



## MEMORANDUM

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DATE: February 3, 2012

TO: Mayor Romero and City Council Members  
City Employees  
Members of the Public

FROM: Steve Duran, City Manager

SUBJECT: City Manager's Weekly Report

### **POLICE CHIEF SWORN IN**

Bill Goswick was sworn in as the Chief of Police for the City of Hercules on Tuesday in the City Council Chamber at City Hall. Over 100 people were in attendance, including Chief Goswick's wife and family members, police officers representing several other cities and former Hercules police officers. The Mayor and other Hercules Council Members and City Staff joined in the celebration

### **FINANCE AND HUMAN RESOURCES DIRECTOR APPOINTED**

Nickie Mastay was appointed to the position Finance and Human Resources Director this week. She will officially start work here on March 1. Ms. Mastay has over 20 years of experience in accounting and finance. Most recently, she served as the Community & Economic Development (CED) Finance Manager for the City of Richmond for six years and also had responsibility for quality control of the City budget for the last two budget cycles. She was recognized as Richmond's "Manager of the Year" for 2010, largely for her demonstrated expertise in budget preparation and management. Richmond's CED group included the Redevelopment Agency, the Office of Economic Development, the Housing Authority and the Employment & Training Department, so Ms. Mastay is well versed in grant accounting, fund accounting and the procurement process. She has also had Human Resource responsibilities in her previous private sector experience. Ms. Mastay holds a Bachelor of Science Degree in Business Administration from the Haas School of Business, University of California at Berkeley.

### **REDEVELOPMENT AGENCY BOND PAYMENT ISSUES**

The Hercules Redevelopment Agency, which as of February 1, 2012 no longer exists, went into technical default on its February 1 bond interest payment of approximately \$2.4 million. The bond holders were paid because they are protected by bond insurance and a separate bond fund from which bond payments may also be drawn. The basic problem is that the Agency has no money and its fund balance is negative, even with the approximately \$4.1 million in tax increment income received in

December. The City's pooled cash can simply no longer afford to subsidize the Redevelopment Agency. To do so at its juncture would leave the City's general fund balance insufficient to continue operations. Since the City is the successor agency to the now dissolved non-housing Redevelopment Agency, it is the City's responsibility to wind down all Agency projects and operations except accounting and reporting, which will continue.

The Redevelopment Agency bond insurer, Ambac, filed suit in Superior Court in Martinez to force the City to immediately turn over \$4.1 million to the Redevelopment Agency bond trustee and attach certain real property as security; but the court ruled against Ambac on Tuesday. A hearing is scheduled for February 21 on this matter; however, the City and Ambac are in negotiations to settle the disagreement.

## **COMMUNITY AND ECONOMIC DEVELOPMENT UPDATES**

**ITC - Bayfront Project:** This project seeks to move the City toward the ultimate goal of building an inter-modal transit (ITC) center and to provide the Bayfront developer with development entitlements for medium to high density transit oriented development. This project proposes to develop a 42.36 acre portion of the City of Hercules Waterfront District master Plan (WDMP) area with the "Hercules Bayfront Project," a transit-oriented, mixed-use neighborhood that includes a variety of dwelling unit types with businesses, an associated system of walkable streets, pedestrian interconnections, and public plazas with bay views.

The last official action on this project was December 20, when the City Council approved funding and contracts related to finishing the National Environmental Protection Act (NEPA) process forward. The Implementation Agreements, Tentative Map and Waterside Purchase and Sale Agreement are yet to be finalized and the approved Landside PSA, which the owner/developer has refused to execute until the other documents are approved, will require modification due to delays in funding.

On January 31, Charlie Long, William Silva and I met with the Bayfront owner, developer an attorney to resolve the last few issues remaining in the Purchase and Sale Agreement and Development Agreements. All major issues have been resolved. Staff is making every effort to bring in the Purchase and Sale Agreement and the Development Agreements to the City Council for consideration on February 14; however, to Development Agreements may slide a week or two do to the complexity of the documents.

On January 27, the West Contra Costa Transportation Advisory Committee (WCCTAC) unanimously recommended that the Contra Costa Transportation Authority (CCTA) approve a new funding plan for the Hercules Intermodal Transit Center (ITC), which would provide Measure J funding for acquisition of land for the ITC and other items related to the transit center. The CCTA is scheduled to consider this item on the evening of Wednesday, March 21. Without this funding, the City will have no cash available for site acquisition and future funding would also be delayed.

