



MEMORANDUM

DATE: April 27, 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 BUDGET AND STATE AUDIT

Staff met with the City Council Finance Committee and the Ad Hoc Citizens Finance Committee last night and had a very good review of the several special fund budgets, including Lighting & Landscaping funds, and also received a very informative presentation from the Library Foundation. In addition, the draft state audit findings were reviewed. There were a number of serious findings, but no surprises. Our very lean Finance Department still has a lot of work to do to finish cleaning up old messes and getting things to a state of normalcy. They are working extremely hard and doing a great job.

A bare bones (heavy on numbers, light on narrative) first draft of the proposed 2012-2013 budget is scheduled to be presented to the City Council on May 8th. This will give the City Council time to review the numbers and ask questions of staff before a more detailed budget review, which is scheduled for May 22nd. The two finance committees will be scheduled for another joint work session the week of May 14th. That leaves the first City Council meeting in June for finalizing City Council budget direction and the second City Council meeting in June for budget adoption.

Given this tight schedule, I encourage all Councilmembers to schedule an hour or so to come in between May 8th and May 22nd to meet with Director of Finance Nickie Mastay and me in order to review any issues and get questions answered.

COMMUNITY AND ECONOMIC DEVELOPMENT UPDATES

ITC - Bayfront Project: This project proposes to develop a 42.36 acre portion of the 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.

A Bayfront Taskforce Meeting has been scheduled for Tuesday, May 1 at 7:00 p.m. at City Hall to update the community on Construction Phasing, the Construction Schedule and the Funding Plan.

Today, the Federal Environmental Impact Statement (FEIS) was published in the Federal Register. This is a major milestone, which means that a final Record of Determination (ROD) can be published after 30 days. After that, the City can close escrow on the ITC site.

Yesterday, Jim Anderson, William Silva and I met with our environmental consultants and the California Department of Toxic Substance Control (DTSC) in Berkeley. It looks as though getting approval to change the use of Hercules Point Peninsula from industrial to park and open space uses will not be a problem; just a bit of red tape. This was a big step in our due diligence process.

On March 24, the West Contra Costa Transportation Advisory Committee (WCCTAC) recommended approval of \$1,240,000 of Measure J TLC funding for a section of Bay Trail construction related to the ITC project. This item is scheduled for consideration by the Contra Costa Transportation Authority (CCTA) on May 17. William Silva and I plan to attend, but there should be no need for community attendance.

The State Transportation Improvement Program (STIP) applications for the ITC have been submitted to the California Transportation Commission and will be considered at the May 23-24 meeting in Sacramento.

Sycamore North: Nothing new to report here. See Planning Department updates below. The Purchase and Sale Agreement (PSA) for Sycamore North was approved by the City Council on March 24. The proposed development will be 120 to 140 market rate apartments and about 10,000 to 12,000 of retail/restaurant space. The developer, Presidio Investment Partners, is planning two community meetings on Wednesday May 2 and Wednesday May 9, both at City Hall at 7:00 p.m.

Parcel C and Victoria Crescent: Term sheets for the disposition of these properties were approved by the City Council on March 27. The Parcel C developer, DeNova Homes, is proposing 350 high-quality, high-amenity residential apartments with a condo map. This transit oriented development will provide support for the Intermodal Transit Center and the planned retail/restaurant node on Bayfront Boulevard adjacent to the ITC. The Victorian Crescent site developer, Union Community Partners, has proposed 60 small lot detached single family homes. These sites have been marketed for several months to retail, office/R&D and residential developers, however, the market is only supporting residential development at this location. No non-residential offers were received. Retail brokers and developers have expressed much interest in Sycamore Crossing and the Market Hall/Red Barn sites and have advised that the Parcel C and Victoria Crescent site are not competitive retail sites. Staff is scheduling, within a couple of weeks, a Town Hall style meeting that will include discussions on the marketing process and proposed uses for these sites.

