



## MEMORANDUM

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DATE: March 10, 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

### **SALES TAX MEASURE**

On March 6, the City Council voted to put a measure on the June ballot to raise the sales tax rate in Hercules by ½ percent to 8.75%, which is equal to our neighboring city, Pinole. It is hoped that this measure, which would sunset after four years, will raise an additional \$350,000 to \$400,000 a year. This would be enough funding to prevent further layoffs and, hopefully, bring back a number of police officers.

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

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 basic problem is that the Agency has no money and its fund balance is negative, even with approximately \$4.1 million in tax increment income received in December. That is because City's pooled cash funds showing positive balances have been subsidizing Redevelopment Agency debt service and operations for years and have been significantly drained.

The Redevelopment Agency bond insurer, Ambac, filed suit in Superior Court to force the City to immediately turn over \$4.1 million to the Redevelopment Agency bond trustee. The parties have reached a settlement and a stipulation, which has been filed with the court. An ex parte hearing to approve application has been requested for Tuesday, March 13. This outcome will keep the City from having to consider pre-bankruptcy mediation and a potential Chapter 9 bankruptcy protection filing.

### **COMMUNITY AND ECONOMIC DEVELOPMENT UPDATES**

**ITC - Bayfront Project:** Final City approvals of the contracts related to this project are scheduled for Tuesday, March 13.

This project will 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.

On March 1, the Administration and Project Committee of the Contra Costa Transportation Authority (CCTA) recommended approval of the 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 board 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:** There is nothing new to report on this project. The buyer, Property Development Centers (DPC) 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. The first order of business is removal of a deed restriction, which 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. The project will need to go through the normal Planning Commission review and approvals. 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 will ready for City Council consideration on March 27. The existing structure at Sycamore North is a failed project. The City and Redevelopment Agency tried to develop and fund a project that no developer would touch and could not be financed because the cost to construct greatly exceeds the value when completed. As late as six month ago, the City was considering demolishing the structure, lopping off two stories or and selling it to an affordable housing developer for a 100% low income project. These were all bad options. The project was then declared failed and marketed as a market rate project. Presidio Development Partners was chosen from several qualified buyers due to their responsiveness to the city’s financial obligations and a quick close of escrow. Presidio has now requested to change most of the ground floor to residential uses, which will require Planning Commission approval, at least at the design review level. The requested change was requested because the site is not considered a prime retail site in comparison with the competition, including the Market Hall/Red Barn site and Sycamore Crossing, which are the City’s two best remaining retail sites. The increase in residential units also makes the project more economically viable and financeable.

**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 March 13.

## CITY WIDE VOLUNTEER PROGRAM

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.

## PLANNING DEPARTMENT UPDATES

**Commissioner Recruitment:** Due to problems finding applications on the City web site, the deadline is being extended to March 12 for applications to fill two two-year Planning Commissioner terms that are due to expire at the end of March . Applications are available via the City's web site at: <http://www.ci.hercules.ca.us/index.aspx?page=288>

**LAFCO Recruitment:** The Contra Costa Local Agency Formation Commission (LAFCO) is currently accepting applications for the Regular and Alternate Public Member seats. LAFCO is an independent agency charged with encouraging orderly governmental boundaries and efficient services, discouraging urban sprawl, and preserving agricultural and open space resources. The commission meets these objectives by regulating the boundaries of cities and special districts and conducting municipal service reviews and other special studies. The Commissioners will screen applications and make the appointment. The term of office for the open public member seats is four (4) years expiring in May 2016. Applications must be received in the Contra Costa LAFCO office located at 651 Pine Street, Sixth Floor, Martinez, CA 94553 by 5:00 p.m., Friday, March 9, 2012. More information is available at [www.contracostalafco.org](http://www.contracostalafco.org), or by calling the LAFCO office at (925) 335-1094.

## MUNICIPAL SERVICES UPDATES

### Building Department:

Number of permits issued-----	11
Building permit fees collected-----	\$4534.39
Number of inspections-----	12
Code Enforcement inspections-----	3

### Sewer Lateral Inspection Program:

Applications received-----	10
Inspection fees collected-----	\$1250.00
Number of Certificates issued-----	8
Number of deficiency notices-----	2
Number of condominium waivers issued-----	5

Wide-load permits-----	0
Encroachment permits-----	4

Ongoing Activities:

The city landscape contractor is continuing with cul-de-sac clean-up.

Street light wiring between Linus Pauling and Rodeo was tampered with and cut, but not stolen. Staff spent the better part of a day repairing the damage.

