



MEMORANDUM

DATE: June 29, 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 HALL CLOSED NEXT WEEK

City Hall will be closed next week. The City Council approved a week-long closure of City Hall to allow staff to catch up on work, rest and house-keeping items as needed following an unprecedented workload brought on by the budget, audits and many other crucial issues the staff has been dealing with for the last few months.

VACATION

I will be on vacation next week from Sunday, July 1 through Saturday, July 7. Staff can reach me in an emergency. Aloha!

Deputy City Manager/HR Director Liz Warmerdam will also be on vacation next week, so Police Chief Bill Goswick will be Acting City Manager. Director of Administration/City Clerk Doreen Mathews and Director of Finance Nickie Mastay will be second and third in command if necessary.

2012-2013 BUDGET

On June 26, the City Council passed the 2012-13 budget. In brief, the budget will be balanced using \$1,050,000 in one time money from discretionary reserves. \$800,000 is to offset anticipated extraordinary costs for legal fees due to the high number of legal issues still in progress and for unemployment insurance due to layoffs over the last year. Another \$250,000 will be used to augment a partial year of the additional ½ cent sales tax to ensure there is an additional \$500,000 available during the fiscal year because the tax does not go into effect until October.

CITY CLERK UPDATES

November 6, 2012 General Election - Hercules City Council Candidate Nominations:

On June 12, 2012, the City Council adopted resolutions calling for a municipal election to be held and consolidated with the General Election on November 6, 2012. The purpose of the election is to fill three (3) expiring terms on the Hercules City Council.

Any person who is 18 years of age or older, a citizen of the United States, a resident and registered voter of the City of Hercules is eligible to be elected or appointed to a City Office. City candidates are required to file a Nomination Petition, nominating the individual for candidacy, containing 20 valid signatures of registered voters with the City Clerk. Nomination Petitions will be available from the City Clerk beginning Monday, July 16, 2012. Completed nomination documents must be submitted no later than Friday, August 10, 2012. However, should an incumbent fail to submit a nomination petition for re-election, the deadline for submittal of the nomination petition is extended an additional five calendar days, August 15, 2012.

For further information, please contact the City Clerk's Office at (510) 799-8215.

PLANNING MANAGER APPOINTED

After an internal recruitment process, I appointed Robert Reber this evening as Planning Manager effective July 1, 2012. As Planning Manager, Robert will report to me and be responsible for managing the City's Planning Department. Robert has done an excellent job as our Senior Planner and I am confident he will excel in his expanded role as Planning Manager.

COMMUNITY AND ECONOMIC DEVELOPMENT UPDATES

ITC - Bayfront Project: This project will 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. The City portion of the project includes the Intermodal Transit Center (ITC) and other public improvements, including the extension of John Muir Parkway and the construction of a major Bay Trail segment.

Last minute legal drafting issues, which were raised by Contra Costa Transportation Authority (CCTA) attorneys, have delayed the closing of escrow on the ITC site and other related land to be acquired by the City. CCTA will require their Board to approve a new resolution on July 18 before releasing the approved funding for the project. This delay put the City in a position missing the close of escrow date of June 30 and having to exercise a first option to purchase at a cost of \$37,300 for a three month option. Jim Anderson was cooperative in agreeing to extend the close of escrow at no charge to the City in consideration of the City ending the contingency period for due diligence, which is complete in any case.

Caltrans is completed its audit of the City's project management procedures and published the results last week. While there are a number of issues with past practices, there is nothing that

cannot be almost immediately corrected moving forward. Based on the audit, Caltrans recommended approval of the grants we received this week for the project, as noted below:

Wednesday, the California Transportation Commission (CTC) voted unanimously to allocate: \$8,000,000 for the locally administered State Transportation Improvement Program, Regional Improvement Program (STIP-RIP) for the Hercules Intercity Rail Station; and \$1,959,000 for two locally administered State Transportation Improvement Program, Transportation Enhancement (STIP-TE) for the San Francisco Bay Trail, Bio-Rad Segment

The STIP-TE money is for the San Francisco Bay Trail element of the project as it will bring pedestrians and bicycles to the Hercules ITC. The STIP-RIP will be used for rail station related improvements, including track and platform preparation by construction of retaining walls and relocation of conflicting fuel oil lines and mitigation of impacts associated with the rail station work. These are important elements that will significantly advance the Project as part of Phase 1A.