PLANNING DEPARTMENT UPDATES

Monday, May 7th Planning Commission Meeting: Although there are no hearings scheduled for the regular Planning Commission meeting on Monday, May 7, we would like to convene so that staff can present to you information about Measures O (proposed sales tax increase) & N (authorization to sell Hercules Municipal Utility). Both measures will appear on the upcoming June

ballot. Information on both measures is available on the City web site at:
<http://www.ci.hercules.ca.us/index.aspx?page=675>

Sycamore North Community Meetings – May 2 & 9: The prospective buyer/developer for Sycamore North, Presidio Development Partners (www.presidiop.com/), sent out flyers inviting the community to two meetings to discuss and receive feedback on the Sycamore North project. Flyers for the first meeting on Wednesday, May 2, were sent to residents of Bayside and Belle Terre, the two neighborhoods closest to the project. Flyers for the second meeting on May 9, which is intended for the general community, were sent to a larger number of residents on the west side of San Pablo Avenue. The developers will be presenting the project as designed and approved several years ago (which is now over 50% complete) as well as their proposed changes to it. Both meetings will be held from 7:00–8:30 p.m. at City Hall in Council Chambers.

At some point after these community meetings, staff anticipates receiving applications from Presidio Development Partners that will likely require Planning Commission approval for design and for variances (residential density and parking).

Change in office hours: Although City staff still work full-days Mondays–Thursdays, we are adjusting the “counter hours” for the Building and Planning Departments to 8:00 a.m.–1:00 p.m. so that we can have a portion of each day dedicated to catch up on work with fewer interruptions. We recognize the additional inconvenience this may present to people wishing to visit City Hall but feel it is a more efficient way to manage our limited staff and resources. We appreciate the community’s understanding and patience.

Temporary Use Permit for PG&E project at Red Barn/Market Hall site: Under the authority granted under the Zoning Ordinance, I have approved a temporary use permit for Pacheco Utility Line Builders to use the Red Barn/Market Site for up to 30 days as a staging and storage site for equipment in support of the PG&E project to replace nearly 400 wooden streetlight poles with decorative street light poles (see below) in the Country Run, Flowers, Trees, and Birds neighborhoods. Work is scheduled to begin in early or mid May. The Market Hall site will be used for three 8-ft x 20-ft dumpsters to hold old and new light poles, as well as overnight parking for four utility line trucks, a vacuum truck, a dump truck, and a bobcat. If the work goes beyond 30 days, the applicants will have to go before the Planning Commission to get an extension of the temporary use permit.

MUNICIPAL SERVICES UPDATES

Building Permits:

| | |
|-------------------------------------|-----------|
| Number of permits issued----- | 8 |
| Building permit fees collected----- | \$4214.43 |
| Number of inspections----- | 18 |
| Code Enforcement inspections----- | 3 |

Sewer Lateral Inspection Program:

| | |
|------------------------------------|----------|
| Applications received----- | 6 |
| Inspection fees collected----- | \$125.00 |
| Number of Certificates issued----- | 1 |

| | |
|---|---|
| Number of deficiency notices----- | 0 |
| Number of condominium waivers issued----- | 2 |

Other Permits:

| | |
|---------------------------|---|
| Wide-load permits----- | 0 |
| Encroachment permits----- | 3 |
| Grading permits----- | 0 |

Other Activities:

L&L - Request for Proposal (RFP) for Citywide Landscaping Maintenance:

- RFP was advertised on Monday, April 16th and 23rd
- 6 RFP Packets have been sold.
- Mandatory meeting on April 26th
- Proposals will be received until May 17th

L&L – Annual Engineer’s Report

- Contract for Francisco and Associates Inc (FAI) will be sent out by Doreen.
- Due to the Proposals being received on May 17th, Jerome from FAI has sent me a revised schedule in order to make the tax roll deadline in August. Will email you the revised schedule on another email.

Sewer Service Charge Tax Roll

- Leptein, Cronin, Cooper, Morris & Poore, Inc (LCC, Inc.) returned City’s contract template with a few minor comments.
- Doreen will review and send revised contracts back to LCC, Inc.
- Requested annual water usage data from EBMUD. No response to request.