A sinkhole was reported on Newbury Street and appeared to be caused by groundwater undermining the roadway. Emergency repairs were completed by an outside contractor.

Staff continues to work with Pinole staff on future upgrades to the wastewater plant and the required outfall line. A discussion on the proposed alignments will be conducted at the Hercules City Council meeting on March 27, 2012.

## **PARKS AND RECREATION UPDATES**

A Parks and Recreation reorganization was approved by City Council on Tuesday, February 28.

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.

### **Licensed Before & After School Child Care and Camps:**

What are the benefits of our licensed programs?

- Provides a safe and nurturing environment
- Provides qualified and matured staff
- All lead Staff have training in school age programming through accredited colleges
- Provides a 1 staff to 14 ratio, not to exceed 28 children per classroom
- All staff have passed a Livescan/Background check

### **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.

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

Lifeguard, Sr. Guard; Swim Instructors; Recreation Leader; Basketball Coach/Referee/Scorekeeper; Children Program Leaders; Children Program Aides; Should you have any questions regarding the positions listed, please contact the Personnel Department at (510) 799-8214.

### **Spring Camp grades K-6<sup>th</sup> - April 9<sup>th</sup> –April 13<sup>th</sup>**

Have your child join us for “Hercules Idol” camp during the school break. This camp will allow each camper to let their inner rock star to shine. Our talented and Licensed staff will provide the ultimate challenge in recreational activities. Activities includes Rock Star Hair Day, dress up like a rock star, karaoke, arts & crafts, sports and making new friends. Now taking registration!

## WEEKLY POLICE REPORT (Partial List) AS OF MARCH 8, 2012

**Recovered Stolen Vehicle:** On March 1, 2012 at 1:45 p.m. an Officer located an unoccupied stolen vehicle parked in the 90 block of Crystal Circle. The white Toyota Celica had been reported stolen to Vallejo PD on February 22, 2012. The vehicle was recovered and removed from the stolen vehicle system.

**Runaway Juvenile:** On March 1, 2012 at 3:02 p.m. a group home in the 100 block of Hawk reported one of the juveniles had left the residence without permission. A report was taken entering the juvenile into the missing persons' system. The juvenile returned home at about 10:40 p.m. after riding his bicycle to Oakland to visit his girlfriend.

**Possess Marijuana While Driving:** On March 1, 2012 at 9:57 p.m. an Officer stopped 26 year old Trent Johnson in the 3500 block of Franklin Canyon. 19.8 grams of marijuana was located and Trent Johnson was issued a citation for the marijuana violation.

**Domestic Violence/Robbery:** On March 1, 2012 at 11:49 p.m. Officers were dispatched to the 1500 block of Sycamore for a reported domestic dispute between 30 year old Lamonta Roper, of Hercules, and his girlfriend. The victim girlfriend was contacted stated that she and Roper engaged in a verbal dispute after he was caught looking at other females while they were shopping at a business in the 1500 block of Sycamore. During the argument Roper struck her on the right side of her face and pulled her purse away from her. Roper then ran towards Refugio Valley Park with the victim's purse. An area check was conducted for Roper with negative results. A case was taken to be filed with the District Attorney's Office.

**Domestic Violence:** On March 2, 2012 at 5:11 a.m. Officers responded to the 600 block of Forest Run for a report of a domestic disturbance. Officer contacted the victim who stated that her ex-boyfriend, 23 year old Brendon Dwyer, of Richmond came by her house to talk to her about their relationship. While they were seated in his vehicle Dwyer became frustrated and grabbed the victim by her head and pushed her head down and punched her on her forehead. He then dragged her out his car where he kicked her in the stomach and then stepped on her face. The victim sustained minor visible injuries. A case was taken to be filed with the District Attorney's Office.

**Fraud:** On March 2, 2012 at 1:50 p.m. a business in the 1500 block of Sycamore reported a fraud which had occurred. Sabrina Morales, of Rodeo, attempted to open a bank account using a fraudulent check. She fled the business prior to the Police being summoned. An investigation has been initiated.

**Protest Walk:** On March 2, 2012 at 2:30 p.m. the Occupy Movement led a peaceful march through Hercules on San Pablo Avenue, from Hercules Avenue to Parker Avenue. The event was monitored by Police without incident.

**Possess Marijuana While Driving:** On March 3, 2012 at 12:38 a.m. an Officer stopped 18 year old Tessaun Dean, of Rodeo, in the 3000 block of San Pablo Avenue. A search of the vehicle revealed a marijuana cigarette and an open container of alcohol. Tessaun Dean was issued a citation for the violations and released.