Upcoming significant milestones:

- Working with CCTA to close escrow on the right-of-way for the Project
- Work with East Bay Regional Park District to obligate the \$1.4m in TIGER II funds
- Advance and finalize permitting efforts for the Project
- Finalize design for the initial construction packages

Sycamore North: No update. This proposed development includes approximately 140 market rate apartments and about 10,000 square feet of retail/restaurant space. The due diligence period has been extended by about a month due to a high number of title and survey issues that will take time to address. These items should have been addressed prior to the City taking title to the property. Consultants have been retained to conduct CEQA analysis for the project. The developer, Presidio Investment Partners, is scheduled to submit entitlement applications shortly.

Victoria Crescent: A Purchase and Sale Agreement (PSA) with SummerHill for the disposition of Victoria Crescent was approved by the City Council this week and executed. The price is set at \$2,350,000 and the proposed project will be detached residential homes. The site was marketed for all uses, including office, R&D, and retail, however, the only interest was for single family and multi-family residential projects. This property, along with Parcel C, is part of the Ambac stipulation, in which the Superior Court attached the property to secure the City's agreed payment to Ambac.

MUNICIPAL SERVICES UPDATES

Building Department:

- Number of permits issued-----9
- Building permit fees collected-----\$2634.74
- Number of inspections-----19
- Code Enforcement inspections-----5

Sewer Lateral Inspection Program:

- Applications received-----3
- Inspection fees collected-----\$375.00
- Number of Certificates issued-----2
- Number of deficiency notices-----1
- Number of condominium waivers issued-----0

Other Permits:

- Wide-load permits-----0
- Encroachment permits-----1
- Grading permits-----0

Other Activities:

- Staff is collecting documents for the potential sale or lease of the HMU.
- Staff is assisting with responding and gathering information for an on-going Caltrans audit.
- Staff is assisting with drafting the Sanitary Sewer Emergency Response Plan 2012 for the State Water Board.
- Staff is working to get Annual Water Consumption Reports EBMUD for commercial sewer assessments.
- Staff has been working towards repair or demolition of a structure that was severely damaged by fire at 475 Falcon Drive. A person perished in the fire and did not have next of kin so the County Administrator’s Office has taken possession of the property and it is in probate. They will contact me next week with contact information.
- Fire breaks are being cut city-wide.
- Goats will arrive on June 30th to begin weed abatement.
- Staff met with D&H Landscaping to go over new contract requirements.
- Streetlight wiring on San Pablo between John Muir and Linus Pauling Cut and or Stolen. Repairs are underway.
- Street light knocked down on Turquoise at Crystal by vehicle. Processing paperwork for approval for replacement.

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.

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 our swim lessons next session start 7/9

We currently have 121 registered swimmers for our Hercules Piranhas Swim Team.

Public Swim is from 1:45-4pm M,T,Th,Fri- come out and visit.

New Lap Swim Hours 6/11-8/17 -Monday, Tuesday, Thursday, Friday 9:30am-1:30pm and 4:30pm-6:30pm.

Teens:

Sign up for our SPOT summer camp which is filling up fast! We have great trips planned this summer including Trips to A's games, Discovery Kingdom and Water World in Concord!

Seniors

Programs include: Art Class, Card Club, Ping Pong, Tai Chi, Zumba Gold, Low Impact Exercise Classes, Dance Club, and a Hula Dance Fundraiser.

Sports

Now taking registration for the Co-ed Elementary Basketball League for ages 10-13 start 7/16-9/21 & upcoming Summer Basketball camps and clinic

Facilities

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.

Parks & Recreation Activity Guide

We are now accepting applications to advertise in our upcoming edition of the Parks and Recreation activity guide. If you have specific questions feel free to give Andrea Mendez a call at (510) 799-8290 or email amendez@ci.hercules.ca.us.

Recreation Classes

We are now taking registration for many new and exciting summer camps that Hercules Recreation will be offering. Camps include, Incrediflix, Lego Camp, and Jewelry Making Camp. Make sure to register before camps fill up.