Bayfront Blvd and John Muir Pkwy Improvement Plans

- Plan check comments have been sent to BKF.

Sanitary Sewer Improvement to abandon the Promenade Lift Station

- Plan check comments have been sent to BKF.

Clean Water Program

- ERU Resolutions were submitted of Flood Control District at the Management Committee meeting on 4/18.
- Need to select subcommittee assignments for FY12/13.

Subpoena for development files for Sycamore Villas and Cottage Lane development:

- Gathering development files for a meeting next Tuesday, May 1st.

Budget

- Worked on narratives for FY12/13
- Worked on CIP List for FY12/13

Ongoing activities:

- Street light knock down in vehicular accident on Willow Ave by Park and ride. (Pole repaired and installed)
- Wiring from 3 streetlights on Hercules Ave. vandalized. (Repaired by Staff)
- Staff continues repainting of Red curbs City wide.
- Maintenance staff is working with other City department on City hall Move.
- Community Clean up day completed at Corp Yard.
- Directional traffic sign replaced. (Sycamore & Lupine)
- Door Glass at Foxboro Community Center Broken. (New glass on order)

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 to get more information or to register for classes.

Community Clean Up Day

On Saturday, April 21, 2012 from 8:00am-11:00am over 130 Hercules residents cleaned up their yards and sidewalks and filled 12 dumpsters. We also had over 100 volunteers helped at the dumpster site, clean the parks and the community! Thank you to all volunteers who helped out, without you it would not have been possible.

Sports

Pee Wee Basketball League- ages 7-9 started on April 23rd and we have 76 participants signed up. The League is designed to be a positive environment for our youths to learn and participate in the game of basketball. Register Now.

Facility Rentals

Are you looking for a hall to rent to hold a party, wedding reception, graduation, birthday, retirement or a baptism? Check out our many facilities we have to offer by going online to www.ci.hercules.ca.us or call 799-8291 for more information.

P&R Summer Activity Guide

The Summer Activity Guide is out please review it and register now, we have something for everyone -Licensed Spring & Summer Camps, Aquatic Programs, Basketball Camps/Clinics, Zumba Classes, Licensed Child Care, Tiny Tots Sports, Softball Leagues, Art Classes, Lego Camps and so much more www.ci.hercules.ca.us.

Licensed Before & After School Child Care and Camps

Open Registration starts on May 2nd for Summer Camps, Summer Tiny Tots and Fall Child Care and Tiny Tots; please make sure to register early so you get your space. For more information please call 245-4803. 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

WEEKLY POLICE REPORT (Partial List) AS OF APRIL 26, 2012

Residential Burglary Arrest: On April 19, 2012 Oakland Police located the stolen vehicle, which had been taken from the Crystal Circle residential burglary on April 13th. The adult son of the victim resident was located in the stolen vehicle. Twenty year old Dushawn Reed had been previously kicked out of the residence due to family issues. He was interviewed and booked into jail for burglary and possession of a stolen vehicle.

Possession of Marijuana: On April 19, 2012 at 10:23 a.m. an Officer stopped 30 year old Todd David Johnson of Oakland in the 3900 block of San Pablo Avenue. After a vehicle search Todd David was issued a citation for possession of marijuana while driving.

Residential Burglary/Trespassing: On April 19, 2012 at about 12:01 p.m. a homeowner from the 200 block of Pepperwood called to report that he had confronted a male inside his vacant house about 15 minutes prior to calling Police. An area check was conducted but the male was not located. A suspect(s) stole the homeowner's washer, dryer and Kirby vacuum cleaner. The burglary occurred sometime after April 13th and time of call. Through an investigation a possible suspect was located. The victim was requested to respond to the Officer's location to identify the subject. The homeowner identified Jeffery Marsh as the responsible male. Marsh was arrested for suspicion of burglary and trespassing. After an interview the homeowner had not decided to press charges. Marsh was released from custody pending the District Attorney review.