**Warrant Arrest:** On March 3, 2012 at 2:59 a.m. an Officer contacted 23 year old Corey Jackson, of San Pablo, in the 3000 block of San Pablo Avenue. Cory Jackson was determined to have a non-citable traffic warrant for his arrest. A narcotics parole search was done prior to transporting Cory Jackson to Martinez Detention Facility.

**Recovered Stolen Vehicle:** On March 3, 2012 at 10:09 a.m. an Officer located an unoccupied stolen vehicle parked in the 100 block of Tidewater. The white Land Rover had been reported stolen to Los Angeles PD on May 22, 2012. The vehicle was recovered and removed from the stolen vehicle system.

**Missing Person:** On March 3, 2012 at 3:02 p.m. a group home in the 100 block of Hawk reported one of the residents had left the residence without permission. A report was taken entering the person into the missing persons system. The individual is a habitual runaway. On March 4, 2012 at 6:29 p.m. the runaway returned and was removed from the missing persons' system.

**Warrant Arrest:** On March 3, 2012 at 11:04 p.m. an Officer stopped 20 year old Jazmin Robinson-Chambers, of Hercules, in the 100 block of Heather Drive. Jazmin Robinson-Chambers was determined to have a burglary and forgery warrant for her arrest. The originating agency, Paradise PD, requested Jazmin Robinson-Chambers be released with a citation. She was released with a citation for the warrant.

**Found Property:** On March 4, 2012 at 5:18 p.m. a resident in the 100 block of Sequoia called to report finding a box filled with mail. The mail belonged to a resident from El Sobrante. The mail owner said the box containing mail was taken during an auto burglary in El Sobrante on March 1, 2012. The items were returned to the owner and the report was forwarded to Contra Costa County Sheriff's Office.

**Warrant Arrest/Driving With a Suspended License:** On March 4, 2012 at 11:39 p.m. an Officer stopped 28 year old Jennara Beshears, of Richmond, in the 800 block of Willow Avenue. Jennara Beshears had a DUI warrant for her arrest. She was arrested and transported to Martinez Detention Facility. She was also issued a citation for driving with a suspended license.

**Family Disturbance:** On March 5, 2012 at 12:36 a.m. Officers responded to the 1400 block of Forest Run for a report of physical fight between father and son. Officers contacted 55 year old Frank Sanders III and his son 27 year old Frank Sanders IV. It was determined there was a physical fight between them in the parking lot, but neither party wanted Police assistance.

**Recovered Stolen Vehicle:** On March 5, 2012 at 10:06 a.m. a resident reported an abandoned black Lexus parked in the 100 block of Baywood for several months. The vehicle's registration had been expired since June 2011. The vehicle was towed for the expired registration.

**Weapon on School Campus:** On March 5, 2012 at 12:26 p.m. site supervisors and the School Resource Officer contacted students suspected of smoking marijuana. One of the students was found to be in possession of a knife. The student, who lives in Richmond, was issued a citation for possession of the knife on school campus. The student was suspended pending expulsion.

**Non-Injury Collision:** On March 5, 2012 at 1:00 p.m. a resident reported being involved in a traffic collision in the 2000 block of Refugio Valley Road. The Officer is working with both parties of the collision to facilitate an exchange of information for insurance purposes.

**Mental Health Evaluation:** On March 5, 2012 at 4:04 p.m. Officers were dispatched to the Police Department lobby a resident who was displaying paranoid behavior. Officers determined that she was suffering from mental illness and has a history of mental problems. She was transported to County Hospital by medical personnel for a mental health evaluation. The resident's young child was watched by staff until a family member could respond to pick up the child.

**Driving Under the Influence of Alcohol/Vehicle Pursuit:** On March 6, 2012 at 1:53 a.m. an Officer attempted to stop a vehicle on Eastbound I80 at Cummings Skyway. The vehicle failed to yield and led Officers on a pursuit back Westbound I80 at speeds in excess of 100 mph. Once several allied agencies joined in the pursuit the driver surrendered, stopping at Richmond Parkway. 35 year old Monique Johnson of Oakland was arrested without further issues. She was determined to be under the influence of alcohol as well as having a previous conviction for driving under the influence of alcohol. A blood sample was taken from Johnson prior to booking her into Martinez Detention Facility for DUI, fleeing from Police, and driving with a suspended license.

**Driving on Suspend Drivers License:** On March 6, 2012 at 4:31 p.m. an Officer stopped Patchell Denise Windom of Vallejo on East I80 at Willow Avenue. She was found to be driving with a suspended license and released with a citation.

