



## MEMORANDUM

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DATE: February 11, 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

### **CITY WIDE VOLUNTEER PROGRAM**

The City of Hercules has developed a new city wide volunteer program. The City is committed to using qualified volunteers for specified tasks and duties in order to create efficiencies for the Departments and improve services to the community. Volunteers will supplement and support the work of city employees. In addition, volunteers can bring new skills, expertise and enthusiasm to each Department. Under the direction of Chief Goswick, Police Departments Administrative Specialist, Angie Albrecht will be the coordinator for this program and welcomes all that want to volunteer to visit the City of Hercules website and complete a volunteer application and drop it off at the police department.

### **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. The court ruled against Ambac on January 31, 2012, however a hearing was scheduled for February 21 on to consider the merits of Ambac's request for immediate relief. That hearing has been postponed by mutual consent of the parties to allow more time to negotiate a settlement. The court date is currently scheduled for February 28<sup>th</sup>, but the

parties have agreed to ask the court to further postpone the hearing to March 6<sup>th</sup>. Settlement discussions are scheduled for the coming week.

## **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.

The parties were not able to finalize the Purchase and Sale Agreement (PSA) in time for consideration on February 14, so the PSA and Development Agreements are now scheduled for consideration by the City Council on February 28, 2012. The parties will continue discussions this week to finalize 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. 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. Contingencies to closing include removal of a deed restriction, mutual approval of design, and City approval of entitlements. The deed restriction could be a major obstacle to moving this project forward. The City’s obligation for removal of the deed restriction is capped at \$200,000, so if this costs more, the City and Safeway may negotiate how to fund the cost or walk away from the Agreement.

**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 has scheduled closed session discussions with the City Council and discussing real property negotiations on February 14.

## MUNICIPAL SERVICES UPDATES

### Building Permits:

Number of permits issued-----	8
Building permit fees collected-----	\$1,457.77
Number of inspections-----	13
Code Enforcement inspections-----	0

### Sewer Lateral Inspection Program:

Applications received-----	3
Inspection fees collected-----	\$375
Certificates issued-----	3
Deficiency notices-----	1
Condominium waivers issued-----	0
Encroachment Permits Issued-----	3
Wide load permits-----	0

### On Going Activities:

Stolen wire on San Pablo Avenue between Hercules Avenue and Sycamore has been replaced and all lights are now functional. Lighting between John Muir Parkway and Linus Pauling is still out due to theft. Staff is seeking bids for the work.

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 to alert the surrounding neighbors. All work should be completed by March 31<sup>st</sup>.

Fire sprinkler lines for Sycamore North have been connected and the lines flushed. A temporary fire monitoring system is being installed until the permanent work can be completed.

A large pine tree that that had a broken branch that was threatening properties on Falcon Drive was removed by D&H staff.

## **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**

Are you 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. Registration opens to the public January 23rd until February 2nd and late registration until February 9.

### **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

### **Now hiring for the following part-time positions:**

Lifeguard

Sr. Guard

Recreation Leader

Basketball Coach/Referee/Scorekeeper

Should you have any questions regarding the positions listed, please contact the Personnel Department at (510) 799-8214.

## **WEEKLY POLICE REPORT (Partial List) AS OF FEBRUARY 9, 2012**

**Stolen Vehicle:** On February 3, 2012 at 7:18 a.m. a resident in the 200 block of Titan called to report his 2006 black Lexus IS250 was stolen within the past 5 minutes. The victim left his car running in front of his residence while he returned into his residence. When he went back outside his car was gone. The vehicle was entered into the stolen vehicle system.

**Recovered Stolen Vehicle:** On February 3, 2012 at 1:10 p.m. an Officer located an unoccupied stolen vehicle (1996 Nissan Maxima) in the 1200 block of Willow Avenue. The vehicle was recovered and removed from the stolen vehicle system.

**Recovered Stolen Vehicle:** On February 3, 2012 at 1:38 p.m. an Officer located an unoccupied stolen vehicle (1996 Toyota Corolla) on Scotts Valley Circle. The vehicle was recovered and removed from the stolen vehicle system.