Possess Controlled Substance: On April 20, 2012 at 12:34 a.m., an Officer stopped 20 year old Tyler Daniel in the 900 block of Spruce Court. A vehicle search was conducted and a small quantity of marijuana was located as well as a small quantity of methamphetamine. The items were seized and Daniel was released pending the District Attorney review.

Domestic Battery: On April 20, 2012 at 1:43 a.m., Officers responded to the 200 block of Dartford for a report that 32 year old Daniel Joseph Baca had assaulted his girlfriend. The victim reported Baca punched her in the back of her head twice causing two lumps and then spit in her face during an argument. Baca was last seen fleeing in their gold 1995 Oldsmobile Aurora. An Emergency Protective Order was obtained for the victim.

Stolen Vehicle: On April 20, 2012 at 10:56 a.m. an Officer responded to the 100 block of Tidewater for a report of a stolen vehicle. The resident reported that her green 1994 Honda Accord (3JXA475) was stolen from in front of her residence sometime between 10:00 p.m. last night and time of call.

Grand Theft Handgun: On April 20, 2012 at 12:44 p.m., an Officer was dispatched to the 100 block of Cardinal for a report of a stolen hand gun with suspect information. The suspect was identified as a 15 year friend and classmate of the victim's 19 year old daughter. The juvenile

suspect was detained at Pinole High School by Pinole PD and arrested by Hercules Officers for the theft. This case is still under investigation.

Vandalism: On April 21, 2012 at 12:34 a.m., a resident reported that one of the doors at the Community Center was smashed. Upon arrival one of the doors on the west side of the center was found shattered. No entry was made into the facility and there were no other signs of disturbance.

Recovered Stolen Vehicle: On April 21, 2012 at 3:49 p.m. an Officer located an unoccupied stolen red 1992 Honda Civic (3BKE399) in the 100 block of Grenadine. The Honda was reported stolen to San Francisco Police on April 19, 2012.

Warrant Arrest: On April 21, 2012 at 9:34 p.m., an Officer stopped a vehicle in the 600 block of Parker Avenue. The front seat passenger, 25 year old Michael Borges-Flores had an arrest warrant for a probation violation for burglary. Flores was released with a citation for the warrant.

Possession of an Illegal Firearm: On April 22, 2012, at 1:13 a.m., Officers were dispatched to the 100 block of Mesa Court for a report of a domestic dispute. The dispute was determined to be between the reporting party, her teenage son, and the reporting party's husband. The son called his biological father, Lawrence Smith Sr., and told him that he had been assaulted by his stepfather. As the step-father was leaving for the evening 38 year old Lawrence Smith Sr. arrived and attempted to confront the step-father. Officers intervened and during the incident located a loaded .22 cal rifle in Smith's vehicle. The serial numbers had been removed from the firearm. Smith was arrested and transported to Martinez Detention Facility for possession of a firearm with altered serial numbers, possession of a concealed firearm, and carrying a loaded firearm in public.

Conspiracy to commit Burglary and Grand Theft: At 3:43 p.m. an Officer witnessed a grand theft occur in the 3600 block San Pablo Avenue. The Officer was in the 3600 block of San Pablo Avenue and noticed a suspicious red colored vehicle in the parking lot. The Officer then saw a male run through landscaping in the parking lot and get into the rear of the vehicle. The male was being chased by another male. The male who was chasing the other male flagged down the Officer. The red vehicle was stopped and Officers investigated the incident. It was determined that the victim was using his laptop in a business in the 3600 block of San Pablo Avenue, when 19 year old Lovell Bradford, of San Francisco, entered the business and stole the laptop, fleeing to the waiting vehicle. The vehicle was being driven by 18 year old Dennis Harris of Suisun. Due to statements of the victim, witnesses, and the suspects it was determined the theft had been planned. A passenger in the vehicle was initially detained but later released. Bradford and Harris were arrested for conspiracy to commit burglary and grand theft. Both were transported to Martinez Detention Facility.