WEEKLY POLICE REPORT (Partial List) AS OF JUNE 28, 2012

Driving under the influence: On June 22, 2012 at 12:50 a.m., an Officer stopped 35 year old Sabrina Juanita Gaar, in the 1300 block of Willow Avenue. A DUI investigation was conducted. She was placed under arrest for driving under the influence of alcohol and transported to HPD for the blood test. After the booking process Gaar was issued a citation and released to a friend.

Mail Theft, Possession of Stolen Property, and Fraudulent Checks: On June 22, 2012 at 1:04 p.m. a resident from the 1900 block of Redwood called and reported a suspicious male was seen opening mailboxes and removing mail. The subject was on foot and last seen walking down Redwood towards the 1700 block. Officers contacted a male matching the description in the 1800 block of Redwood. The subject was verbally identified as Christopher Poulter. Poulter was carrying a grey backpack that contained mail from 11 victims on Redwood. Poulter was arrested and transported to Martinez Detention Facility. When he was fingerprinted at the jail his true identity was revealed as 23 year old Johnny Joseph Biaggi. Additional charges were added for false information to Police. At 7:38 p.m. a Hercules resident reported receiving fraudulent checks and counterfeit currency from a subject who lives in Hercules. Through the investigation it was determined to be Johnny Biaggi.

Domestic Violence: On May 23, 2012 at 4:33 a.m. Hercules Officers were dispatched to Buttercup Court for a 9-1-1 disconnect to CHP from a cell phone. The number was traced to the residence. An argument was heard on arrival and contact was made. The female had visible facial injuries consistent with being struck several times. The husband, 43 year old Tarsem Singh said his wife was drunk and had fallen down the stairs. While interviewing the female it was determined she had not been drinking and was told to tell Police she had fallen. Witnesses to the assault were their two children, an eight year old and five year old. The eight year old confirmed her father had hit her mother several times while arguing. The wife said she gets beat up by her husband on occasion and he struck her several times tonight on her face. Tarsem Singh was arrested, served with an Emergency Protective Order, and transported to Martinez Detention Facility.

Theft: On June 23, 2012 at 11:28 a.m., an Officer was dispatched to the 100 block of Paradise for a report of a theft from a vehicle. The victim reported that sometime between June 22nd at 5:00 p.m. and June 23rd at 10:00 a.m., someone stole her handicap placard from a 2002 Mercedes. The victim said she thinks she locked the doors but there were no signs of forced entry.

Theft: On June 24, 2012, at 3:34 p.m. a resident from the 1100 block of Taraya Terrace reported the theft of his red Columbia back-pack from his unsecured '00 Subaru Impreza that was parked in front of his home. The victim had left his windows rolled down. The theft occurred sometime between 7:00 p.m. on June 23rd and 11:00 a.m. The backpack was located in plain view on the right front floorboard.

Hit and Run Collision: On June 24, 2012 at 8:46 p.m. a vehicle collision occurred in a parking lot in the 800 block of Willow Avenue. The drivers argued regarding the collision until the responsible driver fled the area in his car without exchanging information as required by law. The victim was able to get the license plate number from the suspect vehicle. This case is under investigation.

Petty Theft: On June 25, 2012 at 7:47 a.m., officers were dispatched to a business in the 1500 block of Sycamore for a report of a petty theft that had just occurred. The suspects were two males that fled in a white older Buick or Cadillac with "Coca Cola" painted in red on both sides. A faucet, undetermined tool, and another unknown item were taken.

Domestic Violence: On June 25, 2012 at 9:24 a.m., a female called to report the father of their 3 month old daughter hit her in the face and left with the child. The male was contacted walking from the area. The male stated that during an argument his child's mother scratched and punched him as well as hit him with the sole of a boot. The male had injuries on his upper chest, back, neck, and head area consistent with his claims. The female had similar claims, saying that the male struck her across the face and bruised her wrists while being held down. Through the investigation it was determined the male's statement was credible. The female was taken into custody and transported to the Hercules Police Department. Due to childcare circumstances the female was later released pending the District Attorney's Office review. An Emergency Protective Order was granted allowing the female to retain custody of the child and stay in the home. A civil standby was provided to allow the male to remove personal items from the residence. Neither party desired prosecution.

