



MEMORANDUM

DATE: May 18, 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

MEASURE O AND MEASURE N

Police Chief Bill Goswick, Liz Warmerdam and I have been speaking to various community groups explaining what the details of the Measure O and Measure N, which the City Council placed on the June 5, 2012 ballot. As noted last week, The Contra Costa Times and West County Times, part of the Bay Area News Group, endorsed both Hercules ballot measures, Measure O and Measure N, earlier this week. Measure O, if passed, will provide an additional ½ cent of sales tax to the City and thus bring Hercules sales tax into parity with Pinole and Richmond for four years. This would provide up to \$500,000 a year to support City services for the four years. Measure N will allow the City to sell the money-losing Hercules Municipal Utility, which could save the City a like amount. Given the \$2 million projected deficit on a status quo budget, even more drastic cuts to City services will be necessary if these measures do not pass.

CITY BUDGET

Staff presented the first draft budget for the 2012-2013 fiscal year on May 8 and on May 15 the City Council had a public Study Session on the topic. A working session on the budget, including the City Council, the Ad Hoc Citizens Finance Committee and staff is scheduled for the evening of Thursday, May 24. The draft budget was based on current approved staffing and shows a deficit of approximately \$2 million. This significant deficit is due to less than budgeted revenues and higher than anticipated legal and unemployment insurance costs in 2011-12. Other costs were well below budget for 2011-12. The implications of such a significant structural deficit are devastating. Cuts in services will be required to balance the 2012-13 budget. Several cost cutting and revenue enhancing ideas were discussed on May 15 and more will be discussed on May 24. Staff plans to incorporate City Council direction into the next draft of the budget and present it to the City Council in another Study Session on June 5, 2012.

RESPONSE TO STATE AUDIT AND CHESLEA WETLAND GRANT TERMINATION LETTER

Staff provided a timely management response this week to the recent state audit reports for fiscal year 2009-2010, which the City Council received and which includes the follow up steps. The actual audit findings were not surprising given past practices and lack of institutional controls. Staff turnover since 2009-2010 and during the audit itself was a hindrance to finding all records; however I believe that our current staff did their best, working long hours to keep up with rather overwhelming demands from the FBI, state auditors, independent auditors and lawyers involved in a number of lawsuits. Several qualified volunteers with finance and accounting experience are scheduled to start helping staff locate still missing documents next week.

I have been in contact with the State Department of Natural Resources regarding their decision to terminate the Chelsea Wetland project Grant. We have exchanged e-mail and will speak next week. I have asked that they reconsider their decision, especially in light of the three clean audits dated May 11, 2012, which we received from their office on the Woodfield Park Project, the Shoreline Playground Project and the Railroad Park Project. I have enlisted the assistance of our state elected officials in this regard.

CITY CLERK AND ADMINISTRATION UPDATES

Website access to City Council and Planning Commission Agenda Packets: Concerns have been raised by mac, iPad and iPhone users regarding their inability to download and review agendas, staff reports and attachments for City Council and Planning Commission meetings. All agenda packet documents are posted to the web site in PDF format. In order to access, users must have Adobe Acrobat Reader to open and view the documents. A free download is available at adobe.com.

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.

Grant Applications:

Measure J – Transportation for Livable Communities (CC-TLC): This grant application of \$1,240,000, which will fund the Bay Trail Gap Closure Project and will finalize funding for the Bayfront Bridge and the extension of Bayfront Boulevard from John Muir Parkway to the Intermodal Transit Center site was approved by the Contra Costa Transportation Authority (CCTA) on May 16, 2012.

Measure J – Pedestrian, Bicycle and Trail Facilities (PBTF): This grant application of \$600,000 , which will fund construction of a trail from the current terminus of John Muir Parkway along the edge of the restored Refugio Creek to Shoreline Loop (Transit Loop Drive) as an element of the Refugio Creek Restoration was also approved by the CCTA on may 16, 2012.

Right – Of – Way Acquisition

Right-Of-Way acquisition is pending finalization of the environmental process, which will be signified by the Record of Decision (ROD). The City released BKF to prepare the ALTA Survey that will be necessary when the City closes on the property.