**Vehicle Collision:** On March 6, 2012 at 4:34 p.m. Police responded for a colliding into a street sign. It was determined to be a non-injury collision with minor damage. A report was taken for documentation.

**Driving With a Suspended License:** On March 7, 2012 at 12:08 a.m. an Officer stopped 35 year old Samuel Kebedom Yohannes, of Hercules, in the 2000 block of Sycamore. He was found to driving with a suspended license and released with a citation.

**Grand Theft:** On March 7, 2012 at 1:40 a.m. an Officer on patrol noticed the street lights out on San Pablo Avenue between Linus Pauling and Willow Avenue. The lights had been on earlier in the night. Upon investigation it was determined an unknown suspect and opened numerous electrical access panels, cut wires in order to steal them. A couple of sections of wire had been removed. Public works were summoned and were able to repair the sections of wire that had not been cut.

**Recovered Occupied Stolen Vehicle/Possess Controlled Substance:** On March 7, 2012 at 10:56 a.m. an Officer located an occupied stolen 1990 Honda Accord, in the 3000 block of San Pablo Avenue. 30 year old Lashawn Nicole Williams, of Vallejo, was taken into custody without incident. The vehicle had been reported stolen to Vallejo Police on March 3, 2012. Located with Williams' property was a quantity of methamphetamine and a glass pipe. Williams was arrested and booked into Martinez Detention Facility for possession of stolen property, possession of methamphetamine and drug paraphernalia.

**Runaway Juvenile:** On March 7, 2012 at 9:22 p.m. a resident in the 1600 block reported their 14 year old daughter had left the residence without permission. Police were investigating the incident when the juvenile returned home at 10:53 p.m.

**Stolen Vehicle and Recovery:** On March 8, 2012 at 3:31 a.m. a resident from Atlas Road called to report his 1990 Acura Integra stolen between 9:30 p.m. and time of call. The Officer taking the report had seen the vehicle parked on the west I80 off ramp unoccupied at 1:30 a.m. The victim was taken to the vehicle and was able to recover his vehicle.

**Robbery:** On March 8, 2012 at 8:51 a.m. a robbery victim contacted The Hercules PD School Resource Officer. The victim and witnesses described a robbery that occurred on March 7, 2012 in the 1300 block of Willow Avenue. The suspect was identified as a 14 year old Hercules Middle High School student. The suspect, who lives in Hercules, was arrested for the robbery and booked into Juvenile Hall.

**Attempted Residential Burglary:** On March 8, 2012 at 11:11 a.m. a resident in the 100 block of Crabapple called to report an attempted residential burglary that had just occurred. Suspect(s) rang the doorbell but the resident didn't answer the door. The victim then saw two male subjects in his back yard trying to get into his residence via the rear slider. Both suspects fled and were seen leaving in a 2011 dark gray SUV, prior to Police being notified.

**Attempted Residential Burglary:** On March 8, 2012 at 11:13 a.m. a resident in the 2200 block of Pheasant reported an attempted burglary that occurred 25 minutes prior to calling Police. The victim said she was asleep in her bed when she heard someone knocking on her front door but she did not answer. A few minutes later, she heard someone attempting to open the door to her master bedroom. When she looked outside, she saw a male standing on her balcony trying to open her door. When the suspect saw her he jumped over the balcony and fled the area.

**Possession of an Illegal Weapon:** On March 8, 2012 at 12:33 p.m. an Officer stopped 28 year old Marco Antonio Lopez, of San Rafael, in the 1000 block of Willow Avenue. Lopez was determined to be on probation for possession of a firearm. A search was conducted and a switch blade knife was located in the vehicle. Lopez was issued a citation for the illegal knife and released.

**Runaway Juvenile:** On March 8, 2012 at 2:00 p.m. a school in the 2000 block of Refugio Valley Road called to report a 9 year old juvenile left the school without permission, because he was upset. Officers responded and began a search for the juvenile. The juvenile was located by 2:23 p.m.

**Marijuana Grow House:** On March 8, 2012 at 2:49 p.m. Officers responded 211 Starling Way for a report that the residence was being used to cultivate marijuana. Officers entered the residence and found an elaborate grow house with numerous marijuana plants in various stages of growth. A witness reported seeing an Asian female in a dark gray or blue BMW at the residence this morning. As the officers were investigating this case suspect Tu Anh Thi Chau of Oakland drove by the location. She was stopped by officers on Pheasant Drive and identified by the witness as the person at the residence. Chau was arrested and transported to County Jail in Martinez. Hercules Police Department and WESTNET seized approximately 1050 plants.