**Sycamore Crossing:** The Purchase and Sale Agreement for Sycamore Crossing was approved by the City Council on January 24. Contingencies to closing include removal of a deed restriction, mutual approval of design, and City approval of entitlements. The buyer, Property Development Centers, is a wholly owned subsidiary of Safeway and plans to build a 55,000 to 65,000 Safeway store

and gas station near the southwest San Pablo Avenue edge of the site, with restaurants at the corner of San Pablo Avenue and Sycamore, and two or three story residential units on Sycamore facing Sycamore North. Staff will be engaging the Planning Commission design review sub-committee throughout the design phase of the project.

**Sycamore North:** The Purchase and Sale Agreement (PSA) for Sycamore North should be ready for City Council consideration in March. The developer is not finished costing out the construction. There will be a few contingencies to be met before closing, related to some proposed changes on the ground floor that the buyer is currently finalizing and costing out. The buyer is hiring the original project architect to complete the design work and is in negotiations with the original contractor to complete the building.

**Parcel C and Victoria Crescent:** These properties are being actively marketed and offers have been received on both properties. Staff anticipates updating the City Council and discussing real property negotiations on February 14.

## MUNICIPAL SERVICES UPDATES

### Building Permits:

Number of permits issued-----	9
Building permit fees collected-----	\$1,470.50
Number of inspections-----	17
Code Enforcement inspections-----	2

### Sewer Lateral Inspection Program:

Applications received-----	10
Inspection fees collected-----	\$1250.00
Certificates issued-----	9
Deficiency notices-----	3
Condominium waivers issued-----	3
Encroachment Permits Issued-----	4
Wide load permits-----	0

### On Going Activities:

Staff has prepared the Notice of Completion for the Corporation Yard pond closure.

Stolen wire on San Pablo Avenue between Hercules Avenue and Sycamore is being replaced at this writing. Total cost is over \$11,000. Bids are being received for the wire stolen on San Pablo Avenue between John Muir Parkway and Linus Pauling Drive.

Intermittent grading activities continue on Parcel C.

PG&E has requested and been given permission to do pipeline testing at night. They need to do the work at night to avoid stray electrical currents that occur within the electrical grid when BART trains

are running. The work will be conducted between the hours of 1 am and 4 am in the railroad area that runs behind Home Depot and between Sycamore and Palm. The work consists of drilling half inch holes through the pathway pavement where it traverses the pipeline. Once the testing is done the holes are plugged. PG&E has assured us that the work is quiet and they will hang door tags before beginning to alert the surrounding neighbors.

## **PARKS AND RECREATION UPDATES**

Currently the Park & Recreation Department offers a wide variety of recreation classes and programs that cater to all ages and help to promote a healthy lifestyle. The classes & programs provide a great opportunity to have fun and exercise while interacting with others in a safe environment. You can go online to [www.ci.hercules.ca.us](http://www.ci.hercules.ca.us) to get more information or to register for classes. Upcoming Leagues include: Adult Softball; Adult Soccer; and Men's Basketball.

### **Facility Rentals**

Looking for a hall to rent to hold a party, wedding reception, graduation, birthday, retirement and baptisms. Check out our many facilities we have to offer by going online to [www.ci.hercules.ca.us](http://www.ci.hercules.ca.us) or call 799-8291 for more information.

### **President's Camp**

Have your child join us for camp during the school break. Activities includes arts & crafts, sports and making new friends. Opens to the public January 23rd until February 2nd and late registration until Feb. 9<sup>th</sup>.

### **Hercules Senior Center Valentine's Day Pancake Fundraiser**

Date: Tuesday, February 14, 2012

Time: 7:30am - 10am

Ticket Fee: \$6.00 per person, tickets will be sold at the Hercules Senior Center.

Tickets on sale now thru Thursday, February 9, 2012!

Supported by: Hercules/Rodeo Fire Department & Rotary Club of Hercules

## **WEEKLY POLICE REPORT (Partial List) AS OF FEBRUARY 2, 2012**

**Residential Burglary:** On January 26, 2012 at 10:07 a.m. a resident on Bluff Court reported an unknown suspect had shattered the rear bedroom window and burglarized the residence. The burglary occurred between 5:00p.m. and 9:50 p.m. and items taken were a LCD TV and a digital camera. Evidence was collected on scene for processing.