Environmental Work

The Final Environmental Impact Statement (FEIS) was placed on the Federal Register on April 27, 2012. The Record of Decision (ROD) is anticipated in early June 2012.

NOTE: In light of the State Controller’s making a media event out of our state audit, William Silva and I have been in contact with CCTA staff regarding the grants approved the ITC site acquisition and phase 1 work. CCTA staff believes that the funding will remain in place; however we are not leaving anything to chance and are meeting with CCTA staff next week and also plan meetings with other funding agencies.

Sycamore North: There is nothing new to report. The developer, Presidio Investment Partners, conducted the second and final community meeting on Wednesday May 9. Due diligence under the Purchase and Sale Agreement (PSA) for Sycamore North continues and the developer will soon submit an application to the Planning Department. The proposed development includes approximately 140 market rate apartments and about 10,000 square feet of retail/restaurant space.

Parcel C and Victoria Crescent: There is nothing new to report, except that staff is working to finalize negotiations on the Purchase and Sale Agreement (PSA) for Parcel C and commence PSA negotiations for Victoria Crescent upon direction from the City Council. Term Sheets for the sale 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 not followed through on the approved term sheet and staff is in discussions with other developers that made offers on the site. These sites were marketed for several months to retail, office/R&D and residential developers, however, only residential offers were received, as the market is only supporting residential development at this location. 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.

PLANNING DEPARTMENT UPDATES

The regular Planning Commission scheduled for Monday, May 21, has been cancelled.

Planning Staff has denied a proposal to build a three-bedroom/three-bath addition at 1829 Redwood Road because the project failed to meet the minimum rear setback requirement. Staff mailed a notice of the denial last week to all property owners within 300 ft. of the residence; the applicants still have the option to either appeal staff’s decision or to submit a new application, either of which will require a public hearing before the Planning Commission.

This week, Senior Planner Robert Reber attended four days of earthquake/emergency management training at the Contra Costa Sheriff’s Office in Martinez. The training, which is presented by the California Specialized Training Institute at no cost to the City (Contra Costa County subsidizes the training), helps ensure that local officials are well trained to communicate and collaborate both internally and externally in the event of a major disaster. In addition to the constant training that emergency responders such as police and fire personnel receive, the City will need staff from multiple departments and expertise backgrounds (public works, engineering, administration, finance, and planning) prepared to immediately coordinate the City’s response to major emergencies.

Change in office hours for Building and Planning Service: 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.

MUNICIPAL SERVICES UPDATES

Building Department:

Number of permits issued-----	7
Building permit fees collected-----	\$3476.73
Number of inspections-----	12
Code Enforcement inspections-----	0

Sewer Lateral Inspection Program:

Applications received-----	1
Inspection fees collected-----	\$125.00
Number of Certificates issued-----	0
Number of deficiency notices-----	1
Number of condominium waivers issued-----	0

Other Permits:

Wide-load permits-----	0
Encroachment permits-----	8
Grading permits-----	0

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

- RFP was advertised on Monday, April 16th and 23rd
- 7 RFP Packets have been sold.
- Mandatory meeting was held on April 26th with ten (10) landscape contractors were present.

- Addendum #1 was sent out to all contractors on May 8th.
- Proposals will be received until May 17th.

L&L – Annual Engineer’s Report:

- A meeting has been scheduled on May 23rd with Francisco and Associates to discuss the proposed L&L Budgets for FY12/13.

Sewer Service Charge:

- A notice will be sent out to all property owners regarding an increase in their sewer service charge, which will be posted on the County Tax Roll.
- The notice is scheduled to be sent out prior to June 1st.

Local Streets and Roads Needs Assessment Survey:

- A letter has been received from the California State Association of Counties and League of California Cities requesting to update the Statewide Local Streets and Roads Needs Assessment for the City of Hercules.
- Survey has been updated and submitted on May 14th.

Bayfront Blvd and John Muir Pkwy Improvement Plans:

- Road and utility design is moving forward.

Sanitary Sewer Improvement to abandon the Promenade Lift Station:

- Sewer alignment options are being reviewed.

