



MEMORANDUM

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DATE: September 1, 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
Fire at the Bravo Neighborhood .....	2
West Contra Costa Unified School District .....	3
City Attorney & City Manager Selection Process.....	3
Building and Maintenance .....	4
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, 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 next week and will be in Hercules for approximately 10 weeks, focusing their efforts on Fiscal Year 2009-10. As Mayor de Vera 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**

Mayor de Vera, Council Member Romero, David Baum (Interim Finance Director) and I met with State Senator Mark DeSaulnier's office last Friday, August 26, 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. The Senator was very supportive of our efforts and said he would do what he could to introduce legislation on our behalf. Mr. Baum and I are also working with our lobbyist (who has been working for us pro-bono) to draft that legislation so that it meets our needs.

## **PLANNING, PROJECTS AND REDEVELOPMENT**

**Bayfront Project:** There will be a Bayfront Task Force meeting Thursday, September 8, 2011 at 6 p.m. in the Council Chambers. Mr. Long will be providing an update on his negotiations with Mr. Anderson as well as provide the outcome of the meeting with the Contra Costa Transportation Authority (CCTA) where the City will be requesting an additional \$5.1 million of State Transportation Improvement Program (STIP) funding for the Intermodal Impact Center (ITC) Project.

Our Planning Department continues to work through the Bayfront Environment Impact Report (EIR) 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:** As you know, 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.

Mr. Baum and I are travelling to Sacramento to determine if we can restructure the California Housing Finance Agency (CalHFA) loan associated with the Project. The first of two loans in the amount of \$3,750,000 was due in August, 2011. We will be discussing our request for a 3-5 year extension as well as their concurrence that the project, as conceived, cannot be completed and that another direction is appropriate.

## **FIRE AT THE BRAVO NEIGHBORHOOD**

Early Wednesday morning, August 31, 2011, the Rodeo-Hercules Fire District, the Pinole Fire Department, Contra Costa County Fire District, and the Crockett-Carquinez Fire District responded to a fire at Portofino Court in the Bravo Neighborhood. While responding to the call, dispatch advised that there were reports of occupants trapped and immediately requested additional units from El Cerrito and Richmond. When they arrived at the scene there was heavy fire coming from both floors of the two story complex. Fortunately, all residents had escaped

unharmd. The fire was knocked-down around 8:00 a.m., and under control around 9:00 a.m. The living space and contents of one of the four units was saved; however, three units, the attic, and roof of the structure sustained serious damage. A total of 23 Firefighters and 5 Chief Officers responded to the incident with 6 Engines, 3 Trucks, 5 Command Vehicles and 1 Breathing Support Unit. The Moraga-Orinda and Contra Costa Fire Districts provided coverage of surrounding Stations during the incident.

Four families were displaced by the fire, and were all provided with emergency housing assistance from the American Red Cross. The cause of the fire is under investigation though we believe it was from a barbeque grill that tipped over.

The assistance from so many Fire Departments/Districts across the County is known as “mutual aid” and is one of the great services of the Rodeo-Hercules Fire District. These types of cooperative resources allow fire-fighters to contain a blaze in short order minimizing loss of life and property. We would like to give a great big thank you for all of their efforts and assistance in containing the blaze.



The City is also looking into ways of accepting donations for the families of those involved, either at City Hall or through the Red Cross. Please check in with us for more information.

### **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.

### **CITY ATTORNEY and CITY MANAGER SELECTION PROCESS**

Staff met with Mr. Patrick Tang yesterday to discuss the various legal issues in Hercules and get him up to speed on the most urgent items that will need his attention.

There will be another round of interviews this Saturday, September 3, 2011 for the selection of the new City Manager. There will be one panel of community members including Commission and Committee Chairs and one panel of City staff. Once the panels are done with their interviews, they will provide input to the City Council. The City Council will then hopefully announce their selection shortly thereafter.

### **BUILDING and MAINTENANCE**

The following is a short list of the items our maintenance staff has been working on over the past week:

- Staff has been in contact with PG&E for an update on the Streetlight Replacement Program. All PG&E owned wood pole streetlights should be replaced in 2012 as part of this Program.
- As we prepare for the wet weather, staff with help from the Work Alternative Program has been cleaning all City owned V-ditches around town. This is an important, though rarely noticed element of our storm drainage system and helps us control erosion and runoff during the rainy season.
- The sod at Duck Pond Park has been installed and construction on the entry Gazebos continues.
- The drinking fountain at Refugio Valley Park has been repaired.
- Staff is working with an electrical contractor to repair Refugio Valley Park lake's fountains which are not only water features but are also used to aerate the lake keeping unsightly vegetation under control.