**Stolen Vehicle:** On January 27, 2012 at 5:54 a.m. a resident, in the 200 block of South Wildwood, reported an unknown suspect had stolen the victim's white Nissan pick-up. The theft occurred between 8:00p.m. and time of call.

**Trespassing:** On January 27, 2012 at 11:48 a.m. a resident, in the 100 block of Zircon, reported seeing a white male adult climbing over a rear fence of a residence. Officers responded and located an unlocked residence with evidence of trespassing.

**Stolen Jewelry:** On January 27, 2012 at 1:55 p.m. a resident, in the 200 block of Shepard, reported an unknown suspect had stolen a ring from his bedroom. The resident suspects a tenant at the residence is the responsible.

**Robbery:** On January 27, 2012 at 8:02 a.m. a victim reported being robbed while removing items from her vehicle, parked in the 500 block of Athena. The unknown male demanded the victim's purse. A short struggle ensued prior to the victim handing over her purse, which contained an iPhone, digital camera, and wallet. The suspect fled to a dark "boxy" vehicle and left the area.

**Warrant Arrest:** On January 28, 2012 at 12:13 a.m. an Officer stopped a vehicle with three occupants in the 800 block of Willow Avenue. A passenger was identified as 29 year old Bobby White, of Galt. Bobby White had an arrest warrant for dangerous drugs from Louisiana. He was arrested and transported to Martinez Detention Facility pending extradition to Louisiana. Another passenger, 58 year old Debra Mattie, of Antioch, was determined to be on parole for murder. She was searched and released.

**Stolen Vehicle:** On January 28, 2012 at 7:18 a.m. a resident, in the 1200 block of Willow, reported an unknown suspect had stolen the victim's red Honda Civic. The theft occurred between 10:00 p.m. and time of call.

**Driving with a suspended license/Fraudulent Registration:** On January 28, 2012 at 11:50 p.m. an Officer stopped 25 year old Jocelyn Domingo, of Hercules, in the 1500 block of Sycamore Avenue. The registration was expired and the registration tab belonged to another vehicle. Jocelyn Domingo was cited and released for driving with a suspended license. The vehicle was towed for expired and fraudulent registration.

**Driving under the influence of alcohol/Resisting arrest:** On January 29, 2012 at 12:28 a.m. an Officer stopped 40 year old Djoliba Narcisse, of Rodeo, as he left the 800 block of Willow Avenue. Djoliba Narcisse refused to comply with the officers orders. He was arrested for resisting arrest and driving under the influence of alcohol. During a vehicle search an excess of 50 grams of marijuana was located. Djoliba Narcisse was transported to Martinez Detention Facility after a blood sample was taken.

**Driving with a suspended license/Warrant Arrest:** On January 30, 2012 at 1:03 a.m. an Officer stopped 26 year old Damara Moore, of Antioch, on 7<sup>th</sup> Ave., Rodeo. Damara Moore was cited and released for driving without a license. A passenger, Aunayo Smith had a forgery warrant for her arrest. She was arrested and transported to Martinez Detention Facility.

**Identity Theft:** On January 30, 2012 at 5:13 p.m. a resident in the 100 block of Pepperwood called to report possible theft of mail. It was determined an unknown subject attempted to make changes to the victim's credit account and order a new credit card.

**Warrant Arrest:** On January 30, 2012 at 10:56 p.m. Officers contacted 43 year old Steven Webb, of Rodeo, in the 800 block of Willow Avenue. He was determined to have a parole warrant for his arrest. He was arrested and transported to Martinez Detention Facility.

**Warrant Arrest:** On January 30, 2012 at 10:59 p.m. an Officer stopped 32 year old Brandon McDowell, of Martinez, in the 4000 block of San Pablo Avenue. He was determined to have a warrant for his arrest, for possessing dangerous weapons. McDowell also had a suspended license, for which he was issued a citation. He was arrested for the warrant and transported to Martinez Detention Facility.