Ongoing activities:

- Streetlight wiring on San Pablo between John Muir and Linus Pauling Cut and or Stolen. (Have received Quotes from 3 contractors awaiting approval)
- PG&E streetlight replacement program continues.
- Contractor completed potholes repairs to Willow Avenue at Palm Avenue.
- Street light and tree knocked down by Vehicular accident on Refugio Valley Road. (Streetlight replaced by contractor)
- High Visibility Crosswalk installed at Lupine and Sequoia to address citizen concerns.
- Staff continues repainting of Red curbs City wide.
- Plastic lumber is being removed from bocce courts at Duck Pond Park and replaced with pressure-treated wood donated by Home Depot.
- City wide weed abatement preparing to start.

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.

Parks & Recreation Activity Guide

If you would like to advertise in our next edition of our Parks & Recreation Activity Guide contact Andrea Mendez at (510) 799-8290 or email at amendez@ci.hercules.ca.us

Become an Instructor

If you have an interest or hobby that you would like to teach to children, teens or adults contact Andrea Mendez at (510) 799-8290 or email at amendez@ci.hercules.ca.us

Banner Advertisement

Would you like to advertise your business, company or special event around Hercules? We are now taking banner reservations; for reservation information contact Andrea Mendez at (510) 799-8290 or email at amendez@ci.hercules.ca.us

Recreation Classes

We are now taking registration for our summer camps including new camps such as Incrediflix camps, brand new Lego Engineering Camps and Jewelry Making Camps hurry and get your spot today

Summer is right around the corner and this is a perfect time to come and get fit! Come and join us in our various classes including, Zumba, Ab Lab, Functionally Fit and so much more for your motivation.

Sports

Sign up for our Golf League that will occur every Wednesday starting May 23rd! This is a great way to relax, have fun and enjoy the weather visit us at the Hercules Community Center to sign up today.

We are now taking registrations for our Co-Ed Softball League which will start the week of 5/21/12 and occur every Tuesday.

Now taking signups for our Summer Basketball Camps for ages 5-12; whether you are beginner or advanced this is a great way to improve.

Now offering a great tiny tot sports class on Saturday mornings which includes, baseball, soccer, and basketball. This is a great class to show your child how to begin the fundamentals of these great sports while having fun.

The next basketball league that will be running is going to begin on 7/16/12 and is for ages 10-13. This is a great way to enjoy the sport and improve on your basketball skills!

Licensed Before & After School Child Care and Camps

Sign up now 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

Aquatics

Sign up now for youth and adult swim lessons or the Piranhas and EBSD swim teams. We have something for everyone, check us out at www.ci.hercules.ca.us.

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 or call 799-8291 for more information.

WEEKLY POLICE REPORT (Partial List) AS OF MAY 17, 2012

Identity Theft: On May 9, 2012 at 8:23 a.m., a resident from Cardiff Court contacted Police to report identity theft. The victim discovered that someone opened an account with Wal-Mart using her identity. A report was taken and the case is under investigation.

Fire: On May 9, 2012 at 8:45 a.m., Rodeo/Hercules Fire, Hercules P.D., and AMR were dispatched to the Samara Terrace senior housing facility for a report of a fire in an apartment on the second floor. Fire requested that HPD handle evacuation of residents from the first and third floors while they handled the situation on the second floor. All residents were evacuated across the lot to the Senior Center. The fire was caused by a resident that dropped a cigarette in an upholstered chair and was contained within that unit. Once the building was cleared of smoke and the fire sprinklers were reactivated, residents were allowed to return to their homes. A resident from the apartment that had the fire was transported by AMR to a local hospital and treated and released for smoke inhalation.

Identity Theft: On May 9, 2012 at 11:50 a.m., a resident from the 700 block of Turquoise reported identity theft. The victim reported that someone had used his social security number to file income taxes. A report was taken and the case is under investigation.

Identity Theft: On May 9, 2012 at 2:31 p.m., an online report was received from a resident in the 200 block of South Wildwood regarding identity theft. The victim reported that someone use his social security number to file State income taxes. A report was taken and the case is under investigation.