Hit and Run: On June 25, 2012 at 10:43 a.m., an officer was dispatched to the 300 block of Violet for a report of a hit and run traffic collision. The victim's 2002 Nissan Frontier was struck in the driver's door by an unknown vehicle sometime after 11:00 p.m. last night. A report was taken.

Forged Prescription / Burglary: On June 25, 2012 at 4:04 P.M., officers were dispatched to the pharmacy at Lucky for a report of a female in a black dress attempting to obtain prescription medication using a forged prescription. The pharmacist reported that the subject had obtained prescription drugs before. The pharmacist became suspicious and checked with the doctor finding that the prescription was forged. Officers contacted and identified the suspect as 40 year old Joselyn A. Ayers Rodriguez, of Hercules. Rodriguez was placed under arrest and booked at Martinez Detention Facility on charges of attempting to use the forged prescription and commercial burglary.

Mental Health Evaluation: On June 25, 2012 at 4:56 p.m. officers were dispatched to the 4000 block of San Pablo Avenue for a report of a female lying on the ground. The subject had been seen staggering earlier by the reporting party. As the officer approached he saw the female on her knees, crying hysterically. During the contact the female screamed "I can't get them outta my head. They won't stop following me." No-one in the area was located who she could have been referring to. Paramedics said she was diaphoretic, hypertensive and had a pulse of 160 beats per minute. Hernandez was subsequently transported to Doctor's hospital with a mental health hold. Medical personnel believe she possibly overdosed on Methamphetamine.

Mental Health Evaluation: On June 25, 2012 at 9:49 p.m. officers received a call that a subject in the 1000 block of Valley Run was off his medication and running around the house threatening his sister and grandmother with a knife. Dispatch also advised that the subject was threatening to hurt himself with the knife. Contact was made with the male in the front yard of the residence. The male had left the knife in the kitchen prior to leaving his house. The male was transported to Contra Costa County Regional Medical Center by ambulance for a mental health evaluation.

Auto Burglary: On June 26, 2012 at 10:31 a.m., a citizen reported an auto burglary which occurred while the vehicle was parked in the lot at 1352 Willow Avenue. The victim stated that his FastTrak device was taken from cab of his truck between June 6th and June 25th. The victim believes the vehicle was locked, but there were no signs of forced entry. The FastTrak was used fraudulently seven times since June 11th.

Traffic Collision: On June 26, 2012 at 3:08 p.m., an Officer was dispatched to the 100 block of Iris Rd. for a traffic collision involving two vehicles. One motorist complained of a bruise on one of her shins. There were no other injuries. A report was taken.

Domestic Violence: On June 26, 2012 at 3:51 p.m., an Officer was dispatched for a delayed report of domestic violence. The victim, who lives in the 500 block of Devonwood reported that she recently separated from her husband, 28 year old Tsee Yorn Saechao. During the last week the victim sent Tsee a text informing him that she was filing for divorce and would be seeking full custody of their children. Tsee spent last night at the residence on Devonwood because he wanted to see his family. This morning Tsee allegedly threatened Nai with a knife while telling her that she better not seek full custody of their children. Nai did not have any visible injuries. She requests the report for documentation and does not want anything else done at this time. A report was taken for the incident.

Theft of Vehicle: On June 27, 2012 at 9:54 a.m., an Officer was dispatched to the 500 block of Turquoise for a report of a stolen motorcycle. The victim reported his 2008 Honda CBR motorcycle (19L0266) was stolen sometime between 12:30 a.m. and 9:54 this date. There are no witnesses or suspect leads for this incident.

Vandalism: On June 27, 2012 at 4:33 p.m., an Officer was dispatched to the 200 block of South Wildwood for a report of vandalism. The victim reported his truck was keyed sometime last night by an unknown suspect.

Runaway Juvenile: On June 27, 2012 at about 10:00 p.m., an Officer contacted a Counselor from 109 Hawk regarding a juvenile resident not returning home at the agreed time of 7:30 p.m. The juvenile was entered into MUPS but was removed shortly afterward when he returned home at 10:33 p.m.