**Recovered Stolen Vehicle:** On February 3, 2012 at 9:24 p.m. an Officer located an unoccupied stolen vehicle (1996 Honda Accord) in the 100 block of Linus Pauling. The vehicle was recovered and removed from the stolen vehicle system.

**Driving Under the Influence of Alcohol:** On February 4, 2012 at 2:22 a.m. an Officer stopped 21 year old Jebson Longal, of Hercules Jebson Longal was arrested for DUI and released with a citation.

**Driving While Possessing Marijuana:** On February 4, 2012 at 2:51p.m., an Officer stopped a 18 year old Marcanthony Robinson, of Antelope. A vehicle search was conducted and Marcanthony Robinson was released with a citation for possessing Marijuana while driving.

**Driving Under the Influence of Alcohol:** On February 5, 2012 at 2:28 a.m. an Officer stopped 41 year old Brian Vines, of Hercules. Vines was arrested for DUI and released with a citation.

**Possess Drug Paraphernalia:** On February 5, 2012 at 11:32 p.m. an Officer contacted 24 year old Marc Oliver, of Rodeo, walking in the area of Country Run. During a search of Marc Oliver a methamphetamine glass pipe was located. Marc Oliver was released with a citation after being booked at Hercules Police Department.

**Driving Under the Influence of Alcohol:** On February 6, 2012 at 7:49 p.m. an Officer stopped 55 year old Kuldip Sandhu, of Hercules. Kuldip Sandhu was arrested for DUI and transported to Martinez Detention Facility due to a high blood alcohol.

**Illegal Dumping:** On February 6, 2012 at 10:19 p.m. an Officer conducted a check on a suspicious Penske rental truck stopped on the side of the Sycamore Avenue near Palm. 19 year old Perry Thomas and 23 year old David Miner, both of Stockton, were contacted and determined to be delivery contractors for Mancini's Sleep World. It was determined they had dumped cardboard, plastic, Styrofoam, and a bed frame on the side of the roadway. Both were issued citations for illegal dumping and released after they cleaned up the debris.

**Warrant Arrest:** On February 8, 2012 at 1:41 a.m. an Officer contacted 38 year old Jamilla Booth, of Rodeo, in the 4000 block of San Pablo Avenue. Jamilla Booth was arrested for an arrest warrant for assault with a deadly weapon. She was transported to Martinez Detention Facility.

**Expired Registration Vehicles Towed:** On February 8, 2012 at 2:44 a.m. an Officer responded to Azalea Court regarding ongoing complaints of neighborhood blight. Two vehicles were towed for expired registration. Other vehicles were issued parking citations for Hercules Municipal Code violations.

**Vehicle Collision:** On February 8, 2012 at 1:50 p.m. Officers responded to a solo vehicle collision on Victoria Crescent West near Regatta. 20 year old Jeralene Santa Maria, of Sacramento, said she

lost control of her vehicle causing her to drive off the roadway and knock down three trees. No one was injured in the collision.

**Residential Burglary:** On February 8, 2012 at 1:55 p.m. a resident in the 100 block of Bedford Court reported being burglarized. Between 8:30 a.m. and time of call an unknown suspect gained entry to the residence through an open rear sliding door. The loss is jewelry and artwork. Larger items of value were left behind.

**Residential Burglary:** On February 8, 2012 at 2:55 p.m. a resident in the 100 block of Oxford reported being burglarized. Between 6:30 a.m. and time of call an unknown suspect gained entry to the residence through a small window next to the front door. The loss is jewelry and cash. Larger items of value were left behind.

**Domestic Violence:** On February 8, 2012 at 9:03 p.m. a resident in the 100 block of Dorada called 911 stating her son's father just choked her and was still on scene. Police contacted 23 year old Sabaston Spencer, of Hercules, in front of the residence. Spencer and the victim are former co-habitants and have a 2 month old baby boy. During an argument Spencer flipped the 2 month old over to "wake him up." The victim then pushed Spencer away and he choked her in response. Spencer was arrested and transported to MDF.

**Criminal Justice Intern Program:**

The Hercules Police Department has three new Criminal Justice Interns from Healds Business College. The goal is to work with criminal justice students to give them an opportunity to test their interest in a law enforcement career while earning credit for college courses. Each student will be required to donate 110 hours each to this program.