Fraud: On May 9, 2012 at 2:34 p.m., an online report was received from a resident from the 100 block of Beechnut regarding fraud. The victim runs an online wig store and someone ordered a wig valued at \$464.30 using a stolen credit card. The suspect tried to have the wig shipped to an address in Seattle Washington. The shipment was stopped and the merchandise was recovered.

Outside Assist: Officers were dispatched to the area of Alfred Nobel and Linus Pauling for a report of a solo roll-over traffic accident. The vehicle was reported to be a silver SUV that CHP had just pursued and lost on Interstate 80. Hercules Officers located a male and female that had just fled from the vehicle in the 500 block of Linus Pauling. The male was identified as 43 year old Anthony Burgos Torres of Rohnert Park. Torres was found to have an arrest warrant for burglary in Sonoma County and a second arrest warrant for a stolen car from Sacramento County. The female passenger was identified as 30 year old Yiselle Hernandez of Hayward. Both subjects were turned over to

CHPs custody.

Assault on Police Volunteer: Parking enforcement volunteers were in the process of towing a vehicle from the 200 block of Dartford for expired registration. A resident, later identified as 46 year old Cassaundrah Mitchellowens attempted to intervene in the towing of the vehicle. During a verbal exchange, Mitchellowens punched one of the volunteers on the arm. When officers arrived on scene, the Mitchellowens refused to cooperate with Officers' orders. She was placed under arrest and transported to Hercules P.D. After interview at Hercules P.D., she was issued a citation for battery and resisting arrest.

Battery and Vandalism: On May 9, 2012 at 10:25 p.m. Officers were dispatched to the 300 block of Atlas Drive for a report of a Domestic Battery that just occurred. The victim told Dispatch her boyfriend, 23 year old Gregory Brown, was intoxicated and had just choked her. Officers contacted Brown and arrested him. An Emergency Protective Order (EPO) was granted by the court. Brown was served a copy of the EPO and transported to Martinez Detention Facility.

Warrant Arrest: On May 11, 2012 at 9:11 p.m. an Officer stopped 38 year old Craig Lamun of Pinole. He was found to be on searchable Probation for being under the influence of drugs. One passenger was identified as 62 year old Terrence McIntosh of San Pablo. He was found to be on searchable Probation for possession of controlled substance. The other passenger was identified as 51 year old David Qualls of El Sobrante. Qualls was found to have 2 arrest warrants for traffic related violations. Qualls was arrested and transported to Martinez Detention Facility. A vehicle search was done and a small amount of Marijuana was found. Both Lamun and McIntosh were released.

Suspicious Circumstance: On May 11, 2012 at 11:48 p.m. Officers were dispatched to the area of Crag Court for a report of a possible auto burglary in progress. A resident called to report seeing a male wearing shorts and a dark hooded jacket was going through the trunk area of her neighbor's beige Acura parked in a resident's driveway of Crag Court. The male was last seen carrying a bag and walking out of the court. Upon arrival units located a male juvenile matched the suspect description walking on Valley Run at Arete Court. The juvenile was detained and the witness responded and identified the male as the responsible. The owner of the beige car was contacted however no loss was confirmed. The juvenile was transported to HPD where he was interviewed and later released to his mother.

Recovered Stolen Vehicle: On May 12, 2012, at 8:28 a.m. an Officer recovered an unoccupied stolen 1997 Acura from the 200 block of Cardinal.

Driving Under the Influence and drug arrest: On May 13, 2012 at 1:14 a.m. an Officer stopped 21 year old Elizabeth Pencewells of Antioch, in the 800 block of Willow Avenue. Pencewells was found to be driving under the influence of alcohol and was arrested. The passenger, 23 year old Andrew Griener of Vacaville was found to be on probation for transporting controlled substances. During a search a needle and Heroin was located. Griener was arrested for possession of a controlled substance. Pencewells provided a breath sample and released with a citation.

Petty Theft: On May 14, 2012 at 11:10 a.m. a resident reported the theft of her personal checks, bank card, and \$50 cash from her wallet she left in plain view on the front seat of her unlocked

Saturn. The vehicle was parked in a parking lot in the 1500 block of Sycamore Avenue. A case was taken.