Warrant Arrest and Possess Loaded Concealed Firearm: On April 22, 2012 at 8:13 p.m. an Officer checked an occupied suspicious vehicle in the 1300 block of Willow Avenue. During the contact with the occupants of the vehicle it was determined the passenger, 18 year old Melissa Martinez, of Richmond, had a no bail arrest warrant. During a search of the vehicle a loaded .38 Caliber Smith and Wesson revolver was located hidden in the driver's area. The owner of the vehicle, 20 year old Marius Prince, of Crockett, was arrested for possession of a loaded and concealed firearm. Prince and Martinez were transported to Martinez Detention Facility.

Possess Controlled Substance: On April 22, 2012 at 8:19 p.m. an Officer stopped 20 year old Omar Akbar, of Hercules in the 100 block of Azalea Court. During the contact the Officer located

21 ecstasy pills in Akbar's possession. Akbar was arrested for possession of a controlled substance and driving on a suspended license. Akbar was transported to Martinez Detention Facility.

Domestic Disturbance: On April 22, 2012 at 9:18 PM Officers were sent to the area of Bobolink at Hawk Ct. for the sound of a male and female fighting over money. Upon arrival the female victim reported being the victim of a strong arm robbery and identified 23 year old Lejuan Thomas, of Hercules as the responsible. Upon further investigation it was determined that the victim and suspect had a previous dating relationship and that the money taken was money she owed the suspect. The issue was mediated and both parties left.

Warrant Arrest: On April 23, 2012 20 year old Yusef Akbar, of Hercules came to Hercules Police for a property release request. Yusef was placed under arrest for an outstanding "No Bail" warrant for failure to comply with a court order on a traffic violation. He was transported to Martinez Detention Facility.

Mental Health: On April 24, 2012 at 9:09 a.m., Officers were dispatched to the area of Thrush Court for a report of an eleven year-old male that was out of control and refusing to go to school. Officers located the child and his mother in the 300 block of Sparrow. The child was determined to be in need of a mental health evaluation. He was transported to County Hospital by ambulance.

Grand Theft: On April 24, 2012 a citizen came to Hercules P.D. to report a home rental scam involving vacant homes in the 100 block of Pepperwood and 1000 block of Rock Harbor. The victim paid the suspect rent money for before realizing the scam. The properties were advertised on Craigslist. This case is under investigation.

Fraudulent Registration: On April 25, 2012 at 12:53 a.m., an Officer stopped Donald Cowger in the 600 block of Alfred Nobel. The vehicle's registration was expired and displayed fraudulent registration. The driver was not the vehicle owner and so the vehicle was towed for the registration violation.

Embezzlement: On April 25, 2012 at 1:19 p.m., 28 year old Jonathan Bernardez of Vallejo came to Hercules Police to provide a statement regarding his embezzlement case that was reported on April 10, 2012. Bernardez was interviewed and then placed under arrest and transported to Martinez Detention Facility.

Vandalism: On April 25, 2012 at 5:10 p.m., a resident from the 200 block of Manzanita reported that someone scratched two of her vehicles with a key like object sometime between midnight and 6:00 a.m. this morning. The victim estimated that the total damage to both vehicles was \$9,500.

Domestic Violence: On April 25, 2012 at 6:25 p.m., a woman from the 100 block of Manzanita called to report that she had just been assaulted and then disconnected. Officers found that the victim had been battered by her boyfriend and that he had left about 10 minutes prior to calling Police. The suspect is identified as 26 year old Gregory Dwayne Barnes, of Baypointe. This case is under investigation.

Warrant Arrest: On April 25, 2012 at 9:07 p.m. Officers contacted 41 year old Jerrold McMurry of Hercules at his residence, in the 700 block of Turquoise. McMurry had an outstanding arrest warrant for reckless driving. McMurry was arrested and transported to Martinez Detention Facility.