**4-Burglary Suspects Arrested:** On January 31, 2012 at 12:24 p.m. a resident in the 100 block of South Wildwood reported seeing four suspicious males. Officers arrived on scene and observed one male walk away a residence. Shortly after the first subject walked away three other males ran from a walkway used to access two residences. 20 year old Dameessii Rutherford, of San Pablo, was immediately detained by Officers. Three suspects fled on foot from police. With a coordinated effort of Hercules Police Department, Pinole Police Department, and helicopter support from East Bay Regional Parks District located the three suspects hiding together under a bush to the rear of the 200 block of Ben Lomond. Arrested were two juveniles and 19 year old Kwame Miles, of Fairfield. In the area where the suspects ran from police, evidence was located showing the suspects attempted forced entry into the residence. Both adults were booked into Martinez Detention Facility and the juveniles were booked into Juvenile Hall. Dameesii Rutherford and one of the juveniles had also been arrested together in December 2012 for possessing a stolen motorcycle.

**Theft from unlocked vehicle:** On January 31, 2012 at 5:45 p.m. a resident in the 1000 block of Lantern Bay reported items stolen from their unlocked vehicle, between 6:00 p.m. on January 30, 2012 and 11:00 a.m. on January 31, 2012. Items taken include two DVD players, sunglasses, and a pouch containing change.

**Solicitor Fraud:** On January 31, 2012 at 11:32 p.m. a resident in the 2000 block of Tsushima reported being a victim of theft. A phone solicitor sold the resident DISH network service and charged to the resident's credit card. The resident later contacted DISH network and determined the company had no involvement with the transaction. The credit card transaction was cancelled with the credit card company.

**Auto Burglary:** On February 1, 2012 at 9:28 a.m. The resident in the 100 block of Meadowlark reported that his 1998 Volvo C70, was burglarized sometime last night. There was no loss, however extensive damage to the vehicle while the suspects gained entry. Damage estimated at \$3000.

**Traffic Collision:** On February 1, 2012 at 9:12 a.m. Officers responded to the 1900 block of Refugio Valley Road for a vehicle collision involving one car. A juvenile attending the Hercules High School, along with other juveniles from the school, were attempting to leave campus. The juvenile lost control of the 2008 Mercedes and ran over a curb, disabling the vehicle. A citation was issued and students were suspended from school.

**Residential Burglary:** On February 1, 2012 at 11:12 a.m. a resident called to report a burglary in the 100 block of Iris Road. The alarm company received a front door activation at the listed address and contacted the homeowner who in turn called a neighbor to check the house. The neighbor found the front door damaged and forced open. Entry was made but little was disturbed. The only item missing was a Mac laptop valued at about \$1,000

**Assault:** On February 1, 2012 at 12:59 p.m. Police were contacted regarding an assault occurring in the 1500 block of Sycamore Avenue. The female victim was contacted and had visible injuries from

the assault. 23 year old Demarie Simmons was identified as the suspect, who is the boyfriend of the victim. The involved parties have a child in common who was present during the assault. Demarie Simmons was located returning to the scene and arrested. He was transported to Martinez Detention Facility.

**Attempt Residential Burglary:** On February 1, 2012 at 7:57 p.m. a resident in the 100 block of Sparrow Drive reported someone attempted to burglarize the residence sometime between 8:45am and 7:45pm. An unsuccessful attempt was made to force open the front door.

**Residential Burglary:** On February 1, 2012 at 8:02 p.m. a resident on Pinnacle Court reported someone burglarized the residence sometime between 9:00am and 8:00pm. No signs of force were located, but the rear sliding door was found ajar. The residence had been ransacked and several items were missing. Missing items include 2 flat screen TVs, a laptop computer, and 2 Playstation gaming systems.

**Warrant Arrest:** On February 1, 2012 at 9:25 p.m. Officers contacted 35 year old Raymundo Lacsamana in the 100 block of Glenwood. Raymundo Lacsamana had an arrest warrant for possession of drugs. He was booked into Martinez Detention Facility.

**Driving under the influence of alcohol:** On February 1, 2012 at 11:46 p.m. an Officer stopped 51 year old Mohammad Jan, of Oakland, leaving the 800 block of Willow Avenue. Mohammad Jan fail to yield to police vehicles and was pursued to San Pablo Damn Road, where he finally yielded. Mohammad Jan was arrested for driving under the influence of alcohol and evading police. He was booked into Martinez Detention Facility after submitting to a blood draw.