Possession of Marijuana on School Grounds: On May 14, 2012 at 11:15 a.m. the School Resource Officer conducted a contraband search of three students at HMHS. The search yielded a jar of marijuana on one of the juvenile students. He was subsequently cited and released to his parents.

Miscellaneous Outside Assist: On May 14, 2012 at 1:35 p.m. Hercules officers assisted Solano County deputies in a high risk stop at San Pablo Avenue at John Muir Parkway of a stolen vehicle out of Fallon, Nevada. The lone driver was taken into custody without incident. A loaded handgun was located in the vehicle.

Warrant Arrest: On May 15, 2012 at 1:15 a.m. an Officer stopped 35 year old Jack Hunter, of Antioch, in the 1300 block of Willow Avenue. Hunter was determined to have an arrest warrant for possession of brass knuckles. His passenger was identified as 28 year old Charles Columbo, of Benicia. Columbo was determined to have an arrest warrant. Both were arrested and transported to Martinez Detention Facility.

Mental Health Evaluation: On May 15, 2012 at 5:22 a.m. Officers responded for a mental health evaluation in the 2000 block of Lupine Road. Upon arrival Officers evaluated the subject and he was transported to Contra Costa Regional Medical Center for a mental health evaluation by ambulance.

Petty Theft: On May 15, 2012 at 08:46 a.m. a resident from the 100 block of Bluebird Court reported the theft of her Coach purse which contained a matching Coach wallet and a bracelet. Total value approximately \$800. The victim believes the purse was in a Trader Joes bag she forgot on the driveway of her home the night before. She didn't realize her mistake until she arrived at work in Oakland this morning.

Spousal Battery: On May 16, 2012 at 2:26 a.m. Officers were dispatched to the 1000 block of Crepe Myrtle for an assault. The victim called to report that her husband, 41 year old Timothy Blunt punched her in the mouth. Upon arrival Officers located Mr. Blunt walking from the residence. After the victim was interviewed Mr. Blunt was placed under arrest for Spousal Battery and transported to Martinez Detention Facility without incident.

Lost Property: On May 16, 2012, at 8:53 a.m. an Officer was dispatched to HPD for a lobby detail. A resident from the 100 block of Cardinal reported the loss of her hand bag, which contained her bank statements, a passport and cash. She left the bag on top of her car and drove away.

Stolen Vehicle: On May 16, 2012, at 10:08 a.m. an Officer was dispatched to the 700 block of Forest Run for a report of a stolen vehicle. The victim said she parked her 1996 Silver Acura in front of her residence on the 15th at 10:30 p.m. When she returned to her vehicle this morning at 7:00 a.m., it was not there. The Acura was entered into the stolen vehicle system.

Recovered Stolen Vehicle: On May 16, 2012, at 10:15 a.m. an Officer located an unoccupied stolen vehicle in the 900 block of Forest Run. The 1996 blue Honda Accord was reported stolen to Vallejo PD this morning. The Honda was removed from the stolen vehicle system and released to the owner at the scene.

Follow up: On 5/12/97, at about 1432 hours, HPD units were dispatched to the area of Goldenrod & Violet for a report of a shooting. While conducting their investigation, officers located a parked vehicle occupied by two subjects. After determining no shooting had occurred, the officers continued their contact with the above subjects. During the contact the subjects consented to a search of their vehicles and approximately two pounds of methamphetamines were found in the trunk of the vehicle.

Both subjects were arrested and the District Attorney's Office filed charges against them. The first subject was convicted and the second one, 19 year old Juan Gutierrez from Richmond, failed to appear in court and a warrant was issued for his arrest.

In March of this year, Gutierrez was detained by the Border Patrol in San Diego as he attempted to cross the border into Mexico. Arrangements were made and Gutierrez was transported to Martinez County Jail.

On 5/7/12, almost fifteen years after the original incident, Gutierrez was convicted of possession of a controlled substance. Current and former Hercules PD officers and employees testified during the trial. Gutierrez's sentence is pending.