### **POLICE REPORT**

**Battery:** On August 25, 2011 at 7:21 a.m., Hercules Officers were dispatched to a report of a domestic disturbance in the 100 block of Quail Court. The male victim called 911 to report that his wife hit him. The victim had a small scratch on the top of his head. He stated his wife hit him after becoming upset with him. His wife claimed that he "beats" her every day, including today. A case was taken and the victim left the house for work.

**Counterfeit Money:** On August 25, 2011 at 12:36 p.m., the Hercules victim placed an online advertisement on Craigslist for an iPhone 4G. A black female suspect answered the online advertisement and asked to meet the victim in front of the ATM's at Bank of America. The suspect pretended to withdraw money from the ATM's. She then gave the victim \$300 in counterfeit US Currency (4 x \$50's & 1 x \$100). The victim recognized the currency was counterfeit and attempted to grab his iPhone back from the suspect. She in turn ran from him and a struggle ensued. He was able to recover his iPhone 4G and the suspect fled in a Grey Ford Taurus. An area check was done but the suspect was not located.

**DUI:** On August 25, 2011 at 11:55 p.m., a Hercules Officer stopped Ventura Mendoza of Hercules on Heather at Lupine Rd. for a modified exhaust. DUI indicators were observed and Mendoza completed field sobriety tests. He was subsequently arrested for DUI, his car was towed and he was transported to the Martinez Detention Facility.

**Brandishing:** On August 27, 2011 at 7:11 a.m., officers responded to Refugio Valley Park regarding a dispute over picnic tables. A citizen reported she arrived at the park at 6:00 a.m. and “reserved” tables by placing paper table cloths on four tables. She left briefly. When she returned she found her table cloths shoved in a trash can, replaced by red paper cloths. A 66 year old female from Hercules was sitting nearby. An argument ensued between the two females regarding the table cloths and the citizen claimed the 66 year old female threatened her with a steak knife when the citizen said she was taking her tables back. The report will be sent to the District Attorney’s Office for review.

**Attempted Residential Burglary:** On August 27, 2011 at 10:05 p.m., a resident in the 100 block of Paradise saw a Black male, early 20’s, wearing dark clothing and a black beanie cap; kick the front door of a nearby apartment. The suspect saw that the caller was watching and took off running in an unknown direction. An area check was conducted with negative results. The victims were not home at the time and were contacted later.

**Vehicle Pursuit:** On August 27, 2011 at 10:06 a.m., Hercules Officers attempted to stop a vehicle on I-80 at Pinole Valley for speed violations. The driver failed to yield and sped away. A pursuit ensued as the vehicle continued on Tennent Ave. and turned onto San Pablo Ave. The officer lost sight of the vehicle on San Pablo and Appian and terminated the pursuit.

**Brandishing:** On August 28, 2011 at 12:04 a.m., officers responded to a residence in the 200 block of Bobolink for a domestic disturbance. The resident reported his 32 year old wife brandished a meat cleaver at him. The female was contacted in front of a residence and admitted to brandishing a meat cleaver at her husband after they got into an argument. The husband declined prosecution.

**Residential Burglary:** On August 29, 2011 at 3:16 p.m., a resident in the 400 block of Violet reported a jewelry box was missing from her residence. There were no signs of forced entry, the residence was not ransacked and other items of value were not taken. The victim suspected a ten year old neighbor may have taken the jewelry box. The juvenile was contacted; he admitted taking the jewelry box and returned it. The victim did not wish prosecution.

**Warrant Arrest & Providing False Information:** On August 29, 2011 at 5:11 p.m., an officer stopped a vehicle in the 800 block of Willow and arrested 22 year old Alexandria Augustine from Pittsburg for a narcotics violation warrant. She was also arrested for attempting to identify herself as her sister. She was transported to County jail.

**Warrant Arrest:** On August 30, 2011 at 12:30 a.m., a Hercules Officer stopped a vehicle on I-80 at Pinole Valley and arrested Charles Sullivan from Oakland for a felony DUI warrant. He was transported to County jail.