tang as our new City Attorney. Mr. Tang is of counsel with the firm Jarvis, Fay, Doporto & Gibson. The staff welcomes Mr. Tang and looks forward to working with him on the many issues facing the City.

The Council will be conducting the first of a series of interviews with potential City Manager's this coming Saturday, August 26, 2011. At the last City Council meeting, August 23, 2011, the City Council selected two panels that will include members of the public including Commission and Committee Chairs as well as City Staff.

**BUILDING and MAINTENANCE**

Several citizens spoke about the City's Corporation Yard at the last City Council meeting. As you may recall, during the budget process, the relocation of the Corporation Yard was put on hold for lack of funding. The relocation had been planned for several years but was stalled because of our inability to find a suitable site for this important operation. Our corporation yard is home to our maintenance workers and it is where they store the City's tools, equipment, trucks and heavy vehicles. It has been located there for over 40 years. Now that much of the surrounding uses are residential, its relocation is that much more critical.

A reminder of the type of work our staff does on a day to day basis:

- "Hot Spots" in our sanitary sewer have been cleaned to prevent Sewer overflows.
- Sewer lift station wet wells have been cleaned and the backup generators were serviced as part of annual maintenance program.
- A large section of street light wire was cut/stolen on John Muir between Tsushima & Alfred Nobel and staff is determining the best method of replacement and security. This continues to be a major problem for the City because of the replacement costs.
- Staff removed all detour signs involved with Sycamore closure and installed a double yellow and single white Fog line.
- Crosswalk has been modified at Park and Ride lot to match new ADA ramps.

- Large area planting has been completed at Duck Pond Park. Construction on entry Gazebos has started.

Our maintenance workers are our eyes and ears in the City. They take care of our city and work hard to keep it looking good. Staff appreciates continued community support.

## **POLICE REPORT**

**Evading Peace Officer:** On August 19, 2011 at 3:59 p.m., a Hercules Officer attempted to stop a vehicle on Pheasant at Partridge for a stop sign violation. The vehicle sped up and a short pursuit ensued until the vehicle pulled in the driveway of a residence in the 100 block of Cardinal. Despite orders to stop, the three occupants ran into the home through the open garage. As they did so, they tried to close the garage door. Officers were able to stop the door from closing and ordered the subjects out of the residence. The driver, 24 year old Javonte Prothro from Hercules, apologized for intentionally not stopping at the intersection and for subsequently “running away from the police.” Prothro said he ran because he could not afford anymore tickets on his record. Prothro was arrested for Evading a Peace Officer. His passengers were released.

**Recovered Stolen Automobile:** On August 20, 2011 at 1:05 a.m., A Hercules Officer attempted to stop a vehicle on Parker at 7<sup>th</sup> for an inoperable headlight. The vehicle accelerated as it blacked out its lights. At the intersection of 3<sup>rd</sup> and Railroad, the vehicle came to a slow rolling stop onto a vacant dirt field and the five occupants, who appeared to be Black male juveniles, fled the vehicle. One of the passengers, a 16 year old juvenile from Rodeo, was apprehended. The vehicle was later determined to be stolen.

**Outside Assist:** On August 20, 2011 at 8:29 a.m., Hercules Officers assisted CHP with a Hit & Run occurred at the exit ramp from I-80 to Willow. The victim was picked up by an unassociated motorist and they briefly followed the suspect car, a gray Charger, but lost sight of it as it entered Rodeo. A Hercules Officer located the Charger on Vaqueros at 3<sup>rd</sup> St. and detained the apparent driver, 20 year old Patrick Wallick from Rodeo. The Charger had collided into a telephone pole. Wallick was taken into custody by CHP.

**Found Firearm:** On August 21, 2011 at 4:01 p.m., a Caltrans employee reported a gun found on the dirt shoulder during the inspection of the Willow Ave freeway widening overpass project. The firearm was a .40 caliber semi auto pistol that appeared to have been left or, dumped there for quite some time. The gun was located near a license plate registered to a Fairfield resident. Both the gun and the plate were collected.

**DUI Collision:** On August 22, at 2:06 a.m., a resident in the 100 block of Finch reported a vehicle had just crashed into his house. The driver, 21 year old Curtis Hanson from Hercules, said he tried to negotiate a right turn movement from Falcon to Finch when he realized he was going too fast and collided into a small front yard retaining wall. Witnesses saw Hanson exit the driver’s side of his vehicle after the collision. Hanson was arrested for DUI.

**Disaster Training for the Senior Leadership.** On August 22, 2011 members of the City Council attended a training class put on by Police Department staff. This training was

designed to provide senior elected officials and appointed officials with information related to the management of disasters and their role in the disaster. It also provides officials with important information to assist them with responding to the disaster, communicating with the citizens of the City of Hercules and the press.